

**Review of Police Disciplinary Procedures
in Maryland and Other States**

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Project X-47

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Executive Summary

At the request of the Maryland Association of Counties and the Maryland Municipal League, the Institute for Governmental Service at the University of Maryland documented and compared the provisions of statutes in other states to Maryland's Law Enforcement Officers' Bill of Rights (LEOBR) and determined how the provisions of Maryland law regarding disciplinary procedures have actually been implemented. The research was undertaken in anticipation of the reintroduction of amendments to Maryland's LEOBR statute that would reduce the authority of police chiefs.

The study methodology involved a review of the statutes in all 50 states and the District of Columbia and a mail survey of the 117 police agencies in Maryland that were subject to LEOBR. One hundred and six police agencies responded to the survey.

Current Maryland Law

Maryland law concerning police disciplinary procedures appears under the subtitle "Law Enforcement Officers' Bill of Rights" in Article 27, Sections 727 through 734D of the Annotated Code of Maryland. It extends uniform protections to officers in a broad list of local and state police agencies. The LEOBR statute covers two major components of the disciplinary process: (1) the conduct of internal investigations of complaints that may lead to a recommendation of disciplinary action against a police officer, and (2) procedures that must be followed once an investigation results in a recommendation that an officer be disciplined.

Maryland's LEOBR statute offers a fairly extensive set of protections to officers during

internal investigations, such as limitations on the time, place and duration of an interrogation. The statute also protects the officer's right to obtain certain information and to have an attorney present. When a complaint against a police officer is sustained by the internal investigation, Maryland's LEOBR statute entitles the officer to a hearing before a board of sworn officers selected by the chief. (For minor offenses, the board may be a single officer.) Police agencies and officers may enter into collective bargaining agreements that permit an alternate method of forming the hearing board. The statute also contains requirements for the conduct of the hearing.

Once a hearing board has rendered a decision regarding an officer's guilt or innocence, that decision is binding. For cases in which the finding is guilt, the hearing board makes a punishment recommendation, which the chief may accept or reject, unless the agency and officers have a collective bargaining agreement that makes the hearing board's punishment recommendation binding on the chief. If the chief decides to impose a more severe punishment than the hearing board recommended, the chief must document the reasons for that decision.

Laws in Other States

The provisions of other state laws regarding police discipline vary widely from the Maryland law and from each other in the set of police agencies subject to the provisions, whether both internal investigations and disciplinary actions are addressed, the protections afforded during internal investigations, the types of disciplinary actions covered, and the specific processes and

procedures required for disciplinary matters. In many states, different provisions apply to different police agencies and some categories of police agencies (e.g., sheriffs departments) are not covered by the law at all. In some states, although the provisions are a part of state law, they do not apply to a given local police agency unless adopted by the local government.

Only 15 states besides Maryland have statutes that cover the conduct of internal investigations. Most of these statutes provide fewer protections for officers than are contained in the Maryland law.

State laws that require hearings in police disciplinary cases are split about evenly between those that require a hearing prior to imposition of discipline (a trial board) and those that require a hearing at the request of the officer once a disciplinary action has been taken (an appeal board).

The composition of hearing boards specified in state law also varies from state to state and within some states by category of police agency. The most common type of hearing board is a civilian civil service commission or merit board, generally composed of residents of the community appointed for fixed terms. Under some statutes, these boards are general civil service commissions that establish personnel policies and handle discipline for other public employees as well as police officers. Under other statutes, the boards are specifically constituted to handle police personnel issues, including disciplinary actions.

Like hearing boards in Maryland, the boards specified by statute for all covered agencies in Delaware, Florida, Rhode Island and Virginia are composed entirely of sworn officers. In seven other states (Kentucky, Michigan, Missouri, Pennsylvania, Vermont, Washington and West Virginia), hearing boards for the state police and

certain other police agencies are composed entirely of sworn officers.

Other variations of hearing board composition are police oversight boards composed of public officials including those in law enforcement, the local governing body, the agency with appointing and removal authority, grievance committees, arbitrators and judges. Some state laws permit the composition of the hearing board to be determined locally, while others do not even address the composition of the hearing board.

The variety in hearing board composition corresponds to the variety of methods by which hearing board members are selected. In states that specify that civilian merit boards conduct the disciplinary hearing, a common method for appointing the board is for the local governing body or executive to select the members. In some states that provide for civilian merit boards or police oversight boards to hear police disciplinary cases, the governor is involved in the selection of members. Regarding police agencies for which the local governing body serves as the hearing board, the electorate is responsible for its selection.

Among the 12 states that specify hearing boards composed of sworn officers, the accused officer has a role in the selection of the hearing board members in four states (Florida, Rhode Island, Vermont and Virginia). Delaware's statute does not address how hearing board members are selected. In the other seven states, including Maryland, statutes provide for the agency head to select all members of the hearing board.

Unlike Maryland's law, most statutes provide that hearing board decisions regarding both guilt and punishment are binding on the police agency. In seven states in addition to Maryland, statutes applying to certain agencies provide that hearing board decisions are not binding. Several state

statutes are silent as to whether the hearing board's decision is binding, often because the hearing process itself has been left to the discretion of local jurisdictions. In general, an aggrieved officer is entitled to appeal the decision of a hearing board or higher administrative authority to the court system.

Maryland Law Compared to Other States

Maryland law contains many provisions that are more favorable to officers than provisions in other states. However, the Maryland law has two drawbacks from the officers' perspective. The chief selects all members of the hearing board (unless a collective bargaining agreement provides otherwise). Plus, the hearing board's punishment recommendation is not binding on the chief, unless a collective bargaining agreement provides otherwise. Despite these drawbacks, the Maryland law appears to accommodate officers more than any other state law, except possibly that of Rhode Island.

Actual Practice in Maryland

The survey of disciplinary practices in Maryland police agencies solicited detailed information on how police agencies have implemented the provisions of Maryland's LEOBR statute. One hundred and six police agencies, including all of the large police agencies, responded. Ten agencies reported having collective bargaining agreements which address disciplinary procedures. Two of these agreements contain provisions for an alternate method of forming hearing boards. Other agreements provide officers with peremptory challenges of hearing board members.

In addition to the provisions of collective bargaining agreements, agencies have implemented internal policies that enhance the neutrality of hearing boards. Two common mechanisms are random selection of hearing board members and obtaining hearing board members from other police agencies.

The vast majority of disciplinary cases in Maryland police agencies are resolved without a hearing. For the three-year period from January 1995 to early December 1997, responding agencies reported over 10,000 complaints against police officers that required investigation. One-third of all complaints were sustained by internal investigations.

Based on data from 96 agencies, more than 80 percent of the time the officer accepted the discipline that was recommended by the internal investigators. The remaining cases were resolved through a variety of means, including the officer negotiating a lesser punishment, the officer resigning or retiring and the convening of a hearing board.

A total of 381 hearings occurred in the responding agencies during the period. More than half of Maryland police agencies did not convene any hearing boards during 1995, 1996 or 1997. Forty-two agencies conducted at least one hearing during the period; four agencies (Baltimore City, Baltimore County, Maryland State, and Prince George's County) convened 202 hearing boards, or more than half of the total of 381 hearing boards reported.

For the cases reported for the 1995 to 1997 period, about three-quarters of the hearing board decisions were findings of guilt. Suspension was most frequently the most severe penalty recommended by the hearing board.

As discussed above, under Maryland law, the hearing board's decision regarding guilt is

binding, whereas the agency chief can decide whether to accept the hearing board's recommendation regarding punishment (unless a collective bargaining agreement provides otherwise). Of the 278 cases for which the hearing board made a punishment recommendation during the three-year period, agency chiefs made their penalty decisions in 274 cases. The chiefs imposed the penalty recommended by the hearing board in more than nine out of 10 cases. During the three-year period, an agency chief imposed a more severe penalty than recommended by the hearing board in 14 cases. In six cases, an agency chief imposed a less severe penalty than the hearing board recommended.

Conclusions

Overall, Maryland's LEOBR statute compares well to the laws of other states in providing protections to police officers facing the possibility of disciplinary action. Maryland's statute extends uniform protections to officers in a broad list of local and state police agencies, addresses both investigations and resulting disciplinary actions, contains extensive protections during internal investigations, covers all types of disciplinary actions, and specifies a hearing board composed of sworn officers. Only a few other state statutes contain all these features, and only one statute--Rhode Island's--appears to be more favorable to officers than Maryland's.

The fact that police agencies must investigate numerous complaints against police officers underscores the importance of having extensive provisions concerning internal investigations in Maryland's LEOBR statute. Under current law, the internal investigation process resolves the vast

majority of disciplinary cases without proceeding to the hearing stage.

The provisions of Maryland's LEOBR law that may be viewed as accommodating police officers are offset by provisions that may be viewed as accommodating management: the chief's selection of all hearing board members and the chief's authority to overrule the hearing board's recommendation regarding punishment. The survey of Maryland agencies reveals that the chief's selection power is often mitigated by collective bargaining agreements or by the policies and procedures of individual agencies, and that the chief's authority to overrule hearing board recommendations is invoked in only a small percentage of cases.

Introduction

The Maryland Association of Counties (MACo) and the Maryland Municipal League (MML) asked the Institute for Governmental Service at the University of Maryland to research police disciplinary procedures in Maryland and other states. Specifically, MACo and MML requested that the Institute document and compare the provisions of statutes in other states to Maryland's Law Enforcement Officers' Bill of Rights (LEOBR) and document how the provisions of Maryland law regarding disciplinary procedures have been applied. MACo and MML requested the project in anticipation of a bill being introduced during the 1998 Maryland General Assembly session that would change the approach currently used in Maryland to handle police discipline cases.

