

# BALTIMORE CITY

---

# PUBLIC SCHOOLS

## GENERAL ORDER 13-4 SECTION C-7

### INTERNAL INVESTIGATIONS

Revisions Approved: September 27, 2022

---

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. Training
- X. Effective Date

#### **I. DIRECTIVE**

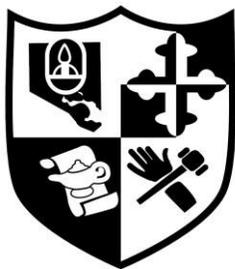
The Baltimore City School Police Force (“BCSPF,” “School Police,” or “department”) recognizes that the integrity of the department depends upon the personal integrity and discipline of each member. It is the policy of the BCSPF to investigate all complaints of alleged misconduct against the department 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 functions 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.



# BALTIMORE CITY PUBLIC SCHOOLS

## GENERAL ORDER 13-4 SECTION C-7

### INTERNAL INVESTIGATIONS

Revisions Approved: September 27, 2022

---

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 Maryland law, including but not limited to, Md. Code Ann., Pub. Safety Art. §§ 3- 101, *et. seq.*

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.

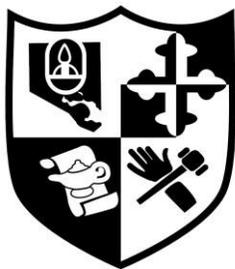
Copies of the Citizen Complaint form should be kept on hand by all School Police officers, and they are publicly accessible online, at School Police headquarters, and at every school. The Citizen Complaint form will be offered to an individual with an explanation of its use whenever an individual asks 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.



# BALTIMORE CITY

---

# PUBLIC SCHOOLS

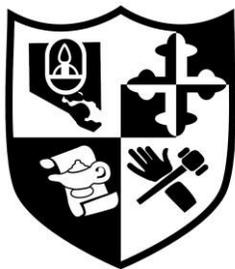
## GENERAL ORDER 13-4 SECTION C-7

### INTERNAL INVESTIGATIONS

Revisions Approved: September 27, 2022

---

- 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 an 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 Maryland law.
- K. Notify the Chief of School Police immediately when complaints are received alleging the following:
  - 1. Corruption
  - 2. Brutality
  - 3. Misuse of force
  - 4. Civil rights violations
  - 5. Criminal misconduct
  - 6. Drug use
  - 7. Domestic violence
  - 8. Weapons discharge
  - 9. 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.



# BALTIMORE CITY

---

# PUBLIC SCHOOLS

## GENERAL ORDER 13-4 SECTION C-7

### INTERNAL INVESTIGATIONS

Revisions Approved: September 27, 2022

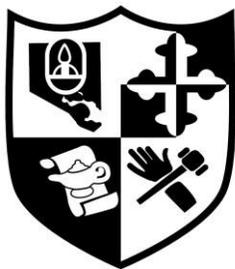
---

- N. Ensure that the BCSPF victims' rights advocate provides information and updates to the complainant regarding the complaint, pursuant to Md. Code Ann., Pub. Safety Art. § 3-108.

## V. COMPLAINT INVESTIGATION

### A. Complaint Acceptance

1. 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 individuals knowledge, is unaltered; or the parent or guardian of a child, if the incident involves a child.
2. Complaints will be accepted in person, over the telephone, or in writing. Complaints must include:
  - i. The name of the officer accused of misconduct;
  - ii. A description of the facts on which the complaint is based; and
  - iii. Contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.
3. Written complaints can be made on the School Complaint Against Personnel Form. Methods of obtaining this form include:
  - a. Print the form from the Baltimore City School Police Force website.
  - b. Pick the form up from any school location.
  - c. Pick the form up in person at School Police Headquarters located at 200 E. North Avenue, Baltimore, Maryland 21202.
  - d. Call the School Police Department at (410) 545-1933 and ask for the form to be mailed, faxed, or emailed.
  - e. 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.
4. All complaints of alleged misconduct shall be documented and investigated (except as noted).
5. Anonymous complaints, or complaints from individuals who wish their names to be held in confidence, will be accepted.



