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THURMONT POLICE DEPARTMENT			
GENERAL ORDER	<i>Date Issued: July 1, 2022</i>	<i>Effective Date: July 1, 2022</i>	<i>Order No: Chapter 3.3.1</i>
<i>Authority: Chief of Police Gregory L. Eyer</i>		<i>Manual Page No:</i>	
<i>Subject: Disciplinary Matrix (Maryland Statewide Matrix)</i>		<i>Replaces Page No:</i>	
<i>Accreditation Standard:</i>	<i>Distribution: ALL</i>	<i>Amends:</i>	<i>Number of Pages: 14</i>
<i>Related Documents:</i>		<i>Rescinds: New Policy</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

In accordance with House Bill 670 and Public Safety Article 3-104, the Thurmont Police Department has adopted the Maryland Statewide Model Disciplinary Matrix to apply disciplinary standards in a fair, equitable, and consistent manner.

II. POLICY

In order to protect the integrity of a law enforcement agency, discipline shall be imposed pursuant to this Disciplinary Matrix as a responsive measure to an officer's misconduct in violation of this agency's policy. Any departures from the discipline recommended under this Matrix must be justified in writing as part of the Administrative Charging Committee's final written recommendation. Discipline will be imposed for first violations and follow a progressive course for repeat or increasingly serious offenses.

III. DEFINITIONS

Aggravating Factors – Conditions or events related to the violation that increase the seriousness of the violation and may increase the degree of penalty as specified in the Matrix.

Formal Written Counseling – A form of counseling given to employees who have violated an agency's policy. Formal Written Counseling, the least severe form of disciplinary action, serves as a warning for violations. Further violations of same or similar conduct may result in more severe discipline. A copy of this letter shall be placed in the officer's disciplinary file.

Letter of Reprimand – A formal letter to an officer from the agency which details the officer's wrongful actions and states their actions have been deemed inappropriate or unacceptable. Further violations of same or similar conduct may result in more severe discipline. A copy of this letter shall be placed in the officer's disciplinary file.

Loss of Leave – Removal of leave from officer's accrued leave total (Vacation, Personal). Loss of leave shall be determined in hours.

Loss of Pay – Suspension from duty without pay.

Level One – Penalty level for first offense violation.

Level Two – Penalty level for second offense of similar conduct.

Level Three – Penalty level for third offense of more similar conduct.

Mediation – A process in which parties in a dispute work with one or more impartial mediators who assist the parties in reaching a voluntary agreement for the resolution of a minor dispute or conflict.

Mitigating Factors – Conditions or events that relate to the violation, but do not excuse or justify the violation, that are considered in deciding the degree of penalty.

Penalty Days – The forfeiture of vacation days and/or the imposition of suspension without pay for a specified period of time.

Remedial Training – Training designed to correct the behavior of officers who have failed to perform their duties with the skill, knowledge and/or ability expected and/or required of them, or have otherwise demonstrated a need for additional training.

IV. POLICY / PROCEDURE

Offense Categories - The Matrix includes six (6) categories. Each offense is categorized by a letter (A-F) that represents the severity of the offenses in that category. Category A is the lowest level of discipline and Category F is the highest level.

Special Circumstance Categories – Special circumstance categories are specific violations with their own disciplinary ranges.

Factors Influencing Discipline – Mitigating and aggravating factors surrounding a violation may increase or decrease the discipline. Those factors will be considered within the disciplinary range for a specific category.

Multiple Count Adjustments – Generally, each sustained misconduct allegation shall be considered separately for the purpose of recommending and imposing discipline. However, when multiple violations arise from the same conduct, an Administrative Charging Committee may determine that the most effective manner to address discipline in the case is to consolidate violation into one form of discipline.

Prior Disciplinary Record – The Matrix incorporates an officer’s prior sustained disciplinary record in determining discipline for a new violation. In each category, there are three penalty levels based on the number of misconduct violations within a specified period of time. Three or more sustained violations in the same category and specified time period will progress to the next higher offense category noted in the Matrix.

