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## Standards of Conduct

### 319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the St. Mary's County Sheriff's Office and are expected of all office members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this office or a member's supervisors.

### 319.2 POLICY

The continued employment or appointment of every member of this office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

[See attachment: Disciplinary Matrix Training Guide.pdf](#)

[See attachment: Disciplinary Matrix 3-9-23.pdf](#)

### 319.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any office supervisor or person in a position of authority, absent a reasonable and bona fide justification.

#### 319.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that conflicts with a previous lawful order, office policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply, but may appeal that order at the appropriate opportunity subsequent to compliance. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct

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the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

For procedures related to Unlawful or Conflicting Orders, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Reports and Appeals - Unlawful or Improper Orders](#)

### **319.3.2 SUPERVISOR RESPONSIBILITIES**

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

### **319.4 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Maryland constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

### **319.5 CAUSES FOR DISCIPLINE**

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient office service:

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#### 319.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in office or County manuals.
- (b) Disobedience of any legal directive or order issued by any office member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

#### 319.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the St. Mary's County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence, authority or compensation for non-office business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this office and/or laws of the state.
- (e) Offer or acceptance of a bribe.
- (f) Solicitation of monetary or non-monetary gifts of any value, unless special permission of the Sheriff or designee.
- (g) Non-monetary gifts/gratuities accepted over the value of \$10.00, unless special permission of the Sheriff or designee is received prior to acceptance.
- (h) Misappropriation or misuse of public funds, property, personnel or services.
- (i) Any other failure to abide by the standards of ethical conduct.

For procedures related to Ethics/Gratuities, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Gratuities](#) and [Disposition of Unauthorized Gifts, Gratuities, Etc.](#)

#### 319.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

#### 319.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or using one's official capacity.

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- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship as a result of an investigation with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact except as may be specifically authorized by the Sheriff.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this office.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know, of such criminal activities, except as specifically directed and authorized by this office.

#### 319.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without a reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without a reasonable excuse.

#### 319.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this office.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any office property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using office resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

#### 319.5.7 EFFICIENCY

- (a) Neglect of duty.

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- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Office within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Human Resources Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.
- (g) Failure to coordinate efforts with all other members of the office and county, with the objective of ensuring maximum achievement and continuity of purpose through teamwork.
- (h) Failure to furnish their supervisor with the location and/or telephone number where he/she can be immediately contacted when placed on stand-by duty.

#### 319.5.8 CONDUCT (PERFORMANCE)

- (a) Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form or other official document, report or form, or during any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any office record, public record, book, paper or document.
- (c) Interfering with cases being handled by deputy sheriffs of the agency or law enforcement officers of any other government agency unless:
  - 1. Ordered to intervene by a supervisor.
  - 2. The intervening individual believes that an injustice would result from failure to take immediate action.
  - 3. Such intervention is required because of supervisory or command responsibilities.
- (d) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any office-related business.
- (e) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this office or its members.

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- (f) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this office or subverts the good order, efficiency and discipline of this office or that would tend to discredit any of its members.
- (g) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on office premises.
  - 2. At any work site, while on-duty or while in uniform, or while using any office equipment or system.
  - 3. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (h) Improper political activity including:
  - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
  - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on office property or while in any way representing themselves as a member of this office, except as expressly authorized by County policy, the collective bargaining agreement or memorandum of understanding, or the Sheriff (Md. Code PS § 3-110).
- (i) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the collective bargaining agreement or memorandum of understanding, or the Sheriff (Md. Code PS § 3-103(a)(2)).
- (j) Engaging in any strike or work stoppage
- (k) Any act on- or off-duty that tends to bring discredit to this office.
- (l) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy to notify their supervisor within twenty-four hours. If the first notification is verbal, written notification will be made to their supervisor on their first day back to work. Employees may by-pass official chains of command and directly advise the Sheriff of the violation(s) if he/she believes his/her supervisor is involved in the violation(s).
- (m) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (n) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (o) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (p) Engaging in horseplay that reasonably could result in injury or property damage.
- (q) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the County.

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1. When referring to a deputy sheriff or correctional officer in public, that person's rank, title or position will be used.
- (r) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
  - (s) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office.
  - (t) Unauthorized possession of, loss of, or damage to office property or the property of others or endangering it through carelessness or maliciousness.
  - (u) Attempted or actual theft of office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of office property or the property of another person.
  - (v) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any employment agreement, including fraud in securing the appointment or hire.
  - (w) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.
  - (x) Any other on- or off-duty conduct that any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.
  - (y) Failure to display proper Flag Decorum/etiquette.
  - (z) Failure to make every reasonable effort to pay all legally responsible debts.
  - (aa) Recommending or suggesting the employment or name of any person, firm, corporation, attorney, counsel, or bondsman, except that nothing herein will be construed as restricting the rights of employees of the agency in connection with administration of their private affairs.
  - (ab) Sexual acts or taking photographs considered to be obscene, indecent or sexual in nature are prohibited at any time while on duty and/or within agency facilities or in agency vehicles.
  - (ac) Failure to report knowledge of citizens who are knowingly or unintentionally violating any criminal laws, will officially report the information immediately to a law enforcement entity or to his/her supervisor if exigent circumstances are not present.

#### 319.5.9 SAFETY

- (a) Failure to observe or violating office safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.

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- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

### **319.5.10 INTOXICANTS**

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.
- (d) Transported intoxicants in any police vehicle, on duty or off duty, except as necessary in accordance with official duties.

### **319.6 TRAINING**

Ethics training will be conducted for all members, sworn and professional staff, at at minimum, biennially. (CALEA 1.1.2)



## Attachments

## **Disciplinary Matrix Training Guide.pdf**

# **Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**

## **Subtitle 04 POLICE TRAINING AND STANDARDS COMMISSION**

### **Chapter 10 Uniform State Disciplinary Matrix**

**Authority: Public Safety Article, §§3-105, 3-114 and 3-208, Annotated Code of Maryland**

#### **.01 Purpose.**

A. The purpose of the Uniform State Disciplinary Matrix is for law enforcement agencies to apply disciplinary standards in a fair, equitable and consistent manner Statewide.

