

THURMONT POLICE DEPARTMENT			
GENERAL ORDER	<i>Date Issued:</i> January 13, 2017	<i>Effective Date:</i> January 13, 2017	<i>Order No:</i> Chapter 4
<i>Authority: Chief of Police</i> Gregory L. Eyer		<i>Manual Page No:</i>	
<i>Subject: Internal Affairs</i>		<i>Replaces Page No:</i>	
<i>CALEA Standard: 52</i>	<i>Distribution: ALL</i>	<i>Amends: Previous Order</i>	<i>Number of Pages: 20</i>
<i>Related Documents:</i>		<i>Rescinds: Previous Order</i>	

This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

I. PURPOSE:

To establish the procedures for receipt, review, and/or investigation of complaints against police department personnel or agency policies.

II. POLICY:

It is the policy of the Thurmont Police Department to provide citizens with a fair and effective process for addressing their complaints, concerns, or grievances against departmental employees, by allowing any employee to receive a complaint from a citizen. Likewise, the Department acknowledges its obligation to protect its employees from false or frivolous allegations of wrongdoing as they perform their assigned duties and will, if necessary, investigate even those accusations that appear to be implausible or unlikely in order to clear the reputation of the accused employee and ensure the integrity of its complaint process.

III. DEFINITIONS:

Employee – means any individual employed by the Thurmont Police Department, either sworn or civilian.

Officer – means any sworn employee of the Thurmont Police Department who, in official capacity, is authorized to initiate arrests.

Probationary Employee – means an employee of the Thurmont Police Department who is in the initial probationary stage of employment. Normally, this period of time is for two (2) years from date of hire.

Office of the Chief – The Chief of Police and/or the Department’s Commanders, to include the Administrative Coordinator.

Command Officer – Any sworn police officer of the Thurmont Police Department of the rank of lieutenant or above, or a civilian employee of equivalent position. (Manager or Director.)

Complaint – Any report, allegation, accusation or statement in which an individual describes a problem or dissatisfaction with the behavior or performance of any department employee.

Complaint Findings (Disposition) – The official result of the Department’s inquiry or investigation into a Complaint that will determine whether or not any administrative and/or disciplinary action will be considered.

Investigator – The employee, regardless of rank or position, who actually conducts an Internal Investigation.

Hearing Board – means a board authorized by the Chief of Police to hear evidence of a complaint against an employee. Hearing Boards for sworn officers will be in accordance with the Law Enforcement Officer’s Bill of Rights. Hearing Process for civilian employees means the disciplinary process as outlined in Chapter 3, “Disciplinary Procedures,” and the Town of Thurmont’s policies and procedures.

LEOBR (Law Enforcement Officer’s Bill of Rights) – Maryland Public Safety Code- Title .3, or its successors, as it is amended and revised. (Revision date 01/05/2017)

Summary Punishment – Punishment which, according to the LEOBR is, “...imposed by the highest ranking member of a unit or a 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.” For the purpose of this Order, Summary Punishment may also include documented counseling sessions and written reprimands.

Resolved at Intake – Resolved at Intake has two uses:

1. The supervisor has determined that the matter complained about is not a violation of orders, ordinances, or laws; or

2. The matter has been resolved by the supervisor/command officer receiving the citizen complaint/report of the incident; informal counseling/supervisory direction was given to the employee at the time and/or the matter may be reflected in the employee's Performance Evaluation report.

Exonerated – means that the incident complained about did occur, but was justified, legal, proper, and in accordance with the Department policy and procedures.

Non-Sustained – There is not sufficient evidence to support the allegation(s).

Sustained – means there is sufficient evidence to support that the alleged violation did occur and there is sufficient evidence for disciplinary action.

Unfounded – The allegation was false or not factual or that there is no evidence that the alleged offense occurred or that the employee was involved.

Withdrawn – The allegation was withdrawn by the complainant.

Administratively Closed – The Department has deemed it inappropriate to proceed further with the investigation or disciplinary proceedings. This disposition would apply in cases where, for instance, an employee voluntarily resigns from Town employment prior to the completion of a pending investigation, or in cases where prosecution of the matter would likely be unsuccessful, such as when the complainant/witness is unwilling to testify or is unavailable for a hearing. This classification also may be used if a complainant refuses to participate further in an investigation after a Complaint is filed.

