

Standard Operating Procedures for Employee Suspension

217.1 PURPOSE

This Standard Operating Procedure (SOP) aims to delineate the processes, guidelines, and prerequisites for implementing a suspension within the University of Maryland, Baltimore Police Department (UMBPD).

217.2 POLICY

It is the policy of the UMBPD to ensure that members maintain the highest level of physical, emotional, and ethical readiness to perform and fulfill their duties.

217.3 DEFINITIONS

Disciplinary Suspension: The temporary removal of a member from duty, without pay, as a final disciplinary measure.

Emergency Suspension: As outlined in Md. Code PS § 3-107, this pertains to the suspension of sworn members under specified circumstances, limited to a duration of 30 days without pay. Refer to Policy 1010.8.1 (Emergency Suspension) for further information.

Suspension: The temporary revocation of a member's authority concerning allegations of misconduct or during investigations related to potential misconduct, undertaken in the best interest of the public and the UMBPD.

Medical and/or Administrative Suspension: The temporary revocation of a member's authority due to medical or other non-disciplinary reasons.

Suspension Hearing: An administrative review convened to examine the circumstances leading to an Emergency Suspension, overseen by a member designated by the Chief of Police.

217.4 PROCEDURES

A. Imposing Emergency Suspensions

1. An emergency suspension may be imposed when it appears the action is in the best interest of the public and or the department. Such interests may arise when a member reports for work intoxicated, unfit for duty due to possible emotional problem, or when a member's conduct on the job is detrimental to the department.
2. The following are examples of incidents or occurrences that shall result in an emergency suspension:
 - (a) An allegation of gross misconduct or criminal activity;
 - (b) An allegation of domestic violence; and
 - (c) An administrative or medical matter such as:

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- i. Failing to qualify with the primary duty weapon (sworn only);
- ii. Pending fitness-for-duty evaluation; and
- iii. Medial or psychological examination.

B. Authority

1. Supervisors with the permanent rank of sergeant and above have the authority to suspend a member from duty on an emergency basis.
2. Any person suspended shall be entitled to a prompt hearing.
3. When an emergency suspension is imposed, the Chief of Police shall be advised. The Chief of Police shall decide whether the member will be suspended with or without pay and may assign the member to restricted duties. This status shall remain in effect pending a determination by a court of competent jurisdiction (with respect to any criminal violation), final determination by an Administrative Hearing Board (sworn members), or the conclusion of an administrative investigation (all members).
4. Emergency suspension of police powers without pay may be imposed only if a police officer has been charged with a felony.

C. Return of Equipment Required

1. When members are suspended and formal charges against them are placed, they shall be notified in writing.
2. For sworn members, **UMBPD Form 17-005, Suspension of Police Powers**, shall be completed and the following equipment retrieved:
 - (a) Department badges, departmental lethal and less lethal weapons, police identification cards, ammunition, and MPCTC Certification Card,
 - (b) The equipment will be submitted to the Quartermaster. If the Quartermaster is not available, the equipment will be stored in the armory and then submitted to the Quartermaster the next business day. A memorandum will be written that includes an inventory of the equipment that was retrieved from the officer and submitted. This memorandum will be sent to the Professional Standards Bureau Commander or designee along with the UMBPD Form 17-005.
3. Security officers shall return their badge and departmental keys.
4. All members shall retain their UMB One Card/Staff identification/access card; however, card access shall be for the PSOC non-restricted areas only.
5. The member shall receive a copy of the suspension form or memorandum (non-sworn) with a copy provided to the member's Bureau Commander.
6. The Supervisor conducting the suspension will contact the OneCard Office and request a "Blue" police identification card for the member to denote their current status.

D. Notifications

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1. Whenever a sworn member is suspended, whether for misconduct, medical, or administrative reasons, the Chief of Police, the member's Bureau Commander, Professional Standards Commander, and Support Services Commander must be notified.
2. Bureau Commander: The Member's Bureau Commander or designated representative is tasked with collecting and ensuring the return of the member's equipment to the Quartermaster.
3. Professional Standards Commander: The Professional Standards Commander or designated representative is responsible for informing both the Internal Affairs Section and the Education and Training Section.
4. The Internal Affairs Section will serve as the central repository for records related to suspensions.
5. The Education and Training Section is responsible for completing and submitting the Notice of Personnel Action Form to MPCTC for status adjustment (if necessary).
6. Director of Support Services/Security: The Director of Support Services/Security or designated representative is responsible for ensuring the returned equipment is properly secured.

217.5 SUSPENSION HEARINGS

- A. Prompt Hearing - Suspended members are entitled to a prompt hearing. The affected member will be issued a written letter setting forth the reasons for the suspension and the date and time of a hearing. In addition, a copy of the document will be forwarded to the Professional Standards Bureau Commander.
- B. Scheduling the Hearing
 1. The suspension hearing will be held within 10 days following the suspension from duty, exclusive of weekends and holidays. The ranking officer responsible for the suspension will initiate an investigation, which shall include all relevant facts and documented in report format to include all appropriate supplementary documents to support the decision to suspend. The suspension hearing officer will be the Professional Standards Bureau Commander, or in their absence, a Bureau Commander or designee appointed by the Chief of Police.
 2. The suspension hearing is not a judicial proceeding. The suspension hearing is limited to the presentation of the circumstances surrounding the suspension of the member, in order to determine whether such circumstances warrant continued suspension. When the acts alleged to have been committed by a suspended member are of such a serious nature that, in the judgment of the suspension hearing officer, the interests and welfare of the public, the UMBPD, or the individual are best served by continued suspension, the suspension hearing officer will recommend that to the Chief of Police.

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- C. Recording the Hearing - Suspension hearings will be recorded, and the recording will be forwarded to the Internal Investigations Section for retention in the case folder.
- D. Suspended Member's Counsel - Suspended members may, if they so desire, be accompanied by counsel or representative. However, only matters dealing directly with the determination of the suspension will be heard.
- E. Presenting Testimony - The suspending officer and the accused member will attend the suspension hearing. Suspended members will have the right to present testimony in their own behalf as to the issue to be determined. The suspension hearing officer will not consider matters in extenuation or mitigation. The suspension hearing officer will determine what testimony will be heard relative to the purpose of the review.
- F. Conclusion of the Hearing
 - 1. The suspension hearing officer will make one of several recommendations in writing to the Chief of Police:
 - (a) Suspension was not justified - a recommendation to return the member back to full duty;
 - (b) Suspension was justified – a recommendation to return the member back to full duty is applicable, based on a lack of evidence; or
 - (c) Suspension was justified – the member's suspension should continue.
 - 2. The recommendation shall be submitted on the same date as the hearing.
- G. Recommendations - The Chief of Police, upon receiving the suspension hearing officer's recommendation, may accept, reject, or modify the recommendation in accordance with applicable state law. Once the Chief of Police has made the decision, notification will follow and include the Bureau Commander of the member involved, the Professional Standards Commander and involved member.