



Manchester Police Department

RULES AND REGULATIONS

Effective Date: August 1, 2014 Updated: September 30, 2021

Article 29 Internal Complaint Process

Purpose

The purpose of this policy is to establish guidelines for receiving and investigating complaints and allegations of misconduct by police officers. A relationship of trust and confidence between the Manchester Police Department and the community is essential for effective law enforcement. Therefore it is important to establish a disciplinary process that enables the Manchester Police Department to initiate positive, corrective action for improper conduct while at the same time protecting its members from unwarranted criticism for properly discharging their duties.

Policy

It is the policy of the Manchester Police Department to receive all complaints of misconduct, record all complaints on a standard form, and to investigate each complaint seriously and professionally. ALL members of the Department are authorized to receive complaints in writing, by telephone, and through personal communication. This information will then be recorded and forwarded to the Chief of Police without delay. It will be determined at that point who will conduct the investigation. The degree of seriousness of the allegation or complaint will determine the course of the investigation. Less serious circumstances may be delegated to a permanent rank supervisor for investigation. Serious allegations (including, but not limited to those involving corruption, misuse of force, breach of civil rights, untruthful statement, criminal misconduct, etc.) shall be investigated by an outside law enforcement agency at the request of the Chief.

Effective October 1, 2021, the Office of Attorney General's Independent Investigations Division ("IID") and the Maryland State Police ("MSP") will lead the criminal investigation of police-involved fatalities as mandated by Maryland Annotated Code, State Government Article, § 6-106.2.

Members of our Police Department have a duty to report any violation witnessed and or brought to their attention that has been committed by a member of their own agency or other, and shall report said violation to their immediate supervisor, it is their duty.

It is the policy of the Department to fully investigate all charges of misconduct alleged against members of other law enforcement agencies and to notify the officer's parent agency of the alleged misconduct.



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To ensure all members of the Department apply only the appropriate level of force, it is the policy of the Department that all reports of the use of force will be reviewed thoroughly by the department's permanent rank supervision and Chief of Police. All Officers and Supervisors have the duty to intervene when necessary.

It is the policy of the Department that disciplinary procedures and actions will be applied to all officers in accordance with Maryland Law, Federal Law, and the Rules and Regulations including by not limited to policies set by the Town of Manchester and other personnel and human resources policies.

Internal Complaint Processing

The Chief of Police or his designee (**Permanent Rank Supervisor**) *is* responsible for, and supervises the investigation of all complaints or allegations of misconduct directed against members of the Manchester Police Department. There will be cases which due to the nature of, or seriousness of; will require or request for the Carroll County Sheriff's office, or Maryland State Police or a certified outside police agency to investigate; for an impartial and fair investigation.

- A. Initial Filing of Complaints - Citizens are encouraged to follow the Citizen Complaint process found on the Town's Web page to file complaints alleging misconduct, if the complaint is not otherwise resolved. This process is not a requisite for filing a complaint and as an alternative; citizens may contact the Police of Chief Directly. All complaints will be documented on the Citizen Complaint Form for tracking purposes.
- A photocopy of any written complaint will be given to the complainant as a receipt.
 - Otherwise, all complaints will be documented on a Citizen Complaint Form and forwarded to the *Chief of Police* immediately upon receipt.
 - Exception - any member of the Police Department desiring to file a complaint against another member will document the complaint on a memorandum, and forward it to the *Chief of Police*.
- B. The *Chief of Police* will review all complaints against his members and will determine the appropriateness of assignment.
- C. The Chief of Police may request an investigator from the Carroll County Sheriff's Office, Maryland State Police, Carroll County State's Attorney Office and or the FBI, to investigate all complaints involving allegations of corruption, brutality,



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misuse of force, breach of civil rights, criminal conduct, and other matters at the direction of the Police Chief.