Determining Discipline – In determining discipline, review the example violations found in the Matrix and Appendix, and select the appropriate offense category. Determine if the offense is a first offense or repeat offense and select the appropriate level.

Violations Not Found in the Matrix – Violations not referenced in the Matrix or Appendix will be determined by the local Administrative Charging Committee, after consultation with the local law enforcement agency, and fall into a category of a similar offense, consistent with category descriptions.

Violations that Fall into Multiple Violation Categories – Some violations can fall into multiple categories depending on the severity of the violation. For example, penalties for body-worn camera related violations, insubordination, and harassment may carry more or less severe penalties, depending on which category most accurately fits the member’s actions.

STATEWIDE POLICE DISCIPLINARY MATRIX

MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

Note: An agency policy violation must first be identified prior to selecting a Violation Category. If the specific policy/procedure violation is not listed in the examples, review the violation category definition, along with similar violations and select the most appropriate category.

VIOLATION CATEGORY – A

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors <input type="checkbox"/> Aggravating Factors	
Category A: Conduct that has or may have a minimal negative impact on operations or professional image of the law enforcement agency.	ONE: 1 st Violation	Formal Written Counseling	→ Letter of Reprimand
	TWO: 2 nd Violation in 24 Months	Formal Written Counseling	→ Up to 1 Day Loss of Leave or Loss of Pay
	THREE: 3 rd Violation in 24 Months	GO TO CATEGORY B LEVEL 1	

Policy Violation Examples for Category A

Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.

Violation associated with improper attire and grooming (uniformed/non-uniformed)
Late for duty assignment
Failure to properly care for agency vehicle, including but not limited to vehicle inspection and maintenance care
Failure of officer to provide identification when required
Failure to comply with traffic stop procedures
Loss of agency property (excluding weapon and radio)
Parking Violations

VIOLATION CATEGORY – B

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	Aggravating Factors
Category B: Conduct that has or may have a negative impact on the operations or professional image of law enforcement agency; or that negatively impacts relationships with other officers, agencies, or the public.	ONE: 1 st Violation	Letter of Reprimand	→ Up to 2 Days Loss of Leave or Loss of Pay
	TWO: 2 nd Violation in 36 Months	1 Day Loss of Leave or Loss of Pay	→ Up to 3 Days Loss of Leave or Loss of Pay
	THREE: 3 rd Violation in 36 Months	GO TO CATEGORY C LEVEL 1	

Violation Examples for Category B

Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.

Rude, discourteous actions towards the public or other employees to include profanity and/or obscene gestures.
Failure to furnish name, ID number, and assignment
Officer using their official status, name, or photograph to endorse any product or service connected with law enforcement for personal gain without permission from agency
Failure to remain alert and awake on duty
Failure to notify supervisor of the suspension, revocation, or cancellation of driver's license
Unauthorized use or wearing agency issued equipment (or use of agency insignia) while working secondary employment
Failure to make required inspection of agency vehicle for weapons/contraband prior to and after transporting a prisoner
Operating an agency vehicle beyond jurisdictional boundaries without authorization
Altering or modifying agency equipment without approval
Operating an agency vehicle while on sick leave, light duty status, or suspension without authorization
Failure to submit required report
Failure to conduct preliminary and follow-up investigation/reporting
Improper use of Internet or other communications equipment
Working secondary employment without approval
Violation of social media policy
Failure to accept a complaint against an officer
Failure to obey traffic laws –minor, while operating an agency vehicle

VIOLATION CATEGORY – C

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors <input type="checkbox"/> Aggravating Factors	
Category C: Conduct that involves a risk to safety or that has or may have a pronounced negative impact on the operations or professional image of the law enforcement agency or a member, or on relationships with other officers, agencies, or the public.	ONE: 1 st Violation	2 Days Loss of Leave or Loss of Pay	→ Up to 4 Days Loss of Pay
	TWO: 2 nd Violation in 48 Months	3 Days Loss of Pay or 3 Days Loss of Leave	→ Up to 5 Days Loss of pay
	THREE: 3 rd Violation in 48 Months	GO TO CATEGORY D LEVEL 1	

Violation Examples for Category C

Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.

