

## **Salisbury University Police Department**

### **CHAPTER 26 – DISCIPLINARY PROCEDURES**

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## **Salisbury University Police Department**

### **CHAPTER 26 – DISCIPLINARY PROCEDURES**

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*This chapter covers the elements of the disciplinary system which includes training, rewarding, counseling and punitive actions in the interest of discipline within the department.*

#### **26.1 Disciplinary Procedures**

##### **26.1.1 Code of Conduct and Appearance Guidelines**

A code of conduct (rules and regulations) is necessary for the achievement of organizational goals. Primary among these is a requirement that all employees of the department adopt a general standard of conduct both on and off duty consistent with the professional standards of the law enforcement profession. For the purpose of these standards “employees” include sworn police officers and civilian employees; “he/his” or any associated masculine term will apply to female employees, if applicable in nature, under the direction and supervision of the University Police Department.

The department acknowledges that circumstances and events may exist or arise which, in the best interest of the employee, the department, university and community, preclude sworn officers, while off duty, from personally taking official police action. Consistent with this, sworn officers are cautioned, when off duty, to use discretion when invoking police powers, particularly involving the use of a firearm.

##### **A. Professional Conduct and Responsibilities**

###### **1. UNBECOMING CONDUCT**

- A. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any employee of the department, whether on University-owned property or not, which tends to undermine the good order, efficiency or discipline of the department or any employee thereof, or which is prejudicial to the efficiency and discipline of the department even though these offenses may not be specifically enumerated or laid down shall be considered conduct unbecoming an employee and subject to disciplinary action.
- B. A supervisor or, other employee, will not injure or discredit a subordinate, or other employee, through unreasonable, unjust, arbitrary, or tyrannical conduct, or abusive acts or language.
- C. An employee of the agency shall not maliciously threaten, strike, or assault any other employee of the Department.

###### **2. INSUBORDINATION**

- A. Employees of the Department shall, unless otherwise directed by competent authority, transact all official business with employees senior in rank or classification through the official chain of command. Failure or deliberate refusal of any employee to obey a lawful order given by a superior shall be insubordination. No employee shall ridicule a supervisor or his orders, whether in or out of his presence.

- B. An employee shall promptly obey all lawful orders of a superior, including those from a superior relayed by an employee of equal or lesser rank. A lawful order is an order given by someone with the proper authority and dealing with the performance of the officer's duties within the scope of the laws and Constitution of the United States, State of Maryland, subdivisions thereof and the orders and directives of the department and/or the university.
- C. Employees will obey all lawful orders from superiors, whether written or oral, except when compliance with such orders would require the commission of an illegal act. No employee without adequate justification will intentionally issue an order that is contrary to an order issued by a superior. Employees to whom conflicting orders are issued will call immediate attention to such conflict; however, if the conflict is not resolved, the last order will be obeyed.

Any order may be countermanded in an emergency. An employee countermanding a prior order will immediately report the reason for his actions to the Chief of Police. Responsibility for all prudent and reasonable action necessary for compliance with orders will remain with the supervisor who issued the order.

Accountability for all action taken in compliance with orders remains that of the person taking such action.

- D. At the scene of any incident, the assigned police employee shall be in charge until relieved by or on the order of another police employee senior in rank.

### **3. CRITICISM**

- A. An employee shall not ridicule the University Police Department, any other university Department, or the Maryland Judiciary, their policies, or their officers by speech, in writing, or by expression in any other manner. An employee shall not act, in regard to the foregoing, use speech, writing or other expression which is untruthful, defamatory, obscene, or unlawful, or tends to undermine the operation of the Police Department, the University, or Department of the Judiciary by impairing their efficiency or interfering with their operation or maintenance of discipline.

### **4. ABUSE OF POSITION**

- A. While deprived of police powers, excluding officers in a light duty capacity, police employees of the Department will not wear the uniform and will not represent themselves in an official capacity as an employee of the Department.
- B. An employee is prohibited from using his official position or his official identification card or badge for personal or financial benefit or as a means of obtaining privileges not otherwise available to him, or for avoiding consequences of illegal acts. An employee may not lend his identification card or badge to another person, or permit it to be photographed or reproduced without the approval of the Chief of Police.
- C. An employee shall not permit or authorize the use of his name, photograph, or official title identifying him as an employee of the University Police Department in connection with testimonials or advertisements of any commodity or commercial enterprise, or for religious, or personal reasons without the approval of the Chief of Police.

- D. An employee shall not sign a petition or otherwise participate in any political drive or movement in any manner which identifies him/her as an employee of the Department, without prior approval of the Chief, nor shall any employee sign any petition or otherwise participate in any political drive or movement which has an unlawful purpose. However, any employee may sign a lawful petition or become involved as a private citizen.
- E. An employee shall not address a public gathering, appear on radio or television, allow any article to be published, act as a correspondent to a newspaper, periodical, or the internet, release or divulge investigative information or any other matters of the Department, either in an official or unofficial capacity, without first having obtained permission from the Chief.

## **5. ASSOCIATES**

The purpose of this rule is to maintain the integrity of the employee and to avoid relationships which tend to impair the operation of the Department. In each case, the superior will be mindful of the need for such people to be rehabilitated; of the fact that such people already may have been rehabilitated at the time the association occurs, and of the necessity for some associations because of the relationship of the employee to such persons.

- A. An employee shall avoid associating or dealing with people he knows, has reason to know, or should know, are racketeers, gamblers, felons, under criminal investigation or indictment, or have a reputation in the community for felonious or criminal behavior, except as directed otherwise by a superior.
- B. An employee who knows or has reason to know the character or reputation of a house or an establishment shall not visit or enter a house of prostitution, gambling house, or any other establishment wherein the laws of the United States, the laws of the State of Maryland, or any other law or ordinance of a political subdivision are violated except in the performance of duty and while acting in response to lawful and specific orders of a superior.
- C. An employee of the Department shall not in, any manner, affiliate himself with any organization, association, movement, group or combination of persons which advocates the overthrow of the Government of the United States or any state, or political subdivision, or which has adopted the policy of advocating or approving the commission of acts of force or violence to deny any person his rights under the Constitution of the United States or any state, or which seeks to alter the form of government of the United States or any state or political subdivision by illegal means.

## **6. IMMORAL CONDUCT**

- A. An officer, or any civilian employee, directly or indirectly involved in any investigation cannot become emotionally or sexually involved with any witness, complainant, suspect, defendant or victim, from the time the case becomes known to the Police Department to the final disposition of the case. Every employee shall maintain a level of moral conduct in his/her personal and professional life which is in keeping with the highest standards of the law enforcement profession. No employee shall be a participant in any incident involving moral turpitude which compromises or has the potential to compromise his ability to perform as an employee of the University Police Department, or causes the Department to be brought into disrepute.

## **7. CONFORMANCE TO LAWS**

A. An employee shall not violate his oath of office and trust or any other condition of his employment with the university or commit any offense punishable under the laws or statutes of the United States, any sovereign nation, the State of Maryland, or local laws or ordinances. Any employee who is charged with a violation of any law, statute, or public local law or ordinance must immediately report to the Chief of Police, in writing, that he has been charged and the facts surrounding such violation. Parking and minor traffic violations are exempted, unless the violation occurred while operating a departmental motor vehicle.

## **8. PAYMENT OF DEBTS**

A. Employees of this department shall make an effort to pay all just debts and legal liabilities. Disciplinary action may be taken when:

1. Judgments of creditors have been finally adjudicated and the employee, even though able to pay, has refused to satisfy such judgment; or
2. The effects of such indebtedness have adversely affected the ability of the employee to perform his job and/or have negatively reflected on the reputation or effectiveness of the Department.

B. Absent extenuating circumstances, disciplinary action shall be inappropriate where:

1. The employee has made a genuine, good faith effort to pay his debts; or
2. The employee has filed for a voluntary bankruptcy petition; or
3. The employee has voluntarily agreed to a wage withholding to nullify such debts; or
4. The employee's wage has been legally garnished.

