


# Rockville City Police Department

## GENERAL ORDER



|   |  |                                |
|---|--|--------------------------------|
| <b>Subject</b><br>DISCIPLINARY TABLE OF OFFENSES AND PENALTIES  |  | <b>Procedure</b><br>G.O.# 2-5a |
| <b>Authorizing Signature</b><br> | <b>Effective</b> 08-27-2012<br><b>Revised</b> 02-05-2021 | <b>Total Pages</b><br>8        |

### I. POLICY

It is the policy of this department to be fundamentally fair and consistent in the application of discipline. The goal of the Disciplinary Table of Offenses and Penalties is to encourage appropriate behavior. This table serves as a guide only. Hearing Board recommendations are not bound by the Disciplinary Table of Offenses and Penalties. Nothing in the Disciplinary Table of Offenses and Penalties has the intent of limiting the Chief's authority in determining or rendering the appropriate final disciplinary action.

### II. PROCEDURE

The purpose of this General Order is to establish a Disciplinary Table of Offenses and Penalties, applicable to all Departmental employees, for addressing violations of the rules and regulations of this agency, in a fair and consistent manner.

### III. DEFINITIONS

- A. **Table of Offenses and Penalties** - A chart or table of categorized infractions, with corrective actions, discipline ranges and penalties.
- B. **Category**- The level in which infractions are categorized.
- C. **Mitigating/Aggravating**- A circumstance which supports the raising or lowering of the level of disciplinary action taken for a sustained infraction

### IV. GENERAL

- A. The Disciplinary Table of Offenses and Penalties is designed to ensure similar violations receive similar penalties. Although the table does not include all possible charges which may arise out of a violation of rules, regulations, polices, order or law, it provides a representative sampling.

- B. Misconduct is classified into broad categories of infractions based on progressive degrees of severity. The Disciplinary Table of Offenses and Penalties is therefore divided into categories of infractions and number of repeat violations. Repeated infractions of any category may move an infraction to the next level. Punitive disciplinary penalties will be enforced in accordance with the Law Enforcement Officers Bill of Rights (L.E.O.B.R.) when applicable.
- C. Recommendations for disciplinary action may be based on mitigating and/or aggravating factors to include but not limited to: nature of the incident, any associated severity of injury, any associated damages, employee intent or lack thereof, degree of culpability, truthfulness, disciplinary record, admissions of error/mistake and/or other factors rising from the case.
- D. Disciplinary action is administered in a progressive manner. The Disciplinary Table of Offenses and Penalties is intended to provide guidance in the administration of disciplinary action; however, it is not binding on the supervisor or the department. The seriousness of the incident, the circumstances surrounding the incident, the member's past disciplinary record, the member's past work performance, the overall negative impact on the organization caused by the incident, and the likelihood for future similar problems are taken into consideration in the administration of any disciplinary action recommendation.

V. **TABLE OF OFFENSES AND PENALTIES (RULES AND REGULATIONS)**

- A. **OFFENSES** – Misconduct or the violation of the Rockville City Police General Orders may result in disciplinary action. (Reference General Order 8-3 RULES AND REGULATIONS for description/definition of violations) Descriptions/definitions may also be found in the entirety of all Rockville City Police General Orders.
- B. **PENALTIES** – The following Table of Offenses and Penalties shall be used as specified in this order. The Chief of Police, may, without regard to the provisions of this section, in extraordinary circumstances when confronted by a unique factual situation:
  - 1. Determine that a penalty less than that established in the Table of Offenses and Penalties shall be imposed, provided that such authority finds that, under all circumstances of the case, the mitigating considerations outweigh the aggravating considerations, or,
  - 2. Determine that a penalty greater than that established in the Table of Offenses and Penalties shall be imposed, provided that such authority finds that, under all circumstances of the case, the aggravating considerations outweigh the mitigating considerations.