Failure to notify or report to duty assignment – Absent without leave (AWOL)
Failure to notify agency that officer has become subject of a criminal investigation
Failure to properly secure a firearm
Unauthorized/careless use/handling/display of a weapon
Carrying an unauthorized firearm, ECD or other weapon in a vehicle or on the officer's person, on or off duty
Discharging of firearm in violation of policy – no injury
Failure to properly search a prisoner incident to arrest
Improper release/escape of a prisoner (no criminal intent)
Unnecessary force/excessive force resulting in unknown injury or minor injury
Failure to document or investigate a physical use of force
Engaged in secondary employment while on sick leave
Unauthorized vehicle pursuit– no injury
Dissemination of confidential information related to a criminal investigation, Criminal Justice Information System (CJIS) or Motor Vehicle Administration (MVA) to unauthorized persons

VIOLATION CATEGORY – D

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors □ Aggravating Factors	
Category D: Conduct substantially contrary to the values of the law enforcement agency or that substantially interferes with its mission, operations, or professional image, or that involves a serious risk to officer or public safety, or intentionally violates law enforcement agency policy.	ONE: 1 st Violation	5 Days Loss of Pay or 5 Days Loss of Leave	→ Up to 15 Days Loss of Pay
	TWO: 2 nd Violation in 60 Months	10 Days Loss of Pay	→ Up to 20 Days Loss of Pay
	THREE: 3 rd Violation in 60 Months	GO TO CATEGORY E LEVEL 1	

Note: Demotion and/or reduction in rank can also be considered as a part of the disciplinary penalty for Category D

Violation Examples for Category D

Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.

Reporting to work with a measurable amount of alcohol in system, (no requirement to be legally intoxicated)
Failure to provide and/or request needed medical assistance (includes individuals not in custody)
Failure to notify agency that officer has been charged with a civil or criminal violation, whether by arrest or criminal summons.
Unauthorized vehicle pursuit– with injury
Failure to report a firearm or less lethal weapon discharge (includes accidental discharges)
Failure to report an agency collision

VIOLATION CATEGORY – E

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	Aggravating Factors
Category E: Conduct that involves misuse of authority, unethical behavior (not involving false reporting or false statements), or an act that could result in an adverse impact on an officer or public safety or to the professionalism of the law enforcement agency or a violation of any misdemeanor.	ONE: 1 st Violation	15 Days Loss of Pay	→ 25 Days Loss of Pay up to TERMINATION
	TWO: 2 nd Violation in 60 Months	15 Days Loss of Pay	→ 30 Days Loss of Pay up to TERMINATION
	THREE: 3 rd Violation in 60 Months	GO TO CATEGORY F LEVEL 1	

Note: Demotion and/or reduction in rank can also be considered as a part of the disciplinary penalty for Category E

Violation Examples for Category E

Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.

Using official position to avoid consequences of criminal laws and/or incarcerable traffic violations.
Unnecessary force/excessive force resulting in serious injury
Failure to report a use of force
Engaging in acts of retaliation
Discharging of firearm resulting in injury or death, non-criminal intent
Obstructing or hindering a criminal investigation
Obstructing or hindering internal affairs or an administrative investigation
Affiliation with any person or organization known to be involved in criminal activity

VIOLATION CATEGORY – F

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors <input type="checkbox"/> Aggravating Factors
<p>Category F: Any violation of law, policy, rule or regulation which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of the law enforcement agency's mission, vision and values; or involves any act or omission which demonstrates a serious lack of the integrity, ethics or character related to an employee's fitness to hold their position; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected, to include those whose sworn duty is to uphold the law; or involves conduct which constitutes the failure to adhere to any condition of employment required or mandated by law, including any 18 U.S.C. § 922(g) (Lautenberg) violations.</p>	<p>ONE: ANY VIOLATION</p>	<p>TERMINATION</p>

Violation Examples for Category F

Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.