A “*finding*” will be determined for each specific allegation.

IV. PROCEDURE:

ORGANIZATIONAL INTEGRITY

It is incumbent on the Department to evaluate and/or investigate all bona fide complaints of employee misconduct. The Thurmont Police Department will investigate all complaints, alleged or suspected, either signed or anonymous, that are made against the Department or its employees.

Anonymous complaints can be difficult to investigate. Therefore, the Deputy Chief and Chief of Police will review each complaint for validation before disregarding it for a lack of a credible complaint.

A. Records of Complaints

1. All complaints against employees will be recorded and reported to the Chief of Police on a Complaint Against Personnel Form, through the chain of command. Incidents which require immediate investigations, such as officer involved shootings, will be reported to the Chief of Police, Deputy Chief and Supervisor immediately. Incidents of a less serious nature should be reported in a timely manner, which would normally be no later than the next regular business day.

2. Confidentiality of Investigations:

- a. All internal investigations and allegations against department employees are considered confidential personnel matters. No material fact, statement, finding or other content of any internal investigation may be reproduced, disclosed, or otherwise divulged or released to anyone without the permission of the Chief of Police.

Personnel will neither confirm nor deny the existence of an internal investigation, including one in which they are the accused, if asked by anyone who does not possess an official need to know. Internal investigators and other persons in the review process will not allow access to or discuss information relating to the Complaint or investigation thereof with other department employees nor anyone outside the Department other than those who have a lawful right to know and a bona fide need to know about a particular case.

Persons having access to internal investigation information would usually include the Chief of Police, Deputy Chief, the accused employee's supervisor, transcriptionists, and the Legal Advisor. Supervisors and command officer may be granted access to selected investigations as deemed appropriate by the Chief of Police for official purposes.

- b. Internal investigation files are not available to litigants in criminal, civil, or administrative proceedings unless such cases involve the appeal of disciplinary action brought by an employee and/or unless ordered by a court of competent jurisdiction.
- c. Access to any internal investigation files, records, or reports, other than that listed previously, is limited to:

- i. A Subpoena Duces Tecum: In order to ensure that the privacy rights of all involved parties are protected, the Department will, upon receipt of a Subpoena Duces Tecum of similar order of a court, immediately forward such document to the Legal Advisor. The Legal Advisor will analyze the request in light of the relevant statutory and case law, and will take the appropriate legal steps to seek to uphold the policy of confidentially maintained by the Department.
 - ii. Producing records by court order: When a court orders the Department to disclose internal investigation records, the Legal Advisor will be immediately notified of such an order. The Department will proceed as determined by the Chief of Police with assistance from the Legal Advisor.
3. All records of complaints against members of the Thurmont Police Department will be maintained in locked file cabinets in the Records File Room.
4. Expungement of Records:
 - a. Any internal investigation which cleared the employee of all charges, or in which he/she was found not guilty on all charges in an administrative hearing, or the complaint has been exonerated, or the charges have been non-sustained, or unfounded, and three (3) years have passed since the findings of the complaint, will be automatically expunged by the Department.

B. Staffing

1. The Office of the Chief provides administrative oversight of all Complaints that are received by the Department. Personnel assigned internal investigations have the authority to report directly to the Chief of Police when it comes to matters of internal investigations.

C. Information on Registering Complaints:

1. Upon request, Department personnel will inform members of the public regarding procedures for registering complaints. This information will include advising the individual that:
 - a. A complaint may be taken by any employee supervisor, or made directly to the Chief of Police.
 - b. An investigator will be assigned to the case.

- c. The complainant will be contacted by the investigator.
- d. The complainant will be informed in writing of the findings of the investigation.

D. Statistical Summary of Complaints:

- 1. The Chief of Police or designee will be responsible for maintaining a statistical summary of the Department's present year Complaint experience as well as an annual summary of that year's Complaint history.
- 2. The summary will be made available to the public and Department personnel upon request.
- 3. Identities of accused employees will not be released.

V. COMPLAINT INVESTIGATION PROCEDURES

A. Types of Investigations

- 1. All internal investigations and inquiries will be conducted by the Thurmont Police Department in accordance with applicable laws, the LEOBR, and accepted practices as audited in this Order.

