I. POLICY

The integrity of the Rockville City Police Department depends on the personal integrity and discipline of all employees individually and collectively. To a large degree, the public image of the agency is determined by the quality of the internal affairs function in responding to allegations of misconduct by the agency or its employees. The policy of the Rockville City Police Department is to investigate fully each complaint or allegation of misconduct against any employee of the Department.

II. PURPOSE

The purpose of this General Order is to establish an internal affairs function that the Department considers important for the maintenance of professional police conduct and the overall integrity of the agency. The Department will respond expeditiously and responsibly to allegations of misfeasance, malfeasance, and nonfeasance by employees, and to complaints about the Department's response to community and individual needs.

III. DEFINITIONS

A. Brutality

Brutality is considered the use of excessive or unjustified physical force by an officer in the exercise of official duties.

B. Complaint

A complaint is an allegation of misconduct made against an employee(s) of the Department.

C. Exonerated

The incident did occur, but the actions of the accused were justified, lawful, and proper.

D. Minor complaints

Minor complaints are not enumerated in this General Order, but include those allegations, which if sustained, would be appropriately disciplined through the imposition of summary punishment or use of the Supervisor's Remedial Action Form.
E. Not sustained

The investigation failed to disclose sufficient evidence to prove or disprove the allegation.

F. Serious allegations

Serious complaints include, among other acts, physical brutality, complaints that allege racial prejudice, misappropriation of monies, or untruthful statements.

G. Sustained

The investigation disclosed sufficient evidence to prove the allegations of misconduct.

H. Unfounded

The investigation of the complaint indicates that the acts complained of did not occur.

I. Policy Failure

The incident did occur, but there was an omission of policy or the established policy was insufficient or ineffective.

J. Administrative Closure

An administrative conclusion used to terminate and internal investigation that cannot proceed to a normal conclusion (e.g., because of an uncooperative complainant).

K. Declined

Those complaints that have been deemed by the Chief of Police, on their face, to have no merit.

IV. GENERAL

A. Department employees are often subject to intense pressure in the performance of their duties. An employee must remain neutral in situations that are tense, fast moving, and emotional. Situations frequently result in words, actions, and reactions that are misunderstood or confusing, which becomes the foundation for a complaint. Resolution of a complaint and inquiry into the circumstances prompting it requires a procedure that is exacting, fair, and consistently applied.

B. Police officers, like all citizens, are protected by the guarantees of the U.S. Constitution and are further protected by the Law Enforcement Officers’ Bill of Rights (L.E.O.B.R.) enacted in Public Safety Article 3-101, through 3-113 of the Maryland Code as amended.
C. Employees are expected always to give truthful responses to questions related to the performance of their official duties and their fitness to hold public office.

D. Copies of the Citizen Complaint Form (RCPD Form 18) will be kept on hand by all supervisors. Citizen Complaint Forms will also be available at the Rockville City Police Communication Center and offered to a citizen with an explanation of its use, whenever any citizen asks for information on how to make a complaint against the Department or an employee of the Department.

E. All complaints made against the Department or its members shall be investigated, including anonymous complaints.

V. INTERNAL AFFAIRS FUNCTION

A. The Rockville City Police maintain an internal affairs function for the purpose of creating a process to ensure the integrity of the agency.

B. The Chief of Police is responsible for the internal affairs function and may assign officers specific duties and responsibilities on a case-by-case basis.

C. The goal of internal affairs is to ensure that the integrity of the agency is maintained through an internal system by which objectivity, fairness, and justice are met by an impartial investigation and review.

VI. INTERNAL AFFAIRS ACTIVITIES

A. Allegations of employee misconduct shall be investigated appropriately and adjudicated promptly.

B. The function of internal affairs includes these activities:

1. Recording, registering, and controlling the investigation of complaints against employees.

2. A written record, in the form of a limited-access secured database, will be made and maintained by the Chief of Police or designee of all complaints against the Rockville City Police Department and its employees. The database will consist of a permanent log maintained as a part of the Internal Affairs/Administrative Inquiry/Accident Review files. The log will include, but not be limited to:

   a. Date.

   b. Employee's name.

   c. Complainant's name.

   d. Type of complaint.
e. Investigator's name.

f. Administrative Inquiry, Internal Affairs or Accident Review designation.

g. Assigned control/file number.

h. Final disposition.

