

Rockville City Police Department

GENERAL ORDER



Subject INTERNAL AFFAIRS		Procedure G.O. # 2 - 6
Authorizing Signature 	Effective: 02-25-10 Revised: 10-18-16 Revised: 07-22-20 Revised: 11-16-20 Revised: 08-26-26	Total Pages 8

I. POLICY

The Rockville City Police Department is committed to maintaining public trust, accountability, and professional standards of conduct. It is the policy of the Department that complaints and allegations of misconduct involving Department employees are received, reviewed, and investigated in a fair, impartial, and timely manner in accordance with applicable law and Department policy.

II. PURPOSE

The purpose of this General Order is to establish procedures for the receipt, investigation, review, and disposition of complaints and allegations of misconduct involving Department employees.

III. DEFINITIONS

A. Administrative Charging Committee (ACC)

The civilian committee established pursuant to Maryland law responsible for reviewing applicable investigations of police misconduct and determining whether a police officer will be administratively charged.

B. Complaint

An allegation of misconduct involving a Department employee, regardless of the source or manner in which the allegation is received.

C. Internal Investigation

A formal administrative investigation into alleged misconduct by a Department employee.

D. Office of Professional Responsibility (OPR)

The organizational component responsible for coordinating, conducting, tracking, and maintaining the Department's internal investigation and complaint process.

E. Police Misconduct

Conduct by a police officer that constitutes misconduct as defined by Maryland law or violates Department policy, procedure, rule, regulation, or order.

F. Subject Employee

A Department employee whose conduct is the subject of a complaint or administrative investigation.

G. Complaints Involving a Member of the Public

Within the context of this directive, the term “complaints involving a member of the public” refers to a complaint of police misconduct involving a member of the public and a sworn officer, regardless of whether the complaint originated from within the Department or from an external source.

H. Internal Complaints of Technical Infractions

Within the context of this directive, the term “internal complaints of technical infractions” refers to a minor rule violation by a sworn officer solely related to an administrative policy that does not involve an interaction between a member of the public and a sworn officer and is not otherwise a matter of public concern.

IV. GENERAL

- A. Complaints and allegations of misconduct shall be handled objectively, fairly, and consistently in accordance with applicable law and Department policy.
- B. Department employees shall cooperate fully and truthfully with administrative investigations as required by law and Department policy.
- C. Complaints may be made in person, by telephone, mail, email, or through other methods made available by the Department. Employees shall not discourage or interfere with any person attempting to make a complaint.
- D. Anonymous complaints shall be accepted and investigated to the extent reasonably possible based on the information available.
- E. Complaint forms and information regarding the complaint process shall be made available to members of the public.
- F. No employee shall retaliate against, intimidate, threaten, or otherwise interfere with any person for making a complaint, participating in an investigation, or exercising a right protected by law or Department policy.

V. OFFICE OF PROFESSIONAL RESPONSIBILITY

- A. The Department shall maintain an Office of Professional Responsibility (OPR) to oversee the receipt, investigation, tracking, and disposition of complaints and allegations of employee misconduct.
- B. The Chief of Police retains overall authority for the internal affairs function and may assign OPR or another qualified investigator to conduct an investigation.
- C. OPR shall ensure that investigations are conducted objectively, fairly, and in accordance with applicable law and Department policy.
- D. OPR shall maintain appropriate records of complaints and investigations in a secure and confidential manner.

VI. INTERNAL INVESTIGATION ADMINISTRATION

- A. OPR shall maintain a secure record of all complaints and internal investigations, including the assigned case number, subject employee, nature of the allegation, investigator, status, and final disposition.
- B. OPR shall be responsible for coordinating and monitoring internal investigations to ensure compliance with applicable legal and Department requirements.
- C. Internal investigation records shall be maintained securely with access limited to authorized personnel.
- D. Allegations of criminal misconduct by a Department employee shall be referred to the appropriate authority. Any criminal investigation shall be conducted separately from the administrative investigation.
- E. The Department shall coordinate with the City Attorney, State's Attorney's Office, or other appropriate authority when necessary.

