



**Arnold & Porter**

**Settlement Exhibits for  
Hispanic National Law Enforcement  
Association, NCR, et al. v. Prince  
George's County, Maryland, et *al.***

# **EXHIBIT A**

## 11. DISCIPLINE

( 2021)

### I. POLICY

The Department has the responsibility to identify and discipline employees whose conduct discredits the Department or impairs its operation. The rights of the employee and the public must be preserved. Any investigation or hearing arising from a complaint must be conducted fairly and openly, consistent with applicable legislation.

### II. CHECKLIST (N/A)

### III. DEFINITIONS

**Abusive Language:** Harsh, violent, profane or derogatory language that would demean the dignity of any person. (Category II).

**Conduct-Related Offenses:** Violation or failure to comply with any duty, obligation or requirement imposing a standard of behavior on an employee by any criminal law, civil law or regulation, provided such violation bears a demonstrable relationship to the nature of the duties and responsibilities of the employee's position and or constitutes a willful, indifferent, or grossly negligent act of omission by such employee.

**Discriminatory Language:** Demeaning, derogatory or abusive language, or other unbecoming conduct relating to the race, color, national origin, gender, religion, sexual orientation, or gender identity/gender expression of a person. (Category IV).

**Extenuating Circumstance:** Aggravating and/or mitigating factors that could decrease or increase the range of discipline prescribed by the Disciplinary Matrix.

**False statement:** Reporting or causing a report of false information, proved by evidence that such report is untrue,

inaccurate, or incomplete and made with the intent to deceive, mislead, or evade.

**Harassment:** Repeated, unwanted verbal or physical annoyances, threats or demands.

**Inappropriate Language:** Name-calling, sarcastic remarks or other unnecessary language that serves to belittle or embarrass a citizen or otherwise inflame an employee/citizen contact. (Category I).

**Insubordination:** The PGPD is dependent on employees at all levels of the chain of command following orders, completing assigned tasks, and actively pursuing the goals of the Department as outlined by their immediate supervisor(s). Any refusal to carry out lawful orders as directed through the chain of command, may be viewed as insubordination. (Category IV).

**Investigator:** Any employee who, under authority of the Chief of Police, conducts an internal investigation and makes recommendations regarding that

**Omission of Pertinent Information:** A person has an ongoing obligation to provide truthful, accurate, and complete information and reporting at all times. A person who fails to provide pertinent or relevant information or reporting due to a lack of due diligence or attention to detail is in violation of this General Order.

**Performance-Related Offenses:** Occur when an employee's performance has become less than satisfactory regarding the execution of any duties, tasks and/or responsibilities listed in their position description.

**Respondent:** Any employee who is the subject of an internal investigation.

**Unjustified Force:** Includes the use of:

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### a) **Inappropriate Force:**

Inappropriate force is force of unreasonable scope, duration, or severity under the circumstances. It includes the continued use of force when resistance has ceased.

### b) **Unnecessary Force:** Unnecessary force is force which is not needed to effect an arrest or control a situation. This includes using force when no force is necessary.

### c) **Excessive Force:** Excessive force is intentional, malicious, and unjustified force resulting in injury or potential injury.

In applying the discipline matrix, an officer's conduct will be subject to discipline for the highest level of inappropriate, unnecessary, or excessive force that the facts permit.

**Preponderance of the Evidence:** A standard of proof, which shows that the facts or evidence to be proven is more probable than not.

## IV. FORMS (N/A)

## V. PROCEDURES

### 1. **Authority of Chief of Police**

The Chief of Police is authorized to initiate and administer discipline, as well as authorize subordinate supervisors to initiate, administer or recommend disciplinary action against an employee. The Chief of Police may authorize the following to take such actions:

- ❑ Civilian supervisors so authorized in writing
- ❑ Corporals formally appointed in writing as OICs of a Departmental component

- ❑ Officers in acting ranks of sergeant or above, appointed in writing as OICs of a Departmental component
- ❑ Sergeants and above Sworn members of the Internal Affairs Division (IAD) in conjunction with an internal investigation

### 2. **Supervisory Limitations to Initiate Disciplinary Action**

An investigator's primary responsibility is to conduct investigations and, when necessary, recommend disciplinary action.

Disposition of investigative and disciplinary recommendations can only be authorized by the Chief of Police, except as provided in section 5. **Disciplinary Action Recommendations Guide and Matrix** of this chapter.

Disciplinary recommendations shall not be presented to a respondent until authorized by the supervisor's Commander/Manager. The Commander/Manager shall contact the Manager, IAD, to ensure that the disciplinary action recommendations proposed to the Deputy Chief are commensurate with the charged offenses.

In minor cases, the Commander, IAD recommends discipline when case numbers are obtained. Prior to the initiation of major disciplinary action, the Deputy Chief or their designee shall verbally discuss the following with the Commander, IAD:

- ❑ Facts of the investigation
- ❑ Unusual circumstances
- ❑ Charge(s)
- ❑ Offense category
- ❑ Proposed disciplinary action

The Commander, IAD, will confer with the Chief of Police to ensure discipline is consistent throughout the agency. The Commander, IAD will then notify the

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Deputy Chief's office to proceed with the appropriate disciplinary action. The Deputy Chief's office will document the approval process on the transmittal memorandum.

