



BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 13-4 SECTION C-7

INTERNAL INVESTIGATIONS Revisions Approved: June 12, 2018

This General Order contains the following numbered sections:

- I. Directive
- II. Purpose
- III. General
- IV. Internal Affairs Unit's Responsibilities
- V. Complaint Investigation
- VI. Investigative Process
- VII. Notifications
- VIII. Public Information
- IX. Effective Date

I. DIRECTIVE

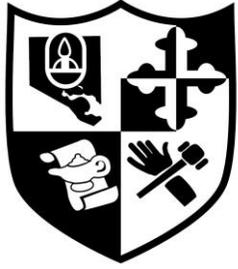
The Baltimore City School Police Force ("BCSPF" or "department") recognizes that the integrity of the department depends upon the personal integrity and discipline of each member. It is the policy of the BCSPF to investigate all complaints of alleged misconduct against the department or its members to equitably and thoroughly determine whether the allegation is valid or invalid and to take appropriate action. A specialized unit, the Internal Affairs Unit, is established to review and/or conduct these investigations and carry out all assignments related to resolving these issues in an open and transparent manner based on state and federal laws.

II. PURPOSE

The Internal Affairs function is important for the maintenance of professional conduct. It is the purpose of this General Order to define the function of the Internal Affairs Unit and to establish the procedures that shall be followed in the investigation of complaints.

III. GENERAL

The purpose of this unit is to ensure that the integrity of the department is maintained through an internal review system whereby objectivity, fairness, and justice are ensured by an impartial investigation and thorough review process.



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The supervisor of the Internal Affairs Unit shall report directly to the Chief of School Police. Whenever a law enforcement officer is under investigation or subjected to interrogation by a law enforcement agency, for any reason which could lead to disciplinary action, demotion or dismissal, the investigation or interrogation shall be conducted in compliance with the LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS, Md. Code Ann., Pub. Safety Art. §3-101, et. seq. ("LEOBR").

Employees are expected to always give truthful responses to questions related to the performance of their official duties and their fitness to hold public office.

Copies of Citizen Complaint form should be kept on hand and can be found online as well as in report form in Records and will be offered to a citizen with an explanation of its use whenever a citizen asks for information on how to make a complaint against the department or an employee of the department.

All complaints made against the department or its members shall be investigated, including anonymous complaints

IV. INTERNAL AFFAIRS UNIT'S RESPONSIBILITIES

The Internal Affairs Unit's responsibilities include, but are not limited to:

- A. Record, register, and control the investigation of complaints against BCSPF members.
- B. Initiate inquiry or investigation of serious complaints received against BCSPF members or when violations of law or General Orders, policies, and procedures are independently reviewed by Internal Affairs investigators.
- C. Conduct a preliminary evaluation and review of all complaints received against BCSPF members.
- D. Supervise and control the investigation of alleged or suspected misconduct within the department including those investigations being conducted by Command staff.
- E. Maintain the confidentiality of the Internal Affairs investigations.



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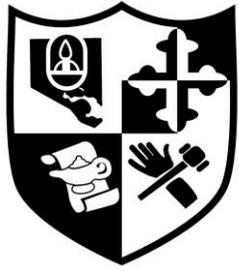
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- F. Maintain the physical security of all Internal Affairs records.
- G. Provide assistance and/or technical support upon the request of Command staff or the Chief of School Police.
- H. Maintain a written record of all complaints brought to the attention of the Internal Affairs Unit (via a Internal Affairs Complaint Log, as well as outcomes).
- I. Provide such information as is necessary to compile annual statistical summaries regarding complaints, internal investigations, and outcomes.
- J. Ensure that all internal investigations are in conducted compliance with LEOBR.
- K. Notify the Chief of School Police immediately when complaints are received alleging the following:
 - a. Corruption
 - b. Brutality
 - c. Misuse of force
 - d. Civil rights violations
 - e. Criminal misconduct
 - f. Drug use
 - g. Domestic violence
 - h. Weapons discharge
 - i. Sexual harassment
- L. Complete a written report including a “statement of findings” for each investigation conducted by the Internal Affairs Unit and submit same to the Chief of School Police. The written report shall be submitted to the Chief within sixty (60) calendar days.