VII. CLASSIFICATION OF COMPLAINTS AND INVESTIGATIONS

- A. OPR shall review complaints and allegations of misconduct and determine the appropriate classification and investigative process.
- B. Matters may include:
 - 1. Complaints involving a member of the public;
 - 2. Internal complaints of technical infractions;
 - 3. Complaints or investigations involving civilian employees;
 - 4. Anonymous complaints;

- 5. Investigations initiated by the Chief of Police or Command Staff; and
- 6. Investigations conducted at the request of another law enforcement agency.
- C. Investigations involving police misconduct that require review by an Administrative Charging Committee shall be processed in accordance with Maryland law.
- D. The Chief of Police may direct an investigation of any alleged or suspected misconduct involving a Department employee.

VIII. RECEIPT OF COMPLAINTS

- A. All Department employees are responsible for accepting complaints alleging misconduct by a Department employee.
- B. Employees receiving a complaint shall document the information provided by the complainant and promptly forward the complaint to a supervisor and OPR.
- C. When a complaint is received in person or by telephone and the complainant requests to speak with a supervisor, an available supervisor shall speak with the complainant when reasonably practicable. The unavailability of a supervisor shall not delay or prevent acceptance of the complaint.
- D. Employees receiving a complaint shall not attempt to influence, discourage, or otherwise interfere with the complainant or the substance of the complaint.
- E. Complaints alleging criminal conduct by a Department employee shall be promptly reported to OPR and the Chief of Police or designee.
- F. OPR shall review complaints upon receipt and determine the appropriate investigative process in accordance with this General Order and applicable law.

IX. RESPONSIBILITY FOR HANDLING COMPLAINTS

- A. Supervisors who receive or become aware of an allegation of employee misconduct shall ensure the complaint is appropriately documented and promptly forwarded to OPR.
- B. When appropriate, the receiving supervisor shall document relevant observations, identify available witnesses or evidence, and take reasonable steps to preserve evidence related to the complaint.
- C. Supervisors shall promptly notify the Chief of Police or designee and OPR of allegations involving serious misconduct, criminal conduct, or other circumstances requiring immediate attention.
- D. OPR shall review the complaint and determine the appropriate classification, investigative responsibility, and further action.

- E. The Chief of Police retains the authority to direct the investigation of any complaint or allegation of employee misconduct.

X. PROCEDURES

A. Chief of Police Responsibilities

The Chief of Police shall:

1. Maintain overall authority for the Department's internal investigation and disciplinary process.
2. Assign or approve investigative responsibility as appropriate.
3. Determine whether circumstances warrant reassignment, administrative leave, suspension, or other administrative action involving a subject employee.
4. Review completed internal investigations and take appropriate action consistent with applicable law and Department policy.
5. Ensure disciplinary action involving civilian employees shall be administered in accordance with the City of Rockville's Employee Policy on Personnel Manual.
6. Ensure complaints of police misconduct requiring review by an Administrative Charging Committee (ACC) are forwarded for review in accordance with Maryland law.

B. Internal Complaints of Technical Infractions

1. Internal complaints involving technical infractions may be investigated by OPR or assigned to an appropriate supervisor or investigator.
2. The investigation shall be sufficient to determine the relevant facts and whether a violation of Department policy occurred.
3. Employees shall cooperate fully and truthfully with the investigation as required by law and Department policy.
4. Upon completion, the investigation shall be forwarded to OPR for review and appropriate disposition.

C. Internal Investigation Procedures

1. Internal investigations shall be conducted by OPR or another investigator designated by the Chief of Police.

2. The subject employee shall be provided written notification of the investigation and the allegations when appropriate and in accordance with applicable law. Notification may be delayed when necessary to preserve the integrity of the investigation.
3. Employees shall cooperate fully and truthfully with administrative investigations as required by law and Department policy.
4. Investigators shall collect and review relevant evidence and conduct interviews as necessary to establish the facts and circumstances of the alleged misconduct.
5. Investigations shall be conducted in a fair, impartial, and timely manner and in accordance with applicable law, Department policy, and established OPR procedures.
6. Upon completion, the investigative report and supporting materials shall be forwarded through OPR for review and further action as appropriate.