The Institute provided MACo and MML with a draft report in February 1998 based on information from 95 Maryland police agencies and 32 other states. When the 1998 legislative session ended without introduction of a police discipline bill, MACo and MML requested that the Institute expand on the draft report by obtaining information from additional Maryland police agencies and other states. This report is based on information obtained from 106 Maryland police agencies and the statutes of 50 states and the District of Columbia.

Current Law in Maryland

State law concerning police disciplinary procedures appears under the subtitle "Law Enforcement Officers' Bill of Rights" in Article 27, Sections 727 through 734D of the Annotated Code of Maryland. Section 727 identifies the law enforcement officers covered by the statute as

members of one of the following agencies who are authorized in an official capacity to make arrests:

- C the police department of any incorporated city or town or any county;
- C the Office of the Sheriff of any county or Baltimore City;
- C the Baltimore City Police Department, the Baltimore City School police, and the Housing Authority of Baltimore City police;
- C the Department of State Police;
- C the police of the Department of Transportation Mass Transit Administration, the Maryland Transportation Authority, and the Maryland Port Administration;
- C the police department of any bicounty agency;
- C the police force of the University of Maryland;
- C the Department of Natural Resources police;
- C the Investigative Services Unit of the Maryland Comptroller's Office;
- C the Crofton Police Department;
- C the departments of Health and Mental Hygiene, General Services, and Labor, Licensing and Regulation;
- C the Office of the State Fire Marshall, including full-time investigative and inspection assistants.

The LEOBR subtitle does not apply to probationary officers except when allegations of brutality are involved. It also does not apply to persons serving at the pleasure of the police commissioner of Baltimore City or the appointing authority of a charter county or to a police chief of any incorporated city or town.

The LEOBR statute covers two major components of the disciplinary process:

- C the conduct of internal investigations of complaints that may lead to a recommendation of disciplinary action against a police officer, and
- C procedures that must be followed once an investigation results in a recommendation that an officer be disciplined.

Provisions regarding internal investigations are contained in Section 728(b). The following is a summary of these requirements.

Formality of complaints

Complaints alleging brutality are to be sworn to by the aggrieved person, a member of the aggrieved person's immediate family, an eyewitness, or the parent or guardian of the aggrieved person and filed within 90 days of the alleged brutality.

Time of interrogation

Interrogation should occur at a reasonable hour, preferably when the law enforcement officer is on duty, with certain exceptions.

Location of interrogation

Interrogation should take place at the office of the command of the investigating officer, or at the office of the local precinct or police unit in which the incident allegedly occurred,

or at any other reasonable and appropriate place.

Session duration

Interrogation should last for reasonable periods of time, with rest periods included.

Record

A complete written or taped record of the interrogation, including recess periods, should be kept.

Information provided to officer prior to interrogation:

- C identity of investigators, interrogators and all persons present during the interrogation;
- C the nature of the investigation (in writing);
- C rights if under arrest or likely to be placed under arrest;
- C right to have counsel or other representative present; and
- C right to bring suit.

Limits on questioning

All questions directed to the officer are asked by and through one interrogator during any one interrogating session.

Prohibition against threats

No threat of transfer, dismissal or disciplinary action shall be made, except in cases when the officer has refused to submit to a blood alcohol test, blood, breath or urine tests for controlled dangerous substances, polygraph examinations, or interrogations that specifically relate to the subject matter of the investigation.

Information provided to officer upon completion of investigation:

- the name of any witness;
- all charges and specifications against the

officer; and
- a copy of the investigatory file and any exculpatory information. The officer executes a confidentiality agreement and pays reasonable copying charges before the file is made available. The investigatory file excludes:

- 1) the identity of confidential sources;
- 2) nonexculpatory information; and
- 3) recommendations as to charges, disposition or punishment.

Inadmissibility of certain results

When an officer has been ordered to submit to a blood alcohol test, blood, breath or urine tests for controlled dangerous substances, a polygraph examination or an interrogation, the results are not admissible or discoverable in any criminal proceedings. In addition, the results of a polygraph examination may not be used as evidence in any administrative hearing unless both the agency and the officer agree to the admission.

Adverse material

An officer must be given an opportunity to review, to sign, to receive a copy of and to comment on any adverse material prior to its placement in the officer's personnel file.

Expungement of complaints

An officer may have the record of a complaint removed if the officer is exonerated or three years have passed.

Section 730 contains procedures that must be followed: "If the investigation or interrogation of a law enforcement officer results in the recommendation of some action, such as demotion, dismissal, transfer, loss of pay, reassignment, or similar action which would be considered a punitive measure." Except in the case of summary punishment or emergency

suspension, the agency must give notice to the officer that he or she is entitled to a hearing by a hearing board and inform the officer of the time and place of the hearing and the issues involved. However, except for charges related to criminal activity or excessive force, administrative charges may not be brought against an officer unless they are filed within one year of the time that the appropriate agency official became aware of the act precipitating the charges. Officers convicted of a felony are not entitled to a hearing under this section.

Section 730 prescribes the conduct of the hearing including the requirement of an official record containing testimony and exhibits, the right to counsel of both the agency and the officer, admissibility of evidence, the right of every party to cross-examine witnesses and submit rebuttal evidence, witness fees, and issuance of summonses.

As defined in Section 727, the hearing board for cases other than summary punishment consists of not less than three members, all to be appointed by the chief and selected from law enforcement officers within the agency or another police agency. At least one member of the hearing board must be of the same rank as the officer whose case is being heard. Alternatively, an agency that has recognized an exclusive collective bargaining representative may negotiate an alternate method of forming a hearing board that an officer has the option of using.

Procedures differ in the case of summary punishment, defined in Section 727 as "punishment imposed by the highest ranking officer of a unit or member acting in that capacity, which may be imposed when the facts constituting the offense are not in dispute." Summary punishment may not exceed three days suspension without pay or a fine of \$150. Section

734A adds that summary punishment may be imposed for minor violations of departmental rules and regulations when the officer waives a hearing and accepts the punishment imposed by the highest ranking officer of the accused officer's unit.

If a law enforcement officer is offered summary punishment and refuses, the chief may convene a hearing board of one or more members to recommend sanctions for summary punishment. If a one-member board is convened, the member need not be of the same rank as the accused officer. An alternate method of forming a hearing board is not available to an officer in the case of summary punishment.

As provided in Section 734A, emergency suspension with pay may be imposed by the chief when it appears that the action is in the best interest of the public and the agency. The chief may suspend the officer's police powers and reassign the officer to restricted duties pending court determination with respect to any criminal violation or final determination of an administrative hearing board regarding departmental violations. The chief may impose emergency suspension without pay if the officer has been charged with a felony. An officer who receives an emergency suspension is entitled to a prompt hearing.

Decisions of hearing boards and the chief's subsequent actions are addressed in Section 731. The statute requires that any decision, order or action taken as a result of the hearing be in writing and accompanied by findings of fact. A finding of not guilty by a hearing board terminates the action. If a finding of guilt is made, the hearing board must reconvene, receive evidence and consider the officer's past job performance and other relevant information. The hearing board then may recommend punishment. Written findings and recommendations must be delivered

to the officer, or the officer's attorney or representative, and the chief.

The decision of a hearing board regarding both guilt and punishment is final if a chief is an eyewitness to the incident under investigation or if a collective bargaining agreement provides that the hearing board's decision is final. In all other cases, the hearing board's finding regarding guilt is final, but its punishment recommendations are not binding on the chief. The chief must review the findings and recommendations of the hearing board and issue a final order within 30 days.

Before a chief may impose a harsher penalty than recommended by the hearing board, the chief must review the entire record of the hearing board proceedings, meet the officer and permit the officer to be heard on the record. The chief must disclose in writing any oral or written communication that is not included in the hearing board record, but on which the chief is basing the decision to increase the penalty. Additionally, the chief is required to state on the record the substantial evidence relied on to support the increased penalty.

In accordance with Section 732, final decisions of a chief or a hearing board may be appealed to the circuit court and, subsequently, to the Court of Special Appeals.

As described above, the disciplinary process has two elements in which the provisions of a collective bargaining agreement may take precedence over the procedures outlined in the statute. The first element is the formation of the hearing board. The second is the finality of the hearing board's decision regarding punishment. Maryland's LEOBR statute prohibits either of these provisions from being the subject of binding arbitration. Thus, inclusion in a collective bargaining agreement of an alternate method of forming a hearing board or a policy that a hearing board's decision regarding punishment is final can

occur only if both the police agency and the bargaining representative agree to these provisions.

1997 Proposal to Change Current Maryland Law

During the 1997 session of the Maryland General Assembly, several changes to the process for handling police disciplinary cases were proposed in House Bill (HB) 1172. The changes, which were opposed by MACo and MML, would have amended Sections 727 and 731 to:

- C require a police agency to negotiate an alternate method of forming a hearing board at the request of an exclusive collective bargaining representative;
- C make the method of forming a hearing board subject to binding arbitration;
- C require the hearing board to recommend punishment;
- C require a police agency to make the hearing board's disciplinary recommendations final and binding on all parties at the request of an exclusive collective bargaining representative; and
- C remove the prohibition that the finality of the hearing board's decision may not be the subject of binding arbitration.

HB 1172 was approved by the House of Delegates but was rejected in the Senate Judicial Proceedings Committee by a 6-4 vote and, consequently, was not voted on by the full Senate.

Study Methodology

In compiling information on laws addressing police discipline in other states, the Institute researcher consulted the statutes of all 50 states and the District of Columbia. The citations for the laws that address discipline of police officers are contained in Table A-1 in Appendix A at the end of this report. Summaries of the statute provisions appear in Tables A-2 through A-5 of Appendix A. Statutes were included in the analysis even if they address police discipline only tangentially. For example, some of the statutes pertain to discipline of all civil service employees within a jurisdiction, including police officers. Other statutes simply provide that an officer serves at the pleasure of the appointing authority.

