

James W. Johnson
Chief of Police

Baltimore County Police Department
Headquarters
700 E. Joppa Road
Towson, MD 21286
(410) 887-2214
Fax (410) 887-8887



"INTEGRITY...FAIRNESS...SERVICE"

SPECIAL ORDER # 2012-01

DATE: March 2, 2012

TO: All Police Department Personnel. To be Announced at Roll Call and a Copy Posted on the Bulletin Board for 30 Days.

RE: Education-Based Discipline (EBD).

EFFECTIVE: Immediately.

BACKGROUND: Education-Based Discipline (EBD) is a component of the Alternative Disciplinary Process (ADP). EBD offers the employee an optional focused education and training program that may be used as an alternative and/or in conjunction with traditional discipline. The EBD program emphasizes training, remediation, and creative interventions designed to correct deficits in performance and reinforce appropriate responses from the employee. Offering an educational alternative can be beneficial to the employee and the Department in instances of anger management, alcohol and substance abuse, and other circumstances where behavior modification is necessary.

PURPOSE: This Special Order establishes procedures for the Department's use of the EBD program.

RELATIONSHIP TO DEPARTMENTAL VALUES: This Special Order supports the Department's commitment to **FAIRNESS** by permitting the use of an Education-Based Discipline program to enhance employee character, competence, and communication.

POLICY: It is the policy of this Department to allow the use of EBD as a component of the ADP process.

PROCEDURES:

EBD Use Criteria:

- Allegations must be of a nature where a behavioral modification would be beneficial to the employee and the Department.
- The commanders of both the accused member and the Internal Affairs Section (IAS) must be in agreement with the appropriateness of EBD for resolving the case and the discipline to be offered.
- The accused member must agree to the recommended disciplinary action.

Commander of the Accused:

- Receiving a Form 258, must contact the IAS Commander to discuss the:
 1. Merits of the case.
 2. Feasibility of utilizing EBD.
 3. Recommended discipline.

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- When an agreement is reached regarding the recommended discipline, will forward the original Form 258 to IAS, noting the agreed upon disciplinary recommendation.
- Arranges a meeting with the accused member to discuss the allegation and recommended discipline offered.
NOTE: The Law Enforcement Officers Bill of Rights (LEOBR) need not be given, but the accused may have counsel present.
- When the accused member accepts the recommended discipline, will:
 1. Complete the Form 80, Reprimand and Disciplinary Action Report, in accordance with the Administrative Manual, Article 2, Section 10.0.
 2. Note on the Form 80 the sections for which the accused member is being charged and any support sections.
 3. Explain to the accused member that:
 - a. The acceptance of discipline only applies under ADP and any EBD must be completed within 180 calendar days from the signing of the acceptance page of the Form 80, unless extended by the IAS Commander.
 - b. Additional investigations and disciplinary actions may result if other allegations or information comes to light.
 - c. This procedure will not excuse the accused member from being interviewed at a later time to supply information pertaining to other members or additional allegations.
 4. Have the accused member sign the Acceptance of Approved Disciplinary Action page of the Form 80.
 5. Return the Form 80 series to IAS for processing.
- If the accused does not accept the recommended discipline, will:
 1. Order the accused member, in writing, not to discuss the case.
 2. Notify IAS of the refusal.
- Reviews and forwards the certificate or letter of EBD completion to IAS.

Accused Members:

- Upon signing the acceptance page of the Form 80, complete the EBD program within 180 calendar days.
- Provide a certificate or letter of EBD completion to their commander.
- Assume financial responsibility for all costs associated with any required training.
- Who fail to complete or fulfill the terms of the EBD agreement, shall be subject to the recommended discipline.

Internal Affairs Section Commander:

- Confers with the accused member's commander about the implementation of EBD.
- Maintains all records involving EBD.
- Maintains a list of approved educational services and classes for EBD.
- Approves or disapproves any educational services and/or classes offered for EBD.
- Periodically organizes meetings with appropriate personnel to critique EBD effectiveness and make recommendations.

IMPLEMENTATION: This Special Order will be distributed electronically to all Department sworn members and non-sworn supervisors. Shift/Unit supervisors will be responsible for the posting and referencing of this Special Order.

By order of,

James W. Johnson
Chief of Police