Requests for time extensions for on-going investigation, if necessary, shall be submitted in writing as soon as possible to the Chief of School Police.

- M. Notify complainants and/or Command staff, as required, regarding the status of investigations as allowed by law and Board policy.

V. COMPLAINT INVESTIGATION



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A. Complaint Acceptance

A complaint may be made 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 a video recording of the incident, that, to the best of the individual's knowledge, is unaltered; or the parent or guardian of the minor child, if the incident involves a minor child.

Complaints will be accepted in person, over the telephone, or in writing.

Written complaints can be made on the School Complaint Against Personnel Form.

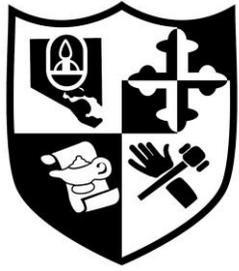
- a. Methods of obtaining this form include:
 - i. Print the form from the Baltimore City School Police Force website.
 - ii. Pick the form up in person at School Police Headquarters located at 200 E. North Avenue, Baltimore, Maryland 21202.
 - iii. Call the School Police Department at (410) 545-1933 and ask for the form to be mailed, faxed, or emailed.
 - iv. Write a letter to the School Police Force at 200 E. North Avenue, Baltimore, Maryland 21202 requesting the complaint form be mailed, faxed, or e-mailed.

All complaints of alleged misconduct shall be documented and investigated (except as noted).

Anonymous complaints, or complaints from citizens who wish their names to be held in confidence, will be accepted (except complaints against an officer alleging brutality in the execution of their duties may not be investigated unless duly sworn to, pursuant to LEOBR).

Complaints shall generally be referred to:

- a. A supervisor
- b. The on-duty Shift commander
- c. An on-duty Section commander
- d. The Internal Affairs Unit



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Citizen complaints should be accepted by any supervisor in the BCSPF who is approached for such assistance. The supervisor shall obtain an administrative report number from Communications to reference the complaint.

Complaints shall be documented in writing utilizing a BCSPF COMPLAINT AGAINST PERSONNEL FORM (Annex A). A copy shall be forwarded directly to the Internal Affairs Unit for review.

B. Control Numbers

- 1. Administrative Number-** Any supervisor or investigator conducting a preliminary investigation of a complaint against a member shall contact Communications and obtain an Administrative Number to identify the incident and its investigation.
- 2. Investigative Control Number-** Internal Affairs shall evaluate/review all complaints. If the complaint is within the responsibility of the Internal Affairs Unit, they shall assign an Investigative Control Number and proceed with the investigation. If the complaint is of a less serious nature, no Investigative Control Number shall be issued.

C. Guidelines for issuance of Investigative Control Numbers

An Investigative Control Number shall generally be issued only when one or more of the following criteria have been met:

1. When one or more substantial aspects of the incident or event has been collaborated.
2. A complaint has been made in a sworn document.
3. There is probable cause to believe that the incident or event occurred and the accused was constructively involved.
4. A law enforcement officer has made a chargeable accusation against a member in a written report or document.
5. The subject(s) of a preliminary inquiry has volunteered to undergo collaborating tests.

D. Types of Complaints

1. The Internal Affairs unit shall have primary responsibility for the investigation of all internal or external allegations of:
 - a. Excessive force



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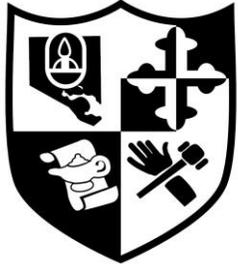
- b. Discharge of a firearm
 - c. Gross misconduct (i.e., corruption, brutality, malfeasance, drug or alcohol use, etc.)
 - d. Civil rights violations
 - e. Sexual harassment
 - f. Violations of criminal law
 - g. Domestic violence, and/or
 - h. Any investigation assigned by the Chief of School Police
2. **Supervisor/Command Staff** shall have primary responsibility for the investigation of all internal or external allegations of a lesser nature such as:
- a. Citizen complaint of discourtesy,
 - b. The member's demeanor,
 - c. Use of abusive language, etc.

This General Order does not preclude a joint investigation from being conducted, either by BCSPF members from different assignments or BCSPF members in conjunction with an outside agency, if ordered or authorized by the Chief of School Police.