## Table of Offenses and Penalties

| #   | Violation (abbreviated)   | 1 <sup>st</sup>                       | 2 <sup>nd</sup>                       | 3 <sup>rd</sup>                       |
|-----|---|---------------------------------------|---------------------------------------|---------------------------------------|
| 1.  | Knowledge of Regulations<br><i>G.O.# 8-3, IV, A</i>   | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 2.  | City Personnel Regulations<br><i>G.O.# 8-3, IV, B</i>   | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 3.  | Obedience to Laws and<br>Regulations<br><i>G.O.# 8-3, IV, C</i>   | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 4.  | Performance of Duty<br><i>G.O.# 8-3, IV, D</i>  | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 5.  | Reporting Violation<br><i>G.O.# 8-3, IV, E</i>  | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Dismissal                             |
| 6.  | Preservation of Peace<br>Protection of Life & Property<br><i>G.O.# 8-3, IV, F</i>                               | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 7.  | Conduct Unbecoming an<br>Officer/Employee<br><i>G.O.# 8-3, IV, G</i>  | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 8.  | Cooperation/Coordination<br><i>G.O.# 8-3, IV, H</i>   | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 9.  | Assistance to Fellow<br>Employees<br><i>G.O.# 8-3, IV, I</i>  | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 10. | Obligation to Duty<br><i>G.O.# 8-3, IV, J</i>   | Summary<br>Punishment to<br>Dismissal | Suspension to<br>Dismissal            | Dismissal                             |
| 11. | Incompetence<br><i>G.O.# 8-3, IV, K</i>   | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 12. | Establishing Elements of<br>Violation<br><i>G.O.# 8-3, IV, L</i>  | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 13. | Repeated Violations Three (3)<br>sustained complaints/violations<br>in Two (2) years<br><i>G.O.# 8-3, IV, M</i> | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Suspension to<br>Dismissal            |

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| 14. | Reporting to Duty/Tardiness<br><i>G.O.# 8-3, IV, N</i>  | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 15. | Courtesy and Human Relations<br>Rude, Discourteous, Profane<br>Language/Behavior<br><i>G.O.# 8-3, IV, O</i> | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 16. | Aid and Assistance to Citizens<br><i>G.O.# 8-3, IV, P</i>   | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Dismissal                             |
| 17. | Carrying of Credentials and<br>Identification<br><i>G.O.# 8-3, IV, Q</i>                                    | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 18. | Stand By-Duty<br><i>G.O.# 8-3, IV, R</i>  | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 19. | Physical Fitness<br><i>G.O.# 8-3, IV, S</i>   | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 20. | National Colors and Anthem<br><i>G.O.# 8-3, IV, T</i>   | Verbal<br>Warning to<br>Dismissal     | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal |
| 21. | Prohibited Activities<br><i>G.O.# 8-3, V</i>  | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 22. | Loitering, Sleeping, Loafing<br>on Duty<br><i>G.O.# 8-3, V, A</i>   | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 23. | Smoking on Duty<br><i>G.O.# 8-3, V, B</i>   | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 24. | Consumption and Purchase of<br>Intoxicants<br><i>G.O.# 8-3, V, C</i>  | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal | Dismissal                             |
| 25. | Intoxication<br><i>G.O.# 8-3, V, D</i>  | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal | Dismissal                             |
| 26. | Drugs/Drug Use<br><i>G.O.# 8-3, V, E</i>  | Suspension to<br>Dismissal            | Dismissal                             |                                       |
| 27. | Publicity<br><i>G.O.# 8-3, V, F</i>   | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 28. | Debts- Incurring and Payment<br><i>G.O.# 8-3, V, G</i>  | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |

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| 29. | Accepting Gifts, Gratuities, Etc.<br><i>G.O.# 8-3, V, H</i>                   | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Summary Punishment to Dismissal |
| 30. | Other Transactions<br><i>G.O.# 8-3, V, I</i>                                  | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Dismissal                       |
| 31. | Free Admissions and Passes<br><i>G.O.# 8-3, V, J</i>                          | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Summary Punishment to Dismissal |
| 32. | Disposition of Unauthorized Gifts, Gratuities, Etc.<br><i>G.O.# 8-3, V, K</i> | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Summary Punishment to Dismissal |
| 33. | Firearms Display<br><i>G.O.# 8-3, V, L</i>                                    | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Dismissal                       |
| 34. | Commercial Testimonials<br><i>G.O.# 8-3, V, M</i>                             | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Dismissal                       |
| 35. | Membership in Organizations<br><i>G.O.# 8-3, V, N</i>                         | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Suspension to Dismissal         |
| 36. | Political Activity<br><i>G.O.# 8-3, V, O</i>                                  | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Suspension to Dismissal         |
| 37. | Personal Preferment<br><i>G.O.# 8-3, V, P</i>                                 | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Summary Punishment to Dismissal |
| 38. | Untruthful Responses<br><i>G.O.# 8-3, V, Q</i>                                | Suspension to Dismissal         | Dismissal                       |                                 |
| 39. | Investigations<br><i>G.O.# 8-3, VI, A</i>                                     | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Summary Punishment to Dismissal |
| 40. | Admonition of Rights<br><i>G.O.# 8-3, VI, B</i>                               | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Summary Punishment to Dismissal |
| 41. | Arguments During Arrest<br><i>G.O.# 8-3, VI, C</i>                            | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Summary Punishment to Dismissal |
| 42. | Treatment of Arrestee<br><i>G.O.# 8-3, VI, D</i>                              | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Suspension to Dismissal         |
| 43. | False Report and Entries<br><i>G.O.# 8-3, VI, E</i>                           | Summary Punishment to Dismissal | Summary Punishment to Dismissal | Suspension to Dismissal         |

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| 44. | Security of Department Business<br><i>G.O.# 8-3, VI, F</i>  | Summary Punishment to Dismissal | Summary Punishment to Dismissal | Suspension to Dismissal         |
| 45. | Compromising Criminal Cases<br><i>G.O.# 8-3, VI, G</i>  | Summary Punishment to Dismissal | Suspension to Dismissal         | Dismissal                       |
| 46. | Assisting Criminals<br><i>G.O.# 8-3, VI, H</i>  | Summary Punishment to Dismissal | Dismissal                       |                                 |
| 47. | Recommending Attorneys, Bail Bond Service or other Services Prohibited<br><i>G.O.# 8-3, VI, I</i> | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Summary Punishment to Dismissal |
| 48. | Alteration of Reports<br><i>G.O.# 8-3, VII, A</i>   | Summary Punishment to Dismissal | Summary Punishment to Dismissal | Suspension to Dismissal         |
| 49. | Security of Official Records<br><i>G.O.# 8-3, VII, B</i>  | Summary Punishment to Dismissal | Summary Punishment to Dismissal | Suspension to Dismissal         |
| 50. | Notification of Change of Address<br><i>G.O.# 8-3, VII, C</i>                                     | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Summary Punishment to Dismissal |
| 51. | Requirement of Telephone<br><i>G.O.# 8-3, VII, D</i>  | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Summary Punishment to Dismissal |
| 52. | Reporting Arrest and Court Actions Involving Employees<br><i>G.O.# 8-3, VII, E</i>                | Summary Punishment to Dismissal | Suspension to Dismissal         | Dismissal                       |
| 53. | Accepting Compensation for Damages<br><i>G.O.# 8-3, VII, F</i>                                    | Summary Punishment to Dismissal | Dismissal                       |                                 |
| 54. | Public Appearance Request<br><i>G.O.# 8-3, VII, G</i>   | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Summary Punishment to Dismissal |
| 55. | Civil Action, Court Appearances, reporting Service of Process<br><i>G.O.# 8-3, VII, H</i>         | Summary Punishment to Dismissal | Summary Punishment to Dismissal | Suspension to Dismissal         |
| 56. | Civil Depositions and Affidavits<br><i>G.O.#8-3, VII, I</i>                                       | Summary Punishment to Dismissal | Summary Punishment to Dismissal | Suspension to Dismissal         |
| 57. | Orders<br><i>G.O.#8-3, VIII</i>   | Summary Punishment to Dismissal | Summary Punishment to Dismissal | Suspension to Dismissal         |

