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**"INTEGRITY...FAIRNESS...SERVICE"**

**SPECIAL ORDER # 01-10**

**DATE: January 26, 2017**

**TO: All Police Department Personnel. To be announced at Roll Call and a Copy Posted on the Department's Intranet site.**

**RE: Addendum to Special Order #01-10 (Departmental Disciplinary Matrix).**

**EFFECTIVE: Immediately.**

**BACKGROUND:** During 2010, Special Order #01-10, was released to address concerns expressed by Department members regarding the Department's disciplinary process, application, and procedures. This addendum serves to introduce new items to the matrix that was released in 2010, to account for the introduction of the Department's Body Worn Camera program.

**PURPOSE:** To establish a disciplinary matrix, applicable to sworn members, addressing violations of the rules and regulations of this Department in a fair and consistent manner. This matrix will be followed by the Internal Affairs Section (IAS) Commander and the accused officer's commander to determine the appropriate level of discipline in sustained cases.

**RELATIONSHIP TO DEPARTMENTAL VALUES:** By adopting a consistent and fundamentally fair disciplinary process, the Department maintains **FAIRNESS** for all members of the Department.

**POLICY:** It is the policy of this Department to be fundamentally fair and consistent in the application of discipline.

**GENERAL:** Misconduct is classified into broad categories of infractions based on progressive degrees of severity. The disciplinary matrix is therefore divided into categories of infractions of the rules and regulations. Category "A" articulates the lowest level of infraction and will first be addressed as non-disciplinary, performance issues. All actions must be documented, but that does not necessarily require formal correspondence. Repeated infractions of any category may move an infraction to the next level. Infractions of category "B" or higher will be disciplinary matters subject to formal disciplinary penalties as outlined below and in accordance with the Law Enforcement Officers' Bill of Rights (LEOBR).

**DEFINITIONS:**

1. **Matrix** – A chart or table of categorized infractions, with corrective actions and penalties.
2. **Category** – The level in which infractions are classified.
3. **Mitigating/Aggravating** – A circumstance which supports the raising or lowering of the category level of an infraction.

## ADDENDUM TO SPECIAL ORDER # 01-10 (Continuation)

### COMMANDERS:

1. Will promptly review all complaints sent to them and initiate the appropriate action.
2. Will document any complaint resolved at the command level without the initiation of formal discipline.
3. Will recommend discipline for sustained allegations.
4. May consider mitigating/aggravating circumstances in assessing a penalty range. All considerations to move the recommended discipline above or below the prescribed penalty range will be presented by the accused officer's commander to the IAS Commander, who must concur with the recommendation. In the event of an impasse between both commanders, the accused officer's Division Commander and a Legal Section Attorney will meet with both commanders to reach a consensus.  
**NOTE:** If no consensus is reached, the sustained allegation will proceed to the hearing board.

### IAS COMMANDER:

1. Will assign an investigator to a complaint or refer the matter to a member's commander for review and the appropriate action. Matters referred to the commander may be handled outside the application of LEOBR.
2. Confer with commanders regarding the appropriate violation category.

### CATEGORY "A" VIOLATIONS

#### APPLICATION:

1. Category "A" violations are minor infractions and are not normally discipline matters.
2. Second and/or subsequent violations, within a 12 consecutive month period, may be handled as category "B" violations.
3. Up to three departmental accidents (preventable) in a 36 month period will result in written counseling, and other non-disciplinary action may be taken (e.g., training, administrative duties, etc.).  
**NOTE:** Formal discipline may be initiated if the accident was determined to be the result of a disregard for safety.

#### CORRECTIVE ACTIONS:

1. Training and/or education.
2. Written counseling.
3. Verbal counseling.
4. Mediation.
5. Other non-disciplinary corrective actions.

### CATEGORY "B" VIOLATIONS

#### APPLICATION:

1. First occurrence of a category "B" violation.
2. Subsequent violations of category "B" within 36 consecutive months may move a third such violation to category "C."

#### DISCIPLINE RANGE:

- Written reprimand or loss of leave and/or suspension for one day.

**ADDENDUM TO SPECIAL ORDER # 01-10 (Continuation)**

**CATEGORY "C" VIOLATIONS**

**APPLICATION:**

1. First occurrence of a category "C" violation.
2. Subsequent violations of category "C" within 60 consecutive months may move a third such violation to category "D."