B. This chapter establishes the Uniform State Disciplinary Matrix required for all matters that may result in discipline of a police officer.

C. A law enforcement agency shall adopt the Uniform State Disciplinary Matrix in accordance with Public Safety Article, §3-105, Annotated Code of Maryland.

#### **.02 General Provisions.**

A. In order to protect the collective integrity of a law enforcement agency, all matters that may result in discipline shall be imposed pursuant to the Uniform State Disciplinary Matrix as responsive measures to a police officer's sustained violation of a law enforcement agency's policy.

##### **B. Imposition of Discipline.**

(1) Generally, each sustained violation of police officer misconduct shall be considered separately for the purpose of recommending and imposing discipline.

(2) When multiple sustained violations arise from the same conduct or incident, as applicable, an agency head or Administrative Charging Committee (ACC), may decide that the most effective way to determine the appropriate level of discipline in the case is to consolidate sustained violations into one form of discipline.

(3) Discipline imposed for first or subsequent sustained misconduct violations may follow a progressive course for repeat or increasingly serious violations.

(4) The Uniform State Disciplinary Matrix and the imposition of discipline may not be based on a police officer's race, religion, gender expression, gender identity, sex assigned at birth, sexual orientation, national origin, age, ethnicity, or familial relationship.

(5) The imposition of discipline shall not be influenced by the high or low profile nature of the police misconduct.

### **.03 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Administrative Charging Committee (ACC)" has the meaning stated in Public Safety Article, §3-104, Annotated Code of Maryland.

(2) Aggravating Factor.

(a) "Aggravating factor" means conditions or events related to a police misconduct violation that may increase the seriousness of the violation and degree of penalty as specified in the Uniform State Disciplinary Matrix.

(b) "Aggravating factor" includes, but is not limited to the following:

(i) A police officer's prior disciplinary history;

(ii) A police officer's prior negative work history, including non-disciplinary corrective action;

(iii) A police officer's rank;

(iv) A violation was committed willfully or for personal gain;

(v) A police officer's effort to conceal the violation, or to be untruthful or dishonest;

(vi) A police officer's failure to cooperate with an investigation into alleged misconduct;

(vii) A violation was retaliatory in nature;

(viii) A violation or behavior was motivated by bias against a member or group of protected class under Maryland's hate crimes law, as stated in Criminal Law Article, §10-304, Annotated Code of Maryland or the Anti-Employment Discrimination law as stated in State Government Article, §20-602, Annotated Code of Maryland or other state and federal hate crimes law;

(ix) The police officer's expressed unwillingness to comply with policy, tactics, or performance standards;

(x) The impact of the violation on the community or the law enforcement agency's ability to carry out its mission;

(xi) The degree to which the violation caused or could have caused the loss of life or injury; and

(xii) The degree to which the violation caused loss or damage to public or private property.

(3) "Formal written counseling (FWC)" means a written warning given to a police officer that outlines a police officer's misconduct and serves as the least severe form of discipline.

(4) "Law enforcement agency" has the meaning stated in Public Safety Article, §3-201, Annotated Code of Maryland.

(5) "Letter of reprimand" means a formal letter given to a police officer detailing the wrongful action and detailing the required corrective action.

(6) "Loss of leave" means the removal of paid time off from a police officer's earned and accrued paid time off total.

(7) "Loss of pay" means the suspension from duty without pay.

(8) "Mediation" means a process in which parties in a dispute work with one or more impartial mediators who assist the parties in reaching a voluntary agreement for the resolution of a nonviolent dispute or conflict.

(9) Mitigating Factor.

(a) "Mitigating factor" means a condition or event related to a policy violation that may decrease the seriousness of the violation and degree of discipline.

(b) "Mitigating factor" includes, but is not limited to, the following:

(i) A police officer's actions are attributable to selfless concern for the wellbeing of others;

(ii) A police officer's lack of disciplinary history;

(iii) A police officer's complimentary work history;

(iv) A police officer's prior positive work history;

(v) A violation was the inadvertent result of reasonable, otherwise compliant performance;

(vi) A police officer's prompt acceptance of responsibility for the conduct and willingness to be held accountable;

(vii) A police officer's commission of the violation at the direction of a superior;

(viii) A police officer's exposure to unusually serious workplace tensions and stressors;  
and

(ix) The violation is attributable to limitations beyond the control of the police officer based on a physical or mental disability.

(10) "Penalty days" means either the forfeiture of vacation days or the imposition of suspension without pay for a specified period of time, or both. The number of hours that determines a day is based on the police officer's work schedule.

(11) "Police misconduct" has the meaning stated in Public Safety Article, §3-101, Annotated Code of Maryland.

(12) "Police officer" has the meaning stated in Public Safety Article, §3-201, Annotated Code of Maryland.

(13) "Remedial training" means training designed to correct the behavior of:

(a) A police officer who has failed to perform the police officer's duties with the skill, knowledge, and ability expected and required of an individual given the authority and responsibility to enforce the law; or

(b) A police officer who has demonstrated a need for additional training.

(14) "Sustained violation" means an investigation has revealed sufficient evidence to impose administrative charges against a police officer for a violation category established in Regulation .04 of this chapter.

(15) "Uniform State Disciplinary Matrix" has the meaning stated in Public Safety Article, §3-101, Annotated Code of Maryland.

#### **.04 Uniform State Disciplinary Matrix.**

##### **A. Violation Levels.**

(1) Level One. The first level of violation category indicates a first sustained occurrence of a police officer's misconduct.

(2) Level Two. The second level of a violation category indicates a second sustained occurrence of a police officer's misconduct within the time periods specified in §D of this regulation and during which a sustained level one violation was committed.

(3) Level Three. The third level of a police misconduct violation category indicates a third sustained occurrence of a police officer's misconduct within the time periods specified in §D of this regulation and during which a sustained level one and level two violation was committed.

