

## CHAPTER 6

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# CHAPTER 6 SECTION I

## AGENCY VALUES

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### A. Values Statement

The NRP is committed to creating an organizational culture wherein training and leadership will foster integrity, respect and quality of internal operations.

### B. Core Values

NRP personnel will be committed to the following core values to guide their conduct:

1. INTEGRITY - Employees shall:
  - a. Uphold the public trust by being honest.
  - b. Maintain the highest standards of ethical and moral character.
  - c. Obey all laws.
2. COURTESY - Employees shall:
  - a. Treat everyone with respect and dignity and in an unbiased manner.
  - b. Refrain from responses of uncontrolled anger when dealing with a citizen, an NRP employee, or others.
  - c. Protect constitutional rights through impartial enforcement of the law.
3. DEDICATION - Employees shall:
  - a. Provide dedicated and compassionate assistance to citizens.
  - b. Promote leadership, cooperation and assistance to the NRP and its employees.
  - c. Aspire to improve service, the quality of life and partnership with the community.
  - d. Obey NRP rules, regulations and procedures.
4. PROFESSIONALISM - Employees shall:
  - a. Present a neat, clean, and professional appearance.
  - b. Perform duties in an accurate and timely manner.
  - c. Utilize appropriate and respectful language when dealing with citizens, NRP employees, or others.
  - d. Never use unnecessary force or violence.
  - e. Furnish name, identification number and duty assignment to any person properly entitled to this information.
  - f. Obey all lawful orders.

### C. Provisions for Supporting Values

NRP personnel shall:

1. Preserve and advance the principles of democracy and freedom in a multi-cultural society by endeavoring to:
  - a. Protect life and property.
  - b. Apprehend and bring to justice violators of the law.
2. Remain responsive to the community by:
  - a. Maintaining the public peace.
  - b. Reducing the citizens' fear of crime.
  - c. Remaining sensitive and responsive to community concerns and problems.
  - d. Actively seeking input from the community.

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- e. Remaining courteous to the public even in the face of provocation.
3. Maintain the highest standards of integrity by:
    - a. Not having contact with a person known to have felonious criminal or subversive behavior.
    - b. Not disseminating information to unauthorized people.
    - c. Not placing themselves in a position or act in a manner that would reflect adversely upon the NRP.
    - d. Not consuming liquor or entering liquor establishments, while on duty or in uniform, or bringing alcohol onto any NRP property, except in the performance of their duties.
    - e. Not engaging in sexual behavior while on-duty, in a Department facility or Department vehicle while off duty.
  4. Treat all people with mutual trust, fairness, and dignity by acting impartially and consistently in dealing with subordinates, co-workers, prisoners, and citizens.

#### **D. Citizen Contact - Prohibited Activities**

1. A Maryland Natural Resources Police officer, in the course of performing law enforcement functions, shall neither solicit for personal gain, personal information from the citizenry, nor provide personal information of themselves, which could reasonably be construed as using their position as an officer for personal gain or personal reasons.
2. In every instance where an individual is stopped for a violation of law, the officers should generally limit themselves to merely addressing the violation at hand.
3. During officer-violator contacts a officer will not solicit personal information from the violator(s) and/or provide similar information for any reason other than that which would reasonably be required for law enforcement purposes.

#### **E. Race-Based Profiles**

1. It is the policy of the NRP that any assemblage of general characteristics of a person's future propensity to engage in any violation of the law shall not include the race of any person as one of those characteristics. Race is not a predictor of criminal activity. Race legally cannot and will not be a factor for the development of policies for stopping, detaining or searching motorists or boaters on Maryland roadways or waterways.
2. NRP sworn personnel will not participate in the use of any race-based profiling as a cause for stopping, detaining or searching motorists or boaters traveling on Maryland roadways or waterways.
3. Race cannot and will not be utilized by individual NRP personnel and law enforcement agencies and officers operating in concert with or under the direction of the NRP as a consideration in determining whether to stop, detain, or search motorists or boaters utilizing Maryland roadways or waterways.
4. Nothing in this policy statement precludes officers from relying upon race as a part of a description where a specific suspect is sought.

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### F. Interactions With Foreign Nationals

1. It is the intent of the NRP to foster trust and cooperation with *all* people served by the agency, including immigrant and refugee residents and visitors.
  - a. The NRP encourages any person who wishes to communicate with its officers to do so without fear of inquiry regarding their immigration status.
  - b. The NRP cannot develop effective partnerships with our community members if a portion of that community fears that we will enforce civil immigration laws. To support the development of strong partnerships with all members of our the diverse users of Maryland's Natural Resources, it is the policy of NRP that our officers do not make inquiries into the citizenship or immigration status of the individuals we interact with, and we do not enforce civil immigration laws.
2. The indiscriminate questioning of individuals about their citizenship status without a reasonable basis for suspicion of a criminal charge is unconstitutional.
3. Officers will not request specific documents for the sole purpose of determining a person's immigration status. A general request for adequate identification as part of a criminal investigation or to issue a Citation/Notice of Violation is typically all that is necessary or appropriate. Employees may rely on immigration documents to establish someone's identity if they are the person's only source of identification.
3. Assisting Federal Authorities
  - a. The NRP will provide assistance to State and federal law enforcement agencies consistent with the statutory authority of the NRP.
  - b. Officers may be permitted to assist ICE agents when the primary focus of the investigation is not immigration violations. Examples include, but are not limited to: customs violations, money laundering, narcotics cases, hate crimes, human trafficking and terrorist activities.
  - c. All operational requests for assistance from ICE will be case specific and will require the approval of the Superintendent and Deputy Superintendent.
  - d. Nothing in this policy prohibits officers from responding to or being on the scene of any federal enforcement initiative in order to maintain safety in exigent circumstances.

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**AGENCY VALUES**

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## **CHAPTER 6 SECTION II**

### **RESPONSIBILITY FOR SUPPORTING VALUES**

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#### **A. Reason for Supporting Values**

The integrity of the NRP is dependent upon the personal conduct, integrity, and discipline of each employee. The NRP holds these values in high esteem, and through fairness and objectivity, has created Agency guidelines.

#### **B. Authority and Responsibility**

##### **1. Superintendent**

- a. The Superintendent shall have the power to make any rules necessary to promote the effective and efficient performance of the duties of the NRP and to ensure the good government of the NRP and its employees.
- b. The authority of the Superintendent shall also include the power to suspend, amend, rescind, abrogate, or cancel any rule adopted by them or by a former Superintendent.
- c. To the extent that these rules are inconsistent with or in conflict with any provisions of the State Personnel and Pensions Article, Annotated Code of Maryland, or the Rules and Regulations of the Department of Budget and Management as they apply to employees, the State Personnel and Pensions Article and the Rules and Regulations of the Department of Budget and Management shall prevail.

##### **2. Commanders:**

- a. Have the ultimate responsibility of ensuring the integrity and reputation of the NRP through the fair and equitable investigation of internal matters and application of disciplinary procedures where warranted.
- b. Will conduct all administrative investigations in compliance with the Law Enforcement Officer's Bill of Rights (LEOBR).
- c. Must be sensitive to the concerns of the complainant and the needs of the employee throughout the internal investigative process.

##### **3. Employees:**

- a. Are responsible for complying with Maryland Natural Resources Police policies, procedures, regulations, and guidelines including all additions and amendments that may be promulgated and with all other orders and directives, either verbal or written, which may be issued by competent authority. Ignorance of the policies, procedures, regulations, guidelines, orders, and directives of the NRP is not justification for any violation.
- b. Are responsible for their own acts and may not transfer to others the responsibility for executing or failing to execute any lawful order or police duty.

