

BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 10-9 SECTION C-2

DEPARTMENTAL ADMINISTRATIVE DISCIPLINARY PROCESS Revisions Approved: September 27, 2022

This General Order contains the following numbered sections:

- I. Directive
- II. Purpose
- III. General
- IV. Definitions
- V. Counseling
- VI. Counseling Form
- VII. Training
- VIII. Punitive Action
- IX. Appeal Procedures
- X. Disciplinary Records
- XI. Termination
- XII. Effective Date

I. DIRECTIVE

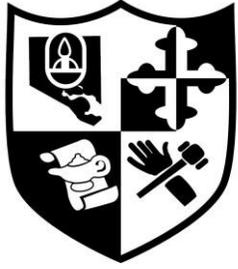
It is the goal of the Baltimore City School Police Force (“BCSPF”) to administer disciplinary action in a fair and unbiased manner to the employee which reflects the best interests of the employee, department, and community. In appropriate circumstances, the disciplinary process will be progressive in 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. This General Order will be consistent with all applicable law. Specifically, all disciplinary



BALTIMORE CITY PUBLIC SCHOOLS

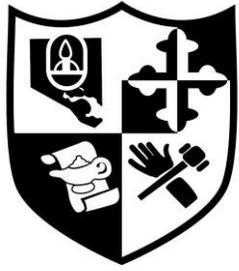
GENERAL ORDER 10-9 SECTION C-2

DEPARTMENTAL ADMINISTRATIVE DISCIPLINARY PROCESS Revisions Approved: September 27, 2022

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.*

IV. **DEFINITIONS**

- A. **Administrative Trial Board** - a board which is authorized by Maryland law to hold a hearing on administrative charges against a law enforcement officer and which shall be composed as prescribed by Md. Code Ann., Pub. Safety Art., § 3-106.
- B. **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.
- C. **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.
- D. **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,
 - 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.
- E. **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,



BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 10-9 SECTION C-2

DEPARTMENTAL ADMINISTRATIVE DISCIPLINARY PROCESS Revisions Approved: September 27, 2022

7. Termination from the agency, and/or a combination of several actions.

F. **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.

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:

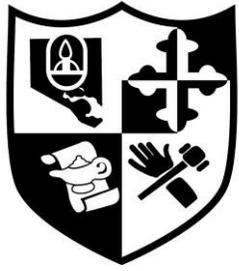
1. Job-related, or
2. Involve personnel policies, or
3. Involve interpersonal relationships with co-workers, or
4. Personal matters which are affecting their work.

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.



BALTIMORE CITY

PUBLIC SCHOOLS

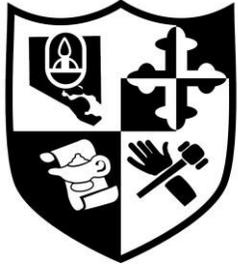
GENERAL ORDER 10-9 SECTION C-2

DEPARTMENTAL ADMINISTRATIVE DISCIPLINARY PROCESS Revisions Approved: September 27, 2022

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)
 - 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 supervisor 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.



BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 10-9 SECTION C-2

DEPARTMENTAL ADMINISTRATIVE DISCIPLINARY PROCESS Revisions Approved: September 27, 2022

- 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 Maryland law, including Md. Code Ann., Pub. Safety Art. §§ 3-101. *et seq.*

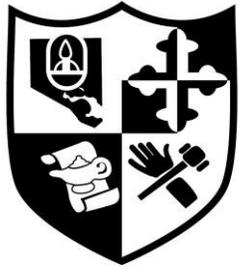
C. Retention and Documentation

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 a 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.



BALTIMORE CITY PUBLIC SCHOOLS

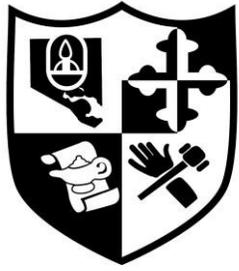
GENERAL ORDER 10-9 SECTION C-2

DEPARTMENTAL ADMINISTRATIVE DISCIPLINARY PROCESS Revisions Approved: September 27, 2022

VIII. PUNITIVE ACTION

A. Procedures

1. Punitive action is generally taken after a guilty finding of an administrative trial board or after an administrative investigation reveals sustained violation(s).
2. The following procedures apply to any complaint of police misconduct involving a member of the public and a BCSPF police officer, regardless of whether the complaint originated from within the BCSPF or from an external source.
 - a. Upon completion of an administrative investigation, the BCSPF shall forward the investigation files for the matter to the administrative charging committee for review.
 - b. Pursuant to Md. Code Ann., Pub. Safety Art., § 3-105, within 15 days after the administrative charging committee issues an administrative charge against a BCSPF officer and recommends discipline to the Chief of School Police, the Chief of School Police will offer discipline to officer.
 - c. The Chief of School Police may offer the same discipline that was recommended by the administrative charging committee or a higher degree of discipline within the applicable range of the Maryland state disciplinary matrix, but may not deviate below the discipline recommended by the administrative charging committee.
 - d. If the officer accepts the Chief's offer of discipline, the discipline shall be imposed.
 - e. If the officer does not accept the Chief's offer of discipline, the matter will be referred to an administrative trial board.
3. The following procedures apply to any internal complaint against a BCSPF police officer not involving a member of the public:
 - a. Upon completion of an administrative investigation, the officer's supervisor will recommend punitive action, if warranted, and submit it to the Command Staff.
 - b. The Command Staff will complete a **Notification of Charges Form** (annex B) and submit it to the member.
 - c. The member will sign the Notification of Charges Form to acknowledge receipt, retain a copy, and send the original back to the Command Staff.
 - d. 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



BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 10-9 SECTION C-2

DEPARTMENTAL ADMINISTRATIVE DISCIPLINARY PROCESS Revisions Approved: September 27, 2022

imposed.

- e. 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.
- f. 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.
- g. If the member declines the disciplinary action, the Chief will refer the matter to an administrative trial board.

B. **Administrative Trial Board**

1. If the member rejects the offered penalty of the Chief, then an administrative trial board shall be convened pursuant to Md. Code Ann., Pub. Safety Art. § 3-106.
2. At least 30 days before an administrative trial board proceeding begins, the officer shall be provided a copy of the investigatory record, notified of the charges against the police officer, and notified of the disciplinary action being recommended.

IX. **APPEAL PROCEDURES**

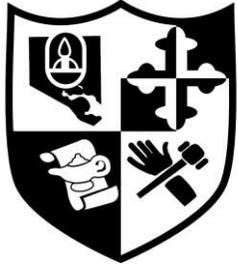
- A. **Sworn** members may appeal the decision of an administrative trial board to the Circuit Court for Baltimore City.
- B. Appeals for **civilian** members will be conducted in accordance with the civilian labor agreement.

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.

A record relating to an administrative or criminal investigation of misconduct of a BCSPF officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, may not be expunged or destroyed by the BCSPF.

XI. **TERMINATION**



BALTIMORE CITY PUBLIC SCHOOLS

**GENERAL ORDER 10-9
SECTION C-2**

**DEPARTMENTAL ADMINISTRATIVE DISCIPLINARY PROCESS
Revisions Approved: September 27, 2022**

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

1. A statement citing the reason for the termination.
2. The effective date of the termination.
3. A statement of the status of fringe and retirement benefits after termination.
4. A statement as to the content of the record of termination that will be placed in the employee's employment record.

XII. EFFECTIVE DATE

This Order shall be effective as of July 1, 2022.

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

Signature _____ Date _____