

ADMINISTRATIVE MANUAL

CHAPTER 1

I. THE MANUAL SYSTEM

- A. Purpose
- B. Policy
- C. Objectives
- D. Responsibilities

II. MANUAL FORMAT

III. DEFINITIONS

Manual System**A. Purpose**

To establish and maintain reference source regarding the Rising Sun Police Department policies, procedures and regulations.

B. Policy

The policies, procedures and regulations in the manual system are for RSPD use only and do not apply in any criminal or civil proceedings. Rising Sun Police Department policy, procedures and regulations should not be construed as the creation of higher legal standards of safety and care in an evidentiary sense with respect to third party claims. Deviations from these policies, procedures and regulations may form the basis for RSPD administrative sanctions, a higher level of training, and/or new policy guidelines. Violation of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

C. Objectives

1. To maintain a two volume manual system consisting of:
 - a. An administrative Manual that pertains to RSPD administrative functions.
 - b. A Patrol Manual that provides information and guidance pertaining to line function.
2. To provide all employees, with an on-the-job reference source of RSPD policies, procedures and regulations.
3. To issued each police employee a set of manuals and at least one office copy that will be kept in a location available to civilian employees who are not issued a manual.

D. Responsibilities

1. The Chief of Police will:
 - a. Publish manual revisions as needed.
 - b. Insure the printing and distribution of the revisions.
 - c. Maintain a permanent file of all the manual revisions.
 - d. review all request for copies of the manual from non-RSPD sources, such as police departments, government agencies, attorneys and libraries.

2. Employees issued a manual will keep it up to date and insert all revisions in the manual at the time they are received.

A. A topic title of a section appears at the top of the first page of a section under CHAPTER.

B. Three page numbers appear at the top corner of each page. Example: 10-II-3.

1. The numbers represent the chapter, section and the page number within a section respectively. The first page of each section is a "1" with the following pages receiving succeeding number. Example: 10-II-1, 10-II-2, 10-II-3.

2. The page numbers of the next section would be: 10-III-1, 10-III-2, 10-III-3, etc.

C. The revision date of a page appears at the top of a page next to the page numbers.

D. Changes will be shaded on new pages. Shading will reflect the most recent revisions to a page and will be removed when that page is revised again and distributed.

E. Material is presented in outline style. All breakdowns of paragraphs must be in two or more parts - (there cannot be a A. without a B., a 1, without a 2., ect.). The out line style of the manual is as follows:

- A.
 - 1.
 - 2.
 - a.
 - b.
 - (1)
 - (2)
 - (a)
 - (b)
 - 1)
 - 2)

B.

Definitions

The following words and phrases have the meanings when used in the manual, unless the context indicates a different meaning:

Administrators - Those personnel whose primary responsibilities involve direction, management, or administrative support of an operation or installation.

CAD - Computer Aided Dispatch

Area - Territory assigned to the department, shift or section.

Chief - Chief of Police

Civilian Classification - The position held by a civilian employee.

Commissioned Rank - Any rank from lieutenant and above. “Non-commissioned rank” mean any other rank. Neither term includes the Chief of Police.

RSPD - Rising Sun Police Department

Department - Rising Sun Police Department

Rising Sun Department Manuals - The Administrative and Patrol Manuals.

Employee - Any employee of the RSPD.

Excessive Force - That amount of force which is beyond the need and circumstances of the particular event; or which is not justified in light of all the circumstances, as in the use of deadly force to protect property as contrasted with protecting life.

Forms - All references to form numbers within the manual are for Department forms unless otherwise noted.

Gender - Use of the masculine gender includes, where applicable, the female gender.

Grade - A differential status designating one or more police employee within the same rank as a result of a unique job function, area of responsibility, rate of compensation, technical expertise or longevity.

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Law Enforcement Agency - Any law enforcement agency of any department, county, or municipality of the state, including sheriffs, and unless otherwise limited, also included similar agencies of other states and the United States of America.

LEOBR - Law Enforcement Officer's Bill of Rights

Manuals - Administrative and Patrol Manuals.

May/Should - The action to be taken is discretionary. The use of may is preferred in the manual.

MILES - Maryland Interagency Law Enforcement System.

Motor Vehicle - As defined in the Transportation Article, Annotated Code of Maryland.

NCIC - National Crime Information Center.

NLETS - National Law Enforcement Telecommunication System.

Patrol Grid - A geographic area of patrol. It includes specified areas to which an officer may be assigned for a tour of duty. A patrol grid must be structured to include one or more complete AIRS reporting grid.

Police Employee - A sworn law enforcement employee assigned the powers enacted under the laws of the state of Maryland.

Rank - A relative position in the chain of command established by rule.

Rehire - Employment of sworn personnel that have been separated from the Department for one year or more.

Reinstatement - Employment of sworn personnel that have been separated from the Department for less than one year.

Reporting Grids - A specified geographical portion of the Town of Rising Sun identified for reporting purposes.

Shall/Will - The action is mandatory. The use of will is preferred in the manual.

Supervisor - Those personnel whose primary responsibilities involve the direction of personnel on a first-line or second-line basis. Where no personnel of supervisory rank are available for dispatch in an area, a senior officer may be designated as an acting supervisor or officer in charge(OIC).

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Tense of Words - Words used in the present tense include the future.

ADMINISTRATIVE MANUAL

CHAPTER 2

ORGANIZATION

I. ORGANIZATIONAL CHART

- A. Department

II. ORGANIZATIONAL STRUCTURE AND FUNCTION

- A. Office of the Chief of Police
- B. Operations
- C. Chain of Command

III. POSITION RESPONSIBILITIES

- A. Chief of Police
- B. Sergeant
- C. Patrol Officer
- D. Civilian Personnel
- E. Authority - Delegation of Authority and Responsibility

Organizational Structure and Function

A. Office of the Chief of Police

The Rising Sun Police Department is commanded by a Chief of Police with the rank of colonel. The Chief of Police may designate a police employee to serve as Acting Chief in his absence. If the Chief of Police becomes disabled and is unable to designate an acting Chief, the senior police employee holding the highest rank will be the acting Chief of Police.

1. Patrol Section

A. The Patrol Section is commanded by a Patrol Sergeant. The Sergeant is responsible for supervising a particular Patrol Shift. The Patrol Section provides 24 hour police coverage for the citizens of Rising Sun.

B. In the absence of the Patrol Sergeant the senior patrol officer will act as the squad supervisor.

C. Allocation of personnel to patrol squads is based on the following workload assessment analysis:

1. Number of incidents handled by patrol personnel during a specified period.
 2. Average time required to investigate an incident at the patrol level, as indicated in the workload report;
 3. Calculation of time necessary for a patrol officer to investigate incidents during a typical shift.
 4. Time lost through days off, holidays, sick leave, etc., compared to the total time required for each patrol assignment.

D. Patrol Function

1. The Shift Supervisors, and all sworn personnel assigned to the Patrol Section are responsible for the following functional areas.

- (a) Uniformed Police Patrol
- (b) Response to calls for service.

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- (c) Traffic direction, control, enforcement.
- (d) Traffic accident investigation
- (e) Concentrated foot/bike patrols in high crimes area.

D. Chain of Command

1. Each police position within the Department has a rank designation. Unless otherwise stated, all Department communications will follow the chain of command.

CHAPTER 2 - SECTION III
Position Responsibilities

2-III-1

A. Chief of Police

The Chief of Police will administer the activities and operations of the Department and will make rules necessary to promote the effective and efficient performance of responsibilities.

B. Sergeant

1. Sergeants are supervisors who actively oversee the performance of subordinates insure compliance with all Departments policies and procedures. When assigned temporary command, a police supervisor will actively manage operations.
2. A supervisor's function is to direct the work of others. His effectiveness is based on the performance of the persons he supervises.
3. A supervisor will:
 - a. Be a leader
 - b. Be aware of the morale of those supervised.
 - c. Influence and motivate those supervised relative to the quantity and quality of their work.

C. Patrol Officers

Patrol officers will be responsible for prompt and proper action in all police matters and the rendering of prompt and courteous service in the manner prescribed by the rules, policies, and procedures of the Department. In the absence of written directives covering specific situations, an officer is expected to exercise proper and reasonable judgment in the performance of his duties.

D. Civilian Personnel

Civilian employees are subject to compliance with Department policies, rules and procedures. They will perform their assigned duties in such a fashion, and at such times, as may be specified by direction and by their superiors.

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E. Authority - Delegation of Authority and Responsibility

1. Every employee within the Department has been delegated authority necessary to make crucial decisions allowing them to execute their responsibilities and complete their designated functions within the Department.
2. An officer is responsible for the investigation of reported crimes and offenses, identification and arrest of perpetrators thereof, and proper introduction of such into the criminal justice system. Within the limits of law, Departmental policy, and training, the officer has the authority to make appropriate decisions. The officer may seek the advice of supervisors or other persons within the criminal justice system who possess expertise concerning any matter being handled.
3. This authority is delegated down from the Office of the Chief through the Chain of Command by written and oral directives.
4. In every case the officer will be held accountable for the decisions made.
5. Each Departmental employee will be held fully accountable for the use of, or failure to use, delegated authority. Any employee who has any questions concerning their delegated authority should bring such questions to the attention of their supervisor and/or higher authority through the Chain of Command for prompt resolution. Legal questions may be referred to the City's legal advisor or to the State's Attorney; questions concerning other facets of the criminal justice system may be likewise referred.
6. Employee acceptance of, and proper use of authority will be evaluated annually during the performance appraisal process. Any gross improper use of authority or failure to accept authority will be reported through command channels as rapidly as possible.

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CHAPTER 3

ADMINISTRATIVE COMMUNICATIONS

I. WRITTEN COMMUNICATIONS

- A. General Orders
- B. Special Orders
- C. Personnel Orders
- D. Detailed Reports
- E. Form 37/E-Mail
- F. Training Publications
- G. Staff Meetings
- H. Cancellation and Amendment of Orders

II. DISTRIBUTION and INDEXING

- A. Distribution
- B. Indexing

III. RECEIPT or APPRAISAL of ORDERS, and MANUAL REVISIONS

- A. Documentation of Receipt

IV. SAMPLE FORMAT for ORDERS, MEMORANDA and DETAILED REPORTS

- A. General Instructions
- B. Letterhead Page Format - General, Special and Personnel Orders
- C. Second and Subsequent Page Format
- D. Example of Detailed Report - First Page
- E. Second Page Format

A. General Orders (General Order)

All written orders issued by the Chief of Police will be General Orders.

1. A General Order is issued to:
 - a. Announce adoption or revision of a policy affecting the entire Department.
 - b. Direct procedures for the indefinite future.
 - c. Disseminated information, instructions, or direct the action of personnel in specific situations or circumstances.
 - d. Inform employees of action or policies of other departments.
 - e. Ascertain information.
 - f. Adopt or revise policy in the RSPD Manuals.
2. A General Order supersedes all other orders in conflict therewith .
3. When a General Order is issued, any manual pages affected will be revised, reprinted and issued.
4. Employees issued manuals will sign a Receipt or Appraisal of Orders and Manual Revisions when receiving a copy of the General Orders and new manual pages.
5. Each General Order will be issued a specific number, such as 2007-001, which designates the year issued and numerical sequence number.

B. Special Orders (S.O.)

1. Special orders are issued by the Chief of Police and administrative, or Supervisory personnel to announce policies or procedures related to a specific circumstance or event. A S.O. is a policy or procedure which is of a temporary or self-canceling nature.
2. Examples of subject matter for a S.O. include the following:
 - a. Instruction to accomplish an objective.

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- b. Temporary procedures designed to cover a special event which is of limited duration.
- c. Directives to a specific unit or units, which do not influence the operation of others and for which no organizational change is necessary.
- d. Procedures to meet the requirements mandated by RSPD policy.

C. Personnel Orders

1. The Chief of Police or his designee will prepare personnel orders to announce the following:
 - a. Appointment of new personnel
 - b. Reassignment of employees.
 - c. Promotion or demotion of personnel.
 - d. Suspension of police authority.
 - e. Disciplinary action regarding loss of leave, suspension or dismissal.
 - f. Termination by resignation or retirement.
 - g. Reappointment of former police employees.
 - h. Health related issues.
2. Personnel Orders will only be prepared with the approval of the Chief of Police.
3. Personnel Orders will be maintained in the effected employees personnel file.
4. Personnel Orders will be distributed to:
 - a. Chief of Police.
 - b. To other personnel as authorized.

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D. Detailed Reports

1. Detailed reports will be used to transmit information within the Department.
2. Detailed reports will be used to:
 - a. Document an incident
 - b. Describe an incident
 - c. Report an incident
 - d. Convey RSPD business
 - e. Submit a suggestion
 - f. Submit a request
3. Detailed reports will be written in the prescribe format.
4. Detailed reports will be processed through the chain of command with appropriate endorsement at each supervisory/administrative level.
5. Timely response will be provided for communication initiated through the chain of command.

E. Training Publications

1. Are intended to be informative in nature.
2. Their issuance does not constitute an authority for compliance.

F. Cancellation and Amendment of Orders

1. All orders will remain in effect until:
 - a. A termination date specified in the directive has passed.
 - b. The directive is amended, superseded or canceled.
2. Orders will be amended by the issuance of an appropriate order under a new number containing General Order the language addressing the specific change, or will be rewritten as a new order rescinding the original.

3. An order which amends, rescinds, supersedes or refers to previous orders, rules, etc. will include the appropriate notation (order number, etc.) Necessary to locate the material to be corrected or canceled.

A. Distribution

1. Orders will normally only be distributed to affected employees.
2. Personnel will:
 - a. Receive all written directives affecting them.
 - b. Comply with the contents of such directives.

B. Indexing

1. Orders will have a numerical designator identifying the originator consisting:
 - (a) Last two digits of calendar year issued.
 - (b) Sequential number, beginning with 001, for each type of directive issued from the beginning to the end of each calendar year.
2. Subsequent calendar years will again be numbered consecutively beginning with 001.
3. Example: 2007-002
 - (a) 2007 Year Issued
 - (b) 002 Second order, of that type, issued that year.

CHAPTER 3 - SECTION III
Receipt or Appraisal of Orders, and Manual Revisions

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A. Documentation of Receipt

1. The Chief of Police or his designees will:
 - a. Insure that all personnel receive all directives and publications issued by the Rising Sun Police Department that are directed to those employees.
 - b. Institute a system of accountability using Receipt of Appraisal of Orders to insure affected employees receive and acknowledge receipt of all directives and publications intended for their information.
2. Accountability

Acknowledgment of receipt or appraisal of Department orders by employees will constitute official notification of, and accountability for, such communications.

CHAPTER 3 - SECTION IV
Sample Format for Orders, Memoranda and Detailed Reports

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A. General Instructions

1. Orders will be issued on 8 ½" X 11" paper.
2. The first sheet will bear the official RSPD letterhead.
3. Center the date of issuance 2.8 inches from the top of the page.
4. The left margin will be 1 inch.
5. The right margin will not be less than one inch
6. Single space all text.
7. Double space all paragraphs.
8. Number all pages, except the first (letterhead page).
9. Center page numbers one inch from the bottom of the page.
10. The final paragraph of an order will reference other orders i.e., the cancellation or supersede in General Order previously issued orders.

CHAPTER 3 - SECTION IV
Sample Format for Orders, Memoranda and Detailed Reports

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B. Letterhead Page Format - General, Special and Personnel Orders

Letterhead
1 blank line under letterhead
Date
3 blank lines
Order No. 01-9401
1 blank line
To:
1 blank line
Subject:
1 blank line
This is where the first paragraph would stare. Paragraph will be indented 5 spaces.
3 blank lines
Name and Rank
Title

C. Second and Subsequent Page Format

6 blank lines from the top
Order No. 01-9401 (Continued)
1 blank line
Subject:

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CHAPTER 4
PERSONNEL ADMINISTRATION

I. MERIT SYSTEM POLICY

- A. Applicability
- B. Employment

II. RECRUITMENT AND EMPLOYMENT PROCESS

- A. General Provisions
- B. Basic Procedures
- C. Community Outreach
- D. Recruitment Plan
- E. Basic Qualifications for Police Personnel
- F. Application Process for Police Personnel
- G. Criteria for Rejection of Applicants
- H. Drug use Policy
- I. Other Criteria for Rejection
- J. Administrative Procedures

III. PROBATION

- A. Police Employees
- B. Civilian Employees

IV. PROMOTIONS

- A. Authority
- B. Requirements
- C. Criteria for Promotion to Officer First Class
- D. Promotional Process for the Rank of Corporal, Sergeant
- E. Qualifications
- F. Required Training for Supervisors

V. JOB FUNCTION CHANGE OR REASSIGNMENT

- A. Definitions
- B. Authority
- C. Procedure
- D. Selection

VI. TERMINATION AND REAPPOINTMENT

- A. Termination
- B. Employee Identification Card
- C. Reappointment/Rehiring - Police and Civil Employees
- D. Termination Because of Death and Administration of Death Benefits

VII. PERSONNEL EVALUATION

- A. Outstanding Performance
- B. Employee Performance Evaluations
- C. Performance Notes
- D. Personnel Counseling Record

VIII. TRAINING

- A. The Training Function
- B. Training Activities
- C. Resources Used for Training Development
- D. Training Attendance
- E. Training Expense
- F. Training Opportunities and Resources
- G. Performance Based Training
- H. Lesson Plans
- I. Testing
- J. Remedial Training
- K. Training Records
- L. Relationships Between the Department and Area Academies
- M. Training Instructors
- N. Instructors From Other Departments
- O. Recruit Training
- P. Recruit and Field Training Program
- Q. In-Service, Roll Call, and Advanced Training
- R. Civilian Training
- S. College Attendance Records and Academic Improvement

- T. Police Employee - Certification and Decertification Procedures
- U. Educational Tuition Assistance

IX. POLITICAL ACTIVITY

- A. Scope
- B. Unauthorized Activity
- C. Police Officers Holding State or Local Elective or Appointed Offices for Profit

X. SECONDARY EMPLOYMENT - POLICE EMPLOYEES

- A. Authorization
- B. Definitions
- C. Policy

XI. MILITARY RESERVE AND NATIONAL GUARD COMPONENTS

- A. Policy

XII. PERSONNEL INFORMATION

- A. Changes in Personnel Information
- B. Release of Employment

XIII. ON - DUTY INJURIES AND ILLNESSES

- A. Reporting
- B. Worker' Compensation Benefit

A. Applicability

The Compensation, classification, and status of employees shall be determined in accordance with guidelines established in the Code of the Town of Rising Sun, in conjunction with the Mayor and Commissioners. All Department employees shall also be governed by the policies, procedures, and rules of the Rising Sun Police Department.

B. Employment

1. Policy

It is the policy of the Town of Rising Sun to provide employment and promotional opportunities without regard to race, creed, sex, age, color, national origin, marital status, sexual orientation, or physical or mental disability. The masculine gender, as used herein, refers to all persons, both male and female.

2. Objectives

- a. To establish selection criteria that is job-related and predictive of the applicant's aptitude to successfully perform on the job.
- b. To assure that the selection criteria does not have a disproportionate impact upon any group with regard to race, creed, sex, age, color, national origin, marital status, sexual orientation, or physical or mental disability; Unless said criterion is demonstrated to be a bonafide occupational requirement.
- c. To assure that all personnel involved in the recruitment, selection and training of employees are knowledgeable of equal employment opportunity principles and demonstrate these principles during the exercise of their responsibilities.
- d. To recruit applicants that can successfully meet selection criteria without regard to race, creed, sex, age, color, national origin, marital status, sexual orientation, or physical or mental disability.
- e. To establish promotional criteria that is job - related and predictive of the applicant's aptitude to successfully perform in the promotional grade.
- f. To assure that the promotional criteria do not have a disproportionate impact upon any group with regard to race, creed, sex, age, color, national origin, marital status, sexual

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orientation, or physical or mental disability, unless said criteria is demonstrated to be a bonafide promotional requirement.

- g. To assure that all personnel involved in the administration of the promotional process are knowledgeable of equal employment opportunity principles and demonstrate these principles in the exercise of their responsible.
- h. To assure that all positions within the Department are available to persons without regard to race, creed, sex, age, color, national origin, marital status, sexual orientation, or physical or mental disability, unless such a position has been demonstrated to require a specific group of people because of a bonafide occupational requirement.
- i. To assure that those placed in a positions of authority, supervision, and management are knowledgeable of equal opportunity principles and apply these principles with fairness and impartiality in the exercise of their responsibilities.
- j. To maintain appropriate recruitment, selection, and employment records for required Federal and State reports and for evaluating and accomplishing the objectives outlined herein.

A. General Provisions

All employees should participate in the recruitment process whenever the opportunity arises. Employees should encourage and solicit applications from prospective candidates.

1. The most effective advertisement for Rising Sun police Department employment is the conduct of employees as reflected in their official duties and dealings with the public. Each employee of the Department is an important member of the team, in that his individual efforts contribute to the achievement of the Department's objectives.
2. Recruitment practices are designed to obtain the most suitable personnel. Basic qualifications and procedures for application for the positions of officers are described in this section. It is the policy of the Department to provide employment and promotional opportunities without regard to race, creed, sex, age, color, national origin, marital status, sexual orientation, or physical or mental disability.
3. Officers recruited for entrance level police training shall be required to execute a training agreement. The provisions of the agreement shall provide that, in the event an officer voluntarily terminates his employment with the Department, he shall reimburse the Town of Rising Sun on a pro rata basis for expenses incurred by the Town, including, but not limited to, administrative cost, salary, tuition and other fees associated with the training.

B. Basic Procedure

1. When a position becomes available within the Department, the Chief of Police shall advertise the position in the following manner:
 - a. Public notice placed in a local newspaper of general circulation.
 - b. Notice placed within each Department of the Town employment. Present Town employees shall have the option to be considered for the position if they meet the necessary qualifications.
 - c. Position advertised in other pertinent magazines or periodicals at the discretion of the Chief of Police.
 - d. Employment applications shall be retained for a period of one year.
2. An individuals shall not be considered for employment by the Town of Rising Sun if

another family member is employed within the same Department in which the vacancy exists, unless the Town Administrator finds that the employment is in the best interest of the Town due to exceptional training, education or ability.

C. Community Outreach

1. The Chief of Police may seek recruitment assistance, referrals, and advice from community organizations and key leaders, and post potential employment announcements with appropriate community organizations. Department representatives selected by the Chief of Police, will participate in all available job fairs/career days, ect., in an effort to recruit qualified applicants from within our community.
2. All personnel requested to speak before public groups/events, particularly those involving young adults (such as educational institutions), will, as part of their programs, mention career opportunities within the police department.

D. Recruitment

1. Objective of the Rising Sun Police Department is to maintain actual sworn officer strength as close as possible to authorized/budgeted strength, by having a list of at least three qualified, high quality applicants available at all times. Authorized and budgeted sworn officer strengths are recommended by the Chief of Police, and if approved by the Mayor and Town Commissioners are included in the fiscal budget.
2. Minority Employee/EEO - The Rising Sun Police Department seeks to achieve a ratio of minority group employees in approximate proportion to the makeup of the department's law enforcement service community, and will actively participate in affirmative action/equal employment opportunity plans and seek qualified minority applicants.
3. American with Disabilities Act (ADA) - The Chief of Police will also ensure that the Rising Sun Police Department shall not discriminate against a qualified individual with a disability in regard to the job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training and other terms, conditions and privileges of employment (42 U.S.C. 12112).

