



# Summary Punishment

S.O.P. #	ORIGINAL DATE	REVISION DATE	APPROVED BY
3.4	1/1/1994	2/1/2018	E. Fox, Chief of Police

### 3.4.1 SUMMARY PUNISHMENT CRITERIA

Summary punishment is a disciplinary tool intended for use by supervisory and command personnel. For the purposes of administering summary punishment, the term commanding officer when used in this directive means the Chief of Police. The above procedure does not preclude counseling a subordinate. Use of the counseling process can correct undesirable behavior while maintaining maximum harmony between a supervisor and subordinate. Summary punishment may be imposed after all the following conditions are met:

- A. A complaint of employee misconduct is reported on a Complaint against Personnel form;
- B. The complaint was an on-view violation, or has been investigated and classified as "sustained";
- C. The Chief of Police has been contacted and has determined that the misconduct can be resolved by the administration of summary punishment;
- D. The Chief of Police approves the level or type of summary punishment to be offered;
- E. The employee waives any applicable LEOBR rights and accepts the summary punishment in writing, within five (5) working days of the offer.

In all cases, summary punishment will be imposed within 30 days from the date of review by the Chief of Police and in the case of suspension, concluded in consecutive working days after imposition.

### 3.4.2 STATUTORY PROVISIONS

Summary punishment may be imposed for minor violations of department rules and regulations when: (i) 'The facts that constitute the minor violation are not in dispute; (ii) the law enforcement officer waives the hearing provided by this subtitle; and (iii) the law enforcement officer accepts the punishment imposed by the highest ranking law enforcement officer, or individual acting in that capacity, of the unit to which the officer is attached. "Summary punishment may not exceed suspension of three days without pay or a fine of \$150. (Md. Code, Public Safety Article, Title 3, Section 3-111}

### 3.4.3 PROCEDURES

- A. Notification to the Chief of Police

If the sergeant wishes to impose summary punishment he must first brief the Chief of Police on the circumstances of the case. The Chief will determine if the violation or complaint may be resolved with summary punishment. The Chief will brief the Town Manager regarding the complaint and his decision regarding summary punishment. If summary punishment is authorized, the Chief of Police will inform the sergeant of the employee's disciplinary history and the range of summary punishment options that are appropriate for the violation.

- B. Sergeant's Responsibility

In cases of on-view violations, the sergeant will conduct an investigation and document his findings to the Chief of Police. If the complaint is sustained, the sergeant will also submit a recommendation for summary punishment.



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Note:

*If there are no personnel with the rank of Sergeant within the department, the officer observing the violation will submit such to the Chief of Police.*

## C. Investigation

The investigative file must be complete. It must include an appropriate charging document (memorandum, Police Practices Complaint Form, Traffic Accident Review Report, etc.). In addition the following items will also be included, as appropriate, depending on the circumstances of the complaint and investigation:

1. Notice to officer to appear for a Statement
2. Statement of accused officer
3. Statement of victim or complainant 4, Witness statements
5. Summary of all items of evidence
6. In the case of a Departmental accident the file must contain:
  - a. Accident Report and related reports
  - b. Driver statements
  - c. Witness statements
  - d. Supervisor Report
  - e. Any Worker's Compensation/Injured officer reports
  - f. Photographs from accident scene
- E. Conclusion of Fact

The investigative report will conclude that the alleged misconduct was at least one of the following:

1. Exonerated: The alleged act occurred, but was justified, legal and proper. The action of the agency or the employee was consistent with agency policy and the complainant suffered no harm.
2. Policy Failure: Although the action of the agency or the employee was consistent with agency policy, the complainant suffered harm.
3. Sustained: The accused employee committed all or part of the alleged acts of improper conduct.

### 3.4.4 Review by Chief of Police

A. After reviewing the file and recommendations of the sergeant, the Chief of Police will, if he concurs, return the entire file to the sergeant with an authorization to impose summary punishment.



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B. If the Chief of Police does not authorize summary punishment after his review, the file will be returned to the sergeant stating the action to be taken or requesting further justification or investigation.

C. If summary punishment is approved, the sergeant will notify the accused officer of the specific charges and proposed summary punishment offered. The accused officer may consider the offer of summary punishment for five working days to decide whether to accept or refuse the offered summary punishment.

### 3.4.5 File Distribution

A. If the accused officer accepts the punishment and waives a trial board, the sergeant will impose the summary punishment, place the "Offer of Summary Punishment", "Acceptance of Summary Punishment & Waiver of Trial Board" in the investigative file, and forward the file to the Chief of Police.

B. If the accused officer requests a trial board, the sergeant will forward the file to the Chief of Police. The Chief of Police will take action to either initiate a trial board or file the investigative report.

C. Official notice of disciplinary action will be made to the officer in an inter-office correspondence, distributed as follows:

1. The original, signed by the accused officer, is kept in the investigative file with copies to the Police Personnel file and Town Manager.
2. One copy is given to the accused officer.

### 3.4.6 Notification to Complainant

The Chief of Police will write a letter to the complainant, stating the results of the investigation (sustained, not sustained, unfounded, exonerated, or policy failure) and the fact that disciplinary action has or has not been imposed. By law, the exact level or nature of disciplinary action will not be specified.