**DISCIPLINE RANGE:**

- Two to three days loss of leave and/or suspension.

**CATEGORY "D" VIOLATIONS**

**APPLICATION:**

1. First occurrence of a category "D" violation.
2. Subsequent violations of category "D" may be moved to category "E."

**DISCIPLINARY RANGE:**

- Four to fifteen days loss of leave and/or suspension.

**CATEGORY "E" VIOLATIONS**

**APPLICATION:**

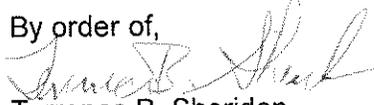
1. First occurrence of a category "E" violation.
2. Subsequent violations of category "E" may be cause for termination.

**DISCIPLINE RANGE:**

- More than fifteen days loss of leave and/or suspension and/or demotion or termination.

**IMPLEMENTATION:** This Special Order addendum will be distributed electronically to all Department members. Shift/Unit supervisors will be responsible for the referencing of this Special Order addendum. This addendum supersedes Special Order #01-10.

By order of,

  
Terrence B. Sheridan

Chief of Police

# BALTIMORE COUNTY POLICE DEPARTMENT DISCIPLINARY MATRIX

BEHAVIOR	CATEGORY				
	A	B	C	D	E
INSUBORDINATION			C		
RUDE, DISCOURTEOUS OR INAPPROPRIATE COMMENTS/BEHAVIOR OR GESTURES TO INCLUDE PROFANE OR OBSCENE LANGUAGE	A				
<b>MISREPRESENTING FACTS</b>					
ALL INTENTIONAL MISREPRESENTATION OR LYING ALLEGATIONS					E
<b>OFF DUTY VIOLATIONS</b>					
FAILURE TO TAKE REASONABLY REQUIRED ACTION OFF DUTY		B			
KNOWINGLY ASSOCIATING WITH PERSONS OF QUESTIONABLE CHARACTER; GOING TO PLACES SUSPECTED OF VIOLATING THE LAW		B			
INVOLVEMENTS WITH FRIENDS, ASSOCIATES, OR RELATIVES WHEN PROHIBITED		B			
FAILURE TO REPORT OFF DUTY INVOLVEMENT IN AN INCIDENT REQUIRING DEPARTMENT NOTIFICATION	A				
<b>SECONDARY EMPLOYMENT VIOLATIONS</b>					
NO PERMIT ON FILE; VIOLATIONS OF APPLICATION PROCESS	A				
PROHIBITION; RESTRICTION VIOLATIONS (I.E. LOCATION, HOURS, TYPE OF EMPLOYMENT)		B			
WORKING WHILE ON SICK, ACCIDENT LEAVE OR LIMITED DUTY STATUS WITHOUT AUTHORIZATION		B			
USING DEPARTMENTAL EQUIPMENT WHILE WORKING SECONDARY EMPLOYMENT WITHOUT AUTHORIZATION	A				
INAPPROPRIATE DISPLAYING OF DEPARTMENT BADGE, LOGO OR OTHER POLICE INSIGNIA AND/OR OTHER ISSUED EQUIPMENT		B			
WORKING SECONDARY EMPLOYMENT ON DEPARTMENT TIME					E
<b>PRISONER RELATED VIOLATIONS</b>					
IMPROPER/UNAUTHORIZED SEARCHES INCLUDING STRIP/CAVITY SEARCHES		B			
TRANSPORTATION OF PRISONER	A				
PRISONER PROCESSING/PROPERTY	A				
RESTRAINT VIOLATIONS	A				
PRISONER/DETAINEE CUSTODY VIOLATIONS		B			
FAILURE TO MAINTAIN PRISONER CHECK LOG	A				