- D.** The *Chief of Police* may assign a permanent rank supervisors to investigate complaints that involve such matters as but not limited to; rudeness on the part of a member, tardiness, insubordination, policy and procedures violations and other complaints that can be handled as a matter of supervisory counseling, training or progressive discipline and documentation.
- E.** The *Chief of Police* is responsible for supervising the accuracy and integrity of all complaint investigations; unless it is appropriately sent out for investigation.
- Assigning of investigative due dates
 - Ensuring, preparing and delivering all internal affairs correspondence, including:
 - Forwarding a certified letter of acknowledgment to the complainant
 - Providing updates if possible and not confidential
 - Notifying the complainant by certified letter of the outcome of the investigation
 - Maintaining records of all investigations into allegations of misconduct, and the confidentiality thereof.
- F.** The complexity, nature and seriousness of the allegation, including the totality of circumstances will determine at which level of supervision the investigation will be conducted.
- G.** Quite often, complainants do not want an investigation conducted, but merely an explanation. During these instances, supervisors will actively listen to the complainant, clarifying any questions about the Department's policy, procedures, laws, etc. All complaints will be documented.

During these instances, nothing shall limit a supervisor from making further inquiry as a matter of performance counseling between the supervisor and member. Supervisors making an inquiry should inform the complainant of the inquiry, and any results. The results of these inquiries will be documented and included in the member's supervisory file.



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Complaint Investigation

When members are notified that they have become the subject of a complaint investigation, the member will be issued a “Notification of Investigation Form”, informing them in writing of the allegations, and their rights and responsibilities relative to the investigation, when appropriate in doing so.

Investigations Assigned to Supervisors - Unless granted an extension by the *Chief of Police*, all inquiries are to be completed within one year, however a 45 day completion is preferred if possible. Investigations will not be rushed and must be thorough, from the date of assignment and or received; unless the investigation is sent out to a listed police agency for investigation. At that point the investigation will be conducted under their purview and policy of the identified agency.

All internal investigation reports will include:

- Respondent’s full information
- Complainant’s full information
- Identified Allegations
- Reported information
- Identified facts
- Investigative findings and conclusion of facts as one of the following:
 - Unfounded
 - Non-Sustained
 - Exonerated
 - Sustained
 - Policy Failure

Should the *Chief of Police* not concur with the findings or actions of the investigator, he/she may choose one of several courses of action:

- The *Chief of Police* may review the case with the investigator to point out deficiencies of supportive facts. Portions of the report may require rewriting because of non-supportive critical statements.
- The *Chief of Police* may direct the investigator to continue the investigation and or upon completion of the review except the findings for final disposition.

Within thirty (30) days of final disposition, the *Chief of Police* shall serve the member in writing with the determination of facts and Notice of Disciplinary Personnel Action, or other disposition.



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An investigation shall result in no punitive action where the member's conduct was exonerated or when there is not substantial evidence of misconduct found. In such cases, the member will be furnished a copy of any reply to a complainant.

- In those cases where a violation is indicated, the member will be notified via memorandum from the Chief of Police or designee; and
- The complainant will be advised by letter of the outcome of the case after final adjudication.

Reports of internal investigations, including witness statements are confidential and will be maintained by the *Chief of Police* in a secured area. Any request for said file must be in writing and addressed to the Chief of Police.

Required Submissions & Tests

Members are subject to interview by a supervisor, or assigned investigator at any time and shall answer all work-related questions truthfully, promptly and completely. All will be done in accordance with the Officer's Rights.

- A. Members under investigation may be compelled to submit to a polygraph examination related specifically to the complaint investigation.
- B. Members may be required to submit financial disclosure statements when it is material to a particular investigation relating to a conflict of interest during the performance of official duties.
- C. Members may be required to submit photographs or participate in a line-up if the evidence is material to a particular offense being investigated.
- D. Members who are the subject of an investigation may be subjected to blood, breath, or urine tests for alcohol, drugs and controlled dangerous substances when there is reasonable suspicion that the member is under the influence of any of these substances; also see, Town of Manchester's Personnel Procedure and Police.
- E. Failure to comply with this section may result in additional disciplinary action.



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Non-Disciplinary Action

A. Non Punitive Counseling and Training

Minor allegations of misconduct may be corrected through positive and constructive training, or verbal counseling thereby improving member, productivity, professionalism and effectiveness.

B. Formal Counseling

The issuance of a formal counseling memorandum is an instructional communication and is not a disciplinary action.

