

BERLIN POLICE DEPARTMENT  
Berlin, Maryland

SUBJECT: DISCIPLINARY PROCESS - SUSPENSION FROM DUTY		NO: 500 D-6
APPROVED/EFFECTIVE DATE January 9, 1995	AMENDS	RESCINDS G.O. 47-86
DISTRIBUTION/DATE A	REFERENCES Maryland Public Safety Article Title 3, Section 3-101 through 3-111	

- .10 The mission of the Police Department is a sensitive one and it is necessary that its members be of exemplary character and that their reputations be beyond reproach. It is necessary, therefore, that when a member is charged or is to be charged with a crime or a violation of department policy that would bring into question the discipline, the integrity or the reputation of the department, the member be suspended from duty. This General Order will apply to all members of the department.
- .20 When infractions occur, a case by case determination must be made as to whether a suspension is appropriate and warranted. While no blanket policy for when suspension should be made, can be enumerated, suspension from duty would be appropriate in the following cases:
- A. Commission of a crime or a serious violation of the General Orders of the department.
  - B. Intoxication while on duty.
  - C. Assault on a member of the department.
  - D. Intentional filing of a false report.
  - E. Refusal to obey a lawful order.
  - F. Deliberate destruction or misuse of departmental equipment
  - G. Use of a departmental issued weapon resulting in the death of another.
- .30 It will be the policy of the department that any officer of the rank of Corporeal or above may suspend a member from duty for the purpose of preferring formal charges against him/her.
- .40 To suspend a member of the department from duty, the suspending officer will:

- A. Notify the member verbally of his/her suspension and relieve him/her of:
    - 1. Departmental Identification
    - 2. Weapon and Ammunition
    - 3. Badge; and
    - 4. Departmental Vehicle
  - B. Make a written preliminary report to the Chief of Police within 24 hours describing the circumstances of the suspension, and the action taken by the suspending officer.
  - C. Mark and turn in to the Property Unit all equipment taken from the suspended member.
- .50 Any member suspended from duty will be considered suspended with pay until such time as a suspension hearing is conducted. The member will automatically be granted permission to engage in secondary employment until such time as the suspension is terminated.
- .60 The suspended member will report to the Administrative Lieutenant at 0900 hours on the next regular working day for a suspension hearing
- A. The suspension hearing will be a fact finding hearing, the sole purpose of which will be to determine if the suspension was justified, and whether it should remain in effect with or without pay.
  - B. If the Administrative Lieutenant determines that the suspension was not justified, the suspension will be terminated and the member restored to duty.
- .70 At the conclusion of the suspension hearing, the Administrative Lieutenant will make a written report to the Chief of Police which will include his/her findings and what actions were taken.
- .80 The Chief of Police will review the report of the suspension hearing and will have the power to overrule any action that is deemed to be inappropriate.
- .90 Any member under suspension will not wear any portion of his/her uniform nor will he/she take any action exercising police powers.