##### **B. Disciplinary Ranges.**

(1) The range of disciplinary penalties within the Uniform State Disciplinary Matrix includes:

- (a) A formal written counseling;
- (b) A letter of reprimand;
- (c) Loss of leave;
- (d) Suspension and loss of pay;
- (e) Demotion; and
- (f) Termination.

(2) A law enforcement agency shall determine the number of hours that constitutes a penalty day, based on a police officer's work schedule.

##### **C. Additional Corrective Measures.**

(1) In addition to the disciplinary penalties established within the Uniform State Disciplinary Matrix a law enforcement agency head, ACC or trial board following a determination to impose administrative charges, may:

- (a) Refer the police officer to:

- (i) Counseling;
  - (ii) An employee assistance program;
  - (iii) Remedial training; or
  - (iv) Another police officer assistance program permitted by a law enforcement agency's policy;
- (b) Suspend or remove a police officer from a take-home car program; and
  - (c) Suspend a police officer from secondary employment.

(2) The options listed in §C(1) of this regulation may be independently imposed by police management in addition to any administrative charges imposed by an ACC or trial board.

**D. Violation Categories.**

(1) The Uniform State Disciplinary Matrix includes six designated violation categories that represent a progression in the severity of police misconduct violation.

(2) Category A Violation.

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	→ Aggravating Factors
Category A: Conduct that has or may have a minimal negative impact on operations or professional image of the law enforcement agency.	One: 1st Violation	Formal Written Counseling	to Letter of Reprimand
	Two: 2nd Violation in 24 Months	Formal Written Counseling	to Up to 1 Day Loss of Leave or Loss of Pay
	Three: 3rd Violation in 24 Months	GO TO CATEGORY B LEVEL 1	

(3) Category B Violation.

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	→ Aggravating Factors
Category B: Conduct that has or may have a negative impact on the operations or professional image of law enforcement agency; or that negatively impacts relationships with other officers, agencies, or the public.	One: 1st Violation	Letter of Reprimand	to Up to 2 Days Loss of Leave or Loss of Pay
	Two: 2nd Violation in 36 Months	1 Day Loss of Leave or Loss of Pay	to Up to 3 Days Loss of Leave or Loss of Pay
	Three: 3rd Violation in 36 Months	GO TO CATEGORY C LEVEL 1	

(4) Category C Violation.

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
Category C: Conduct that involves a risk to safety or that has or may have a pronounced negative impact on the operations or professional image of the law enforcement agency or a member, or on relationships with other officers, agencies, or the public.	One: 1st Violation	2 Days Loss of Leave or Loss of Pay to Up to 4 Days Loss of Pay
	Two: 2nd Violation in 48 Months	3 Days Loss of Leave or Loss of Pay to Up to 5 Days Loss of pay
	Three: 3rd Violation in 48 Months	GO TO CATEGORY D LEVEL 1

(5) Category D Violation.

(a)

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
Category D: Conduct substantially contrary to the values of the law enforcement agency or that substantially interferes with its mission, operations, or professional image, or that involves a serious risk to officer or public safety, or intentionally violates law enforcement agency policy.	One: 1st Violation	5 Days Loss of Leave or Loss of Pay to Up to 15 Days Loss of Pay
	Two: 2nd Violation in 60 Months	10 Days Loss of Pay to Up to 20 Days Loss of Pay
	Three: 3rd Violation in 60 Months	GO TO CATEGORY E LEVEL 1

(b) Demotion or reduction in rank may also be considered as a part of the disciplinary penalty for Category D Violation.



(6) Category E Violation.

(a)

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
Category E: Conduct that involves misuse of authority, unethical behavior (not involving false reporting or false statements), or an act that could result in an adverse impact on an officer or public safety or to the professionalism of the law enforcement agency or a violation of any misdemeanor.	One: 1st Violation	15 Days Loss of Pay to 25 Days Loss of Pay up to Termination
	Two: 2nd Violation in 60 Months	15 Days Loss of Pay to 30 Days Loss of Pay up to Termination
	Three: 3rd Violation in 60 Months	GO TO CATEGORY F LEVEL 1

(b) Demotion or reduction in rank may also be considered as a part of the disciplinary penalty for Category E Violation.

(7) Category F Violation.

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
Category F: Any violation of law, policy, rule or regulation which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of the law enforcement agency's mission, vision, and values; or involves any act or omission which demonstrates a serious lack of the integrity, ethics, or character related to an employee's fitness to hold their position; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected, to include those whose sworn duty is to uphold the law; or involves conduct which constitutes the failure to adhere to any condition of employment required or mandated by law, including any 18 U.S.C. §922(g) (Lautenberg) violations.	One: Any Violation	TERMINATION

(8) Special Circumstance Categories.

(a)

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
Driving Under The Influence	One: 1st Violation	15 Days Loss of Pay to Termination*
Category 1: Any off-duty driving under the influence of alcohol and/or drugs which would constitute a violation of law.	Two: 2nd Violation	30 Days Loss of Pay to Termination*
	Three: 3rd Violation	Termination*
Category 2: Any on-duty or off-duty in a departmental vehicle driving under the influence of alcohol and/or drugs which would constitute a violation of law.	One: 1st Violation	Termination*
*Termination may be imposed as discipline unless prohibited by an Executive Order or superseding government policy.		

(b)

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
Failure to Appear for Court and MVA Hearings	One: 2 violations in 1 year	Formal Written Counseling to Formal Written Counseling
Category 1: Intentional or purposeful failure to appear for any properly summoned court appearance which is the result of action taken as a law enforcement officer. This category also includes MVA hearings.		Formal Written Counseling to Up to 2 Days Loss of Leave or Loss of Pay
Note: The penalty cycle resets one calendar year from the date of the first violation.		