PRISONER/DETAINEE CARE VIOLATIONS		B			
IMPROPER PRISONER/DETAINEE RELEASE		B			
<b>EVIDENCE &amp; FOUND PROPERTY VIOLATIONS</b>					
RECOVERY OF EVIDENCE		B			
PRESERVATION OF CRIME/INCIDENT SCENE		B			
RELATED TO THE RECEIPT OF EVIDENCE (I.E. CHAIN OF CUSTODY)		B			
PROCESSING/TESTING OF EVIDENCE		B			
STORAGE AND/OR THE RELEASE OF EVIDENCE		B			
RECOVERY OF FOUND/ABANDONED PROPERTY		B			
STORAGE/RELEASE OF FOUND PROPERTY		B			
<b>HARASSMENT &amp; DISCRIMINATION</b>					
SEXUAL HARASSMENT/DISCRIMINATION					E
RACIAL HARASSMENT/DISCRIMINATION					E
RELIGIOUS/ETHNIC HARASSMENT/DISCRIMINATION					E
SEXUAL ORIENTATION HARASSMENT/DISCRIMINATION					E
ALL OTHER HARASSMENT/DISCRIMINATION					E
<b>FIREARMS/WEAPONS VIOLATIONS (TO INCLUDE LESS LETHAL WEAPONRY)</b>					
DELIBERATE FIREARMS DISCHARGE VIOLATION - ON/OFF DUTY (ENDANGERS LIFE)					E
DELIBERATE FIREARMS DISCHARGE VIOLATION - ON/OFF DUTY (NO ENDANGERMENT)			C		
RECKLESS DISCHARGE AND/OR USE OF A FIREARM			C		
NEGLIGENT OR ACCIDENTAL DISCHARGE AND/OR USE OF A FIREARM		B			
CARRYING UNAUTHORIZED FIREARM - ON/OFF DUTY		B			
CARRYING A FIREARM IN VIOLATION OF FEDERAL, STATE, LOCAL LAWS OR DEPARTMENTAL REGULATIONS		B			
FAILURE TO SECURE FIREARM - ON/ OFF DUTY		B			
CARRYING UNAUTHORIZED AMMUNITION - ON/ OFF DUTY		B			
FAILURE TO PROPERLY MAINTAIN FIREARM	A				
FAILURE TO REPORT FIREARM DISCHARGE				D	

RECKLESS USE OF DEPARTMENTAL LESS LETHAL WEAPONS AND EQUIPMENT			C		
NEGLIGENT OR ACCIDENTAL USE OF DEPARTMENTAL LESS LETHAL WEAPONS AND EQUIPMENT		B			

**DEPARTMENTAL ACCIDENTS (AT FAULT)**

THIRD PREVENTABLE ACCIDENT IN A 36 MONTH PERIOD	A				
FOUR OR MORE PREVENTABLE ACCIDENTS IN A 36 MONTH PERIOD			C		
DISREGARD FOR SAFETY RESULTING IN AN ACCIDENT			C		
FAILURE TO REPORT ACCIDENT					E

**USE OF FORCE VIOLATIONS**

UNNECESSARY FORCE - FORCE THAT IS USED WHEN NOT REQUIRED IN LIGHT OF THE CIRCUMSTANCES BUT IS NOT BRUTAL OR EXCESSIVE		B			
UNREASONABLE FORCE - FORCE USED THAT IS OUTSIDE WHAT AN ORDINARY OR PRUDENT LAW ENFORCEMENT OFFICER WOULD USE			C		
EXCESSIVE FORCE - FORCE THAT IS EXCESSIVE IN SCOPE, DURATION, OR SEVERITY IN LIGHT OF THE CIRCUMSTANCES				D	
BRUTAL FORCE - FORCE THAT IS WITHOUT JUSTIFICATION OR MITIGATION IN THE LIGHT OF THE CIRCUMSTANCES AND IS SEVERE OR CRUEL IN SCOPE OR DURATION					E

**NEGLECT**

FAILURE TO ASSIST/ BACK-UP OTHER OFFICER WHILE ON DUTY				D	
FAILURE TO TAKE NECESSARY POLICE ACTION WHILE ON DUTY		B			

**INVESTIGATIONS VIOLATIONS**

VIOLATIONS OF PROCEDURES FOR PRELIMINARY AND FOLLOW-UP INVESTIGATIONS		B			
FAILURE TO SUBMIT OR FILE REQUIRED REPORTS			C		
IMPROPER CODING			C		
ACCURACY OF REPORTS		B			
ARRESTS (LACK OF PC, FAILURE TO MAKE REQUIRED ARREST, FAILURE TO ISSUE CITATION)			C		
ACCURACY OF CHARGING DOCUMENT, WARRANT APPLICATION OR TESTIMONY (NOT INCLUDING PERJURY)			C		
IMPROPER PROCEDURES FOR AN INTERVIEW OR INTERROGATION		B			
IMPROPER SEARCHES, SEIZURES OR ENTRIES			C		