**CHAPTER 6 SECTION II**  
**RESPONSIBILITY FOR SUPPORTING VALUES**

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## **CHAPTER 6 SECTION III NRP CODE OF CONDUCT**

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### **A. Policy**

1. Employees shall comply with the rules of conduct herein stated, with the additions and amendments to these rules that may be promulgated and with all other orders and directives, either verbal or written, which may be issued by competent authority. The violation of any rule of conduct, policy, procedure, regulation, or lawful order, whether written or verbal, subjects the violator to disciplinary action.
2. Ignorance of the rules, policies, procedures, regulations, directives, and orders of superiors, is not justification for any such violation. Employees shall be responsible for their own acts and they may not transfer to others their responsibility for executing or failing to execute any lawful order or police duty.

### **B. Unbecoming Conduct**

1. Employees shall conduct business at all times, both on and off duty, in a manner which reflects most favorably on the NRP. The phrase “reflects most favorably” pertains to the perceptions of anyone including other DNR/NRP employees. Conduct unbecoming an employee shall include that which tends to bring the NRP or DNR into disrepute, or reflects discredit upon the employee as a representative of the NRP or that which tends to impair the operation or efficiency of the NRP or employee.
2. A commander or supervisor will not injure or discredit a subordinate through unreasonable, unjust, arbitrary, or tyrannical conduct, or abusive language.

### **C. Insubordination**

1. Employees shall, unless otherwise directed by competent authority, transact all official business with employees senior in rank or classification only through the official chain of command.
2. Employees 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 any order, either verbal or written, which an employee should reasonably believe to be in keeping with the performance of their duties or responsibilities.
3. Employees will obey all orders from superiors, whether written or verbal, 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.
4. Any order may be countermanded in an emergency. An employee countermanding a prior order will immediately report the reason for their action to their commanding officer. Responsibility for all prudent and reasonable action necessary for compliance with orders will remain with the superior issuing the order. Accountability for all action taken in compliance with orders remains that of the person taking such action.

### **D. Criticism**

Employees shall not criticize or ridicule the NRP, any other State or Federal agency, or the Maryland or United States Judiciary, their policies or their officers by speech, in writing, or by expression in any other manner, when such speech, writing or other expression is defamatory, obscene, unlawful, exhibits a reckless disregard for truthfulness or tends to undermine the operation of the Natural Resource Police,

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other said agency or Judiciary by impairing their efficiency with the operation or maintenance of discipline.

### **E. Abuse of Position**

1. While relieved of police powers, sworn NRP employees will not wear the uniform and will not represent themselves in an official capacity as an NRP employee.
2. Employees are prohibited from using their official position, and/or Agency credentials for personal or financial benefit, or as a means of obtaining privileges not otherwise available to them, or for avoiding consequences of illegal acts. Officers may not lend their identification card or badge to another person, or permit it to be photographed or reproduced without the approval of the Superintendent.
3. An employee shall not permit or authorize the use of their name, photograph, or official title identifying them as an employee of the NRP in connection with testimonials or advertisements of any commodity or commercial enterprise, or permit or authorize its use for personal reasons without the approval of the Superintendent.
4. An employee shall not sign a petition, without the authority of the Superintendent when their signature identifies them as an employee of the Agency; nor shall an employee sign any petition which has an unlawful purpose. However, an employee may sign a lawful petition as a private citizen.
5. An employee shall not address public gatherings, appear on radio or television, or prepare any article for publication in an official capacity without first having obtained permission from their commanding officer.
6. An employee shall not release or divulge investigative information or any other matters of the Agency, either in an official or unofficial capacity without first having obtained permission from their commanding officer.
7. No employee shall be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated or retaliated against, or threatened with that treatment because the employee exercised rights guaranteed to them by the Constitution, or federal or state laws.
8. No employee shall be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated or retaliated against, or threatened with that treatment because the employee has disclosed information that evidences gross mismanagement, gross waste of government resources, a substantial and specific danger to public health or safety, or a violation of the law committed by another law enforcement officer.
9. No employee may undertake an independent investigation based on knowledge of disclosures described in paragraph E 8 of this section.

### **F. Associations**

1. An employee shall avoid associations or dealings with persons whom they know or should know are racketeers, gamblers, felons, persons under criminal investigation, indictment or others who have a reputation in the community for felonious or criminal behavior.

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For this section, gamblers shall be defined as those persons who engage in prohibited gambling or gaming activity as defined by Maryland statute or regulations, or as defined under Federal law, the laws of another state, county, municipality, or political subdivision.

2. An employee 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, another state, or any other law or ordinance of a political subdivision are violated.
3. An employee of the Agency shall not in any manner affiliate their self 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 which has adopted the policy of advocating or approving the commission of acts of force or violence to deny any person their 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 by unconstitutional means.
4. Paragraphs 1, 2 and 3 do not apply to an employee who has been directed or assigned by a superior officer to form such an association in the performance of official duties.

### **G. Immoral Conduct**

Every employee shall maintain a level of moral conduct in their personal affairs which is in keeping with the highest standards of the law enforcement profession. No employee shall be a participant in any incident involving conduct that is contrary to the highest standards of justice, honesty, or good morals, or which compromises or has the potential to compromise their ability to perform as an employee of the NRP or causes the Agency to be brought into disrepute.

### **H. Conformance to Laws**

1. Officers shall not violate their oath of office and trust or any other condition of their employment with the State of Maryland or commit an offense punishable under the laws, statutes, regulations, or public local laws or ordinances of the State of Maryland, the United States, any sovereign nation, or any other state, county or municipality. Any employee who has been charged with a violation of any law, statute, regulation, or public local law or ordinance stipulated in this Section must report the facts concerning such violation immediately to their commanding officer through their supervisor. Parking violations, except when they are issued to an Agency vehicle, are exempted from this subsection.
2. Any officer convicted of a felony or misdemeanor which is punishable by imprisonment for one year or more shall within 3 days of the conviction and in writing, notify the Superintendent of the NRP. The Superintendent will facilitate notification to the Executive Director of the Maryland Police and Corrections Training Commissions of the conviction.

### **I. Payment of Debts**

Any officer of the NRP shall make every effort to pay all just debts and legal liabilities. Disciplinary action may be taken when judgments of creditors have been finally adjudicated and the officer, even though able to pay, has refused to comply with such judgment, or the effects of such indebtedness has adversely affected the ability of the officer to perform their assigned duties or have negatively reflected on the reputation or effectiveness of the Agency.

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### **J. Seeking or Accepting Gifts, Gratuities, or Bribes**

1. Employees shall not solicit, seek, or accept any gift or gratuity, including food or drink for their self or another, from any individual, business establishment, or merchant, where such offer of acceptance can be construed to be an effort to influence their official conduct as a NRP employee.
2. Employees shall not receive, seek, solicit, or share in any fee, reward, or other reimbursement for the performance of their official duties, or for their failure to perform official duties, except as directed by the Superintendent. Employees shall immediately report to their supervisor any offer, or attempt to offer money, gift, or other gratuity made in an effort to influence their official conduct.

### **K. Political Activity**

The political associations and political conduct of employees of the NRP shall be in conformance with the established NRP policies, procedures, and law established under the Annotated Code of Maryland, State Personnel and Pensions Article, §2-304, and §3-103 of the Public Safety Article, entitled “Rights of law enforcement officers generally.”

