

BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 10-9 SECTION C-2

DEPARTMENTAL ADMINISTRATIVE DISCIPLINARY PROCESS Revisions Approved: June 12, 2018

This General Order contains the following numbered sections:

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- II. Purpose
- III. General
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- VII. Training
- VIII. Punitive Action
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- X. Disciplinary Records
- XI. Dismissal
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I. DIRECTIVE

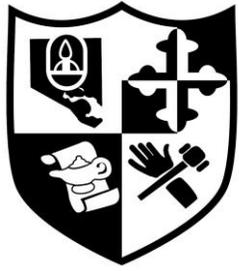
It is the goal of the Baltimore City School Police Force (BCSPF) to administer disciplinary action in a fair and unbiased manner to the employee which reflects the best interests of the employee, department, and community. The disciplinary process will be progressive in nature and not solely punitive in nature, but will also contain provisions for the use of counseling and remedial training as functions of discipline, when either or both are deemed appropriate for the infraction committed or the particular circumstances.

II. PURPOSE

The purpose of this General Order is to state the department's philosophy of discipline and to establish the procedures for the disciplinary process.

III. GENERAL

One of the tasks of a supervisor is the administration of discipline. Discipline may involve a range of responses including encouragement, training, counseling, or the imposition of punitive sanctions. The immediate purpose of discipline is to channel an individual effort into effective and productive action.



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This General Order will be consistent with all applicable law. Specifically, all disciplinary action involving sworn members will be consistent with the provisions of the Public Safety Article of the Annotated Code of Maryland, §§ 3-101, *et. seq.*, *Law Enforcement Officers' Bill of Rights*.

Probationary officers are advised that the term "Law enforcement officer" as defined in the *Law Enforcement Officers' Bill of Rights* "does not apply to an officer serving a probationary status except when allegations of brutality in the execution of their duties are made involving an officer who is in a probationary status." The term "probationary status" includes only an officer who is in that status upon initial entry into the department. (Md. Code Ann., Pub. Safety Art. § 3-101 (e)(2)).

IV. DEFINITIONS

Administrative Hearing Board- a board which is authorized by the Chief of School Police to hold a hearing on a complaint against a law enforcement officer and which consists of not less than three law enforcement officers within the agency or another law enforcement agency. At least one member of the hearing board will be of the same rank as the accused officer.

Discipline- a routine state of order and control in which personnel obey work policies within the agency either voluntarily or because of the deterrent effect of punishment.

Disciplinary action- action taken by supervisory personnel to punish or deter behavior that does not meet or conform to communicated and expected standards of performance, which may be punitive (involving punishment) and/or non-punitive (instructional/corrective) in nature.

Non-punitive- is corrective action that develops in the member the same objectives as those in the organization:

Non-punitive actions include:

1. Oral counseling,
2. Letter of counseling,



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3. Transfer- when utilized to enhance departmental effectiveness and to improve the transferred officer's performance.
4. Suspension of police powers, and
5. Remedial training or instruction.

Punitive- is an action involving or inflicting some form of punishment that follows a violation of rules, policy, or procedure.

Punitive actions include:

1. Letter of reprimand,
2. Loss of leave,
3. Monetary fine,
4. Restitution,
5. Transfer,
6. Suspension from duty without pay,
7. Termination from the agency, and/or a combination of several actions.

Summary punishment- is punitive punishment imposed by the highest-ranking officer of a unit, or member acting in that capacity, which may be imposed when the facts constituting the offense are not in dispute. Summary punishment may exceed three days suspension without pay or a fine of \$150.

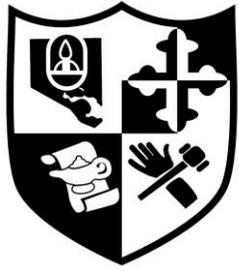
Summary punishment includes:

1. Letter of reprimand,
2. Loss of leave,
3. Up to three days suspension, and
4. Monetary fine.

Training- is personalized instruction to educate and/or correct a specific deficiency that is usually identified either by testing evaluations by a supervisor, or by the observations of or knowledge of acts requiring disciplinary actions.

V. COUNSELING

A. **Counseling** is assisting employees in the process of problem solving; it may be corrective or preventative in nature and it is not considered to be punitive.