3. Handling and/or supervising and controlling the investigation of alleged or suspected misconduct within the Department.

4. Maintaining the confidentiality of the internal affairs investigation and records by secure means.

5. Ensuring that the investigation is consistent with the Public Safety Article 3-101, through 3-113 of the Maryland Code inclusive, entitled, "Law Enforcement Officers' Bill of Rights."

6. The Chief of Police will acknowledge receipt of each complaint by letter to the complainant with the exception of anonymous complaints. The investigator will provide the complainant with periodic updates.

7. The Department will maintain close liaison with the Office of the State's Attorney for investigations involving allegations that involve alleged criminal conduct on the part of any employee. Any criminal investigation shall be conducted separately from the administrative investigation. Rules of evidence gathered in these matters will be handled in accordance with the L.E.O.B.R. In matters involving civil liability, liaison with City Attorneys will also be maintained.

VII. COMPLAINT CATEGORIES

A. The type and nature of a complaint shall determine whether it can be handled and resolved as an Administrative Inquiry, an Internal Affairs or an Accident Review case.

B. Not all complaints can be categorized automatically. Supervisors are required to exercise good judgment and common sense when they are made aware of a complaint. The following types of complaints are examples of those which are categorized as 'category I' which will be handled as internal affairs cases, 'category II', which may be resolved at the supervisory level as an administrative inquiry and 'category III' which involve traffic collisions.

1. Category I complaint

   Allegations of:

   a. Brutality.
b. Misuse of force.

c. Breach of civil rights.

d. Criminal misconduct.

e. Any complaint which will likely result in disciplinary action.

2. Category II complaint

Allegations of:

a. Failure to take appropriate police action.

b. Poor demeanor displayed by an employee.

c. Tardiness.

d. Insubordination.

3. Category III complaint

Departmental accident review.

4. Complaints against the Department or its employees that are categorized as 'category I' require immediate notification of the Chief of Police.

5. Complaints against the Department or its employees that are categorized as 'category II or III' do not require the immediate notification of the Chief of Police.

VIII. RECEIPT OF COMPLAINTS

A. Citizens will be supported in bringing forward legitimate complaints about employee conduct. Their complaints will be received courteously and handled efficiently. All personnel will cooperate with the resolution of a citizen complaint as required by established procedures.

B. Complaints, despite their nature, can be lodged in person, by mail, by e-mail, or by phone any time.

C. Anonymous complaints will be accepted and will be investigated to the fullest extent possible.

D. Every effort will be made to facilitate the convenient, courteous and prompt receipt and processing of citizen complaints.

E. An employee of the Department, who interferes with, discourages, or delays the making of complaints will be subject to disciplinary action.
F. An employee receiving a citizen complaint through the U.S. mail or other mail service will place the correspondence in a sealed envelope and forward it to the Chief of Police, who will decide investigative responsibility.

G. Complaints received by telephone, by a Police Communications Operator (PCO) or other employee will be courteously and promptly referred to a supervisor or member of the command staff. If an on-duty supervisor or command staff member is not available, the agency employee who is speaking with the complainant shall offer to accept the complaint.

H. If a Walk-In or telephone complaint wishes to speak to a police officer about the complaint, the senior-ranking officer (Shift Supervisor) who is currently available will speak with the complainant.

1. If no police officer is available to speak with the complainant, the agency employee who is speaking with the complainant shall offer to accept the complaint.

2. If a walk-in or telephone complainant does not wish to speak with a police officer, the complaint shall be accepted by any agency employee.

3. Regardless of which agency employee accepts the complaint, (whether police officer or other employee) the employee shall not attempt to influence the complaint in any manner.

I. When the act complained of is the use excessive force, the complaint will be accepted up to 366 days after the incident.