Complaints involving allegations of corruption, brutality, misuse of force, breach of civil rights, criminal conduct, and other matters as deemed by the Chief of Police, may be forwarded to an allied law enforcement agency for investigation.

The complexity of the allegation, the nature and seriousness of the matter, and totality of circumstances will determine if a commander and/or supervisor within the Department will handle the investigation or if it will be forwarded to an allied agency.

- 2. Upon completion, all investigations will be reviewed and endorsed by the Chief of Police prior to filing.

B. Complaint Against Personnel Form:

- 1. The shift supervisor, when complaints are received at that level, will complete the Complaint Against Personnel Form (TPD 4.0A), seal it in an envelope and see that it is given to the Chief of Police as soon as possible.

Complaints received from citizens by other personnel will immediately report them to the shift supervisor, who will then notify the Chief of Police as detailed in the previous paragraph.

2. The Office of the Chief will assign a case number, and will forward Form TPD 4.0A to the assigned investigator to remain with the case file.

The Office of the Chief will maintain a bound/ledger to be known as the Internal Affairs Investigation Control Log. Spaces will be provided in the ledger for the case number, name of the alleged violator, complainant, date of receipt of the complaint, nature of the alleged violation, finding and disposition of the case.

C. Time Limits

1. To achieve a speedy resolution to internal affairs issues, an internal investigation will generally be completed within 60 days. A verbal status report should be given to the Chief of Police every seven (7) days.
2. In cases where extenuating circumstances exist, the time limit may be extended with approval of the Chief of Police, or his designee. All time limit extensions will be made in writing and made a part of the case file.

D. Notifying Complainants Concerning Status of Complaints

1. The Office of the Chief will send a letter to the reporting party/complainant advising verification of receipt of the complaint, and the name of the investigator.
2. The assigned case investigator will keep the complainant periodically informed of the investigation. This communication may be verbal or in writing at the discretion of the investigator.
3. Upon completion of the investigation, the Office of the Chief will send a letter to the reporting party/complainant advising him/her of the results of the investigations.
4. This standard does not apply to anonymous complaints.

E. Employee Notification Rights

1. When sworn employees are notified that they have become the subject of an internal investigation, the assigned investigator will issue the employee a written statement of the allegations (TPD Form 4.0C), and notification of rights and responsibilities relative to the investigation.

Civilian employees will be issued a memorandum detailing the allegations.

A copy of the notification forms or memo will be given to the alleged offender. The original will remain with the case file.

2. Complaints of brutality and/or excessive force against sworn personnel must be notarized and filed within 90 days of the incident in accordance with the LEOBR. (TPD Form 4.0B) The Chief of Police has the discretion to accept a complaint filed beyond the 90 day reporting deadline.
3. Investigator's Responsibilities:
 - a. The investigating officer will commence the investigation on the basis of the allegations contained on the Complaint Against Personnel Form.
 - i. The investigator will investigate and report all aspects of the allegations in a manner which is fair and impartial to all persons involved.
 - ii. The investigator will be responsible for informing the Chief of Police of the continuing developments in the investigation to determine whether to:
 - Retain the alleged violator in current assignment,
 - Assign the alleged violator to some other duty where there is close supervision and limited contact with the public or other officers.
 - Excuse the alleged violator from duty with or without pay in accordance with the LEOBR, or seek immediate suspension.
 - b. The investigators will contact the complainant and obtain a detailed statement of the allegations. Gather all facts and evidence regarding the allegations. This is to include statements from witnesses, evidence, photographs, sketches, documents, etc.
 - c. After all evidence and statements are obtained from the witnesses, the employee will be interviewed.
 - d. The investigator will complete the investigation and submit the report to the Chief of Police, through the chain of command.

The investigator's final report will be completed in the following format:

- i. Allegations Summary – concise but complete synopsis of the allegation(s) with the findings of fact, i.e., sustained, non-sustained, exonerated, unfounded.
- ii. Complaint Against Personnel form
Notification of Complaint to Personnel form
- iii. Investigative Report – a chronological Summary of the Investigation, Conclusion, and Finding.
- iv. Statements – transcribed, recorded interviews in sustained cases, detailed reports, documents, citizens, and witnesses.
- v. Correspondence – copies of any memos or other correspondence related to the investigation.
- vi. Photographs, sketches and other supporting documents.