To obtain information on how the law on police discipline is actually applied in Maryland, the Institute researcher mailed a survey to Maryland police agencies asking each agency to describe its practices and provide data on hearings convened during 1995, 1996 and 1997.¹ After discussions with representatives of the Maryland Chiefs of Police Association, the researcher mailed an addendum to the survey requesting information on the resolution of complaints prior to the hearing stage. The survey and addendum were sent to the police chief (or comparable official) in each of the 117 police agencies in Maryland that is subject to the LEOBR provisions in Article 27 of the Annotated Code. A copy of the survey transmittal letter, the survey and the addendum letter are contained in Appendix B. Agencies that did not respond to the original survey were sent a second mailing in May 1998 in which the addendum questions

¹ Because the survey was conducted in December 1997, data obtained for 1997 do not cover the entire year.

were incorporated into the survey document. Agencies that had responded to the main survey but not the addendum were also recontacted. Table B-1 in Appendix B provides a list of agencies surveyed, showing which agencies responded.

As shown in Table 1, which follows, survey responses were obtained from a total of 106 Maryland police agencies. All but two agencies that responded to the survey also responded to the questions in the survey addendum. The respondents included all of the large police agencies in Maryland; non-respondents were primarily small police agencies.² Responses from the individual police agencies are tabulated in appendices C through F.

2 The 11 police agencies that did not provide data were Cheverly, Crisfield, District Heights, Forest Heights, Greensboro, Lonaconing, Morningside, Oakland, Seat Pleasant, Howard County sheriff's office and University of Maryland Eastern Shore.

Table 1
Survey Response Rates

<u>Type of Agency</u>	<u>Number Sent Survey</u>	<u>Number Responding</u>	<u>Percentage Responding</u>
Municipal	73	63	86%
County	5	5	100%
Sheriff	24	23	96%
State	6	6	100%
University	4	3	75%
Other	5	5	100%
Total	117	105	90%

Comparison of State Statutes

All 50 states and the District of Columbia have statutory provisions that address discipline of police officers. The provisions of these state laws vary widely. Some statutes afford protection to police officers who are subject to disciplinary action beyond any protections afforded to other government employees. Some state laws simply apply to police officers the same protections available to other government employees. Finally some statutes, particularly those addressing sheriffs' deputies, state that officers serve at the pleasure of the appointing authority. The type and level of protection varies even in states that use the phrase "law enforcement officers' bill of rights" or similar terminology to identify the statutory provisions. The variations are in:

- C the police agencies subject to the provisions;
- C whether both internal investigations and disciplinary actions are addressed;
- C the types of disciplinary actions covered; and
- C the specific processes and procedures required for disciplinary matters.

Officers Covered by Statutory Provisions

In Maryland, police officers employed by listed agencies, which include all municipal and county police departments, all sheriffs' departments, the state police and several other state and regional police agencies, are protected by LEOBR requirements. Police officers in only a few agencies in Maryland are not covered by LEOBR. The list of agencies subject to the Maryland law includes the police force in one

unincorporated community, Crofton, but does not include the police force in another unincorporated community, Ocean Pines. Similarly, the University of Maryland police are listed and therefore covered by LEOBR, but police agencies at other colleges and universities in Maryland are not subject to the state law.

The categories of police agencies (e.g., municipal forces, sheriffs' departments, state police) covered by laws in each state and the District of Columbia are shown in Table 2 on page 9. State police are the group most frequently addressed by state statutes. The statutes in all 50 states cover at least some state police officers. Forty-two states and the District of Columbia have statutes addressing discipline of at least some municipal police. Thirty-six states have statutes that address discipline of sheriffs' deputies, 25 states have statutes that address discipline of county police, and 14 states have statutes that address discipline of other categories of police officers.

Certain provisions of the police discipline laws in Florida, New Mexico, North Carolina and Ohio cover all police officers within the state, making these four states the most comprehensive in their coverage. The laws in six states (California, Illinois, Nevada, New York, Virginia and Wisconsin) cover essentially the same categories of police agencies covered by the Maryland law. The remaining states and the District of Columbia each covers some set of agencies that is less comprehensive than the set covered in Maryland.

Table 2
Police Agencies Covered by State Statutes

State	Municipal Police	County Police	Sheriffs' Departments	State Police/ Highway Patrol	Other
Alabama	Some	Not Addressed	Not Addressed	All	Not Addressed
Alaska	Not Addressed	Not Addressed	Not Addressed	All	Not Addressed
Arizona	Some	Some	Some	All	Not Addressed
Arkansas	Some	Not Addressed	Not Addressed	All	Not Addressed
California	All	All	All	All	Some
Colorado	Not Addressed	Not Addressed	Not Addressed	All	Not Addressed
Connecticut	Some	Not Addressed	All	All	Not Addressed
Delaware	All	Some	Not Addressed	Some	Some
District of Columbia	All	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Florida	All	All	All	All	All
Georgia	Not Addressed	All	All	All	Not Addressed
Hawaii	Not Addressed	Some	Not Addressed	All	Not Addressed
Idaho	Some	Not Addressed	Not Addressed	All	Not Addressed
Illinois	All	All	All	All	Some
Indiana	Some	All	All	All	Not Addressed
Iowa	Some	Not Addressed	All	Some	Not Addressed
Kansas	Some	Some	Some	All	Not Addressed
Kentucky	Some	Some	Some	All	Not Addressed
Louisiana	Some	Not Addressed	Not Addressed	All	Not Addressed
Maine	All	Not Addressed	All	All	Not Addressed
Maryland	All	All	All	All	Some
Massachusetts	All	Not Addressed	Not Addressed	All	Not Addressed
Michigan	Some	Not Addressed	Some	All	Not Addressed
Minnesota	Some	Not Addressed	All	All	Not Addressed
Mississippi	Not Addressed	Not Addressed	All	All	Not Addressed
Missouri	Some	Not Addressed	Some	All	Not Addressed
Montana	Not Addressed	Some	All	All	Not Addressed
Nebraska	Some	Not Addressed	Some	All	Not Addressed
Nevada	All	All	All	All	Some
New Hampshire	Some	Not Addressed	All	All	Not Addressed
New Jersey	All	All	Not Addressed	All	Not Addressed
New Mexico	All	All	All	All	All
New York	All	All	All	All	Not Addressed
North Carolina	All	All	All	All	All
North Dakota	Some	Not Addressed	Not Addressed	All	Not Addressed
Ohio	All	All	All	All	All
Oklahoma	Not Addressed	Not Addressed	All	All	Some
Oregon	Some	Some	Some	Some	Some
Pennsylvania	All	Some	Some	All	Not Addressed
Rhode Island	All	Not Addressed	Not Addressed	All	Some
South Carolina	Some	Some	All	All	Not Addressed
South Dakota	Not Addressed	Not Addressed	Some	All	Some
Tennessee	All	All	Some	All	Not Addressed
Texas	Some	Some	Some	All	Not Addressed
Utah	Some	Not Addressed	Some	All	Not Addressed
Vermont	Some	Not Addressed	Not Addressed	All	Not Addressed
Virginia	All	All	All	All	Some
Washington	Some	Not Addressed	All	All	Not Addressed
West Virginia	All	Not Addressed	All	All	Not Addressed
Wisconsin	All	All	All	All	Not Addressed
Wyoming	All	Not Addressed	Some	All	Not Addressed

As discussed below, in some states in which the statutes cover a comprehensive set of police agencies, the topics addressed may not be comprehensive. For example, the North Carolina statute applies broadly to all police officers but does not address internal investigations or any disciplinary actions, except removal of police officers. Furthermore, in most states, not all statute provisions apply to all agencies. In New Mexico, for example, provisions regarding internal investigations apply to all police officers, but provisions regarding disciplinary procedures apply to only certain agencies.

In 22 of the 42 states that address discipline of municipal officers, only certain municipal police agencies are subject to the law. In 10 states, only certain county police agencies are covered by state laws concerning police discipline. There are two common ways in which states exclude some local police officers from the protections afforded by the state statutes. The first is when states distinguish among classes of municipalities or counties. Many states use population or other criteria to classify municipalities; a few also classify counties. In these states, some state laws apply only to municipalities or counties of a certain class or population size. For example, Kentucky law regarding police discipline does not apply in first class cities, which means that police in Louisville are not covered by the provisions. In Pennsylvania, substantially different provisions apply in each of the different classes of municipality. Maryland has no distinct classes of counties or incorporated municipalities. Consequently, LEOBR provisions are uniformly applicable to police officers in all counties and incorporated municipalities in Maryland.

The second way in which state laws governing police disciplinary practices exclude some municipal and county police officers is when states allow local governing bodies or their

electorates to decide whether to adopt the provisions of the state law. State provisions regarding police discipline in 18 states (Arizona, Arkansas, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, South Carolina, Tennessee, Texas and Wisconsin) apply in certain localities only if the jurisdiction adopts them. In contrast, the police agencies listed in the Maryland LEOBR have no choice but to adhere to the state law.

Requirements Concerning Internal Investigations

As described earlier, Maryland's LEOBR provisions address the conduct of internal investigations. The laws in 15 other states (Arkansas, California, Colorado, Delaware, Florida, Illinois, Nevada, New Mexico, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia and Wisconsin) also address internal police investigations. The provisions regarding internal investigations apply to all the police agencies covered by state statutes on police discipline in California, Delaware, Florida, Maryland, Nevada, New Mexico, Rhode Island, Tennessee and Virginia. In Illinois, internal investigations within the state police are addressed separately from internal investigations within the other agencies covered by the state's LEOBR provisions. In Texas, the provisions concerning internal investigations apply only to municipalities with populations over 10,000 that have adopted Chapter 143 of the state's Local Government Code. In West Virginia, the provisions concerning internal investigations apply only to municipal police. In Wisconsin, the provisions apply only to officers employed by local government and not to police officers

employed by the state.