Truthfulness: Intentionally making any verbal or written false statement during an official investigation or on any official agency document.
Enforcement and/or detention of individuals based on discriminatory practices
Engaging in sexual behavior on duty
Engaging in sexual behavior in an agency vehicle or facility, on or off duty
Intentional malicious and unjustified use of force resulting in serious bodily injury or death
Intentional erasing video footage and/or audio transmissions from digital video camera equipment (BWC/In-Car Camera)
Converting property/evidence for personal use
Performing secondary employment while on-duty
Improper use of controlled dangerous substance (CDS), narcotic, or hallucinogen
Tampering or manufacturing of evidence
Knowingly participating or joining an organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious, ethnic, or other groups or classes of individuals protected by law.

SPECIAL CIRCUMSTANCE VIOLATIONS

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	Aggravating Factors
DRIVING UNDER THE INFLUENCE Category 1: <i>Any off-duty driving under the influence of alcohol and/or drugs which would constitute a violation of law.</i>	ONE: 1 st Violation	15 Days Loss of Pay	→ TERMINATION*
	TWO: 2 nd Violation	30 Days Loss of Pay	→ TERMINATION*
	THREE: 3 rd Violation		TERMINATION*
Category 1a: <i>Any on-duty or off-duty in a departmental vehicle driving under the influence of alcohol and/or drugs which would constitute a violation of law.</i>	ONE: 1 st Violation		TERMINATION*

**Unless prohibited by Executive Order or Government Policy*

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	Aggravating Factors
FAILURE TO APPEAR FOR COURT/MVA HEARINGS Category 2: <i>Intentional or purposeful failure to appear for any properly summoned court appearance which is the result of action taken as a law enforcement officer. This category also includes MVA hearings.</i> *Resets 1 calendar year from the date of the first violation.	ONE: 2 violations in 1 year	Formal Written Counseling	→ Formal Written Counseling
	TWO: 2 additional violations in 2 years	Formal Written Counseling	→ Up to 2 Days Loss of Leave or Loss of Pay

DEPARTMENTAL COLLISIONS

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	Aggravating Factors
<p style="text-align: center;">DEPARTMENTAL COLLISIONS</p> <p>Category 1: Minor Damage¹ to Police Vehicle and/or Other Property or Vehicle</p> <p>¹Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major).</p> <p>²Driver Re-training can be imposed at any level but is mandatory for three or more at-fault departmental collisions.</p>	ONE: 1 st Violation up to 12 months	Formal Written Counseling	→ Letter of Reprimand
	TWO: 2 nd Violation within 0-24 months	Formal Written Counseling	→ Up to 2 Days Loss of Leave or Loss of Pay
	THREE ² : 3 rd or more Violation within 0-36 months	Letter of Reprimand	→ Up to 5 Days Loss of Leave or Loss of Pay
<p>Category 2: Major Damage to Police Vehicle and/or Other Property or Vehicle</p> <p>¹Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major).</p> <p>²Driver Re-training can be imposed at any level but is mandatory for three or more at-fault departmental collisions.</p>	ONE: 1 st Violation up to 12 months	Formal Written Counseling	→ Up to 1 Day Loss of Leave or Loss of Pay
	TWO: 2 nd Violation within 0-24 months	Letter of Reprimand	→ Up to 3 Days Loss of Leave or Loss of Pay
	THREE ² : 3 rd or more Violation within 0-36 months	Letter of Reprimand	→ Up to 10 Days Loss of Leave or Loss of Pay
<p>Category 3: Injury to Law Enforcement Personnel and/or Civilian</p> <p>If gross negligence or reckless operation of a police vehicle is involved in any collision that results in serious injury or death the disciplinary range will increase up to and including termination.</p>	ONE: 1 st Violation up to 12 months	Formal Written Counseling	→ Up to 2 Days Loss of Leave or Loss of Pay
	TWO: 2 nd Violation within 0-24 months	Letter of Reprimand	→ Up to 5 Days Loss of Leave or Loss of Pay
	THREE ² : 3 rd or more Violation within 0-36 months	Letter of Reprimand	→ Up to 14 Days Loss of Leave or Loss of Pay