The Commander/Manager must have cleared the recommendation with the appropriate Deputy Chief before presenting it to the respondent. An exception would be recommendations made in the following cases, which must be approved by the Chief of Police before presentment to the respondent:

- ❑ Abusive language
- ❑ Harassment complaints
- ❑ Use of force

### 3. Limitations of Authority

#### *Officer*

Those authorized to suspend, recommend or administer discipline against officers are limited in taking such action to the following:

- ❑ A W O L
- ❑ Being convicted of a crime
- ❑ Knowingly giving false statements to supervisors or the public
- ❑ Mishandling, abuse or theft of County property
- ❑ Omission or Pertinent Information
- ❑ Unsatisfactory performance
- ❑ Violations of provisions of written directives
- ❑ Acceptance of gratuities
- ❑ Consuming alcoholic beverages or being intoxicated on the job
- ❑ Immoral or unethical conduct reflecting unfavorably on the County as an employer
- ❑ Loss of any job requirement, license or ability, which prevents the employee from satisfactorily executing job tasks or

fulfilling mandated training or certification requirements

- ❑ Membership in any organization advocating overthrow of the U.S. government by force or violence.
- ❑ Refusal to be examined by a County-authorized physician when in response to a direct order

#### *Civilian Employees & Probationary Officers*

For these employees, supervisor-imposed disciplinary action is limited to a written reprimand for conduct-related violations. For performance or conduct-related violations where more than a written reprimand is contemplated, the supervisor shall send a Disciplinary Action Recommendation Letter to the Chief of Police describing the facts of the investigation and the proposed disciplinary action.

References to protections afforded by the Law Enforcement Officers' Bill of Rights (LEOBR) do not apply to probationary student officers, except for allegations of police brutality.

#### *Student Officers*

Discipline matters for probationary student officers are handled in accordance with the Prince George's County Code.

### 4. Summary Punishment

Summary punishment may be imposed when all of these conditions have been met:

- ❑ Employees waive the Administrative Hearing Board and their rights under the LEOBR, and
- ❑ Employees accept punishment imposed by the highest-ranking officer of their component, and

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- ❑ The facts constituting the violation are not in dispute.

### 5. **Disciplinary Action Recommendations Guide and Matrix**

The guide promotes uniformity in levying certain disciplinary actions. The disciplinary matrix which follows this General Order does not include every violation, and infractions that occur outside the guide will be determined on a case by case basis.

The following shall be approved up the chain of command, with concurrence of the Deputy Chief:

- ❑ Deviations from recommended disciplinary actions
- ❑ Proposed disciplinary action on cases for which the violation is not listed in the guide

When a violation is not listed, the Commander/Manager shall select an action based on the severity of the violation in comparison with violations that are listed in the guide.

When proposed discipline exceeds that established by the LEOBR, employees must waive their rights under the LEOBR when agreeing to accept the proposed discipline.

Any deviations outside the Disciplinary Matrix shall be documented in writing and preserved with the adjudicated case file.

A second (or greater) Category I, II, or III violation within 24 months from the time that the discipline was sustained and imposed on the officer (not the date of the infraction) can result in more severe disciplinary action.

In the case of Body Worn Camera violations the timeframe will be calculated based on 36 months from the time that the discipline was sustained and imposed on the officer.

In the case of a Preventable Departmental Accident, Failure to Appear for Court, or a Red-Light Camera Violation the 24 month timeframe will be calculated from the date of offense.

Suspensions should be served on consecutive days, and may not be satisfied by using annual or accrued leave.

### ***Disciplinary Action Recommendations***

#### **Category I**

Recommended disciplinary action range:

- ❑ Written reprimand, or
- ❑ 1-10 hours Suspension without pay

#### **Category II**

Recommended disciplinary action range:

- ❑ 10-40 hours of suspension without pay

#### **Category III**

Recommended disciplinary action range:

- ❑ Hours of suspension without pay exceeding 40 hours and/or removal from the promotional cycle
- ❑ For security-related secondary employment violations – loss of privilege to work such employment for 2-6 months
- ❑ Reassignment

#### **Category IV**

Violations in this category should be sent to an Administrative Hearing Board unless

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summary punishment is accepted.  
Recommended disciplinary action range:

- ☐ Termination from the Department
- ☐ Reassignment
- ☐ Reduction in rank and salary
- ☐ Removal from promotional cycle

### ***Violation Classifications***

Disciplinary actions are classified as conduct- or performance-related offenses.

When disciplinary action is intended against employees covered by provisions of a PCEA contract, the recommended discipline shall be initiated within 90 days of:

- ☐ The occurrence of the wrongful act
- ☐ Departmental knowledge of the act
- ☐ The date on which the Department should have had knowledge of the act

The Chief of Police may hold disciplinary actions in abeyance to allow the employee to demonstrate conformance to standards.

### **6. Conduct-Related Offenses**

Disciplinary action range for conduct-related offenses:

- ☐ Written reprimand
- ☐ Forfeiture of annual leave
- ☐ Maximum 20 days suspension without pay for a violation justifying dismissal
- ☐ Should not exceed 10 working days if issued as follow-up action to a written reprimand
- ☐ Maximum fine of three percent (3%) of the employee's annual base salary for any one violation
- ☐ Suspension
- ☐ Dismissal
- ☐ Actions held in abeyance

### **7. Performance-Related Offenses**

Supervisors shall rely on any one of the following factors to determine if an employee's performance has degraded to a degree warranting disciplinary action:

- ☐ Employee unjustifiably fails to execute an assignment as described within his or her position description
- ☐ Employee's actions, negligence, or attitude constitute a course of conduct characterized by an inability, incapability, or unwillingness to maintain a minimum standard of performance regarding the quality or quantity of any of the duties listed in his or her position description
- ☐ Loss of any job requirement preventing satisfactory execution of job tasks, mandated training, or certification requirement

Disciplinary action range for performance-related offenses:

- ☐ Written reprimand
- ☐ Demotion
- ☐ Salary reduction by amount equal to one step rate within the applicable salary range
- ☐ Dismissal
- ☐ Actions held in abeyance

### **8. Red light Disciplinary Guidelines**

The Prince George's County Police Department has established a red-light disciplinary guideline. These guidelines are designed to promote safe driving and to protect our officers (both sworn and civilian) and the citizens of this county. Although the Department does not place a speed restriction on employees when they are responding priority, it is vital that they arrive safely at the scene of an incident in order to render

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assistance. As a result, employees (both sworn and civilian) shall exercise due care and operate their vehicles in a reasonable manner.