### **L. Labor Activities**

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, sickness unsubstantiated by physician’s statement, stoppage of work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

### **M. NRP Communications**

1. Employees shall submit all reports, both verbal and written, required by the NRP in accordance with established procedures. All official business transactions must be processed through official channels.
2. An employee shall report to their superior all information that comes to their attention concerning organized crime, racketeering, vice conditions, etc.
3. An employee shall immediately report to their supervisor any knowledge they have or are aware of concerning violations of Agency policy, procedure or regulation committed by another current NRP employee to include any crimes that are punishable under the laws, statutes, regulations, or public local laws or ordinances of the State of Maryland, the United States of America, any sovereign nation, or any other state, county, or municipality.
4. Having knowledge of any information as described in number 3 of this sub-section a supervisor shall follow established guidelines for reporting such activity.
5. All reports submitted by NRP employees will be complete and will not contain improper or inaccurate information.
6. An employee shall treat the official business of the NRP as confidential. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with established NRP procedures. An employee may remove or copy official records or reports from a police

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installation only in accordance with established NRP 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.

7. The use of NRP telephones, cellular phones, pagers, facsimile machines, computers, and other forms of electronic media, shall be limited to the conduct of official business except for personal or emergency calls made or received in accordance with established DNR/NRP policy.

### **N. Reporting for Duty**

1. Employees shall not be absent from duty or assignment without properly approved leave.
2. Officers shall report for duty at the time and place specified by their superior and shall be physically and mentally fit to perform their duties. They will report by radio contact or other established process at the start and end of their tour of duty. They shall be properly equipped and cognizant of information required for the proper performance of duty.
3. Employees who are unable to report for duty due to sickness or other causes shall, as soon as possible, notify their immediate supervisor of the reason(s) for absence.
4. Officers while off duty shall be subject to call at all times for emergency response to duty.

### **O. Fictitious Illness or Injury Reports**

An employee shall not fake or pretend illness or injury, falsely report their self ill or injured, or otherwise deceive or attempt to deceive any official of the Agency as to the condition of their health.

### **P. Interference with Duty**

1. Employees shall not attempt to bring influences on the Superintendent for the purpose of securing promotion or transfer, or to avoid penalties for violations of the Agency's policies, rules, procedures, or orders.
2. Employees shall not interfere with cases assigned to other employees for investigation without consent, except by order of a superior officer.
3. Officers shall not interfere with any lawful arrest or any prosecution brought by other police officers or other police agencies.
4. Officers shall not undertake any investigation or other police action not a part of their regular police duties without first obtaining permission from their supervisor, unless immediate intervention can be justified.
5. Employees shall not reveal the identity of a police employee assigned to plain clothes or covert investigative work. Employees shall not recognize such employees unless the plain clothes or covert officer acknowledges them first.
6. No employee shall be directly or indirectly concerned with making arrangements, agreements or compromises between a criminal and a person who has suffered from their criminal acts for the purpose of allowing the criminal to escape any punishment prescribed by law. Any employee having knowledge

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of such an arrangement, agreement or compromise shall report such to their immediate supervisor without delay.

### **Q. Abuse of Process, Withholding Evidence**

Employees shall not intentionally manufacture, tamper with, falsify, destroy, conceal, or withhold evidence or information, or make any false accusations of a criminal charge.

### **R. Evidence, Found, and Recovered Property**

1. Property which comes into the custody of this Agency will be processed in accordance with established procedures.
2. An employee shall not convert to their own use, manufacture, tamper with, damage through negligence, destroy, or in any other way misappropriate any evidence or any other material or property found in connection with an investigation or other police action, except in accordance with established Agency procedures.

### **S. Suggestions Pertaining to Services**

An employee shall not recommend or suggest in any manner, except in the transaction of personal business and then representing their self 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.

### **T. Requests for Assistance**

1. When the public requests assistance or advice from an employee, all pertinent information will be taken in a professional and courteous manner, and will be acted upon consistent with established Agency procedures.
2. Employees must 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.

### **U. Citizen Complaints**

Employees shall courteously and promptly accept any allegation or complaint made by a citizen against any employee of the NRP. The receipt and processing of all complaints shall be in conformance with established Agency procedures.

### **V. Courtesy**

1. Employees shall be courteous and tactful in the performance of their duties, shall control their temper and exercise utmost patience and discretion, and shall not engage in argumentative discussions, even in the face of extreme provocation.
2. While on duty or in the performance of their duties, they shall not use coarse, violent profane or insulting language or gestures. Employees shall not express any prejudice concerning race, religion,

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politics, national origin, life style, sex, or similar personal characteristics.

### **W. Identification**

1. During the times that a police officer is not readily identified by the uniform of the NRP, they shall carry the badge and identification card issued by the NRP with them. While on duty and engaged in law enforcement activities the badge shall be displayed in such a way that the officer is recognizable as a police officer by members of the public. If the assignment is of a covert nature where the badge will not be displayed the officer shall notify their immediate supervisor prior to beginning the assignment. Officers shall furnish their name and identification number to any person properly entitled to this information, except when authorized not to do so by proper authority.
2. Officers making a traffic stop or arrest while in plainclothes shall both verbally and through display of the badge identify themselves to the violator as a police officer.

### **X. Military Courtesy**

Military courtesy deals mainly with affording correct courtesy and respect to subordinates, fellow workers, and superiors.

1. Hand salute: Uniformed Police employees of the NRP shall render the proper hand salute when encountering;
  - a. The Governor or Lieutenant Governor.
  - b. A Commissioned Officer of the agency senior in rank upon the first encounter of the day.
    - (1) The Commissioned officer shall return the salute.
  - c. Other instances when a salute shall be rendered;
    - (1) When the United States National Anthem is played
    - (2) Changes of command or funerals
    - (3) When pledging allegiance to the U.S. flag outdoors
    - (4) When Colors are presented.
2. The Natural Resources Police is a quasi-military organization. In keeping with basic professional courtesy, the use of the word "Sir" or "Ma'am" or a rank description in general conversation is expected.

### **Y. Personal Appearance**

A police employee will maintain a neat, well-groomed appearance and will style their hair and wear their uniform consistent with established Agency policy and procedures.

### **Z. Neglect of Duty**

1. Employees shall be punctual in attendance to all calls, requirements of duty, court appointments, and other assignments.
2. Employees will not play games, or engage in any activity or personal business while on duty that would cause them to neglect or be inattentive to that duty.
3. The failure of an officer to take appropriate action, either on or off duty, on the occasion of a crime, disorder, or other condition deserving police action is considered neglect of duty.

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4. An employee will not, without proper authorization, absent themselves from their assigned place of work during their tour of duty.
5. An employee will remain awake and alert while on duty. If unable to do so, they will report to their superior officer, who will determine the proper course of action.

### **AA. Use of Tobacco**

An employee, who can be identified as a Natural Resources Police employee, shall not use any form of tobacco if they are on duty and they are in the view of or interacting with the public. Employees are prohibited from using tobacco products (including chewing tobacco, or electronic cigarettes and vape pens) in any government owned building, government vehicle, or government vessel.

### **BB. Use of Alcoholic Beverages**

1. An employee will not drink intoxicating beverages while in uniform or while on duty unless it is necessary for the performance of their duty. In every case where it is necessary for an employee to use intoxicating beverages while on duty, written permission must be obtained from the employee's immediate supervisor. An employee given written permission to consume intoxicating beverages while on duty may not do so to the extent that their ability to perform their duty is impaired.
2. The use of alcoholic beverages may be used during training sessions when those consuming the alcoholic beverage are directly supervised by a non-consuming individual.
3. An employee will not report to work with any level of alcohol in their system.
4. No employee of the NRP will bring any intoxicating beverage into any building or facilities officially occupied by the NRP, nor will they permit the same to be brought therein, except as evidence or pursuant to NRP property held procedures.