E. Basis Qualifications for Police Personnel

1. Applicants must meet the following qualifications:
 - a. They must be a U.S. citizen

- b. They must be a high school graduate or have obtained an equivalency certificate(college credit hours are desirable).
- c. They must possess a valid driver's license.
- d. They must meet the Rising Sun Police Department standards of medical fitness.
- e. They must be of excellent character.
- f. They shall have a minimum visual acuity normally or corrected to 20/20 binocularly, with soft contact lenses or safety glasses. Normal color discrimination, depth perception and a field of vision of 170 degrees are required.

F. Application Process for Police Personnel

- 1. Processing of Initial Job Application.
 - a. The application is received by the Rising Sun Police Department and a preliminary background check is conducted, including:
 - (1) Criminal History
 - (2) "Wanted" status
 - (3) Driver history and current status.
 - b. The application will be thoroughly reviewed to ensure the applicant has provided all pertinent information. Failure to properly complete the initial job application could be cause for rejection.

3. Oral Interview

- a. Each candidate must appear before an oral interview board.
- b. The oral interview board will restrict itself to the appraisal of such personal qualities as appearance, voice, communication skill, ability to organize higher thoughts, poise, bearing, and alertness.
- c. The recommendation of the oral interview board will be submitted to the Chief of Police for review and consideration when selecting applicants for employment.

- d. After the applicants complete the oral interview, the Chief of Police will conduct a review of all current applicant packets. The Chief of Police will determine which applications will be sent for background investigation and processing.

3. Background Investigation

- a. All applicants must submit to a background investigation to verify his good character. The background investigation will be conducted by qualified officers under the direction of the Chief of Police.
- b. The name and fingerprint classification of all applicants must be searched through the records of the Rising Sun Police Department, the Maryland State Police, the Federal Bureau of Investigation, and in other cities, including appropriate state agencies in which the candidate may have resided or worked.
- c. Investigators will use a Personal History Statement and the Town of Rising Sun employment application to verify qualifying credentials for the applicant in such areas as resident checks, employment, education, military experience, arrest, civil action and gross negligence.

4. Polygraph Examination

- a. As a part of the testing process, police applicants are advised at the time of their formal application that they will be subject to a polygraph examination during the employment process.
- b. The polygraph examination will be administered by a person who has been trained in all aspects of the operation of the polygraph and the evaluation of the polygraph examination.
- c. The results of the polygraph are not sufficient by themselves to disqualify an applicant. However, the results of the polygraph can be used as an aid during the background investigation.

5. Administrative Review and Recommendation for Employment

- a. After the background investigation and polygraph examinations are complete, all application packets will be forward to the Chief of Police. The Chief of Police will review the entire application packet and select appropriate applicant(s) for employment.

- b. The conditional offer of employment is based on the applicant successfully completing a required polygraph examination, medical and psychological examinations.

6. Medical Examination

All applicants offered conditional employment must pass a medical examination determined by a licensed physician. The medical examination will include a mandatory drug screen, which is required by the Maryland Police training Commission. The physician is available on a contractual basis to conduct pre-employment examinations for the Town of Rising Sun. The results of the medical examination will be forward to the Chief of police for review and disposition.

7. Psychological Examination

The Rising Sun Police Department uses psychological examination to determine the emotional stability of potential employees. The psychological contracted by the Town of Rising Sun. The results of the psychological examination will be forward to the Chief of Police for review and disposition.

G. Criteria for Rejection of Applicants

1. Failure to meet the following minimum qualification established for the position of police officer as set out in the Annotated Code of Maryland, Art. 41, Sec. 70A as established by the Maryland Police Training Commission (MPTC):
 - a. At least 21 years of age at time of appointment;
 - b. U.S. citizen at time of appointment;
 - c. High school diploma, GED certificate recognized by the Maryland State Board of Education;
 - d. Eligibility for or possession of a valid driver's license prior to appointment, three year's driving experience; and
 - e. Be of good moral character and reputation, as determined by a comprehensive background investigation which must, by law, include:
 - (1) Fingerprint search of local, state, and federal criminal record files;

- (2) Check of military records (where applicable);
 - (3) Credit agencies at places of residency over the past five (5) years;
 - (4) School records;
 - (5) Personal references;
 - (6) Neighbors at places of residence over past ten (10) years;
 - (7) Present and past employers and fellow employees.
 - (8) Conviction for any state or federal crime MAY be grounds for rejection of applicant by MPTC (by withholding of a state certificate of commission to police officer status).
- f. Medical Examination - Those applicants offered conditional employment who fail to pass the medical examination given by a licensed physician (in compliance with Art. 41, Sec. 70A) employed by the Town of Rising Sun and designated by the Chief of Police will be considered as rejected.
- g. Physical Stature - An applicant offered conditional employment may be rejected if his physical stature does not meet the standards set by the Department. The applicant must also possess the ability to enable him to properly grip, hold and operate a Department-issued weapons, and where appropriate, operate police vehicles at a minimum, when front seat is in forward most position.
- h. Background Investigation - The following may be cause for automatic rejection of applicant:
- (1) Military bad conduct or dishonorable discharge from any branch of the U.S. military service.
 - (2) Conviction for any felony or serious crime.
 - (3) Conviction of a misdemeanor may be cause for rejection.

H. Drug Use Policy

1. The purpose of this policy is to attempt to avoid arbitrary discrimination against those applicants, who during their formative years, experimented with certain substances of abuse and also protect the interests of the Department and the community.

Considering that inclusive and sometimes conflicting research as to the residual effects of various substance, legal obligations and the Department's responsibilities, this policy will be a realistic approach to reducing the question of risk associated with employment of such individuals. An applicant who is a former drug user has, by his prior conduct, manifested character traits, judgement and/or illegal activity which may be considered unacceptable for hiring and employment with this law enforcement agency.

2. Identification of present use and/or addiction to any illicit drug (cocaine, PCP, marijuana, LSD, etc.) by an applicant will be grounds for permanent rejection. Should the use of a substance identified be supported by the proper medical documentation, the completed investigation will be forward to the Town's physician for evaluation and recommendation. The purpose of this evaluation shall be to ensure the substance, although properly obtained, is not subject to abuse and/or the individual is medically fit to fill the assigned position.
3. Evidence demonstrating repeated use of any drug or chemical substance, e.g., marijuana, alcohol, ect., with such frequency that it appears the individual has or had accepted the use and/or reliance upon the substance as part of a pattern or behavior, shall be reason for permanent rejection.
4. Any applicant found to be involved (at anytime) in the illegal sale, manufacture or distribution of any controlled dangerous substance will be permanently rejected. Any improper use of any narcotic/drug by an applicant after application will be grounds for permanent rejection.
5. Experimentation/Use Criteria - Consideration for experimentation/use will be based on the criteria established by The Maryland Police Training Commission.
6. An application will not be accepted from any individual who has been previously rejected on two occasions for substance abuse. Reapplication will be accepted if:
 - a. If an individual has abstained from usage for the period specified, and
 - b. The indicated frequency requirements are met.
7. Information demonstrating a history of narcotic/drug use shall be evaluated by the Town's physician and the Chief of Police, the applicant may be given the opportunity to authorize release of any medical documentation pertaining to the investigation and agree to psychological and/or psychiatric evaluations selected by the physician and Chief of Police, the expense of which will be borne by the individual. All documentation will become part of the individual's pre-employment investigation file. At the conclusion of the investigation, the physician will make a recommendation as

to the employability of the individual. Psychiatric/psychological evaluations required under this section are in addition to normal applicant psychological testing.

8. A final decision will be based on the above information in addition to that developed through any counseling, testing, investigation, etc. The Chief of Police shall have the latitude to impose additional requirements based on a demonstrated need. The indicated guidelines may be sufficient; however, the method of ingestion, circumstances of use, attitude toward substance abuse, etc., may pose additional considerations and warrant more investigation prior to a final decision.
9. The information contained in this Chapter provides a base for personnel to answer specific questions from applicants and other interested parties, and is not intended for dissemination outside the Department without authorization of the Chief of Police.
10. Applicants will further be required to submit to a urinalysis test for controlled dangerous substances during the application process. The time, location, and procedure will be designated by the Department.

I. Other Criteria for Rejection

1. Methods used to identify and corroborate the aforementioned criteria will include, but are not limited to, CVSA/polygraph examinations and/or background investigations.
2. Other criteria for rejection include, but are not limited to:
 - a. Six or more current points against the applicant's operator's license prior to appointment.
 - b. Participation as a plaintiff or defendant in civil court actions reflecting litigiousness and an inability to interact reasonable with other persons.
 - c. Misleading and/or false information supplied by applicant to background investigation or administration.
 - d. Patterns of violence towards other persons as evidenced in two or more areas of the background investigation (e.g. military check, arrest for crimes of violence, resident checks, ect.).
 - e. A high incidence of accidents due to negligence (as evidenced by two or more vehicular accidents in which the applicant admitted to his negligence or negligence established in

court of law, civil or criminal) or a similar history of accidents involving other equipment as determined in the background investigation.

- f. Evidence of alcoholism or serious drinking including, but not limited to:
 - (1) Conviction for intoxication;
 - (2) Poor work history related to alcoholism;
 - (3) Repeated intoxication or disorderly conduct revealed through checks of residence and neighbors.
- g. Any juvenile felony committed at fourteen years of age or older, involving violence against other persons.
- h. Personal History form not completely or accurately filled out.
- i. Untruthfulness
- j. When corroborated by both background investigation and/or the polygraph examination;
 - (1) Evidence of repeated violent behavior;
 - (2) Evidence of repeated use of drugs (as indicated by one or more instances reported in background investigation and evidence related to the use of drugs, obtained during the polygraph/CVSA examination):
 - (3) Continued commission of misdemeanors;
 - (4) A composite of unsuitable characteristics. (Occasionally a candidate exhibits a number of characteristics which, when reliably documented and taken in combination, produce a pattern judged clearly inappropriate for law enforcement duties);
 - (5) Evidence of the use of drugs (any CDS) within one year of application date, obtained during the polygraph examination or background investigation.

J. Administrative Procedures

1. Applicants who are rejected prior to or after an offer of conditional employment shall be notified in writing thirty days after the eligibility list has been established. Candidates will be informed of the basis for their disqualification (e.g., background investigation) will not be allowed to reapply.
2. The Chief of Police will ensure that records of applicants not employed by the Department are filed, retained, and disposed of in accordance with federal, state and local requirements for privacy, security, and freedom of information.
3. Records of background investigations conducted by the Department will be maintained in file for three years after the date the original application was filed.

A. Police Employees

1. Probationary Period - All police employees shall remain in a probationary status for a period of one year from the date of appointment to the Department. The Chief of Police may discharge any police employee in a probationary status for any cause which he, in his discretion, deems sufficient.
2. Probationary Reports - At least sixty days prior to the expiration of an officer's probationary period, the officer's supervisor will forward a report, through channels, to the Chief of Police concerning the officer's progress and performance. However, at any time during the probationary period, if a probationary officer demonstrates unsatisfactory performance/conduct to the extent that additional counseling would serve no constructive purpose, the supervisor of that individual will forward a report to the Chief of Police, through channels, outlining the details of the unsatisfactory performance/conduct as well as a recommendation for dismissal.

B. Civilian Employees

1. Civilian employees will remain in a probationary status for a period of one year from the date of hire as prescribe by the Rules and Regulations of the Town of Rising Sun.
2. The Chief of Police may recommend the termination of employment of any non-police employee in a probationary status for any cause, consistent with the Rules and Regulations of the Town of Rising Sun.

A. Authority

1. All promotions shall be made by the Chief of Police in accordance with provisions in the Code of the Town of Rising Sun and the guidelines specified in the Department Administrative Manual. No personnel will be considered for promotion unless a vacancy exists in the current rank structure or additional supervisory positions are authorized by the Mayor and Town Commissioners.

B. Requirements

1. After a supervisory position becomes vacant or an additional position is authorized by the Mayor and Town Commissioners, the following procedures will be followed:
 - a. The Chief of Police will determine, according to a specific rank vacancy, which officers are eligible to be considered for promotion according to the minimum length of service requirement.
 - (1) Police Officers are eligible for promotion after completing the minimum years of service required for the following ranks, which includes time in grade as a police officer.
 - (a) Police Officer First Class - Entrance level officers must satisfactorily complete one year of service with the Department.
 - (b) Corporal - Satisfactory completion of five years of service within the Department at the rank of Police Officer First Class.
 - (c) Sergeant - Satisfactory completion of five years of service with the Department at the rank of Corporal.
2. Any officer under suspension, indictment, or investigation will not be eligible to participate in the promotional process.

C. Criteria for Promotion to Police Officer First Class

There is no written or oral promotional process for the rank of Police Officer First Class. Criteria for the promotion to the rank of Police Officer First Class is based upon the

Completion of one year of service, satisfactory job performance. All such promotions, however, are contingent on the approval of the Chief of Police and Town Commissioners, and the availability of adequate funding.

D. Promotional Process for the Rank of Corporal and Sergeant

1. The promotional process for the rank of Corporal and Sergeant includes participating in a written examination and an oral interview board. The total promotional potential score for each candidate will be based on the following criteria:
 - a. Written examination - 45% of the written examination score.
 - b. Oral Interview Board - 45% of the oral interview score.
 - c. Chief of Police evaluation - 10%.
2. Written Examination
 - a. The Chief of Police will post a notice as to the location, date and time when the written promotional examination will be administered. The notice will include the specific study material the candidate should review to enhance their ability to qualify and the number of questions on the examination.
 - b. The examination will be administered at the direction of the Chief of Police.
 - c. There are no make-up dates for the written examination. Candidates unable to take the examination on the test date will be excluded from the promotional process for the duration of the promotional eligibility list resulting from the examination. All candidates must report to the test site on time and sign in with the test administrator to document their arrival.
 - d. If a candidate arrives late, the test administrator will allow the candidate to take the examination as long as no other candidates have finished and turned in their examination. Any candidate who arrives late must submit a detailed report describing the circumstances that caused the late arrival. This report along with an endorsement from the test administrator will be reviewed by the Chief of Police, who will determine if the candidate's test results will be included on the promotional eligibility list.
 - e. During the examination, candidates may copy down their numeric or alphabetic answers. Immediately following the examination, answer sheets will be posted in a conspicuous place at the test site, so candidates can immediately review their results.

- f. Candidates will also be given the opportunity to review their original answer sheet and examination. To allow for the timely completion of an eligibility list, all test reviews will be accomplished within **five days** of the written examination. The test coordinator will coordinate the review process and allow each candidate ample opportunity to review the examination.
- g. Candidates have **ten days** from the examination date to challenge items on the written examination. All challenges must be in writing to the Chief of Police, and will give the reference site from which the challenging employee obtained the answer in the question. The Chief of Police will review the challenges and, after determining the validity of the challenges, publish the final test results.
- h. The results of the written examination will be provided to each candidate participating in the testing process. A candidate must receive a score of at least 70% in the written examination to be eligible to continue with the promotional process.

3. Oral Interview Board

- a. Candidates successfully passing the written examination will be permitted to appear before an Oral Interview Board. The board will be convened at a time and place directed by the Chief of Police. The Chief of Police shall appoint the chairman of the board, and the board shall consist of no less than three, including the chairman. At least one member of the board shall be the same rank as the promotional candidate.
- b. Each member of the Oral Review Board will be provided with a sample interview format so that each candidate appearing before the board will be asked the same general questions.
- c. The maximum score that a candidate can receive from the board is 100%. This score will be given a weight factor of 45% towards the overall promotional potential process.
- d. The results of the Oral Interview Board will be provided to each candidate. The Chief may elect to notify the candidate directly if this is more desirable and expeditious at the time.
- e. The appearance and demeanor of the candidate will be a contributing factor. No candidate is authorized to contact any member of the oral review board regarding their action and all information discussed during the review is termed confidential. No member of the interview board is authorized to disclose the results of any vote or discussion as to candidates appearing before the board, except as provided.

4. Guidelines for the Oral Interview Board

- a. Purpose of the Interview: The oral interview is an important phase in the process of promoting the most qualified candidate to positions of greater responsibility. The purpose of the interview is to determine, as objectively as possible, the candidate's general suitability for promotion, and to examine and evaluate the candidate's education, training, and experience. The interview situation provides a means of measuring certain traits not revealed in other phases of the promotional process.
- b. Orientation: The Oral Interview Board consists of at least three members, and will convene approximately one-half hour before the first promotional candidate is scheduled to appear. A representative from the Rising Sun Police Department will meet with the board at this time, and explain the schedule of the day's events and discuss the overall promotional procedure. The representative will answer any questions that board members may have regarding local conditions and/or the general background of the Rising Sun Police Department.
- c. Time Allotment for Interviews: Candidates are scheduled to appear before the board at one-half hour intervals. In the interest of fairness and equality, careful consideration should be given to the length of each interview. After a number of interviews have been conducted, there may be a natural tendency to shorten the interview process because of repetitiveness. This of course is both undesirable and inequitable for reasons which are obvious. Although each interview may not be exactly the same number of minutes, every effort should be made to give all candidates equal time in which to present their qualifications.
- d. Structure of Questions: Each member of the Oral Interview Board should prepare a set of specific questions relating to the skills, attitude, ability and knowledge and fitness required to successfully perform the duties of the grade or rank for which the interview is being held. These questions should be reviewed in the period of time allowed before the first interview. The board should select questions that will assure the maximum utilization of objectivity and equity in the decision making rating process. It is not necessary to follow an absolutely rigid pattern or structure for conducting each interview. It is vital, however, to adhere to a common set of question for each promotional candidate. It is important that the board adopt a standard interview procedure, that will allow each candidate be treated in substantially the same way, and that the same areas of knowledge, ability and fitness be assessed for each candidate. The similarity of content of each interview session is necessary to assure fairness and equality in interviewing and rating.

- e. Guidelines for the Interview: Each promotional candidate will receive a copy of the guidelines for the interview before the date of the scheduled interview. The guidelines are designed to prepare the candidate for the interview and help him to present answers in a clear and concise manner. The responsibility for the tone of the oral examination rests largely with the board members. The atmosphere they create can have a profound effect on the candidate himself, and his feelings about the fairness of the entire promotional process. The goal of the Department is that each candidate will feel that he has been given every reasonable opportunity to demonstrate his knowledge, ability and fitness for the position he is seeking. To help the board meet this goal, the following suggestions are offered as guidelines for conducting a successful oral interview. Attention is focused on both desirable and undesirable factors which frequently occur in oral interview situations.
- (1) The candidate will be presented to the board by the Department representative, who will make the appropriate introductions.
 - (2) After introductions, the chairman should briefly explain the purpose of the interview. The board should attempt from the onset to put the candidate at ease. Let him feel that you are kindly disposed towards him, interested in what he has to say and eager for him to do his best.
 - (3) See that the interview area is orderly and not cluttered with papers or documents. The actual rating on the Oral Interview Rating Form should not be done during the examination. Make notes during the interview for later reference in rating the candidate.
 - (4) The chairman should begin the interview process with an easy question relating to the candidate's experience and/or training. He may invite the candidate to specifically describe his background and ask why he believes such background qualifies him to assume the position for which he is being interviewed.
 - (5) As the interview proceeds, the common set of specific questions previously selected by the board should be asked. Each board member should make notes to avoid the possibility of missing a question from the common set.
 - (6) Each board member should have a sufficient opportunity to question the candidate in areas of interest. The line of questioning should be such that the candidate will address his attributes and short-comings. It is desirable that every board member actively participate in the questioning of the candidate. Although the chairman has the responsibility for guiding the direction of the interview and staying within the limits, it is important that the chairman does not dominate the interview or influence

other members of the board in arriving at independent ratings.

- (7) Listen carefully to the candidate's responses. His remarks should be acknowledged and you should be sure that your interpretation of his meaning is correct. He should not be able to determine from your words or manner if he has answered the question correctly or satisfactorily. A good listener will be able to determine follow-up questions to ask and thereby will learn more about the candidate.
- (8) Avoid all questions of a controversial nature, such as politics or religion. If the candidate brings them up, indicate that such subjects are not proper in the interview process, however, try not to embarrass him.
- (9) Argument has no place in the interview. If the candidates become argumentative, the subject should be changed. It is not necessary to convince him of anything in the interview, except of your own good will towards him. Make proper note of this personality trait.
- (10) See that most of the talking is done by the candidate. Do not lecture. Avoid questions which require only a "yes" or "no" answer.
- (11) If the candidate's responses are not clear to you, or if you have a question which is relevant, do not hesitate to interject questions into the line of questioning being followed by another examiner. This can be done in a timely manner. Perhaps a glance at your fellow member will indicate that you wish more elaboration from the candidate and that you wish to ask a related question.
- (12) If the candidate shows a tendency to wander from the subject, do not stop him immediately, as this in itself is a personality trait worthy of notice. When the fact has been established that he has a tendency to digress and become wordy, bring him back to the point of digression.
- (13) While it is generally necessary to hold to the time schedule, no interview should be terminated until the board is satisfied that they have a firm foundation for their judgement. Each candidate should be questioned long enough to give him a fair opportunity to express his views to the best of his ability even though you may feel at the beginning that he will receive generally low score.
- (14) Give the candidate an opportunity to ask any questions he may wish to have answered excluding of course questions concerning the outcome of the interview or his performance. The candidate should be asked whether or not he has been given a fair opportunity to present his qualifications and to express his interest in the position, and if he has any additional remarks.

- (15) Prior to terminating the interview, the chairman should ask each of the members whether or not they have any additional questions in order to assure that all information pertinent to making an accurate, objective rating has been elicited from the applicant.
- (16) The chairman may then excuse the candidate and close the interview.

F. Post Interview Discussion

- (1) Immediately after an interview, each board member should take time to complete the individual Oral Interview Rating Form. While the impression of the applicant re fresh in his mind. Discussions concerning a candidate should be delayed until individual ratings are completed by all board members.
- (2) The Oral Interview Board Rating Form is divided into eight separate categories. Each board member will grade the applicant in each category and place an overall percentage score on the rating form. The candidate must obtain a minimum overall score of 70% to be considered for promotion. The categories include:
 - (a) Appearance
 - (b) Education and Training
 - (c) Work History
 - (d) Self Appraisal
 - (e) Motivation
 - (f) Presentation
 - (g) Creative Thinking
 - (h) Potential for Increased Responsibility
- (3) After the individual ratings are completed for all eight categories, a general discussion among board members of the candidate's background and presentation is permissible for the purpose of resolving any ambiguities and to assure fairness and objectivity in the rating process. The discussion is especially valuable after the first few and you may then process with a reasonable degree of assurance that you are evaluating candidates by the same standards. This is not an evaluation by

committee, each member does his own, but according to a group standard.

E. Qualifications

1. The results of the written examination and the findings of the oral interview board are only an advisory to the Chief of Police. The Chief of Police will review this information along with other various factors to select the best possible candidate(s) for promotion. Once candidate(s) have been selected, the Chief of Police will notify the Town Administrator of his decision.
2. The remaining candidates may be eligible for promotion at the recommendation of the Chief of Police, should an additional vacancy occur within one year. Should no further vacancy occur within one year after the publication of an eligibility list, anew promotion process will be required for all eligible candidates.

F. Required Training for Supervisors

All officers promoted to a supervisory or administrative rank are required to undergo training as required by the Police Training Act of 1968. Failure to satisfactorily complete the required supervisory or administrative training within 12 months of date of promotion may result in the officer returning to the rank from which he was promoted and salary adjusted to the last permanent rank held.