Employees who are determined to be unjustified in their action of failing to stop for a red traffic signal at a controlled intersection will be divided into two categories. Category A, the employee is unjustified, and the employee enters the controlled intersection at a speed of 25 mph or less. Category B, the employee is unjustified, and the employee enters the controlled intersection at a speed greater than 25 mph.

### ***Employees Responding Priority***

Employees (both sworn and civilian) responding priority shall not proceed through any intersection or against the direction of traffic signals or traffic control devices without first slowing or stopping. Employees shall ensure that they do not drive with reckless disregard for the safety of other road users. Employees shall ensure that they are in a clear position to see that no other vehicles or pedestrians will be encountered. Employees shall not enter any controlled intersection at a high rate of speed. An employee entering a controlled intersection at 30 mph or greater will be in violation even when the employee is justified to proceed through the red light. Pursuits and Signal 13s will be reviewed on an individual basis.

The discipline (***See below chart.***) for these violations may include:

- ❑ Paying the civil fine
- ❑ Departmental fines
- ❑ Removal from the personal car program.

## **9. Evaluating Discipline Severity**

The following factors shall be considered in making disciplinary recommendations:

- ❑ Severity of the disciplinary action compared to the nature of the acts constituting the grounds for disciplinary action
- ❑ Extenuating circumstances that may lessen or increase the severity of the proposed disciplinary action
- ❑ Uniformity of the proposed disciplinary action in relation to disciplinary actions given other employees under similar circumstances
- ❑ Employee's prior history/record of conduct or performance, including prior disciplinary infractions.

When an employee's performance is marginal, their record may be considered in the determination of performance-related disciplinary action

### ***Disciplinary Review Committee (DRC)***

The DRC is composed of three command officers (appointed by the Chief of Police), and two FOP members (appointed by the President, FOP). Quorum is two command officers and one FOP member.

Appointments are for one year. The Chief of Police appoints the chairman.

### ***DRC Duties***

The DRC shall conduct an annual review of the Disciplinary Action Recommendation Guide. It shall submit a report containing the findings of such review, including recommendations for revisions to the guide, to the Chief of Police no later than February 1 each year.

The DRC shall conduct a quarterly review of all recommended disciplinary actions to ensure established guidelines are being followed.



### ***Requesting Review by Committee***

The employee requesting a DRC review must waive the 30-day review by the Chief of Police, if applicable.

They must make written application within 10 days of receipt of notification of proposed disciplinary action.

### ***Disciplinary Action Review***

The Disciplinary Review Committee shall schedule a meeting within five working days after receipt of a review request. It shall examine the materials transmitted by the Commander/Manager proposing the disciplinary action to ensure the proposed disciplinary action falls within prescribed disciplinary guidelines. If so, the DRC shall notify the requester, in writing, within five working days of its meeting.

If the proposed disciplinary action exceeds prescribed disciplinary action mandated by the Disciplinary Matrix, the Chief of Police shall have previously justified the action in writing. The Chief of Police shall provide any relevant written justification(s) for disciplinary action taken outside the parameters of the Disciplinary Matrix to the Disciplinary Review Committee prior to their review of the Disciplinary Action Recommendation Guide. The Chief shall review any other recommendations of the hearing board and Commander/Manager and issue a final order. That order is then applicable in accordance with the LEOBR.

A respondent may request a review of any Disciplinary Review Committee recommendation to the Chief of Police.

## **10. External Appeal of Adverse Disciplinary Action**

### ***Officer: Permanent Status***

All disciplinary actions or adverse actions are appealable in accordance with the LEOBR and/or other applicable law.

### ***Officer: Probationary Status***

Probationary officers may only appeal disciplinary or adverse actions alleged to be illegal or taken without the officer having received a statement or notice of the charges. Exception: Adverse actions resulting from allegations of use of force are appealable in accordance with the LEOBR.

### ***Civilian Employees: Permanent Status***

Permanent civilians who are members of the PCEA may appeal a disciplinary or adverse action in accordance with the grievance procedures stipulated in the PCEA contract. Permanent civilians who are not PCEA members may appeal disciplinary actions or adverse actions in accordance with Personnel Law.

### ***Civilian Employees: Probationary Status***

Probationary civilian employees may only appeal disciplinary or adverse actions alleged to be illegal or taken without the employee having received a statement or notice of the charges.

### ***Appeal of the AHB Decision***

***See: VOLUME I, CHAPTER 2  
ADMINISTRATIVE HEARING  
BOARDS.***

## **11. Duty Status**

For information regarding duty status (I.E. Administrative Leave, Suspension of employees, Discretionary Suspension, Mandatory Suspension, Suspension

## VOLUME I, CHAPTER 11. DISCIPLINE

Procedures, Suspension Hearings and Restoration to Duty, *See: VOLUME I, CHAPTER 23. LEAVE & DUTY STATUS.*

### VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 26.1.1, 26.1.4, 26.1.5, 26.1.6,

Governing Legislation:

- ❑ Maryland Code, Title 3, Sub-Title 1  
Prince George's County Code, Subtitle 16, Division 13

Reference:

- ❑ Law Enforcement Officers' Bill of Rights (LEOBR)
- ❑ Negotiated Labor Contracts
- ❑ Internal Affairs Division, Internal Investigations Guide

## PRINCE GEORGE'S COUNTY POLICE DEPARTMENT DISCIPLINARY MATRIX\*\*

CATEGORY
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## VOLUME I, CHAPTER 11. DISCIPLINE