(c)

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors	
Departmental Collisions  Category 1: Minor Damage* to Police Vehicle and/or Other Property or Vehicle*	One: 1st Violation up to 12 months	Formal Written Counseling	to Letter of Reprimand
	Two: 2nd Violation within 0-24 months	Formal Written Counseling	to Up to 2 Days Loss of Leave or Loss of Pay
	Three* : 3 or more Violations within 0-36 months	Letter of Reprimand	to Up to 5 Days Loss of Leave or Loss of Pay
Category 2: Major Damage to Police Vehicle, Other Property, or Vehicle	One: 1st Violation up to 12 months	Formal Written Counseling	to Up to 1 Day Loss of Leave or Loss of Pay
	Two: 2nd Violation within 0-24 months	Letter of Reprimand	to Up to 3 Days Loss of Leave or Loss of Pay
	Three* : 3 or more Violations within 0-36 months	Letter of Reprimand	to Up to 10 Days Loss of Leave or Loss of Pay
Category 3: Injury to Law Enforcement Personnel or Civilian  If gross negligence or reckless operation of a police vehicle is involved in any collision that results in serious injury or death the disciplinary range shall increase up to and including termination.	One: 1st Violation up to 12 months	Formal Written Counseling	to Up to 2 Days Loss of Leave or Loss of Pay
	Two: 2nd Violation within 0-24 months	Letter of Reprimand	to Up to 5 Days Loss of Leave or Loss of Pay
	Three* : 3 or more Violations within 0-36 months	Letter of Reprimand	to Up to 14 Days Loss of Leave or Loss of Pay

\* Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major).

\*\* Driver retraining may be imposed at any level but shall impose for three or more at-fault departmental collisions.

(9) Violations that Fall into More than One Violation Category.

(a) Some acts of police misconduct may fall into more than one violation category depending on the category definition.

(b) If an act of police misconduct falls into more than one violation category, an ACC, agency head, or trial board, as applicable, shall review the totality of circumstances related to the act and the violation category definition descriptions prior to choosing the category, level, and range.

(10) Violations not found in the Uniform State Disciplinary Matrix shall be assigned to a violation category based on the circumstances of the police misconduct and the violation category definitions.

## **.05 Process for Determining Discipline and Imposing Administrative Charges.**

A. Following a complaint of police officer misconduct the law enforcement agency conducting the investigation shall:

(1) Investigate the police officer's actions to determine if the action was a violation of law, regulation, the law enforcement agency's policy, or other form of police misconduct; and

(2) Include the information in the investigative file.

B. An ACC shall review the investigative file and, if applicable, an agency head's recommendation regarding the imposition of administrative charges in accordance with COMAR 12.04.09.

C. Following an ACC's review and deliberation, the ACC shall review the violation category definitions for the most appropriate violation category.

D. When determining the appropriate violation category, level, and disciplinary range, an ACC, agency head, or trial board may use the Uniform State Disciplinary Matrix violation examples posted on the Police Training and Standards Commission's website as a guide.

E. Factors Influencing the Determination to Recommend Administrative Charges and Impose Discipline.

(1) Mitigating and aggravating factors surrounding a sustained violation may increase or decrease the discipline.

(2) Factors considered within a disciplinary range shall stay with the specific violation category.

F. Multiple Count Adjustments. When multiple violations arise from the same incident:

(1) The violations may be consolidated into one form of discipline by:

(a) Selecting the most serious violation as a starting point within a violation category; and

(b) Weighing the other violations to determine whether and how much to increase the discipline with the selected violation category; or

(2) Each sustained misconduct violation may be considered separately for the purpose of determining discipline.

G. Prior Disciplinary Record.

(1) An ACC, agency head, or trial board shall consider a police officer's prior sustained disciplinary record when determining discipline for a new violation.

(2) When applicable, three or more sustained violations in the same category within a specified time period shall progress to the next violation category.

#### H. Deviation from the Uniform State Disciplinary Matrix.

(1) An ACC, agency head, or trial board may deviate from the use of the Uniform State Disciplinary Matrix only when required by court order, consent decree, or other superseding legal authority.

(2) The Uniform State Disciplinary Matrix does not impact a law enforcement agency's rights to maintain order and manage the affairs of a law enforcement agency in all aspects including, but not limited to:

- (a) Establishing standards of service;
- (b) Transfer or assignment of a police officer;
- (c) Establishing standards for performance and conduct; and
- (d) Maintaining control and regulation of the use of government equipment and property.

I. Mediation Programs. Complaints from the public that meet the eligibility requirements for the mediation process established by regulation pursuant to Public Safety Article, §3-207(d), Annotated Code of Maryland, may, subject to the agreement of the complainant, be handled outside of the formal PAB and ACC complaint process.

J. The Uniform State Disciplinary Matrix and Special Circumstance Violations tables shall be maintained and published by the Maryland Police Training and Standards Commission on its public website.

### **Administrative History**

#### **Effective date:**

Regulations .01—.05 adopted as an emergency provision effective September 6, 2022 (49:21 Md. R. 944); emergency provision expired effective December 27, 2022

**Regulations .01—.05 adopted effective January 9, 2023 (49:27 Md. R. 1111)**

## **Disciplinary Matrix 3-9-23.pdf**



# STATEWIDE POLICE DISCIPLINARY MATRIX RESOURCE GUIDE

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(Updated Version 3/9/23)



# STATEWIDE POLICE DISCIPLINARY MATRIX

## MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

### PURPOSE

Contained in this document is the Maryland Statewide Model Disciplinary Matrix required by the Maryland Police Accountability Act of 2021 (Public Safety Article, 3-105, Annotated Code of Maryland). The Statewide Model Disciplinary Matrix is the required framework through which **all matters of discipline** will be imposed as a result of a sustained disposition from an administrative investigation into an officer's misconduct. The purpose of this Disciplinary Matrix is to apply disciplinary standards in a fair, equitable and consistent manner statewide.