CHAPTER 4 - SECTION V
Job Function Change and Reassignment

4-V-1

A. Definitions

1. Job Function Change - A change in job function occurs when there is a major change in the scope, responsibilities or skills required for successful job performance. A promotion is a change in job function; except promotion from Officer to Police Officer First Class.
2. Reassignment - A reassignment is a permanent job function change within the Department. Such changes are usually the subject of a written order.

B. Authority

The Chief of Police or his designee shall have the authority to assign and reassign, allocate and reallocate employees to such duties and organizational divisions in the Department that in his judgement may be necessary to best serve the needs of the Department and the public interest. Assignment, reassignment and transfer of civilian employees shall be governed by the Town of Rising Sun Personnel Policy Manual.

A. Termination

1. Termination may be voluntary, as with retirements and resignation, or involuntary in the event of death or discharge.
 - a. All employees of the Town of Rising Sun are members of the Town of Rising Sun's Retirement System and are governed by the dictated of the system.
 - b. Voluntary resignations will be submitted directly to the Chief of Police.
 - c. Involuntary terminations for permanent police employees will be conducted in accordance with Department policy, the Law Enforcement Officer's Bill of Rights and the employment policies of the Town of Rising Sun.
 - d. Involuntary terminations for probationary police employees will be in accordance with Department policy and the Town of Rising Sun Personnel Policy Manual.
 - (1) Recommendations for terminating a probationary employee may be initiated at any supervisory level. Recommendations will be made be detailed report through channels to the Chief of Police. All levels of command will endorse the report.
 - (2) Recommendations for termination will be initiated either following the realization that an individual is incompetent, unfit, or unable to properly perform the job, and all efforts, e.g. training, counseling, retraining, personalized instruction, etc., taken to correct the situation have proven to be ineffective.
 - (3) Reports will contain detailed information citing specific examples supported by documents, witness statements, dates, times, results of any administrative/criminal investigations, test results (PBT, Breathalyzer, Chemical, etc.), photographs, etc. substantiating the recommendation for termination. In addition to citing the inadequacies, all efforts and activities taken to modify/correct these shortcomings will be thoroughly explained. Each level of command will, by endorsement, specifically identify their involvement/participation in correcting the unacceptable performance. It is essential that not only is a problem identified, but that appropriate corrective action was taken in an attempt to modify unacceptable behavior.
 - (4) All termination recommendations will be expeditiously forwarded through channels to be receive and acted upon by the Chief of Police prior to the end of

the concerned individual's probationary period.

- e. Death benefits will be administered in accordance with the policy of the Town and the respective retirement system.
2. Upon formal notification of a voluntary termination, the Chief of Police will, as soon as possible, notify the Town Administrator in writing. Including in the report will be the proposed effective date and a brief statement indicating the reason for the termination.
 3. In all cases of voluntary terminations, the Chief of Police or his designee will schedule and conduct an exit interview. The interview is intended to develop employment practices, Town policy, training needs, employee development program, etc. This purpose may be accomplished by identifying the specific reason(s) for the termination. This is of significant importance in the event of resignation.

B. Employee Identification Card

1. Employees of the Department are currently issued the following identification cards;
 - a. Police employees are issued an identification card and a police officer certification card from MPTC.
 - b. All employee are issued medical plan and prescription program identification cards.
2. The issued and return of identification cards will be handled as follows:
 - a. Civilian employees identification cards will be collected by the employee's supervisor prior to or on the effective date of the employee's voluntary termination or retirement from the Department.
 - b. Police employees identification cards will be obtained from the Administrative Clerk. Police employees terminating their employment will surrender their I.D. card to the Chief of Police when turning in other issued equipment. The police officer certification card issued by the Maryland Police Training Commission will also be surrendered to the Chief of Police who will return it to MPTC. The Chief of Police will place the agency ID card in the employees personnel file.
 - (1) When police employees are suspended or deprived of their police powers, the Chief of Police or designee, will collect the employee's Department issued firearms(s), badge, Rising Sun Police Department identification card, and Maryland Police Officer certification card and will not return them until the period of suspension or loss of police powers has ended.

- c. Medical and Prescription program identification cards will be issued directly to each employee belonging to the Town Employees Health Program by the insurer. The Town Administration will collect the card of the employee whose employment with the Department is being terminated in accordance with the terms of the insurer.
3. When termination of employment occurs as the result of death, the Chief of Police shall, after a respectful period of time, make every effort to secure the various identification cards from the family or survivors of the deceased.
4. When an employee insists that his Medical or Prescription Program Identification Card has been lost or cannot be located, the employee shall complete the following statement in duplicate:
 - a. "I certify that I could not surrender my Health Insurance Program Prescription Card upon leaving Town employment because (reason)" (Signature - Date). Both copies of this statement will be attached to the employee's report and/or resignation and submitted through channels to the Town Administration.

C. Reappointment/Rehiring - Police and Civilian Employees

1. Police employees that have resigned from the Department may be reinstated or rehired at the discretion of the Chief of Police.
2. A person reinstated within ninety days following his termination will be reinstated to former rank with all seniority rights.
3. When an employee is reinstated to a position after ninety days, all pay and status benefits will be applied at the discretion of the Chief of Police.
4. Police employees who are considered for rehire must meet all requirements specified by the Rising Sun Police Department and the Maryland Police and Correctional Training Commission.
5. Eligibility
 - a. Former employees shall not be eligible for reinstatement or rehire who:
 - (1) Do not meet all the requirements for initial appointment.
 - (2) Were terminated in compliance with the Law Enforcement Officer's Bill of Rights

for a violation of the Department's rules of conduct.

- (3) Were not recommended to be reinstated or rehired, unless such recommendation has been waived by the Chief of police.

b. All persons applying for reinstatement or rehire must:

- (1) Pass the applicant physical and psychological examination.
- (2) Submit to a supplementary polygraph examination, covering the period of absence from the Department, and supplemental background investigation.

6. Training

a. The Chief of Police will designate the extent of training for rehired and reinstated police employees consistent with standards established by the Maryland Police and Correctional Training Commission.

- (1) Police employees reinstated within ninety days of their separation, generally, will not require additional training.

(2) Police employees reinstated after ninety days following their separation may be required to complete additional training. When determining the need for and the extent of training, the Chief of Police will consider:

- (a) The length of separation.
- (b) Active police employment.
- (c) Police certification (Maryland Police and Correctional Training Commission) Status.
- (d) Related training received during absence.

(3) Rehired police employees who have been certified by the Maryland Police and Correctional Training Commission as a police officer and have been separated from active police employment as a member in good standing for three years or less may not be required to complete entrance level training. The MPTC will, based on the rehiring investigation, suggest a level of training to the Chief of Police.

(4) If the rehired employee's certification standards have not been met for the current

calendar year in which the rehiring takes place, the employee must, within thirty days of the rehiring, complete a course of training to include a least:

- (a) A mandated in-service program, and
 - (b) Entrance level emergency care training, and
 - (c) Mandated firearms training and qualification.
- (5) Police employees who, during their separation, were not engaged in active police employment and are not certified as a police officer may be rehired and will complete a course of instruction determined by the Chief of Police, consistent with Maryland Police and Correctional Training Commission standards.
- (6) Permanent employment for rehire/reinstated police employees will be based on the satisfactory completion of the required training and the applicable probationary status.

D. Termination Because of Death and Administration of Death Benefits

1. The Chief of Police and Town Administrator will be responsible for contacting the widow or other survivors of deceased employees and explaining fully the benefits to which they may be entitled and the procedures for applying for these benefits.
2. The complete list of benefits due the survivors of deceased employees are available from the Town Administrative Office. Since each situation surrounding the death of a member will be unique, the benefits which may accrue to survivors will be varied.

A. Outstanding Performance

1. Outstanding performances on the part of any individual or group in the Department will be recognized and officially recorded as set forth in this Section.
2. Supervisors will be held responsible to promptly initiate proceedings toward recognition of outstanding performance. It is also the duty and privilege of all personnel of the Department to report such instances which will promptly be forwarded, through channels, to the Chief of Police with concurring or dissenting recommendations.
3. All letters, memoranda, and recommendations from any source pertaining to the efficient or outstanding performance, either operational or administrative, directed toward employees of the Department shall be referred promptly to the Chief of Police, together with a report containing the following information:
 - a. A complete and detailed description of the incident and action taken by member, specifying:
 - (1) If the action was initiated by the member or did it result from assignment by the Department.
 - (2) The duty status of the member at time of the incident or action.
 - (3) If the action was taken as a matter of routine or was it beyond recognized limits to duty.
 - (4) If the member risked his life in the performance of this action.
 - (5) If the member's action contributed to the saving of a life.
 - b. Whenever a number of statements and/or observations are obtained from witnesses or interested parties, they will be analyzed for consistency.
 - c. Include a copy of any procedural report pertinent to the incident.
 - d. A recommendation will be made for the presentation of a specific award.
 - e. A draft of the text for the specific award will accompany the report.
4. The awards that the Chief of Police reviews and makes recommendations for

presentation are as follows:

a. Mayor's Citation

This award will be authorized in the following instances:

- (1) For posthumous presentation to the next of kin of an employee who has died in the line of duty under honorable circumstances.
- (2) For presentation to a member whose outstanding and above and beyond the call of duty.

Courage and valor may play an important role, but are not mandatory. The recipient of a commendation will receive a ribbon, of a design approved by the Chief of Police, and a certificate bearing the signature of the Mayor and the Chief of Police.

When worn on the uniform, the ribbon will be centered one eighth of an inch above the name plate. In the event of a subsequent commendation, a ribbon bearing a gold star will replace the initial award.

(b) Chief of Police's Commendation

This award will be authorized in instances where the performance of a member or members is identified as exceptional, thereby exemplifying the highest standards of the police profession. The recipient of a commendation will receive a ribbon, of a design approved by the Chief of Police, and a certificate bearing the signature of the Chief of Police.

c. Certificate of Valor

This award will be authorized in instances where a citizen or a member of another law enforcement agency has assisted the Rising Sun Police Department at a definite risk of his life.

d. Certificate of Recognition

- (1) Members of other law enforcement agencies.

This award will be authorized in instances where other law enforcement agencies or their members have provided exemplary and meritorious assistance to the Rising Sun Police Department or its members.

This award will be authorized in instances where a member or an entire unit has performed in an exemplary manner for a period of one year or more; but without any one outstanding incident.

e. Lifesaving Award

Awarded by the Police Chief sworn members who have saved the life of another person by a decisive action.

f. Certificate of Appreciation

This award will be authorized in instances where a citizen has voluntarily provided meritorious and exemplary assistance to a member of the Rising Sun Police Department, or to another citizen in a matter in which the Department is involved.

g. Letter of Recognition

This will be a letter from the Chief of Police to a member or members of the Department and/or to a member or members of law enforcement agencies, recognizing excellence in performance.

5. Dominations submitted for the awarding of a Certificate of Appreciation or Certificate of Recognition should be documented in the same manner as recommendations for intra-Department awards.

6. Preparation of Awards

The Chief of Police, after making any necessary changes to the text of the draft, is responsible for preparation of appropriate certificates and awards. When the Mayor's citation is to be presented, the Department will provide a frame for the certificate, and specified medal and ribbon. Copies of all citations, commendations, and letters of recognition will be entered in the affected employees personnel file.

7. Awards will be presented at ceremonies, which shall be conducted as determined by the Chief of Police in conjunction with the Town Administrator.

B. Employee Performance Evaluations

1. Employee Performance Evaluation - The primary purpose of the performance evaluations to improve employee performance. In addition, supervisors should realize that the major source of employee job satisfaction for an employee are for him to know that the work he

does is worthwhile and essential, to know his efforts are appreciated and accepted as an important contribution toward the satisfaction of the Department's objectives, and above all, to know whether or not he is performing his job correctly.

2. After an employee has been told how to do the job, shown his duties, and had his performance observed, the supervisor must complete the all important job of reviewing the employee's work and rating his efficiency in an objective matter.
3. The Employees Performance Program will be provided by the Chief of Police.
4. All Town of Rising Sun employees are to be evaluated twice during the year with a final annual review.
5. All performance factors demonstrated by the employee will be documented by supervision via the Human Patterns Appraisal System.
6. Supervisors should determine which job task and duties are critical to a position in terms of importance and time spent. Such determination should reflect the priorities of each supervisor's work unit for the appraisal period. The Town of Rising Sun Employee Performance Evaluation is general in nature, and provides the following performance categories:
 - a. Goals and Objectives
 - b. Technical Skills:
 - c. Best Practices
7. The supervisor considers the following performance factors:
 - a. Support of the Department's goals;
 - (1) Does the employee work with the supervisor and other officers in planning and building an effective team?
 - (2) Are the officer's goals, talents, and efforts directed towards the needs of the Department and accomplishment of the unit's goals?
 - (3) Does the officer suggest and try methods to improve effectiveness and solve problems.

(4) are new and additional assignments accepted and performed?

b. Response to calls and assignments.

(1) Are radio calls missed without valid cause?

(2) Is the response made promptly, safely and appropriately?

(3) Is the assistance provided appropriate to the need or problem?

(4) Are proper radio procedures followed?

c. Investigation of Crimes.

(1) Are all known victims and witnesses interviewed?

(2) Are investigative steps and interviews documented?

(3) Is evidence properly preserved, collected, and thoroughly described?

(4) Are other Divisions or Agencies properly notified as required?

(5) Are follow-ups done when required?

d. Investigation of Traffic Accidents.

(1) Is the scene preserved and injured aided?

(2) Are victims and witnesses interviewed?

(3) Are all investigative steps and interviews documented?

(4) Is evidence properly preserved, collected, and handled per Department procedures?

(5) Are follow-ups done when required?

e. Apprehension, Arrest of Criminal Suspects.

(1) Are arrests within Departmental guidelines, using proper discretion and proper judgement?

(2) Is all necessary information included in the arrest report and case files?

(3) Is unnecessary force used?

(4) Does the officer use correct procedures in effecting an arrest?

f. Enforcement of Traffic Regulations.

(1) Are traffic tickets issued as circumstance warrant?

(2) Are actions taken appropriate to the offence?

(3) Are citations rarely returned for correction?

g. Performance under Stressful, Emergency, or Unusual Conditions.

(1) Are there serious deviations from expected performance demonstrated under unusual circumstances?

(2) Does the employee demonstrate the ability to take command of emergency situations?

(3) Does the employee maintain his composure under stress?

(4) Is the tactical response consistent with officer survival?

h. Relations with Citizens and the Community.

(1) Does the officer antagonize or insult citizens?

(2) Is the employee familiar with the responsive to community problems?

(3) Is courtesy demonstrated in citizen contact?

(4) Does anger and abuse from citizens adversely affect performance?

i. Working Relationships, and Cooperation with Other Personnel.

(1) Are valid complaints received from fellow officers or supervisory personnel?

(2) Does the employee have problems in personal relationships, or relationships with other employees that impair work?

(3) Does the employee assist and backup other officers?

(4) Does the employee train and guide less experienced personnel?

j. Preparation of Required Reports and Information.

(1) Are reports legible, concise, grammatically correct, submitted at the required time with the required information?

(2) Are reports and information rarely returned for correction?

(3) Are vehicle impounds complete and turned in before the end of the shift?

k. Operation, Maintenance, and care of Department Equipment.

(1) Are vehicles abused through poor driving habits?

(2) Are specified operating and safety procedures following in the use and maintenance of equipment?

(3) Are weapons kept clean and serviceable?

(4) Are assigned vehicle kept clean?

(5) Are equipment wear, malfunction, damages identified and reported?

l. Conformance to Work Schedules, Assignments, and Instructions.

(1) Are instructions followed and assignments completed on schedule?

(2) Does work have to be closely supervised?

(3) Are there deviations from instructions and schedules not satisfactorily explained?

(4) Is unassigned time effectively utilized, i.e.; maintained citizen contact proactive patrol, ect?

(5) Is special attention given to high crime or accident areas, or other problems within the officer's assigned patrol area(s)?

m. Conforming to Department Policies, Regularity of Attendance, and Punctuality.

- (1) Are policies, rules, and regulations followed as prescribed?
- (2) Does the employees appearance meet Department standards?
- (3) Are there unnecessary delays in starting work at the specified time?
- (4) Are there abuses of meal periods, coffee breaks, quitting time, or other special absences?
- (5) Is there a pattern of abuse of sick leave?

n. Community Policing.

- (1) Is the officer familiar with and responsive to community needs within their assigned area(s)?
- (2) Does the officer use good communication skills at community meetings?
- (3) Does the officer attend community meetings and work as a community partners?
- (4) Are the problems solving techniques used appropriate to the problem situation?
- (5) Does the officer follow-up on community requests in a timely and professional manner?

9. Supervisors must recognize that external factors or events, over which the employee has no control, can affect the employee's performance. External factors can be placed into one of five categories; staffing, policies and procedures, workload, equipment and supplies, and budget. To the extent possible, foreseeable external factors should be considered when establishing performance expectations.
10. In any performance appraisal, supervisors should list the performance results and accomplishments expected during the next evaluation period. If the employee's evaluation is unsatisfactory, indicate exactly what improvements the employee must demonstrate to be effective in the job. The employee and supervisor must agree on specific action to correct performance that is unsatisfactory.

11. Employees should be encouraged to comment or make entries in the Human Pattern System on any significant achievements, those actions or events that they feel they did well, and which they feel deserve recognition.

C. Performance Notes

The performance notes in the Human Patterns System provide a structured means of documenting employee work behaviors and supervisory communications. Observations regarding another supervisor's subordinate would be documented on a Human Pattern Performance Note and should be transmitted directly to the employee's supervisor. The employee's supervisor will approve all entries in the employee's performance notes.

- a. While normally, counseling takes place at the first-line supervisory level, serious matters may require counseling with the Chief of Police.
 - b. Supervisors should keep in mind and utilize other employees as counselors, when the other employees have specialized areas of experience and expertise.
 - c. A variety of counseling resources are available outside the Department. Psychological resources may be obtained through the Employee Assistance Program (EAP).
2. Supervisors must let employees know how they are performing by discussing their work performance, not only when performance evaluations are due, but on a regular basis as entries are made in the employees performance notes.
 3. Counseling and coaching will be employed by the rater whenever possible.

D. Personnel Counseling Record

1. Within their capabilities, supervisors are expected to formally counsel employees concerning job-related matters, and to remain aware that circumstances other than the job itself, including family or other personal matters, may be having an impact on performance. Therefore, to effect any major change, the cause of the unacceptable behavior or attitude must be determined and addressed. Note that:
 - a. Counseling is a personal interview to help the employee understand and solve problems; coaching is a personal job-related discussion or demonstration conducted by the supervisor to aid the employee in improving a subordinate's performance.

- b. Whenever a supervisor documents a shortcoming, the affected employee will be allowed to comment in writing on the Personnel Counseling Record a copy will be supplied to the employee. The counseling form will be sent to the Chief of Police, and will be maintained in the employee's personnel file for three years. After three years, the employee may request that the counseling form be removed
4. Supervisors will be evaluated on the fairness and impartiality of their ratings and on the amount and kind of guidance/counseling/coaching given their subordinates.
5. Counseling and coaching is not a disciplinary action covered under the Law Enforcement Officer's Bill of Rights. The counseling record is used discuss and correct job problems and carries no punitive action.

A. The Training Function

1. Training has often been cited as one of the most important functions in any law enforcement agency. Training serves the following purposes:
 - a. Well trained officers are generally better prepared to act decisively and correctly in a broad spectrum of situations.
 - b. Training results in greater performance and effectiveness.
 - c. Training fosters cooperation and unity of purpose.
2. The Department may be held legally accountable for the actions of their personnel and for failure to provide entrance level, in-service and remedial training. The Rising Sun Police Department recognizes the importance of training and is committed to providing the best training available to all personnel.
3. Training for both sworn and civilian personnel is the function of the Chief of Police Supplemented by other Department personnel as required. The overall training function is administered on a part-time basis and it is the responsibility of the Chief of Police to ensure that the training activities are consistent with the training needs of the Department.

B. Training Activities

1. Training activities include, but are not limited to the following:
 - a. Training for both sworn and civilian personnel.
 - b. Planning and development of training programs.
 - c. Notifying personnel of required training and specialized individual training available to Department personnel.
 - d. Maintenance and security of Departmental training records.
 - e. Ensuring that training programs are attended, and that progress/evaluation reports, vouchers, and records related thereto are maintained.
 - f. Implementation of training programs.

- g. Selecting instructors.
- h. Evaluation of training programs.
- i. Coordination of training programs.
- j. Maintaining liaison between the Department and other training organizations.
- k. Ensuring that all training activities are conducted within the framework of Departmental goals in cooperation with all operational units.

C. Training Attendance

1. Members of the Rising Sun Police Department are expected to attend all assigned training programs. Attendance will be documented by either the instructor, or in cases where the training is at a location other than the Department, documentation will be furnished by the agency responsible for the training. There are cases where attendance at a training program may be excused, i.e., court appearance or sickness. Any absence must be properly excused by the administrators of the program being attended and must be in compliance with directives under which the training program is being operated. The time lost must be made up before any certificate of completion will be issued. A certification of completion will be issued to those students who satisfactorily complete any training program. A copy of such certificates will be provided to the Chief of Police for inclusion in the MPTC Program, and placed in the officer's personnel file.

D. Training Expenses

Any expenses incurred by the Department personnel while attending required or mandated training will be reimbursed based on actual expenditures that are supported by receipts within guidelines established and pre-approved by the Department.

E. Training Opportunities and Resources

The Maryland Police Training Commission provides information concerning training opportunities available at regional training centers. In addition, other police department colleges and private groups, also provide brochures of available training.

F. Training Records

1. The Chief of Police will maintain updated records of training on all Department personnel as follows:

a. Individual training records will reflect:

- (1) Date of Training;
- (2) Type of Training received;
- (3) Any certificate received;
- (4) Attendance; and
- (5) Test Score.

b. Training class records will reflect:

- (1) Course content (lesson plans);
- (2) Personnel attending; and
- (3) Performance of individual attended as measured by test, if administered.

2. Training records will be treated the same as personnel records. Only those persons as authorized by law will have access to the records.

G. Relationship Between the Department and Area Academies

1. The Rising Sun police Department utilizes recruit, in-service, and specialized training at the Eastern Shore Criminal Justice Academy (ESCJA), WOR-WIC Tech., Harford County Sheriff's Office, the University of Maryland, and other regional police academies. All academies utilized must meet the training mandates of the MPTC and the MPTC mandate Minimum Standards Entrance-Level Police Training Program. All academies are audited by the Maryland Police Training Commission to assure that performance objectives are covered, etc.

H. Instructors From Other Departments

1. Instructors enlisted from outside the Department will be selected under guidelines of the Maryland Police Training Commission. The instructor must have demonstrated skill in his area of instruction, and comply with mandates of MPTC.

I. Recruit Training

All newly sworn officers of the Rising Sun Police Department who have graduated from entrance level training must complete the Departmental FTO Program.