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| 58. | Insubordination<br><i>G.O.#8-3, VIII, A</i>  | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal | Suspension to<br>Dismissal            |
| 59. | Manner of Issuing Orders<br><i>G.O.#8-3, VIII, B</i>   | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Suspension to<br>Dismissal            |
| 60. | Unlawful, Improper or<br>Questionable Orders<br><i>G.O.#8-3, IX</i>  | Summary<br>Punishment to<br>Dismissal | Suspension to<br>Dismissal            | Dismissal                             |
| 61. | Off Duty Violations  | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 62. | Secondary Employment<br>Violation  | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 63. | Prisoner Related Violation   | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 64. | Evidence & Found Property<br>Violation   | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 65. | Harassment and<br>Discrimination   | Suspension to<br>Dismissal            | Dismissal                             |                                       |
| 66. | Firearms and Weapons<br>Violation (Includes less lethal)   | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal |
| 67. | Departmental Accidents (At-<br>Fault)  | Verbal<br>Warning to<br>Dismissal     | Verbal<br>Warning to<br>Dismissal     | Verbal<br>Warning to<br>Dismissal     |
| 68. | Disregard for Safety Resulting<br>in an Accident   | Summary<br>Punishment to<br>Dismissal | Summary<br>Punishment to<br>Dismissal | Suspension to<br>Dismissal            |
| 69. | Failure to Report an Accident  | Suspension to<br>Dismissal            | Dismissal                             |                                       |
| 70. | Unnecessary or Unreasonable<br>Force (Force that is<br>unnecessary or unreasonable<br>under the circumstances, but<br>not brutal or excessive) | Verbal<br>Warning to<br>Dismissal     | Summary<br>Punishment to<br>Dismissal | Suspension to<br>Dismissal            |
| 71. | Excessive Force (Force that is<br>excessive in scope, duration, or<br>severity in light of the<br>circumstances)                               | Summary<br>Punishment to<br>Dismissal | Suspension to<br>Dismissal            | Dismissal                             |

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| 72. | Brutal Force (Force that is without justification or mitigation in the light of the circumstances and is severe or cruel in scope or duration) | Dismissal                       |                                 |                                 |
| 73. | Violations relating to failing to intervene to prevent excessive or brutal force by another officer.   | Summary Punishment to Dismissal | Suspension to Dismissal         | Dismissal                       |
| 74. | Neglect, Failure to Assist/Back up another Officer while on Duty   | Summary Punishment to Dismissal | Suspension to Dismissal         | Dismissal                       |
| 75. | Failure to take necessary Police Action while on Duty  | Summary Punishment to Dismissal | Suspension to Dismissal         | Dismissal                       |
| 76. | Supervisory Violations   | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Suspension to Dismissal         |
| 77. | Care of Department Equipment   | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Summary Punishment to Dismissal |
| 78. | Body Camera & Vehicle Camera Violations  | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Summary Punishment to Dismissal |
| 79. | Criminal (All other non-incarcerable violations, traffic offenses, and civil violations)   | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Summary Punishment to Dismissal |
| 80. | Criminal (all criminal violations including incarcerable traffic offenses)   | Summary Punishment to Dismissal | Dismissal                       |                                 |
| 81. | Obstructing or Hindering an Internal Affairs or Administrative Investigation   | Suspension to Dismissal         | Dismissal                       |                                 |
| 82. | Violation of Internal Affairs Do Not Discuss Order   | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Dismissal                       |
| 83. | All other Miscellaneous Allegations  | Verbal Warning to Dismissal     | Summary Punishment to Dismissal | Summary Punishment to Dismissal |

**\*\* Note the Disciplinary Table of Offenses and Penalties may not apply to probationary employees whose employment status is subject to their probationary performance.**