### **CC. Use of Drugs**

1. Policy: This rule applies to an employee who is subject to random drug testing while either on or off duty unless specified otherwise in this rule.
  - a. An employee may not possess or use a controlled dangerous substance except as prescribed in the treatment of the employee by a licensed physician or dentist or, if necessary in the course of duty.
  - b. An employee may not intentionally misuse a prescription drug or over-the-counter drug.
  - c. An employee will not report to work with any level of the following types of drugs in their system:
    - (1) An illegal drug.
    - (2) An unprescribed drug that requires a doctor's prescription.
    - (3) An intentionally misused drug.
  - d. Any employee who comes in contact with or is exposed to any controlled dangerous substance shall comply with First Report of Injury provisions.
  - e. An employee may not possess a controlled dangerous substance in violation of federal, State, or local law.
  - f. An employee shall promptly notify the officer's or employee's immediate supervisor when using a prescription drug which the officer has been informed may impair job performance. The employee shall provide the supervisor with the known side effects of the drug and the prescribed

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period of use.

(1) The supervisor shall document this information by an internal memorandum to be maintained in a secured file by the Internal Affairs Unit.

(2) The employee may be temporarily reassigned to other duties as appropriate.

- g. An employee who unintentionally takes or is made to take a controlled dangerous substance or other drug shall immediately report the incident to their supervisor so that appropriate medical procedures may be followed to ensure the health and safety of the employee and the public.
- h. An employee having a reasonable belief that another employee of the Department possesses or is using a controlled dangerous substance in violation of this rule shall immediately report the facts and circumstances to the employee's supervisor.

#### 2. Sanctions

- a. A law enforcement officer convicted of a controlled dangerous substance offense shall be terminated.
- b. An officer who tests positive for prohibited drug use shall immediately be placed on emergency suspension.
  - (1) If appropriate, the officer shall remain on suspension until a review hearing, hearing board, or disciplinary authority reaches a decision as to the officer's status.
  - (2) A probationary officer who tests positive for drugs shall be terminated with a limited right to appeal.
- c. An employee may be terminated for refusing to submit to random drug testing as authorized by COMAR 17.04.09, Department of Budget and Management Rules and Regulations. An employee otherwise in violation of this rule is subject to appropriate disciplinary action up to and including termination.

#### **DD. Illegal Activity**

Employees will not engage in any form of illegal activity at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor.

#### **EE. Treatment of Persons in Custody**

- 1. Officers will not mistreat any persons who are in their custody. They will handle persons in accordance with established NRP procedures.
- 2. Officers will not, without proper authority, release any prisoner in their charge, or through neglect or design, allow any prisoner in their charge to escape.

#### **FF. Use of Force**

A police employee, acting in their official capacity, will not use unreasonable or excessive force.

#### **GG. Weapon Use**

- 1. Weapons shall not be used, displayed, or handled in a careless or imprudent fashion or contrary to NRP policy.
- 2. Employees shall not carry, display, or handle any Agency issued or approved weapon while they are under the influence of, or impaired by alcohol, and/or under the influence of or impaired by any drug or combination of drugs.

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### **HH. NRP Equipment**

1. An employee will use and maintain equipment in accordance with established NRP procedures and will not abuse, damage, modify or alter without authorization, or lose equipment through negligence.
2. An employee of the NRP will not cause or contribute to the damage, abuse, unauthorized modification or alteration, or loss of any NRP equipment through negligence or carelessness.
3. An employee may not convert to their own use or in any way misappropriate NRP equipment/property.
4. An employee, who has been deprived of their police powers, will turn in all NRP issued equipment designated in the order suspending their police powers. Employees under suspension are not permitted to operate an NRP vehicle or vessel without proper authorization.
5. Employees will operate official vehicles and vessels in a careful and prudent manner, and will not through negligent or careless operation incur damage or allow damage to be incurred, to NRP property or to the property of another. They will obey all laws of the State of Maryland and all local ordinances, and conform to all NRP procedures and regulations pertaining to operation and maintenance of any NRP vehicle or vessel used by them.
6. Damage to or loss of Agency equipment will be reported in conformance with Agency procedure.
7. An employee will not have any item of Agency equipment repaired, adjusted, or modified without official authorization from the Support Services Bureau Commander or their designee.

### **II. Incompetence / Unsatisfactory Performance**

1. Employees shall be held strictly responsible for the proper performance of their duties and shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.
2. 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 Agency.
3. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws. An unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving Agency attention.
4. In addition to other indicators of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance; repeated poor evaluations or a written record of repeated infractions of rules, regulations, and directives of orders of the Department or Agency.

### **JJ. Offensive Literature/Comments**

Employees shall not distribute written literature or verbal expressions that are racially, ethnically, sexually, or in any manner offensive to others. This behavior will not be tolerated and any employee found to be involved in such behavior will be subjected to charges that could result in disciplinary action, up to and including termination of employment.

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### **KK. Sexual Behavior**

Employees will not engage in any sexual behavior while on duty. While off duty, employees will not engage in any sexual behavior in an Agency facility or while using an Agency vehicle/vessel. Sexual behavior is any sexual act, sexual contact, or vaginal intercourse as defined in the Criminal Law Article, Title 3, Subtitle 3, of the Annotated Code of Maryland.

### **LL. Unauthorized Use of LInX, METERS, NCIC or CJIS System, or Any Other Agency or Law Enforcement Databases**

1. Employees are prohibited from using or assisting in the use of the LInX, METERS, NCIC, or CJIS system, or any other Agency or Law Enforcement Databases for personal reasons or for any purposes other than those authorized by the NRP.
2. Unauthorized is defined as having no legitimate law enforcement purpose including, but not limited to, using the system to check whether an automobile an employee is interested in purchasing is stolen, checking whether a neighbor has a criminal record, or checking owner information of a vehicle or vessel which is not associated with an official law enforcement interest or investigation.

### **MM. Integrity**

Employees shall not engage, participate, or be a part of any deceptive, dishonest, untruthful, or any other type of behavior which could impeach their credibility and/or integrity.

### **NN. Supervision**

Supervisory employees shall direct, guide, actively oversee, mentor and insure compliance of all NRP policies, procedures, and regulations and otherwise assist their subordinate personnel in the proper performance of their duties

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## **CHAPTER 6 SECTION IV SOCIAL NETWORKING**

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### **A. Purpose**

To establish a policy regarding employee use of online social networking.

### **B. Social Networking Web Sites**

For the purpose of this policy, social networking web sites means computer network sites which focus on building online communities of people who share interests and activities and/or exploring the interests and activities of others. Examples of social networking web sites include: Facebook, LinkedIn, Twitter, and sites that allow users to post personal blogs. The absence of, or lack of explicit reference to, a specific site does not limit the extent of the application of this policy.

### **C. Background**

1. The proper functioning of any law enforcement agency relies upon the public's confidence and trust in the individual officers and the agency to effectively protect and serve the public. Any matter which brings the Natural Resources Police (NRP) personnel or the NRP itself into disrepute has the corresponding effect of reducing that confidence and trust, as it impedes the ability to work with and serve the public.
2. Agency personnel are cautioned that speech on- or off-duty, made pursuant to their official duties (that is, that owes its existence to the employee's professional duties and responsibilities) is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Agency. Agency personnel should assume that their speech and related activity on social networking web sites will reflect upon their office and this Agency.
3. Professionalism is the most significant factor in providing the highest level of service to the public. While NRP employees have the right to use personal/social networking web pages or sites when off-duty, as NRP members, they are public servants who are held to a higher standard than the general public with regard to general and ethical standards. It is the policy of the NRP to maintain a level of professionalism in both on-duty and off-duty conduct and employees shall not engage in conduct that contradicts or impedes the NRP mission.
4. The NRP has a duty to protect the reputation of the organization and its employees, as well as guard against liability and potential legal risk. Therefore, the NRP reserves the right to monitor these websites, and employees are advised of the following:
  - a. Employees should be aware that the content of these social networking sites can be subpoenaed and used in criminal and civil trials to impeach the employee's testimony or to undermine the employee's character or reputation.
  - b. Employees should realize that any reference to their employment with the NRP while using social networking environments could compromise their safety and the safety of their family.
  - c. All electronic communications created, received, or stored on the Agency's, Department of Natural Resources' (DNR), or State's electronic communications systems are the sole property of the NRP, DNR, and/or state of Maryland, and not the author, recipient, or user.
5. Agency personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed on a social networking web site or in a public online forum may be accessed by the Agency at any time without prior notice.

