



GENERAL ORDER ADM-02 INTERNAL INVESTIGATIONS

EFFECTIVE OCTOBER 13, 2020

This General Order contains the following numbered sections:

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I. POLICY

The Howard County Department of Police (HCPD) shall strive to ensure the highest level of integrity is achieved and maintained by properly receiving and investigating all complaints against members in a thorough, fair, and expeditious manner and maintaining an Early Identification System (EIS).

II. PLACEMENT OF INTERNAL AFFAIRS

Due to the sensitivity and potential impact on the community, officers, and all members, the Internal Affairs Division (IAD) has the authority to report directly to the Chief of Police.¹

III. LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

The latest version of the Law Enforcement Officers' Bill of Rights (LEOBR) as it appears in the Public Safety Article, Title 3, hereinafter referred to as the LEOBR, shall apply to all sworn, non-probationary officers governed by this policy. LEOBR applies to probationary officers in limited cases, i.e. brutality cases.

IV. DEFINITIONS

- A. Administrative Charging Document: The document providing written notice to the member of each alleged violation of policy and the factual specification supporting each violation.
- B. Administrative Duty: A temporary, non-operational assignment, including restrictions as assigned by the Human Resources Bureau (HRB) Commander.
- C. Administratively Closed: A disposition for a minor infraction, in the Department's view, that does not rise to the level of formal disciplinary action and for which the record of the infraction shall be expunged within three (3) years as consistent with this policy. This is not considered a sustained finding; however, it may result in training or counseling.
- D. Complaint: An allegation of misconduct, inappropriate performance, or violation of any law, HCPD policy, procedure, or directive that is made against any member of the HCPD that cannot be resolved as an inquiry.

¹ CALEA 26.2.3

- E. Conclusion of Fact: Final decision endorsement by a Bureau Commander or Deputy Chief of Police based upon a review of the investigation and recommendation(s) of the investigator and his chain of command that supports the recommended finding of sustained, not sustained, exonerated, administratively closed, or unfounded.² It may contain disciplinary or remedial actions to be taken.
- F. Counseling: A written or verbal communication between a subordinate and a supervisor that involves performance-related issues and is recorded in Supervisory Notes and/or the member's performance evaluation. This shall be considered a non-disciplinary corrective action.
- G. Emergency Suspension: Suspension from duty with or without pay imposed by the Chief of Police or his designee upon a determination that the action is in the best interest of the member, the public, or the HCPD. Authorization for the suspension of an officer's police powers must come from the Chief of Police or a Deputy Chief.
- H. Exonerated: A disposition used when investigations determine that the incident did occur, but the actions of the accused were justified, lawful, and proper.
- I. Final Endorsement: Issued by the Chief of Police after review of the Conclusion of Fact or issuance of the Final Order. Final Endorsements with a Sustained finding will be placed in a member's personnel file.
- J. Final Order: The decision of the Chief of Police after review of a hearing board's findings, conclusions, and recommendations.
- K. Inquiry: The informal handling of citizen's questions regarding law, police tactics, policies, and procedures.
- L. Letter of Reprimand: A letter documenting a violation and a corrective action taken. The letter of reprimand will be placed in the member's personnel file. This is the lowest form of summary punishment issued by the HCPD.
- M. Member: Within HCPD written directives, this term refers to all personnel associated with the HCPD including sworn officers, civilian employees, contingent employees, and volunteers.
- N. Non-Punitive Transfer: A transfer or reassignment, as determined by the Chief of Police, made in the best interest of the HCPD. This is a non-disciplinary personnel action.
- O. Not Sustained: A disposition used when an investigation fails to disclose sufficient evidence to prove or disprove an allegation.
- P. Official Leave: Leave with pay (non-disciplinary) approved by the Chief Administrative Officer for the County after being requested by the Chief of Police or his designee.
- Q. Policy Failure: A disposition used when the investigation reveals that the incident did occur, the action of the HCPD or the officer was consistent with HCPD policy, and a need for a revision, change, or correction in HCPD policy or procedure is identified.
- R. Recommendation of Finding: A written conclusion of facts supporting the resolution of an investigation as unfounded, exonerated, not sustained, sustained, or administratively closed.
- S. Remedial Actions: Non-punitive measures taken by supervision to improve a member's performance, i.e. counseling, training, referral to professional services, transfer to other assignments, etc.

² CALEA 26.3.8
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- T. Summary Punishment: Punishment imposed after an investigation by the Chief of Police, Deputy Chief of Police, or a Captain when the facts constituting the offense are not in dispute.
- U. Suspension for Disciplinary Reasons: A penalty imposed by the Chief of Police or his designee for the violation of any HCPD or county rule, regulation, policy, or any law.
 - 1. The suspension may include a prohibition against approved secondary employment and loss of police privileges.
 - 2. An officer is not eligible for overtime payments during the period of the suspension unless approved in advance by the Chief of Police or his designee.
 - 3. An officer on suspension is still required to report to court, pursuant to a subpoena, unless excused by the State's Attorney's Office. Any time used by an officer reporting to court shall not be included in the period of suspension.
 - 4. The officer shall be restored to full authority and possess all police powers upon completion of the period of suspension unless the Chief of Police directs otherwise.
- V. Suspension of Police Powers: Status imposed by the Chief of Police or Deputy Chief of Police that restricts the officer from making arrests, conducting investigations, and otherwise enforcing the laws of the State. This may involve the removal of the service weapon and cancellation of approval to carry a secondary weapon.
- W. Sustained: A disposition used when the investigation discloses sufficient evidence to establish a prima facie case with respect to the allegations of misconduct.
- X. Unfounded: A disposition used when the investigation indicates that the alleged acts did not occur.