NOTE: "A complaint against a law enforcement officer that alleges excessive force in the execution of the law enforcement officer’s duties may not be investigated unless the complaint is signed and sworn to under the penalty of perjury, by: the aggrieved individual; a member of the aggrieved individual’s immediate family: an individual with firsthand knowledge obtained because the individual was present at and observed the alleged incident or has unedited video; or the parent or guardian of the minor child, if the alleged incident involves a minor child. Unless a complaint is filed within 366 days after the alleged excessive force, an investigation that may lead to disciplinary action under this subtitle for brutality may not be initiated and an action may not be taken." (Public Safety Article 3-104 of the Maryland Code). This does not preclude the Department from initiating an investigation to review the extent of the use of force used in effecting an arrest. (MSP v Resch 65 MD.APP 167,499 A.2d 1303 1985)
IX. RESPONSIBILITY FOR HANDLING COMPLAINTS

A. All employees of the Department are charged strictly with the responsibility for receiving courteously and willingly all complaints that may be lodged against the Department or its employees.

B. Any complaint regarding a Department member is to be referred initially to that member's immediate supervisor. If that member's supervisor is not available, the complaint shall be referred to any on-duty supervisor or commander.

C. Supervisors shall make every effort to resolve all complaints fairly and equitably. In the event the complaint cannot be resolved to the satisfaction of the complainant by the employee's supervisor or the complaint involves alleged serious Departmental rules and regulations violation(s) or criminal misconduct by the employee, the supervisor shall refer the complaint to the Chief of Police through the chain of command.

D. The supervisor receiving a complaint will record in a preliminary written report any conditions bearing on the accuracy or credibility of a complainant or the complaint.

1. The conditions include apparent evidence the complainant is under the influence of intoxicants or drugs, is suffering from a mental disorder, or other condition requiring medication.

2. Comment will also be made on the physical condition of the complainant, specifically noting any visible marks or injuries relative to the allegation. The visible marks or injuries shall also be documented by Polaroid or digital photographs taken by the receiving supervisor and attached to the preliminary report.

E. A copy of the written complaint of the incident and photocopies of all associated police reports, charging documents, etc., will be provided to the Chief of Police or the Chief's designee by 0730 hours the following workday. Original reports will be forwarded via the normal chain of command. A complaint may be referred directly to the Chief of Police if there is reasonable cause to believe an individual in the chain of command is materially involved in the complaint.

X. PROCEDURES

A. The Chief of Police is responsible for:

1. Reviewing complaints and determining whether the matter will be investigated as an Administrative Inquiry case, an Internal Affairs case or an Accident Review case.

2. Assigning the person whom will conduct the investigation under the provisions of the Law Enforcement Officers' Bill of Rights as provided in Public Safety Article 3-101, through 3-113 of the Maryland Code as amended.
3. Ensuring that the Investigator invokes the provisions of the Law Enforcement Officers' Bill of Rights and the Internal Affairs procedures, if the Administrative Inquiry or Accident Review reveals a serious violation, which may result in disciplinary action.

4. Maintaining the appropriate confidentiality of the investigation.

5. Providing the investigating officer with the reporting requirements for the case. Normally, an investigation must be completed within 60 days with status reports provided every 15 days to the Chief of Police. The Chief of Police may grant an extension in cases in which extenuating circumstances exist.

6. Determining whether an accused officer will be reassigned, relieved from duty, or suspended pending disposition of the case.

7. Determining the final disciplinary action based on the investigation, and if applicable the recommendations of a trial board in accordance with the Law Enforcement Officers' Bill of Rights as provided in Public Safety Article 3-101, through 3-113 of the Maryland Code as amended.

8. Complainants will be given the name and email address of the investigating officer as a point of contact.

9. Until the investigation is resolved, the investigator shall attempt to contact the complainant at least monthly to provide an update to the complaint. The investigator shall document each attempt to contact the complainant.

B. Administrative Inquiry procedures

1. The Administrative Inquiry procedure is a process to investigate and document the allegation of and the factual occurrence of minor rule violations not deserving of disciplinary action if found to have occurred. Investigations done in accordance with the Administrative Inquiry procedure are generally not done under the guidelines of the LEOBR. Additionally, documentation generated during such an inquiry will be expunged one year following the completion of the inquiry.

2. Administrative Inquiries shall be completed in 30 days unless the Chief of Police grants an extension.

3. Every employee will cooperate fully with the investigating officer(s), answering fully and truthfully any question about the incident under investigation. An employee can be ordered to answer. Failure to respond or to respond fully and truthfully is grounds for disciplinary action up to and including dismissal.