Although there are many similarities in the language of the various state laws concerning internal investigations, not all protections are provided in each state. The protections afforded to covered officers in each state are described in Table A-2 in Appendix A. A comparison of these protections is presented in Table 3 on pages 12 and 13, with Maryland used as the standard. The table shows that protections afforded by the Maryland law (as described in the previous chapter) are among the most comprehensive. That is, Maryland law addresses more topics than do the other state laws. In addition, with few exceptions, the provisions of the Maryland statute on a given topic afford officers equal or greater protection than do provisions in other states.

The provisions of Maryland law are at least equal to the provisions in all other states on seven topics: session length, right to an attorney or other representative, limitations on questioning, notice of charges, copy of investigative file, placement of adverse material in the officer's file, and expungement of records.

It is noteworthy that the Tennessee, Texas and Virginia statutes do not explicitly entitle an officer under investigation to have an attorney present at an interrogation session. The West Virginia statute entitles an officer to have an attorney present only upon filing of formal charges or when the interrogation focuses on matters likely to result in disciplinary action against the officer.

The instances in which a law in another state provides greater protection than Maryland law or is substantially different from Maryland law are described below.

Formality of complaints

Rhode Island and Texas require that the complainant formally verify or swear to the complaint before it is investigated.

Time of interrogation

California, Nevada, Texas and West Virginia require that officers be compensated for time spent in interrogations other than during normal duty hours. California and Texas also prohibit an agency from treating time spent by an officer in interrogation as missed work. New Mexico limits the number of sessions within a 24-hour period and mandates rest periods between sessions.

Location of interrogation

Rhode Island law requires that the interrogation occur at an office previously designated for that purpose by the chief.

Session length

New Mexico limits sessions to two hours except by mutual consent and limits the combined duration of a work shift and interrogation to 14 hours.

Record

California does not require a complete record but explicitly permits an officer to bring a recording device and record the entire interrogation session. In Texas, either the interrogator or the officer may record the interrogation if prior notification is given.

**Table 3
Comparison of State Provisions Concerning Internal Investigations**

State	Agencies/ Officers	Formal Complaint	Time	Location	Session Length	Record	Investigators	Nature of Investigation	Rights	Attorney	Questioning	Threats	Notice of Charges	Copy of File	Adverse Material	Polygraph Test	Drug Tests	Expungement	Other
Arkansas	Covered municipalities*	NA	X	X	NA	X	X-	X-	NA	X	X	X+	X-	NA	NA	NA	NA	NA	NA
California	Covered agencies*	NA	X	NA	X	D	X	X-	X	X	X-	X+	NA	X-	X	X+	NA	NA	X+
Colorado	State police	X-	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Delaware	Covered agencies*	NA	X	X	X	X	X	X	X	X	X-	X	X-	X	X	NA	NA	NA	X+
Florida	All agencies	NA	X	X	X	X+	X	X	X	X	X-	X+	X-	X-	NA	NA	NA	NA	NA
Illinois	Covered agencies* except state police	NA	X	X	X	X+	X	X	X+	X	NA	X-	NA	NA	NA	X+	X+	NA	NA
	State police	NA	NA	NA	NA	X+	NA	X	NA	X	NA	NA	NA	NA	NA	NA	NA	NA	NA
Maryland	Covered agencies*	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	NA
Nevada	Covered agencies*	NA	X+	NA	NA	X	X+	X	NA	X	X-	NA	NA	NA	X	D	NA	NA	X+
New Mexico	All peace officers	NA	X+	X	X+	X	X	X+	X	NA	X-	D	NA	NA	X	X-	NA	NA	NA
Rhode Island	Covered agencies*	X+	X	D	X	NA	X	X	X	X	X	X+	X	D	X-	NA	NA	NA	X+
Tennessee	Covered agencies*	NA	X	X	NA	NA	X	X-	NA	NA	NA	NA	X-	NA	NA	NA	NA	NA	NA
	*See Table A-1 for covered agencies																		

Legend:

- X = equivalent protection to Maryland
- X+ = more protection than Maryland
- X- = less protection than Maryland
- D = different protection than Maryland
- NA = not addressed by statute

**Table 3
Comparison of State Provisions Concerning Internal Investigations**

State	Agencies/ Officers	Formal Complaint	Time	Location	Session Length	Record	Investigators	Nature of Investigation	Rights	Attorney	Questioning	Threats	Notice of Charges	Copy of File	Adverse Material	Polygraph Test	Drug Tests	Expungement	Other
Texas	Municipalities over 10,000 that have adopted Local Government Code Chapter 143	X+	X+	X-	X	D	D	X+	NA	NA	NA	X	NA	NA	X	D	NA	D	X+
Vermont	State police	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	D
Virginia	Covered agencies*	NA	X	X	NA	NA	X	X-	NA	NA	NA	NA	X-	NA	NA	NA	D	NA	NA
West Virginia	Municipal police	NA	X+	NA	NA	X	X	X-	NA	X-	X-	X+	NA	NA	NA	NA	NA	NA	NA
Wisconsin	City, village, town and county police	NA	NA	NA	NA	NA	NA	X-	NA	X	NA	NA	NA	NA	NA	NA	NA	NA	NA
	*See Table A-1 for covered agencies																		

Legend:

- X = equivalent protection to Maryland
- X+ = more protection than Maryland
- X- = less protection than Maryland
- D = different protection than Maryland
- NA = not addressed by statute

Interrogators

Nevada requires that the officer be informed in writing prior to interrogation of the name and rank of the officer in charge, interrogators and other persons who will be present. Texas explicitly prohibits the complainant from participating in the investigation.

Nature of investigation

New Mexico and Texas laws require that an officer be notified of the nature of the investigation and the names of complainants. New Mexico, however, allows the chief to protect a complainant's identity.

Notification of rights

Illinois requires that a municipal or county officer be informed of his or her rights prior to the interrogation (whereas most of the states, including Maryland, require notification if the officer is under arrest or likely to be placed under arrest). In addition, state police officers in Illinois must be notified that the information they provide during an investigation may be used against them in a subsequent disciplinary proceeding.

Prohibition against threats

California and Florida prohibit interrogators from threatening officers with disciplinary action and do not make the exception contained in Maryland, Delaware and Texas for cases in which the officer refuses to answer questions. California, Delaware, Florida, Illinois, Texas and West Virginia do not make the exception to the threat of discipline found in Maryland for cases in which the officer refuses to submit to drug or polygraph tests. New Mexico prohibits

offensive language or illegal coercion by interrogators.

Copy of investigative file

Rhode Island's law does not entitle an officer to a copy of the investigative file. However, it does mandate disclosure of information to the officer prior to a disciplinary hearing, including a list of all witnesses to be called by the agency, copies of all written and recorded statements by the witnesses in the agency's possession and a list of all documents and other items to be offered as evidence at the hearing.

Polygraph tests

In California and Illinois, an officer may refuse to submit to a polygraph test. The refusal is not admissible in subsequent proceedings. In Nevada, if the accuser submits to and passes a polygraph test, the officer also must submit to a test. Sound or video recording of the test is required, and all records are subject to review of a second examiner acceptable to the agency and officer. If the opinions of the two examiners conflict, the officer has a right to reexamination.

Drug and alcohol tests

In Illinois, the same restrictions that apply to polygraph tests also apply to drug and alcohol tests. Virginia requires that a blood sample obtained to check for drug or alcohol use be split into two. If laboratory results on the first sample are positive, the officer is entitled to select from a list of approved laboratories to test the second sample.

In addition to the topics discussed above, which are covered by Maryland law, several other topics are addressed in the other state laws. Delaware and Rhode Island have provisions concerning confidentiality of information. In Delaware, all records compiled as a result of an investigation are confidential and cannot be released to the public. In Rhode Island, no public statements may be made by an agency prior to a decision, and no public statements may be made after the investigation if the officer is found innocent, except at the officer's request.

In California, Illinois, Texas and Wisconsin, information that is provided by an officer under duress or obtained by an agency in a manner that violates the provisions of the statute is excluded from use in subsequent disciplinary proceedings.

California prohibits reassigning an officer that is under investigation and restricts searches of officers' lockers. Delaware requires that an agency have substantial evidence before proceeding with prosecution of formal charges. In Nevada, an officer must be allowed to explain an answer or refute a negative implication resulting from questioning during an interrogation or hearing. Rhode Island prohibits an agency from requiring an officer to provide testimony before a non-governmental body.

Requirements Concerning Disciplinary Procedures

In contrast to the fairly uniform provisions of the laws dealing with internal investigations, the various state laws addressing disciplinary actions vary widely between states and within a particular state with respect to different police agencies. Disciplinary actions covered under the state laws are summarized in Table 4 on page 16.

In five states in addition to Maryland, (California, Florida, New York, Oregon and Rhode Island) the law applies to any disciplinary action against an officer in all the police agencies subject to the state law. In the other states, only specified actions are covered in certain agencies. The table notes explicitly the agencies in which dismissal is the only specified disciplinary action covered by the law. Typically, the specified actions are dismissal, demotion and suspension. However, some states do not mention demotion, and some have a minimum duration of suspension covered by the law. Some states specify additional disciplinary actions to be covered by the law, such as any action that results in loss of pay. Information on the specific types of disciplinary actions covered by statutes can be found in tables A-3 and A-4 of Appendix A.