4. Interviews Generally:

- a. All interviews/interrogations will be conducted in a private, quiet location free from interference from outside sources (telephones, etc.).
- b. All interviews/interrogations will be audio recorded. In exceptional circumstances, they may be videotaped in addition to being audio recorded. Investigators will:
 - i. test recorder,
 - ii. use AC power if possible,
 - iii. use a separate recording for each interview; the identity of the investigator must be made on each recording
 - iv. not secretly record; and,
 - v. use an external microphone, if possible.
- c. Written statements of complaint, in lieu of interview from a complainant, will be discouraged, as questions will usually arise that must be asked of the interviewee to clarify the incident. If the complainant submits a statement of complaint in their own words but

refuses to be interviewed, the investigator will conduct an investigation based on the statement if warranted by the submitted facts; however, the complainant will be notified that the investigation may be hampered by their lack of cooperation and that they may be called upon to testify at a hearing board.

- d. The interviewer should be respectful and courteous at all times, and maintain a professional and dignified composure. Interviewees will not be threatened, intimidated, or coerced.
- e. Every person named in the interview will be identified as completely as possible:
 - i. physical descriptions of persons should be obtained if they are not identified by name,
 - ii. obtain ages of juvenile, and,
 - iii. determine relationships.
- f. The sequence of interviews/interrogations to be followed will be generally as follows:
 - i. Complainant(s)
 - ii. Civilian witnesses
 - iii. Civilian employee witnesses
 - iv. Police witnesses
 - v. Accused employee(s)
- g. Questions should be prepared in advance, with follow-up questions formulated as necessary based on the subject's summary statement.
- h. Prior to beginning the interview/interrogation, the investigator will place on record:
 - i. the internal investigation number,
 - ii. the current date and time,

- iii. the identity of the interviewer, the subject being interviewed/interrogated, and the identity of any other person(s) present,
- iv. the fact that the accused employee (sworn officers only) has been advised of all of his/her rights under the LEOBR, if applicable,
- v. the fact that the subject is aware that they are being recorded, and
- vi. the fact that they have been ordered to submit to the interrogation, if applicable.

5. Complainant/Witness Interviews:

- a. Formal complainant statements should be taken at the earliest opportunity.
- b. Specifically, the investigator interviewing a complainant or witness should:
 - i. allow the interviewee to give an uninterrupted statement of the event;
 - ii. ask follow-up questions for clarity;
 - iii. determine positions of witnesses to observe;
 - iv. identify discrepancies from the initial complaint;
 - v. cover each allegation in detail;
 - vi. determine from a complainant any reasons for delay in reporting the complaint;
 - vii. identify and explore all discrepancies in their statement or between statements;
 - viii. obtain the names, addresses, and telephone numbers of all other known witnesses; and,
 - ix. cover all issues with all interviewees.
- c. There is no right to counsel for witness employees. Complainants may have counsel present.

- d. If a police employee witness indicates by their statement or answers to questions that they may have violated any general order, the interview shall stop until the employee has been afforded all of their rights to which they may be entitled by law or regulation.

6. Accused Employee Interrogations

- a. All interrogation of sworn officers will be conducted in accordance with the LEOBR, if applicable.
- b. Accused employees will be interrogated when the employee is on duty. If the allegation/incident is such that an immediate interrogation is imperative, the employee may be interrogated outside of working hours, but they must be compensated.
- c. Interrogations shall take place either at the office of the investigator or the employee's work location.
- d. The accused employee is to be advised, prior to the interrogation, of:
 - i. the nature of the complaint;
 - ii. the identity of the investigator; and,
 - iii. In the case of a sworn officer, of his/her rights afforded by LEOBR, if applicable.
- e. The accused employee should be given an opportunity to give a narrative statement, followed by interrogatories.
 - i. Specific follow-up questions about the allegations and narrative statement should be asked; and,
 - ii. Specific questions about discrepancies between the statements of the complainant and any witnesses should be explored.
- f. If the employee makes a spontaneous statement incriminating themselves, end the interrogation if it is determined that the investigation is now Criminal.
- g. All accused employees may have an attorney or other representative present during their interrogation. Employees have ten (10) business days from the date of notification of the interrogation to obtain an attorney or other representative.