4. Written statements may be taken from an accused officer, from complainants and from witnesses when they are helpful or desirable in arriving at sound conclusions. Statements
need not be in the form of questions and answers. They may be in the form of a report. They may be tape-recorded.

5. The investigator of an Administrative Inquiry will forward the completed Administrative Inquiry Form to the Chief of Police. The investigator may recommend the type of non-disciplinary action to be taken to the Chief of Police who will make the final determination of non-disciplinary action in accordance with the Law Enforcement Officers' Bill of Rights as provided in Public Safety Article 3-101, through 3-113 of the Maryland Code as amended.

C. Internal affairs procedures

1. Internal Affairs procedures will be followed in any complaint where it is probable that disciplinary action will be involved.

2. The investigating officer will prepare and deliver written notice to the employee or employees against whom a complaint is made at the earliest time there is reasonable cause to believe a violation of rule, regulation, or procedure occurred unless doing so would hinder the investigation.

3. At the time employees are notified that they are the subject of an Internal Affairs investigation, the investigating officer will provide the employee with a written notice of allegations and of the employee's rights and responsibilities.

4. Every employee will cooperate fully with the investigating officer(s), answering fully and truthfully any question pertaining to the incident under investigation. An employee can be ordered to answer. Failure to respond or to respond fully and truthfully is grounds for disciplinary action up to and including dismissal.

5. Written statements may be taken from an accused officer, from complainants and witnesses when they are helpful or desirable in arriving at sound conclusions. Statements need not be in the form of questions and answers. They may be in the form of a report. They may be tape-recorded.

6. In addition to interviews of the complainant and employee, the investigator may require other activities. These activities will be in accordance with the Law Enforcement Officers' Bill of Rights as provided in Public Safety Article 3-101, through 3-113 of the Maryland Code as amended.

7. Other medical, psychiatric and psychological examinations may be ordered if there is a question concerning fitness for duty. The costs of such examinations will be at the expense of the Department.
8. Photographs may be taken of employees for use in a photo line-up in the conduct of investigations. Employees may also be required to stand in a line-up for viewing by citizens for the purpose of identifying an employee who is the subject of an investigation.

9. "A law enforcement officer may not be required or requested to disclose any item of the law enforcement officer's property, income, assets, source of income, debts, or personal or domestic expenditures, including those of a member of the law enforcement officer's family or household, unless: the information is necessary to investigate a possible conflict of interest with respect to the performance of the law enforcement officer's official duties; or the disclosure is required by federal or State law." Law Enforcement Officers' Bill of Rights, Public Safety Article 3-103 of the Maryland Code as amended.

10. If an employee is under arrest or is likely to be placed under arrest as a result of the investigation, the employee will be informed of his/her Constitutional rights when the investigation reaches an accusatory stage and may result in a criminal proceeding.

11. The Chief of Police will be advised by the investigating officer of any new information in an investigation, which may require:
   
   a. Reassigning an accused officer to ensure the officer receives closer supervision or separation from the public or other officers.
   
   b. Relief from duty or immediate suspension of an accused officer.

   c. Charges under criminal law or traffic law.

D. Arrest warrants / charging document.

1. When it is necessary to ask for an arrest warrant/charging document for an employee of the Department, the Chief of Police will be notified without delay.

2. If a complainant seeks a warrant/charging document, the employee's Bureau Commander will consult with the complainant and ask for a delay to allow a Department investigation.

3. If the complainant declines to permit a delay, the Chief of Police will ask the State's Attorney for a delay to allow for the Department investigation.

4. If the warrant/charging document has already been issued, the employee having the warrant/charging document will notify the Bureau Commander, who will notify the Chief of Police and State's Attorney before executing the warrant/charging document.
E. Accident Review procedures

1. When an employee is involved in a collision in a city-owned vehicle, the on-duty supervisor will determine whether the collision was “preventable” or “not preventable.” The supervisor shall complete an Accident Review Form with this determination checked off. The supervisor shall also attach to the Accident Review Form a copy of the MAARS report and any photographs of the accident. These shall be forwarded to the employee’s Bureau Commander.