C. No employee shall borrow any money or otherwise become indebted to any other employee nor shall employees solicit other employees to co-sign or endorse any promissory note or loan (excluding blood/marital relationships.)

## **9. SEEKING OR ACCEPTING GIFTS, GRATUITIES/BRIBES**

A. A police employee shall not solicit, seek or accept any gift or gratuity, including food or drink for himself or another from any individual, business establishment, or merchant, where such offer of acceptance may be construed as an effort to influence his official conduct as a University Police Officer.

B. A police employee shall not receive, seek solicit, or share in any fee, reward, or other remuneration for the performance of his official duties, or for his failure to perform official duties, except as directed by the Chief of Police. He shall immediately report any effort to influence his official conduct to the Chief of Police. Public awards and citations for official conduct intended to recognize and/or encourage a high standard of performance, such as are awarded by civic groups to the "Officer of the Year", are not prohibited herein.

C. Employees of this Department shall not solicit or accept any subscription or contributions for any purpose whatsoever while acting for or holding one's self out as an employee of the University Police Department.

## **10. PUBLIC ACTIVITY**

- A. Publicity - Employees shall not seek personal publicity in the course of their employment.
- B. Commercial Testimonials - Employees shall not permit their names or photographs to be used to endorse any product or service which is in any way connected with law enforcement without the permission of the Chief of Police. They shall not, without the permission of the Chief of Police, allow their names or photographs to be used in any commercial testimonial which alludes to their position or employment with the department.
- C. Membership in Organizations - Except for the Armed Forces Reserve components, employees shall not affiliate themselves with any organization or group, the constitution or by-laws of which would prevent its members from rendering proper and efficient service to the department.
- D. Subversive Organizations - No employee shall knowingly become a member of or connected with any subversive organization, except when necessary in the performance of duty and then only under the direction of the Chief of Police.
- E. Political Activity - Political activity by employees on duty shall be restricted to voting. At no time shall they use the influence of their office for any political purposes.
- F. Personal Preferment - No employee may seek the influence or intervention of any person outside the department for purposes of personal preferment, advantage, transfer or advancement.

## **11. LABOR ACTIVITIES**

- A. An employee shall not engage in any strike or job action. Strike or job action includes, but is not limited to, a failure to report for duty, willful absence from duty, unauthorized holidays, stoppage of work, work slowdown, or the willful failure or refusal in whole or in part to fully, faithfully and properly perform the duties of employment for the purpose of inducing, influencing or coercing a change in working condition, compensation, rights, privileges or obligations of employment.

## **12. SECONDARY EMPLOYMENT**

- A. A police employee shall not be employed in any capacity in any other business, trade, occupation, or profession while employed by the University Police Department, except as established by departmental policy and approved by the Chief of Police.

## **13. AGENCY COMMUNICATIONS**

- A. Restrictions: Employees shall not:
  - 1. Use Departmental or University letterhead for private correspondence.
  - 2. Send correspondence out of the department over their signatures without the general permission of the Chief of Police.

- B. Department Address (Private Use of): Employees shall not use the department as a mailing address for private purposes. The department address shall not be used on any motor vehicle registration or operator's license.
- C. The following procedure will govern the submission of reports in administrative investigations:
  - 1. During any administrative investigation an accused employee shall, upon order of competent authority, submit a written report detailing the facts concerning an incident being investigated where the incident is related specifically, directly, and narrowly to the performance of his official duties.
  - 2. Whenever an employee of the University Police Department is ordered to submit a detailed report concerning an incident in which he is alleged to have been involved and, if the authority ordering the report knows or should know that, the report is likely to contain information which may be used as evidence against the employee in a disciplinary hearing, then the authority ordering the report will, at the time of such order, provide the member with a copy of SUPD form #052 - Notification of Complaint.
  - 3. The Form # 052, should clearly state the recipient is the subject of an investigation, and clearly include the nature of the investigation. These criteria do not apply to the submission of procedural reports required by Departmental operating procedure, rule or policy. The original of Form #052 will be attached to the report of investigation concerning the incident.
- D. A police employee shall report to the Chief all information that comes to his attention concerning organized crime, racketeering, vice conditions, and similar criminal situations.
- E. Reports submitted by employees of this Department shall be truthful. No employee shall knowingly report or cause to be reported any false information. A clear distinction must be made between reports which contain false information and those which contain inaccurate or improper information. To prove by a preponderance of evidence that one has submitted a false, report, evidence must be presented for consideration that such report is designedly untrue, deceitful, or made with the intent to deceive the person to whom it was directed or whom the employee knows or should know are likely to review it.
- F. Reports submitted by employees of this Department shall not knowingly contain improper or inaccurate information.
- G. An employee shall treat and hold the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with established Departmental procedures. An employee may remove or copy official records or reports from the Police Department only in accordance with established Departmental procedures. An employee shall not divulge the identity of a person giving confidential information, except as authorized by proper authority in the performance of police duties.

- H. The content of any material labeled "Draft" or "Confidential" must be treated with the utmost sensitivity, as items of this nature may differ significantly when finalized. Only those employees officially directed under competent authority to review, discuss or have input into draft and confidential material may divulge the content of said material and then only to employees specifically authorized by official directive.
- I. The use of university telephones and fax machines shall be limited to the conduct of official business except for personal or emergency calls made/received in accordance with established policy.

**14. ADMINISTRATIVE INVESTIGATIONS**

- A. During any administrative investigation an accused employee shall, at the request of competent authority, submit to an interrogation and polygraph examination.
- B. On the order of competent authority, an employee shall submit to any medical, chemical, or other tests, photographs or lineups. All procedures carried out under this rule shall be specifically, directly, and narrowly related to the nature and scope of the accused's employment and conduct.

**15. ADDRESS AND TELEPHONE NUMBERS**

- A. Employees shall have telephones in the place where they reside or have an available cellular phone in order for notifications to be made by the department, as necessary. Changes in address or telephone numbers shall be reported to the Chief within 24 hours of the change. This shall be done in writing and within the specified time whether the employee is working or on leave.

**16. REPORTING FOR DUTY**

- A. An employee of the Department shall not absent himself without proper approved leave.
- B. An employee shall report for duty at the time and place specified by his superior and shall be physically and mentally fit to perform his duty. He shall be properly equipped and cognizant of information required for the proper performance of duty so that he may immediately assume his duties.
- C. Every employee shall log, or have logged for him on the appropriate form or through the communications center, the time his tour of duty began and ended and the times of his arrival and departure from any location to which he may report. Notification will be made by radio or in person to the appropriate office. Officers shall at all times report their status via the radio.
- D. If any employee of the Department is unable to report for duty due to sickness or other causes, such employee shall as soon as possible, notify the on duty Squad Supervisor/OIC of the reasons for his absence.
- E. Police employees, while off duty, shall be subject to call at all times. In the event of an emergency or potential emergency. Police employees ordered to an "inactive – on call" duty status and those required to leave word where they may be reached, will notify the

Chief or Supervisor of the day of the location and telephone number where they can be contacted.

**17. FICTITIOUS ILLNESS OR INJURY REPORTS**

- A. An employee shall not feign illness or injury, falsely report himself ill or injured, or otherwise deceive or attempt to deceive any official of the Department as the condition of his health.

**18. INTERFERENCE WITH DUTY**

- A. An employee shall not attempt to bring influence to bear on the Chief of Police for the purpose of securing promotion, or to avoid penalties for violation of the Department's policies, rules, procedures or orders.
- B. An employee shall not interfere with cases assigned to other employees for investigation without consent, except by order of a superior officer. An employee shall not interfere with any lawful arrest or any prosecution brought by other police employees of the University Police Department or by any other agency or person. A police employee shall not undertake any investigation or other police action not a part of his regular police duties without first obtaining permission from the Chief of Police unless there is a need for the officer's immediate intervention.
- C. An employee of this Department shall not reveal the identity of a police employee assigned to plain clothes or covert investigative work. An employee shall not acknowledge that he recognizes such employee unless such other member salutes or acknowledges him first.
- D. An employee of this agency shall not be directly or indirectly involved, except as may be requested or approved by the State's Attorney, with making arrangements, agreements, or compromises between a criminal or criminal defendant and a person who has suffered from his criminal or alleged criminal acts for the purpose of allowing the criminal or criminal defendant to change, modify or escape any punishment, prosecution or procedure prescribed by law. Any employee having knowledge of such an arrangement, agreement, or compromise shall report such to the Chief without delay.