The Internal Affairs Unit is a resource. Supervisors and Command staff investigating complaints will coordinate their efforts with Internal Affairs when guidance or assistance is necessary.

If any supervisor or Command staff investigating a complaint determines that the complaint is more serious than was originally known, or is of a magnitude that is beyond the investigative capacity of the member, Internal Affairs Unit shall be consulted as soon as possible for guidance.

3. **Outside agency** investigations or requests for outside agency assistance may be initiated by the Chief of School Police if deemed appropriate. Examples of such situations would include allegations involving:
 - a. Violations of Federal law
 - b. Members of other agencies
 - c. Multi-jurisdictional situations
 - d. Members of the Command staff
 - e. Need for specialized technical assistance, etc.
4. A **Special Investigator**, with appropriate authority, may be appointed by the Chief of School Police if a complaint involves a member of the Internal Affairs Unit or a member



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of the Command staff.

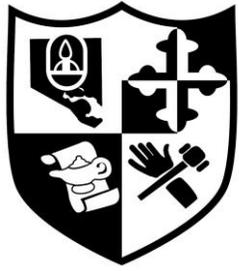
E. Supervisory Investigation

Upon notification of a complaint or alleged misconduct by a member under their command, a supervisor shall:

1. Initiate a preliminary investigation.
2. Interview the complainant immediately, if possible.
3. Make an initial determination as to the type of complaint and the related investigative responsibility.
4. Immediately contact the Internal Affairs Unit, if required. Supervisors should also contact Internal Affairs if, at any time during the investigation, the scope of the investigation expands beyond their authority or capability.
5. Obtain an Administrative number from Communications for report control purposes.
6. Complete a BCSPF COMPLAINT AGAINST PERSONNEL FORM and submit same to supervisor, with a copy directly to Internal Affairs Unit, prior to the completion of the current tour of duty.
7. Complete an administrative report detailing your investigation and any other actions taken, and submit same to supervisor as soon as possible. If a complete supervisory investigation has been conducted, the report should include a **statement of findings** and recommendation for disciplinary action (if applicable).

A statement of findings will generally be one of the following:

- a. Sustained- evidence was sufficient to prove the allegation.
 - b. Not Sustained- insufficient evidence to either prove or disprove the allegation.
 - c. Exonerated- incident occurred but was lawful and proper.
 - d. Unfounded- allegation is false or not factual.
 - e. Policy failure- incident was a result of a policy flaw.
8. Should an investigation and/or report require more than five (5) working days to



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complete and submit, the supervisor shall request an extension in writing from the appropriate commander.

9. Inform the member involved, with the concurrence of the Internal Affairs' supervisor, of complaints which are filed against them.

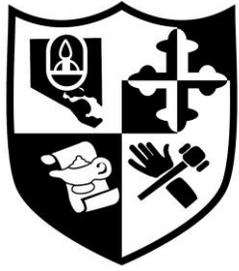
F. Section Commander

The Section Commander shall:

1. Oversee the supervisor's investigation.
2. Provide guidance and assistance as required.
3. Review the supervisor's administrative report and recommendation,
4. If in agreement with the supervisor's findings, complete and attach a written report of concurrence and forward to the Section Commander.
5. Should the Section Commander fail to concur with the supervisor's findings, the Section Commander shall submit a written report, documenting their reasons, and submit same to the Captain for resolution.

G. Captain

1. Oversee the supervisor's/Section Commander's investigation.
2. Provide guidance and assistance as required.
3. Review the supervisor's and the Section Commander's administrative report and recommendation.
4. If in agreement with the findings, complete and attach a written report of concurrence and forward to the Internal Affairs Unit.



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5. Institute appropriate disciplinary action if required.
6. Should the Section Commander fail to concur with the supervisor's findings, the Section Commander shall submit a written report, documenting their reasons, and submit same to the Internal Affairs Unit for resolution.

VI. INVESTIGATIVE PROCESS

In the course of an internal investigation, when authorized by the Chief of School Police, a member may be requested or ordered to submit to medical examination, drug testing, photographing, line-ups, disclosure statements, and/or polygraph examination.