- i. The attorney or representative may object to questions asked or make procedural objections, on the record before or during the interview. In such cases, the investigator will advise the attorney/representative that his/her objection is noted and proceed with the interview.
- ii. The employee may refuse to answer questions. However, if he/she does so, the investigator will order him/her to answer the question(s). If he/she still refuses, the investigator will advise the employee that his/her refusal to answer may subject him/her to disciplinary action, up to and including dismissal, for refusing to obey the order to answer.

7. Transcription of Interview:

a. As soon as possible after completion, the recorded interview/interrogation will be submitted to the Administrative Coordinator in the Office of the Chief. The Administrative Coordinator will have the recording transcribed. Alternatively, an investigator may transcribe their own interviews.

- i. The transcriber will format the transcript so that the upper right hand corner of each page shows the internal investigation number. Each page will be numbered on the center of the bottom of the page.
- ii. At the end of the transcript, the transcriber will add the following statement:

“I have read, or have had read to me, the above statement of (# of pages) pages, and I have initialed each page of this statement. This statement has been given by me and is true and correct to the best of my knowledge, information, and belief.”

The transcriber will also place immediately after the appropriate statement a signature line for the interviewee to sign and date the transcript, as well as signature line for a witness to sign. If the statement is to be sworn to before a notary (i.e., excessive force), the transcriber will add the appropriate information for a notary statement and signature.

The transcriber will place their names as the last item on the last page, and the date the statement was finally transcribed.

- iii. Once the transcription is complete, the transcriber will return the recording and transcript to the investigator.
 - iv. The investigator will verify the accuracy of the transcript, and will make corrections to the transcript if necessary. The investigator will add their name and the date to the last page under the transcriber's name as the person who proofed the statement and ensure that a corrected version is generated.
- b. The investigator will, as soon as possible after receipt of the accurate transcript, make arrangements for the person interviewed/interrogated to read the transcript.
- i. The person may listen to the interview recording in the presence of the investigator.
 - ii. Any alleged discrepancies between the transcript and the recording will be examined by the investigator or his/her representative with the person interviewed/interrogated present.
 - iii. If a discrepancy between the transcript and the recording are found to be present, the investigator will make the correction on the transcript in ink. The person interviewed/interrogated and the investigator making the correction will initial the correction. Alternatively, the investigator may generate a corrected transcript and destroy the incorrect one.
 - iv. Corrections to transcripts will only be made if there was an error in transcription. The transcript will not be changed if the interviewee simply wants to change his/her statement. In such cases, an additional interview will be conducted.
- c. Upon verifying the accuracy of a transcription of their statement, the person will initial the upper right corner of each page of the transcript and be requested to sign the statement on the last page.
- d. Copies of witness statements are available to the person making the statement.

F. Investigative Tools:

1. Medical and/or Laboratory Examination:
 - a. Officers under investigation may be ordered to submit to blood alcohol tests, and/or breath or urine tests for controlled dangerous substances.

All tests ordered will be in compliance with the “Employee Drug and Alcohol Testing Policy” and the LEOBR.

- i. A positive test result may be used in an administrative disciplinary hearing. Refusal to submit to testing will be grounds for disciplinary action up to and including termination for failing to obey a lawful order.
- ii. The result of the tests which have been ordered, are not admissible or discoverable in any criminal proceeding against the officer.

2. Photographs/Line-Ups/Financial Disclosures:

- a. Officers under investigation may be required to be photographed, to participate in a line-up, and/or submit to a financial disclosure statement when the actions are material to a particular internal affairs investigation. Compliance with the LEOBR will be required, if applicable.

3. Polygraph Examinations:

- a. An investigator will have the option of having polygraph examinations administered to complainants and accused employees if the investigation reveals, after interviews of the complainant, any witnesses, and the accused employee, that there are substantive differences in the version of events that are germane to the alleged violation(s). However, polygraph examinations will not be offered if there is evidence from independent witnesses that will establish without prejudice the course of events.
- b. Generally, polygraph examinations will be offered and administered to complainants before accused employees. If a complainant agrees to submit to a polygraph examination, and after such examination is found to have been truthful, then the employee under investigation will submit to an examination, either voluntary or by order.
- c. All polygraph examinations of accused sworn officers will be conducted in accordance with the LEOBR, as applicable.