VIOLATION EXAMPLES THAT MAY FALL INTO MULTIPLE VIOLATION CATEGORIES DEPENDING ON THE FACTS OF A CASE

The policy violation examples set forth in this document are not intended to serve as an exhaustive list of prohibitions on officer conduct and activities. Rather, they are intended to be a sampling of policy violations that exist in the majority of law enforcement agencies. Examples of misconduct have been provided in each policy violation category to serve as a guide in determining discipline for officers found to have violated an agency's policy or general orders/procedures.

However, while policy examples outlining acceptable and unacceptable conduct for officers is necessary, not every situation can or will be covered explicitly. Below is a listing of policy conduct violations commonly found in law enforcement policies that may not fall into one specific violation category, but may warrant a higher or lower level of discipline based on the severity of the misconduct.

ABUSE OF POSITION: Officers conduct, whether on or off duty, where their authority or position is used for financial gain, obtain or grant privileges or favors, avoid consequences of illegal acts for themselves or others, or to barter, solicit or accept any good or services, such as gratuities, gifts, discounts, rewards, loans, or fees, whether for themselves or others.

BWC/IN CAR VIDEO/VIDEO RECORDED EQUIPMENT VIOLATIONS

CONDUCT UNBECOMING: Officer conduct, whether on or off duty, that casts doubt on their integrity, honesty, moral judgment, or character; brings discredit to an agency; or impairs the agency's efficient and effective operation.

CUSTODIAL RELATED VIOLATIONS (ABUSE, SECURING, TRANSPORTATION, MEDICAL CARE)

DISCRIMINATION AND/OR HARASSMENT TOWARD AN INDIVIDUAL BASED ON RACIAL, RELIGIOUS, ETHNIC, OR OTHER GROUPS OR CLASSES OF INDIVIDUALS PROTECTED BY LAW

DUTY TO INTERVENE/FAILURE TO DEESCALATE

FAILURE OF SUPERVISOR TO PROPERLY MANAGE PERSONNEL AND/OR FOLLOW SUPERVISORY POLICY RESPONSIBILITIES

INSUBORDINATION: Willful failure of an officer to obey a supervisor's lawful orders.

VIOLATIONS OF FEDERAL, STATE OR LOCAL LAW

WORKPLACE VIOLENCE: Any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs in the workplace or arises out of the employment relationship.

Public Safety 3-105:

Within 15 days after an Administrative Charging Committee issues an administrative charge against a police officer, the chief of the law enforcement agency shall offer discipline to the police officer who has been administratively charged in accordance with the disciplinary matrix.

The chief may offer the same discipline that was recommended by the Administrative Charging Committee or a higher degree of discipline within the applicable range of the disciplinary matrix, but may not deviate below the discipline recommended by the Administrative Charging Committee.

If the police officer accepts the chief's offer of discipline, then the offered discipline shall be imposed.

If the police officer does not accept the chief's offer of discipline, then the matter shall be referred to a Trial Board.

At least 30 days before a Trial Board proceeding begins, the police officer shall be:
Provided a copy of the investigatory record;
Notified of the charges against the police officer;
Notified of the disciplinary action being recommended.

DOCUMENT DATES:

Attachment:

Amended Date:

Review Date:

Review Date:

Review Date:

Rescinds: New Policy

Order Written By: Lt. P.A. Droneburg

Order Edited and Approved By: Chief Gregory L. Eyer

Accreditation Standards Included in this Order

CHAPTER