PROTOCOL				
	I	II	III	IV
<i>Unbecoming Conduct</i>				X
<i>Loyalty</i>				X
<i>Integrity</i>				X
<i>Associations, except as necessary to perform official duties or where unavoidable due to familial relationship</i>				X
<i>Attention to Duty</i>		X		
<i>Dedication to Duty</i>				X
<i>Courtesy</i>	X			
<i>Refusal to Work</i>				X
<i>Visiting Prohibited Establishments, except in the performance of official duties</i>		X		
<i>Insubordination</i>				X
<i>Endorsements</i>	X			
LANGUAGE VIOLATIONS				
	I	II	III	IV
<i>Inappropriate Language</i>	X			
<i>Abusive Language</i>		X		
<i>Discriminatory Language</i>				X
PRISONER RELATED VIOLATIONS				
	I	II	III	IV
<i>Failure to properly secure prisoner with a seatbelt, and or handcuffs</i>	X			
<i>Failure to properly search prisoner</i>	X			
<i>Failure to make required notifications</i>	X			
<i>Failure to properly search or secure prisoner resulting in escape or discovery of a weapon or contraband</i>			X	
<i>Failure to maintain prisoner check log</i>	X			
<i>Failure to provide medical treatment to a prisoner/detainee</i>		X		
<i>Improper prisoner/detainee release</i>		X		
<i>Failure to maintain custody of prisoner/detainee property</i>		X		
<i>Improper/Unauthorized search including strip or cavity search</i>		X		

FALSE STATEMENT VIOLATIONS				
	I	II	III	IV
<i>False Statement</i>				X

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<i>Omission of Pertinent Information</i>			X	
FIREARMS AND WEAPONS VIOLATIONS (TO INCLUDE LESS LETHAL WEAPONS)				
	I	II	III	IV
<i>Unattended or careless handling of firearms</i>		X		
<i>Careless handling of firearms resulting in injury</i>				X
<i>Unreported discharges of firearms</i>				X
<i>Careless handling of less-lethal weapon (including K-9) resulting in injury</i>		X		
<i>Deliberate discharge of firearm -Endangers Life (On/Off Duty)</i>				X
<i>Deliberate discharge of firearm-No Endangerment (On/Off Duty)</i>			X	
<i>Carrying an unauthorized firearm (On/Off Duty)</i>		X		
<i>Carrying a firearm in violation of Federal, State, Local Laws or Departmental Regulations</i>		X		
<i>Failure to secure firearm On/Off Duty</i>		X		
<i>Carrying a firearm while intoxicated</i>		X		
<i>Reckless use of Departmental Less Lethal Weapons and/or equipment</i>			X	
USE OF FORCE VIOLATIONS				
	I	II	III	IV
<i>Use of Inappropriate Force</i>		X		
<i>Use of Unnecessary Force</i>			X	
<i>Use of Excessive Force</i>				X
<i>Failure to report use of force</i>			X	
<i>Failure to document use of force</i>		X		
<i>Inappropriate use of Deadly force</i>				X
<i>Failure of Supervisor to comply with General Orders Chapter 58 re: use of force</i>			X	
HARASSMENT/DISCRIMINATION AND RETALIATION				
	I	II	III	IV
<i>Sexual Harassment and/or Discrimination</i>				X
<i>Racial Harassment and/or Discrimination</i>				X
<i>Religious/Ethnic Harassment and/or Discrimination</i>				X
<i>Sexual Orientation Harassment and/or Discrimination</i>				X
<i>Bias-Based Profiling, Harassment and/or Discrimination</i>				X
<i>Retaliation</i>				X
<i>All Other Harassment and/or Discrimination</i>				X
MOBILE VIDEO SYSTEM VIOLATIONS				
	I	II	III	IV

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<i>Failure to audibly and visually record</i>		X		
<i>Failure to audibly record</i>	X			
<i>Failure to submit a malfunction report</i>	X			
<i>Intentional obscuring or deactivation of recording</i>				X
<b>SOCIAL MEDIA VIOLATIONS</b>				
	I	II	III	IV
<i>Create, Share, Comment or Support materials that misrepresents the views of the Police Department</i>	X			
<i>Create, Share, Comment or Support materials that are deemed reckless or inappropriate by Departmental standards</i>		X		
<i>Create, Share, Comment or Support any Discriminatory materials (such as statements and/or photos)</i>				X
<i>Create, Share, Comment or Support any Inappropriate materials (such as statements and/or photos)</i>			X	
<i>Create, Share, Comment or Support any Lewd or Sexually Explicit materials (such as statements and/or photos)</i>			X	
<i>Revealing the identity of another employee</i>		X		
<i>Create, Share, Comment or Support materials that prejudice an ongoing investigation, court case or legal proceeding</i>			X	
<i>Create, Share, Comment or Support posts that depict contraband, weapons, prisoner(s) or criminal activity</i>		X		
<i>Create, Share, Comment or Support materials that violate the Ethics and/or Unbecoming Conduct policy</i>				X
<i>Create, Share, Comment or Support materials that depict violence (such as statements and/or photos)</i>				X
<b>DEPARTMENTAL EQUIPMENT</b>				
	I	II	III	IV
<i>Lost and/or Damaged Departmental equipment</i>	X			
<i>Unauthorized use of Departmental equipment</i>			X	
<i>Failure to properly control and/or maintain Departmental equipment</i>		X		
<i>Use and/or Display of Unauthorized equipment</i>	X			
<b>SECONDARY EMPLOYMENT VIOLATIONS</b>				
	I	II	III	IV
<i>Receiving compensation from two or more employers without written permission</i>				X
<i>Failure to notify Public Safety Communications</i>	X			
<i>Working excessive hours of secondary employment</i>			X	
<i>Working secondary employment while on restricted duty</i>				X
<i>Working secondary employment within 24 hours of using sick leave</i>			X	
<i>Working secondary employment while serving or dispensing alcoholic beverages in any manner</i>			X	