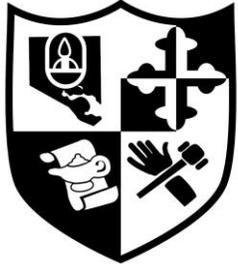
All such requests or orders shall be in compliance with LEOBR.

The LEOBR permits BCSPF to require a law enforcement officer under investigation to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations, or interrogations which specifically relate to the subject matter of the investigation.

This subtitle does not prevent a law enforcement agency from commencing any action which may lead to a punitive measure as a result of a law enforcement officer's refusal to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations, or interrogations, after having been ordered to do so by the law enforcement agency.

The results of any blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations or interrogations, as may be required by the law enforcement agency under this subparagraph, are not admissible or discoverable in any criminal proceedings against the law enforcement officer when the officer has been ordered to submit thereto.

The results of a polygraph examination may not be used as evidence in any administrative hearing when the law enforcement officer has been ordered to submit to a polygraph examination by the law enforcement agency unless the agency and the law enforcement



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officer agree to the admission of the results at the administrative hearing.

All members of the BCSPF are photographed as part of the employment process. Employee photographs may be used in conjunction with a “photo array” or “photo line-up,” if there is a need for their use, during the course of an internal investigation.

Members may be required to participate in a “line-up” if this action is material to a particular internal investigation being conducted.

A law enforcement officer may not be required or requested to disclose any item of their property, income, assets, source of income, debts, or personal or domestic expenditures (including those of any member of their family or household) unless that information is necessary in investigating a possible conflict of interest with respect to the performance of their official duties, or unless such disclosure is required by state or Federal law.

VII. NOTIFICATIONS

The following notifications shall be made by the supervisor of the Internal Affairs Unit or the supervisor conducting a complaint investigation:

A. Citizens

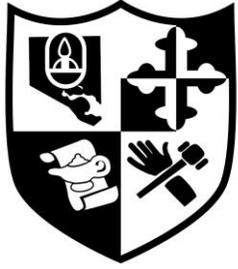
Upon receiving a letter, a fax, or other form of a written complaint, the Internal Affairs Unit will acknowledge receipt of the complaint by contacting the complainant either verbally or in writing.

If a complaint investigation is lengthy in nature or delayed for any reason, citizen complainants shall periodically (approximately once every 30 days) be informed by the Internal Affairs Unit, either verbally or in writing, as to the investigation’s status.

At the conclusion of a complaint investigation, the complainant will be informed, by the investigating member, of the investigation’s outcome (findings) as allowed by law and Board policy.

B. Officers

Officers will be advised, as soon as possible, of complaints which have been filed against them, provided such notification will not compromise a necessary investigation. This



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determination shall be made by the Internal Affairs Unit supervisor.

When an officer is notified that they are the subject of an Internal Affairs investigation and prior to any interrogation, the officer shall be issued a written statement of the nature of the investigation and their rights and responsibilities relative to the investigation.

Upon the completion of an investigation, the involved officer will be informed of the result of the investigation.

C. Command Staff

Section Commanders shall receive a written status report from the Internal Affairs Unit on a monthly basis, indicating the current disposition of all open investigations of members under their command.

The Internal Affairs Unit shall inform the appropriate Section Commander regarding the findings of all investigations of members under their command, immediately upon completion of the investigation.

VIII. PUBLIC INFORMATION

A. Annual Summary

On an annual basis, the BCSPF shall compile a statistical summary, based upon the records of the Internal Affairs Unit, of complaint investigations. This summary will be made available to the public and BCSPF members upon request.

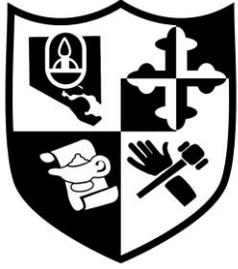
The summary shall not contain the names of any persons, but will list the following:

1. Nature of the allegations
2. Findings of the investigations
3. If disciplinary action was taken

B. Filing a Complaint

Members of the BCSPF shall provide citizens, who express a desire to file a complaint against the agency or a member of the agency, with a *Complaint Information* handout.

IX. EFFECTIVE DATE



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This Order shall be effective on the date of publication.

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

Signature _____ Date _____