2. All Rising Sun officers attending the entrance level training will comply with all academy rules, regulations, policies, and procedures.
3. Entrance Level training academies provide performance based training and evaluation as mandated by the State of Maryland. A copy of the Regulations of the Maryland Police Training Commission may be reviewed through the Chief of Police.
4. The academy provides for entrance-level instruction as mandated by the MPTC;
5. Recruit officers receive instructions in the following or related subject areas during entrance-level training at the academy and/or during the FTO program upon graduation from the academy, as mandated by MPTC.
 - a. Law Enforcement Role, Responsibilities, and Relationships (History of Law Enforcement; Agency Role and Authority; the Criminal Justice System; Mission, Goals and Objectives of the Agency; Agency Organization; Community Relations; Ethics in Law Enforcement).
 - b. Administration (Agency Written Directive System; Agency Record keeping; Agency Policies; Procedures; Rules and Regulations; Civil and Criminal Liability).
 - c. Operations (Constitutional Law; Criminal Law, Laws of Arrest; Alternatives to Arrest; Probable Cause; Rules of Evidence; Identification of Evidence; Search and Seizure; Laws of Interrogation and Interrogation Techniques; Warrants, Summonses, and Subpoenas; Civil Process; Juvenile Law and Court System; Prosecutorial Functions; Moot Court and Courtroom Demeanor; Techniques of Stopping Violators, Arresting Subjects, Handling and Processing Prisoners; Uncooperative Subjects; Patrol Observation; Domestic Disputes; Crisis Intervention and Conflict Management; Search of Persons, Vehicles, Building, Premises, and Property; Crime in Progress; Crowd Control; Hostage and Barricade Situations; Hazardous Materials Incidents; Drug and Alcohol Abuse; Crime Prevention; Communications skills; Victim/witness Assistance; Juvenile Operations; Preliminary Investigation; Motor Vehicle Code; Traffic Accident Scene Management and Investigation; Traffic Direction and Control/Driving while Intoxicated; Driver Safety Education for Officers; Crime Scene Investigation; Collection and Preservation of Evidence; Interviews

on
the use
Training,
Driving;
Personal

and Interrogations; Fingerprint Identification; Crime Laboratory Functions; Surveillance; Narcotics; Special Investigative Matters-Sexual Assault, Homicides, Suicides, and Child and Spouse Abuse; Organized and White Collar Crime; Emergency Medical Training, including cardiopulmonary resuscitation; Use of Firearms, including range qualification and policies when to shoot and not to shoot; Use of Force, including limitations on of force in general and the use of deadly force in particular; Physical including fitness conditioning; patrol Vehicle Operation; Defensive Pursuit Driving; Mechanics of Arrest; Officers Safety; Handling Stress).

- d. Report Writing, Field Note-Taking, Detention Facility procedures; Communications Procedures; Traffic Direction; First Aid-CPR Procedures; and Community Relations.

- 6. As part of the Entrance-Level curriculum, the academy provides instruction in Emergency Medical Care as mandated by the MPTC.

J. Recruit and Field Training Program

- 1. The Rising Sun Police Department has a Field Training Program which encompasses no less than 4 weeks of post academy training. The FTO Program will be the responsibility of the Chief of police who will utilize the Field Training Officer to coordinate and ensure the administration of the program. Provisions of the Field Training Program are provided below;
 - a. Field training for sworn personnel will be no less than 4 weeks. Field Training will commence as soon as possible upon completion of entrance level training.
 - b. Field Training Officers are very critical to the program, as their attitude, values and tactics set the example for recruit officers. The selections process for FTO's is crucial and will meet the following criteria:
 - (1) The FTO should be recommended by his immediate supervisor;
 - (2) The FTO candidate must have a minimum of one year's experience as a police officer; and,
 - (3) The FTO candidate must possess a current satisfactory evaluation.
 - c. The Chief of Police has the responsibility of supervising the FTO and recruit.

- d. Recruits should be assigned to and remain with a single Field Training Officer for the duration of field training. Recruits should further perform and be exposed to all aspects of police work (desk duty, prisoner transportation , court appearance, etc.) while accompanied by their Field Training Officer.

K. In-Service, Roll Call and Advanced Training

1. In-Service Training: All sworn personnel of the Rising Sun Police Department will attend in-service training on an annual basis as mandated by the Maryland Police Training Commission. In addition on a yearly basis, all sworn personnel will attend the following:
 - a. Firearms training and annual qualification.
 - b. Voluntary and required training at the Academy.
2. Specialized training provided to personnel includes, but not limited to the following:
 - a. Development and/or enhancement of the skills, knowledge, and abilities particular to the specialized training.
 - b. Management, administration, supervision, personnel policies, and support services of the function or component.
 - c. Performance standards of the function or component.
 - d. Supervised on-the-job training.
 - e. In addition to developing specialized skills, personnel assigned to specialized activities should be made aware of the administrative requirements and relationships of the specialized function or component to other parts of the Department. Each specialty has associated with it, certain legal and policy issues that should be included in training.
4. Where personnel are assigned to a specialized unit or task, training will be initiated within thirty days of the assignment. When training is not available within thirty days, training will be initiated at the first available opportunity.
5. All requests for specialized or advanced training will be forward to the Chief of Police for approval.

L. Civilian Training

1. All newly appointed civilian personnel will received the following training:
 - a. Orientation of the Department's role, purpose, goals, policies, an procedures.
 - b. Working conditions, rules and regulations; and
 - c. Responsibilities and rights of employees.
2. The civilian positions that require training in addition to orientation, prior to the assumption of job responsibilities are:
 - a. Police Communications Operator
 - b. Administrative Technical Assistants
3. Training stresses not only the skills necessary to perform the technical aspects of their positions, but also the importance of the communication link they provide between the citizens and the Department. Emphasis is placed on the fact that a citizen's opinion of the Department is based on the type and quality of service obtained.
4. The number of credit hours permitted during a semester will be in accordance with the Town of Rising Sun Personnel Policy.

M. College Attendance Records and Academic Improvement

1. Procedure - Police employees attending accredited college classes are urged to forward transcripts of final semester grades to the Human Resource Representative for inclusion in their personnel records.
2. With emphasis on police education growing, it is incumbent upon the members of the Rising Sun Police Department to avail themselves to the opportunity to obtain a higher education whenever possible. Certain guidelines will be followed to enhance the opportunity for members of the Department to acquire academic credits.
3. The Chief of Police, or designee, may adjust work schedules, consistent with duty requirements, to assist personnel in attending job-related courses. However, no one will be permitted to attend class during duty hours. This prohibition does not pertain to on-duty assignments in connection with in-service training, entrance-level training, or other training assigned by the Department.

4. The number of credit hours permitted during a semester will be in accordance with the Town of Rising Sun Personnel Policy.

N. Police Employee - Certification and Decertification Procedures

Title 12, Department of Public Safety and Correctional Services. Subtitle 04 - Police and Correctional Training Commission, Code of Maryland Regulations 12.04.01.11 empowers the Training Commission to authorize persons to serve as police officers, and to suspend, revoke or recall any such authorization given by it. The Commission will certify authorization only for those persons who meet minimum standards established by it.

1. The Chief of Police, or designee, shall be responsible to schedule police employees to receive all required training and to certify to the commission that its mandated standards have been met.
2. Should an employee fail to meet a training standard established by the Commission, the Chief of Police will, if appropriate, request a waiver of the training standard. Records of ant such waiver and subsequent action by the Commission will be maintain in the Officers Personnel File, and administrative Officer MPTC Correspondence file.
3. Should an employee fail to meet a mandated standard and the Commission not grant a waiver and if the employee's certification is suspended, revoke or recalled, the Chief of Police or his designee will notify the employee.
4. Police employees whose certification is suspended, revoke or recalled by the Maryland Police and Correctional Training Commission shall have their police powers suspended. No employee will have their powers restored until they are re-certified.

O. Educational Tuition Assistance

Employees interested in attending educational courses provided for their specific work field may apply in writing to the Administrator of the Town of Rising Sun for tuition assistance. The request for assistance should be submitted prior to enrolling in educational course so the individual will know whether the Administrator will authorize payment for the training. Questions pertaining to reimbursement should be directed to the Town Administrator. Tuition reimbursement for approved courses will only be made after the employee successfully meets the requirements as set forth in the Town of Rising Sun Personnel Policy Manual.

A. Scope

Except as hereinafter noted, all employees of the Department have the same right to engage in political activities as any other citizen. Employees uncertain of the propriety of the political activity in which they desire to participate should request the assistance of the Chief of Police.

B. Unauthorized Activity

Employees of the department may engage in any political activity not prohibited by local, State or federal status.

1. Employees of the Department shall not use their official authority or influence for the purpose of interfering with or affecting the results of an election, or a nomination for office.
2. Employees of the Department will not directly or indirectly coerce, attempt to coerce, command, advise, or promise to reward a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for political purposes.
3. Employees of the Department may not engage in political activity while wearing any portion of the official issued uniform, equipment, or while using an official Department vehicle.

C. Police Officers Holding State or Local Elective or Appointed Offices for Profit

1. The Attorney General's Office issued an opinion (Opinion #87-001) on January 13, 1987 which held that a police officer, as a public officer, was prohibited under Article 35 of the Declaration of Rights of the Maryland Constitution from simultaneously holding two offices of profit. It has been determined that a police officer holds an office of profit under the Constitution.
2. Department sworn personnel will not hold an elective or appointed office of profit at the State or local level while employee as a police officer.
3. Upon taking the oath of office for such a position, an employee will forfeit his position as a police officer with the Rising Sun Police Department.
4. An employee's involvement in political activity on the Federal level will be governed by the Hatch Act.

A. Authorization

1. Employees of the Rising Sun Police Department must have written authorization from the Department before engaging in secondary employment.
2. Employees requesting permission to engage in secondary employment will complete an Rising Sun Form detailing the nature of employment, and submit to the Supervisor for review and disposition. The Supervisor will forward the request to the Chief of Police for final review and disposition.
3. Approved or disapproved secondary employment requests will be distributed as follows:
 - a. Original - employee's personnel file
 - b. Copy - employee submitting request.

B. Definitions

1. Secondary Employment - As used in this section shall mean the rendering of any service or the sale of anything for pay or remuneration from any source other than the Rising Sun Police Department or participation in any activity for which such payment or remuneration is received. This includes entrance and/or re-enlistment into the military reserve components as well as any form of self-employment, but generally, does not include engaging in real property or securities, or sale on isolated occasions of the employee's home, car, or other personal property.
2. Employee - Except where specific designation is made to "police employee" or to "civilian employee," "employee" shall include all employees of the Rising Sun Police Department.

C. Policy

1. Liability - An injury or illness arising from secondary employment (not a Town related occupation) is not compensable by the Town of Rising Sun. Serious illness or injury suffered during secondary employment may result in the employee being disqualified to resume employment with the Town of Rising Sun.
2. Revocation - The Chief of Police may revoke official authorization for an employee to pursue secondary employment if such employment conflicts with his official duties or constitutes a conflict of interest with the Department.

3. Conditions for Secondary Employment

- a. No employee of the Department may accept secondary employment by any entity licensed by, or under the regulatory control of the Town of Rising Sun or the Rising Sun Police Department.
- b. Employment that involves work as a private detective, security guard, or which requires investigative work for an insurance agency, private guard agency, collection agency, attorney, a bail bond agency, or any private employer employing security guards, etc., may be approved if these business are not licensed by or under the regulatory control of the Rising Sun Police Department.
 - (1) Any minor violations committed while an officer is on-duty as a security guard (e.g. shoplifting) will be handled in the capacity of a security guard, and Rising Sun Police Department employees will not identify themselves as law enforcement officers. The offender will be detained and the local Police Department will be called to effect the arrest. Any court appearances stemming from these incidents will be on the officer's off-duty time and any compensation received for that time will be paid by private employer.
- c. Secondary employment may be approved for police employees to work in businesses which sell and dispense alcoholic beverages so long as it is not the primary service of that business. Police employees are prohibited from either the direct selling or dispensing of alcoholic beverages.
- d. Except when specifically authorized by the Chief of Police, uniforms, or parts of the uniform and equipment (excluding issued sidearm) shall not be used by any employee while engage in secondary employment.
- e. Secondary employment that would involve the service of civil processes may be approved, as well as employment that involves driving a taxicab or other public vehicle, if these businesses are not licensed by or under the regulatory control of the Rising Sun Police Department.
- f. Employees will not be permitted to engage in secondary employment while on Department sick leave. Nor will approval be given if there is an indication that secondary employment will impair his ability to perform his law enforcement duties.
- g. Approval shall not be given for employment that will interfere with the performance of an employee's official duties, including overtime assignments

and response to emergency calls. If during the course of secondary employment, a police employee finds it necessary to act in an official capacity, police functions shall be given priority.

h. Police employees who have not satisfactorily met their job performance rating as judged by their supervisor shall not be permitted to engage in secondary employment.

4. Prohibited Employment

Applications for secondary employment shall not be approved in any of the following instances:

- a. Employment by any entity licensed by or under the regulatory control of the Town of Rising Sun or the Rising Sun Police Department.
- b. The Code of Ethics also prohibits an employee from maintaining a financial interest in any business or entity under the regulatory control of the Town of Rising Sun or the Rising Sun Police Department. The Code of Ethics thus would not prohibit an employee's spouse from owning a business regulated by the Town of Rising Sun, but it would prohibit the employee from having a financial interest in that business.
- c. Secondary employment which would involve the use of Department records, documents, or files shall not be approved for any employee.
- d. No police employee of the Rising Sun Police Department may directly or indirectly maintain any financial interest or ownership in any business dealing directly or indirectly with the manufacture, transportation, or sale of alcoholic beverages.
- e. No police employee of the Rising Sun Police Department may directly or indirectly maintain any financial interest or ownership in any commercial business establishment engaged in legalized gambling operations, i.e., bingo, racetrack, etc.
- f. No police employee of the Rising Sun Police Department may directly or indirectly act as an employee or agent for a commercial business establishment engaged in legalized gambling operations, i.e., bingo, racetrack, etc.
- g. Any type of secondary employment that may, because of its location or nature, bring disfavor, or discredit to either the employee or the Department shall not

be approved for any employee.

5. Approval - All requests for secondary employment will be forward to the Chief of Police. All request for secondary employment will be examined on an individual basis to insure that no actual or potential conflict exists within these guidelines. The only types of secondary employment, as indicated above, which will be automatically disapproved, are employment by a member in any business or industry that we regulate; all other requests for secondary employment will not be treated on an individual basis. If the Department feels that a conflict exists, the employee will be advised of the possibility of that conflict and , if circumstances permit, the Department may place certain conditions, as appropriate, on the approval of secondary employment so as not to have any situation which may be a conflict.

ADMINISTRATIVE MANUAL

CHAPTER 5

RULES OF CONDUCT, DISCIPLINARY PROCEDURES, AND GRIEVANCE PROCEDURES

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- B. Code of Ethics - RISING SUN Police Department

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ARTICLE 27 - CRIMES AND PUNISHMENTS (Sections 727-734, Law Enforcement Officer's Bill of Rights)

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- B. Policy
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A. Introduction

The Rising Sun Police Department has adopted a Law Enforcement Code of Ethics, based on that of the International Association of Chiefs of Police. Its aim is to further true professionalism in law enforcement and it has as its basic objectives:

1. Elevating the Standing of the profession in the public mind, and strengthening public confidence in law enforcement.
2. Encouraging law enforcement officers to fully appreciate the responsibilities of their office.
3. Developing and maintaining complete support and cooperation of the public in law enforcement.
4. Insuring the effectiveness of the Department by encouraging the complete cooperation of its members for their mutual benefit.
5. Striving for full coordination of effort in all official relationships with other governmental agencies.
6. Considering police work to be an honorable profession and recognizing in it an opportunity to render a worthwhile service to society.

B. Code of Ethics - Rising Sun Police Department

1. As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception; the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.
2. I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of the Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.
3. I will never act officiously or permit personal feelings, prejudices, animosities, or

friendship to influence my decisions. With no compromises with crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

4. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession— Law Enforcement.

A. Authority

The Chief of Police shall have the power to make any rules necessary to promote the effective and efficient performance of the duties of the Department and to insure the good government of the Department and its employees. The authority of the Chief shall also include the power, to suspend, amend, rescind, abrogate, or cancel any rule adopted by him or by any former Chief of Police.

B. Policy

1. It is the policy of the Rising Sun Police Department that all employees shall comply with the rules of conduct as herein stated, with the additions and amendments to these rules that may be promulgated and with all other orders and directives, either verbal or written, which may be issued by competent authority. The violation of any rule of conduct, procedure, or lawful order, whether written or verbal, subjects the violator to disciplinary action.
2. Ignorance of the rules; procedures, and orders of the Department is not justification for any such violation. An employee shall be responsible for his own acts and he may not transfer to others his responsibility for executing or failing to execute any lawful order or police duty.

C. Unbecoming Conduct

1. Every employee shall conduct himself at all times, both on and off duty, in a manner which reflects most favorably on the Department. The phrase "reflects most favorably" pertains to the perceptions of both citizens and other Department employees. Conduct unbecoming an employee shall include that which tends to bring the Department into disrepute, or reflects discredit upon the employee as a representative of the Department, or that which tends to impair the operation or efficiency of the Department or employee.
2. A supervisor will not injure or discredit a subordinate through unreasonable, unjust, arbitrary, or tyrannical conduct, or abusive language.
3. An employee of the Department shall not maliciously threaten, strike, or assault any other employee of the Department.

D. Insubordination

1. Employees of the Department shall, unless otherwise directed by competent authority, transact all official business with employees senior in rank or classification only through the official chain of command.
2. An employee shall promptly obey all lawful orders of a superior, including those from a superior relayed by an employee of equal or lesser rank. A lawful order is any order, either verbal or written, which an employee should reasonably believe to be in keeping with the performance of his duties or the responsibilities of his post.
3. Employees will obey all orders from superiors, whether written or verbal, except when compliance with such orders would require the commission of an illegal act. No employee without adequate justification will intentionally issue an order that is contrary to an order issued by a superior. Employees to whom conflicting orders are issued will call immediate attention to such conflict; however, if the conflict is not resolved, the last order will be obeyed.
4. Any order may be countermanded in an emergency. An employee countermanding a prior order will immediately report the reason for his action to his immediate supervisor. Responsibility for all prudent and reasonable action necessary for compliance with orders will remain with the superior issuing the order. Accountability for all action taken in compliance with orders remains that of the person taking such action.
5. At the scene of any incident, the assigned police employee shall be in charge until relieved at the direction of another police employee senior in rank.

E. Criticism

An employee shall not criticize or ridicule the Rising Sun Police Department, any other Town Department, or the Maryland Judiciary, their policies, or their officers by speech, in writing, or by expression in any other manner, when such speech, writing, or other expression is defamatory, obscene, unlawful, exhibits a reckless disregard for truthfulness, or tends to undermine the operation of the Rising Sun Police Department, other Town agency, or the Judiciary by impairing their efficiency or interfering with their operation on maintenance of discipline.

F. Abuse of position

1. While deprived of police powers, police employees of the Department will not wear the uniform and will not represent themselves in an official capacity as an employee of the Department
2. An employee is prohibited from using his official position or his official identification card or badge for personal or financial benefit or as a means of obtaining privileges not otherwise available to him, or for avoiding consequences of illegal acts. An employee may not lend his identification card or badge to another person, or permit it to be photographed or reproduced without the approval of the Chief of Police.
3. An employee shall not permit or authorize the use of his name, photograph, or official title identifying him as an employee of the Rising Sun Police Department in connection with testimonials or advertisements of any commodity or commercial enterprise, or for personal reasons without the approval of the Chief of Police.
4. An employee shall not sign a petition, without the authority of the Chief of Police when his signature identifies him as an employee of the Department; nor shall any employee sign any petition which has an unlawful purpose. However, any employee may sign a lawful petition as a private citizen.
5. An employee shall not address a public gathering, appear on radio or television, prepare any article for public for publication, act as a correspondent to a newspaper or a periodical, release or divulge investigation information or any other matters of the Department, either in an official or unofficial capacity without first having obtained permission from the Chief of Police.

G. Associations

1. An employee shall avoid associations or dealings with persons whom he knows, or should know, are racketeers, gamblers, felons, persons under criminal investigation or indictment, or others who have a reputation in the community for felonious or criminal behavior, except as directed otherwise by a superior. The purpose of this rule is to maintain the integrity of the employee and to avoid relationships which would tend to impair the operation of the Department.
2. An employee shall not visit or enter a house of prostitution, gambling house, or any other establishment wherein the laws of the United States, the law or ordinance of a political subdivision are violated except in the performance of duty and while acting in response to lawful and specific orders of a superior.

3. An employee of the Department shall not in any manner affiliate himself with any organization, association, movement, group or combination of persons which advocates the overthrow of the Government of the United States or any state, or which has adopted the policy of advocating or approving the commission of acts of force or violence to deny any person his rights under the Constitution of the United States or any state, or which seeks to alter the form of government of the United States or any state by unconstitutional means.

H. Immoral Conduct

Every employee shall maintain a level of moral conduct in his personal affairs which is in keeping with the highest standards of the law enforcement profession. No employee shall be a participant in any incident involving moral turpitude which compromises or has the potential to compromise his ability to perform as a law enforcement officer or as an employee of the Rising Sun Police Department, or cause the Department to be brought into disrepute.

I. Conformance to Laws

An employee shall not violate his oath of office and trust or any other condition of his employment with the Town of Rising Sun or commit an offense punishable under the laws or statutes of the United States or any sovereign nation, the State of Maryland, or public local laws or ordinances. Any employee who has been charged with a violation of any law, statute, or public law or ordinance stipulated in this Section must report the facts concerning such violation immediately to his commanding officer. Parking violations, except when they are issued to a Department vehicle, are exempted from this subsection.

J. Payment of Debts

1. Employees of the Rising Sun police Department shall make every effort to pay all just debts and legal liabilities. Disciplinary action may be taken when:
 - a. Judgements of creditors have been finally adjudicated and the employee, even though able to pay, has refused to comply with such judgement, or
 - b. The effects of such indebtedness have adversely affected the ability of the employee to perform his job or have negatively reflected on the reputation or effectiveness of the Department.
2. Absent extenuation circumstance, disciplinary action shall be inappropriate when:
 - a. The employee has made a genuine and sincere effort to pay his debts, or
 - b. The employee has filed for a voluntary bankruptcy petition.

K. Seeking or Accepting Gifts, Gratuities/Bribes

1. A police employee shall not solicit, seek, or accept any gift or gratuity, including food or drink for himself or another from any individual, business establishment, or merchant, where such offer of acceptance can be construed to be an effort to influence his official conduct as an Rising Sun Police officer.
2. A police employee shall not receive, seek, solicit, or share in any fee, reward, or other reimbursement for the performance of his official duties, or for his failure to perform official duties, except as directed by the Chief of Police. He shall immediately report any offer, or attempt to offer, of money, gift, or other gratuity made in an effort to influence his official conduct.
3. Employees of the Rising Sun Police Department shall not solicit or accept any subscription or contribution fore any purpose whatsoever except in conformance with Department policy.

L. Political Activity

The political associations and political conducts of employees of the Rising Sun Police Department shall be in conformance with the established policies and procedures of the Department.

M. Labor Activities

An employee shall not engage in any strike or job action. Strike or job action includes, but is not limited to, a failure to report to duty, willful absence from duty, unauthorized holidays, sickness unsubstantiated by physician's statement, stoppage of work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

N. Secondary Employment

A police employee shall not be employed in any capacity in any other business, trade, occupation, or profession, while employed by the Rising Sun police Department, except as established by Department and Town policy, and approved by the Chief of Police.