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<i>Working secondary employment on behalf of a private detective, attorney, insurance agency, bail bond agency or any form of private investigation duties</i>			X	
<i>Working secondary employment for any party in a labor management dispute</i>			X	
<i>Working secondary employment as a commissioned officer in another political jurisdiction</i>				X
<i>Receiving Departmental compensation for arrests from secondary employment</i>			X	
<i>Inappropriately dressed while working secondary employment</i>	X			
<i>Working secondary employment at an unauthorized location</i>			X	
PROCEDURAL VIOLATIONS				
	I	II	III	IV
<i>Failure to schedule or appear at a felony screening</i>	X			
<i>Failure to maintain Uniform and/or Grooming standards</i>	X			
<i>Violating minor traffic laws</i>	X			
<i>Mishandle or improper preparation of a criminal or traffic case</i>	X			
<i>Failure to properly acknowledge receipt of a call for service</i>	X			
<i>Careless operation of a Departmental vehicle</i>	X			
<i>Failure to properly maintain Departmental vehicle</i>	X			
<i>Illegal parking of a Departmental vehicle</i>	X			
<i>Failure to submit required reports (not including UOF reports)</i>	X			
<i>Improper or Unauthorized priority response</i>	X			
<i>Unauthorized ride-along</i>	X			
<i>Sick leave abuse</i>	X			
<i>Violation of telephone procedures</i>	X			
<i>Failure to respond or properly clear a call for service</i>	X			
<i>Flagrant traffic violation(s) while operating a Departmental vehicle</i>	X			
<i>Leaving sector without supervisory approval</i>	X			
<i>A.W.O.L.</i>		X		
<i>Use of intoxicants while on duty</i>			X	
<i>Unauthorized use of a Departmental vehicle</i>		X		
<i>Operating a motor vehicle (to include Departmental vehicle) while revoked and/or suspended</i>			X	
<i>Unauthorized Hot Pursuit</i>			X	
<i>Loss of a job requirement</i>				X
<i>Failure to conduct a preliminary or follow-up investigation</i>	X			
<i>Improper procedures for an interview or interrogation</i>	X			
<i>Improper searches and seizures</i>		X		

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<i>Failure to perform assigned administrative duties</i>	X			
<i>Failure to take appropriate supervisory action</i>		X		
<i>Failure to respond and/or provide appropriate incident scene supervision</i>		X		
<i>Failure to make required notifications</i>	X			
<i>Improper and/or Unauthorized dissemination of investigative information and/or videos</i>				X
<i>Improper and/or Unauthorized dissemination of Departmental information and/or videos</i>				X
<i>Any minor procedural violation not noted in this matrix, but covered in Section 5 of any General Order Chapter</i>	X			
<b>CRIMINAL MISCONDUCT VIOLATIONS</b>				
	I	II	III	IV
<i>All criminal convictions</i>				X
<i>All arrestable traffic violations</i>				X
<i>All criminal citations (summons in lieu)</i>				X
<i>All other non-arrestable criminal violations</i>				X

\*\*The purpose of the Disciplinary Matrix is to provide guidance to members of the Internal Affairs Division and the Chief of Police when recommending or imposing discipline, but they are not bound to impose the specific discipline that each offense calls for. Nor does the adoption of the Disciplinary Matrix in any way limit or abridge the discretion of the Chief of Police to impose discipline upon members of the Police Department, in accordance with the authority vested in him or her under applicable state and local laws.

## BODY WORN CAMERA DISCIPLINE MATRIX

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> Offense
Failure to Record (Self Reported) Within 36 months	Written Reprimand	20 Hour Suspension W/O Pay	40 Hour Suspension W/O Pay	Termination
Failure to Record (No Self Reported)	10 Hour Suspension Suspension W/O Pay	20 Hour Suspension Suspension W/O Pay	40 Hour Suspension Suspension W/O Pay	Termination
Intentional/ Deliberate Failure to Record	Termination	—	—	—
Intentional/ Deliberate Obstruction of BWC	Termination	—	—	—

## VOLUME I, CHAPTER 11. DISCIPLINE

### PREVENTABLE DEPARTMENTAL ACCIDENT

1 <sup>ST</sup> Accident	Written Reprimand
2 <sup>nd</sup> Accident	\$100 Fine
3 <sup>rd</sup> Accident	\$250 Fine
4 <sup>th</sup> Accident	\$400 Fine
5 <sup>th</sup> Accident	20 hours Suspension Without Pay
6 <sup>th</sup> Accident	40 hours Suspension Without Pay
7 <sup>th</sup> Accident	60 hours Suspension Without Pay
8 <sup>th</sup> Accident	80 hours Suspension Without Pay
Remedial diver training is also required within 12 months of all Preventable Departmental Accidents.	

### FAILURE TO APPEAR FOR COURT DISCIPLINE MATRIX

1 <sup>ST</sup> Failure to Appear for Court	Written Reprimand
2 <sup>nd</sup> Failure to Appear for Court	\$100 Fine
3 <sup>rd</sup> Failure to Appear for Court	\$250 Fine
4 <sup>th</sup> Failure to Appear for Court	\$400 Fine
5 <sup>th</sup> Failure to Appear for Court	\$500 Fine
6 <sup>th</sup> Failure to Appear for Court	\$600 Fine
7 <sup>th</sup> Failure to Appear for Court	10 hours Suspension Without Pay
8 <sup>th</sup> Failure to Appear for Court	20 hours Suspension Without Pay
9 <sup>th</sup> Failure to Appear for Court	Termination



## RED LIGHT DISCIPLINARY GUIDELINES

### **Category A - Unjustified response to a Call for Service and Off-duty violations. Violator enters the intersection at 25 mph or below.**

1st Offense	Pay the civil fine	
2nd Offense within a 90 day period	Pay the civil fine	Removal from the personal car program for 15 days
3rd Offense within a 90 day period	Pay the civil fine	Removal from the personal car program for 30 days
4th Offense within a 90 day period	Pay the civil fine	Removal from the personal car program for 60 days

### **Category B - Unjustified response to a Call for Service and Off-duty violations. Violator enters the intersection over 25 mph.**