### GENERAL PROVISIONS

In order to protect the collective integrity of a law enforcement agency, all matters that may result in discipline shall be imposed pursuant to the Disciplinary Matrix as responsive measures to an officer's sustained violation of an agency's policy or other police misconduct. Generally, each sustained misconduct violation shall be considered separately for the purpose of recommending and imposing discipline. However, when multiple violations arise from the same incident, a determination may be made that the most effective manner to address discipline in the case is to consolidate violations into one form of discipline.

Discipline is imposed for first violations and may follow a progressive course for repeat or increasingly serious offenses. This Disciplinary Matrix, and the imposition of discipline, shall not be based on the member's race, religion, gender expression, gender identity, sex assigned at birth, sexual orientation, national origin, age, ethnicity, or familial relationships. Furthermore, the imposition of discipline shall not be influenced by the high or low profile nature of the incident.

The Matrix includes a breakdown of six (6) different categories of violations, labeled A through F, with A as the lowest level of discipline and F as the highest. Each category is defined, along with example violations. Three penalty levels are included in each category which are based on the number of similar violations in a specified period of time. A disciplinary range is then used for assessing the recommended discipline. Based on aggravating and/or mitigating factors the disciplinary range can increase or decrease upon review of the totality of the circumstances surrounding the sustained violation.



## DEFINITIONS

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**Aggravating Factors** – Conditions or events related to the violation that increase the seriousness of the violation and may increase the degree of penalty as specified in the Matrix below. Examples of aggravating factors include, but are not limited to, the following:

- The officer's prior disciplinary history
- The officer's prior negative work history, including non-disciplinary corrective action
- The officer's rank
- The violation was committed willfully or for personal gain
- The officer's efforts to conceal the violation, or to be untruthful or dishonest
- The officer's failure to cooperate with the investigation into the alleged misconduct
- The violation was retaliatory in nature
- The violation or behavior was motivated by bias against a member or group of a protected class under the State's hate crimes law, (Public Safety Article, §10-304, Annotated Code of Maryland).
- The officer's expressed unwillingness to comply with policy, tactics, or performance standards
- The impact of the violation on the community or the department's ability to carry out its mission
- The degree to which the violation caused or could have caused the loss of life or injury, and
- The degree to which the violation caused loss or damage to public or private property.

**Note:** *Some aggravating factors may in themselves constitute additional violations of policy associated with separate, higher, ranges of discipline. For example, "efforts to conceal" even a minor violation may themselves constitute separate ethics/honesty violations subject to a higher range of discipline (e.g., lying or destroying/falsifying evidence to conceal a minor violation).*

**Disciplinary Matrix** – a written, consistent, progressive, and transparent tool or rubric that provides ranges of disciplinary actions for different types of misconduct. (Public Safety Article, §3-101, Annotated Code of Maryland).

**Formal Written Counseling (FWC)** – A form of counseling given to employees who have violated an agency's policy. Formal Written Counseling, the least severe form of disciplinary action, serves as a warning for violations. Further violations of same or similar conduct may result in more severe discipline. A copy of the formal written counseling shall be placed in the officer's disciplinary file.

**Letter of Reprimand (LOR)** – A formal letter to an officer from the agency which details the officer's wrongful actions and states their actions have been deemed inappropriate or unacceptable. Further violations of same or similar conduct may result in more severe discipline. A copy of this letter shall be placed in the officer's disciplinary file.

**Loss of Leave (LOL)** – Removal of leave from officer's accrued leave total (vacation, personal). Loss of leave shall be determined in hours.

**Loss of Pay (LOP)** – Suspension from duty without pay.

**Level (One)** – Penalty level for first offense violation.

**Level (Two)** – Penalty level for second offense of similar conduct.



**Level (Three)** – Penalty level for third offense or more of similar conduct.

**Mediation** – A process in which parties in a dispute work with one or more impartial mediators who assist the parties in reaching a voluntary agreement for the resolution of a minor dispute or conflict.

**Mitigating Factors** – Conditions or events that relate to the violation, but do not excuse or justify the violation, that are considered in deciding the degree of penalty. Examples of mitigating factors include, but are not limited to, the following:

- The officer's actions are attributable to selfless concern for the well-being of others
- The officer's lack of disciplinary history
- The officer's complimentary work history
- The officer's prior positive work history
- The violation was the inadvertent result of reasonable, otherwise compliant performance
- The officer's prompt acceptance of responsibility for the conduct and willingness to be held accountable
- The officer's commission of the violation at the direction of a superior (who might also be subject to separate discipline)
- Unusually serious workplace tensions / stressors, and
- The violation is attributable to limitations beyond the control of the officer that are caused by legally protected physical or mental disabilities and/or conditions.

**Penalty Days** – The forfeiture of vacation days and/or the imposition of suspension without pay for a specified period of time. The decision to suspend, deduct vacation days, or impose a combination of both, is based upon the severity of the misconduct along with any relevant aggravating and mitigating factors. The local ACC and/or Agency Head shall define a "day" as a specified number of hours depending on the officer's schedule and/or unit within the agency.

**Police Misconduct** – Refer to Public Safety Article, §3-101, Annotated Code of Maryland.

**Remedial Training** – Training designed to correct the behavior of officers who have failed to perform their duties with the skill, knowledge and/or ability expected and/or required of them, or have otherwise demonstrated a need for additional training.

## PROCEDURES

**Violation Categories** – The Matrix includes six (6) categories. Each offense is categorized by a letter (A-F) that represents the severity of the offenses in that category. Category A is the lowest level of discipline and Category F is the highest level. Each category is defined along with a list of example misconduct violations that fit into that category.

**Special Circumstance Categories** – Special circumstance categories are specific violations with their own disciplinary ranges.

**Factors Influencing Discipline** – Mitigating and aggravating factors surrounding a violation may increase or decrease the discipline. Those factors will be considered within the disciplinary range for a specific category.

**Multiple Count Adjustments** – Generally, each sustained misconduct violation shall be considered separately for the purpose of recommending and imposing discipline. However, when multiple violations arise from the same incident, a determination may be made that the most effective manner to address discipline in the case is to consolidate violations into one form of discipline. The most serious offense is used as a starting point within a violation category. The other offenses determine whether and how much to increase the discipline within the selected violation category.