V. RECEIVING INQUIRIES AND COMPLAINTS

- A. The HCPD shall investigate all complaints against the agency or its employees, to include anonymous complaints.³
- B. The Internal Affairs Division shall:
 - 1. Reserve the right to assume case responsibility for any complaint or investigation.
 - 2. Investigate complaints of corruption, brutality, breach of civil rights, the outcome of criminal investigations, workplace harassment, workplace violence, or other violations of a serious nature and for ensuring compliance with LEOBR and the County Employee Manual.⁴
 - 3. Review all complaints regarding bias based policing, any inappropriate level of force, and/or untruthful statements and make the determination as to whether they will be investigated by IAD or assigned to a supervisor.⁵
 - 4. Investigate complaints they receive directly or will forward as appropriate for investigation and/or follow-up to the appropriate Bureau, District, or Division Commander, or the Chief of Staff, at the discretion of the IAD Commander.
 - 5. Prepare a letter notifying a complainant that a complaint has been received for processing. A copy of the letter will be filed with the investigation.⁶

³ CALEA 26.2.1

⁴ CALEA 26.3.1b

⁵ CALEA 26.3.1a and b

⁶ CALEA 26.3.4a

6. Maintain liaison with the State's Attorney's Office and the Office of Law as required by the nature of an investigation.
 7. Maintain and issue all Complaint Control Numbers and Collision Control Numbers
- C. The IAD Commander will notify the Chief of Police of:⁷
1. Complaints received that are of a serious nature by the next business day. Notification will be made via telephone, email, text, or in person.
 2. Complaints of a minor nature will be reported in writing at least monthly.
- D. Any complaint received regarding a member within the Office of the Chief of Police shall be forwarded to the Chief of Staff for review. If the concern cannot be handled as an inquiry, a complaint form will be completed and forwarded to IAD. These cases will be reviewed and endorsed by the Commander of the Human Resources Bureau and the Deputy Chief of Administration.
- E. Inquiries should generally be documented within supervisory notes. While each inquiry is unique, a pattern of inquiries regarding a particular officer may reveal the need for supervisory input.
- F. Any member desiring to file a complaint against another member will submit a completed complaint form directly to IAD.⁸
- G. A complaint received by mail, email, or other electronic means will be referred to the Bureau, Division, or District Commander to which the accused member is assigned. If the concern cannot be handled as an inquiry, it will be forwarded to IAD for review.
- H. Telephone and walk-in complaints will be referred to an on-duty supervisor who shall attempt to resolve the matter. If the supervisor cannot resolve the concern as an inquiry, he will complete a complaint form and forward it to the Bureau, Division, or District Commander of the involved member.
- I. If a complaint is made in the field, the area patrol supervisor shall respond to the location of the complainant.
1. The area supervisor will review the case to ensure that any investigative steps of an urgent nature are pursued and that the case will be handled promptly.
 2. The Watch Commander shall be notified of the complaint and the nature of the allegation.
 3. If the complaint cannot be handled or resolved, HCPD Form 1715 will be completed and forwarded to the District, Bureau, or Deputy Chief, with a copy to IAD, for appropriate distribution.
- J. Complaints of a minor nature, i.e. minor HCPD collisions, allegations of rudeness, tardiness, etc. will be investigated by the appropriate supervisor as designated by:⁹
1. The member's Bureau, District, or Division Commander;
 2. The Chief of Staff for members of the Office of the Chief of Police;
 3. The appropriate Deputy Chief of Police; or