Hearing Requirements

Table 5 on page 17 notes when hearings are required under state law. For agencies in which a hearing is required prior to the imposition of discipline, the table notes "trial." When a hearing is required after discipline has been imposed, the table notes "appeal." The table illustrates the extent to which hearing requirements vary within a particular state and even within a particular category of agency in a given state. More detailed information on hearings is contained in Table A-4 of Appendix A.

As indicated in Table 5, Florida law does not mandate hearings, but does specify the composition of complaint review boards. Each law enforcement agency in Florida establishes a system for investigating and determining complaints.

Table 4
Disciplinary Actions Addressed by State Statutes

State	Municipal Police	County Police	Sheriffs' Departments	State Police/ Highway Patrol	Other
Alabama	Dismissal	None	None	Specified	None
Alaska	None	None	None	Specified	None
Arizona	Specified	Specified	Specified	Specified	None
Arkansas	Specified	None	None	Specified	None
California	All	All	All	All	All
Colorado	None	None	None	All	None
Connecticut	Dismissal	None	Dismissal	Specified	None
Delaware	Specified	Specified	None	Specified	Specified
District of Columbia	Specified	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Florida	All	All	All	All	All
Georgia	Specified	Specified	Specified	Specified	Specified
Hawaii	None	Specified	None	Specified	None
Idaho	Specified	None	None	Specified	None
Illinois	Specified	Specified	Specified	Specified	None
Indiana	Specified	Specified	Specified	Specified	None
Iowa	Specified	None	Specified	Specified	None
Kansas	Varies	Specified	Specified	Specified	None
Kentucky	Specified	Specified	Specified	Specified	None
Louisiana	Specified	None	None	All	None
Maine	Dismissal	None	Dismissal	All	None
Maryland	All	All	All	All	All
Massachusetts	Varies	None	None	All	None
Michigan	Varies	None	Specified	Dismissal	None
Minnesota	Varies	None	Varies	Specified	None
Mississippi	None	None	Dismissal	Specified	None
Missouri	Varies	None	Dismissal	Dismissal	None
Montana	None	Dismissal	Dismissal	Specified	None
Nebraska	Varies	None	Specified	Specified	None
Nevada	None	All	Dismissal	Specified	None
New Hampshire	Dismissal	None	Dismissal	Specified	None
New Jersey	Specified	Specified	None	Dismissal	None
New Mexico	Specified	None	Specified	Specified	None
New York	All	All	All	All	None
North Carolina	Dismissal	Dismissal	Dismissal	Dismissal	Dismissal
North Dakota	Specified	Specified	Specified	Specified	Specified
Ohio	Specified	Specified	Specified	Specified	Specified
Oklahoma	None	None	Dismissal	Specified	Specified
Oregon	All	All	All	All	All
Pennsylvania	Varies	Specified	Specified	Dismissal	None
Rhode Island	All	None	None	All	None
South Carolina	Varies	All	Dismissal	Dismissal	None
South Dakota	None	None	Specified	All	All
Tennessee	Specified	Specified	Specified	Dismissal	None
Texas	Varies	Specified	Varies	Dismissal	None
Utah	Specified	None	Specified	Specified	None
Vermont	Specified	None	None	Specified	None
Virginia	Specified	Specified	Specified	Specified	Specified
Washington	Specified	None	Specified	Specified	None
West Virginia	Varies	None	Dismissal	Specified	None
Wisconsin	Specified	Specified	Specified	Specified	None
Wyoming	Specified	None	Specified	All	None

Table 5
Hearing Requirements in State Statutes

State	Municipal Police	County Police	Sheriffs' Departments	State Police/ Highway Patrol	Other
Alabama	Varies	Not Required	Not Required	Trial/Appeal	Not Required
Alaska	Not Required	Not Required	Not Required	Appeal	Not Required
Arizona	Appeal	Appeal	Appeal	Appeal	Not Required
Arkansas	Trial	Not Required	Not Required	Appeal	Not Required
California	Appeal	Appeal	Appeal	Appeal	Appeal
Colorado	Not Required	Not Required	Not Required	Appeal	Not Required
Connecticut	Trial	Not Required	Trial	Trial	Not Required
Delaware	Trial/Appeal	Trial/Appeal	Not Required	Trial/Appeal	Trial/Appeal
District of Columbia	Trial	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Florida	Not Required	Not Required	Not Required	Not Required	Not Required
Georgia	Not Required	Not Required	Appeal	Appeal	Not Required
Hawaii	Not Required	Appeal	Not Required	Appeal	Not Required
Idaho	Appeal	Not Required	Not Required	Appeal	Not Required
Illinois	Varies	Trial	Trial	Trial/Appeal	Not Required
Indiana	Varies	Trial	Trial	Appeal	Not Required
Iowa	Varies	Not Required	Appeal	Trial	Not Required
Kansas	Not Required	Appeal	Appeal	Trial/Appeal	Not Required
Kentucky	Trial	Trial	Trial	Trial	Not Required
Louisiana	Appeal	Not Required	Not Required	Not Required	Not Required
Maine	Trial	Not Required	Not Required	Appeal	Not Required
Maryland	Trial	Trial	Trial	Trial	Trial
Massachusetts	Varies	Not Required	Not Required	Trial	Not Required
Michigan	Varies	Not Required	Trial	Trial	Not Required
Minnesota	Trial	Not Required	Varies	Trial	Not Required
Mississippi	Not Required	Not Required	Trial	Trial/Appeal	Not Required
Missouri	Varies	Not Required	Not Required	Trial	Not Required
Montana	Not Required	Appeal	Not Required	Appeal	Not Required
Nebraska	Varies	Not Required	Appeal	Appeal	Not Required
Nevada	Not Required	Not Required	Not Required	Appeal	Not Required
New Hampshire	Appeal	Not Required	Not Required	Appeal	Not Required
New Jersey	Trial	Not Required	Not Required	Trial	Not Required
New Mexico	Not Required	Not Required	Not Required	Trial	Not Required
New York	Trial/Appeal	Trial/Appeal	Trial/Appeal	Trial/Appeal	Not Required
North Carolina	Trial	Trial	Trial	Trial	Trial
North Dakota	Not Required	Not Required	Not Required	Appeal	Not Required
Ohio	Varies	Appeal	Appeal	Appeal	Appeal
Oklahoma	Not Required	Not Required	Not Required	Trial	Trial
Oregon	Trial	Trial	Trial	Trial	Trial
Pennsylvania	Varies	Appeal	Appeal	Trial	Not Required
Rhode Island	Trial	Not Required	Not Required	Trial	Trial
South Carolina	Varies	Appeal	Not Required	Not Required	Not Required
South Dakota	Not Required	Not Required	Appeal	Appeal	Not Required
Tennessee	Trial/Appeal	Trial/Appeal	Varies	Not Required	Not Required
Texas	Varies	Not Required	Trial/Appeal	Appeal	Not Required
Utah	Appeal	Not Required	Appeal	Appeal	Not Required
Vermont	Trial	Not Required	Not Required	Trial	Not Required
Virginia	Trial/Appeal	Trial/Appeal	Trial/Appeal	Trial/Appeal	Not Required
Washington	Appeal	Not Required	Appeal	Trial	Not Required
West Virginia	Trial	Not Required	Not Required	Appeal	Not Required
Wisconsin	Varies	Not Required	Trial	Appeal	Not Required
Wyoming	Trial	Not Required	Trial	Appeal	Not Required

Like Maryland, the District of Columbia and 10 states (Connecticut, Delaware, Kentucky, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island and Vermont) require a hearing prior to imposition of discipline in all agencies for which a hearing is required. Of this group, Delaware and New York also have provisions for appeal hearings in each type of agency. The hearings required in 12 states (Arizona, California, Colorado, Georgia, Hawaii, Idaho, Louisiana, Montana, New Hampshire, North Dakota, South Dakota and Utah) occur when an officer appeals an agency's decision regarding discipline. These 12 states do not require a hearing prior to imposition of discipline in any of the agencies addressed by statutes. Virginia law calls for an appeal hearing, but allows police agencies to provide a hearing prior to imposing discipline. Virginia law also gives an officer the option of using locally established grievance processes rather than the statute procedures. The remaining 25 states mandate hearings prior to imposition of discipline, upon appeal by the officer, or not at all depending on the category of police agency being addressed.

Most of the statutes discussed in this report were designed specifically to address police officer discipline. However, in 16 states (Alabama, Alaska, Colorado, Georgia, Hawaii, Idaho, Iowa, Kansas, Maine, Mississippi, Nebraska, Nevada, Ohio, Utah, Wisconsin and Wyoming), the only laws addressing discipline of state police officers are the statutes that address discipline of state employees in general under each state's personnel system. In these states, the protections afforded to state police officers facing disciplinary action are no more or less than the protections afforded to other state employees.

Hearing Board Composition

The composition of hearing boards specified in state law varies from state to state and within states by category of agency as documented in Table 6 on pages 19 and 20. Table A-5 in Appendix A contains more detailed information on the makeup of hearing boards and the methods of selecting hearing board members.

The most common type of hearing board is a civil service commission that handles personnel matters for police and other employees. This type of hearing board is specified for some of the categories of police agencies in 22 states. The next most common type of hearing board is a civil service commission created specifically to handle police personnel matters. Police civil service commissions are responsible for conducting hearings in one or more categories of agency in 13 states. In 12 states, including Maryland, sworn police officers conduct hearings for at least one of the covered agencies. In seven states, public safety commissions or police boards are responsible for conducting hearings on police disciplinary matters. These bodies differ from civil service commissions in that public safety commissions and police boards are involved in police policy issues that go beyond personnel matters.

Hearings for state police officers in six states are conducted by single hearing officers. In specific categories of police agency in five states the agency head conducts the police disciplinary hearing. In four states, the governing body of certain local governments is responsible for holding police disciplinary hearings. Eleven states use other types of bodies to hold police disciplinary hearings in at least a portion of agencies covered by statute. These other approaches include arbitrators, grievance committees and judges.