**19. ABUSE OF PROCESS/WITHHOLDING EVIDENCE**

- A. An employee shall not intentionally manufacture, tamper with, falsify, destroy or withhold evidence or information, or make any false accusations of a criminal charge.

**20. EVIDENCE/FOUND AND RECOVERED PROPERTY**

- A. Property which has been received as evidence in connection with investigations or which, for any other reason, comes into the custody of this Department will be processed and submitted in accordance with established procedures. An employee shall not convert to his own use, manufacture, tamper with, or damage by failing to exercise due care, or destroy, or in any other way misappropriate or improperly release any evidence or any other material or property in the custody of this Department, except in accordance with established Departmental procedures.

**21. SUGGESTIONS PERTAINING TO SERVICES**

- A. An employee shall not recommend or suggest in any manner, except in the transaction of personal business and then representing himself only as a private citizen, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance or towing service, bondsman, mortician, etc.) In the case of ambulance or towing service when such service is necessary and the person needing service is unable or unwilling to procure it, the employee shall proceed as a law enforcement officer in accordance with agency procedure.

**22. REQUEST FOR ASSISTANCE/POLICE SERVICES**

- A. When the public, fellow employees or University staff requests assistance or advice, either by telephone or in person, all pertinent information will be taken in an official and courteous manner, and will be acted upon in a manner consistent with established Departmental procedures.
- B. Police employees of the Department shall not act in an official capacity, without authority, in any civil case, except where such action will prevent a breach of the peace or assist in quelling a disturbance.

**23. CITIZEN COMPLAINTS**

- A. An employee shall courteously and promptly accept any report, allegation or complaint made by a citizen against any employee of the University Police Department. Complaints will be documented on a Complaint Against Personnel form #050. The completed form #050 will be left in a sealed envelope and forwarded to the Administrative Commander.

**24. COURTESY**

- A. An employee shall be courteous to the public and to fellow employees. He shall be tactful in the performance of his duties, shall control his temper and exercise utmost patience and discretion, and shall not engage in argumentative discussions, even in the face of extreme provocation. While on duty or in the performance of his duties, he shall not use coarse, violent, profane, or insolent language or gestures toward the public or fellow employees. He shall not express any prejudice or use language which might be insulting or demeaning to the public or fellow employees concerning race, gender, sexual orientation, religion, politics, national origin, lifestyle, or similar personal characteristics.
- B. Police employees will, at all times, show respect for their fellow employees and will conform to the rules of military courtesy and military discipline as prescribed by the departmental policy.

**25. IDENTIFICATION**

- A. During the times that a police employee is not readily identified by the uniform of the University Police Department, he shall carry his badge or identification card on his person. He shall furnish his name and identification number to any person properly entitled to this information, at any reasonable time, except when authorized not to do so in proper performance of his police duties.
- B. When a police employee makes a traffic stop or an arrest while in plain clothes, he shall identify himself to the violator and display his badge and/or identification card.

**26. PERSONAL APPEARANCE**

- A. A police employee will maintain a neat, well-groomed appearance and will style his hair and wear his uniform consistently with established Departmental policy and procedures.

**27. NEGLECT OF DUTY**

- A. Departmental employees shall be punctual in attendance to all calls, requirements of duty, court appearances, and other assignments.
- B. *An employee will not use cell phones, ipads, personal laptops or any other electronic devices during their tour of duty, except for official police business, where the employee may be in view or potential view of the general public. In the event of an emergency, landline telephones are available. Employees shall not engage in any activity or personal business while on duty that would cause the employee to neglect or be inattentive to that duty.*
- C. *The failure of a police employee to take appropriate action, whether on or off duty, in the event of a crime, disorder, or other condition/incident/complaint deserving police or departmental administrative attention is considered neglect of duty.*
- D. A police employee will not, without proper authorization, absent or conceal himself from his work assignment or call for service during his tour of duty.
- E. An employee will remain awake and alert while he is on duty. If unable to do so, he will report to the on duty Supervisor or OIC as may be appropriate, who will determine the proper course of action.
- F. A police employee may be authorized to suspend patrol or other assigned activity, subject to immediate recall at all times, for the purpose of having meals during his tour of duty, but only for such periods and at such times as are authorized by the on duty Supervisor or OIC. He will inform the appropriate authority of the telephone number and location where he may be reached when he leaves service.

**28. USE OF ALCOHOLIC BEVERAGES**

- A. An employee will not drink intoxicating beverages while in uniform or while on duty.
- B. An employee will not report to work with any level of alcohol in his system.

*(Revised 08/01/2015)*

C. Inactive-On Call / Unrestricted Standby / Recalled to Duty

1. Inactive-on call – An employee ordered to an inactive – on call duty status will not consume alcoholic beverages during the time that he is on call.
2. Unrestricted standby – An employee who, by virtue of a written or verbal order, duty schedule, etc., is informed that he has been placed on unrestricted standby duty status and that it is expected he will be able to immediately report for duty if called, will not consume alcoholic beverages.
3. Recalled to duty – An employee who has consumed alcoholic beverages and is recalled to duty will notify the supervisor on duty of his condition and will refrain from further consumption or alcoholic beverages. The employee will be afforded sufficient reporting time to assure the alcohol is no longer in his system.

D. No employee of this Agency will bring any intoxicating beverage into any building or quarters officially occupied by university or the police department, nor will he permit the same to be brought therein, except as evidence or pursuant to Departmental property held procedures, and excluding commercial or prescribed medication.

**29. USE OF DRUGS**

A. An employee will not use any controlled substance, narcotic, or hallucinates, except when prescribed for the treatment of the employee by a health care provider. When controlled substances, narcotics, or hallucinates are prescribed, the employee will immediately notify the Chief of Police in writing via the chain of command.

**30. GAMBLING**

A. A police employee will not engage in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a Commander.

**31. TREATMENT OF PERSONS IN CUSTODY**

A. A police employee will not mistreat or abuse persons in his custody.

B. A police employee of the Department will not, without proper authority, release any prisoner in his charge or, by failing to exercise due care or design, allow any prisoner in his charge to escape.

**32. USE OF FORCE**

A. A police employee, acting in his official capacity, will not use any degree of unnecessary or excessive force. The application of any force will be in accordance with the departmental policy on Use of Force and the continuum as outlined in Chapter 1.

B. Malicious assaults committed by officers constitute gross misconduct. The use of physical force shall be restricted to circumstances specified by law when necessary to accomplish a police task successfully. Whenever an officer, either on or off duty, is required to use physical force against another person, he immediately shall call a superior officer to the scene, or, if not practical, contact him as soon as possible following the incident and submit a written report to the Chief of Police through normal channels.

**33. FIREARMS**

A. Firearms or other less-than-lethal weapons shall not be used, displayed, or handled in a careless or imprudent fashion or contrary to University Police Department policy.

**34. REPORTING ACCIDENTS OR DAMAGE TO DEPARTMENTAL EQUIPMENT**

A. Departmental equipment will be used and maintained in accordance with established procedures and will not be abused, damaged, altered or lost. An employee of the Department will not cause or contribute to the damage, abuse, alteration, or loss of any Department equipment through negligence or carelessness. An employee may not convert to his own use or in any way misappropriate Departmental equipment or property.

B. Any employee of the Department deprived of his police powers will turn in all Departmental issued equipment designated in the order suspending his police powers. Employees under suspension are not permitted to operate a Departmental or university vehicle.

C. An employee who operates an official vehicle shall do so in a careful and prudent manner, and shall not, through careless operation, incur or cause damage to be incurred to Departmental property, university property or to the property of another. He will obey all laws of The United States and the State of Maryland and all local ordinances, and conform to all Departmental procedures and regulations pertaining to operation and maintenance of any Departmental or university vehicle assigned to him. An employee will, at all times, set a proper example for other persons by his operation of a vehicle.

