



POST-CONVICTION ACTIONS & APPEALS

INDEX CODE: 304.1
EFFECTIVE DATE: 07-01-04

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I. INTERNAL AFFAIRS COMMANDER

A. In cases where the hearing board renders a guilty verdict and recommends dismissal of the accused officer, the following procedures apply:

- 1. The commander of the Internal Affairs Section will immediately suspend the police powers of the accused officer. The suspension is with pay, pending the final decision of the Chief of Police.
- 2. The commander of the Internal Affairs Section will notify the Police Personnel Section so that the required documents can be generated.

B. In cases where the hearing board renders a guilty verdict and recommends disciplinary action other than dismissal, the commander of Internal Affairs will review the case against the accused officer and render one of three actions based on the commander's determination of the seriousness of the offense.

- 1. The accused officer may be permitted to return to regularly assigned duties pending the decision of the Chief of Police.
- 2. The police powers of the accused officer may be suspended and the member may be given an administrative assignment pending the decision of the Chief of Police.
- 3. The police powers of the accused officer may be suspended and the officer may be suspended with pay pending the decision of the Chief of Police.

II. DISMISSAL NOTICE

A. If an incident of misconduct results in the dismissal of a police officer from the department, the officer will be afforded all of the rights and provisions enumerated in the Law Enforcement Officer's Bill of Rights. Probationary officers are not covered by LEOBR except in cases where brutality is alleged.

B. In addition, and also in the case of civilian employees, the department must provide written notice to the affected employee stating the reason for dismissal, the effective date of the dismissal, a statement of the charges and specifications, the status of retirement and other benefits, and a copy of all pertinent information contained in the employee's personnel file relating to the dismissal.

III. APPEAL OF DISCIPLINARY ACTION

The final order and decision of the Chief of Police is binding, but may be appealed to the Circuit Court in accordance with the Maryland Annotated Code, Public Safety Article, Title 3, Section 3-101 through 3-113. The appeal to Circuit Court must be within 30 days of the Chief's final decision.

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- IV. **PROPONENT UNIT:** Internal Affairs Section.
- V. **CANCELLATION:** This directive cancels Index Code 304.1, dated 02-15-98.