1st Offense	Pay the civil fine	Written reprimand	Removal from the personal car program for 15 days
2nd Offense within a 90 day period	Pay the civil fine	Departmental fine of \$50.00	Removal from the personal car program for 30 days
3rd Offense within a 90 day period	Pay the civil fine	Departmental fine of \$100.00	Removal from the personal car program for 60 days
4th Offense within a 90 day period	Pay the civil fine	Departmental fine of \$150.00	Removal from the personal car program for 120 days

### **Category C - Justified response to a Call for Service (Pursuits and Sig. 13s will be viewed on a case-by-case basis). Violator enters the intersection at a speed of 30 mph or greater.**

1st Offense days	Written reprimand	Removal from the personal car program for 15
2nd Offense within a 90 day period days	Departmental fine \$50.00	Removal from the personal car program for 30
3rd Offense within a 90 day period days	Departmental fine \$100.00	Removal from the personal car program for 60
4th Offense within a 90 day period days	Departmental fine \$150.00	Removal from the personal car program for 120

**The affected Bureau Chief will review any case with extenuating circumstances and decide if the response was justified or not.**

# **EXHIBIT B**

## **EXHIBIT B**

### **BIAS-FREE POLICING**

#### **I. POLICY**

The purpose of this Bias Free Policing Policy is to reaffirm the Prince George's County Police Department's commitment to fair, impartial and bias-free policing.

#### **II. CHECKLIST (N/A)**

#### **IV. FORMS (N/A)**

#### **V. PROCEDURES**

1. **Equitable and Respectful.** The Department is committed to delivering police services in a manner that is equitable, respectful, and free of bias, while promoting community engagement and confidence in the Department.
2. **Courtesy and Professionalism.** The Department expects all personnel to treat all members of the Prince George's community with courtesy, professionalism, and respect, and not to use harassing, intimidating, derogatory or profane language.
3. **Bias Free.** Department personnel shall not engage in bias-based policing. Biased policing is not acceptable under the mission or the values of the Department. Biased policing undermines legitimate law enforcement efforts, alienates community members and fosters community distrust.
  - 3.1. Bias-based policing is the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well as other discernible characteristics of an individual. Such "discernible personal characteristics" include, but are not limited to:
    - 3.1.1. Age
    - 3.1.2. Disability status
    - 3.1.3. Economic status
    - 3.1.4. Familial status
    - 3.1.5. Gender
    - 3.1.6. Gender identity
    - 3.1.7. Homelessness
    - 3.1.8. Mental illness
    - 3.1.9. National origin
    - 3.1.10. Political ideology
    - 3.1.11. Race, ethnicity, or color
    - 3.1.12. Religion
    - 3.1.13. Sexual orientation

3.1.14. Veteran status

3.1.15. Social status

4. Except as provided in section 4.1 and section 5, including all subparagraphs, Department personnel may not rely, to any degree, on the characteristics listed in Section 3.1. while conducting investigations.
  - 4.1. Department personnel may not rely, to any degree, on the characteristics listed in Section 3.1 in determining reasonable suspicion or probable cause, except as part of a subject description.
5. Department personnel may consider the above listed characteristics in limited circumstances.
  - 5.1. Department personnel may take into account the discernible personal characteristics of an individual for investigative purposes and in establishing reasonable suspicion or probable cause only when the characteristic is part of a specific suspect description when credible intelligence relevant to the locality and time frame links a specific person or people to a specific unlawful incident, or to specific unlawful incidents, criminal patterns or schemes.
    - 5.1.1. Department personnel must articulate specific facts and circumstances that support their use of such characteristics in establishing reasonable suspicion or probable cause.
    - 5.1.2. Department personnel may consider these demographic factors in developing activities designed to strengthen the Department's relationship with its diverse communities.
    - 5.1.3. Department personnel are expected to consider relevant personal characteristics of an individual when determining whether to provide services designed for individuals with those characteristics (e.g., behavioral crisis, homelessness, addiction, etc.).
6. Department personnel shall not express - verbally, in writing, or by other gesture - any prejudice or derogatory comments concerning discernible personal characteristics.
7. No Department employee shall retaliate against any person who, in good faith, initiates or provides information or testimony related to an investigation, prosecution, litigation or hearings related to the Department or Department employees, regardless of the context in which the allegation is made, or because of such person's participation in the complaint process as a victim, witness, investigator, decision-maker or reviewer.
8. It is the duty of Department employees who have observed or are aware of others who have engaged in bias-based policing to specifically report such incidents to a supervisor, providing all information known to them, before the end of the shift during which they make the observation or become aware of the incident.
9. Supervisors, commanders and civilian managers have an individual obligation to ensure the timely and complete review and documentation of all allegations of violation of this policy that are referred to them or of which they should reasonably be aware.

10. Violations of this policy and the principles stated herein will not be tolerated.
  - 10.1. Department personnel who engage in, ignore, or condone bias-based policing will be subject to discipline.
  - 10.2. Supervisors and commanders who fail to respond to, document and review allegations of bias-based policing will be subject to discipline.
11. Training and Compliance
  - 11.1. Personnel shall receive training in procedural justice (i.e. impartial policing, transparent policing, and fair policing).
  - 11.2. Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and will be alert and respond to indications that biased policing is occurring.
  - 11.3. Violations of this policy shall result in discipline, retraining, counseling or other remedial intervention as appropriate to the violation.
  - 11.4. There shall be an annual administrative review of Department practices including citizen concerns by Office of Integrity and Compliance.

#### **GOVERNING LEGISLATION & REFERENCE**

[INSERT by Planning and Research].

# **EXHIBIT C**

## **EXHIBIT C**

### **PGPD Discrimination, Harassment and Retaliation Policy**

#### **I. PURPOSE**

The purpose of this policy is to foster a healthy work environment in which all individuals are treated with respect and dignity, and to provide procedures for reporting, investigating, and resolving complaints of discrimination and harassment. All employees have the right to work in an environment free of harassment, discrimination and retaliation.