D. Damage to or loss of any Departmental equipment will be reported immediately to the Chief of Police via the chain of command.

E. An employee will not have any item of Departmental equipment repaired, adjusted, or modified without official authorization.

F. Only employees of the Department will be permitted to operate or attempt to operate any Departmental or university vehicle, or use any Departmental issued firearm, or use any other item of property owned by the university; however, specific exceptions to this rule may be authorized by the Chief of Police.

**35. INCOMPETENCE**

A. Employees of this department shall be held strictly responsible for the proper performance of their duties. Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the department and the university.

**36. SEXUAL BEHAVIOR**

A. An employee will not engage in any sexual act or behavior while on duty. While off duty, Departmental personnel will not engage in any sexual act or behavior in any university facility or while using a Departmental vehicle. Sexual act or behavior includes any sexual act, sexual contact, or vaginal intercourse as defined in CR 3-301 of the Annotated Code of Maryland.

B. See 26.1.3 – Sexual and Other forms of Unlawful Harassment

**37. UNTRUTHFULNESS/FALSE STATEMENT**

A. The very character of this department, as well as its reputation, depends largely on the integrity of its personnel. Integrity, as defined by this department, is the state of being of sound moral principle, honesty (truthfulness), and sincerity.

All employees shall be truthful whether under oath or not. Personnel shall not make false statements, verbal or written, nor shall personnel alter or change any official, departmental or other, document which would render the content of the document to be false and not true. This policy not only applies to personnel when representing the department in a court of law, but at all times when involved in departmental business to include being a witness or a subject of an internal investigation.

Any employee who is found to have committed such falsity shall immediately be disciplined up to and including dismissal, in accordance with applicable law.

**38. USE OF TOBACCO PRODUCTS**

A. All department employees are prohibited from smoking or using any other tobacco products while on or within any university-owned properties or facilities, while operating departmental or university-owned vehicles or at any time while on duty.

**39. COURT/HEARING APPEARANCES**

A. *All employees will attend promptly to court or quasi-judicial hearings as required by subpoena. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court/hearing official. When appearing in court/hearing, employees will be dressed in accordance with departmental regulations and shall present a neat and clean appearance avoiding any mannerisms which imply disrespect to the court or members of a hearing board.*

## 40. TRANSPORTING CITIZENS

- A. Citizens will be transported in Departmental vehicles only when necessary to accomplish a police purpose. Such transportation will be done in conformance with Departmental directive or at the direction of a commanding officer or an immediate supervisor.
  1. No Police Department employee will transport a private citizen in a Departmental vehicle for other than a police purpose without receiving direct approval from the on duty Squad Supervisor.
  2. **Exceptions** - Any transport that is in accordance with an extension of an assignment such as transporting persons from a disabled vehicle, an accident, a domestic disturbance, etc., is to further a police service and is permissible. A person may also be transported if there is any danger or perceived danger to the person, if he/she is not transported. However, an officer transporting a person in this manner must still notify the Communications Center of the transport and transmit beginning and ending mileage and the PCO will record the appropriate times.

The PCO will assign the transport an event number and enter the information in the departmental computer system. The transporting officer will report to the PCO the name and DOB of the person transported; the reason for the transport; where the transport began and where it ended; the unit number of the vehicle used; the Squad Supervisor/OIC who gave permission for the transport; the beginning mileage and time and the ending mileage and time for entry in the computer system.

3. CID Exception - Because of the nature of their work, CID personnel may have to transport people such as victims, informants, etc., without broadcasting required information. These transports are occurring to complete a police function and will be done with the knowledge of their supervisor.

## 41. LOITERING

- A. All employees on duty or in uniform shall not enter establishment that primarily serves alcoholic beverages or other such public places except to perform a police task. Eating in a licensed liquor establishment, although not forbidden, is discouraged.
- B. All police department employees (sworn and civilian) will refrain from loitering in areas of the Police Department and certain University facilities/areas when not on duty or for extended periods when on duty. This includes any associates of staff/students. This includes all areas of the police department, the parking garage, any visitor parking areas where employees are expected to monitor the flow of traffic, etc.

**42. PERFORMANCE LEVEL**

A. Employees will remain capable to perform their duties and to assume the responsibilities of their assignments and will perform their duties in accordance with agency standards and/or as directed by a superior officer. Idleness, the lack of knowledge, an unwillingness or inability to perform tasks, failure to conform to established requirements of their position or rank, or failure to take appropriate action where required constitute unsatisfactory performance.

**43. REPORTING VIOLATIONS OF LAWS, ORDINANCES, RULES OR DIRECTIVES**

A. Employees knowing of other employees violating laws, directives, ordinances, SU Employee Handbook guidelines, or rules of the department, or disobeying orders, shall report same, in writing, to the Chief of Police via the chain of command. If the employee believes the information is of such gravity that it must be brought to the immediate personal attention of the Chief of Police, the chain of command may be bypassed.

**B. Appearance Guidelines**

Employees of the law enforcement profession are engaged in direct contact with the general public 24 hours per day. They are called upon to perform a variety of tasks, most of which are highly visible to a large number of people. In order to maintain respect and credibility, employees should elect a dress and grooming standard distinguishing them as neat, well-groomed representatives of their agency.

**1. UNIFORMED MALE OFFICERS**

a. Police officers, when in uniform, will wear a plain toe black leather or simulated leather shoe with black socks. The shoe may be a low quarter, hightop, or plain toe Wellington boot. *All officers who choose to wear boots will seek the approval of the Field Operations Commander prior to the wearing of same.* Shoes/boots will be free of dirt and shined. Tennis shoes will not be worn with the issued duty uniform. The exception to this is the bicycle uniform when officers use this mode of patrol duty their tour of duty. When tennis shoes are worn they will be plain black in color, with black socks.

b. Appropriate headgear will be worn by all Department personnel in uniform when outdoors. These hats require some care on the part of the individual if they are to retain a good appearance and give satisfactory service.

c. *When a t-shirt is worn it will be all black. The t-shirt will not show below the sleeve of the summer shirt.*

d. The black regulation issue tie will be worn with the class "A" blouse, the winter uniform, whenever a jacket is worn, or whenever a long sleeve shirt is worn. The tie is to be worn with the issued tie bar. The tie bar will rest on the fourth button from the top of the shirt. A tie will not be worn whenever the summer short sleeve shirt is worn without a jacket. Absent special events, a black turtleneck, in lieu of the issued tie, may be worn during the winter months only when all patrol officers on duty are dressed the same way. Supervisors will ensure uniformity at all times.

*(Revised 08/01/2014)*

- e. Hair shall be neat, clean, properly trimmed and well groomed at all times while members are on-duty. The coloring, style, or cut shall not detract from or degrade the intent of the uniform or position.
- f. The hair on top of the head shall be neatly trimmed and the sides shall not fall over the ear. In all cases, the bulk or length of the hair should not interfere with the normal wearing of the uniform hat.
- g. The sides and back of the hair shall be neatly trimmed and tapered. The hair on the sides and back of the head shall not protrude from the bottom edge of the uniform hat in such a manner that the hair appears to bulge out.
- h. Sideburns shall be neatly trimmed, with straight lines and no flair at the base. The base of the sideburns shall not extend below the bottom of the earlobe.
- i. Uniformed members shall be clean-shaven, except for neatly trimmed moustaches. The ends of the moustache shall not exceed the corners of the mouth. Beards are not permitted for uniformed members. Medical exemptions may be approved by the Chief of Police.
- j. Necklaces, medals, etc. may be worn as long as they are not visible. Visible medical bracelets are permitted. Earrings and other visible piercing shall not be worn while on duty, outside of covert operations.
- k. No visible tattoos/body art/brands will be displayed on the face, head, neck, or hands.

Tattoos will not be visibly displayed on any part of the body if they are obscene, offensive, sexually suggestive, profane or discriminatory towards persons on the basis of their race, color, national origin or ancestry, religion or creed, age, sex, or disability.