O. Department Communications

1. An employee shall submit all reports, both verbal and written, required by the Department, on time and in accordance with established procedures. All official business transacted by Department employees must be processed through official channels.
2. The following procedures will govern the submission of reports in administrative investigations:
 - a. During any administrative investigation an accused employee shall, upon order of competent authority, submit a written report detailing the facts concerning his involvement in the incident being investigated where the incident is related specifically, directly, and narrowly to the performance of his official duties.
 - b. Whenever an employee of the Rising Sun Police Department is ordered to submit a detailed report concerning an incident in which he is alleged to have been involved and if the authority ordering the report knows or should have known, that the report is likely to contain information which may be used as evidence against the employee in a disciplinary hearing, then the authority ordering the report will, at the time of such order, provide the member with a copy of Notification of Complaint/Waiver of Rights. This waiver/form should clearly state that the recipient is the subject of an investigation, and clearly include the nature of the investigation. These criteria do not apply to the submission of procedural reports required by Department standard operating procedure, rule or policy. The original waiver/form will be attached to the report of investigation concerning the incident.
3. A police employee shall report to his superior all information that comes to his attention concerning organized crime, racketeering, vice conditions, etc.
4. All reports submitted by employees of this Department will be truthful; no employee shall knowingly report or cause to be reported any false information. A clear distinction must be made between reports which contain false information and those which contain inaccurate or improper information. To prove by a preponderance of evidence that one has submitted a false report, evidence must be present for consideration that such report is designedly untrue, deceitful, or made with the intent to deceive the person to whom it was directed.
5. All reports submitted by employees of this Department will be complete and will not contain improper or inaccurate information. Inaccurate or improper information may be characterized by that which is untrue be mistake or accident or made in good faith, after the exercise of reasonable care.

6. An employee shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with established Department procedures. An employee may remove a copy official records or reports from the Department only in accordance with established procedures. An employee shall not divulge the identity of a person giving confidential information, except as authorized by proper authority in the performance of police duties.
7. The conduct of draft promotional and transfer lists or other material labeled "Draft" or "Confidential" must be treated with the utmost sensitivity, as items of this nature may differ significantly when finalized. Only those employees officially directed under competent authority to review, discuss or have input into draft and confidential material may divulge the content of said material and then only to employees specifically authorized by official directive.
8. The use of RSPD telephones (including calls from car/portable phones) and FAX machines shall be limited to the conduct of official business except for personal emergency calls.

P. Interrogations

1. In all instance where an employee of the Rising Sun Police Department has been accused of an act of misconduct or of any other impropriety, the commission of which is a violation of any Department rule of conduct, procedure or order, the employee shall, after being advised of his rights as specified in the Department disciplinary procedures be subject to the procedures outlined in this Chapter. To the extent that the allegations of misconduct against an employee may also involve a violation of the criminal law, the procedures outlined in this chapter must be administered consistent with established constitutional rights guaranteed to all individuals charged with, or suspected of, criminal offenses.
2. During any administrative investigation an accused employee shall, at the request of competent authority, submit to an interrogation and polygraph examination. The questions to be asked during the interrogation and the polygraph examination will be related specifically, directly, and narrowly to the performance of the employee's official duties and to the subject matter of the current investigation.
3. On the order of competent authority, an employee shall submit to any medical, chemical, or other tests, photographs or lineup. All procedures carried out under this rule shall be specifically, directly, and narrowly related to the nature and scope of the accused's employment and conduct.

Q. Reporting for Duty

1. An employee of the Department shall not absent himself without properly approved leave.
2. An employee shall report for duty at the time and place specified by his superior and shall be physically and mentally fit to perform his duty. He shall be properly equipped and cognizant of information required for the proper performance of duty so that he may immediately assume his duties.
3. Every employee shall entered into the CAD System to indicate the actual time his tour of duty began and ended.
4. If any employee of the Department is unable to report for duty due to sickness or other causes, such employee shall, as soon as possible, notify the on-duty supervisor of the reason for his absence.
5. Police employees, while off duty, shall be subject to call at all times. In the event of an emergency or potential emergency, police employees ordered to an “inactive-on call” duty status and those required to leave word where they may be reached, will notify the on-duty Police Communications Operator of the location and telephone number where they can be contacted.

R. Fictitious Illness or Injury Reports

An employee shall not feign illness or injury, falsely report himself ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of his health.

S. Interference with Duty

1. An employee shall not attempt to bring influence to bear on the Chief of Police for the purpose of securing promotion or reassignment, or to avoid penalties for violations of the Department’s policies, rules, procedures or orders.
2. An employee shall not interfere with cases assigned to other employees for investigation without consent, except by order of a superior officer; nor shall he interfere with the operation of a division, section, or unit. An employee shall not interfere with any lawful arrest or any prosecution brought by other police employees of the Rising Sun Police Department or by any other department or person. A police employee shall not undertake any investigation or other police action not a part of his regular police duties without first obtaining permission from his superior unless ha can justify the need for his immediate intervention.

3. An employee of the Department shall not be directly or indirectly concerned with making arrangements, agreements, or compromises between a criminal and a person who has suffered from his criminal acts for the purpose of allowing the criminal to escape any punishment prescribed by law. Any employee having knowledge of such an arrangement, agreement, or compromise shall report such to his immediate superior without delay.
4. An employee of this Department shall not reveal the identity of a police employee assigned to plain clothes or covert investigation work. An employee shall not recognize such employees unless such other member salutes or acknowledges him first.

T. Abuse of Process/Withholding Evidence

An employee shall not intentionally manufacture, tamper with, falsify, destroy, or withhold evidence or information, or make any false accusations of a criminal charge.

U. Evidence/Found and Recovered Property

Property which has been received as evidence in connection with investigation or which, for any other reason, comes into custody of this Department will be processed in accordance with established procedures. An employee shall not convert to his own use, manufacture, tamper with, or damage through negligence, or destroy, or in any way misappropriate any evidence or any other material or property found in connection with an investigation or other police action, except in accordance with established Department procedures.

V. Suggestions Pertaining to Service

An employee shall not recommend or suggest in any manner, except in the transaction of personal business and then representing himself only as a private citizen, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance or towing service, bondsman, mortician, etc.). In the case of ambulance or towing service when such service is necessary and the person needing service is unable or unwilling to procure it, the employee shall proceed as a law enforcement officer in accordance with Department procedure.

W. Request for Assistance

1. When the public request assistance or advice, either by telephone or in person, all pertinent information will be taken in an official and courteous manner, and will be acted upon consistent with established Department procedures.
2. Police employees of the Department shall not act in an official capacity , without authority,

in any civil case, except where such action will prevent a breach of the peace or assist in quelling a disturbance.

X. Citizen Complaints

An employee shall courteously and promptly accept any allegation or complaint made by a citizen against any employee of the Rising Sun Police Department. The receipt and processing of all complaints shall be in conformance with established Department procedures.

Y. Courtesy

1. An employee shall be courteous to the public and to fellow employees. He shall be tactful in the performance of his duties, shall control his temper and exercise utmost patience and discretion, and shall not engage in argumentative discussions, even in the face of extreme provocation. While on duty or in the performance of his duties, he shall not use coarse, violent, profane, or insolent language or gestures toward the public or fellow employees. He shall not express any prejudice or use language which might be insulting or demeaning to the public or fellow employees concerning race, sex, religion, politics, national origin, lifestyle, or similar personal characteristics.
2. Police employees will at all times show respect for their fellow employees and will conform to the rules of military courtesy and military discipline as prescribed by the Chief of Police.

Z. Identification

1. During the times that a police employee is not readily identified by the uniform of the Rising Sun Police Department, he shall carry his badge or identification card on his person. He shall furnish his name, identification number and assignment to any person properly entitled to this information, at any time, except when authorized not to do so by proper authority and when such refusal may be necessary for the proper performance of his duties.
2. When a police employee makes a traffic stop or makes an arrest while in plainclothes, he shall identify himself to the violator and display his badge and/or identification card.

AA. Personal Appearance

A police employee will maintain a neat, well-groomed appearance and will style his hair and wear his uniform consistent with established Department policy and procedures.

BB. Neglect of Duty

1. Department employees shall be punctual in attendance to all calls, requirements of duty, court appointments, and other assignments.
2. An employee will not read, play games, watch television or movies, or engage in any activity or personal business while on duty that would cause him to neglect or be inattentive to that duty.
3. The failure of a police employee to take appropriate action, either on or off duty, on the occasion of a crime, disorder, or other condition deserving police or Department administrative attention is considered neglect of duty.
4. A police employee will not, without proper authorization, absent himself from his assigned place of work during his tour of duty.
5. An employee will remain awake and alert while he is on duty. If unable to do so, he will report to his superior officer, who will determine the proper course of action.
6. A police employee may be authorized to suspend patrol or other assigned activity, subject to immediate recall at all times, for the purpose of having meals during his tour of duty, but only for such periods and at such times as are authorized by his supervisor. He will inform communications of the telephone number and location when he leaves service.

CC. Use of Alcoholic Beverages

1. An employee will not drink intoxicating beverages while in uniform or while on duty unless it is necessary for the performance of his duty. In every case where it is necessary for an employee to use intoxicating beverages while on duty, written permission must be obtained from the employee's immediate superior. An employee given written permission to consume intoxicating beverages while on duty may not do so to the extent that his ability to perform his duty is impaired.
2. An employee will not report to work with any level of alcohol in his system.
3. Inactive-on call / Unrestricted standby / Recalled to duty.
 - a. Inactive-on call - An employee ordered to an inactive-on call duty status will not consume alcoholic beverages during the time that he is on call.

- b. Unrestricted standby - An employee who, by virtue of a written or verbal order, duty schedule, etc., is informed that he has been placed on unrestricted standby duty status and that it is expected he will be able to immediately report for duty if called, will not consume alcoholic beverages.
 - c. Recall to duty - An employee not in an inactive-on call or unrestricted duty status who has consumed alcoholic beverages and is recall to duty will notify the supervisor on duty of his condition and will refrain from further consumption of alcoholic beverages. The employee will be afforded sufficient reporting time to assure the alcohol is no longer in his system.
3. No employee of the Department will bring any intoxicating beverage into any building or quarters officially occupied by the Rising Sun Police Department, nor will he permit the same to be brought therein, except as evidence or pursuant to Department property held procedures, and excluding commercial or prescribed medication.

DD. Use of Drugs

An employee will not use any controlled substance, narcotic, or hallucinogen, except when prescribed in the treatment of an employee by a licensed physician or dentist. When controlled substance, narcotics, or hallucinogens are prescribed, an employee will notify the Chief of Police of this fact immediately.

EE. Treatment of Persons in Custody

- 1. A police employee will not mistreat persons who are in his custody. He will handle persons in accordance with established Department procedures.
- 2. A police employee of the Department will not, without proper authority, release any prisoner in his charge or, through neglect or design, allow any prisoner in his charge to escape.

FF. Use of Force

A police employee, acting in his official capacity, will not use unnecessary or excessive force.

GG. Firearms

Weapons shall not be used, displayed, or handled in a careless or imprudent fashion or contrary to Rising Sun police Department policy.

HH. Department Equipment

1. Department equipment will be used and maintained in accordance with established Department procedures and will not be abused, damaged, altered, or through negligence, lost. An employee of the Department will not cause or contribute to the damage, abuse, alteration, or loss of any Department equipment through negligence or carelessness. An employee may not convert to his own use or in any way misappropriate Department equipment/property.
2. Any employee of the Department deprived of his police powers will turn in all Department issued equipment designated in the order suspending his police powers. Employees under suspending his police powers. Employees under suspension are not permitted to operate a Department vehicle.
3. An employee will operate an official vehicle in a careful and prudent manner, and will not through negligent or careless operation incur or cause damage to be incurred to Department property or to the property of another. He will obey all laws of the State of Maryland and all local ordinances, and conform to all Department procedures and regulations pertaining to operation and maintenance of any Department vehicle assigned to him on a permanent or temporary basis. An employee will at all times set a proper example for other persons by his operation of a vehicle.
4. Damage to or loss of Department equipment will be reported in conformance with Department procedure.
5. An employee will not have any item of Department equipment repaired, adjusted, or modified without official authorization.
6. Only employees of this Department will be permitted to operate or attempt to operate any Department owned vehicle, or use any Department issued firearm, or use any other item of property owned by the Rising Sun Police Department; however, specific exceptions to this rule may be authorized by the Chief of Police.

II. Incompetence

Employees of this Department shall be held strictly responsible for the proper performance of their duties. Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department.

JJ. Sexual Behavior

An employee will not engage in any sexual behavior while on duty. While off duty Department personal will not engage in any sexual behavior in a Department facility or while using a Department vehicle. Sexual behavior is any sexual act, sexual contact, or vaginal intercourse as defined in Criminal Law Article, Title 3-301(e) of the Annotated Code of Maryland.

KK. Ride Along Program

No Officer of the Rising Sun Police Department will engage in a ride-along program.

A. Definitions

For the purpose of this Chapter, the following definitions will apply:

Administrative Investigation Any inquiry initiated by command or supervisory personnel of this Department, into alleged inappropriate or wrongful actions of another employee, which inquiry is intended to lead to an objective finding.

Adverse Material “A law enforcement agency may not insert any adverse material into any file of the officer, except the file of the internal investigation, unless the officer has an opportunity to review, sign, receive a copy of, and comment in writing upon the adverse material, unless the officer waives these rights.” Public Safety Article, Title 3-104(o), of the Annotated Code of Maryland. Therefore, in accordance with the Law Enforcement Officers’ Bills of Rights, adverse material relating to a Department police employee which the employee has not had an opportunity to review, sign, receive a copy of, and comment in writing upon, may only be maintained in the Internal Affairs files.

Brutality - Is considered to include any situation wherein a law enforcement officer, while acting in his official capacity, resorts to the use of force which is unnecessary in its origin and application; or if force is deemed necessary, is excessive in its application.

Complaint - An allegation of misconduct, or a violation of Department rules of conduct, policy or procedures against an employee of the Agency

Complainant - The aggrieved person, a member of the aggrieved person’s immediate family, or a parent or guardian in the case of a minor child, or any person with firsthand knowledge obtained through his presence at and observation of the alleged incident.

Counseling - Supervisory counseling of subordinates is non-disciplinary action.

Department - Rising Sun Police Department

Emergency Suspension - A temporary suspension of police powers imposed against a law enforcement officer, with or without loss of compensation, on authority of the Chief of Police, by a supervisory officer in rank when it appears that such action is in the best interest of the public and the Department.

Formal Hearing - Any proceeding conducted by a Hearing Board for the purpose of taking or adducing testimony or receiving other evidence in connection with charges filed against a Department employee.

Hearing Board - A board authorized by the Chief of Police to conduct a hearing on a complaint. Members of a board will be selected from the total uniformed complement of the Department or from another agency with the approval of the chief of that other agency. Board members may not have participated in the investigation or interrogation of the accused law enforcement officer.

Incompetence - Evidence of incompetence may include, but need not be limited to, a history of poor performance appraisals and promotional potential rating; an aggregate of infraction of Department rules, regulations, procedures, directive or orders; a demonstrated lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; failure to conform to work standards established for the employee's rank or position; negligence resulting in duties not being performed or performed in an unacceptable manner; failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; absence without leave; unnecessary absence from the assigned patrol or place of work during a tour of duty. The repeated inability to perform assigned duties due to physical incapacitation brought about by an employee's excessive use of alcohol shall also be considered evidence of incompetence.

Law Enforcement Officer - Any employee of the Department, who in his official capacity, is authorized by law to make arrest but not including any law enforcement officer serving in a probationary status, except when allegations of brutality in the execution of his duties are made. The term "law enforcement officer," as used in this Chapter, will include all police employees employed by the Rising Sun Police Department. The term "probationary status" includes only a police employee who is in that status upon initial entry into the Department.

Loss of Police Powers - The act by which a police employee of the Department is temporarily deprived of the powers and immunities granted him as a law enforcement officer.

Non-Enforcement Duty Status - The status during which a police employee of the Department is temporarily deprived of the powers and immunities granted to him as a law enforcement officer. For purposes of compensation, he shall retain his status as an employee of the Department, but shall be assigned administrative, clerical or other non-enforcement duties.

Non-Sustained - The investigation fails to disclose sufficient evidence to clearly prove the allegations made in the complaint. This includes unfounded, exonerated, and not-involved complaints.

Party - The accused, his representative or the prosecutor.

Penalties - Except for summary punishment, the Department's final disciplinary authority rests with the Chief of Police. Any supervisor or Hearing Board may recommend disciplinary

action. Recommend penalties may include, but are not limited to:

- a. Written Reprimand
- b. Loss of Regular Leave
- c. Transfer
- d. Fine
- e. Suspension
- f. Loss of Annual Leave
- g. Other action which would be considered a punitive measure.
- h. Loss of Police Powers
- i. Demotion
- j. Dismissal

Summary Punishment - Formal disciplinary action which may be taken for minor violations of Department rules, policy, or procedure when:

- a. The officer accepts the punishment recommended by his supervisor and approved by the Chief of Police.
- b. The facts which constitute the minor violation are not disputed.
- c. The employee waives the formal hearing provided for in this Chapter by completing the Waiver of Hearing Board and Acceptance of Summary Punishment form.

Suspension - The penalty by which a police employee of the Department is, for the purposes of compensation, deprived of his status as an employee of the Department for one or more consecutive calendar days. Consecutive days may be interrupted as required, by mandatory appearances before courts, regulatory agencies or administrative bodies.

Sustained - A finding that an investigation disclosed sufficient evidence to substantiate the allegations made in the complaint.

Transfer - The Chief of Police has the authority “...to regulate the competent and efficient operation and management of a law enforcement agency by any reasonable means including, but not limited to, transfer and reassignment where the action is not punitive in nature and where the chief determines that action to be in the best interest of the internal management of the law enforcement agency...” (Public Safety Article, title 3-102(c), of the Annotated Code of Maryland. Transfers resulting from the imposition of disciplinary action must be administered only in accordance with the provisions of the Law Enforcement Officers Bill of Rights.

A. Citizen Complaint Processing

1. All citizen complaints, originating outside of the Department, against employees of the Department shall be processed as directed in this Section. The employee first acquiring knowledge of the complaint will immediately notify his/her supervisors or the patrol supervisor on duty. The supervisor on duty will contact the Chief.
2. A Complaint Against Personnel Report will be initiated and all pertinent information will be recorded on the report. Complaints registered against an employee of the Department by either civilians or Department employees not authorized to exercise supervisory or administrative control over the employee involved, shall be recorded on a Complaint Against Personnel Report. Supervisory personnel may initiate an immediate investigation if such is warranted.
3. The Complaint Against Personnel Report will then be placed in an envelope, sealed, and given to the Chief. The Chief will review the Complaint Against Personnel Report and any additional related reports and if appropriate forward to the Sergeant for assignment of an Internal Affairs case number and investigation.
4. Verbal complaints of misconduct by citizens will be documented by the receiving officer as if such complaints were made in writing. Serious complaints should be supported by a written statement by the complainant. If the complainant refuses to document the complaint, and the allegation, if factual, would constitute misconduct, the receiving officer will document the complaint in writing, on the Complaint Against Personnel Report.
5. All alleged acts of misconduct or violations of any Department rule, policy, or procedure must be investigated and the results of such investigation acted upon, consistent with the Chief of Police's prerogative to disregard trivial or chronic complaints which he deems unsubstantiated.
 - a. Nothing precludes the Department from investigating allegations against employees from whatever source received, consistent with the law when it is determined that such investigation is in the best interest of the Department.
 - b. Anonymous complaints should not, per se, be excluded from investigation. Efforts should be made to gain the cooperation of the complainant. Many anonymous complaints, by their very nature, are difficult to substantiate; yet, this should not preclude a preliminary inquiry into the matter. Where possible, a preliminary investigation into the complaint will be made. The investigation will be terminated when no additional evidence can be obtained. The case will be documented and the

officer may be informed of the nature of the complaint and the result of the investigation.

6. Any Department employee who subjects a complainant or witness to harassment, shall be subject to appropriate disciplinary action. This in no way, however, prohibits the right of an officer to bring suit arising out of his duties as a police officer.

B. Employee Complaint Processing

1. Any employee desiring to file a complaint against another employee of the Department of the same or superior or classification, may submit the complaint directly to the Chief of Police. Such complaints must be submitted in writing and signed by the employee initiating the complaint.

C. Brutality Complaint Processing

1. A complaint against a law enforcement officer, alleging brutality in the execution of his duties, may not be investigated unless the complaint be duly sworn to by the aggrieved person, a member of the aggrieved person's immediate family, or by any person with first hand knowledge obtained through presence at and observation of the alleged incident, or by the parent or guardian in the case of a minor child, before an official authorized to administer oaths. An investigation which could lead to disciplinary action for brutality may not be initiated and an action may not be taken unless the complaint is filed within ninety days of the alleged brutality.
2. When a complainant fails to swear to a brutality complaint, he will be advised that pursuant to law, the Department may not investigate an allegation of brutality unless sworn to, and an effort will be made to obtain the cooperation of the complainant. If the complainant still refuses to swear to the complaint of brutality and the allegation, if factual, would constitute misconduct, the receiving officer will document the complaint on a Complaint Against Personnel Report. The report will contain a notation that the complainant refused to swear to the complaint of brutality and will allege a specific act of misconduct other than brutality, e.g. unbecoming conduct, mistreatment of persons in custody, unnecessary use of force, etc. Such complaints will be processed in the same manner as other citizen complaints.

D. Supervisory Disciplinary Action Procedures

1. Before taking disciplinary action against an employee, the Chief of Police will be certain that:

- a. The problem is documented in writing.
 - b. The employee is provided a completed Notification of Complaint - Waiver of Rights prior to requesting a written report, and the opportunity to consult with counsel or other responsible representative of his choice prior to submitting the report. The form should clearly state that the recipient is the subject of an investigation, and clearly include the nature of the investigation.
 - c. A detailed report is obtained from the employee, if necessary.
 - d. A supervisor has obtained additional information when needed and either prepared a report or an endorsement to the employee's report assessing essential facts and identifying chargeable violations that have been substantiated.
 - e. The Chief of Police will review all related reports and if charges are to be preferred, an Internal Affairs case number will be obtained before preparing charge sheets.
2. The Notification of Charges Form, will be completed with only one charge on each sheet. Each charge will be supported by a reference to a rule of conduct or a policy or procedure in the Department Manual or to some other official order or directive of the Department. Each charging document must be numbered sequentially and referred to by number in all related documents. To the extent that specific language in Section I of this Chapter, "Rules of Conduct," accurately describes the offense allegedly committed by an employee, that language should be used in all documents used to process a disciplinary action and in any subsequent personnel orders. Offenses not specifically cited in Section I should be describes in the language of the particular procedure, directive, etc., violated. The charge should describe only the offense committed; portions of the rule, procedures, or directive containing irrelevant or extraneous language will not be cited. For example, employees are prohibited from divulging information or acting as an official spokesman for the Department in matters affecting the official business of the Department without prior approval. Supposing an employee had given investigative information to the local newspaper without first obtaining permission and as a result, his supervisor chose to initiate disciplinary action, the text of the charge being brought against the employee should appear as follows: "An employee shall not...divulge investigation...either in an official or unofficial capacity without first having obtained permission from his commanding officer." The charge addresses the specific offense committed by the employee and excludes other offenses included within the rule but not relevant to the instant case.
3. The fact of the case will be reviewed in depth by the Chief of Police and he will

determine whether to proceed with summary punishment or to defer the case to the hearing board.