Table 6
Hearing Board Composition

Civil Service Commission

Alabama (municipal and state police)
 Alaska (state police)
 Colorado (state police)
 Georgia (state police)
 Hawaii (county and state police)
 Idaho (municipal police)
 Illinois (covered cities with populations up to 500,000)
 Iowa (all covered agencies)
 Kansas (state police - appeal)
 Maine (state police)
 Massachusetts (municipal)
 Michigan (municipal police and sheriff)
 Minnesota (sheriff in counties with civil service)
 Nebraska (covered cities with populations over 5,000 and cities with populations under 5,000 that adopt statute)
 Ohio (all covered agencies except villages and non-civil service townships)
 Pennsylvania (county police, sheriff, first-class city, and boroughs, incorporated towns and first-class townships)
 South Dakota (state police)
 Tennessee (sheriff)
 Texas (municipal police and sheriff)
 Utah (municipal police and sheriff)
 Washington (municipal police and sheriff)
 Wisconsin (state police)

Governing Body

Kentucky (municipal and county police)
 Ohio (villages and non-civil service townships)
 Pennsylvania (third-class cities, boroughs and first-class townships with less than three police officers and second-class townships)
 Vermont (municipal police)

Civil Service Commission for Police

Arizona (all covered agencies)
 Arkansas (state police)
 Illinois (county police and sheriff)
 Indiana (county police, sheriff, and covered municipalities or townships with merit systems)
 Kansas (sheriff)
 Louisiana (municipal)
 Minnesota (covered cities with police civil service)
 Missouri (covered third-class cities with police merit systems)
 Nebraska (sheriff)
 New Mexico (state police)
 South Dakota (sheriff)
 Texas (state police)
 Wyoming (municipal police)

Public Safety Commission/Police Board

Connecticut (municipal police)
 Illinois (state police, covered cities with populations up to 250,000, and cities with populations over 500,000)
 Indiana (state police and covered second- and third-class cities and towns and townships without merit ordinances)
 Kansas (county police)
 Missouri (Kansas City and St. Louis)
 Montana (county police)
 Wisconsin (municipal police)

Hearing Officer

Idaho (state police)
 Nebraska (state police)
 Nevada (state police)
 North Dakota (state police)
 Oklahoma (state police)
 Wyoming (state police)

Table 6
Hearing Board Composition
(Continued)

Sworn Officers

Delaware (all covered agencies)

Florida (all agencies)

Kentucky (state police)

Maryland (all covered agencies)

Michigan (state police)

Missouri (state police)

Pennsylvania (state police and second-class and second-class A cities)

Rhode Island (all covered agencies)

Vermont (state police)

Virginia (all covered agencies)

Washington (state police)

West Virginia (state police and municipalities with police civil service)

Agency Head

Arkansas (municipal)

Connecticut (state police)

Kansas (state police - trial)

New York (second-class cities)

Utah (state police)

Other

District of Columbia

Minnesota (state police and Hennepin County sheriff)

Mississippi (state police)

Montana (state police)

Nebraska (metropolitan-class and second-class cities)

New York (county police, sheriff, and municipal police except second-class cities)

North Carolina (all covered agencies)

Oregon (all covered agencies)

South Carolina (county police and municipalities that adopt employee grievance plans)

West Virginia (municipalities without police civil service)

Wisconsin (sheriff)

Selection of Hearing Board Members

The variety in the types of hearing boards used corresponds to variety in the methods by which hearing board members are selected. Civil service commissions, whether for all employees or police specifically, are usually composed of residents of the community appointed for fixed terms by the jurisdiction's executive or governing body. Public safety commissions and police boards are often appointed in the same manner. There are some exceptions, however. In Illinois counties, the sheriff, with the advice and consent of the county governing board, appoints the five members of the Sheriff's Merit Board, which hears disciplinary cases. In several agencies in other states, police department members select one or more members of police civil service commissions.

When hearing officers are responsible for conducting disciplinary hearings, they are typically appointed from a pool maintained by the state to hear personnel cases. The members of governing bodies are, of course, elected by the community. Agency heads are usually appointed by the jurisdiction's executive or governing body.

Among the agencies in which sworn officers comprise the hearing board, a number of processes are used to select hearing board members. The Delaware statute does not specify how the hearing board is selected. If an impartial board cannot be convened, the statute provides for three or more officers to be convened under the auspices of the Delaware Criminal Justice Council or in accordance with collective bargaining agreements.

Although the Florida statute does not explicitly require a hearing, it does specify that sworn officers comprise the complaint review board. Three-member boards are used in agencies with up to 100 officers. Larger agencies

use five-member boards. The police chief selects one member of a three-member board, the aggrieved officer selects one member, and the third member is selected by the other two. The police chief selects two members of a five-member board, the aggrieved officer selects two members, and the fifth member is selected by the first four members.

In seven of the other 10 states that utilize sworn officer hearing boards, including Maryland, agency heads select all members of the board. In two cases, the agency head's selection is made randomly.

In Kentucky, the state police commissioner appoints a 10-member panel of department officers from which the commissioner selects three to seven members to serve as a trial board for each state police case. For all covered agencies in Maryland, the law provides for the police chief to select all members of the hearing board. In Michigan, the state police commissioner and three officers selected by the commissioner from among the top 10 officers in the department serve as the hearing board for that agency's cases. The Missouri superintendent of the state highway patrol selects a five-member board of sworn officers to hear dismissal cases, which are the only disciplinary actions addressed by statute. In Pennsylvania, the director of the department of public safety in cities of second class (Pittsburgh) or second class A appoints a three-person trial court from among police department officers. The Pennsylvania State Police commissioner selects a three-officer court martial board to hear dismissal cases. The chief of the Washington State Police selects all members of the three-member trial board by lot from the department roster. The West Virginia State Police superintendent selects the seven-member appeals board by lot with one member coming from each of the seven ranks within the

department.

In all covered agencies in Rhode Island and Virginia, the police chief selects one member of the three-member hearing board, the accused officer selects one member, and the third member is selected by the other two. In Rhode Island the pool of potential hearing board members comprises all active or retired law enforcement officers. In Virginia, the pool comprises officers within the agency. In West Virginia municipal departments with police civil service, the chief selects one member of the three-member hearing board, members of the department select the second hearing board member, and the third member is selected by the other two. In the Vermont State Police, the accused officer selects the three-member panel from a list of five officers provided by the state police commissioner.

Effect of Decision

In Maryland, as discussed earlier, the hearing board's decision regarding guilt is binding, whereas the hearing board provides only a recommendation regarding punishment. It is much more common for statutes to provide that hearing board decisions regarding both guilt and punishment are binding. As shown in Table 7 on pages 23 and 24, the decision of the hearing board is binding in all agencies covered by hearing requirements in 13 states and in certain agencies in 26 other states.

As described below, statutes applying to agencies in several states besides Maryland provide that the hearing board decision is not binding.

C Michigan (fourth-class cities): The trial board is a three-member civilian civil service commission. Following the board's hearing on an officer's suspension or removal, the

mayor decides whether to remove the officer and reports his or her action and reasons to the board.

- C Montana (counties): A three-, five- or seven-member civilian public safety commission conducts appeal hearings of officer dismissals. An appointed public safety director must abide by the decision of the board. An elected public safety director may refuse to abide by the board's decision.
- C New Jersey (state police): The statute requires a hearing prior to removal of an officer, but does not specify the composition or selection of the trial board. Following the removal hearing, the state police superintendent makes the final punishment decision.
- C Pennsylvania (second-class and second-class A cities): The trial board is composed of sworn officers selected by the director of public safety. The mayor must approve the trial board's decision before it can be implemented. (A Pennsylvania court has ruled that if the mayor disagrees with the trial board's decision the procedure must be repeated until the hearing board reaches a decision with which the mayor concurs.)
- C Pennsylvania (state police): Court martial boards composed of sworn officers selected by the state police commissioner are advisory. The decision of the commissioner is final.
- C South Carolina (counties and municipalities that adopt grievance plans): The grievance committee, composed of a

Table 7
Disposition of Hearing Board Decisions

Hearing Board Decision Binding

Alabama (municipal and state police)
Arizona (all covered agencies)
Colorado (state police)
Connecticut (covered municipalities)
District of Columbia (Metropolitan police)
Georgia (state police)
Hawaii (all covered agencies)
Idaho (all covered agencies)
Illinois (all covered agencies)
Indiana (covered municipalities)
Iowa (all covered agencies)
Kansas (all covered agencies)
Louisiana (all covered agencies)
Massachusetts (covered municipalities)
Michigan (all covered agencies except fourth-class cities)
Minnesota (all covered agencies except local jurisdictions with formal merit systems)
Mississippi (state police)
Missouri (Kansas City and St. Louis)
Montana (covered counties with appointed public safety directors and state highway patrol)
Nebraska (all covered agencies except metropolitan class cities)
Nevada (state highway patrol)
New Mexico (state police)
New York (all covered agencies)
Ohio (all covered agencies except villages and non-civil service townships)
Oklahoma (state highway patrol, lake patrol and capitol patrol)
Pennsylvania (all covered agencies except second-class and second-class A cities and state police)
Rhode Island (all covered agencies)
South Dakota (all covered agencies)
Texas (all covered agencies except state police)
Utah (first- and second-class cities and state police)
Washington (covered municipalities and sheriff)
West Virginia (all covered agencies)
Wisconsin (all covered agencies)
Wyoming (state highway patrol, cities and towns)

Table 7
Disposition of Hearing Board Decisions
(Continued)

Hearing Board Decision Not Binding

Maryland (all covered agencies)

Michigan (fourth-class cities)

Montana (counties with elected public safety directors)

New Jersey (state police)

Pennsylvania (second-class and second-class A cities and state police)

South Carolina (counties and municipalities with employee grievance plans)

Vermont (state police)

Virginia (all covered agencies)

Statute Unclear Regarding Hearing Disposition

Alaska (state police)

Delaware (all covered agencies)

Indiana (county police, sheriff and state police)

Missouri (state highway patrol)

Utah (sheriff)

Hearing Disposition Not Addressed by Statute

Arkansas (all covered agencies)

California (all covered agencies)

Connecticut (state police and sheriff)

Georgia (sheriff)

Maine (all covered agencies)

Massachusetts (state police)

Minnesota (municipalities and counties without merit systems)

Mississippi (sheriff)

Missouri (third-class cities)

Nebraska (metropolitan-class cities)

New Hampshire (all covered agencies)

New Jersey (municipalities)

North Carolina (all covered agencies)

Ohio (villages and non-civil service townships)

Oregon (all covered agencies)

South Carolina (cities with police boards)

Tennessee (all covered agencies)

Texas (state police)

Wyoming (sheriff)

broad representation of the jurisdiction's employees, hears appeals and reports its findings to the governing body, which may approve or reject the decision without further hearing.