**Prior Disciplinary Record - Same Category** – The Matrix incorporates an officer’s prior sustained disciplinary record in determining discipline for a new violation. In each category, there are three penalty levels based on the number of misconduct violations within a specified period of time. Three or more sustained violations in the same category and specified time period will progress to the next higher offense category noted in the Matrix. Prior sustained disciplinary action may also be considered as an aggravating factor.

**Determining Discipline** – In determining discipline, there must first be an agency policy violation or other police misconduct. Once a violation has been identified, first review the violation category definitions, along with similar example violations and select the most appropriate category. Next, determine if the offense is a first offense or repeat offense and select the appropriate level. The disciplinary section is located to the right of the category definition and level. Each chart includes an acceptable disciplinary range for applicable violations. In addition to the severity of the conduct, mitigating or aggravating factors should be considered prior to making a final determination of discipline. The range of discipline includes formal written counseling (least severe), reprimands, penalty days, demotion and termination (most severe). Demotion may only be considered as a discipline penalty if the misconduct is determined to be a Category D or E violation. Demotion may be the sole penalty or in addition to a penalty within the disciplinary range.

**Additional Corrective Measures** – Notwithstanding the penalties in the Matrix, an officer may be referred to counseling, an employee assistance program, and/or remedial training. Additionally, suspension or removal from a take-home car program and suspension or removal from secondary employment are also options for an ACC to consider. These options may also be imposed by police management, independent of the Local Administrative Charging Committee, consistent with management rights and/or agency policy.

**Violations that Fall into Multiple Violation Categories** – Some violations can fall into multiple categories depending on the severity of the violation. For example, penalties for body-worn camera related violations, insubordination, and harassment may carry more or less severe penalties, depending on which category most accurately fits the member’s actions.

**Notes:**

- *PAB/ACCs and Agencies may only deviate from the use of the Matrix when required to do so by court order, consent decree or any other superseding legal authority. The Matrix does not impact police management rights to maintain the order and manage the affairs of an agency in all aspects including, but not limited to, establishing standards of service, transfer or assignment of employees, establishing standards for performance and conduct, and maintaining control and regulation of the use of government equipment and/or property.*
- *Agencies that operate a formal mediation program are not impacted by this process since it occurs prior to an investigation and is mutually agreed to by the agency, complainant and officer.*



# STATEWIDE POLICE DISCIPLINARY MATRIX

## MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

*Note: An agency policy violation or other misconduct must first be identified prior to selecting a Violation Category. If the specific policy/procedure violation is not listed in the examples, review the violation category definition, along with similar violations and select the most appropriate category.*

### VIOLATION CATEGORY – A

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors →	Aggravating Factors
<b>Category A: Conduct that has or may have a minimal negative impact on operations or professional image of the law enforcement agency.</b>	<b>ONE: 1<sup>st</sup></b> Violation	Formal Written Counseling →	Letter of Reprimand
	<b>TWO: 2<sup>nd</sup></b> Violation in 24 Months	Formal Written Counseling →	Up to 1 Day Loss of Leave or Loss of Pay
	<b>THREE: 3<sup>rd</sup></b> Violation in 24 Months	GO TO CATEGORY B LEVEL 1	

#### Policy Violation Examples for Category A

*Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.*

Violation associated with improper attire and grooming (uniformed/non-uniformed)
Late for duty assignment
Failure to properly care for agency vehicle, including but not limited to vehicle inspection and maintenance care
Failure of officer to provide identification when required
Failure to comply with traffic stop procedures
Loss of agency property (excluding weapon and radio)
Parking Violations

## VIOLATION CATEGORY – B

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors	
<b>Category B: Conduct that has or may have a negative impact on the operations or professional image of law enforcement agency; or that negatively impacts relationships with other officers, agencies, or the public.</b>	<b>ONE:</b> 1 <sup>st</sup> Violation	Letter of Reprimand	→ Up to 2 Days Loss of Leave or Loss of Pay
	<b>TWO:</b> 2 <sup>nd</sup> Violation in 36 Months	1 Day Loss of Leave or Loss of Pay	→ Up to 3 Days Loss of Leave or Loss of Pay
	<b>THREE:</b> 3 <sup>rd</sup> Violation in 36 Months	<b>GO TO CATEGORY C LEVEL 1</b>	

<b>Violation Examples for Category B</b>
<b>Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.</b>
Rude, discourteous actions towards the public or other employees to include profanity and/or obscene gestures.
Failure to furnish name, ID number, and assignment
Officer using their official status, name, or photograph to endorse any product or service connected with law enforcement for personal gain without permission from agency
Failure to remain alert and awake on duty
Failure to notify supervisor of the suspension, revocation, or cancellation of driver's license
Unauthorized use or wearing agency issued equipment (or use of agency insignia) while working secondary employment
Failure to make required inspection of agency vehicle for weapons/contraband prior to and after transporting a prisoner
Operating an agency vehicle beyond jurisdictional boundaries without authorization
Altering or modifying agency equipment without approval
Operating an agency vehicle while on sick leave, light duty status, or suspension without authorization
Failure to submit required report
Failure to conduct preliminary and follow-up investigation/reporting
Improper use of Internet or other communications equipment
Working secondary employment without approval
Violation of social media policy
Failure to accept a complaint against an officer
Failure to obey traffic laws –minor, while operating an agency vehicle



## VIOLATION CATEGORY – C

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors	
<b>Category C: Conduct that involves a risk to safety or that has or may have a pronounced negative impact on the operations or professional image of the law enforcement agency or a member, or on relationships with other officers, agencies, or the public.</b>	<b>ONE:</b> 1 <sup>st</sup> Violation	2 Days Loss of Leave or Loss of Pay	→ Up to 4 Days Loss of Pay
	<b>TWO:</b> 2 <sup>nd</sup> Violation in 48 Months	3 Days Loss of Pay or 3 Days Loss of Leave	→ Up to 5 Days Loss of pay
	<b>THREE:</b> 3 <sup>rd</sup> Violation in 48 Months	<b>GO TO CATEGORY D LEVEL 1</b>	