⁷ CALEA 26.3.2

⁸ CALEA 26.1.3

⁹ CALEA 26.3.1a

4. The Chief of Police.
- K. A Bureau, District, or Division Commander may request IAD investigate any complaint.
- L. Immediate notification will be made to IAD when allegations require immediate action or when early involvement by an IAD Investigator would be beneficial to an investigation.
- M. All members of the HCPD are governed by the policies of the Howard County Employee Manual as well as by local, State, and Federal laws.
- N. Criminal and Significant Motor Vehicle Violations
 1. Any HCPD member who is charged with a criminal violation, whether by arrest, other charging document, or significant motor vehicle violation as described in Section 26-202 of the Maryland Transportation Article, must notify his supervisor within twenty-four (24) hours. If the first notification is verbal, written notification will be made to his supervisor on the first day back to work.
 2. Upon notification, the supervisor must immediately report the infraction to the appropriate members of the chain of command.
 3. Members with knowledge of any serious violations of civil or criminal laws or HCPD regulations, orders, or policies must immediately report them to their supervisor or in accordance with other policies, i.e. the sexual harassment policy.¹⁰
 4. The Chief of Police and IAD Commander must be immediately notified via the chain of command of any incidents involving criminal conduct or serious traffic offenses, including incidents occurring outside of the County and State, and may order or direct an independent administrative investigation.
 5. In the event a supervisor becomes aware of an HCPD member's involvement in any type of criminal activity, he shall immediately notify the appropriate Deputy Chief of Police or, for members of the Office of the Chief, the Chief of Staff, via his chain of command.
 6. The appropriate Deputy Chief of Police shall assign investigations of criminal misconduct occurring in Howard County by HCPD members to the appropriate investigators and will make notifications, as necessary, to IAD and/or the Chief of Police.
 7. Serious criminal offenses occurring in Howard County are to be assigned to the Criminal Investigation Bureau upon approval by the Deputy Chief of Police.

VI. ADMINISTRATIVE ASSIGNMENT, RELIEF, AND SUSPENSION¹¹

- A. Emergency Suspension
 1. With Pay
 - a. Any member involved or identified in a complaint or an internal investigation may be placed on emergency suspension from duty with pay by the Chief of Police or at his direction if it is in the best interest of the member, the public, or the HCPD.
 - b. The Chief of Police or his designee shall ensure appropriate authorization is documented from the County's Chief Administrative Officer.
 2. Any member charged with the commission of a felony may be placed on emergency suspension from duty without pay by the Chief of Police or at his direction.

¹⁰ CALEA 1.2.10

¹¹ CALEA 26.3.7

3. If the Chief of Police or his designee imposes an emergency suspension from duty with or without pay, the suspended officer shall be notified in writing of that decision and informed that he is entitled to a prompt hearing consistent with LEOBR. An officer who desires such a hearing shall submit a written request to the Chief.
 - a. The Chief of Police or his designee will ensure that a hearing is scheduled as soon as possible and will notify the suspended officer of the date and time of the hearing.
 - b. The hearing shall be a non-evidentiary opportunity to be heard on why the emergency suspension should not be imposed and shall be conducted by either the Chief of Police or his designee, who shall be a commissioned officer at the rank of Captain or above.
 - c. After the hearing, the Chief of Police shall notify the officer in writing of his decision.
- B. Suspension of Police Powers: An Officer may be placed on administrative duty with pay.
 1. The Chief of Police or any commissioned officer of a superior rank may suspend an officer's police powers if it is determined to be in the best interest of the public, the officer, or the HCPD.
 2. A commissioned officer suspending police powers must immediately notify the Chief of Police through the chain of command. The commissioned officer will also provide a written notification to the Chief of Police and the affected officer.
 3. The member may be placed in an appropriate assignment.
- C. When a member's actions or use of force in an official capacity results in death or serious injury he shall be placed into an administrative assignment pending a departmental evaluation and review of the incident and the member's ability to resume his normal assignment, independent of the internal investigation.¹²
- D. Whenever a member is suspended from duty or an officer's police powers are suspended:
 1. Immediate notification shall be made to the Commander of the Human Resources Bureau by the person making the suspension. The HRB Commander will ensure that the appropriate Personnel Order is promptly issued and confidentially distributed to only those individuals requiring the information.
 2. The Chief of Police or his designee will make notification to the Howard County Office of Human Resources of any suspension.
- E. Any commissioned officer may place a member on administrative duties temporarily if it is determined to be in the best interest of the public, the officer, or the HCPD.

VII. PROCEDURES FOR NON-SWORN MEMBERS

- A. Civilian, contingent, and volunteer members of the HCPD may be subject to internal investigations if any actions taken by the member result in the death or serious injury of another person, or are a violation of any Federal, State, or County law, or HCPD or County policy. These actions may also result in a criminal investigation, where appropriate.¹³

¹² CALEA 11.3.4a

¹³ CALEA 11.3.4a and b

- B. All internal investigations of civilian employees or volunteers will be conducted in compliance with the Howard County Code, Howard County Employee Manual, and all applicable HCPD policies and procedures. This shall include any applicable appeal procedures.¹⁴
- C. Prior to initiating an investigation of a non-sworn member, the primary investigator must identify the appropriate procedures applicable and/or whether the member is covered by a union contract, i.e. Communications, Animal Control, etc., and identify any specific rights and responsibilities negotiated on behalf of that employment class. All members are entitled to have a representative or witness present during any interview or interrogation that may lead to disciplinary action.
- D. Whenever a non-sworn member is notified that they are under investigation or subjected to interrogation for any reason that could lead to disciplinary action, demotion, or dismissal, that member will be advised in writing of the charges or the allegations and the employee's rights and responsibilities relative to the investigation. Supervisors shall utilize the latest version of HCPD Form 1705a, Notification of Investigation/Interview That May Lead to Disciplinary Action (Civilian Employee).¹⁵
- E. All interviews shall be audio recorded and made part of the file. Interviews may be video recorded at the discretion of the Chief of Police.¹⁶