Waivers may be requested in writing, for visible, pre-existing tattoos/body art/brands or special circumstances from the Chief of Police. However, no new visible tattoos, etc, as outlined above, that will be permitted and will be considered a violation of this policy.

## 2. UNIFORMED FEMALE OFFICERS

Female officers shall comply with the uniform standards a-d above for male officers.

- a. Hair shall be neat, clean, properly trimmed and well groomed at all times while members are on-duty. The coloring, style, or cut shall not detract from or degrade the intent of the uniform or position.
- b. Hair style may not interfere with the wearing of the uniform hat.
- c. Hair may touch the shirt collar, but shall not fall below the collar's lowest edge to the rear.
- d. No hair shall show under the front brim of the uniform hat. Any hairstyle that is bound (e.g. braids) and meets the above requirements must be worn close to the head and present a professional appearance.

- e. Objects worn in the hair shall be for the sole purpose of holding the hair in place and shall be similar in color to the individual's hair color or be solid blue or black. No object should interfere with wearing of the uniform hat.
- f. Hairpieces or wigs, if worn on duty, shall present a natural appearance, shall not interfere with the proper performance of duty and shall not present a safety hazard. If worn while in uniform, the hairpiece or wig shall comply with the provisions of this section.
- g. Makeup, including lipstick, may be worn as long as it is natural in color.
- h. Fingernails may be polished with clear polish.
- i. Necklaces, medals, etc. may be worn as long as they are not visible. Visible medical bracelets are permitted.
- j. Stud type earrings are permitted, one per earlobe, while on duty. Loop or dangle style earrings are prohibited.
- k. Other visible piercings shall not be worn while on duty, outside of covert operations.

### 3. SECURITY GUARDS

Security Guards are issued the following uniforms and equipment:

- a. Short and long sleeve shirts identifying the employee as University security personnel;
- b. Black trousers;
- c. Lightweight jacket and winter coat;
- d. Summer cap;
- e. Winter fur cap;
- f. Radio holster;
- g. Name plate (worn on the right side of the shirt).

Security personnel are responsible for maintaining their issued uniforms and equipment in a clean, pressed and professional manner. Personnel will wear plain black tennis shoes, with black socks, or a military style boot. The Security Supervisor will conduct inspections on a weekly basis and will document these inspections on form 010.

Security Guards will comply with the same grooming requirements outlined above for male and female officers.

Security Guards who are required to attend court appearances shall appear in appropriate business attire as follows:

- i. Males shall wear a business suit or sport coat with tie and dress slacks or trousers.
- ii. Females shall wear a professional appearing pantsuit, dress, dress skirt or slacks and a dress blouse.
- iii. Casual clothing shall not be worn during court appearances when representing the department.
- iv. The duty uniform, black trousers and/or SU polo shirt will not be worn.

4. NON-UNIFORMED ATTIRE AND CIVILIAN PERSONNEL (Communications / Administrative personnel)

All personnel must conform to the professional business attire standards routinely required of office personnel in private business firms, unless otherwise directed by their supervisor. All personnel must dress in a neat, clean, businesslike appearance.

Civilian personnel will comply with the same grooming requirements outlined above for male and female officers.

The Chief of Police may allow alternative hairstyles, goatee and/or beards for employees in civilian assignments, consistent with their duties.

- a. All personnel are reminded that the Chief of Police reserves the right to determine appropriate attire for police department employees. In the event an employee is uncertain about policy compliance, other attire should be worn until specific permission is obtained.
- b. Attention to personal hygiene is a requisite when in an on-duty status.
- c. Clothing should be of appropriate length and fit to facilitate movement and to portray a professional image. Skirts should be no shorter than 3" from the top of the knee. Pants must be ankle length.
- d. Undergarments shall be worn so they are not visible through, or outside of the employee's clothing.
- e. Shoes shall be clean, polished, in good repair, appropriate for the outfit and appropriate in style and heel height. Casual-type shoes or tennis shoes (plain black or white) are acceptable. Flip-flop type sandals are not authorized to be worn by police department employees.
- f. Unacceptable attire includes: Shorts, capris, sweatpants, leggings, jeans and any type of cut-off or un-hemmed slacks or skirts, sweatshirts, tank tops, t-shirts or any other attire that is not considered business-like.

5. COURT APPEARANCES (Officers)

- a. When appearing in uniform, officers shall be in the appropriate uniform. Bicycle uniforms shall not be worn in court.
- b. Officers not appearing in uniform shall appear in appropriate business attire as follows:
  - i. Males shall wear a business suit or sport coat with tie and dress slacks or trousers.
  - ii. Females shall wear a professional appearing pantsuit, dress, dress skirt or slacks and a dress blouse.
  - iii. Casual clothing shall not be worn during court appearances when representing the department.
  - iv. Officers appearing in court, regarding matters not associated with their official duties shall not appear in uniform nor display police department identification or firearm.

*(Revised 07/01/2014)*

6. CLASSROOM ATTIRE

Personnel attending training classes shall wear the uniform of the day. When training indicates that casual attire is appropriate, as determined by the training entity, dress shall be appropriate, business-like attire; to include Khaki pants, sweaters, or polo-type shirts. Jeans, shorts, t-shirts, muscle shirts, and tennis shoes are not appropriate attire.

Personnel attending physical training classes may wear jeans, t-shirts, or athletic-style clothing or other type as prescribed by the course or designated by the supervisor.

7. ISSUED EQUIPMENT

All sworn police officers are issued uniforms and equipment in accordance with the Salisbury University and MCEA Memorandum of Understanding. It is recognized that ergonomics, personal preference or certain calls for service may result in officers utilizing equipment in addition to, or alternative to, that which the department issues.

- a. Non-issued equipment that is permitted to be worn on the duty belt includes:
  - Single or double clip key ring;
  - Pager and/or cellular telephone;
  - Knife or utility tool;
  - Second handcuff case and handcuffs.
- b. Personally owned items worn on the gun belt must be of similar design, material and appearance as department issued equipment, as appropriate. Items must not be gaudy, nor are they permitted to interfere with the use or operation of required equipment.
- c. Officers are permitted to wear and carry knives, not as weapons, but as tools.
  - Knives must be of the folding type, with blades no longer than three inches.
  - Knives and utility tools may be worn in either closable, black leather holsters on the gun belt (nylon for bicycle uniform) or securely concealed upon one's person.
- d. Personally owned, non-issued handcuffs must be keyed identically to department issued handcuffs. Personally owned handcuffs must be of similar quality and serviceability as department issued handcuffs, and approved for use, by the Patrol Commander.
- e. Non-issued uniform items permitted to be worn include:
  - i. Winter pullover sweater - black, "Commando V-Neck" style
  - ii. Gloves
    - Conservatively designed black gloves may be worn as necessitated by weather.
    - Driving gloves may be worn while driving.
    - Weighted gloves or other gloves that are designed to increase the strike of a punch are prohibited.
    - Gloves that interfere with the performance of police duties are prohibited.

- iii. Badge shrouds
  - Wearing of badge shrouds is authorized only for police line-of-duty deaths occurring in this agency, neighboring police agencies, or with the approval of the Chief of Police.
- f. Any other non-departmental issued uniform item or equipment not expressly permitted in this or other policy is forbidden, without prior authorization from the Chief or his designee.
- g. No employee shall carry or use any personally owned weapons, not issued by the department, to include: any chemical agent, impact weapon, electrical stun device or other lethal or less lethal weapon.
- h. The Class "A" uniform is to consist of the following issued items:
  - i. Sam Brown belt with shoulder strap.
  - ii . Holster with pistol.
  - ii i. Handcuff case with handcuffs.
  - iv . Radio case and radio (if needed).
  - v. Double magazine holder with two magazines.
  - vi . The blouse will have the proper rank affixed to the sleeves or proper shoulder insignia for Commanders.
  - vi i. The badge, nameplate and any ribbons awarded will be worn on the blouse.
  - vi ii. An additional set of collar pins will be affixed to the blouse at the top of the lapel.
  - ix . No t-shirts of any color shall be visible at the neckline above the collar.
  - x. The issued black tie will be worn with the Class "A" uniform.