- C Vermont (state police): The three-member hearing panel is selected by the officer from a list of five sworn officers provided by the state police commissioner. The panel's decision regarding guilt is binding. The panel may recommend punishment. The state police commissioner's decision regarding punishment is final.
- C Virginia (all covered agencies): The three-member hearing board is composed of sworn officers selected by the chief and the accused officer. The recommendations of the review board are advisory only but must be accorded significant weight.

The language of some statutes leaves it unclear as to whether the hearing board's decision is binding on the department. In Alaska, the board hearing appeals of state police disciplinary actions has authority to reinstate an employee if the disciplinary action violated the law or personnel rules. Otherwise, the statute requires only that the board report its findings and recommendations to both parties. The Delaware law, which applies to all covered agencies, states only that the board decision and right of appeal, if any, shall be delivered to the officer. In Indiana, the board hearing appeals of state police disciplinary actions makes an informal finding of fact and a determination based on facts and notifies the employee. The trial board for county police and sheriffs' departments in Indiana must make specific findings of fact in writing to support its decision. Trial boards for dismissals from the

Missouri state highway patrol report to the superintendent whether charges are true and sufficiently serious to warrant removal. The commission hearing appeals in Utah sheriffs departments provides a copy of its decision and findings to each party.

A number of state statutes are silent regarding the disposition of hearing board decisions, often because the process has been left to the discretion of local jurisdictions. As listed in Table 7, the statute does not address the disposition of the hearing for any covered agencies in seven states or for certain agencies in 12 states.

Appeals

An aggrieved officer is generally entitled to appeal the decision of a hearing board or higher administrative authority to the court system. The officer's right to appeal a hearing board decision may be stated in the statute or based on other state laws or court rulings.³ The following extensions or limitations to the right of appeal appear in state statutes:

- C District of Columbia (metropolitan police): Board decision may be appealed to Mayor within 15 days.
- C Idaho (officers employed by state): Hearing officer decision is final unless officer petitions review by state personnel commission.
- C Indiana (covered second- and third-class

3 Another variable that may be addressed by the statute or may derive from other state laws or court rulings is whether or not the court conducts a de novo review. Examining the procedures of the various state courts was beyond the scope of this study.

cities and towns and townships without merit systems): Officer has right of court appeal if suspended more than five days, demoted or dismissed.

- C Indiana (covered municipalities): Decision of hearing officer or designated hearing board may be appealed to civil service commission. Civil service commission decision to suspend over 10 days, to demote or to discharge may be appealed to court.
- C Kentucky (state police): Officer has right of court appeal if penalty exceeds 20 days suspension or 10 percent reduction in pay.
- C Massachusetts (cities and towns covered by state civil service): Decision of appointing authority may be appealed to civil service commission.
- C Mississippi (state police): Agency decision may be appealed to employee appeals board.
- C Missouri (Kansas City): Board decision on appeal of chief's action is final and not subject to review by any court.
- C Nebraska (state patrol): Decision of board may be appealed in accordance with state Administrative Procedures Act.
- C New Jersey (municipalities): Officer has right of court appeal if municipality is not subject to state civil service statute.
- C New Mexico (state police): Officer has right to appeal to court decision of state public safety advisory commission to remove, demote or suspend more than 30 days, but

not suspension of 30 days or less.

- C New York: Officer may appeal decision to civil service commission or court. If officer appeals to civil service commission, that body's decision is final and not subject to court review.
- C Ohio (villages): Officer can appeal removal (but not suspension or demotion) to court.
- C Pennsylvania (second-class and second-class A cities): Officer may appeal board decision to civil service commission once the decision has been approved by the mayor.
- C Texas (municipalities over 10,000 that adopt state statute): Court appeal is limited when officer chooses hearing examiner option.
- C Vermont (state police): If officer declines hearing, officer may appeal state police commissioner's decision to labor relations board.
- C West Virginia (municipalities with civil service): Both officer and chief have right to appeal board decision to police civil service commission.
- C West Virginia (state police): Either party may appeal board decision to circuit court.

Maryland Compared to Other States

Maryland's LEOBR statute extends uniform protections to officers in a broad list of local and state police agencies. The statute addresses both investigations and resulting disciplinary actions, covers all types of disciplinary actions and specifies a hearing board composed of sworn

officers selected by the chief. The law makes the hearing board's decision regarding guilt binding and makes its decision regarding punishment advisory. No other state statute contains these exact features.

The protections afforded to police officers in Maryland during internal investigations are as extensive or more extensive than the protections provided in the other 15 states with statutes that cover this matter. The types of disciplinary actions covered by Maryland law are as comprehensive as in any state. Whether Maryland's hearing process compares favorably with other states is a more difficult question to answer, given the wide variety of procedures specified by the statutes.

From the point of view of an individual Maryland police officer, the most favorable features of the Maryland law are four-fold. It applies uniformly to a broad list of police agencies, addresses both investigations and resulting disciplinary actions, covers all types of disciplinary actions and specifies a hearing board composed of sworn officers. The only other states with statutes that have these features are Delaware,⁴ Florida and Rhode Island.

With respect to other aspects of the hearing process, the statutes in these three states differ from Maryland law in a number of ways:

- C Delaware law does not specify how the impartial hearing board is selected and is unclear regarding disposition of the hearing board's findings.
- C Florida law requires local jurisdictions to establish the complaint review process. The law mandates a complaint review board of

sworn officers with the aggrieved officer participating in the selection, but it does not mandate a hearing. Florida courts have ruled that complaint review boards were not created to review disciplinary action against police officers and that decisions of complaint review boards are advisory only. According to the Florida attorney general, a municipality may use its powers of home rule to grant the complaint review board adjudicatory power.⁵

- C Rhode Island law provides for the aggrieved officer to participate in the selection of the hearing board. The board's decisions regarding guilt and punishment are binding.

Overall, it appears that the Rhode Island statute could be viewed by officers as being more favorable than the Maryland law. Rhode Island's law concerning internal investigations omits some protections included in Maryland's law, contains different and stronger language on some topics and addresses some topics that Maryland law does not address. The law in Rhode Island entitles the officer to participate in the selection of the hearing board, and the board's decisions regarding guilt and punishment are binding.

4 Delaware law does not cover reprimands.

5 Fl. Code Ann. Tit. X sec. 112.5532 Note 15.

Disciplinary Hearing Practices in Maryland Police Agencies

The Institute's survey of disciplinary practices in Maryland police agencies solicited detailed information on how police agencies have implemented the provisions of Maryland's Law Enforcement Officers' Bill of Rights that concern hearings on disciplinary matters. Of the 117 departments subject to the law, 106 (91 percent) responded to the survey.⁶

Composition and Conduct of Hearing Boards

Thirty-four of the agencies responding to the survey (about one-third of respondents), reported no special policies or practices with respect to hearings beyond what is specified in Maryland's LEOBR statute. With a few exceptions, these were agencies that had not convened any hearing boards during the past three years.

In response to the question of how hearing boards are selected, 36 agencies (more than one-third of respondents) reported that they obtain all hearing board members from outside the agency. Five other agencies reported routinely seeking some, but not all, members from another agency.

The following 10 agencies reported having collective bargaining agreements that address disciplinary procedures:

- C Anne Arundel County police
- C Anne Arundel County sheriff
- C Baltimore city police
- C Frederick city police
- C Hagerstown police
- C Howard County police
- C Maryland National Capital Park and Planning police - Prince George's Division
- C Montgomery County police
- C Prince George's County police
- C Takoma Park police

The agreement with the Anne Arundel County sheriff essentially mirrors Maryland's LEOBR provisions. The Anne Arundel County police agreement restricts how soon a hearing board can be held once an officer has been notified of charges and allows officers who are offered summary punishment to obtain the same material that is provided to other aggrieved officers.

Three of the agreements provide the aggrieved officer with peremptory challenges of members selected for the hearing board. In the Anne Arundel County Police Department, the officer is allowed two peremptory challenges for one-member hearing boards and three peremptory challenges for three-member hearing boards. In the latter case, the officer may use no more than two of the challenges to strike a member selected as chair. The Baltimore City police agreement allows an officer four peremptory challenges, of which no more than three may be used to strike the appointment of the chair. A pool of approximately 60 persons

6 Police officers in four agencies were made subject to the law in 1998, bringing the total number of agencies subject to the law to 121. These agencies were the Department of Health and Mental Hygiene, the Department of General Services, the Department of Labor, Licensing and Regulation and the office of the State Fire Marshal. These agencies were not included in the survey as they had no experience with LEOBR during the period covered in this report.

has been assembled from which hearing board members are selected. The pool was assembled with input from the local Fraternal Order of Police, Vanguard Justice Society, which is an association of African-American officers, and a civilian employee union. In the Howard County Police Department, where each member of a hearing board is selected by lottery, the accused officer and the department each have two challenges for each selection.