4. Administrative Searches:

- a. Administrative searches of employee work areas or equipment owned by the Town may be conducted if:

- i. there is a reasonable suspicion that the search will reveal evidence that an employee is engaged in work-related misconduct; or,
 - ii. such a search is necessary for a non-investigative, work-related purpose, such as to retrieve a needed file or information.
 - b. Searches of employee work areas will not be performed for suspicion of violation of criminal law unless performed in accordance with a search warrant or warrant exception.
 - c. Searches of employee-owned property, such as briefcases, gym bags, etc. will not be performed without the existence of a search warrant or warrant exception.
 - d. Employee work areas will include, but not be limited to, desks, file cabinets, lockers, police vehicles, and computers.
- 5. Hearing Board Procedures:
 - a. If the investigation or interrogation of an officer results in the recommendation for demotion, dismissal, transfer, loss of pay, reassignment, or similar action which would be considered a punitive matter, then before any such action can be taken, the officer shall be entitled to a hearing of the issues by a hearing board.
 - b. An officer is not entitled to a hearing if he/she has been charged and convicted of a felony.
 - i. Administrative charges must be brought against an officer within one year after the act which gave rise to the charges is brought to the attention of the Department.
 - ii. The one year limitation does not apply to charges related to criminal activity or excessive force.
 - c. The hearing shall be conducted by a hearing board at which both the officer and the Department will be given ample opportunity to present evidence and argument with respect to the issues involved.
 - i. Both parties may be represented by counsel.
 - ii. An official record, including testimony and exhibits, shall be kept of the hearing.

- iii. The hearing board will be conducted in accordance with the LEOBR.
 - iv. Evidence with probative value commonly accepted by a reasonable and prudent person shall be admissible and given probative effect.
 - v. The hearing board shall give effect to rules of privilege recognized by law and shall exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.
 - vi. All records and documents admitted shall be made part of the record.
 - vii. Documentary evidence may be received in the form of copies, excerpts, or by incorporation by reference.
 - viii. Every party has the right to cross-examination any witness who testifies and may submit rebuttal evidence.
 - ix. The hearing board may take notice of judicially cognizable facts and also may take notice of general, technical, or scientific facts.
 - x. The hearing board may utilize its experience, technical competence, and specialized knowledge in the evaluation of evidence presented.
 - xi. The officer in charge of the hearing board shall administer oaths or affirmations and examine any individual under oath.
- d. Any decision, order or action taken as a result of the hearing board 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.
- i. A finding of “not guilty” terminates the action.
 - ii. If there is a finding of guilt, the board shall consider the officer’s past job performance and other relevant information before making its recommendation to the Chief of Police.
- e. The written recommendation as to punishment is not binding upon the Chief of Police.
- i. Within 30 days of receipt of the hearing board’s recommendation, the Chief shall review the findings, conclusions, recommendations,

and issue a final order. The final order is binding, but may be appealed in accordance with the LEOBR.

- ii. Before the Chief can increase the recommended penalty, he/she shall review the entire record of the proceedings, shall permit the officer to be heard, and shall state the reason for increasing the recommended penalty.
- f. A hearing board authorized by the Chief to hold a hearing on a complaint against an officer shall consist of not less than three (3) members, one (1) of which shall be of the same rank as the officer against whom the complaint was filed. The hearing board may be from within the Department or selected from law enforcement officers of another agency.
- g. If an officer is offered Summary Punishment and refuses, a one or three member hearing board shall be convened. The member of the one-member hearing board need not be of the same rank of the violator.
- h. The one member hearing board has the authority only to recommend the sanctions provided in summary punishment.

G. Relief from Duty:

- 1. Emergency suspension by the Chief with pay may be imposed when it appears in the best interest of the public and the Department.
- 2. The Chief may suspend the police powers of sworn personnel and reassign officers to restricted duties pending the determination of a court of competent jurisdiction to any criminal violation, or final disposition by an administrative hearing board as to Department violations.
- 3. Emergency suspension of police powers without pay may be imposed by the Chief upon any officer who has been charged with the commission of a felony.
- 4. All persons suspended with or without pay are entitled to a prompt hearing on the suspension.
- 5. Non-sworn employees may be suspended in accordance with Department procedures and the Town of Thurmont Rules and Regulations.