#### **II. POLICY**

It is the policy of the Department that all employees shall not engage in any acts that threaten, intimidate, harass, demean, or torment fellow employees. This agency considers harassment, discrimination, and retaliation of others to be serious employee misconduct. Any prohibited conduct covered by this policy that comes to the attention of a supervisor shall result in an investigation. Any sustained findings of harassment, discrimination, or retaliation will result in severe discipline.

The Deputy Chief, Bureau of Administration and Homeland Security (BOAHS), serves as the Department's Equal Employment Opportunity Coordinator ("EEO Coordinator"). The Commander/Manager, Police Personnel Division (PPD), serves as the Assistant Equal Employment Opportunity Coordinator ("Asst. EEO Coordinator").

#### **III. DEFINITIONS**

**Discrimination:** Unfair or unequal treatment of persons or groups based on race, color, national origin, ethnicity, gender, marital status, creed, religion, age, sexual orientation, gender identity, pregnancy, or disability (*i.e.*, protected class status). Discrimination may be intentional or unintentional, and can occur overtly or covertly, by an act or an omission.

**Harassment:** Unwanted, unwelcome, or uninvited conduct that demeans, threatens, or offends another person because of their protected class status. Harassment becomes unlawful where (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, humiliating, annoying, or abusive.<sup>1</sup>

**Retaliatory Conduct:** Conduct or action designed to serve as retribution against an employee who, in good faith, has reported or otherwise provided information regarding misconduct against another employee. In the context of this policy, retaliatory conduct includes any deliberate, purposeful actions or failures to act directed against employees that cause or that could reasonably be expected to cause physical harm, property damage, significant emotional stress, or other serious negative effect on another employee; designed to ridicule or embarrass; or could

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<sup>1</sup> Equal Employment Opportunity Commission (EEOC), "Harassment," <https://www.eeoc.gov/laws/types/harassment.cfm>.

seriously impair the efficiency, safety, or effectiveness of that employee, the Department, or both. Such conduct may take many forms, including, but not limited to, harassment; persistent offensive comments, threats, or intimidation; false accusations; involuntary transfers, unit shift changes, or other temporary or permanent reassignments; denial of requested transfers or promotions; institution of disciplinary proceedings; isolation; ostracism; posting of secure or personal information on the Internet; or acts that malign or disparage an individual's reputation.

**Sexual Harassment:** A form of discrimination involving unwelcome, unsolicited sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that explicitly or implicitly affects employment, unreasonably interferes with work performance, or creates an intimidating, hostile, or offensive working environment. Sexual harassment includes, but is not limited to, offensive jokes, slurs, epithets or name calling, undue attention, physical assaults or threats, unwelcomed touching or contact, intimidation, ridicule or mockery, insults or put-downs, constant or unwelcomed questions about an individual's identity, and offensive objects or pictures. In addition, it includes any attempt to make submission to such conduct, either explicitly or implicitly, a term or condition of an employee's job, pay or career advancement (*i.e.*, "quid pro quo" sexual harassment).

**Stereotyping:** Preconceived or oversimplified generalization involving negative beliefs about a particular group or class of people. Negative stereotypes are frequently the basis for prejudicial attitudes and beliefs. It overlooks people as individuals and categorizes them as members of a group who all think and behave the same, or possess the same (usually inferior) cognitive or physical abilities.

#### **IV. FORMS**

Equal Employment Opportunity Complaint Form (PGC Form #4534)

#### **V. PROHIBITED ACTIVITIES**

##### **1. Discriminatory Treatment**

No employee shall treat any employee differently based on a protected class status.

##### **2. Prohibited Harassment**

No employee shall

- ☐ Make offensive or derogatory comments to any person, either directly or indirectly, whether verbally, in writing, or through the use of electronic devices or Internet services.
- ☐ Engage in activity such as slander, sabotage, ostracism, badgering, withholding resources, disruptive treatment and/or conduct that intimidates or is hostile. Nor shall any employee allow non-employees who conduct business with the Department to engage in such activity. All prohibited acts of these types will be judged on the basis of conduct that is "objectively reasonable."
- ☐ Perform an objectively unreasonable act upon any employee based upon that employee's perceived protected class status.



- ❑ Use blogs, social networking sites, or other Internet communication devices to harass another employee. This prohibition includes the employee's use of Internet or social networking sites outside the workplace.

### **3. Sexual Harassment**

No employee shall engage in sexual harassment in any manner or form.

## **VI. PROCEDURES**

### **1. Responsibilities of Supervisors, Commanders, and Managers**

Supervisors, Commanders, and Managers shall be responsible for

- ❑ Advising employees on the types of behavior prohibited and the agency procedures for reporting and resolving complaints of harassment, discrimination, and retaliation;
- ❑ Monitoring the work environment on a daily basis for signs that harassment, discrimination, or retaliatory conduct may be occurring;
- ❑ Stopping any observed acts that may be considered harassment, discrimination, or retaliation, and taking appropriate steps to intervene, whether or not the involved employees are under their supervision;
- ❑ Utilizing all reasonable means to prevent a prohibited act from occurring when they know or should know that an employee will or may perform such an activity; and
- ❑ Taking immediate action to prevent retaliatory conduct toward the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment and/or discrimination.
  - If a situation requires separation of the parties, care should be taken to avoid action that punishes or appears to punish the complainant.
  - Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should not be taken against the wishes of the complaining party.

No Supervisor, Commander or Manager shall (i) undertake to investigate or resolve allegations of discrimination, harassment, or retaliation, or (ii) make any employment decision that affects the terms, conditions, or privileges of an individual's employment based on that person's protected class status.

Supervisors, Commanders, and Managers shall take immediate action to notify the EEO Coordinator, Assistant EEO Coordinator, IAD Commander, and Director of the Office of Integrity and Compliance of any prohibited activities that are brought to their attention.