E. Formal Counseling of Police Employees

1. Inappropriate behavior or minor infractions of Department policy by a Department police employee which if continued or repeated may result in disciplinary action, will be documented by using a Personnel Counseling Record Form, at a formal counseling session.
2. As a general rule, a formal counseling session will be held as soon as possible following such inappropriate behavior or the conclusion of an investigation disclosing a minor infraction of Department policy. The session may be conducted by the person assigned as the employee's supervisor at the time of infraction or may be conducted by the Chief of Police or his designee with the employee's supervisor present. The particular incident will be discussed in the employee's actions. The employee will be given the opportunity to state his views on the matter and to suggest corrective action to prevent future occurrences. At the completion of the counseling session, the employee's supervisor, the Chief of Police or his designee will recommend a course of action designed to help the employee improve in the specific areas address or avoid recurrence.
3. At the conclusion of the formal counseling session, the employee's supervisor will prepare the Personnel Counseling Record in duplicate. The police employee will be given the opportunity to review, sign, receive a copy of, and comment in writing upon the Personnel Counseling Record. If an employee refuse to acknowledge receipt of the form, "Refused to Sign" will be recorded thereon. The original will be placed in the employee's personnel file and a copy will be given to the employee.

F. Records and Files

1. A Complaint Against Personnel Master File, titled for purposes of the Law Enforcement Officers' Bill of Rights, the "Internal Investigation File," will be securely maintained by the Sergeant in case control number sequence. The file will contain the following:
 - a. Complaint Against Personnel Master Ledger containing the following:
 - (1) Case Control Number
 - (2) Name of employee involved
 - (3) Date and time received

(4) Name of complainant

(5) Nature of complaint

(6) Date and time of incident

(7) Final disposition

b. Copies of Complaint Against Personnel Reports, and all related investigative reports and forms concerning findings.

2. In determining whether any portions of a file should be excluded from review, one must consider whether the disclosure of that portion of the investigation would:

a. Interfere with a valid and proper law enforcement proceeding.

b. Deprive another person of a right to a fair trial or to an impartial adjudication.

c. Constitute an unwarranted invasion of personal privacy.

d. Disclose the identity of a confidential source.

e. Disclose investigative techniques and procedures.

f. Prejudice an ongoing investigation.

g. Endanger the life or safety of any person.

3. The internal Investigative files are available for review, but only to the employee who is the principal in an investigation and those employees who supervise that employee's work.

4. Confidentiality

a. All records, forms, files, correspondence and related material that are part of an administrative investigation are confidential. Only those personnel concerned with the actual process of the administrative hearing and report review shall have access to information developed during an Internal Affairs investigation.

b. Inquiries from the news media or other interested persons concerning routine Department disciplinary matters will be referred to the Chief of Police. The Chief of Police may release the employee's name, the nature of the charges and their resolution,

the recommended penalty. Those cases likely to generate a high level of public interest, those involving life threatening situations, criminal charges, and those in which the Department is seeking demotion or dismissal will be referred to the Chief of Police.

G. Expungement of Files

1. The Law Enforcement Officers' Bill of Rights provided for expungement of any record of a formal complaint if:
 - a. The officer has been exonerated of all charges in the complaint or the charges are determined to be un-sustained or unfounded; and
 - b. Three years have passed since the findings were rendered by the law enforcement agency.
2. To comply with the expungement requirements of State Law, the following procedure will govern expungement from Internal Affairs files:
 - a. The Department will expunge records of formal complaints which are classified as non-sustained as soon as practical after the termination of the three year time limit.
 - b. Any member who does not want his non-sustained records of formal complaint expunged must notify the Chief of Police no later than thirty(30) days after the end of the three year time limit.
 - c. A record of a formal complaint will be expunged when there is civil litigation pending, if the officer makes a written request.

A. Investigation Process

An internal investigation is considered to be completed when the complainant and witnesses have been thoroughly interviewed, Department members have been questioned, all the physical evidence has been competently examined, all logical leads have been fully explored and the case has been comprehensively, accurately and clearly reported.

1. Complainant - The complainant should be personally interviewed and all possible identifiers recorded.
 - a. The primary goal of any interview is to arrive at the truth. Every relevant fact known to the complainant should be determined.
 - b. Those questions so often mentioned in the investigation process: who, what, when, where, why, and how, should be precisely addressed.
 - c. Formal tape recorded statements of the complainant's interview should be taken whenever possible.
 - d. Determine if the complainant can be satisfied at the initial stage of the investigation. Frequently, the complainant does not wish an investigation, but merely an explanation. Chief of Police will decide whether or not to continue processing the complaint; otherwise,
 - e. Leave the complainant with the knowledge that a full and fair investigation will be conducted, and that the complainant will be notified of the results.
2. Witnesses
 - a. Whenever possible, all witnesses involved in the matter under investigation should be personally interviewed, and depending on the type or severity of the complaint, tape recorded statements should be obtained.
 - b. Specific and detailed questions should be asked.
 - c. The motivation of the witness should be sought, such as his relationship with the complainant or Department employee.
 - d. Personal identifiers should be obtained.

3. The Investigation

a. Gathering Reports

- (1) Department Records - The examination of Department records by the investigator is basic to any investigative effort. Numerous leads may be found in Department records:

- Offense Report
- Arrest Reports
- Incident Reports
- Department Logs - Radio, Telephone, etc.
- Patrol Schedules
- Personnel Records
- Field Observation Reports

- (2) Non-Department Records - The investigator should examine the records and documents of all agencies and organizations that may furnish investigative information:

- Reports from Other Police Departments
- Hospital Records
- Physicians Reports
- Jail Records
- Court Transcripts

- (3) All original reports, Department records, and related documents relevant to the investigation will be gathered and preserved by the investigator in an expeditious manner. Written permission or a subpoena may be required to obtain certain records, e.g. physician, hospital. Where written permission is required, the individual whose records are desired will be requested to complete an Authorization Release of Information Form. A copy of all documents obtained by the investigator under this subsection will remain with the original case file.

4. Physical Evidence

The investigation effort expended on all internal investigations should at least be equal to the effort expended in the investigation of crimes where a suspect is known. The investigations should employ all available investigative tools that can be reasonably used to determine the facts and secure necessary evidence during the internal investigation.

- a. Alcohol - Blood, Breath, Urine - Department employees may be required to submit to blood alcohol tests, blood, breath or urine tests, for controlled dangerous substance. (Public Safety Article, Title 3-104).
- b. Clothing - Accepted investigative techniques shall be followed; however, when the officer is the victim, damaged uniforms or Department equipment should be preserved.

c. Documents and records:

- (1) Motor Vehicle Administration
- (2) Telephone Bills
- (3) State Licenses; i.e., real estate, medical, banking, etc.
- (4) Search warrants and affidavits
- (5) Department Records

d. Photograph:

- (1) Of Complainant - ID photos at the time of the complaint (brutality), etc.
- (2) Department Employee - If the employee is the victim, or is injured.
- (3) For Identification - A six photo spread for identification of Department employees. Retain photo spread as evidence. (Photos used should be recent ones).
- (4) Of the scene, if it is considered necessary.

5. Polygraph/CVSA

- a. Polygraph/CVSA examinations of Department members will be in accordance with Public Safety Article, Title 3-104.

- (1) Employees may voluntarily submit to polygraph/CVSA examinations. However, results of voluntary exams are not admissible in administrative hearing.
- (2) Employees may be ordered to submit to polygraph/CVSA examinations. On these occasions, the results of the examinations cannot be used as evidence in any administrative hearing
- (3) The results of polygraph/CVSA examinations are not admissible in criminal

proceedings, even by stipulation.

- (4) The law enforcement officer's representative need not be present during the actual administration of a polygraph/CVSA examination by a certified polygraph/CVSA examiner, if the questions to be asked are reviewed with the law enforcement officer or his representative prior to the administration of the examination, the representative is allowed to observe the administration of the polygraph/CVSA examination, and if a copy of the final report of the examination by the certified polygraph/CVSA operator is made available to the law enforcement officer or his representative within a reasonable time, not to exceed ten days after the completion of the examination. Public Safety Article 3-10.

6. Sketches - May be appropriate to supplement photographs.

7. Statements - Statements are evidence and must be preserved as such.

- a. Department employees - Generally the interview of Department employees is accomplished after the complainant and all witnesses have been interviewed. However, this is determined by the character of the complaint and remains the option of the investigator.

- (1) Department employees subject to interrogation will be notified in writing of the nature of the investigation before any interrogation. The interrogation of Department members will be conducted in compliance with the provisions of the Law Enforcement Officers Bill of Rights, Public Safety Article, Title 3-104.

- (2) Department employees may be required to submit reports detailing the facts concerning their involvement in an incident.

- b. When an employee of the Department is required to submit a detailed report concerning an incident in which he is alleged to have been involved and the authority ordering the report knows or should have known, the report is likely to contain information that may be used as evidence against the employee in a disciplinary hearing, the report is considered a form of interrogation. For this reason, guarantees provided by the Law Enforcement Officer's Bill of Rights regarding interrogation are applicable. The authority ordering the report will, at the time of such order, provide the employee with a completed copy of Notification of Complaint - Waiver of Rights Form and allow sufficient time for the employee to consult with counsel or other responsible representative of his choice prior to submitting the report. The form should clearly state that the recipient is the subject of an investigation, and clearly include the nature of the investigation. Excepted are certain procedural reports required by Department rule or policy. The original form will be attached to the report of investigation.

- c. If the officer ordering the report has reason to believe that criminal charges could be brought against the employee, then the official shall, at the time of such order, also provide the employee with an Explanation of Miranda Rights. The original of this form will be attached to the report of investigation concerning the incident.
8. Weapons - All evidence regarding firearms will be treated in accordance with established procedures. However, if a weapon is used by an employee, the following should be determined:
- a. Is it an approved weapon?
 - (1) Department issue
 - (2) Primary or secondary weapon.
 - b. Is the ammunition Department approved?
 - c. Condition of the weapon. Complete description of weapon; i.e. make, model, caliber, serial number, etc.
 - d. Was the officer qualified to use that particular weapon?

B. Interrogation Procedures

1. All interrogations must be conducted in accordance with the Law Enforcement Officer's Bill of Rights.
 - a. Prior to any interrogation, the investigator assigned the case shall be responsible for completing a Notification of Complaint - Waiver of Rights Form. The original copy will be signed by the officer being interrogated and placed in the original case file. A copy will be given to the accused.
 - b. Every officer under investigation, who is to be interrogated for any incident which could lead to disciplinary action, will first be allowed to read or will have read to him a complete copy of a Notification of Complaint - Waiver of Rights Form. The form should clearly state that the recipient is the subject of an investigation, and clearly include the nature of the investigation. It shall be the responsibility of the investigating officer to complete the form prior to any interrogation of the accused. If the employee desires to waive the rights afforded him by the LEOBR, he shall so indicate by signing his name, rank, and ID number in the place provided. Also, those rights which the

employee chooses to retain shall be noted in the space provided on the form. The investigating officer must be certain that the employee is given this opportunity to waive or retain his rights before any statement can be taken. The original copy of the form will be signed by the accused and placed in the original case file. A copy will be given to the accused.

c. Every police employee under investigation for a violation of Department rules, policy or procedure may be required to submit to blood alcohol test; blood, breath, or urine tests for controlled dangerous substance; polygraph/CVSA examinations; interrogations; or submit detailed reports which specifically related to the subject matter of the investigation. (Some reports may have to be prefaced by a "Notification of Complaint/Waiver of Rights") The results of such blood alcohol test; blood, breath, or urine test for controlled dangerous substance; polygraph/CVSA examination; interrogation; or contents of a detailed report, are not admissible in any criminal proceedings against the police employee when he has been ordered to comply. The results of a polygraph/CVSA examination may not be used as evidence in any administrative hearing when the police employee has been ordered to submit to such an examination by the Department unless the Department and the police employee mutually agree to the admission of the results. Such an interrogation, examination, or test must be prefaced by advising the accused of certain rights:

- (1) Information supplied through his answers will not be used against him in subsequent criminal proceedings
- (2) His refusal to cooperate in the investigation could ultimately lead to his dismissal.

The accused must be advised that failure to cooperate in the investigation or to submit to a blood alcohol test; a blood, breath, or urine test for controlled dangerous substance; a polygraph/CVSA examination; an interrogation; or submit a detailed report which specifically relates to the subject matter of the investigation is itself a violation of the rules of conduct of the Rising Sun Police Department and constitutes for disciplinary action.

d. A law enforcement officer's representative may be permitted to be present during the administrative of a polygraph/CVSA examination if the physical facilities will allow for it and if his presents will not, in the opinion of the polygraph/CVSA examiner, disrupt the examination. For the purpose of this subsection, "presence" means that the representative may be constructively present during the examination, viewing it from outside the examination room, e.g. through a one-way mirror, or physically present in the room. If the facilities are such that the law enforcement officer's representative cannot be present without disrupting the examination, then he may be excluded, but in these instances:

- (1) All substantive questions concerning the offense which will be asked during the examination will be made available, on request, to the accused or his representative.
 - (2) The polygraph/CVSA examination shall be tape recorded and the tape, including pretest and post-test phases, shall be made available on request to either the law enforcement officer or his representative, and
 - (3) The polygraph/CVSA examiner will make available to the accused or his representative within a reasonable time, but not more than ten (10) days following the completion of the examination, a copy of all reports written by the examiner concerning the examination.
- e. During an internal investigation, any officer, regardless of rank, may be required by the investigator to submit a statement and answer all questions which specifically relate to the subject matter of the investigation.
 - f. If the police employee under interrogation is also under arrest, or is likely to be placed under arrest as a result of the interrogation, he shall be completely informed of all his rights prior to the commencement of the interrogation. The words "all his rights" include hid constitutional rights, the Miranda Warnings, as well as any other right granted by statute, ordinance, or Department regulation.
 - g. At the request of any law enforcement officer under interrogation, the officer shall have the right to be represented by counsel or any other responsible representative of his choice who shall be present and available for consultation at all times during the interrogation, unless waived by the law enforcement officer. The interrogation shall be suspended for a period of time not to exceed ten (10) days until representation is obtained. However, the investigator for good cause shown within that ten (10) day period, can extend that period of time.

Counsel may be an attorney, employee of this Department, or any other responsible individual or employee organization chosen to represent the accused, excluding members of the hearing board, or Chief of Police.
 - h. The law enforcement officer under investigation shall be informed of the name, rank, and command of the officer in charge of the investigation, the interrogation officer, and all persons present during the interrogation. All questions directed to the officer under interrogation shall be asked by and through one interrogator during any one interrogating session.
 - i. The interrogation shall be conducted at a reasonable hour, preferably at a time when the accused is on duty, unless the seriousness of the investigation is such that an immediate interrogation is required, but these conditions may be waived by the accused.

- j. The interrogation shall take place either at the police department or at any other reasonable and appropriate place designated by the investigating officer unless otherwise waived by the accused.
- k. The data and time that the interrogation is begun, all interruptions, and the time the questioning is terminated shall be recorded. Interrogation sessions shall be for reasonable periods and shall be timed to allow for any personal necessities and rest periods as may be reasonably necessary.
- l. The law enforcement officer under interrogation may not be threatened or coerced (e.g., with transfer or dismissal) in any manner whatsoever.
- m. A complete record, either written, taped, or transcribed, shall be kept of the complete interrogation, including all recess periods. After the investigation has been completed, and upon request of the police employee under investigation or his counsel, a copy of the record of his interrogation shall be made available, not less than ten (10) days prior to any hearing.

C. Report Format

To assure uniformity of internal investigation reports, the following format will be used.

- 1. Internal investigative reports will be prepared using the detailed report format illustrated in Chapter 3 of the manual.
- 2. The completed investigation case file will be compiled in the following manner:
 - a. Complaint Against Personnel Report
 - b. Report of Investigation
 - c. Appendices:
 - (1) Statement of complainant, if different from that of the victim.
 - (2) Statement of victim, if different from that of the complainant.
 - (3) Statement of witnesses.
 - (4) Notification of Complainant Form, if applicable
 - (5) Detailed Report

- (6) Explanation of “Miranda” Rights if applicable
- (7) Other statements/detailed report.
- (8) Additional Exhibits - Photographs, diagrams, charts, etc.

D. Report Flow

An investigation should be completed and the initial report prepared within thirty days of assignment. Certain classes of cases will require more prompt attention, while others may justify an extension.

A. General Provisions

1. The Chief of Police will be responsible to administer disciplinary action against police employees within the Department as described below.
2. An emergency suspension of an employee's police powers may be imposed when it is deemed to be in the best interest of the public and the law enforcement agency Public Safety Article, Title 3-112 of the Annotated Code of Maryland. Such a suspension may be imposed against a law enforcement officer only by a supervisor superior in rank. Concurrence of the Chief of Police of such an action will be obtained as soon as possible through channels. When an employee's police powers have been suspended his Department issued firearm, badge, Rising Sun Police Department identification card, Maryland police officer certification card, and assigned vehicle will remain in the custody of the Chief of Police and the employee will not exercise police authority.
3. Actions involving the suspension of police powers are generally related to disciplinary matters, however such a suspension may also be imposed in the best interest of the employee, the Department and the public for issues related to medical and/or psychological consideration. Where an employee's police powers are suspended for medical/psychological reasons, not associated with the disciplinary process, an emergency suspension review hearing is not required. Instead, these cases will be promptly reviewed by the Department Physician and, when necessary, referred to an appropriate specialist to obtain a fitness for duty evaluation.
4. The Chief of Police shall arrange for the convening of an emergency suspension review hearing board in all cases relating to suspensions involving the disciplinary process. The suspended employee will be ordered to appear for the suspension review hearing to determine if the suspension will be terminated or continued pending disposition of the charge(s). This suspension review is in addition to the hearing on the merits of the charges as provided for in Public Safety Article, Title 3-107, of the annotated Code of Maryland.
 - a. The Chief of Police or his designee shall promptly conduct an emergency suspension review hearing.
 - b. An employee whose police powers have been suspended may choose to waive the review hearing. This waiver must be documented in writing utilizing an Emergency Suspension/Waiver of Hearing Form and submitted to the Chief of Police or his designee prior to the review hearing.
 - c. The review board will be comprised of three members, at least one of which shall be the same rank as the suspended employee.

- d. The review board shall conduct the hearing in order to formulate recommendations to the Chief of Police regarding the emergency suspension. The board shall limit the subject of its review to determining if the continuation of the suspension of police powers is necessary to protect the interest of the public or the Department pending final disposition of the charge (s). The board shall also consider whether other assignment of leave status alternatives should be considered. At this review the employee may:
 - (1) Be accompanied by counsel; however only matters dealing directly with the determination of the suspension will be heard.
 - (2) Rebut the reason(s) given for the suspension.
 - (3) Present mitigating testimony
 - (4) Suggest alternatives to suspension.
 - e. The presenter of facts will present information to the review board and will make recommendations concerning the employee's leave status, temporary assignment during the period of suspension and/or whether the suspension should continue with or without pay.
 - f. An emergency suspension of police powers without pay may only be imposed when the suspended employee has been charged with the commission of a felony.
 - g. The hearing will be tape recorded. At the conclusion of the hearing the tape will be sealed in an envelope and forwarded to the Sergeant for retention and inclusion in the investigative case file if any.
 - h. At the conclusion of the hearing the commissioned officer conducting the review will advise the employee that the suspension will continue pending the Chief of Police's decision and that the employee will be notified of the decision in writing.
 - i. The Chairman of the Review Board will ensure that the report containing the Board's recommendations will be completed and forwarded to the Chief of Police expeditiously.
5. After reviewing the Board's report the Chief of Police may concur, amend or reverse the recommendation. The Chief of Police shall decide whether to continue the suspension and whether it will be with or without pay. When the decision has been made, the Chief of Police will ensure that a copy of a personnel order containing the details of the suspension will be issued and promptly delivered to the employee.
6. The original Review Board Report, along with the Chief of Police's endorsement, shall be placed in the Internal Affairs case file for retention.

7. An employee whose police powers have been suspended shall not exercise police authority until those powers have been restored by the authority of the Chief of Police.
8. In any case of disciplinary action arising out of supervisory responsibilities, an Internal Affairs case control number will be assigned before charges are placed.
9. Charges may be preferred by the Chief of Police or a supervisor under his command. Notification of Charges Form will be complete with only one charge on each sheet . Each charge will be supported by a reference to a rule of conduct or a policy or procedure in the Department manuals or to some other official order or directive of the Department. Each charging document will be numbers and charges referred to by their corresponding number in all related documents. To the extent that specific language in Section I of this Chapter “Rules of Conduct” accurately describes the offense allegedly committed by an employee, that language should be used in all documents used to process a summary action and in any subsequent Personnel Orders. Offenses not specifically cited in Section I should be described in the language of the particular procedure, directive, etc., violated.

Charges should describe only the offense committed; portions of the rule, procedure, or directive containing irrelevant or extraneous language will not be cited.

10. The facts of the case will be reviewed in depth by the Chief of police and a determination made by him whether to proceed with summary punishment or to defer the case to the hearing board. All charges arising out of a single incident shall be disposed of in the same manner.
11. A hearing arising from administrative charges must commence promptly after the date of the order assigning the members of the hearing board. After the initial hearing has been set, the date may only be postponed by the chairman of the hearing board on presentment of good and substantial reason by either party.

B. Summary Punishment

1. Procedure
 - a. In all cases when a law enforcement officer is charged with a violation of Department rules, policy, or procedure, such charges may be heard by the hearing board. If the Chief of police considers the charge placed against one of his subordinates to be minor, he may allow the accused to elect to have these charges disposed of by summary punishment. In no instance, however, may the accused choose summary punishment unless the Chief of Police approves of such a course of action.
 - b. The authority to impose summary punishment charges the Chief of Police with the responsibility of exercising his authority in a fair and judicious manner. The Chief of

Police must ensure that the case investigator promptly provides sufficient information to make an appropriate disposition of the incident. The investigation should reveal:

- (1) whether an offense was committed.
 - (2) Whether the employee was involved in the offense.
 - (3) The disciplinary record of the employee
 - (4) Recommendations as to sustained or non-sustained findings.
- c. Any decision, order or action taken as a result of summary punishment shall be accompanied by finding of fact. The findings shall consist of a concise statement of each issue in the case.
- d. If the accused is given the option of choosing the hearing authority, he must make his choice within three days after he receives the Notification of Charges Form, and if he elects summary punishment, he shall complete the Waiver of Law Enforcement Officers Bill of Rights and Acceptance of Punishment Form. The failure of the accused to select the hearing authority and to submit this form within three days shall be considered his waiver of summary punishment and the Chief of Police shall process the case in accordance with the procedure specified in the subsection entitled "Hearing Board."

2. Penalty Assessment Guide

- a. In order to assure uniformity and objectivity in the assessment of penalties for summary punishment offenses, the Chief of Police has established a Penalty Assessment Guide. Penalty ranges for such offenses are limited to a maximum of \$150 fine and/or suspension or loss of leave for three days. The guide will list all of the various offenses, along with the recommended penalty for each infraction.
- b. The Penalty Assessment Guide provides the following categories of offenses and corresponding penalties:

CATEGORY I - WRITTEN REPRIMAND, UP TO A \$50 FINE, OR LOSS OF LEAVE/SUSPENDED FOR ONE DAY

Insubordination:

Failure to follow chain of command.

Conformance to Laws:

Violation of Traffic Laws On-Duty.

Violation of Traffic Laws Off-Duty.