VIII. PROCEDURES FOR SWORN MEMBERS

- A. Any internal affairs investigation of a law enforcement officer shall be conducted according to the Law Enforcement Officer's Bill of Rights.¹⁷
- B. Disciplinary action may not be initiated against a law enforcement officer unless the agency files charges within one (1) year of when the agency was made aware of the act. The one (1) year limitation does not apply to charges related to criminal activity or excessive force.
- C. Allegations of Brutality
 - 1. A complaint against a law enforcement officer alleging brutality in the execution of the member's duties may not be investigated unless the complaint is signed and sworn to under the penalty of perjury by:
 - a. The aggrieved individual; or
 - b. A member of the aggrieved person's immediate family; or
 - c. Any individual with firsthand knowledge obtained as a result of the presence at and observation of the alleged incident or who has a video recording of the incident that, to the best of the individual's knowledge, is unaltered; or
 - d. The parent or guardian in the case of a minor child.
 - 2. Consistent with LEOBR, an investigation that could lead to disciplinary action for brutality may not be undertaken unless the complaint is filed within three hundred and sixty-six (366) days of the alleged incident. This does not apply to complaints filed by the HCPD.
- D. Any officer under investigation shall be informed in writing of the nature of the investigation with HCPD Form 1705, Notification of Investigation, Law Enforcement Officer, prior to any interrogation.¹⁸

¹⁴ CALEA 26.1.6

¹⁵ CALEA 26.3.5

¹⁶ CALEA 26.3.6c

¹⁷ CALEA 26.3.5

¹⁸ CALEA 26.3.5

1. At this time, HCPD Form 1727, Law Enforcement Officer's Bill of Rights – Explanation, will be read to the accused officer by the interrogating officer. The accused officer may waive a verbatim reading of his rights. This will be documented on the record and made part of the investigative case file.
 2. All interviews shall be audio recorded and made part of the file.¹⁹
 3. Interviews may be video recorded at the discretion of the Chief of Police.²⁰
- E. Whenever a member is under investigation or subjected to interrogation for any reason that could lead to disciplinary action, demotion, or dismissal, the member will be advised in writing of the allegations and the employee's rights and responsibilities relative to the investigation.
- F. No member shall be subjected to retaliation for exercising his rights under LEOBR, filing a complaint, or cooperating with an investigation.

IX. GENERAL INVESTIGATION PROCEDURES

- A. All provisions identified in the General Investigation Procedures section of this policy shall apply to all sworn and non-sworn HCPD members.
- B. Any member may be required to be photographed and/or to participate in a lineup when the actions are material to a particular investigation.²¹
- C. Consistent with General Order ADM-34, Substance Abuse Policy,
1. A chemical test shall be ordered for any member when a supervisor has reasonable suspicion to believe the member:²²
 - a. Has consumed alcoholic beverages while on duty, except for authorized training and undercover operations;
 - b. Has reported for duty under the influence of alcohol;
 - c. Whose duties authorize the on-duty consumption of alcoholic beverages has reached or exceeded a level considered "under the influence of alcohol, per se" (TR 11-127.1);
 - d. Is involved in a collision while operating a HCPD vehicle after consuming alcoholic beverages; or
 - e. Has unlawfully used a controlled dangerous substance or abused prescription or over the counter medication.
 2. The elapsed time between the first notice or report of the member's condition and the time of a chemical test will be recorded by the supervisor ordering the test and the two (2) hour time limit set forth in the Maryland motor vehicle laws does not apply in such an instance.
- D. The HCPD may require any member to submit to a polygraph examination when it specifically relates to the subject matter of an investigation.²³

¹⁹ CALEA 26.3.6c

²⁰ CALEA 26.3.6c

²¹ CALEA 26.3.6b and d

²² CALEA 26.3.6a

²³ CALEA 26.3.6f

1. Any polygraph examination during an IAD investigation must be administered under the authority of the Chief of Police.
 2. The results are not admissible in a legal proceeding unless agreed upon by the member and the HCPD.
- E. Members may be required to submit to any laboratory examination pursuant to the same rules of procedure in any criminal case.²⁴
- F. Any member may be required to submit financial information if probable cause exists to believe the member has a possible conflict of interest with respect to the performance of his official duties, or local, State, or Federal law requires such disclosure.²⁵
- G. When any member is the subject of an interrogation for an administrative or criminal violation, the member may be prohibited from wearing or possessing any weapons during the interrogation.
1. If the investigator wishes the member to be unarmed, he shall notify the member in advance of the requirement.
 2. This restriction does not apply to the investigator conducting the interview.
- H. Auto Vehicle Locator (AVL) data may be used to investigate violations of rules and policies and/or suspected criminal activity.
1. Any use of historical AVL data for disciplinary use must be approved by the Chief of Police or a Deputy Chief of Police.
 2. AVL data will not be used by supervisors as a substitute for the routine monitoring of personnel or as the sole basis for disciplinary action.
- I. Any superficial damage to a departmental vehicle, i.e. scratches to paint or rim, that would require an ACRS report under General Order OPS-18, Collision Investigation and Reporting, will require an IAD control number. However, the internal investigation may be administratively closed. Dents or gouges to the vehicle body or rim or the flattening of a tire do not count as superficial damage and may not be administratively closed.