<b>Violation Examples for Category C</b>
<b>Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.</b>
Failure to notify or report to duty assignment – Absent without leave (AWOL)
Failure to notify agency that officer has become subject of a criminal investigation
Failure to properly secure a firearm
Unauthorized/careless use/handling/display of a weapon
Carrying an unauthorized firearm, ECD or other weapon in a vehicle or on the officer’s person, on or off duty
Discharging of firearm in violation of policy – no injury
Failure to properly search a prisoner incident to arrest
Improper release/escape of a prisoner (no criminal intent)
Unnecessary force/excessive force resulting in unknown injury or minor injury
Failure to document or investigate a physical use of force
Engaged in secondary employment while on sick leave
Unauthorized vehicle pursuit– no injury
Dissemination of confidential information related to a criminal investigation, Criminal Justice Information System (CJIS) or Motor Vehicle Administration (MVA) to unauthorized persons



## VIOLATION CATEGORY – D

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors	
<b>Category D: Conduct substantially contrary to the values of the law enforcement agency or that substantially interferes with its mission, operations, or professional image, or that involves a serious risk to officer or public safety, or intentionally violates law enforcement agency policy.</b>	<b>ONE:</b> 1 <sup>st</sup> Violation	5 Days Loss of Pay or 5 Days Loss of Leave	→ Up to 15 Days Loss of Pay
	<b>TWO:</b> 2 <sup>nd</sup> Violation in 60 Months	10 Days Loss of Pay	→ Up to 20 Days Loss of Pay
	<b>THREE:</b> 3 <sup>rd</sup> Violation in 60 Months	<b>GO TO CATEGORY E LEVEL 1</b>	

*Note: Demotion and/or reduction in rank can also be considered as an independent sanction or in addition to another disciplinary penalty for Category D*

<b>Violation Examples for Category D</b>
<i>Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.</i>
Reporting to work with a measurable amount of alcohol in system, (no requirement to be legally intoxicated)
Failure to provide and/or request needed medical assistance (includes individuals not in custody)
Failure to notify agency that officer has been charged with a civil or criminal violation, whether by arrest or criminal summons.
Unauthorized vehicle pursuit– with injury
Failure to report a firearm or less lethal weapon discharge (includes accidental discharges)
Failure to report an agency collision

## VIOLATION CATEGORY – E

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors	
<b>Category E: Conduct that involves misuse of authority, unethical behavior (not involving false reporting or false statements), or an act that could result in an adverse impact on an officer or public safety or to the professionalism of the law enforcement agency or a violation of any misdemeanor.</b>	<b>ONE:</b> 1 <sup>st</sup> Violation	15 Days Loss of Pay	→ 25 Days Loss of Pay up to TERMINATION
	<b>TWO:</b> 2 <sup>nd</sup> Violation in 60 Months	15 Days Loss of Pay	→ 30 Days Loss of Pay up to TERMINATION
	<b>THREE:</b> 3 <sup>rd</sup> Violation in 60 Months	GO TO CATEGORY F LEVEL 1	

*Note: Demotion and/or reduction in rank can also be considered as an independent sanction or in addition to another disciplinary penalty for Category E*

<b>Violation Examples for Category E</b>
<i>Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.</i>
Using official position to avoid consequences of criminal laws and/or incarcerable traffic violations.
Unnecessary force/excessive force resulting in serious injury
Failure to report a use of force
Engaging in acts of retaliation
Discharging of firearm resulting in injury or death, non-criminal intent
Obstructing or hindering a criminal investigation
Obstructing or hindering internal affairs or an administrative investigation
Affiliation with any person or organization known to be involved in criminal activity



## VIOLATION CATEGORY – F

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
<b>Category F: Any violation of law, policy, rule or regulation which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of the law enforcement agency’s mission, vision and values; or involves any act or omission which demonstrates a serious lack of the integrity, ethics or character related to an employee’s fitness to hold their position; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected, to include those whose sworn duty is to uphold the law; or involves conduct which constitutes the failure to adhere to any condition of employment required or mandated by law, including any 18 U.S.C. § 922(g) (Lautenberg) violations.</b>	<b>ONE: ANY VIOLATION</b>	<b>TERMINATION</b>

Violation Examples for Category F
<b>Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.</b>
Truthfulness: Intentionally making any verbal or written false statement during an official investigation or on any official agency document.
Enforcement and/or detention of individuals based on discriminatory practices
Engaging in sexual behavior on duty
Engaging in sexual behavior in an agency vehicle or facility, on or off duty
Intentional malicious and unjustified use of force resulting in serious bodily injury or death
Intentional erasing video footage and/or audio transmissions from digital video camera equipment (BWC/In-Car Camera)
Converting property/evidence for personal use
Performing secondary employment while on-duty
Improper use of controlled dangerous substance (CDS), narcotic, or hallucinogen
Tampering or manufacturing of evidence
Knowingly participating or joining an organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious, ethnic, or other groups or classes of individuals protected by law.