Department Communications:

Failure to submit required reports.

Late Reports.

Use of Department telephone, or FAX machine for personal calls.

Unauthorized use of computer/internet services.

Failure to maintain acceptable appearance.

Neglect of Duty:

Punctuality (assignments, court, etc.).

Inattentiveness to Duty (watching TV, reading, games).

Department Equipment:

Failure to Maintain.

Damage to.

Loss of Department Equipment.

CATEGORY II - \$50 TO \$100 FINE OR LOSS OF LEAVE/SUSPENSION FOR TWO DAYS

Unbecoming Conduct:

Conduct On-Duty.

Conduct Off-Duty.

Criticism:

Ridicule of RSPD/Other Agencies

Secondary Employment:

Unapproved Secondary Employment.

Department Communications:

Failure to maintain radio contact.
Inaccurate reports.

Courtesy:

Rude/Discourteous/Argumentative.
Obscene Language/Gesture.

Identification:

Failure to furnish Name/I.D./Assignment

Department Equipment:

Off-Duty Misuse of Vehicle.

CATEGORY III - \$100 to \$150 FINE, OR LOSS OF LEAVE/SUSPENSION FOR THREE DAYS

Insubordination:

Failure to obey order.

Reporting For Duty:

Failure to log On/Off and In/Out.

Personal Appearance:

Fictitious Illness or Injury Reports:

Abuse of sick leave.

Evidence Found And Recovered Property:

Failure to secure.

Suggestions Pertaining To Service:

Recommending product/professional service to public.

Requests For Assistance:

Failure to assist/advisee public Intervening in a civil case.

Citizen Complaints:

Failure to accept complaint.

Neglect of Duty:

Sleeping On Duty.

Use of Alcoholic Beverages:

Failure to obtain permission to consume on duty.

**HEARING BOARD - REFLECTS THOSE OFFENSES RECOMMENDED FOR
REVIEW BY A HEARING BOARD**

Associations:

Association with criminal element.

Immoral Conduct:

Moral turpitude

Conformance To Laws:

Violation of criminal laws on-duty.

Violation of criminal laws off-duty.

Perjury.

Driving while intoxicated.

Payment of Debts:

Refusal to pay debts.

Abuse of Position:

Using official position for personal/financial gain.

Seeking or Accepting Gifts/Gratuities/Bribes:

Seeking or accepting Gifts/Food/Drink/Fee/Reward On-Duty.

Seeking or accepting Gifts/Food/Drink/Fee/Reward Off-Duty.

Seeking or Accepting Contributions On-Duty.

Seeking or Accepting Contributions Off-Duty.

Interrogations:

Failure to comply with interrogations/polygraph/CVSA/urine specimens/line-ups/other test.

Reporting For Duty:

Unfit for duty.

Absent without Authorized Leave.

Interference With Duty:

Interfering with criminal/traffic cases.

Revealing identity of plainclothes/covert investigator.

Abuse of Processing/Withholding Evidence:

Withholding evidence or information.

Evidence Found and Recovered Property:

Converting to own use Tampering/Destruction of.

Demonstration of Discrimination/Harassment:

An expression, in any form, of discrimination or prejudice, such as, but not limited to all forms of discrimination or prejudice, such as, but not limited to all forms of illegal prejudice, expressions of racial/ethnic/religious insults and epithets, gender based derogatory comments and sexual harassment.

Retaliation against reporting is also covered.

Neglect of Duty:

Failure to take police/administrative action.

Use of Alcoholic Beverages:

Drinking On-Duty.

Authorized alcohol consumption, but consumed to excess.

Consuming alcohol in on-call status.

Political Activity:

Unauthorized political conduct On-Duty/Off-Duty.

Labor Activities:

Job Action/Strike.

Department Communications:

Failure to report criminal activity.

False reports.

Providing Department information to unauthorized parties.

Possession of alcohol on Department premises.

Consuming alcohol beverages while operating Department vehicle.

Use of Drugs:

Possession of CDS.

Treatment of Persons in Custody:

Mistreatment of prisoner.

Allowing escape of prisoner.

Use of Force:

Unnecessary or excessive.

Brutality.

Firearms:

Discharge of Firearms Indiscriminate/Careless/Display or Use.

Incompetence:

Performance of duties.

- c. Supervisors should adhere to the penalties listed for each offence. The guide is structured to take into account such factors as repeat offenders and the frequency of offenses committed by an individual. However, the Penalty Assessment Guide is just as its name implies, a guide, and not an absolute directory. Although occasions to deviate from the guide should be rare, supervisors may, with adequate justification, choose a penalty assessment different from that recommended by the guide, after consulting with the Chief of Police. If an employee has been charged with two violations of the same offense within one year, he should be subjected to the penalties of the next higher category or the case should be sent to a hearing board, whichever is appropriate.

3. Penalty Selection

- a. If the officer of summary punishment is considered appropriate, following current investigative and administrative procedures as outlined in Chapter 5, Section V, Subsection B, then the Chief of Police will determine an appropriate penalty.
- b. Once a decision is made, the Chief of Police or his designee will properly complete the Notification of Charges Form including the specific charge and facts used to support that allegation. A copy of the completed Notification of Charges Form will be presented to the accused. At this time, the accused may be offered summary punishment or advised summary punishment is not appropriate and the case will be heard by a hearing board.
- c. The accused is not compelled to accept summary punishment and penalty and may demand the case be heard by a hearing board. The accused employee's decision will be made according to policy contained in this subsection.
- d. In case where summary punishment is not offered or where it is offered and refused, the case file and completed Notification of Charges Form will be forwarded directly to the Department's Legal Advisor for processing and review.

4. Case Flow

- a. After the Chief of Police's disposition, the original case file, Notification of Charges/Waiver of Law Enforcement Officers Bill of Rights and Acceptance of Punishment Form will be filed in the Internal Affairs case file.
- b. The Chief of Police shall prepare an appropriate order announcing the disciplinary action and designated dates of suspension or loss of leave in accordance with dates specified on the Notification of Charges/Waiver of Law Enforcement Officers Bill of Rights and Acceptance of Punishment Form.
- c. Records of Disciplinary Action of any case disposed of through summary punishment may be filed in the affected employee's personnel file without his consent.
- d. After final disposition, the Chief of Police shall give a completed copy of the Notification of Charges Form to the accused.

C. Hearing Board

The rules and regulations in this subsection define policy for the imposition of discipline within the Department. These rules and regulations are guides for handling disciplinary action and generally should be followed. In unusual situations not covered by these rules and regulations, or where strict adherence to these rules would work an injustice, deviations from the rules and regulations are permitted. The hearing board chairman and other members of the board should be flexible and should not apply these rules, regulations and rules of evidence mechanically.

1. Jurisdiction

- a. It shall be the function of the hearing board to hear all charges against a law enforcement officer not disposed of by summary punishment. Hearing will be conducted pursuant to the Administrative Procedures Act as modified by the Law Enforcement Officers Bill of Rights. Charges should describe only the offense committed; portions of the rule, procedure, or directive containing irrelevant or extraneous language shall not be cited. Charges should be prepared as described in the example appearing in the subsection relating to summary punishment.

2. Organization

- a. The Chief of Police will serve as the permanent chairman of the hearing board.
- b. The permanent chairman of the hearing board shall appoint from the total uniform

complement of the Department, or from another agency with the approval of the chief of that other agency, a not less than three member board, one of whom shall be of a rank equal to the accused. The permanent chairman, in his discretion, may serve as a sitting member of any such board. No member of the hearing board may have participated in the investigation or interrogation of the accused law enforcement officer.

- c. When an employee has been offered summary punishment, but elects to have a hearing, the permanent chairman will convene a one member or more hearing board. If a single member hearing board is convened, that member need not be of the same rank as the accused. The prosecutor for a single member hearing board shall be appointed by the Chief of Police.

3. Case Preparation

- a. If the accused elects to have the case tried before a hearing board; the case file, including the Notification of Charges Form will be forward to the Department Legal Advisor for review, with a recommendation from the Chief of Police to appoint a prosecutor. The investigating officer must not be recommended for prosecutor if he will be a witness at the hearing. In every instance in which the recommended penalty is dismissal, the case will be prosecuted in conjunction with the Department Legal Advisor.
- b. After reviewing the case file, the Department Legal Advisor may indicate that the facts contained in the investigation are insufficient to sustain the charge being filed against the accused, and so state the reasons for such insufficiency. The case file and a copy of the Legal Advisor's endorsement will be maintained in the Internal Affairs file. In any instance when the Department Legal Advisor decides not to proceed with a case, the accused shall be notified by the Chief of Police of their decision.
- c. The Department Legal Advisor may, after reviewing the case file, find that, although sufficient merit exists for prosecution, additional information is needed to further prepare the case for the Hearing Board. In this instance, the case file with an endorsement by the Department Legal Advisor requesting supplementary information shall be returned through channels to the Chief of Police with an indication that it should be resubmitted when the investigation has been completed.
- d. When a case is reviewed by the Department Legal Advisor and considered sufficient for prosecution, the Legal Advisor will forward the case file to the permanent chairman of the hearing board and shall forward the Notification of Charges to the Chief of Police or his designee for presentation to the employee. After the employee has signed the Notification of Charges, the Chief of Police or his designee will provide the employee with a copy of each charge and forward the original and remaining copies to the permanent chairman of the hearing board. Notification of Charges will not be presented to the employee until after they have been reviewed by the Legal Advisor.

- e. Upon receipt of the case from the Department Legal Advisor and the signed Notification of Charges from the Chief of Police or his designee, the permanent chairman of the hearing board shall, by special order, appoint a prosecutor and hearing board. The special order accompanied by the case file and copy of the Notification of Charges Form shall be given to the prosecutor. A copy of the special order and the Notification of Charges Form shall also be given to the accused.
- f. Neither the chairman, nor the members of the hearing board, may have access to, be given copy of, nor in any other way be apprised of the contents of the investigative file prior to the commencement of the hearing. Hearing board members shall be privileged only to information contained in the Notification of Charges Form which will be forward to them by the permanent chairman of the hearing board. When the permanent hearing board chairman elects not to participate in a hearing, he will forward his copy of the Notification of Charges to the appointed chairman of the hearing board. However, the accused shall be furnished with a copy of the investigatory file, excluding the identity of confidential sources and recommendations as to charge, disposition or punishment, not less than ten days before any hearing if the officer and the officer's representative agree:
 - (1) To execute a confidentiality agreement with the law enforcement agency to not disclose any of the material contained in the record for any purpose other than to defend the office, and
 - (2) To pay any reasonable charge for the cost of reproducing the material involved.
 - (a) Transcribe tape recording - \$4.50 per page;
 - (b) Photocopy existing documents - \$.50 per page;
 - (c) Duplicate cassette tape recordings (both sides included) - \$5.00 per tape;
 - (d) Duplicate VCR/DVD tape recordings - \$7.00;

Fees collected for the aforementioned reproductions must be forward to the Finance Office of the Town of Rising Sun for deposit in the general fund. When the hearing is concluded, the prosecutor shall deliver the case files to the Chief of Police.

4. Hearing Procedures

- a. When the permanent chairman of the hearing board has received from the Department Legal Advisor a memorandum approving prosecution, he shall act promptly to select a hearing board and shall appoint one member of that board as its chairman.

- b. Both prosecution and defense must exchange the names of all witness to be called and a copy of all documents and any other evidence to be used at least ten days in advance of the hearing date. To facilitate this exchange, the chairman of the hearing board will complete the Notification of Hearing Form, and attach to it a copy of Notification of Evidence and Document Receipt Form. Oral statement or tape record interviews of witnesses to be called at the hearing will be listed on Form 61 and made available to the other party, upon request, at least ten days in advance of the hearing.
- c. The chairman of the hearing board shall forward copies of the Notification of Hearing Form and Notification of Evidence/Document Receipt Form, to both the prosecutor and to the Chief of Police for service on the accused at least fifteen days prior to the hearing date.
- d. Copies of the completed Notification of Evidence/Document Receipt Form and copies of all documents and items listed therein will be delivered by the prosecution and defense to each other and each will certify delivery of the material by signing the Certification Section of the Notification of evidence/Document Receipt Form. If an item of evidence cannot be duplicated, the other party shall be given the right to examine it at a time mutually convenient to both parties. The parties, by agreement, may extend the time for exchanging exhibits. The prosecution and defense shall return a completed copy of the Notification of Evidence/Document Receipt Form to the chairman at least ten days prior to the hearing date. Failure to exchange the required information, documents and other evidence or to return the required forms to the chairman within the specified time without good and substantial reason may result in evidence being excluded.
- e. It will be the responsibility of the accused to contact the chairman of the hearing board if he does not completely understand the information contained on the Notification of Hearing Form, or the Notification of Evidence/Document Receipt Form.
- f. Postponement will be made by the hearing board chairman and all requests shall be directed to him.
- g. Amending Charges - At any time before the verdict, the hearing board chairman may grant a motion to amend charges to conform to the evidence or new charges to be filed. In either case, the accused, if requested, will be granted a continuance to prepare for the amended or new charges.
- h. The chairman of the hearing board shall administer an oath to witnesses who will testify at the hearing. He may also issued summonses to compel the attendance and testimony of witnesses, and the production of books, paper, records and documents as may be relevant or material. These summonses may be served in accordance with the Maryland Rules of Procedure pertaining to service of process issued by a Court, without cost.

However, whenever possible, Department personnel will serve such summonses according to Department procedures. Either party may request the chairman of the hearing board to issue a summons. The acknowledgment of the summonses will be returned to the chairman of the hearing board and be made a part of the case file.

- i. Preliminary Motions - All preliminary motions shall be filed with the chairman at least ten days (excluding weekends and holidays) before the hearing date. The parties must respond to these motions in writing within seven days of the date received. The chairman, in consultation with other members of the board, shall rule on the motion before or at the hearing. Absent a showing of good and substantial reason, preliminary motions will not be considered on or after the hearing date. The chairman in his discretion will decide on a continuance requested as a result of board rulings on preliminary motions.
- j. Plea Bargaining - The prosecutor may engage in plea bargaining at any time prior to or during a hearing. If a plea bargain agreement is reached, approval will be obtained from the Chief of Police and the prosecutor will prepare the Waiver of Rights/Acceptance of Punishment portion of the Notification of Charges Form acknowledging the waiver of rights and acceptance of punishment as described. The prosecutor will then notify the hearing board chairman so that further proceeding may be canceled and will sign and forward the Notification of Charges Form to the Chief of Police. The Chief of Police will then sign and process the Notification of Charges Form following procedures outlined in this chapter.
- k. If the accused employee expresses a desire to plead guilty and proceed on a statement of facts, but desires the hearing board to decide the penalty, the prosecutor will notify the hearing board chairman as to that fact. If time permits, the chairman of the hearing board will notify nonessential witnesses that they will no longer be required to testify. The hearing board will then convene to hear the statement of facts, received the guilty plea, and conduct the penalty phase of the proceeding.
- l. The hearing will be conducted in accordance with the procedures set forth on Disciplinary Hearing Procedures Form.
- m. The chairman conducting the hearing shall administer oaths or affirmations and examine any individual under oath concerning the subject of any hearing conducted pursuant to these procedures.
- n. Cases presented to a hearing board are administrative proceedings and as such are not subject to the same rules of evidence which govern the conduct of criminal proceeding. Although testimony must bear only on facts concerning the instant case, the restrictions applicable to hearsay evidence, written statement, and other forms of evidence in criminal actions, do not apply to administrative hearings.

- o. Every party has the right to cross examine witness who testify, and may submit rebuttal evidence.
- p. The hearing board may take notice of judicially cognizable facts and of general, technical, and scientific facts within its specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity and reasonable time to contest the facts so noticed. A hearing board may be used its experience, technical competence, and specialized knowledge in evaluating the evidence presented.
- q. An administrative hearing is not a judicial proceeding and requires, on appeal, only that the Department's finding be supported by competent, material and substantial evidence and that the action of the board is not arbitrary, capricious or illegal. A majority of the board shall decide the verdict on each charge and any order or action taken as a result of the hearing shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement of each issued in the case. A finding of not guilty terminates the action. If a finding of guilt is made, the hearing board shall reconvene the hearing, receive evidence of the employee's past job performance, matters of extenuation and mitigation and other relevant information and recommend a penalty to the Chief of Police. The prosecutor will be responsible for providing the accused's personnel files to the chairman for board consideration. The findings and conclusion and the written recommendations for action shall be recorded on a Disciplinary Hearing Procedures Form and a copy shall be delivered or mailed promptly to the law enforcement officer. In the case of multiple charges, a separate Disciplinary Hearing Procedures Form will be completed for each form.
- r. The Chairman of the hearing board shall keep an official record of each hearing, which shall become a part of the original case file. The record shall include testimony, exhibits, the exact times the hearing was convened and terminated and the exact times of the beginning and termination of each recess taken during the hearing. The chairman of the hearing board is also responsible for tape recording all hearings. The tapes shall become a permanent part of the record.
- s. No firearms will be permitted in the hearing board room.

5. Disposition

In any proceeding before a hearing board, the accused may be found not guilty on any specified charge and informed of the decision or he may be found guilty on any specified charge and informed of the sentence recommended.

6. Disciplinary Recommendations

- a. After a finding of guilt, the hearing board may review the accused's personnel file and thereafter recommend penalties as it considers appropriate under the circumstances, including but not limited to demotion, dismissal, transfer, loss of pay, reassignment, or other similar action which would be considered punitive. A hearing board convened because the accused refused summary punishment may recommend only those penalties permitted for summary punishment.
- b. If the decision of the hearing board is not unanimous, in either the verdict or the penalty, the dissenting member may, but is not required to, submit a minority report expressing his views. If the dissenting member elects to submit a minority report, it will be submitted to the board chairman, who will forward it along with the hearing board report.
- c. If the Chief of Police is an eyewitness to the incident which led to the charges being placed, the decision of the hearing board, both as to findings of the fact and punishment is final. This decision may only be appealed to the Circuit Court.

7. Remedial Training

- a. Remedial in-service training may be included as part of a hearing board recommendation for an employee found guilty of violating Department policies and procedures.
- b. Remedial in-service training shall be included as apart of a hearing board recommendation for an employee found guilty of violating Department policy and procedures concerning discrimination or harassment incidents, except where termination is recommended by the board and imposed by the Chief of Police.

8. Case Flow

- a. After adjudication, and upon completion and signing by the board members of Department administrative hearing board reports, the reports are to be forward in the following manner:
 - (1) Department one-man administrative hearing board reports are to be promptly forwarded directly to the Chief of Police without further endorsement.
 - (2) Department three-man administrative hearing board reports are to be forwarded directly to the Department Legal Advisor without further endorsement, where they will be reviewed for legal sufficiency. Upon completion of this review, the Legal Advisor shall promptly, forward the reports directly to the Chief of Police.

b. After the Chief of Police has reviewed the board's recommendation, he shall record the final disposition on the Disciplinary Hearing Procedures Form. In case in which the disposition is "Not Guilty," the Chief of Police shall place the original copy of the Disciplinary Hearing Procedures Form and all exhibits directly to the Internal Affairs file. In case in which the disposition is "Guilty," the Chief of Police shall make the following distribution:

(1) The original copy of the Notification of Charges Form and Disciplinary Hearing Procedures Form and all exhibits to Internal Affairs file and an appropriate Personnel Order will be provided.

(2) One copy of the Notification of Charges Form and Disciplinary Hearing Procedures Form will be given to the convicted employee.

9. Review Procedure

- a. The board's recommendation for penalty is not binding on the Chief of Police. Within thirty days after receiving the hearing board's recommendation, the Chief of Police shall review the findings and recommendation, and indicate his concurrence or nonconcurrence on the Disciplinary Hearing Procedures Form. The reason for nonconcurrence must be explained under the caption "Remarks" on the form. The Chief of Police's decision is binding and may be appealed only to the courts. Before the Chief of Police may increase the recommended penalty of the hearing board, he personally shall review the entire record of the hearing board proceedings, shall give the law enforcement officer an opportunity to be heard, and shall enter in writing on the Disciplinary Hearing Procedures Form the reason for increasing the penalty.
- b. Appeal from decisions rendered in accordance with the Law Enforcement Officer's Bill of Rights shall be taken to the Circuit Court pursuant to the Maryland Rules of Procedure, Chapter 1100, Rule B-2, Annotated Code of Maryland. Any party aggrieved by a decision of a court under this Section may appeal to the Court of Special Appeals. For the purpose of appeals to the Circuit Court the final action shall be the date of the Chief of Police's decision on the hearing board's recommendations.

D. Waiver of Law Enforcement Officer's Bill of Rights

1. Defined

When a police employee is charged with a violation of Department rules, policy, or procedure, and it is inappropriate to dispose of such case by summary punishment, or a plea agreement has been reached after the appointment of a hearing board, he may waive all rights afforded him by the Law Enforcement Officer's Bill of Rights. Specifically, the employee by this waiver, chooses to accept both the Department's assessment of his

culpability and penalty without the right to appeal either.

2. Procedure

- a. When the facts in the case are not disputed by the employee, and it would be to the mutual benefit of the employee and the Department to expeditiously dispose of the charges, the Chief of Police will establish an appropriate penalty.
- b. The Chief of Police will present the employee with the Waiver of Law Enforcement Officer's Bill of Rights and Acceptance of Punishment Form, stating the specific charge and the recommended penalty. If the penalty includes suspension or loss of leave, the specific dates must be stated. The Chief of Police will then advise the employee that in this case, the process is an appropriate way of dealing with the charges, advise him of the penalty, and ask him if he chooses to accept this option. The employee does not have to accept this option and may demand a hearing before the hearing board.

3. Case Flow

- a. Any decision, order, or action taken as a result of a waiver of rights will be accompanied by a finding of fact; which will consist of a concise statement of each issue in the case.
- b. After the final disposition, the Chief of Police will place the original case file with the original copy of the Notification of Charges/Waiver of Law Enforcement Officers Bill of Rights and Acceptance of Punishment in the Internal Affairs file. The Chief of Police will prepare a Personnel Order announcing the disciplinary action. The Personnel Order shall designate dates of suspension or loss of leave in accordance with the dates specified on the Notification of Charges Form. The Personnel Order, a copy of the Notification of Charges/Waiver of Law Enforcement Officer's Bill of Rights and Acceptance of Punishment Form will be filed in the law enforcement officer's personnel file.
- c. Record of disciplinary action of any case disposed of through a waiver of rights may be filed in the affected employee's personnel file without his consent

E. Disciplinary Procedures for Probationary Officer

1. Complaint processing, investigations, and disciplinary involving probationary officers resulting from allegations of brutality shall be administered in accordance with Section III

this Section, and the Law Enforcement Officers' Bill of Rights. All other complaint processing, investigations, and disciplinary action involving probationary officers shall be in accordance with Section III and this subsection without regard for the provisions of the Law Enforcement Officers' Bill of Rights.

2. Procedure

- a. When a probationary officer is the subject of an internal investigation, the Chief of Police shall decide, based on all available evidence, (including, but not limited to investigative reports and endorsements, interviews and interrogations with the probationary officer, detailed written reports by the probationary officer, witness accounts, etc.) whether the probationary officer should or should not be disciplined for the alleged misconduct and advise the officer of his decision.
- b. The Chief of police will then consider the penalty and may impose any penalty he feels appropriate under the circumstances, including, but not limited to, dismissal, suspension, transfer, loss of pay, loss of regular leave, or other similar action.
- c. The Chief of Police or designee will complete a Probationary Officer Record of Disciplinary Action specifying the particular charge, as well as the facts used to substantiate the charge. The Chief of Police will then contact the accused, give him a copy of the Probationary Officer Record of Disciplinary Action Form and advise him of the penalty.