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1. It may focus on the necessity for a person to change their present behavior or work methods.
2. It may focus on the necessity for a person to behave differently in preparation for responsibilities and challenges that lie ahead.
3. It may focus on the disciplinary problem that may be handled in a positive manner by itself or with other disciplinary measures.

B. The following **criteria** should exist for using counseling- The employee has an existing problem or is experiencing difficulty understanding or adjusting to matters which are:

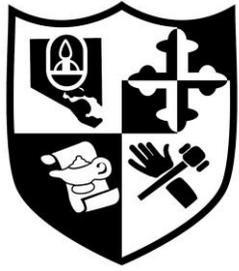
1. Job-related, or
2. Involve personnel policies, or
3. Involve interpersonal relationships with co-workers, or
4. Personal matters which are affecting their work.

VI. COUNSELING FORM

The documentation of performance deficiencies and minor infractions of rules, regulations, policies and procedures is required. To ensure proper documentation, a counseling form will be used (see annex A).

A. Criteria for Issuance

1. First-line supervisors may issue counseling to subordinates, and are not required to look to a higher authority before doing so.
2. The Counseling Form is designated for use by a supervisor in those instances when they deem it necessary to counsel and correct a subordinate for minor infractions of rules, regulation, policies or procedures, or for poor performance. The following are example of incidents where, at the discretion of the supervisory, the Counseling Form may be used:
 - a. Attendance
 - b. Disruptive comments or behavior (not in public)



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- c. Missing or being late for a detail
 - d. Improper parking or speeding in police vehicles
 - e. Improper uniform
 - f. Improper judgement
 - g. Other minor infractions that should be immediately pointed out and corrected
3. When the Command Staff and the immediate supervisor are in agreement, the Counseling Form may be used for minor citizen complaints rather than the formal disciplinary action procedure. The following are examples of allowable uses:
- a. A citizen complaint of an improperly parked police vehicle.
 - b. An isolated complaint about an employee's attitude or demeanor.

B. Issuance Procedures

1. The supervisor, after an initial investigation, but prior to interviewing the employee, must decide if the incident should be handled through the formal disciplinary process. When making the decision, information from the complainant, personal observation, and other employee comments should all be taken into consideration. Even if the formal disciplinary process is used, the investigation cannot be terminated with the issuance of a Counseling Form. Every investigation file will be forwarded to the Internal Affairs Section in accordance with the Internal Investigations Directive for records keeping purposes and review.
2. The following procedures should be adhered to when the Counseling Form is used:
 - a. The supervisory issuing the form will do so as soon as possible after the initial complaint or observation. A Counseling Form should be issued within forty-eight (48) hours after the incident, or as soon as reasonably possible.
 - b. The supervisor will summarize the complaint or incident.
 - c. As soon as reasonably possible after the completion of the form, the supervisor will meet with employee and present the original copy of the form.
 - d. The employee will be given an opportunity to review, and receive a copy and comment in writing upon the adverse material in accordance with the Law Enforcement Officers' Bill of Rights (Md. Code Ann., Pub. Safety Art. §§ 3-101. *et seq.*)

C. Retention and Documentation



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1. A supervisor who initiates a Counseling Form for a subordinate will retain a copy for their records.
2. If a supervisor initiates a Counseling Form for a member who reports to another supervisor, they will forward a copy to the affected supervisor.
3. A copy of the Counseling Form will be forwarded to the Command Staff for review and placed in the member's division file for 1 year.
4. Supervisors will document all Counseling Forms received during an employee's rating period in the employee's bi-annual and annual evaluations.
5. Supervisors should be consistent with all personnel when issuing Counseling Forms.
6. Generally, a Counseling Form should not be issued for a similar incident in the same rating period. Supervisors should evaluate the situation and deem when it is appropriate.
7. Counseling Forms will not be subjective, all information will be objective.

VII. TRAINING

A member's act that is committed because they either misunderstood procedures or was never made aware of the correct actions are indicators of training needs.