### **3. MILITARY COURTESY**

Military courtesy deals mainly with affording correct courtesy and respect to subordinates, fellow employees and supervisors. Military courtesy adds an air of professionalism and combined with a well-dressed officer, it presents a positive public image.

#### Hand Salute, How To

To execute the hand salute, raise the right hand to the headgear and with the tip of the forefinger, touch the rim of the visor slightly to the right of the right eye. The fingers and thumb are extended and joined, palm down. The outer edge of the hand is barely slanted downward so that neither the palm nor the back of the hand is visible from the front. The upper arm is horizontal with the elbow inclined slightly forward and the hand and wrist straight.

When not wearing Departmental headgear, the hand salute is executed in the same manner as previously described, except the tip of the forefinger touches the forehead near the eyebrow, slightly to the right of the right eye.

#### Hand Salute: When To Give

##### Outdoors:

Sworn police employees of this Department, when encountering a commander above the rank of Sergeant of this or any other Department shall render the proper hand salute, and hold it until the salute is returned. The salute will be returned by the ranking officer.

Indoors:

When inside a building an exchange of salutes will be given upon the first encounter of the day. Further saluting throughout the day is not necessary, but may be practiced at the discretion of those involved.

Undercover:

No salute or other acknowledgment will be made when encountering another member who is known to be assigned to investigative or other types of covert operations, unless such member makes an acknowledgment first.

Verbal Address:

The Salisbury Police University Department is a para-military organization. In keeping with basic military courtesy, when in public or in the company of other members of this or another Department, when addressing a commander over the rank of Sergeant, the use of the word "Sir" or a rank description in general conversation is expected.

Examples:

First contact of the day with a commander:

Officer renders and holds the hand salute, addressing the commander, "Good morning sir", or "Good morning Lieutenant (Chief)."

The ranking officer returns the salute and says "Good morning Sergeant, (Officer)."

Civilian Clothes and Off Duty

When an officer is off duty, he is under no obligation to render a hand salute to a commander who is either on or off duty.

When a commander has responded to the scene of any incident and is in civilian clothing, or uniform, a hand salute will be rendered by all officers below his rank, upon the initial contact.

Flag

During parades and ceremonies, when the American flag passes by, a hand salute will be rendered by all uniformed officers assigned to the event. During the pledge of allegiance or the playing of the national anthem, an officer in uniform, wearing Departmental headgear, will render the hand salute and hold it until the pledge or anthem is finished. With Departmental headgear off, the officer will place his/her right hand over his/her badge and hold it there until the pledge or anthem is finished.

When wearing a weapon and indoors it is permissible for the officer to keep headgear on, unless assigned to court.

Remember, the salute shows respect for the position the officer holds and pride in the Department. It doesn't reflect personal feelings toward individuals. If in doubt, salute.

### **26.1.2 Recognition for Employee Performance**

The University Police Department expects a high level of professional conduct from all employees and will recognize personnel who display excellence in the performance of their duties. The department also recognizes that certain situations may arise when officers and civilian employees exemplify the values and mission of the department which reflect favorably upon the employee, the agency and the university. The Awards Program serves to build morale, motivate all employees to enhance their performance and reinforce the department's commitment to excellence.

- A. Annually, the Chief of Police will recognize personnel for performance which is considered exemplary. Any University Police Department officer or civilian employee can nominate personnel for a specific award(s) by submitting, in written format, a description of the action that should be considered for special recognition.
- B. Nominations will be submitted to the Chief of Police via the chain of command no later than 30 days after the incident/occurrence for which the award is to be considered. Written nominations must address the following as required by the specific criteria of each award:
  1. A complete and detailed description of the incident and action taken by the employee;
  2. Whether the employee initiated the action or it resulted from assignment by command;
  3. Employee duty status at the time of the incident;
  4. Whether the action taken was a routine matter or was it beyond the recognized limits of duty;
  5. If the employee's life was at risk in the performance of this action (risk must be defined with supporting evidence);
  6. If the action contributed to saving a life (provide supporting evidence and physician statement);
  7. The specific award for which the nomination is submitted.

C. Awards Criteria and Prerequisites:

1. President's Award (ribbon) – presented for performance identified as outstanding, above and beyond the call of duty and where a definite risk of life by the employee is involved.
2. Vice President's Award (ribbon) – presented for the performance of an employee which has been identified as outstanding and above and beyond the call of duty. Courage and valor may be considered but is not mandatory.
3. Chief's Award (ribbon) – presented for performance identified as exceptional, exemplifying the highest standards of the University and the law enforcement profession.
4. Chief's Salute (ribbon) – presented to employees whom the Chief of Police believes contributed to the well-being of the university environment and the local community.
5. Officer/Civilian Employee of the Year(ribbon) – presented to the officer/civilian who best demonstrates overall outstanding attention to duty and exceptional service to the department and the university.

The University "Officer of the Year" nominations will be submitted no later than December 1 of each year. Each Patrol Supervisor will submit one nomination for an officer from their respective squad for consideration of this award. Any Supervisor/officer/civilian may nominate a non-sworn employee for "Civilian Employee of the Year." Nominations should be submitted no later than December 1 of each year.

6. *Life-Saving Award* (ribbon) – presented to the employee(s) whose actions directly contribute to saving or significantly prolonging human life.
7. *Certificate of Recognition* – presented to the employee for outstanding accomplishment and meritorious service that has contributed to the efficiency and effectiveness of the department.
8. *Merit Award* (ribbon) – presented to the employee who by his/her own initiative recognizes the need and develops a plan which a) increases the efficiency of the department, b) increases morale, c) saves money and time, and d) enhances the professional image of the agency and/or the university.

All awards/ribbons will be worn in accordance with established uniform policy. Awards/ribbons which are considered higher in terms of recognition will be worn to the left, two abreast and on top of other awards/ribbons. Awards/ribbons are only required on the dress blouse and are optional on the duty uniform.

#### D. Presentation of Awards

Awards will be presented annually at department staff meetings or other formal settings to be determined by the Chief of Police.

#### **26.1.3 Sexual and Other Forms of Unlawful Harassment**

Salisbury University encourages an atmosphere of physical, psychological and social well-being which offers all members of the University community, including those employees of the University Police Department, an environment that provides opportunities to work and develop with the human dignity that caring individuals bestow on one another. As a result, intimidation and harassment of any kind and, specifically, harassment motivated by gender, race, religion, national origin, sexual orientation, age, or disability are expressly prohibited. Discriminatory harassment of all types is serious. When it occurs between faculty and students or between supervisors and subordinates, it exploits the unequal power structure inherent in these relationships.

Salisbury University defines sexual harassment to include unwelcome sexual attention, unwelcome requests for sexual favors and other verbal or physical behavior of a sexual nature when:

- submission to the conduct is either explicitly or implicitly a term or condition of an individual's employment or participation in an academic or work program; and
- submission to or rejection of the conduct by an individual is used as the basis for employment, or for academic or work decisions affecting that person.

In addition, sexual and other discriminatory harassment can include conduct that unreasonably limits an individual's ability to fully participate in work or school, interferes with work or academic performance, or creates a hostile, offensive or intimidating work or academic environment, and has no legitimate relationship to the subject matter of the course or the demands of the workplace.

Sexual and other discriminatory harassment violate Salisbury University policy and may violate federal and state civil or criminal law. Persons who feel that they may have been subject to harassment based on their protected status should immediately seek assistance and report their concerns using the Salisbury University Procedures for Pursuing Complaints of Sexual or Other Discriminatory Harassment. Retaliation against a person who makes a complaint of harassment prohibited by this Policy or is a witness in a harassment investigation is also expressly prohibited by this Policy.

It is the Department's position to prevent such unwanted conduct from occurring, and to deal with any reported incident in a fair, impartial and speedy manner. All complaints or incidents will be investigated on a case-by-case basis. In those instances where a violation has been shown to occur, immediate action will be taken to remedy the situation and to prevent its reoccurrence.