H. Conclusion of Fact:

1. A conclusion of fact will be determined from the final disposition of each investigation into allegations of misconduct. This determination provides identification of any needed changes in policy, procedures, rules, regulations, or training that may prevent future allegations of misconduct.
2. Upon final disposition of the Chief, the Chief will notify the following parties as appropriate of the findings of the investigation:
 - a. The employee will be notified in writing of the final classification of allegations made against him/her.
 - b. The necessary Commander/Supervisor will be notified in writing of the findings so that any appropriate participants in the process can be informed.
 - c. The training Coordinator will be notified in writing when an issue of training needs to be addressed.

VI. PERSONNEL EARLY INTERVENTION / WARNING SYSTEM

- A. The Thurmont Police Department adopts the practice of the Personnel Early Intervention / Warning System. The recognition of employees who may require intervention efforts is a non-punitive support system initiated to assist all employees in both their personal and professional lives. This system applies to all employees, both sworn and non-sworn.
- B. The Deputy Chief of Police, with input from supervisors, will examine Counseling Forms, Subject Management Reports, Departmental Collisions, Pursuit Reports, Worker's Compensation Claims, Citizen Complaints, Departmental Policy Violations, and documentation of non-performance, to determine if the employee could benefit from referred Counseling.
- C. If a referral for Counseling is justified, the Deputy Chief of Police will forward the recommendation to the Chief of Police for concurrence. Then the Deputy Chief of Police will notify the employee in writing and ensure a copy of the notification is placed in the employee's Personnel File.

VII. UNIFORM CITIZEN COMPLIMENT / COMPLAINT PROCESS

In accordance with House Bill 1016, and the adoption by Maryland Police Training Standards Commission, TPD has developed a Uniform Citizen Compliment and Complaint Process. The Compliment and Complaint Process is provided to the public on Flyers and on the TPD WEB site. The process informs the public that:

- A. Citizens may make complaints or compliments in person at TPD Headquarters, 800 East Main Street, Thurmont, Maryland, via telephone (301) 271-0905, or via email to the Deputy Chief of Police (pdroneburg@frederickcountymd.gov)
- B. Citizens making complaints shall be required to provide a name, mailing address, and phone number if they wish to receive notifications.
- C. Citizens can expect an initial response to their complaint within 72 hours.
- D. Citizens can expect an update of a minimum of one time per month until the complaint is resolved.
- E. Citizens can expect to be advised of the outcome of the complaint within 72 hours of a disposition including any discipline imposed in accordance with established confidentiality policies and an applicable laws.
- F.

VIII. INVESTIGATIVE RECORDS-PUBLIC SAFETY 3-112 (07/30/2021)

A record relating to an administrative or criminal investigation of misconduct by a police officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, may not be:

- (1) Expunged; or (2) Destroyed by this law enforcement agency

ATTACHMENTS:

TPD Form 4.0A	Complaint Against Personnel
TPD Form 4.0B	Complaint of Brutality
TPD Form 4.0C	Notification of Complaint to Personnel
TPD Form 4.0D	LEOBR Notification / Waiver
TPD Form 4.0E	Order to Answer Questions
TPD Form 4.0G	Review and Endorsement
TPD Form 4.0L	Offer of Summary Punishment
TPD Form 4.0M	Findings
TPD Form 4.0N	Notification of Disciplinary Action / Response
TPD Form 4.0P	Confidentiality Agreement
Uniform Citizen Compliment / Complaint Flyer	

NOTE: Hearing Board forms and templates will be obtained when necessary but not made part of this policy as attachments.

DOCUMENT DATES:

Amended Date: January 6, 2017, March 6, 2019, July 27, 2020, July 30, 2021 (page 20)

Review Date:

Review Date:

Rescinds: Previous Order

Order Written by: Deputy Chief of Police

Order Edited and Approved by: Chief of Police

*CALEA Standards included in this Order
52.1, 52.2*