# BALTIMORE CITY PUBLIC SCHOOLS

## GENERAL ORDER 13-4 SECTION C-7

### INTERNAL INVESTIGATIONS

Revisions Approved: September 27, 2022

---

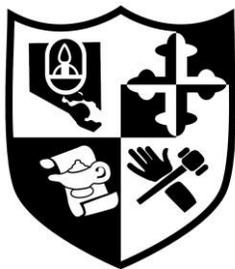
6. Complaints shall generally be referred to:
  - a. A supervisor
  - b. The on-duty Shift commander
  - c. An on-duty Section commander
  - d. The Internal Affairs Unit
7. Citizen complaints should be accepted by any supervisor in the BCSPF who is approached for such assistance. The supervisor shall obtain an administrative report number from Communications to reference the complaint.
8. 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. All complaints must receive an Investigative Control Number unless the complaint is limited to a technical infraction. Technical infractions are incidents in which the allegations do not involve an interaction between a member of the public and the individual; do not relate to the individual's investigative, enforcement, training, supervision, or reporting responsibilities; and are not otherwise a matter of public concern.

### C. 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
  - b. Discharge of a firearm
  - c. Gross misconduct (e.g., corruption, brutality, malfeasance, drug or alcohol use, etc.)



# BALTIMORE CITY

---

# PUBLIC SCHOOLS

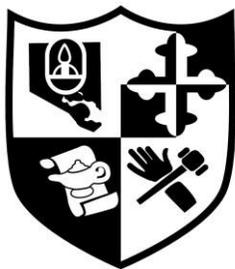
## GENERAL ORDER 13-4 SECTION C-7

### INTERNAL INVESTIGATIONS

Revisions Approved: September 27, 2022

---

- d. Civil rights violations
  - e. Sexual harassment
  - f. Violations of criminal law
  - g. Fraud
  - h. False statements, false arrests, false reports, and any other type of falsity
  - i. Theft
  - j. Evidence planting
  - k. Illegal searches and seizures
  - l. Abusive language
  - m. Perjury
  - n. Domestic violence, and/or
  - o. 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; and
    - c. Technical infractions.
  3. 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.
  4. 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.
  5. 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.
  6. **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



# BALTIMORE CITY PUBLIC SCHOOLS

## GENERAL ORDER 13-4 SECTION C-7

### INTERNAL INVESTIGATIONS

Revisions Approved: September 27, 2022

---

- c. Multi-jurisdictional situations
  - d. Members of the Command staff
  - e. Need for specialized technical assistance, etc.
7. 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 of the Command staff.

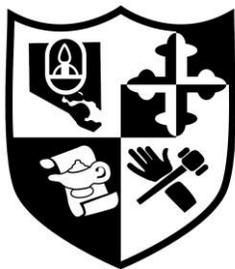
#### D. Supervisory Investigation

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 - The investigation determined, by a preponderance of the evidence, that the alleged misconduct did occur.
- b. Not Sustained - The investigation was unable to determine, by a preponderance of the evidence, whether the alleged conduct occurred.



# BALTIMORE CITY

---

# PUBLIC SCHOOLS

## GENERAL ORDER 13-4 SECTION C-7

### INTERNAL INVESTIGATIONS

Revisions Approved: September 27, 2022

---

- c. Exonerated - The investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate School Police policies, General Orders, procedures, or training.
  - d. Unfounded - The investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the accused officer.
8. Should an investigation and/or report require more than five (5) working days to 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.

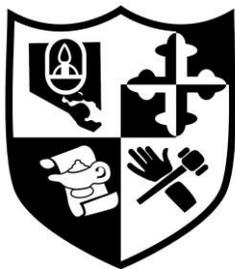
#### E. Section Commander

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.

#### F. 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. In reviewing investigations, patterns of officer behavior should be considered, including repeated complaints and prior disciplinary history, as well as training records.
5. If in agreement with the findings, complete and attach a written report of concurrence and forward to the Internal Affairs Unit.



# BALTIMORE CITY

---

# PUBLIC SCHOOLS

## GENERAL ORDER 13-4 SECTION C-7

### INTERNAL INVESTIGATIONS

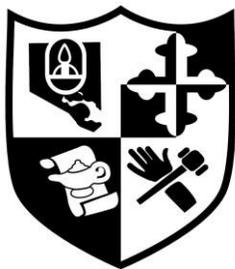
Revisions Approved: September 27, 2022

---

6. Institute appropriate disciplinary action if required.
7. 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

- A. 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 Maryland law.
- B. Maryland law permits the 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.
- C. The BCSPF may commence an action that 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.
- D. The results of any blood alcohol test, blood, breath, or urine test for controlled dangerous substances, or interrogations required by the BCSPF or other investigating agency are not admissible or discoverable in any criminal proceedings against the law enforcement officer. The results of a polygraph examination required by the BCSPF or other investigating agency are not admissible in a criminal or civil proceeding against the police officer.
- E. 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.
- F. Members may be required to participate in a "line-up" if this action is material to a particular internal investigation being conducted.