## CHAPTER 6 SECTION IV

### SOCIAL NETWORKING

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#### D. Policy

1. Employees are prohibited from posting messages that criticize or ridicule the NRP, any other police department, State or Federal agency, the Maryland or United States Judiciary, or their officers.
2. Employees should exercise good judgment when social networking online. This includes but is not limited to:
  - a. Refraining from using discriminating, harassing, or derogatory language.
  - b. Refraining from encouraging socially and morally inappropriate behavior(s).
  - c. Refraining from speech containing obscene or sexually explicit language, images, or other forms of speech that ridicules, maligns, disparages, or otherwise expresses bias against any race, religion, or protected class of individuals.
  - d. Refraining from speech involving themselves or other Agency personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
3. Employees may not represent their opinions or comments as that of the NRP or as an official of the Agency or DNR.
4. Employees are prohibited from posting, or in any other way broadcasting or disseminating information on the internet, social networking sites or other mediums of communication, the business of the Agency or DNR including, but not limited to, the following:
  - a. Photographs/images, video or audio files, reports, statements or any other documents created or received by the Agency, DNR, any of its members, or that of any allied agency related to any investigation or any other business involving this Agency, DNR, or that of any allied agency. This includes any photograph that could be used to identify anyone as being a police officer of any agency.
  - b. Any other information, to include personal opinion, related to any open investigation involving this Agency, DNR, or that of any allied agency.
5. Employees will not discuss or divulge Agency or DNR business on their web sites or in any other medium of communication as addressed in this policy. Employees are prohibited from posting messages or content that is otherwise prohibited.
6. Employees are prohibited from posting, broadcasting, or otherwise disseminating any sexual, violent, racial, or ethnically derogatory material, comments, pictures, artwork, video, or other references on their web sites or through any other means of communication on the Internet in such a way as to bring the Agency and/or DNR into an unfavorable light.
7. Employees are encouraged to protect their password to prevent unintended or unauthorized use by other persons. For safety and security reasons, it is recommended that sworn employees refrain from posting their picture or referencing themselves as being associated with the Maryland Natural Resources Police on social networking environments. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
8. Any employee becoming aware of or having knowledge of a posting or of any web site or web page in violation of the provisions of this policy shall notify his or her supervisor immediately for follow-up action.

## **CHAPTER 6 SECTION IV SOCIAL NETWORKING**

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### **E. Glossary of Relevant Terms**

These terms and definitions were derived from the following International Association of Chiefs of Police (IACP) web site:

<http://www.iacpsocialmedia.org/Resources/GlossaryTerms.aspx>

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## **CHAPTER 6 SECTION V**

### **INTERNAL AFFAIRS UNIT (IAU)**

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#### **A. Purpose of the Internal Affairs Unit**

1. The Internal Affairs Unit (IAU) ensures that allegations and complaints of misconduct against employees are investigated and action is taken, when warranted, to ensure the Department's mission is achieved and its values are upheld.
2. IAU is the central repository for all records of administrative action taken against employees.

#### **B. IAU Commander's Responsibilities**

The IAU Commander:

1. Assigns serious misconduct cases to IAU investigators.
2. Assigns other misconduct cases to IAU investigators or commanders
3. Reviews the disposition of all disciplinary action taken against NRP employees.
4. Maintains all records pertaining to administrative investigations.
5. Ensures NRP-860, NRP-861, NRP-862, NRP-863, and NRP-865 forms are completed and sent as required by policy.
6. Reports directly to the Executive Officer.

#### **C. Notifications**

1. IAU shall be notified immediately when:
  - a. An employee shoots an individual or has been shot.
  - b. An employee is charged with a criminal offense.
  - c. An allegation of criminal activity is directed at an employee warranting a police investigation, regardless of jurisdiction of occurrence.
  - d. An employee's weapon is discharged. The exceptions would be those instances permissible in the Agency's firearms policy.
  - e. An employee is found driving an NRP vehicle or vessel while intoxicated or under the influence of alcohol.
  - f. An employee has been served with an Interim, Temporary, or Final Protective Order.
  - g. Any employee commits any act of serious misconduct warranting an immediate investigation.
2. After normal business hours, IAU can be notified through the IAU Duty Officer.

#### **D. IAU Investigations**

1. IAU will conduct administrative investigations concerning the following:
  - a. When an employee has shot someone or has been shot. IAU will determine if the employee complied with NRP policy.
  - b. Criminal violations committed by an employee.
  - c. Firearms discharges other than those exceptions listed in paragraph C.1.d.
  - d. Sexual Harassment.
  - e. Allegations of Discrimination.

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### **INTERNAL AFFAIRS UNIT (IAU)**

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- f. Excessive use of force or brutality.
  - g. When requested by the Superintendent.
2. IAU will make a recommendation as to the final disposition of the complaint. Dispositions include non-sustained, sustained, unfounded, exonerated, not involved, or administrative closure. Based upon the facts gathered during the investigation the Deputy Superintendent will make the final determination of the complaint status.

#### **E. Regional Investigations**

1. The IAU Commander may assign administrative investigations of personnel complaints to a Region for investigation.
2. All investigations conducted at the Regional level shall be completed and returned to the IAU Commander within 45 days of their assignment. Extensions to this time frame may be granted by the IAU Commander based upon a written request containing sufficient reason for the extension.
3. All investigations shall be completed in accordance with the Law Enforcement Officer's Bill of Rights and Section IX of this Chapter.
4. Completed administrative investigations shall be reported in the format explained in Section IX, Sub-section J of this chapter and the IAU Report Format Manual.

#### **F. Case Flow**

1. When a complaint against personnel is received at the IAU Office it shall be screened by the Executive Officer. If the complaint is appropriate for investigation by the Unit, it shall be referred to the IAU Commander who will assign an IAU control number. The IAU Commander may assign the complaint to an IAU investigator or forward the investigation, through the chain of command, to the appropriate region or division for investigation.
2. At the conclusion of the investigation the completed case file shall be returned to the IAU Office, through the chain of command, and first reviewed by the IAU Commander or their designee and then by the Executive Officer. If additional investigation is needed the case file shall be returned to the appropriate investigator
3. Upon a finding of SUSTAINED, the IAU Commander will meet with a representative from the Office of the Attorney General for a legal case review.
4. After obtaining concurrence from the Office of the Attorney General, the IAU Commander will return the case file to the Executive Officer, who will then route the case file through the chain of command to the appropriate bureau, regional, or division commander.
5. If required, the assigned commander will prepare the form NRP-815(s) and return the form(s), along with the case file and a NRP-510 describing the commander's recommendation regarding summary punishment, to the Executive Officer through the chain of command.
6. Upon receiving the completed NRP-815(s) and the commander's recommendation for summary punishment, the Deputy Superintendent will review them for sufficiency. If approved, the Executive Officer will forward the NRP-815(s) to the Administrative Hearing Officer, who through their

## **CHAPTER 6 SECTION V**

### **INTERNAL AFFAIRS UNIT (IAU)**

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signature will officially file the charges.