- Formal counseling sessions will be documented on a Personnel Counseling Record and maintained in the member's Supervisory File only for the duration of the Performance Appraisal Period in which the counseling session occurred.
- A counseling session should occur as soon as possible following the incident, so the member's behavior or performance can be discussed and corrected while the incident is current to the member and supervisor.
- Any corrective action or counseling must be discussed and acknowledged by the member within thirty (30) days of supervisor first gaining knowledge.

Types of Disciplinary Action

- A. **Written Reprimand** - A written statement concerning a specific act, infraction or violation of a policy or procedure that is made a part of the member's personnel file.
- B. **Forfeiture of Annual Leave Time** - Except where prohibited by the Fair Labor Standards Act, the removal of a specified number of hours from the annual leave time balance of a member. The amount forfeited may not be less than one day nor more than ten (10) days. The placing of a member on leave without pay, when the member is absent without approval is not a disciplinary action. A member that is placed on leave without pay in these instances may also be subject to disciplinary action for the unapproved absence.
- C. **Within-Grade Reduction** - The movement of a member from a higher base salary to a lower base salary without a reduction in grade or change in position for a specified period of time not to exceed one year.



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- D. **Suspension** - The placing of a member on leave with or without pay. Relieving the member of their police authority and powers of arrest. The Police Chief must approve for any suspension greater than one day.
- E. **Suspension Pending Inquiry of Charges or Court Trial** - The placing of a member on leave without pay status for an indefinite period pending inquiry of charges or court trial for job-related offenses. If found innocent, the member must be reinstated without loss of pay. Any salary due for the period of suspension must equal the member's normal earnings less the amount earned in other employment obtained and engaged in during the period.
- F. **Demotion** - The movement of a member from one position or class to another with a lower grade level assignment. Any loss of pay caused by demotion shall not exceed six (6) percent of the base salary without the expressed consent of the member and Police Chief.
- G. **Termination** - The removal of a member from employment with the Manchester Police Department.
- H. **Restitution** Requiring a member to make restitution to the Town for loss or damage to Town/Agency property due to the member's negligence is not a disciplinary action. A member ordered to make restitution may also be subject to civil or criminal prosecution for destruction of property under State law. **The restitution will not exceed 10% value of the member's current salary, regardless of rank. All subject to approval by the Chief of Police.**

Automatic Termination

The following actions may be causes for automatic termination of employment:

- A. Intentional misconduct, without justification, that;
- Causes Serious injuries to or another person;
 - Causes substantial damage to property; or,
 - Seriously threatens the safety of the workplace.
- B. Theft;
- C. Illegal sale, use or possession of drugs on the job;
- D. Conviction of a controlled dangerous substance offense;
- E. Conviction of a felony; and or Domestic Violence



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- F. Accepting for personal use any fee, gift, or other valuable in connection with or during the course of employment if given to the member by any person with the hope or expectation of receiving a favor or better treatment than accorded others;
- G. Using, threatening, or attempting to use political influence of any member in securing promotion, transfer, leave of absence or increased pay;
- H. Careless conduct or unwarrantable excessive force in the treatment or care of an individual who is a citizen, client, patient, prisoner, or any other individual who is in the care or custody of the Manchester Police Department and or Carroll County Sheriff's Office.

Disciplinary Action

- A. Disciplinary action taken against a member must be initiated promptly when it is evident that the action is necessary to maintain an orderly and productive work environment.
- B. In cases of within-grade reduction, demotion, suspension and termination, a member must receive written notice of the disciplinary action at least five (5) working days prior to the effective date, except in cases of theft or serious violations of policy or procedure that create a health or safety risk.
- C. An immediate supervisor may relieve a member from duty if warranted, and until further notice. Any such action must be brought to the immediate attention of the Chief of Police.
- D. Within one (1) day of the suspension, the supervisor/commander must submit a recommendation for appropriate disciplinary action to the ***Chief of Police following the stated rules and policy.***



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IX. Appeals

Within five (5) days of receipt of the Notice of Disciplinary Personnel Action, the member may file a written appeal to the Chief of Police, appealing only the punishment.

- A. Within, thirty (30) days, the Chief of Police may consider the appeal, sending written notification to the member of a final decision. The Chief of Police's decision in all matters is final.

RECISSION

Remove and destroy/recycle any and all Internal Complaint Process Policy(s) prior to August 1, 2014.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.