X. COMPLETED INTERNAL INVESTIGATIONS

- A. At the conclusion of an internal investigation, the investigator shall complete a Recommendation of Finding.²⁶ The investigator will forward the investigative file and Recommendation of Finding to their immediate supervisor for review and endorsement.
- B. Cases investigated by members of IAD will be reviewed by the IAD Commander who will make an endorsement.
- C. All cases will be reviewed by the appropriate Bureau or District Commander for endorsement or Conclusion of Fact. The appropriate Deputy Chief may request any case be forwarded to them for review and Conclusion of Fact. Any endorsement resulting in a recommendation for summary punishment or above must go to the appropriate Deputy Chief for a Conclusion of Fact.
- D. If the Conclusion of Fact is unfounded, administratively closed, exonerated, or not sustained, the case will be forwarded to the Commander of the Professional Standards Bureau (PSB). The PSB Commander will review the investigation for accuracy and completeness and then forward the recommendation and investigation, with appropriate endorsements, to the Chief of Police for final endorsement.

²⁴ CALEA 26.3.6a

²⁵ CALEA 26.3.6e

²⁶ CALEA 26.3.8

- E. If the Conclusion of Fact is sustained, the appropriate Bureau or District Commander or Deputy Chief shall exercise one of the following options once it has been reviewed for accuracy and completeness by the PSB Commander:
1. Non-disciplinary actions such as training and counseling.²⁷
 - a. If these options are used, the complete case file will be forwarded to the commander of the PSB who will review the investigation for accuracy and completeness before the non-disciplinary action is taken.
 - b. After his review, the file will be forwarded to the Chief of Police for final endorsement.
 2. Summary punishment may be imposed for minor violations of HCPD rules and regulations when the facts that constitute the minor violations are not in dispute, the officer waives his right to a hearing, and the officer accepts the punishment imposed by the highest-ranking officer of the Bureau or District to which the accused officer is assigned.²⁸
 - a. All cases involving summary punishment must have a Conclusion of Fact.
 - b. Summary punishment is utilized only when both the accused officer and his Bureau or District Commander agree to its imposition.
 - c. A letter of reprimand is the least measure of punishment that can be imposed through summary punishment.
 - d. Summary punishment may not exceed three (3) days suspension without pay or a fine of \$150.00. If loss of leave time is noted as a summary punishment for a case, the leave time must be noted in hours.
 - e. The imposition of summary punishment requires that the officer receive HCPD Form 1716, Departmental Finding of Fact, and HCPD Form 1703, Offer to Impose Summary Punishment/Waiver of Right to a Hearing.
 - f. If the officer accepts the summary punishment, the completed forms and the entire investigative file will be forwarded to IAD through the appropriate Deputy Chief of to the Chief of Police for the final endorsement.
 - g. If the officer disputes the facts in an offer of summary punishment, the entire investigative file will be forwarded to IAD and the procedures outlined below in "Decline to offer summary punishment" will be followed.
 - h. If the officer accepts the facts but rejects the punishment offered, the entire file will be forwarded to IAD and a one-person hearing board will be convened by the Chief of Police or an established alternative method within the terms of the negotiated bargaining agreement will be utilized. This applies to all officers up to and including the rank of Major.
 3. Recommendation exceeding summary punishment²⁹
 - a. The entire investigative file will be forwarded to IAD for coordination with the Office of Law. The Office of Law will prepare the HCPD Administrative Charging Document.

²⁷ CALEA 26.1.4a, b

²⁸ CALEA 26.1.4c

²⁹ CALEA 26.1.6

- b. The Administrative Charging Document shall be reviewed by the appropriate Deputy Chief who shall endorse the recommendation of each charge. Any modification of charges shall be done on a case-by-case basis by the designated Deputy Chief or the Chief of Police and authorized in writing.
 - c. The officer's Deputy Chief of Police or his designee will present the accused officer with the HCPD Charging Document.
 - d. The officer may, in writing, waive his right to a hearing board. The Chief of Police will issue a final order upon review of the investigative file.
 - e. If the officer does not waive his right to a hearing board, the Chief of Police will appoint a three (3) member hearing board with at least one (1) member of the same rank as the officer against whom the complaint has been filed, or use an alternative method of selecting a hearing board within the terms of the negotiated bargaining agreement. This includes all officers up to and including the rank of Major.
4. All cases that solely involve departmental collisions or failures to appear that do not involve summary punishment or a charging document shall be deemed complete by the appropriate endorsement of the Bureau or District Commander and forwarded to IAD for review.
 5. IAD will review each file and forward to the Chief of Police for review and final endorsement of the Conclusion of Fact.
 6. The Chief of Police will return all investigative files to IAD for filing and maintenance.
 7. Disciplinary Action may be appealed in accordance with Howard County Charter, Article VII, Section 705 and/or any applicable collective bargaining agreement.
- F. Presentation of Administrative Charging Document
1. The appropriate Deputy Chief of Police or his designee will present the accused officer with the HCPD Administrative Charging Document.
 2. The officer may accept the charges or dispute the charges and request a hearing board. If the officer accepts the charges, the appropriate discipline will be taken and the complete case file will be forwarded to IAD who will review the investigation for accuracy and completeness and then forward to the Chief of Police for final endorsement.
- G. When cases are Administratively Closed or Sustained, Commanders generally have three (3) options: training, counseling, and/or discipline.
1. The goal in every disposition is to ensure future compliance with HCPD regulations.
 2. In determining the appropriateness of disposition in individual cases, Commanders may consider several factors including but not limited to:³⁰
 - a. The nature of violation;
 - b. the member's past disciplinary record;
 - c. Consistency with past HCPD dispositions of similar cases;
 - d. The impact of the violation on the operation of the HCPD; and