2. The Bureau Commander will review the form and all associated paperwork. The Bureau Commander will indicate their comments on the form. The Bureau Commander will then forward the Accident Review Form to the Chief of Police.

3. The Chief of Police will review the form and all associated paperwork. The Chief of Police will indicate his/her comments on the form.

4. If the collision was determined to be “preventable”, the Chief of Police will determine if further investigation or action is needed. This may include:
   a. Return to the employee’s supervisor for remedial action at the shift level.
   b. Return to the employee’s Bureau Commander for summary punishment.
   c. Assignment to an Investigator for further investigation and findings.
   d. Upon receipt of the completed Investigative File, the Chief of Police shall determine punishment, if appropriate.

XI. INVESTIGATIVE FINDINGS

A. When an investigation has concluded, a “conclusion of fact” for each allegation will be clearly stated and will identify the following concerns when applicable:

1. Proper conduct.

2. Improper conduct.

3. Policy failure.

4. Insufficient evidence.

5. Unfounded complaint/ no merit.

6. Release from Investigation.
7. Uncooperative complainant.

B. Based on recommendations and the results of the investigation, the Chief of Police will classify completed investigations of personnel complaints as:

1. Unfounded.
2. Exonerated.
3. Not Sustained.
4. Sustained.
5. Policy Failure.
6. Administrative Closure.
7. Declined.

XII. EMERGENCY RELIEF FROM DUTY

A. Command officers, Sergeants, other supervisors, and those acting in that capacity, are authorized to suspend on an emergency basis any employee of the Department with pay when the acts alleged or committed by such employees are of such nature that, in the judgment of the suspending officer, the interest and welfare of the public, the Department, and/or the individual may be best served by such action. The supervisory or command employee imposing the suspension will initiate and submit a memorandum to the Chief of Police, via the chain of command, immediately after the suspension, stating the circumstances.

B. Emergency suspensions without pay of sworn employees covered by the LEOBR may only be imposed if the officer has been charged criminally with the commission of a felony.

C. Command officers may recommend the suspension of the police powers of sworn employees under their command if circumstances are brought to their attention that indicate it is not appropriate for an employee to continue in their assigned duties. Such recommendations will be made immediately to the Chief of Police through the chain of command. Sworn officers whose police powers have been suspended will immediately surrender their shield(s), their Departmentally issued firearm(s), their Departmental and Maryland Police Training Commission identification cards, Personal Patrol Vehicle and any other equipment requested to be surrendered, as deemed appropriate by their Commander. This action is taken to completely remove the employee from contact with the public and is not punitive.

D. Supervisors and Command officers have full authority to and will place an employee in their command on administrative leave when that has been involved in a traumatic incident. These incidents are:
1. When the actions of a Department employee, whether accidental or deliberate, result in the death or serious injury of a person.

2. When members are present at the death or serious injury of a Department employee. This includes Police Communications Operators directly responsible for radio or phone service during the incident.

3. This action is not punitive and has two purposes:
   a. To remove the employee from unnecessary contact with the public to allow the employee sufficient time to recover from the incident.
   b. To provide the Department sufficient time to conduct a preliminary investigation.

E. Once an employee is placed on administrative leave and the Chief of Police is notified of the incident, the Chief of Police or the Chief's designee shall determine if an emergency suspension is warranted in accordance with the Law Enforcement Officers' Bill of Rights as provided in the Public Safety Article 3-101, through 3-113 of the Maryland Code.

2. If the Chief or the Chief's designee imposes suspension, he shall notify the employee promptly in writing of that decision and inform them that they are entitled to a prompt hearing.

3. If the employee requests a hearing the Chief will ensure that a hearing is scheduled as soon as possible and that the employee is notified in writing of the date and time of that hearing.

G. The following procedure shall be followed when it becomes necessary to suspend an employee:

1. Any suspension must be fully documented, before implementation, stating:
   a. Beginning date.
   b. The reasons for the suspension.
   c. Description of action to be taken regarding the suspension.
   d. The timetable for taking additional action.