# BALTIMORE CITY

---

# PUBLIC SCHOOLS

## GENERAL ORDER 13-4 SECTION C-7

### INTERNAL INVESTIGATIONS

Revisions Approved: September 27, 2022

---

## VII. NOTIFICATIONS

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

### A. Individuals Filing Complaints

1. 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.
2. Pursuant to Maryland law, the BCSPF victim right's advocate will reach out to the complainant to:
  - a. Explain:
    - i. The complaint, investigation, administrative charging committee, and trial board process;
    - ii. Any decision to terminate an investigation;
    - iii. The administrative charging committee's decision of administratively charged, not administratively charged, unfounded, or exonerated; and
    - iv. The trial board's decision.
  - b. Provide an opportunity to review an officer's statement, if any, before completion of the investigation by the Internal Affairs Unit;
  - c. Notify the complainant of the status of the case at every stage of the process; and
  - d. Provide a case summary to the complainant within 30 days after final disposition of the case.
3. BCSPF shall also provide the complainant with written notification about any decision to terminate the investigation and the determinations of the administrative charging committee and/or trial board. This correspondence shall include the complaint number so that the complainant is able to follow up with any pertinent questions.
4. BCSPF shall provide the complainant with access to a database that enables the complainant to enter their case number to follow the status of the case as it proceeds through the investigation; charging; offer of discipline; trial board; ultimate discipline; and appeal.



# BALTIMORE CITY

---

# PUBLIC SCHOOLS

## GENERAL ORDER 13-4 SECTION C-7

### INTERNAL INVESTIGATIONS

Revisions Approved: September 27, 2022

---

5. 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 victims rights advocate, either verbally or in writing, as to the investigation's status.

#### **B. Officers**

1. 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 determination shall be made by the Internal Affairs Unit supervisor.
2. 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.
3. Upon the completion of an investigation, the involved officer will be informed of the result of the investigation.

#### **C. Command Staff**

1. 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.
2. 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.

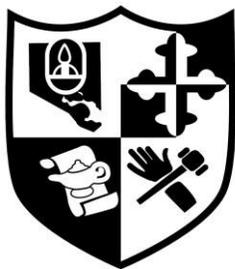
## **VIII. PUBLIC INFORMATION**

#### **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



# BALTIMORE CITY PUBLIC SCHOOLS

## GENERAL ORDER 13-4 SECTION C-7

### INTERNAL INVESTIGATIONS

Revisions Approved: September 27, 2022

---

#### B. Filing a Complaint

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

#### C. Public Access to Investigative Records

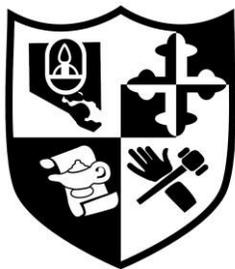
The Maryland Public Information Act provides members of the public access, in certain circumstances, to records of investigations of officer misconduct allegations. Individuals seeking access to such records should refer to the procedures set forth in Baltimore City Board of School Commissioners Policy KDA and Administrative Regulation KDA-RA.

## IX. TRAINING

#### A. Members of the Internal Affairs Unit shall receive training on:

1. Investigative skills, including proper interrogation and interview techniques; gathering and objectively analyzing evidence; and data and case management;
2. How to appropriately classify complaints pursuant to this General Order;
3. The particular challenges of administrative law enforcement misconduct investigations, including identifying alleged misconduct that is not clearly stated in the complaint or that becomes apparent during the investigation;
4. Weighing the credibility of witnesses, including properly weighing the credibility of civilian witnesses against officers' credibility;
5. Using objective evidence to resolve inconsistent statements;
6. The proper application of the appropriate standard of proof;
7. Relevant School Police rules and policies, including protocols related to administrative investigations of alleged officer misconduct;
8. School Police policies, including the requirements of this General Order and protocols related to administrative investigations of officer misconduct; and
9. Relevant state and federal law

#### B. School Police supervisors and personnel who may become responsible for investigation complaints not involving civilian interaction are required to receive in-service training annually related to conducting misconduct investigations, including their obligations when



# BALTIMORE CITY

---

# PUBLIC SCHOOLS

## GENERAL ORDER 13-4 SECTION C-7

### INTERNAL INVESTIGATIONS

Revisions Approved: September 27, 2022

---

called to a scene by a subordinate to accept a civilian complaint about that subordinate's conduct.

#### X. **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 \_\_\_\_\_