³⁰ CALEA 26.1.4a, b, c
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- e. The Commander's expectation of behavior given the member's tenure, assignment, or rank.

XI. DISCIPLINARY HEARING BOARDS³¹

A. Hearing Board

1. If the investigation or interrogation of an officer results in the recommendation of action considered as a punitive measure, except for convicted felons or officers accepting summary punishment, the HCPD shall give notice to the 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.
2. If the officer does not waive his right to a hearing board, the Chief of Police shall authorize and appoint a hearing board.
 - a. If the officer is covered by a collective bargaining agreement, the Chief of Police shall select the members of the hearing board pursuant to the terms of the applicable collective bargaining agreement.
 - b. Consistent with LEOBR, the Chief of Police will select appropriate hearing board members for officers not covered by a bargaining agreement. The Chief of Police shall appoint a three (3) member hearing board with at least one (1) member being of the same rank as the officer against whom the complaint has been filed.
 - c. In certain circumstances, the Chief of Police may choose to compose the hearing board of sworn members from other law enforcement agencies.
3. The hearing board chairperson will be a commissioned officer selected within the terms of the negotiated bargaining agreement.
 - a. The chairperson will contact the board members prior to the hearing; inform them of the name of the accused officer and the charge(s); ensure they are familiar with their responsibilities as hearing board members; and instruct them that all information obtained through their assignment on the board shall be held strictly confidential.
 - b. The chairperson presides over the hearing and decides any issues of procedure and admissibility of evidence.
 - c. The chairperson shall administer oaths or affirmations and examine any individual under oath.
 - d. The chairperson will, at the request of either the HCPD or the accused, 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.
4. Officers notified to serve on a hearing board may request removal from the board within five (5) days of the notice. The written request shall contain the reason(s) for removal and must be submitted directly to the Chief of Police.
5. The accused officer shall be entitled to file thirty (30) days prior to the hearing, consistent with any applicable negotiated contract.

B. Counsel

³¹ CALEA 26.1.6
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1. The accused officer may be represented by counsel or a personal representative as outlined in LEOBR.
2. The Howard County Office of Law is responsible for supplying counsel to the proceedings.
3. One assistant solicitor will prosecute the case while another assistant solicitor will advise the board on questions or issues posed by the chairperson.

C. Hearing

1. All hearing boards shall be open to the public unless the Chief of Police finds that a hearing must be closed for good cause, including, but not limited to, the protection of a confidential informant, undercover officer, or a child witness.
 - a. The IAD Commander will notify the Public Information Office of the date, time, and location of any public hearing. This information will be posted to the departmental webpage two (2) weeks prior to the hearing and will be removed at its conclusion.
 - b. Attendees shall not have cellular phones, recording equipment, or weapons of any kind with them in the hearing room.
 - c. Departmental members may attend hearing boards but shall be off duty or on pre-approved leave; shall not display any HCPD-issued equipment including uniforms and clothing; shall be unarmed; and shall follow all the same restrictions as a general attendee.
 - d. Should a member be directed to attend a hearing board by the HCPD or subpoena, the member shall be in the uniform of the day. If the member would otherwise be off duty, they shall be compensated consistent with General Order ADM-45, Court Procedures.
2. When any member is the subject of a hearing board, the member shall be prohibited from wearing or possessing a weapon during the hearing and shall be dressed in plain clothes business attire as detailed in General Order ADM-13, Uniform and Professional Appearance. These restrictions do not apply to the officers conducting the hearing or IAD members assisting in the hearing board or witnesses.
3. Presentation of evidence
 - a. Brief opening statements shall be made first by the HCPD and then by the defense.
 - b. The HCPD will present its case. The defense may cross-examine each witness. The board may then question each witness.
 - c. The defense will present its case. The HCPD may cross-examine each witness. The board may then question each witness.
 - d. Rebuttal evidence by the HCPD may be presented.
 - e. Summation will be made by the HCPD and then by the defense, with concluding summation by the HCPD.
4. An official record, including testimony and exhibits, shall be kept of the hearing and maintained in the IAD case file.