**SUPERVISORY VIOLATIONS**

FAILURE TO TAKE APPROPRIATE ACTION			C		
FAILURE TO PERFORM ASSIGNED ADMINISTRATIVE DUTIES		B			

FAILURE TO RESPOND TO SCENE WHEN REQUIRED OR PROVIDE APPROPRIATE INCIDENT SCENE SUPERVISION			C		
FAILURE TO ADEQUATELY STAFF OR MAINTAIN ADEQUATE COVERAGE (I.E. SCHEDULING, ASSIGNMENTS)		B			
FAILURE TO NOTIFY SUPERIOR	A				
FAILURE TO MAKE REQUIRED NOTIFICATIONS		B			
FAILURE TO PROPERLY SCREEN/INTERVIEW/CHECK PRISONERS			C		
FAILURE TO MONITOR AND MAINTAIN PROPER PRISONER SAFEGUARDS AND HANDLING			C		
FAILURE TO REVIEW AND PROPERLY ADMINISTER PROCESSING OF SEARCH OR ARREST WARRANTS, STATEMENT OF CHARGES, AND MISC. COURT DOCUMENTS AND ORDERS		B			
IMPROPER OR EXCESSIVE DELEGATION OF ASSIGNED DUTIES			C		
UNAUTHORIZED VIEWING OF BODY WORN CAMERA VIDEOS	A				

### MISCELLANEOUS VIOLATIONS

UNAUTHORIZED ACCESS CRIMINAL HISTORY		B			
UNAUTHORIZED ACCESS MVA HISTORY		B			
CRIMINAL HISTORY DISSEMINATION			C		
MVA HISTORY DISSEMINATION			C		
IMPROPER OR UNAUTHORIZED DISSEMINATION OF INVESTIGATION INFORMATION/VIDEOS				D	
IMPROPER OR UNAUTHORIZED DISSEMINATION OF DEPARTMENTAL INFORMATION/VIDEOS			C		
LEAVING ASSIGNMENT W/O PERMISSION		B			
CHEATING ON TESTS, HOMEWORK, OR OTHER ASSIGNMENTS					E
FAILURE TO OBEY AN ORDER			C		
OBSTRUCTING OR HINDERING A CRIMINAL INVESTIGATION (INCLUDING O/J)					E
OBSTRUCTING OR HINDERING AN IAS OR ADMINISTRATIVE INVESTIGATION (INCLUDING O/J)					E
A.W.O.L. VIOLATIONS		B			
COURT APPEARANCE RELATED VIOLATIONS (LATENESS, REQUIRED PAPERWORK)	A				
FAILURE TO APPEAR AT COURT		B			
OUT OF UNIFORM/IMPROPER DRESS	A				
UNAUTHORIZED RIDE-A-LONG		B			
SLEEPING ON DUTY		B			
FAIL TO FOLLOW CHAIN OF COMMAND/OBTAIN SUPERVISOR'S APPROVAL	A				
INTOXICATED / UNAUTHORIZED CONSUMPTION OF ALCOHOL ON-DUTY					E

FAILURE TO ADVISE OF ADDRESS/TELEPHONE CHANGE	A				
FAILURE TO ANSWER RADIO		B			
ALL OTHER MISCELLANEOUS ALLEGATIONS	A				
<b>DEPARTMENT EQUIPMENT</b>					
LOSING DEPARTMENT EQUIPMENT		B			
DAMAGING DEPARTMENT EQUIPMENT		B			
UNAUTHORIZED USE OF DEPARTMENTAL EQUIPMENT		B			
UNAUTHORIZED USE OF NON-DEPARTMENTALLY APPROVED EQUIPMENT		B			
ALLOWING UNAUTHORIZED PERSONS TO USE DEPARTMENT EQUIPMENT		B			
BODY WORN CAMERA USE/ACTIVATION/DEACTIVATION VIOLATIONS	A				
<b>CRIMINAL VIOLATIONS</b>					
ALL CRIMINAL VIOLATIONS INCLUDING ARRESTABLE TRAFFIC VIOLATIONS					E
ALL OTHER NON-ARRESTABLE VIOLATIONS	A				