7. Once the charges have been officially filed, the form NRP 815(s) will then be forwarded by the Administrative Hearing Officer through the chain of command to the appropriate commander for service.
8. Once served, the completed NRP-815(s) shall be returned to the Administrative Hearing Officer.
9. In those instances where the involved employee is in agreement with the investigatory findings and/or recommended discipline the Administrative Hearing Officer shall prepare form NRP-816 describing summary punishment.
10. Once approved by the Deputy Superintendent, the NRP-816 will be forwarded to the employee through the chain of command for signature by the employee and appropriate commander.
11. Once completed, the NRP 816 will be returned to the Administrative Hearing Officer, who will obtain the Superintendent's signature.
12. In those instances where the involved employee disagrees with the investigatory findings and/or recommended discipline the Administrative Hearing Officer shall initiate the administrative hearing procedure.
13. Upon closure of the investigation the IAU Commander shall complete and send form NRP-863 and form NRP-865 to the respective parties.

#### **G. Records and Files**

1. All completed administrative investigations, original reports, audio recordings, and any other evidence associated with an investigation will be securely maintained by the IAU Commander.
2. Due to the confidential nature of completed administrative investigations access to them shall be prohibited except as provided in §3-104(n) and (o) of the Law Enforcement Officer's Bill of Rights, as directed by a court order or as authorized by the Superintendent or their designee.
3. The Law Enforcement Officer's Bill of Rights (LEOBR) provides for the expungement of any record of formal complaint if the officer has been exonerated on all charges or if the charges are non-sustained or unfounded and three years have passed since the findings were rendered by the Department. Requests made under the provisions of this section shall be submitted in writing through the chain of command to the Commander of the Internal Affairs Unit.
4. In accordance with the 1995 Consent Decree, every February, "...the personnel and disciplinary files of all commissioned law enforcement NRP employees, regardless of rank, race, or gender, will be cleared of all notices of complaint, reprimands, and other records of disciplinary actions or proceedings which are more than five years old. This expungement shall not apply to records of the proceedings before a trial board conducted pursuant to the Law Enforcement Officers' Bill of Rights (LEOBR)."
5. In accordance with the Consent Decree and the Attorney General's Office, all expunged files will be destroyed.

## **CHAPTER 6 SECTION V INTERNAL AFFAIRS UNIT (IAU)**

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### **H. Employee Disciplinary Action Record**

The IAU Commander shall enter the disposition of all disciplinary proceedings into the IAU Case File Log maintained on the Tawes Common Drive.

#### **I. IAU Office**

1. IAU maintains an office at Headquarters. The IAU fax number is (410) 260-8864.
2. IAU Duty Officer contact number is posted on the Communications Center website.
3. IAU investigators are deployed to provide support and assistance to commanders, supervisors, and employees.

## **CHAPTER 6 SECTION VI PROGRESSIVE SUPERVISION**

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### **A. Purpose**

1. Progressive supervision is intended to provide a process for supervisors to manage employees in a manner that supports the Agency's mission and values.
2. This continuum provides a progressive approach to keep employees focused and productive while deterring unwanted behavior.

### **B. Performance Appraisal Documentation**

1. Performance Appraisal Documentation is a non-disciplinary measure.
2. Supervisors will:
  - a. Document employee work performance and behavior.
  - b. Review performance appraisals with employees to ensure the mission and values are supported.

### **C. Personnel Counseling**

1. Personnel Counseling is a non-disciplinary measure. (See Chapter 6, Section X for more information).
2. Supervisors will:
  - a. Document employee performance and provide guidance to correct behavior that is not in compliance with established Departmental policies.
  - b. Use NRP Form 840 (Personnel Counseling Form) to document counseling sessions.
  - c. Offer suggestions on how to achieve and support the mission and values.
  - d. Encourage the employee to offer suggestions to improve the behavior and performance.

### **D. Alternative Disciplinary Process (ADP)**

1. ADP is a disciplinary measure. (See Chapter 6, Section XI for more information).
2. When an employee's commander believes that ADP may be an effective way to correct a minor violation, and with the approval of the Deputy Superintendent, an employee may be offered ADP.
3. Complainant or supervisory information alleging minor misconduct by an employee not supporting the mission or values can be presented to the employee without a formal investigation.
4. For ADP, an employee agrees that the minor misconduct occurred, that the facts are not in dispute, and wants to resolve the issue by immediately accepting the disciplinary action presented.
5. An employee not accepting ADP must understand that an investigation will be conducted to determine if misconduct has occurred.

### **E. Summary Punishment**

1. Summary punishment is a disciplinary measure. (See Chapter 6, Section XII for more information).
2. Summary punishment may be offered after a formal investigation has been completed and when the:
  - a. Facts which constitute the minor violations are not in dispute.

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### **PROGRESSIVE SUPERVISION**

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- b. Employee accepts the punishment presented.
  - c. Employee waives the right to a formal hearing provided for in LEOBR.
3. Summary punishment may not exceed three days suspension without pay or a fine of \$150.

#### **F. Hearing Board**

1. Behavior contrary to Department rules and regulations may be cause for administrative charges. (See Chapter 6, Section XIII for more information).
2. An employee is entitled to a hearing as provided by the LEOBR.
3. Penalties may include but are not limited to:
  - a. Written reprimand
  - b. Loss of regular leave
  - c. Transfer
  - d. Fine
  - e. Suspension
  - f. Loss of annual leave
  - g. Demotion
  - h. Dismissal
  - i. Other action which is intended as a punitive measure.

#### **G. Probationary Employees**

1. A probationary employee's commander will strive to correct inappropriate behavior through supervision.
2. Probationary employees are not entitled to LEOBR provisions unless there is an allegation of brutality or excessive force.
3. If disciplinary action is taken commanders shall:
  - a. Document the behavior on a NRP Form 842 (Probationary Officer Record of Disciplinary Action).
  - b. Select a penalty with concurrence of the Deputy Superintendent.
  - c. Present the completed Form 842 to the employee and have the employee sign the form.
  - d. Ensure that the case file is reviewed by the Superintendent if the penalty exceeds a suspension of fifteen days.
  - e. Forward the Form 842 and the case file to IAU for filing at the completion of the case.

# CHAPTER 6 SECTION VII

## PROCESSING ADMINISTRATIVE COMPLAINTS

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### A. Purpose

1. To establish procedures for processing complaints against employees.
2. To ensure that NRP personnel understand that complaints are an important and valuable part of the service provided by the NRP and that NRP personnel are to treat persons with complaints with respect and understanding.
3. To ensure all complaints are reviewed by the employee's commander to:
  - a. Determine the nature of the allegation.
  - b. Determine if an investigation is warranted.
  - c. Ensure that all complaints and dispositions are reported to Internal Affairs Unit (IAU).

### B. General

1. The Superintendent establishes rules, regulations, and procedures necessary to ensure competent and efficient management of the NRP.
2. Administrative charges may be lodged against an employee for:
  - a. Violating rules, regulations, or procedures.
  - b. Violating federal, State, or local laws.
3. Disciplinary procedures will be applied to all sworn law enforcement officers in conformance with the LEOBR and/or will be applied to all employees in conformance with other laws, policies, rules, or regulations.
4. All records and documents related to disciplinary procedures are confidential.

### C. Complaints

1. Complaints are allegations against the NRP or its employees as described above in Subsection B, General.
2. Complaints may be received anonymously, by any means regardless of where the alleged violation occurred.
3. A sworn statement alleging brutality must be filed in compliance with the LEOBR and any other pertinent laws and regulations.
4. Complaints are confidential information.
5. **Exceptions:** Allegations concerning the difference of opinion between an officer and a citizen over the issuance of a citation or criminal arrest are not complaints, unless the allegation reports misconduct, i.e. improper demeanor, use of force, etc.