It is each employee's responsibility to report all forms of harassment and unsolicited conduct. **It will be the responsibility of every supervisor and commander to address such behavior if observed or made aware of.**

In addition, due to the potential for serious harm to innocent persons, the filing of a knowingly untruthful complaint of harassment is also expressly prohibited. The failure to prove to the Fair Practices Officer or the hearing committee that discriminatory harassment has occurred is not, by itself, evidence that a knowingly untruthful complaint has been made.

#### **Consensual Romantic or Sexual Relationships**

In its commitment to foster an educational or work environment free from all forms of harassment and discriminatory behavior, Salisbury University strongly discourages any romantic or sexual relationships between faculty and student, supervisor and subordinate employee, and any other relationship where a power differential exists between the parties. Even if consensual, these relationships are always a cause for concern because:

- a. They may involve one person's exerting power over another;
- b. Conflict of interest issues may arise in evaluating a student or employee;
- c. There is a strong potential for retaliation when a relationship ends;
- d. A third party may allege favoritism; and
- e. They undermine the professional interaction upon which faculty-student/ supervisor-subordinate relationships should be based.

When such a relationship ends, there is a risk that one of the parties will retaliate for the break-up and/or that a claim of sexual harassment will be made. Retaliatory acts themselves may constitute sexual harassment prohibited by University policy. The University's administration warns that a sexual harassment claim in the context of a failed consensual relationship could be difficult to defend.

*Persons who need more information or who desire to pursue a complaint under this Policy should contact a Division Commander of this agency or the SU Fair Practices Officer. In the event the offending party in a sexual harassment allegation is within the complainant's chain of command, the complainant shall immediately and directly contact a Division Commander or Chief of Police in lieu of reporting through the chain of command. Specific steps in filing an informal and formal complaint can be found in the Salisbury University Employee Handbook.*

Persons found to be in violation of this Policy may be subject to disciplinary action and/or other appropriate sanctions.

#### **26.1.4 Disciplinary System**

The disciplinary process should identify the measures to be applied to employee conduct in the interest of discipline. The process will be based on fairness to the employee and the department and should stimulate employee morale and motivation. The department's disciplinary system includes:

- A. Procedures and Criteria for Using Training as a Function of Discipline *and*
- B. Procedures and Criteria for Using Counseling as a Function of Discipline

Training and counseling are not to be considered punitive in nature. Supervisors will take into consideration the following criteria to employ training and/or counseling:

1. The nature and severity of the offense, such as lateness, personal appearance, uniform and/or equipment infractions, minor infractions of assigned duties, etc;
2. The employee's probationary status;
3. The employee's record of performance;
4. The effect of the employee's conduct on the public or university;
5. The effect of the employee's conduct on the department, such as minor safety or efficiency infractions;
6. The attitude of the employee.

Training may be in the form of internal, departmental training with a supervisor to address a minor problem or it may be more formal such as enrolling the employee in a particular course to address or resolve sub-par performance for the benefit of the employee and the department.

Counseling may be in the form of documenting performance on the department's Job Observation Report, form #060, utilized by supervisors to note deficient performance or issues as they arise such as lateness, courtesy, etc. Using counseling in the disciplinary process, supervisors should attempt to determine the root cause of the problem and encourage the employee to take steps to improve his/her action or performance through understanding of the problem.

#### **C. Disciplinary Matrix**

The disciplinary matrix, applicable to all employees, serves as a guide for addressing violations of the written directives (rules and regulations) of this department, in a fair and consistent manner, with the goal of encouraging appropriate behavior. In accordance with the Memorandum of Understanding between the University and the Maryland Classified Employees Association (MCEA) – Non-Exempt Employee Group, the disciplinary matrix for civilian employees is reflected by the terms of progressive discipline chart established.

**The matrix for sworn officers shall serve as a guide for the initial offer of discipline by a Commander. Violations not included in this matrix will be handled on a case-by-case basis. Trial Board recommendations are not bound by the disciplinary matrix.**

##### **Definitions:**

1. Matrix – A chart of categorized infractions, with corrective actions and penalties.
2. Category – The level in which infractions are classified.
3. Mitigating/Aggravating – A circumstance which supports the increase or decrease of the category level of an infraction.
4. One Day's Leave – Eight (8) Hours will equal one day
5. Job Observation Report (form #060) – Form used to document satisfactory and/or deficient job performance or formal counseling

General Information:

Misconduct is classified into broad categories of infractions based on progressive degrees of severity. Therefore, the disciplinary matrix is divided into categories of infractions of the departmental written directives, rules and regulations. Category "A" articulates the lowest level of infraction and will first be addressed as non-disciplinary, performance issues. All actions will be documented but that does not necessarily require formal correspondence depending upon the infraction. Repeated infractions of any category may move the infraction to the next level.

Category "B" infractions or higher will be disciplinary matters subject to formal disciplinary penalties as outlined below and for sworn members in accordance with LEOBR. The corrective actions for Category "A" violations may be assessed in addition to the disciplinary range for Category B-E violations.

Division Commanders:

1. Division Commanders, or Supervisors if designated, will promptly review all complaints received and initiate appropriate action. Commanders will document any complaint resolved at the command level without the initiation of formal discipline.
2. Division Commanders will recommend and approve discipline for sustained allegations, upon conferring with the Chief of Police, if necessary.
3. Mitigating/aggravating circumstances may be considered in assessing the penalty range. All considerations to move the recommended penalty range must be factually identifiable, in written format. In order to properly assess disciplinary action when warranted against a member or civilian employee, Commanders will consider the following disciplinary assessment criteria and document the information:
  - a. Accused member/employee's name, IDnumber and if appropriate, IA case number;
  - b. Rank and Position of responsibility;
  - c. Date of Appointment and Years of Service;
  - d. Work History as documented in Job Observation Reports and Performance Evaluations.
  - e. Disciplinary History;
  - f. Awards and/or commendations;
  - g. Mitigating and/or aggravating factors involved in current charges/actions (domestic problems, workplace problems, etc);
  - h. Spontaneity of action;
  - i. Extent of circumstances (violence, alcohol/drugs involved, etc);
  - j. Impact on Department/University (morale, public image, integrity, etc);
  - k. Attitude/Reaction of Accused (Cooperative, Remorseful, Indifferent, etc);
  - l. Any additional information that may be pertinent.
4. Investigations handled by the Internal Affairs Commander will be forwarded to the appropriate Division Commander of the accused member/employee for review of appropriate action based upon violations.

Minor Infractions:

1. Are not normally disciplinary matters.
2. Are enumerated in Category "A".
3. Must be documented and discussed with the employee who may comment accordingly.
4. Which are repeated will be handled as disciplinary matters subject to Category "B" penalties.

## **CATEGORY A VIOLATIONS**

### *Application:*

- First Occurrence of category A violation.
- Second or subsequent violations, within a 12 consecutive month period, will be handled as Category B violations.

### *Corrective Actions:*

- Training and/or Performance
- Job Observation Report
- Mediation/Psychological Services-
- Restitution
- Other non-disciplinary actions

## **CATEGORY B VIOLATIONS**

### *Application:*

- First Occurrence of category B violation.
- Second or subsequent violations of a Category A will be addressed herein.
- First and Second departmental accident (at fault), within 24 consecutive months – except personal injury and fatal departmental accidents.
- Subsequent violations of Category B within 36 consecutive months will move a third such violation to Category C.

### *Discipline Range:*

- Written reprimand or loss of leave up to 8 hours/suspension up to 8 hours.

## **CATEGORY C VIOLATIONS**

### *Application:*

- First Occurrence of Category C violation.
- Subsequent violations of Category B will be addressed herein.
- Subsequent violations of Category C within 36 consecutive months will move a third such violation to Category D.

### *Discipline Range:*

- 16 to 24 hours loss of leave or 16 to 24 hours suspension.

## **CATEGORY D VIOLATIONS**

### *Application:*

- First Occurrence of Category D violation.
- Subsequent violations of a Category C will be applied to this category.
- Subsequent violations of Category D will be moved to Category E.