# STATEWIDE POLICE DISCIPLINARY MATRIX

## MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

### SPECIAL CIRCUMSTANCE VIOLATIONS

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors →	Aggravating Factors
<b>DRIVING UNDER THE INFLUENCE</b>  Category 1: Any <u>off-duty</u> driving under the influence of alcohol and/or drugs which would constitute a violation of law.	<b>ONE:</b> 1 <sup>st</sup> Violation	15 Days Loss of Pay	→ TERMINATION*
	<b>TWO:</b> 2 <sup>nd</sup> Violation	30 Days Loss of Pay	→ TERMINATION*
	<b>THREE:</b> 3 <sup>rd</sup> Violation	TERMINATION*	
Category 1a: Any <u>on-duty</u> or off-duty in a departmental vehicle driving under the influence of alcohol and/or drugs which would constitute a violation of law.	<b>ONE:</b> 1 <sup>st</sup> Violation	TERMINATION*	

*\*Unless prohibited by Executive Order or Government Policy*

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors →	Aggravating Factors
<b>FAILURE TO APPEAR FOR COURT/MVA HEARINGS</b>  Category 2: <u>Intentional or purposeful failure to appear for any properly summoned court appearance which is the result of action taken as a law enforcement officer. This category also includes MVA hearings.</u>  *Resets 1 calendar year from the date of the first violation.	<b>ONE:</b> 2 violations in 1 year	Formal Written Counseling	→ Formal Written Counseling
	<b>TWO:</b> 2 additional violations in 2 years	Formal Written Counseling	→ Up to 2 Days Loss of Leave or Loss of Pay

## DEPARTMENTAL COLLISIONS

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	→ Aggravating Factors
<p style="text-align: center;"><b>DEPARTMENTAL COLLISIONS</b></p> <p><b>Category 1: Minor Damage<sup>1</sup> to Police Vehicle and/or Other Property or Vehicle</b></p> <p><sup>1</sup>Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major).</p> <p><sup>2</sup>Driver Re-training can be imposed at any level but is mandatory for three or more at-fault departmental collisions.</p>	<p><b>ONE:</b> 1<sup>st</sup> Violation up to 12 months</p>	Formal Written Counseling	→ Letter of Reprimand
	<p><b>TWO:</b> 2<sup>nd</sup> Violation within 0-24 months</p>	Formal Written Counseling	→ Up to 2 Days Loss of Leave or Loss of Pay
	<p><b>THREE<sup>2</sup>:</b> 3<sup>rd</sup> or more Violation within 0-36 months</p>	Letter of Reprimand	→ Up to 5 Days Loss of Leave or Loss of Pay
<p><b>Category 2: Major Damage to Police Vehicle and/or Other Property or Vehicle</b></p> <p><sup>1</sup>Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major).</p> <p><sup>2</sup>Driver Re-training can be imposed at any level but is mandatory for three or more at-fault departmental collisions.</p>	<p><b>ONE:</b> 1<sup>st</sup> Violation up to 12 months</p>	Formal Written Counseling	→ Up to 1 Day Loss of Leave or Loss of Pay
	<p><b>TWO:</b> 2<sup>nd</sup> Violation within 0-24 months</p>	Letter of Reprimand	→ Up to 3 Days Loss of Leave or Loss of Pay
	<p><b>THREE<sup>2</sup>:</b> 3<sup>rd</sup> or more Violation within 0-36 months</p>	Letter of Reprimand	→ Up to 10 Days Loss of Leave or Loss of Pay
<p><b>Category 3: Injury to Law Enforcement Personnel and/or Civilian</b></p> <p>If gross negligence or reckless operation of a police vehicle is involved in any collision that results in serious injury or death the disciplinary range will increase up to and including termination.</p>	<p><b>ONE:</b> 1<sup>st</sup> Violation up to 12 months</p>	Formal Written Counseling	→ Up to 2 Days Loss of Leave or Loss of Pay
	<p><b>TWO:</b> 2<sup>nd</sup> Violation within 0-24 months</p>	Letter of Reprimand	→ Up to 5 Days Loss of Leave or Loss of Pay
	<p><b>THREE<sup>2</sup>:</b> 3<sup>rd</sup> or more Violation within 0-36 months</p>	Letter of Reprimand	→ Up to 14 Days Loss of Leave or Loss of Pay



# STATEWIDE POLICE DISCIPLINARY MATRIX

## MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

### VIOLATION EXAMPLES THAT MAY FALL INTO MULTIPLE VIOLATION CATEGORIES DEPENDING ON THE FACTS OF A CASE

The policy violation examples set forth in this document are not intended to serve as an exhaustive list of prohibitions on officer conduct and activities. Rather, they are intended to be a sampling of policy violations that exist in the majority of law enforcement agencies. Examples of misconduct have been provided in each policy violation category to serve as a guide in determining discipline for officers found to have violated an agency's policy or general orders/procedures. However, while policy examples outlining acceptable and unacceptable conduct for officers is necessary, not every situation can or will be covered explicitly. Below is a listing of policy conduct violations commonly found in law enforcement policies that may not fall into one specific violation category, but may warrant a higher or lower level of discipline based on the severity of the misconduct.

**ABUSE OF POSITION:** Officers conduct, whether on or off duty, where their authority or position is used for financial gain, obtain or grant privileges or favors, avoid consequences of illegal acts for themselves or others, or to barter, solicit or accept any good or services, such as gratuities, gifts, discounts, rewards, loans, or fees, whether for themselves or others.

#### **BWC/IN CAR VIDEO/VIDEO RECORDED EQUIPMENT VIOLATIONS**

**CONDUCT UNBECOMING:** Officer conduct, whether on or off duty, that casts doubt on their integrity, honesty, moral judgment, or character; brings discredit to an agency; or impairs the agency's efficient and effective operation.

#### **CUSTODIAL RELATED VIOLATIONS (ABUSE, SECURING, TRANSPORTATION, MEDICAL CARE)**

#### **DISCRIMINATION AND/OR HARASSMENT TOWARD AN INDIVIDUAL BASED ON RACIAL, RELIGIOUS, ETHNIC, OR OTHER GROUPS OR CLASSES OF INDIVIDUALS PROTECTED BY LAW**

#### **DUTY TO INTERVENE/FAILURE TO DEESCALATE**

#### **FAILURE OF SUPERVISOR TO PROPERLY MANAGE PERSONNEL AND/OR FOLLOW SUPERVISORY POLICY RESPONSIBILITIES**

**INSUBORDINATION:** Willful failure of an officer to obey a supervisor's lawful orders.

#### **VIOLATIONS OF FEDERAL, STATE OR LOCAL LAW**

**WORKPLACE VIOLENCE:** Any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs in the workplace or arises out of the employment relationship.