### D. Processing Complaints

1. All employees may take complaint reports. However, it is preferred that supervisors take initial complaint reports.

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### **PROCESSING ADMINISTRATIVE COMPLAINTS**

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2. Personnel may be immediately assigned to investigate serious complaints. Personnel receiving the complaint will not discuss the nature of the complaint with the involved employee or other unauthorized person.
3. In general, complaints concerning NRP officers received by telephone will be referred to the appropriate Supervisor of the affected officer.
4. NRP supervisors shall:
  - a. Not delay the initiation or documentation of a complaint.
  - b. Immediately record complaints on a Form NRP-800 (Allegation of Complaint Report).
  - c. Speak with the complainant.
  - d. Upon completion of the initial inquiry the supervisor will forward the NRP-800 with their recommendation to IAU through the Chain of Command within 72 hours.
  - e. Additionally if the complaint involves circumstances as described in Section V, Subsection C of this Chapter or is otherwise serious in nature immediately notify their Bureau Commander who shall in turn immediately notify the Deputy Superintendent, the involved employee's commander and the Executive Officer.
5. Commanders shall have the authority and discretion to resolve minor complaints or violations when formal disciplinary action is unnecessary.
6. Minor complaints include but are not limited to complaints concerning minor:
  - a. Omissions of assigned duties,
  - b. Infractions of Maryland Natural Resources Police policies, procedures, or regulations,
  - c. Errors in judgment,
  - d. Matters of discourtesy
7. Employees desiring to file a complaint against another employee shall complete a Form NRP-800 and either deliver or forward it via email to the Internal Affairs Unit (IAU).
8. Complaints received by the Superintendent's office will be forwarded to the Executive Officer for assignment to either the appropriate Bureau Commander or the IAU.
9. The contact number for the IAU Duty Officer is published on the Communications Center website.
10. All complaint reports which are initially sent via email to the IAU Commander shall be followed-up by sending an original signed copy of the report to the IAU

#### **E. Processing Complaints of Brutality**

1. According to the Public Safety Article, Section 3-104:
  - a. A complaint against a law enforcement officer that alleges brutality in the execution of the law enforcement officer's duties may not be investigated unless the complaint is sworn to, under penalty of perjury by the person making the complaint, by:
    - (1) The aggrieved individual;
    - (2) A member of the aggrieved individual's immediate family;
    - (3) An individual with firsthand knowledge obtained because the individual was present at and observed the alleged incident;
    - (4) An individual who has a video recording of the incident that, to the best of the individual's knowledge, is unaltered; or

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### **PROCESSING ADMINISTRATIVE COMPLAINTS**

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- (5) The parent or guardian of the minor child, if the alleged incident involves a minor child.
  - b. Unless a complaint is filed within 366 days of the alleged brutality, an investigation that may lead to disciplinary action under this subtitle for brutality may not be initiated and an action may not be taken.
2. To comply with the legal requirements of Section 3-104, all complaints of brutality will be documented by utilizing Form NRP-801 (Complaint of Brutality). In the spaces provided on NRP-801, the complainant must be sworn to, under penalty of perjury by the person making the complaint.
3. When a complainant fails to swear to a brutality complaint, they will be advised that pursuant to law, the NRP may not investigate an allegation of brutality unless sworn to. An effort will be made to obtain the cooperation of the complainant to meet the requirements of the law. If the complainant still refuses to swear to the complaint of brutality and the allegation, if factual, would constitute misconduct, the Commander, will:
- a. Document the complaint on a Form NRP-800 (Allegation of Complaint Report).
  - b. Make a notation on NRP-800 that the complainant refused to swear to the complaint of brutality, and will document an allegation of a specific act of misconduct, other than brutality, e.g. unbecoming conduct, mistreatment of persons in custody, unreasonable force, etc.
  - c. Insure that such complaints will be processed in the same manner as other citizen complaints.

#### **F. Withdrawal of Complaints**

Complainants wishing to withdraw a complaint shall fill out a Form NRP-802 (Complaint Withdrawal) which shall be forwarded to the IAU commander and included in the case file.

#### **G. Commander Responsibilities & Employee Notification**

1. Commanders shall:
  - a. Review Form NRP-800 to determine the seriousness of the complaint.
  - b. Advise the complainant that the complaint has been received and will be reviewed.
  - c. Commanders may conduct a limited inquiry into the complaint to determine the nature and seriousness of the complaint.
2. No formal investigation will begin until:
  - a. Form NRP-805 (Notification of Complaint) is completed and a control number assigned by the Internal Affairs Unit.
  - b. Form NRP-805 (Notification of Complaint) has been issued to the involved officer(s).
3. Whenever it is determined by IAU or the Executive Officer that a formal investigation will be conducted, the officer under investigation will be notified within 72 hours of the issuance of the control number through Form NRP-805, unless:
  - a. Such notification would impair the agency's ability to obtain necessary information or evidence by which to conduct a fair and impartial investigation; or
  - b. Would cause substantial harm to a person or position from whom the information is obtained.
4. Upon receipt of a personnel complaint originating outside of the agency the IAU commander shall complete Form NRP-860 (Notice of Complaint Receipt) which will be sent to the complainant.
5. If a complainant files a complaint, and then later decides not to pursue the matter, the IAU Commander shall:
  - a. Make a determination as to if the complaint alleges violations of misconduct that can be proved

## **CHAPTER 6 SECTION VII**

### **PROCESSING ADMINISTRATIVE COMPLAINTS**

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without the assistance of the complainant. If it can be proved without the complainant's assistance, then the investigation shall continue.

- b. Make a determination as to if the complaint alleges misconduct that cannot be proved without the assistance of the complainant. If it cannot be proved without the complainant's assistance, then the IAU Commander will prepare Form NRP-861 (Notice of Administrative Closure) which will be sent to the complainant advising them that the complaint has been administratively closed due to the complainant's desire not to pursue the matter.

6. If a complainant fails to meet with the investigator after several requests, the IAU Commander will complete and send to the complainant Form NRP-862 (Notice of Final Interview).

7. The IAU Commander will inform the complainant and the officer under investigation, of the final disposition of the complaint by sending them a letter/memorandum to explain the case disposition.

- a. Upon completion of the investigation, the IAU Commander will complete and send to the complainant Form NRP-863 (Notice of Case Closure).
- b. Upon closure of the investigation, the IAU Commander will complete and send a memorandum to the officer, Form NRP-865 (Notice of Investigation Closure), summarizing the finding of the investigation.

# **CHAPTER 6 SECTION VIII**

## **CRIMINAL COMPLAINTS AND USE OF FORCE INVESTIGATIONS**

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### **A. Policy**

The NRP will conduct criminal and administrative investigations when an officer is accused of violating criminal law or using force resulting in serious injury or death.

### **B. Objectives**

The NRP will investigate all complaints involving:

1. An employee accused of committing an unlawful act.
2. An employee's use of force, resulting in life threatening injury or death.

### **C. Investigative Procedures**

1. An employee accused of a criminal act will be subject to a criminal investigation conducted by the NRP or the police department investigating the case.
2. The employee's commander will notify their Bureau Commander as soon as it is alleged that an employee has been involved in criminal activity.
3. The Bureau Commander will notify the Deputy Superintendent, the Special Services Bureau Commander, and the Executive Officer, and they will determine what investigative resources are necessary.
4. An investigator from the Criminal Investigations Section will be assigned to act as a liaison with other resources during the investigation.
5. If an employee has been involved in an incident in which life threatening force has been used or is a witness to life threatening injuries of another employee, the senior officer on the scene will:
  - a. Remove the employee to a neutral location.
  - b. Notify the employee's commander to ensure appropriate psychological services are provided to the employee.
6. If an employee's firearm was used, the senior officer on the scene will secure it for safekeeping and investigative integrity. A Form RMS 416 (Chain of Custody) will be completed and the firearm will be relinquished to a member of the investigation team.
7. The removal of a weapon should:
  - a. Occur when the crime scene is safe.
  - b. Be done so as not to cause additional stress to the employee.
  - c. Be done in conformance with Chapter 8, Section VII (Firearms Policy), paragraph E (Firearms Discharge and Procedures).