2. The employee's supervisor and the Chief of Police shall sign the documentation.

H. An employee who refuses to obey a direct order issued in conformance with the Department's written rules and regulations may similarly be relieved from duty by a Shift Supervisor or Bureau Commander who will recommend discipline to the Chief of Police.
I. Employees who are relieved/suspended from duty, as a temporary administrative measure will be placed on administrative leave.

1. Officers placed on suspension or placed on administrative leave pending serious disciplinary action shall deliver their shields, cap plate, portable radio, service weapon, and police identification cards and folder to their Bureau Commander at the end of their last active tour of duty.

2. Upon surrendering these items, the employee is relieved of any future responsibility for direct enforcement action until they return to duty. Authority to carry a personally owned firearm, as a police officer, is also rescinded.

J. The suspension of any employee shall be concluded within a reasonable time, considering all circumstances that have made the suspension necessary.

K. Suspension Hearings

1. Any employee suspended from duty will be ordered to appear for a suspension hearing to determine whether such suspension will be continued or terminated, and if such suspension from duty is continued, whether it will be with or without pay. (L.E.O.B.R. Section 3-112, Emergency Suspension).

2. The suspension hearing is not a judicial proceeding, nor is it directed to findings of fact or law. The suspension hearing is limited to the presentation of the circumstances surrounding the suspension of the employee in order to determine whether the circumstances warrant continued suspension. When the acts alleged to have been committed by a suspended employee are of such a serious nature that, in the judgment of the hearing officer, the interests and welfare of the public, the department, and/or the individual are best served by continued suspension, then the hearing officer will recommend to the Chief of Police that the suspension continue. If not, the hearing officer will recommend to the Chief of Police that the suspension be rescinded and the employee returned to duty, with or without restrictions. If a sworn officer has been charged criminally with the commission of a felon, then the Chief of Police, may suspend the officer from duty without pay in accordance with the L.E.O.B.R. (Section 3-112, Emergency Suspension)

XIII. DISPOSITION OF RECORDS/FINDINGS

A. The Agency will notify the complainant of the outcome of the complaint within 72 hours of a disposition, including any discipline imposed in accordance with the established confidentiality policies and any applicable law.

B. Completed investigations will be maintained in Internal Affairs files in a secure locked file. Internal Affairs files are confidential files subject to examination only with the express prior permission of the Chief of Police. Internal Affairs files will be surrendered for examination by
persons or authorities outside the Police Department only in response to appropriate orders of a court with jurisdiction.

C. Nothing in this order will prevent the Chief of Police from issuing such summary reports of incidents or a summary of an incident as may be required to inform the community.

D. Annually, by January 31, the Chief of Police will review this file and publish a statistical summary of the types and numbers of complaints.

E. Copies of the statistical summary will be made available to employees and the public.

XIV EXPUNGEMENT OF RECORDS/FINDINGS

A. Public Safety Article 3-110 of the Maryland Code states, "On written request a law enforcement officer may have expunged from any file the record of a formal complaint made against the law enforcement officer if:

1. The law enforcement agency that investigated the complaint: exonerated the law enforcement officer of all charges in the complaint; or determined that the charges were unsustained or unfounded; or

2. a hearing board acquitted the law enforcement officer, dismissed the action, or made a finding of not guilty; and

3. at least 3 years have passed since the final disposition by the law enforcement agency or hearing board."

B. If an officer wishes to have their record(s) expunged, the officer must forward a memorandum via the chain of command to the Chief of Police.

C. If the statutory requirements for expungement are met, the Chief of Police will:

1. Expunge the file.

2. Notify the officer within thirty (30) days by returning directly to the officer a copy of the memorandum marked with the date the expungement was completed.

E. If the expungement requirements are not met, the Chief of Police will:

1. Notify the officer by returning a copy of the memorandum within thirty (30) days and indicating the expungement request will not be granted.

2. The reasons for the expungement request denial will be outlined in the memorandum.
F. In both situations, the original of the expungement request (with the action taken indicated on it) will be placed in the case file.

G. The method of expungement will be destruction (shredding) except in the following circumstances:

1. The file contains names of two or more accused officers and charges against one or more of the officers were sustained. The entire file will then be placed in limited access. Any reference to those officers who were exonerated, or who had charges placed that were unfounded or not sustained, will be obliterated (marked over).

2. Entries in the Internal Affairs log will be obliterated.