D. Decision

1. A finding of guilt must be based on a preponderance of the evidence. The board must find that the evidence as a whole shows that fact or causation sought to be proved is more probable than not.
2. The decisions and recommendations of the hearing board shall be governed by majority vote of its members. Minority opinions may be written at the option of any dissenting member of the board.
3. Consistent with LEOBR, 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.
4. Consistent with LEOBR, 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 of Police. The hearing board may recommend punishment it deems appropriate under the circumstances, including but not limited to demotion, dismissal, transfer, loss of pay, reassignment, or other similar action that would be considered a punitive measure.³²
5. Consistent with LEOBR, 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, the prosecuting attorney, and the Chief of Police.
6. The written recommendations as to punishment are not binding upon the Chief of Police.
 - a. Within thirty (30) days of receipt of the hearing board's recommendations, the Chief of Police 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 LEOBR.
 - b. 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 permit the law enforcement officer to be heard, and shall state the reason for increasing the recommended penalty.

XII. TIME CONSTRAINTS, FILING, NOTIFICATIONS, AND EXPUNGEMENT

- A. All internal investigations must be completed within sixty (60) business days of the assignment of the investigation. Investigation review, Conclusion of Fact, and final endorsement by the Chief of Police shall be completed within forty-five (45) business days of the completed investigation.³³
 1. Extensions may be granted when extenuating circumstances exist upon the written approval of the Commander of Internal Affairs or the Chief of Police. The time requirements shall not apply to any investigation pending a court disposition.³⁴
 2. The case investigators must submit status reports on the investigation to IAD every thirty (30) business days.

³² CALEA 26.1.4c

³³ CALEA 26.3.3

³⁴ CALEA 26.3.3

3. Notification will be made during the investigation to the complainant advising him of the progress of the case. The date and time of the notification will be documented in the case file at least every thirty (30) business days.³⁵
4. Once a complaint or internal investigation has been finally resolved and/or adjudicated, the Office of the Chief will make written notification to each complainant, if known, through IAD, and to each member accused, advising the final disposition and any discipline imposed as a result of the complaint.³⁶

B. IAD Files³⁷

1. Consistent with LEOBR, 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, or unless the officer waives these rights.
2. All complaints will be maintained in a secure IAD database. The complaints remain confidential and will not become a part of an officer's official county or HCPD personnel file, except in cases of a sustained finding.³⁸
3. Any files or records maintained electronically must have sufficient security measures in place to ensure the integrity and confidentiality of the data.
4. IAD will retain investigative files in accordance with the State Department of General Services record retention and disposal schedule.
5. No administratively closed investigative files will become part of an officer's official county or HCPD personnel file.
6. Access, review, or release of restricted files maintained by IAD is governed by General Order ADM-15, Access to Restricted Files.
7. Supervisors shall contact IAD, preferably by email, when preparing annual performance evaluations to identify any applicable infractions.

C. Bureau Files

1. Bureau Files will be maintained by the Bureau, District, or Office of the Chief to track minor performance issues for assigned members. Supervisors will ensure that all appropriate material is filed in the member's Bureau File and kept confidential.
2. Any member will be notified when adverse information is being placed in his Bureau File.
3. Supervisors conducting performance evaluations are required to assess the reviewee's Bureau File. As part of this assessment, the information contained within the Bureau Files will be expunged by the reviewing supervisor after one (1) year or once it has been incorporated into a performance appraisal.

D. Expungement

1. Upon written request, a member may have any record of a formal complaint made against him expunged from any file if:

³⁵ CALEA 26.3.4b

³⁶ CALEA 26.3.4c

³⁷ CALEA 26.1.8 and 26.2.2

³⁸ CALEA 26.2.2

- a. The law enforcement agency investigating the complaint has exonerated the member of all charges in the complaint or determined that the charges were not sustained or unfounded, or an administrative hearing board acquits, dismisses, or makes a finding of not guilty; and
 - b. Three (3) years have passed since the findings by the law enforcement agency or administrative hearing board as prescribed by LEOBR, or as governed by any applicable union contract or county policy.
2. Any records of cases handled as informal inquiries or minor performance issues will be kept on file at the Bureau level for at least one (1) year or at least until the information is incorporated in the member's performance evaluation.

XIII. EARLY IDENTIFICATION SYSTEM

- A. An Early Identification System (EIS) shall be used to:
 1. Track complaints, use of force incidents, and departmental collisions.
 2. Serve as a tool to assist supervisors in monitoring member performance.
 3. Provide early identification of potential problem members to increase accountability.
 4. Compile and track statistical information on complaints received by the HCPD.
 5. Assist in identifying patterns of behavior so supervisors can address training needs or stress factors at an early stage with the goal of improving a member's performance.³⁹
- B. During day-to-day contact and observation, supervisors should always be mindful of any conduct or performance that could be indicative of a pattern that requires intervention efforts.⁴⁰
 1. Regularly collected reporting documents include but are not limited to performance evaluations; leave records; citizen complaints; disciplinary actions; written counseling; use of force incidents; and preventable Departmental collisions.
 2. Supervisors who develop a concern should contact the IAD Commander or their Watch Commander or Bureau Commander to determine if those observations warrant an alternate activation of the Early Identification System.⁴¹
- C. All internal investigations, HCPD collisions, and use of force incidents will be placed into the EIS. Use of force situations involving tactical operations will be entered as one incident under the detail supervisor's file with the IAD Commander's discretion to enter specific officer's information for specific acts stemming from the incident.⁴²
- D. The EIS software will prompt alerts throughout the year based on the following EIS data analysis parameters:⁴³
 1. Two (2) or more Internal Affairs complaints regardless of classification within a six (6) month period.
 2. Three (3) or more use of force incidents within a six (6) month period.