### **D. Serious Injury or Death Incidents**

1. The Special Operations Division will investigate incidents where an employee's actions cause serious injury or death to another person.
2. The senior officer on duty will immediately notify:
  - a. The involved employee's commander.

## **CHAPTER 6 SECTION VIII**

### **CRIMINAL COMPLAINTS AND USE OF FORCE INVESTIGATIONS**

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- b. During normal business hours, the Commander of the Special Services Bureau and the Executive Officer.
  - c. After normal business hours, the Special Operations Division (SOD) and the Internal Affairs Unit (IAU) duty officer.
3. The Commander of the Special Services Bureau will:
- a. Notify the appropriate Criminal Investigation Section personnel
  - b. Determine what additional investigative resources will be needed.
  - c. Ensure the Deputy Superintendent is notified

#### **E. State's Attorney Liaison**

The primary investigator will provide the local State's Attorney's Office with:

1. A investigative report for review; and/or
2. The presentation of evidence to a grand jury.

#### **F. Internal Affairs Unit (IAU) Liaison**

1. When an employee is involved in an incident involving serious injury or death, or has committed a criminal act, the Special Services Bureau Commander and the Executive Officer will determine what resources will be utilized from their respective commands and ensure that the Deputy Superintendent is informed of pertinent case issues.
2. When an investigation is being conducted by the Criminal Investigations Section and IAU, the primary investigators will determine if certain aspects of the investigative process can be conducted jointly.

#### **G. Additional Responsibilities**

1. The Superintendent or Deputy Superintendent may assign other investigators to assist the Criminal Investigations Section and IAU for primary response.
2. Other investigations considered for assignment include:
  - a. Criminal offenses described as a crime of violence in Criminal Law, Section 14-101, of the Annotated Code of Maryland.
  - b. Serious criminal allegations involving employees of other police departments.
  - c. Serious criminal allegations involving elected/appointed public officials.
  - d. Critical incidents that may have an adverse psychological/emotional impact on local investigators (e.g. death of local officer or spouse).
  - e. Serious incidents in which the public perception of impartiality has been breached; requiring an investigation independent of local installation personnel.

## **CHAPTER 6 SECTION IX EMERGENCY SUSPENSIONS**

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### **A. Definitions**

Under the Annotated Code of Maryland, Public Safety Article, §3-112, the Superintendent, or their designee, may suspend an officer under one of the following three types of emergency suspensions. In any emergency suspension the officer is entitled to a prompt hearing.

1. Emergency Suspension with Pay & No Suspension of Police Powers – The suspension of an officer, with pay, and the officer retains their police powers. Such suspensions will be in the best interest of the public and the Agency. The officer may be reassigned to other duties.
2. Emergency Suspension with Pay, Suspension of Police Powers, & Reassignment to Restricted Duties – The suspension of an officer, with pay, and the officer may have their police powers suspended, and may be reassigned to restricted duties pending:
  - a. A determination by a court with respect to a criminal violation, or
  - b. A final determination by a hearing board with respect to an Agency violation.
3. Emergency Suspension *without* Pay & Suspension of Police Powers – Whenever an officer is charged with a felony, the officer may be suspended without pay and have their police powers suspended.

### **B. General Provisions**

1. A suspension may be imposed against an officer by a supervisor superior in rank to the suspended employee.
2. Concurrence of the Superintendent will be obtained as soon as possible.
3. The commander of an officer who has had their police powers suspended shall retain custody of the officer's issued equipment designated on Form NRP-832 (Suspension Equipment Checklist). At a minimum, the commander shall retain custody of the employee's issued:
  - a. Firearm(s)
  - b. Badge(s)
  - c. Identification Card(s)
  - d. MPTC Officer Certification Card
  - e. Vehicle
4. A suspended officer will be advised whether the suspension is with or without pay, and whether their police powers have been suspended, in accordance with Form NRP-830 (Order of Emergency Suspension).
5. Emergency suspension without pay and suspension of police powers may be imposed when the officer has been charged with a felony.
6. The suspended officer will be notified of the date, time, and location for the emergency suspension review hearing.
7. If an officer has their police powers suspended, then the officer will not exercise police authority until those powers have been restored by the authority of the Superintendent.
8. Probationary officers are not entitled to a review hearing except in the case of brutality.

## **CHAPTER 6 SECTION IX EMERGENCY SUSPENSIONS**

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### **C. Procedures**

1. The Superintendent shall promptly conduct an emergency suspension review hearing or may delegate the authority to conduct the hearing to an NRP Commissioned Officer.
2. A suspended officer's commander will:
  - a. Contact the Special Services Bureau Commander whenever there is an emergency suspension. A review hearing will be scheduled, if applicable.
  - b. Direct the suspended officer to appear for a review hearing.
  - c. Be the presenter of facts or delegate the responsibility to another supervisor.
3. Suspended officers may waive the review hearing by completing and submitting Form NRP-831 (Emergency Suspension – Waiver of Hearing) to the officer's commander. Fax a copy to the Special Services Bureau Commander within 24 hours

### **D. Emergency Suspension Review**

1. The emergency suspension review will be heard by the Administrative Hearing Officer. The Review Hearing will be held within 72 hours of the emergency suspension unless the time limit is extended by mutual agreement of the Agency and the Respondent.
2. The Administrative Hearing Officer will conduct a hearing and recommend to the Superintendent one of the following:
  - a. Suspension was not justified and the officer should return to duty.
  - b. Suspension was justified but the officer should return to duty.
  - c. Suspension was justified and the officer's suspension should continue until the matter is resolved through the criminal and/or administrative process.
3. The Administrative Hearing Officer will limit the scope of the review and determine if the continuation of the suspension is necessary to protect the public interest or the NRP.
4. During a Review Hearing a suspended officer may:
  - a. Be accompanied by counsel; only matters dealing with the determination of the suspension will be heard.
  - b. Rebut the reason(s) for the initial suspension.
  - c. Present mitigating testimony.
  - d. Suggest alternatives to suspension.
5. The presenter of facts will:
  - a. Present reason(s) for the initial suspension.
  - b. Make recommendations concerning the officer's leave status and/or temporary assignment during the period of suspension.
  - c. Recommend a final disposition on the suspension.

### **E. Administrative Hearing Officer**

The Administrative Hearing Officer will:

1. Ensure the hearing is recorded and the record is remanded to the Internal Affairs Unit (IAU) for filing.

## **CHAPTER 6 SECTION IX EMERGENCY SUSPENSIONS**

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2. Advise the suspended officer the suspension will continue pending the Superintendent's decision and the officer will be notified of the decision in writing.
3. Prepare a report containing the Hearing Officer's recommendation(s) and forward it to the Deputy Superintendent.
4. Instruct an officer suspended with pay and not assigned administrative duties at an NRP installation, to contact IAU, Monday through Friday, excluding holidays, between 0900 and 1000 hours and provide a telephone number or location where the suspended officer can be contacted.

### **F. Superintendent's Responsibilities**

The Superintendent will:

1. Review the Administrative Hearing Officer's report.
2. Determine if the suspension should be continued.
3. Determine if a suspension is with or without pay.

### **G. Record Retention**

In those instances where the Administrative Hearing Officer determines and the Superintendent concurs that a suspension was not justified and the officer should return to duty, the IAU Commander shall destroy all references and records concerning the emergency suspension.

**CHAPTER 6 SECTION IX**  
**EMERGENCY SUSPENSIONS**

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