### *Discipline Range:*

- 32 to 120 hours loss of leave/32 to 120 hours suspension.

## **CATEGORY E VIOLATIONS**

### *Application:*

- First Occurrence of category E violation.
- Subsequent violations of a Category D will be applied to this category.
- Subsequent violations of Category E will be cause for dismissal.

### *Discipline Range:*

- More than 120 hours loss of leave /120 hours suspension and/or demotion or dismissal.

### **26.1.5 Supervisor's Role and Authority Attendant to Each Level of Supervision**

Refer to 26.1.1 (Disciplinary Procedures) and 26.1.4 (Disciplinary System)

### **26.1.6 Appeals Procedures in Disciplinary Actions**

For police officers, an appeal from any disciplinary decision shall be taken to the Circuit Court for Wicomico County in accordance with Maryland Rule 7-202 and the Law Enforcement Officers' Bill of Rights.

For all employees, an appeal may be filed in accordance with grievance procedure outlined in the Salisbury University's Staff and Administrative Employee Handbook and the Memorandum of Understanding between Salisbury University and the Maryland Classified Employees Association (MCEA) – Non-Exempt Employees.

### **26.1.7 Dismissal of Officer/Employee**

If an officer or employee is dismissed by the University Police Department as the result of an investigation or upon recommendation of a Hearing Board, the following information shall be provided to the officer or employee:

- A written statement citing the reason for dismissal;
- The effective date of dismissal;
- A statement of the status of fringe and retirement benefits after dismissal.

### **26.1.8 Maintenance of Records**

Upon completion of internal investigations, the closed files will be maintained in a secure area to ensure confidentiality of the investigation. All records will be maintained within the employee's personnel file. Internal investigations may be purged in accordance with the Law Enforcement Officers' Bill of Rights.

**Salisbury University Police Department**  
**Disciplinary Matrix**

<b>BEHAVIOR</b>	<b>CATEGORY</b>				
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
Inappropriate Comments/Gestures	X				
Rude or Discourteous Actions	X				
Use of Profane/Obscene Language or Gestures	X				
Criticism of Orders/Others	X				
Seeking/Accepting Gratuities		X			
Unprofessional Conduct Towards Public/Employees		X			
Associating with Persons of Questionable Character/Going to Places		X			
Suspected of Violating Laws					
Involvements with Friends/Associates when Prohibited		X			
Feigning Illness or Injury			X		
Immoral/Unethical Conduct			X		
Incompetence/Idleness in Position			X		
Untruthful or Intentional Misrepresentation of Facts: Verbal/Written				X	
Any Other Behavior which constitutes Gross Misconduct/Conduct unbecoming					X
<b>NEGLECT OF DUTY</b>					
Failure to Take Appropriate Police or Administrative Action			X		
Supervisor Failure to Take Action			X		
Interference with Duty		X			
Inattentiveness to Duty (Playing Games, watching TV, etc)		X			
Any Other Neglect of Duty Not Specifically Defined		X			
<b>SECONDARY EMPLOYMENT VIOLATIONS</b>					
Failure to Request Permission for Secondary Employment		X			
Working While on Sick Leave or Light Duty Status			X		
Restriction Violations to Include Use of Departmental Equipment		X			
<b>EVIDENCE AND PROPERTY VIOLATIONS</b>					
Proper Disposition of Evidence/Found/Recovered Property	X				
Storage/Release of Evidence/Found/Recovered Property	X				
Processing/Testing of Evidence		X			
Maintaining Security and Chain of Custody		X			
Intentional Failure to Seize or Document Evidence/Found Property			X		
Failure to Submit or Return Evidence to Property Room/Storage Locations		X			
<b>DETAINEE VIOLATIONS</b>					
Restraint Violations or Failure to Transport as Required	X				
Improper Treatment of Detainees		X			
Improper/Failure to Search Detainees or Vehicle		X			
Violations During Arrest		X			
Improper Searches/Seizures		X			

FIREARMS VIOLATIONS	CATEGORY				
	A	B	C	D	E
Failure to Maintain Weapon	X				
Negligent Handling of Weapon Resulting in Discharge			X		
Failure to Secure Weapon: On/Off Duty			X		
Weapon Discharge Violation thru Recklessness: On/Off Duty					X
Carrying Unauthorized Weapon: On/Off Duty					X
Carrying Unauthorized Ammunition: On/Off Duty					X
Failure to Report Weapon Discharge					X
<b>DEPARTMENTAL ACCIDENTS (At Fault)</b>					
Damage to Police Vehicle		X			
Damage to Police Vehicle and/or Other Property	X				
Injury to Police Personnel or Civilians			X		
Fatal Injury to Police Personnel or Civilians				X	
Failure to Report Accident Resulting in Any of the Above					X
<b>EXCESSIVE FORCE AND BRUTALITY VIOLATIONS</b>					
Unnecessary Force – Force that is Used when not required in Light of Circumstances But is Not Brutal or Excessive		X			
Unreasonable Force – Force Used that is Outside What an Ordinary or Prudent Police Officer Would Use			X		
Excessive Force – Force that is Excessive in Scope, Duration or Severity in Light of Circumstances				X	
Brutal Force – Force that is Without Justification or Mitigation in Light of Circumstances and is Severe/Cruel in Scope or Duration					X
<b>CRIMINAL/TRAFFIC/OTHER INVESTIGATIONS - REPORTING</b>					
Violations of Procedures for Preliminary/Follow-Up Investigations		X			
Failure to Complete Required or Accurate Reports	X				
Failure to Comply with Departmental Reporting Requirements			X		
Improper Interview or Interrogation			X		
Arrests (Lack of PC, Failure to Make Required Arrest, Failure to Issue citation)			X		
Accuracy of Charging Document, Warrant Applications or Testimony			X		
<b>CARE OF DEPARTMENTAL EQUIPMENT</b>					
Loss or Damage of Equipment/Altering without Permission		X			
Permitting Unauthorized Persons to Use Equipment	X				
Improper Use/Failure to Use Equipment		X			
Failure to Report Loss/Damage			X		
<b>HARASSMENT AND DISCRIMINATION</b>					
Sexual/Racial Harassment and/or Discrimination					X
Religious Ethnic Harassment and/or Discrimination					X
Sexual Orientation Harassment and/or Discrimination					X
Any Other type of Harassment and/or Discrimination					X

<b>MISCELLANEOUS VIOLATIONS</b>	<b>CATEGORY</b>				
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
Failure to Obey a Direct and Lawful Order					X
Obstructing or Hindering any Criminal/Traffic Investigation					X
Obstructing or Hindering any IAU or Administrative Investigation					X
Failure to Obey a Written Directive			X		
Insubordination				X	
Intoxicated/Consumption of Alcohol on Duty or Just Prior to Duty					X
Use of Illegal Drugs					X
Absent Without Leave or Reporting for Duty Violations			X		
Failure to Report to Court, Training, Specialized or Other Assignment			X		
Sleeping On Duty/Inattentiveness to Duty			X		
Lateness	X				
Improper Dress or Uniform Violations	X				
Personal Appearance or Grooming Infractions	X				
Failure to Follow Chain of Command	X				
Failure to Advise Address/Telephone Change or Notification of Same	X				
Abuse of Position				X	
Agency Communications Violations		X			
Failure to Act on Request for Police Assistance/Services		X			
Smoking Violations	X				
<b>CRIMINAL VIOLATIONS</b>					
All Criminal Violations and Attempts; Serious Traffic which may have a penalty of incarceration. (Subject to Prosecution by State Attorney's Office)					X
All Traffic/Civil violations	X				
<b>MISCELLANEOUS INFORMATION VIOLATIONS</b>					
Criminal History Dissemination					X
MVA History Dissemination		X			
Improper Dissemination of Investigative Information			X		
Improper Dissemination of Internal Investigative Information			X		
Improper Use of Communications Equipment (computers, telephones, Radios, etc.)	X				

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Edwin Lashley  
Chief of Police