³⁹ CALEA 35.1.9g

⁴⁰ CALEA 35.1.9d

⁴¹ CALEA 35.1.9f

⁴² CALEA 35.1.9a

⁴³ CALEA 35.1.9b

NOTE: EIS Software may prompt multiple alerts for the same member throughout the year. If this occurs, the IAD Staff will process and forward alerts at six-month intervals.

- E. Within thirty (30) business days of receiving an EIS alert, the IAD Commander will assess the circumstances of the alert.⁴⁴
1. If the IAD Commander's assessment is that no action is necessary, the member's Bureau/District Commander will simply be notified of the alert.
 2. If the IAD Commander believes additional review or intervention is warranted, the alert will be sent to the member's Bureau Commander and copied to the appropriate Deputy Chief of Police. The IAD Commander will include the following:
 - a. The dates and types of the complaints and/or use of force incidents;
 - b. The complaint's active or closed status and the final disposition of the case if closed;
 - c. Any discipline administered; and
 - d. Reasoning why the IAD Commander believes that additional review is warranted.
- F. The Bureau Commander will evaluate the IAD Commander's recommendation and take the appropriate action. If no action is taken, this should be brought to the attention of the IAD Commander within thirty (30) business days. Email notification is sufficient.⁴⁵
- G. If the Bureau Commander agrees that intervention is necessary, the alert shall be forwarded to the member's immediate supervisor.⁴⁶
1. The immediate supervisor shall complete a memorandum within thirty (30) business days to the IAD Commander through the member's Bureau Commander with appropriate endorsements attached. The memorandum shall either justify why no corrective action is necessary or shall outline recommendations for any personal improvement or training plan to enhance the member's performance.
 2. An action plan may include but is not limited to:⁴⁷
 - a. Refer the member to a HCPD Peer Support Provider, consistent with General Order ADM-24, Critical Incident Stress Management Team;
 - b. Refer the member to an agency-authorized mental health professional or other mental health care provider approved and authorized by the HCPD;⁴⁸
 - d. Require the member to participate in authorized training (e.g. communications, cultural awareness, coping with stress, anger management, poor judgment) and/or remedial training;
 - d. Initiate reassignment or transfer; or
 - e. Conclude that the member's actions do not warrant immediate need for corrective action.
- H. IAD will forward all recommendations to the Chief of Police for review.

⁴⁴ CALEA 35.1.9c

⁴⁵ CALEA 35.1.9f

⁴⁶ CALEA 35.1.9f

⁴⁷ CALEA 35.1.9g

⁴⁸ CALEA 22.1.7e and 35.1.9h

- I. EIS information generated and obtained is confidential and shall not be disclosed to individuals outside the HCPD without the prior approval from the Chief of Police or by a court order.

XIV. ANNUAL PUBLIC REPORT AND PUBLIC INFORMATION

- A. The IAD Commander will prepare an annual report by March 1st of each year, consistent with General Order ADM-46, Administrative Reports. The report shall include:
 - 1. A statistical summary of all complaints and their current dispositions.⁴⁹
 - 2. An analysis of use of force incidents to reveal patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications.
 - 3. An annual review of the EIS process to assess the system's effectiveness and any necessary changes recommended to the command staff.⁵⁰
 - 4. A summary of all bias-based profiling statistics.
- B. The IAD Commander will provide access to the report to all agency members once it has been approved by the Chief of Police.
- C. The statistical summary shall be disseminated to the public through the Office of Public Affairs and shall be included in the HCPD Annual Report.
 - 1. The HCPD Annual Report shall be published on the HCPD website to assist in public dissemination.
 - 2. No persons who are the subject of any complaint or disciplinary action shall be identified in the report.⁵¹
- D. The HCPD will publish a brochure informing the public of the procedures to register a complaint against the HCPD or its members. Copies of the brochure will be made available both upon request and in the lobby area of the Northern and Southern Districts. The HCPD web site will also have instructions on how to register a complaint against the HCPD or its members.⁵²

XV. CANCELLATION

This General Order cancels and replaces General Order ADM-02, Internal Investigations, dated May 24, 2019.

AUTHORITY:



Lisa D. Myers
Chief of Police

⁴⁹ CALEA 26.2.5
⁵⁰ CALEA 35.1.9e
⁵¹ CALEA 26.2.5
⁵² CALEA 26.2.4