D. Procedural Rights

1. Investigations and interrogations of sworn officers that may result in disciplinary action shall be conducted in accordance with applicable Maryland law.
2. Employees shall be afforded all rights provided by applicable law.

E. Criminal Allegations

1. When an allegation indicates possible criminal conduct by a Department employee, OPR shall promptly notify the Chief of Police or designee.
2. Allegations of criminal conduct shall be referred to the appropriate law enforcement agency or prosecuting authority as directed by the Chief of Police.
3. Any criminal investigation shall be conducted separately from the administrative investigation. OPR shall coordinate the administrative investigation as necessary to avoid interfering with or compromising the criminal investigation.
4. If a Department employee is arrested, criminally charged, or becomes the subject of a criminal investigation related to alleged misconduct, the Chief of Police shall be promptly notified.

F. Collision Review

1. Department vehicle collisions shall be reviewed through the employee's chain of command in accordance with established Department procedures.

2. OPR shall maintain and review applicable accident history for purposes of determining prior at-fault collisions and assisting with the application of Department disciplinary guidelines.
3. A collision may be referred to OPR for further investigation at the direction of the Chief of Police.

XI. INVESTIGATIVE FINDINGS

- A. Upon completion of an internal investigation, a finding shall be made for each allegation based on the available evidence.
- B. Findings may include:
 1. Sustained – The investigation disclosed sufficient evidence to establish that the alleged misconduct occurred.
 2. Not Sustained – The investigation failed to disclose sufficient evidence to prove or disprove the allegation.
 3. Exonerated – The alleged conduct occurred, but the employee's actions were lawful and consistent with Department policy.
 4. Unfounded – The investigation established that the alleged misconduct did not occur or was not supported by fact.
- C. An investigation may identify policy, training, supervision, or other organizational concerns regardless of the finding associated with the underlying allegation.
- D. Investigations subject to review by the Administrative Charging Committee (ACC) shall be forwarded for review and disposition in accordance with Maryland law.

XII. EMERGENCY RELIEF FROM DUTY

- A. The Chief of Police or authorized supervisor may relieve an employee from duty or place an employee on administrative leave when circumstances warrant immediate administrative action to protect the interests of the public, the Department, the employee, or the integrity of an investigation.
- B. The Chief of Police shall be notified as soon as practicable whenever an employee is relieved from duty or placed on administrative leave under this section.
- C. An employee relieved from duty may be required to surrender Department issued identification, weapons, equipment, vehicles, or other property as directed.
- D. Emergency suspension or other administrative action involving a sworn officer shall be imposed in accordance with applicable Maryland law and Department policy.

- E. Relief from duty or placement on administrative leave under this section is an administrative action and shall not, by itself, constitute disciplinary action.

XIII. NOTIFICATION AND FINAL DISPOSITION

- A. Upon final disposition of an investigation, OPR shall ensure that the complainant and subject employee receive any notifications required by applicable law and Department policy.
- B. For complaints of police misconduct involving a member of the public, required notifications and case summaries shall be provided in accordance with Maryland law.
- C. OPR shall document the final disposition of each investigation and ensure the case is appropriately closed.

XIV. RECORDS AND REPORTING

- A. OPR shall maintain complaint and internal investigation records in a secure manner with access limited to authorized personnel.
- B. Records relating to an administrative or criminal investigation of misconduct by a police officer, including internal affairs investigatory records, hearing records, and records relating to disciplinary decisions, shall not be expunged or destroyed in accordance with Maryland law.
- C. Records shall be maintained and released in accordance with applicable law and Department policy.
- D. OPR shall maintain a record of complaints, investigations, findings, and final dispositions sufficient to meet Department reporting and accountability requirements.
- E. The Department shall prepare and make available an annual statistical summary of complaints and dispositions as required by law and applicable accreditation standards.