Once a Supervisor, Commander, or Manager receives information regarding conduct that may violate this policy, they are responsible for taking action, regardless of whether the reporting employee wants any action taken on their behalf. Circumstances in which the victim is underage require immediate, emergency notification.

Each Supervisor, Commander, or Manager has the responsibility to assist any employee in documenting and filing a complaint of harassment, discrimination, or retaliation with the EEO Coordinator. Other than providing notification to the EEO Coordinator, Assistant EEO Coordinator, IAD Commander, and Director of the Office of Integrity and Compliance, as described above, Supervisors, Managers, and Commanders shall maintain the confidentiality of all discrimination, harassment, and retaliation complaints.

## **2. Employee Responsibilities**

Each employee of the Department is responsible for assisting in the prevention of harassment, discrimination, and retaliation by

- ❑ Not participating in or encouraging any action that could be perceived as harassment, discrimination, or retaliation;
- ❑ Reporting observed acts of harassment, discrimination, or retaliation to a supervisor; and
- ❑ Encouraging any employee who confides that they are being harassed, discriminated against, or retaliated against, to report these acts to a supervisor.

Failure of any employee to carry out their responsibilities as defined in this policy will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

## **3. Complaint Procedures**

Any employee encountering harassment, discrimination, or retaliation is encouraged to

- ❑ Inform the person that their actions are unwelcome and offensive; and
- ❑ Immediately document all incidents in order to provide the details for investigation.

***Except as indicated below,*** any employee who believes that they are being harassed, discriminated against, or retaliated against shall report the incident(s) as soon as possible to a Supervisor, Manager, the Internal Affairs Division (IAD), the EEO Coordinator or Assistant EEO Coordinator, or the Director of the Office of Integrity and Compliance, so that steps may be taken to protect the employee from further actions in violation of this policy and so that appropriate investigative and disciplinary measures may be initiated. Where the immediate supervisor is involved in the prohibited action, the employee may waive filing a complaint with that Supervisor or Manager and may proceed to a Supervisor higher in the chain of command or directly to the EEO Coordinator, Assistant EEO Coordinator, the Internal Affairs Division, or the Director of the Office of Integrity and Compliance.

Employees who falsely accuse another as a means of harassment, discrimination or retaliation shall be disciplined.

The Supervisor or other person to whom a complaint is given shall meet with the employee and document the following:

- ❑ The incident(s) complained of;
- ❑ The person(s) performing or participating in the prohibited action;
- ❑ Any witnesses to the incident(s); and
- ❑ The date(s) on which it occurred.

The employee taking the complaint shall promptly submit a confidential memorandum documenting the complaint to the EEO Coordinator, Assistant EEO Coordinator, IAD, or the Office of Integrity and Compliance.

All complaints of proscribed conduct must be investigated. Unless otherwise specified, the Internal Affairs Division shall be responsible for investigating any complaint alleging a violation of this policy. Upon receipt of a complaint of proscribed conduct, the EEO Coordinator, Assistant EEO Coordinator, or Director of the Office of Integrity and Compliance shall refer the matter to IAD for investigation. The Office of Integrity and Compliance shall monitor such investigations. Further, IAD shall

- ❑ Immediately and thoroughly investigate any proscribed conduct that comes to the attention of the Department. All assigned investigators must be trained to investigate Harassment, Discrimination, and Retaliation cases, and no investigators may be assigned such cases without such training;
- ❑ Immediately notify the Chief of Police if the complaint contains evidence of criminal activity;
- ❑ Include a determination as to whether a violation of this policy occurred and whether other agency members participated in or encouraged the harassment or discrimination;
- ❑ Recommend effective and appropriate discipline in any case where violations have been substantiated;
- ❑ Inform the parties involved, the Chief of Police or the Chief's designee, the Director of the Office of Integrity and Compliance, and the Office of Human Resources Management of the outcome of the investigation;
- ❑ Maintain a file of complaints in a secure location; and

- ❑ Provide the Chief of Police the Director of the Office of Integrity and Compliance, and the Office of Human Resources Management with a semi-annual summary of these complaints.

The complaining party's confidentiality shall be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances and controlling law.

It is *essential* to remember that this policy does not preclude any employee from filing a complaint or grievance with the U.S. Equal Employment Opportunity Commission, Prince George's County Human Commission, Maryland Commission on Human Relations, Union representative, or any other appropriate outside agency. Contact for each agency is as follows:

U.S. Equal Employment Opportunity Commission  
GH Fallon Federal Building  
31 Hopkins Plaza, Suite 1432  
Baltimore, MD 21201  
(410) 962-3932

Maryland Commission on Human Relations  
6 Saint Paul Street, Suite 900  
Baltimore, MD 21202  
(410) 767-8600

Prince George's County Human Relations Commission  
1400 McCormick Drive, Suite 245  
Largo, MD 20774  
(301) 883-6170

Prince George's County Office of Human Resources Management  
1400 McCormick Drive, Suite 159  
Largo, MD 20774  
(301) 883-6330

#### **4. Retaliatory Conduct**

Retaliatory conduct against any employee for filing a harassment, discrimination, or retaliation complaint, or for assisting, testifying, or participating in the investigation of such a complaint is prohibited by this Department.

#### **5. Training**

This Department shall provide pre-service and annual in-service training concerning the nature of harassment, discrimination, and retaliation in the workplace and prohibitions on such actions defined in the policy. Training should be tailored to specific sections within the Department, recognizing that middle- and first-line supervisors are of particular importance in preventing, identifying, and responding effectively to harassment, discrimination, and retaliation.

### **VI. GOVERNING LEGISLATION & REFERENCE**

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 26.1.1, 26.1.3.
- ❑ International Association of Chiefs of Police Model Policy (May 2019)

Governing Legislation:

- ❑ Civil Rights Act of 1964
- ❑ Equal Employment Opportunity Act of 1972
- ❑ Prince George's County Executive Order No. 61-1995