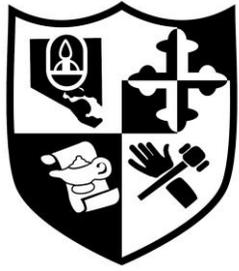
1. Remedial training programs may correct these needs.
2. Internal Investigation should analyze information to determine training needs in identifying undesirable behavior trends of those individuals in need of training.
3. An employee may be assigned to remedial training if their supervisor, through the Command Staff, recommends the process to correct a lack of skills, knowledge, or abilities to perform their assigned tasks.
4. Upon completion of remedial training program, participants will be evaluated to determine whether or not existing deficiencies were alleviated. Results of the evaluation will be forwarded through the chain of command to the Chief of School Police.

VIII. PUNITIVE ACTION

A. Punitive Action

Punitive action is generally taken after a guilty finding of an administrative hearing or after an administrative investigation reveals sustained violation(s). The Chief of School Police has the final approval on all punitive disciplinary actions.

1. Upon completion of an administrative investigation, the officer's supervisor will



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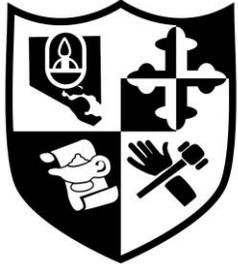
- recommend punitive action, if warranted, and submit it to the Command Staff.
2. The Command Staff will complete a **Notification of Charges Form** (annex B) and submit it to the member.
3. The member will sign the Notification of Charges Form to acknowledge receipt, retain a copy, and send the original back to the Command Staff.
4. Upon return of the Notification of Charges Form, the Command Staff will consult with the Chief of School Police regarding the type of disciplinary action to be imposed (Summary punishment or Administrative Hearing).

B. Summary Punishment

1. If summary punishment is offered, the Command Staff will complete a **Summary Punishment Form** (annex C). It is within the realm of the Command Staff's authority to offer summary punishment for minor violations of departmental rules and regulations when:
 - a. The facts, which constitute the minor violation, are not in dispute,
 - b. The officer waives a hearing, and
 - c. The officer accepts the punishment imposed.
2. The member will sign the Summary Punishment Form, indicating their acceptance or refusal, retain a copy, and send the original back to the Command Staff.
3. If the member refuses the summary punishment, as imposed pursuant to this General Order, the Chief of School Police may convene a one-member or more hearing board. The board will have only the authority to recommend the sanctions for summary punishment.

C. Other Punishment

1. If the violation is not under the provisions of summary punishment, the supervisor, via the Command Staff, will submit a **Notification of Approved Disciplinary Action Form** (annex D) to the Chief of School Police for approval.
2. Once the Chief of School Police approves the recommendation for discipline, the member will either accept or decline the action. The member will sign the form, retain a copy, and send the original back to the Command Staff.
3. If the member declines the disciplinary action, subsequent notice of an Administrative Hearing will be made.



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4. At times, no recommendation for disciplinary action will be made or offered due to the nature of the violation or allegation and an Administration Hearing will be ordered.

IX. APPEAL PROCEDURES

Appeals for **sworn** members from decisions rendered in summary punishment and Administration Hearing will be taken to the Circuit Court of Baltimore City. Any party aggrieved by a decision of the Circuit Court under this section may appeal to the Court of Special Appeals (Md. Code Ann. Pub. Safety Art. § 3-109).

Appeals for **civilian** members will be conducted in accordance with the civilian labor agreement.

X. DISCIPLINARY RECORDS

The Internal Affairs Section will receive and maintain all records concerning disciplinary actions for members of BCSPF. A copy of the disciplinary record will also be maintained in the member's division and personnel files.

The records will be maintained on file until such time as they are expunged pursuant to provisions of Md. Code Ann. Pub. Safety Art. § 3-110.

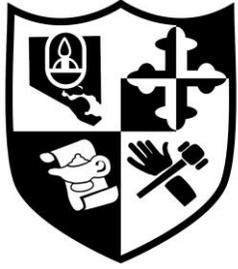
XI. DISMISSAL

Should member misconduct result in dismissal, the following information will be provided to the employee:

1. A statement citing the reason for the dismissal.
2. The effective date of the dismissal.
3. A statement of the status of fringe and retirement benefits after dismissal.
4. A statement as to the content of the employee's employment record relating to the dismissal.

XII. EFFECTIVE DATE

This Order shall be effective on the date of publication.



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I certify that I have read and fully understand this Order.

Signature _____

Date _____