3. Disposition

Any decision, order, or action taken as a result of disciplinary action involving a probationary officer shall be accompanied by a brief resume of the facts. The resume shall consist of a concise statement of each issue in the case.

4. Case Flow

- a. In case where the probationary officer is not disciplined, the case file will be filed in the Internal Affairs File only. In case where the probationary officer is disciplined, the Chief of Police will prepare an appropriate Personnel Order and designate the effective dates of suspension or loss of leave.
- b. The Chief of Police will give a copy of the completed Probationary Officer Record of Disciplinary Action to the accused and place a copy of the Personnel Order in the effected employees personnel file.

5. Confidentiality

The confidentiality guidelines set forth in Chapter 5, Section III shall be followed with respect to disciplinary procedures for probationary officers.

F. Form Titles

The following forms, reports, and memos will be used to administer Department disciplinary action.

1. Complaint Against Personnel Report
2. Complaint of Brutality
3. Notification of Complaint/waiver of Rights
4. Investigative Report (detailed report format) and related endorsements
 - a. Accused employee
 - b. Investigator
 - c. Supervisor
5. Witness statements
6. Explanation of “Miranda” Rights
7. Notification of Charges/Waiver of Law Enforcement Officers Bill of Rights and Acceptance of Punishment
8. Memorandum to be disseminated by the Department Legal Advisor approving prosecution and designating a prosecutor
9. Memorandum to be disseminated by the permanent hearing board chairman designating the hearing board member
10. Notification of Hearing
11. Notification of Evidence/Document Receipt
12. Disciplinary Hearing Procedures

13. Probationary Officer Record of Disciplinary Action

14. Witness Summons/Duces Tecum

Public Safety Article, Title 3-101 - 113 Law Enforcement Officers' Bill of Rights

Title 3-101

(A) As used in this subtitle, the following words have the meanings indicated.

(B) "Law Enforcement Officer" means any person who, in his official capacity, is authorized by law to make arrests and who is a member of one of the following law-enforcement agencies:

(1) The Maryland State Police

(2) The Baltimore City Police Department

(3) The police department, bureau, or force of any county;

(4) The police department, bureau, or force of any incorporated city or City;

(5) The office of the sheriff of any county;

(6) The police department, bureau, or force of any bi-county agency or the University of Maryland

(7) The State Aviation Administration police force of the Department of Transportation, the Mass Transit Administration police force of the Department of Transportation, the Maryland Toll Facilities police force of the Maryland Transportation Authority, and the Maryland Port Administration police force of the Department of transportation;

(8) The police officers of the Department of Natural Resources; or

(9) The Maryland Alcohol and Tobacco Tax Enforcement Unit.

(C) "Law Enforcement Officer" does not include an officer serving in a probationary status except when allegations of brutality in the execution of his or her duties are made involving an officer who is in a probationary status. The provision of this subtitle do not apply to persons serving at the pleasure of the Police Commissioner of Baltimore City or the appointing authority of a charter county, or to a police chief of any incorporated city or City. The term "probationary status" includes only an officer who is in that status upon initial entry into the Department.

(D) "Hearing Boards" mean;

(1) a board which is authorized by the chief to hold a hearing on a complaint against a law-enforcement officer and which consists of not less than three members, except as provided in paragraph (2) of this subsection, all to be appointed by the chief and selected from law-enforcement officers within that agency, or law-enforcement officers of another agency with the approval of the chief of the other agency, and who have had no part in the investigation or interrogation of the law-enforcement officer. At least one member of the hearing board shall be of the same rank as the law-enforcement officer against whom the complaint has been filed.

(2) If a law-enforcement officer is offered summary punishment imposed pursuant to Title 3-111 and refuses, the Chief may convene a one-member or more hearing board and the hearing board shall have only the authority to recommend the sanctions as provided in this subtitle for summary punishment. If a single member hearing board is convened, that member need not be of the same rank. However, all other provisions of this subtitle shall apply.

(E) "Hearing" means any meeting in the course of an investigatory proceeding, other than an interrogation, at which no testimony is taken under oath, conducted by a hearing board for the purpose of taking or adducing testimony or receiving other evidence.

(F) "Summary Punishment" is punishment imposed by the highest ranking officer of a unit or member acting in that capacity, which may be imposed when the facts constituting the offense are not in dispute. Summary punishment may not exceed three days suspension without pay or a fine of \$150.00.

(G) "Chief" means the Chief of Police, commissioner, chief of police, or sheriff of a law-enforcement agency, or the officer designated by the official.

Title 3 - 104

- (A) A law-enforcement officer has the same rights to engage in political activity as are afforded to any State employee. This right to engage in political activity shall not apply to any law-enforcement officer when he is on duty or when he is acting in his official capacity.

- (B) 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:
 - (1) The interrogation shall be conducted at a reasonable hour, preferably at the time when the law-enforcement officer is on duty, unless the seriousness of the investigation is of such a

degree that an immediate interrogation is required.

- (2) The interrogation shall take place either at the office of command of the investigating officer or at the officer of the local precinct or police unit in which the incident allegedly occurred, as designated by the investigating officer, unless otherwise waived by the law-enforcement officer, or at any other reasonable and appropriate place.
- (3) The law-enforcement officer under investigation shall be informed of the name, rank, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation. All questions directed to the officer under interrogation shall be asked by and through one interrogator during any one interrogating session.
- (4) a complaint against a law-enforcement officer, alleging brutality in the execution of his duties, may not be investigated unless the complaint be duly sworn to by the aggrieved person, a member of the aggrieved person's immediate family, or by any person with first hand knowledge obtained as a result of the presence at and observation of the alleged incident, or by the parent or guardian in the case of a minor child before an official authorized to administer oaths. An investigation which could lead to disciplinary action under this subtitle for brutality may not be initiated and an action may not be taken unless th complaint is filed within 90 days of the alleged brutality.
- (5)(I) The law-enforcement officer under investigation shall be informed in writing of the nature of the investigation prior to any interrogation.
 - (II) Upon completion of the investigation, the law-enforcement officer shall be notified of the name of any witness and all charges and specifications against the officer not less than te days prior to any hearing.
 - (III) In addition, the law-enforcement officer under investigation shall be furnished with a copy of the investigatory file and any exculpatory information, but excluding:
 1. The identity of confidential sources;
 2. Any non-exculpatory information; and
 3. Recommendation as to charges, disposition, or punishment.
 - (IV) The law-enforcement officer under investigation shall be furnished with a copy of the investigatory file and the exculpatory information described under subparagraph III of this paragraph not less than ten days before any hearing if the officer and the officer's representative agree:

1. To execute a confidentiality agreement with the law-enforcement agency to not disclose any of the material contained in the record for any purpose other than to defend the officer; and
 2. To pay any reasonable charge for the cost of reproducing the material involved.
- (6) Interrogating sessions shall be for reasonable periods and shall be timed to allow for any personal necessities and rest periods as are reasonably necessary.
- (7) (I) The law-enforcement officer under interrogation may not be threatened with transfer, dismissal, or disciplinary action.
- (ii) This subtitle does not prevent any law-enforcement agency from requiring a law-enforcement officer under investigation to submit to blood alcohol test, blood, breath, or urine tests for controlled dangerous substance, polygraph examinations, or interrogations which specifically related to the subject matter of the investigation. This subtitle does not prevent a law-enforcement agency from commencing any action which may lead to a punitive measure as a result of a law-enforcement officer's refusal to submit to a blood alcohol test, blood, breath, or urine tests for controlled dangerous substance, polygraph examination, or interrogation, after having been ordered to do by the law-enforcement agency. The results of any blood alcohol test, blood, breath, or urine test for controlled dangerous substance, polygraph examination, or interrogation, as may be required by the law-enforcement agency under this subparagraph are not admissible or discovered in any criminal proceedings against the law-enforcement officer when the law-enforcement officer has been ordered to submit thereto. The results of a polygraph examination may not be used as evidence in any administrative hearing when the law-enforcement officer has been ordered to submit to a polygraph examination by the law-enforcement agency unless the agency and the law-enforcement officer agree to the admission of the results at the administrative hearing.
- (8) A complete record, written, taped, or transcribed, shall be kept of the complete interrogation of a law-enforcement officer, including all recess periods. Upon completion of the investigation, and upon request of the law-enforcement officer under investigation of his counsel, a copy of the record of his interrogation shall be made available not less than ten days prior to any hearing.
- (9) If the law-enforcement officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, he shall be completely informed of all his rights prior to the commencement of the interrogation.
- (10) At the request of any law-enforcement officer under interrogation, the officer shall have

the right to be represented by counsel or any other responsible representative of his choice who shall be present and available for consultation at all times during the interrogation, unless waived by the law-enforcement officer. The interrogation shall be suspended for a period of time not to exceed ten days until representation is obtained. However, the chief may, for good cause shown, within that ten day period, extend that period of time.

- (11) A statute may not abridge and a law-enforcement agency may not adopt any regulation which prohibits the right of a law-enforcement officer to bring suit arising out of his duties as a law-enforcement officer.
- (12) (1) A law-enforcement agency may not insert any adverse material into any file of the officer, except the file of the internal investigation or the intelligence division, unless the officer has an opportunity to review, sign, receive a copy of, and comment in writing upon the adverse material, unless the officer waives these rights.
- (II) A law-enforcement officer, upon written request, may have any record of a formal complaint made against him expunged from any file if:
1. The law-enforcement agency investigating the complaint has exonerated the officer of all charges in the complaint, or determined that the charges were unsustainable or unfounded; and
 2. 3 years have passed since the findings by the law enforcement agency.
- (13) (I) If the chief is the law enforcement officer under investigation, the chief of another law-enforcement agency in this state shall function as the law enforcement officer of the same rank on the hearing board.
- (II) If the chief of a state law enforcement agency is under investigation, the Governor shall appoint the chief of another law-enforcement agency as the law-enforcement officer of the same rank on the hearing board.
- (III) If the chief of a county or municipal law-enforcement agency is under investigation, the official who may appoint the chief's successor shall appoint the chief of another law-enforcement agency as the officer of the same rank on the hearing board.
- (IV) If the chief of a state law-enforcement agency or the chief of a county or municipal law-enforcement agency is under investigation, the official who may appoint the chief's successor, or that official's designee, shall function as chief for the purpose of this subtitle.
- (14) The law-enforcement officer's representative need not be present during the actual

administration of a polygraph examination by a certified polygraph examiner, if the questions to be asked are reviewed with the law-enforcement officer or his representative prior to the administration of the examination, the representative is allowed to observe the administration of the polygraph examination, and if a copy of the final report of the examination by the certified polygraph operator is made available to the law-enforcement officer or his representative within a reasonable time, not to exceed ten days, after the completion of the examination.

- (C) This subtitle does not limit the authority of the chief to regulate the competent and efficient operation and management of a law-enforcement agency by any reasonable means including but not limited to, transfer and reassignment where that action is not punitive in nature and where the chief determines that action to be in the best interests of the internal management of the law-enforcement agency.

Title 3-103(c)

A law-enforcement officer may not be required or requested to disclose any item of his property, income, assets, source of income, debts, or personal or domestic expenditures (including those of any member of his family or household) unless that information is necessary in investigating a possible conflict of interest with respect to the performance of his official duties, or unless such disclosure is required by state or federal law.

Title 3-103(b) Regulation of Secondary Employment

A law-enforcement agency may not prohibit secondary employment, but may promulgate reasonable regulations as to a law enforcement officer's secondary employment.

Title 3-106 - 107

- (A) If the investigation or interrogation of a law enforcement officer results in the recommendation of some action, such as demotion, dismissal, transfer, loss of pay, reassignment, or similar action which would be considered a punitive measure, then except as provided under subsection (c) of this section and except in the case of summary punishment or emergency suspension as allowed by Sec. 734A of this subtitle, and before taking action, the law enforcement agency shall give notice to the law enforcement officer that he is entitled to a hearing on the issues by a hearing board. The notice shall state the time and place of the hearing and the issues involved. An official record, including testimony and exhibits, shall be kept of the hearing.
- (B) (1) Administrative charges may not be brought against a law enforcement officer unless filed within one year after the act that gives rise to the charges comes to the attention of the appropriate law enforcement agency official.

- (2) The one year limitation of paragraph (1) of this sub-section does not apply to charges related to criminal activity or excessive force.
- (C) A law enforcement officer is not entitled to a hearing under this section if the law enforcement officer has been charged and convicted of a felony.
- (D) The hearing shall be conducted by a hearing board. Both the law-enforcement agency and the law-enforcement officer shall be given ample opportunity to present evidence and argument with respect to the issues involved. Both may be represented by counsel.
- (E) Evidence which possesses probative value commonly accepted by reasonable and prudent men in the conduct of their affairs shall be admissible and shall be given probative effect. The hearing board conducting the hearing shall give effect to the rules of privilege recognized by law, and shall exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. All records and documents which any party desires to use shall be offered and made part of the record. Documentary evidence may be received in the form of copies or experts, or by incorporation by reference.
- (F) Every party has the right of cross-examination of the witnesses who testify, and may submit rebuttal evidence.
- (G) The hearing board conducting the hearing may take notice of judicially cognizable facts and, in addition, may take notice of general, technical, or scientific facts within its specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity and reasonable time to contest the facts so noticed. A hearing board may utilize its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented.
- (H) With respect to the subject of any hearing conducted pursuant to this subtitle, the chief or the officer designated by the chief shall administer oaths or affirmations and examine any individual under oath.
- (I) Witness fees and mileage, if claimed, shall be allowed the same as for testimony in a circuit court. Witness fees, mileage, and the actual expenses necessarily incurred in securing attendance of witnesses and their testimony shall be itemized, and shall be paid by the law-enforcement agency.
- (J) (1) The chief, or hearing board, as the case may be, shall in connection with any disciplinary hearing, have the power to administer oaths and to issue summonses to compel the attendance and testimony of witnesses, and the production of books, papers, records, and documents as may be relevant or necessary. These summonses may be served in accordance with the Maryland rules of procedure pertaining to service of process issued

by a court, without cost. Any party may request the chief or hearing board to issue a summons or order under the provisions of this subtitle.

- (2) In case of disobedience or refusal to obey any of these summonses, the chief, or hearing board, may apply to the Baltimore City Court or the circuit court of any county, as the case may be, where the summonsed party resides or conducts business, for an order requiring the attendance and testimony of the witness and the production of books, papers, records, and documents, without cost. Upon a finding that the attendance and testimony of the witness, or the production of the books, papers, records, and documents sought is relevant or necessary, the court may issue an order requiring the attendance, testimony, or production of books, paper, records and documents without cost, and any failure to obey an order of the court may be punished by the court as a contempt thereof.

Title 3 - 108

- (A) Any decision, order, or action taken as a result of the hearing shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement upon each issue in the case. A finding of not guilty terminates the action. If a finding of guilt is made, the hearing board shall reconvene the hearing, receive evidence, and consider the law-enforcement officer's past job performance and other relevant information as factors before making its recommendations to the chief. 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 and to the chief. The person who may take any disciplinary action following any hearing in which there is a finding of guilt shall consider the law-enforcement officer's past job performance as a factor before he imposes any penalty.
- (B) After the disciplinary hearing and a finding of guilt, the hearing board may recommend punishment as it deems appropriate under the circumstances, including but not limited to demotion, dismissal, transfer, loss of pay, reassignment, or other similar action which would be considered a punitive measure.
- (C) The written recommendations as to punishment are not binding upon the chief. Within 30 days of receipt of the hearing board's recommendations, the chief shall review the findings, conclusions, and recommendations of the hearing board and then he shall issue his final order. The chief's final order and decision is binding and may be appealed in accordance with this subtitle. Before the chief may increase the recommended penalty of the hearing board, he personally shall review the entire record of the hearing board proceeding, shall permit the law-enforcement officer to be heard and shall state the reason for increasing the recommended penalty.

- (D) Notwithstanding any other provisions of this subtitle, if a chief is an eyewitness to the incident under investigation, the decision of the hearing board, both as to findings of fact and punishment, if any, is final. The decision then may be appealed in accordance with subsection 732 of this subtitle.

Title 3 - 109

Appeals from decisions rendered shall be taken to the circuit court of the counties or the Baltimore City Court. Any party aggrieved by a decision of a court under this subtitle may appeal to the Court of Special Appeals.

Title 3 - 103

A law-enforcement officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to his employment or be threatened with any such treatment, by reason of his exercise of or demand for the rights granted in this subtitle, or by reason of the lawful exercise of his constitutional rights.

Title 3 - 105

Any law-enforcement officer who is denied any right afforded by this subtitle may apply at any time prior to the commencement of the hearing before the hearing board, either individually or through his certified or recognized employee organization, to the circuit court of the circuit or the Baltimore City Court where he is regularly employed for any order directing the law-enforcement agency to show cause why the right should not be afforded.

- (1) Summary punishment may be imposed for minor violations of departmental rules and regulations when:
 - (i) The facts which constitute the minor violation are not in dispute;
 - (ii) the officer waives the hearing provided by this subtitle;
 - and (iii) the officer accepts the punishment imposed by the highest ranking officer of the unit to which the officer is attached.
- (2)
 - (I) Emergency suspension with pay may be imposed by the chief when it appears that the action is in the best interest of the public and the law-enforcement agency. Any person so suspended shall be entitled to a prompt hearing by the head of a law-enforcement agency.
 - (II) If the officer is suspended with pay, the chief may suspend the police powers of the officer and reassign the officers to restricted duties pending a determination by a court of competent jurisdiction with respect to any criminal violation or final determination by an administrative hearing board as to any

departmental violation.

(III) Any person so suspended shall be entitled to a prompt hearing.

(3)(I) Emergency suspension of police powers without pay may be imposed by a chief if a law-enforcement officer has been charged with the commission of a felony.

(II) Any person so suspended shall be entitled to a prompt hearing.

Title 3-111 - 112

The provisions of this subtitle are not intended to prohibit summary punishment or emergency suspension by higher ranking law-enforcement officers as may be designated by the head of a law-enforcement agency.

Title 3 - 102

Except for the administrative hearing process provided for in Title 3, Subtitle 2 of the Public Safety Article concerning the certification enforcement power of the Police Training Commission, the provisions of this subtitle shall supersede any state, county or municipal law, ordinance, or regulation that conflicts with the provisions of this subtitle, and any local legislation shall be preempted by the subject and material of this subtitle.

Title 3 - 113

Any person who knowingly makes a false statement, report, or complaint in the course of an investigation or any proceeding conducted under the provisions of this subtitle is subject to the same penalties as provided in Article 27, Section 100.

Title 3 - 104(2)

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

Policy

As outlined in the Town of Rising Sun Personnel Policy Manual, the following processes will be adhered to regarding problem resolution:

“If an employee has a job related question, complaint regarding work atmosphere, transfers or feels he/she has been unjustly treated, except for an Employee Personnel or Disciplinary Action, the employee must express his/her concern so it can be resolved. The problem or concern should first be brought to the supervisor and discussed with the supervisor within five days of occurrence. The supervisor will attempt to resolve the concern within a week’s time.

If an employee is not satisfied with the supervisor’s response, then he/she can request the supervisor to bring the concern to the Department Head will respond to the concern within one week.

If an employee is still not satisfied, he/she may bring the concern to the Personnel Officer, in writing, whose decision shall be final.

Employees reporting directly to the Town Administrator will have their concern heard before the Mayor and Commissioners.

It is a violation of personnel rules for an employee to go directly to the Mayor or Commissioners to seek relief or support on any personnel related issue. Grievance procedures are in place to protect the employee’s rights. Violation of this regulation will result in disciplinary action up to and including termination.

It is important for employees to talk with their supervisor and establish a good communication channel. Communication with the supervisor will eliminate misunderstandings and promote a good working relationship.

A. Definition

Increasingly, private litigation involves the Rising Sun Police Department. Private litigation, for purposes of this section refers to litigation between private parties where neither the Department nor any of its employees are principals. Litigation between two parties involved in a traffic collision which the Rising Sun Police Department had investigated is an example of the private litigation in which the Rising Sun Police Department could become involved.

B. Policy

1. It is the policy of this Department that while employees of the Department may privately be in agreement with one side or the other in such litigation, an atmosphere of objectivity and impartiality in dealing with the parties must be maintained. Employees will not, for example, actively assist or provide information to one litigant and not extend the same assistance to the other.
2. In instances when employees have been contacted by private litigants concerning matters in which the employee may have been officially involved, the employee is under no obligation to agree to an interview or to provide information. There is no prohibition, however, with granting interviews or providing information, but again, it must be done impartially and objectively.
3. Care should be taken to clearly distinguish the personal opinions of an employee from the official position or opinions of the Department. An employee should neither directly give the impression that his personal opinions represent those of the Department.
4. Personnel receiving a summons to testify in civil litigation as a result of their employment will notify their supervisor in writing of the date, location and nature of that summons.

A. Authority

Sexual harassment in the work place is prohibited by Title VII of the Civil Rights Act of 1964 (42 U. S. C. 2000e); Maryland Human Relations and Discrimination Laws (Article 48B; Article 64-A, Section 12A-E Annotated Code of Maryland) Town policy adopted by the Mayor and Commissioners of the town of Rising Sun.

B. Policy

It shall be the policy of the Rising Sun Police Department to promote a productive, efficient and safe work environment and not to tolerate verbal or physical conduct by any employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile work environment.

C. Guidelines

1. Employees of the Rising Sun Police Department are expected to act in a positive and professional manner and contribute to a productive, efficient and safe work environment that is free from harassing or disruptive behavior and activity. No form of harassment will be tolerated, and special attention is called to the prohibition of sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
2. No supervisor or other employee is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advance will affect the employee's terms or condition of employment. Similarly, no employee or supervisor shall promise, imply, or grant any preferential treatment in connection with another employee or applicant engaging in sexual conduct.
3. Other sexually harassing or offensive conduct in the work place, whether committed by supervisory, non-supervisory employees, or non-employees, is also prohibited. Such conduct includes, but is not necessarily limited to, the following:
 - a. Sexual flirtation, touching, advances or propositions;
 - b. Verbal abuse of a sexual nature;
 - c. Graphic or suggestive comments about an individual's dress or body;
 - d. Sexually degrading words to describe an individual: and/or
 - e. The display in the work place of sexually suggestive objects or pictures,

including nude photographs, drawings or other related depictions.

D. Procedure

1. Any employee who believes that a supervisor's, Another employee's, or a non-employee's actions or words constitute un-welcomed harassment has a responsibility to report or complain about the situation as soon as possible. Such a report or complaint should follow the Town of Rising Sun's problem resolution procedure.
2. Complaints of harassment are to be handled and investigated under the Town of Rising Sun's problem resolution procedure, unless special procedures are deemed appropriate. Regardless, all complaints of harassment are to be investigated promptly and in as impartial and confidential a manner as possible. Employees are requested to cooperate in any investigation. A timely resolution of each complaint is to be reached and communicated to the parties involved. Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited.
3. Any employee who is found to have engaged in harassment of another employee will be subject to appropriate disciplinary action, depending upon the circumstance, up to and including termination. The disciplinary action process for police employees will be in accordance with the guidelines specified under the Law Enforcement Officer's Bill of Rights.