Two police agencies provide options to officers regarding the method of selecting a hearing board. In Frederick City, the officer can choose to let the chief select the hearing board members from other police agencies or participate in a process in which the chief selects one hearing board member, the officer selects one, and the these two members select a third member. In the Montgomery County Police Department, an officer can choose the traditional hearing board process specified by LEOBR, in which case the Field Services Bureau selects all members who include a captain, a lieutenant and an officer of equal rank. Alternatively, a Montgomery County officer can choose an alternate hearing board comprising a chair selected by rotation from among four arbitrators, one member selected by the department, and one member selected by the Fraternal Order of Police.

The collective bargaining agreement for the Hagerstown police specifies hearing boards of three to five members with one or two members drawn from a pool of eligible officers selected by the chief, one or two members drawn from a pool of eligible members and selected by the union, and the last member appointed by the chief.

The MNCPPC-Prince George's Division allows officers to participate in the selection of hearing board members. The hearing board chair

is a lieutenant or captain who is selected by the division commander and may be a member of another police agency. The other two members of the board, including the member of equal rank, are selected by the aggrieved officer from a pool of three officers for each selection.

The Prince George's County Police Department allows the aggrieved officer to participate in the selection of the officer of equal rank on three-member hearing boards. That officer is selected at random by lottery from the agency personnel roster "with participation by the respondent(s)." The chief selects a major to chair the board and a captain as the third member. The Prince George's County Police Department also provides for an alternate captain and an alternate officer of equal rank who participate in the hearing only if a primary board member is unable to sit. Certain commanders are ineligible to sit as board members because their duty assignments make them privy to certain information. In addition, hearing board chairs are required to have specified training and experience on hearing boards. Finally, the Prince George's County Police Department has adopted a practice of conducting a pre-trial conference involving the hearing board chair, prosecutor, defense representative and a coordinator to resolve non-substantive preliminary issues.

The Takoma Park police generally follow the procedures used by Montgomery County but do not offer the alternate method of convening a hearing board. The department generally seeks board members from outside the agency, but may have one member from within the agency.

Some of the agencies in which disciplinary procedures are addressed by collective bargaining agreements, as well as some other agencies, have designated the rank levels of officers that serve on hearing boards (in addition to the officer of equal rank). Depending on the

agency and the rank of the aggrieved officer, an officer of the rank of lieutenant, captain or major chairs the hearing board. Some agencies also have designated the rank of the second officer, typically lieutenant or sergeant. Six agencies (Baltimore County police, Elkton police, Maryland State police, Maryland Natural Resources police, Mass Transit Administration police, and Worcester sheriff) have designated a permanent hearing board chair.

Several agencies that do not have provisions in collective bargaining agreements concerning hearings have developed internal policies concerning selection of hearing board members. The Baltimore County police randomly select an officer of equal rank to the accused from a pool of officers that have volunteered for this role. The Mass Transit Administration police randomly select all members of the hearing board. In the Prince George's County Sheriff's Department, board chairs are chosen from a different bureau than the one to which the accused officer is assigned. The Talbot sheriff allows the aggrieved officer to challenge for cause any selection of a board member. Some agencies have explicit requirements regarding representation by race or gender on hearing boards.

Prevalence of Hearing Boards

The vast majority of disciplinary cases in Maryland police agencies are resolved without a hearing. Table 8 on the next page shows the disposition of complaints against police officers during 1995, 1996 and 1997. Overall for the three-year period, the 104 agencies that responded to the survey addendum reported over 10,000 complaints requiring investigation. One-third of the complaints were sustained by internal investigations.

As shown in Table 9, also on the next page, in the 96 agencies that provided data on the outcome of these sustained cases, more than 80 percent of the time the officer accepted the discipline that was recommended by the internal investigators. The remaining cases were resolved through a variety of means, including the officer negotiating a lesser punishment, the officer resigning or retiring and the department convening a hearing board.

Table 8
Number and Resolution of Complaints Requiring Investigation

	Cases Reported by 104 Police Agencies							
	1995		1996		1997*		Total	
	<u>Number</u>	<u>%</u>	<u>Number</u>	<u>%</u>	<u>Number</u>	<u>%</u>	<u>Number</u>	<u>%</u>
Complaints requiring investigation	3,410	100%	3,550	100%	3,434	100%	10,394	100%
Complaints sustained by investigation	1,124	33%	1,185	34%	883	**	3,192	**

* 1997 data are complete through early December.

** Percentage not meaningful because some cases were still pending when data were reported.

Table 9
Officer Acceptance of Recommended Discipline

	Cases Reported by 96 Police Agencies**							
	1995		1996		1997*		Total	
	<u>Number</u>	<u>%</u>	<u>Number</u>	<u>%</u>	<u>Number</u>	<u>%</u>	<u>Number</u>	<u>%</u>
Complaints sustained by investigation	903	100%	966	100%	702	100%	2,571	100%
Cases in which officer accepted recommended discipline	725	80%	784	81%	561	80%	2,070	81%

* 1997 data are complete through early December.

** The number of sustained cases in which the officer accepted the punishment recommended by the internal investigation was not reported for eight of the police agencies that reported sustained complaints. Because Baltimore City and Baltimore County police were unable to provide this information, follow-up surveys excluded this question so as to reduce the data compilation burden on other respondents. The eight agencies for which these data were not reported accounted for 621 sustained complaints over the three-year period, distributed as follows:

221 in 1995: Baltimore City (95), Baltimore County (95), Cumberland (2), Hagerstown (17), Hurlock (unknown), Preston (0), Rockville (8), Westminster (4)

219 in 1996: Baltimore City (96), Baltimore County (96), Cumberland (3), Hagerstown (14), Hurlock (1), Preston (0), Rockville (9), Westminster (0)

181 in 1997: Baltimore City (97), Baltimore County (50), Cumberland (2), Hagerstown (21), Hurlock (1), Preston (1), Rockville (8), Westminster (1)

With respect to the frequency of hearing boards, the 106 police agencies that responded to the survey reported a total of 381 hearings during the period. The agencies can be divided into three groups: (1) those that did not convene any hearing boards during the three-year period, (2) agencies that convened one to 25 hearing boards, and (3) those that convened 40 or more hearing boards. (No agency convened between 26 and 39 hearing boards during the period.) The distribution of police agencies by number of hearings for all police agencies subject to LEOBR is shown in Table 10 below.

More than half of all Maryland police agencies convened no hearing boards during 1995, 1996 or 1997. The 42 agencies that reported conducting one or more hearings and the number of hearings held in each agency over the period January 1995 through early December 1997 are shown in Table 11 on the next page. As documented in Table 11, four agencies (Baltimore City police, Baltimore

County police, Maryland State police, and Prince George's County police) convened 202 hearing boards during the period, or more than half of the total of 381 hearing boards reported.

Hearing Board Outcomes

The disposition of hearing board cases is summarized in Table 12 on page 34. For the cases reported for the 1995 to 1997 period, three-quarters of the hearing board decisions were findings of guilt.

For each case in which a hearing board made a finding of guilt, police agencies were asked to report the punishment recommended or, in the case of multiple punishments, the most severe punishment. These penalties are tabulated in Table 13 on page 35. Suspension was the most severe penalty recommended by the hearing board in about one-quarter of the cases. In another one-fifth to one-quarter of

Table 10
Frequency of Hearing Boards
1995-1997

<u>Number of Hearings</u>	<u>Number of Agencies</u>	<u>Percent of Responding Agencies</u>	<u>Percent of All Agencies</u>
None	64	60%	55%
1 to 25	38	36%	32%
26 to 39	0	0%	0%
40 or more	<u>4</u>	<u>4%</u>	<u>3%</u>
Responding agencies	106	100%	91%
Did not respond	<u>11</u>		<u>9%</u>
All Agencies	117		100%

Table 11
Police Agencies that Conducted Hearings During 1995-1997

Agency	Number of Hearings			Total Hearings 1995-1997*
	1995	1996	1997 *	
Annapolis Police	0	1	1	2
Anne Arundel County Police	3	4	3	10
Anne Arundel County Sheriff	4	1	0	5
Baltimore City Housing Authority Police	2	4	4	10
Baltimore City Police	23	11	10	44
Baltimore County Police	12	24	13	49
Baltimore County Sheriff	10	8	7	25
Carroll County Sheriff	1	2	0	3
Chevy Chase Police	0	1	0	1
Cottage City Police	0	1	0	1
Elkton Police	1	0	0	1
Frederick City Police	1	1	1	3
Frederick County Sheriff	2	0	0	2
Fruitland Police	1	0	0	1
Gaithersburg Police	0	0	1	1
Garrett County Sheriff	0	1	0	1
Hancock Police	1	0	0	1
Harford County Sheriff	2	2	2	6
Howard County Police	2	2	8	12
Laurel Police	0	0	2	2
MD Department of State Police	18	18	4	40
MNCPPC Police - Montgomery Division	1	2	1	4
MNCPPC Police - Prince George's Division	4	2	2	8
MD Natural Resources Police	DNA	DNA	1	1
MD Port Administration Police	3	0	2	5
MD Transportation Authority Police	3	3	3	9
Mass Transit Administration Police	3	3	0	6
Montgomery County Police	11	2	4	17
Montgomery County Sheriff	0	0	1	1
Ocean City Police	3	0	0	3
Pocomoke City Police	1	0	0	1
Preston Police	0	0	1	1
Prince George's County Police	23	21	25	69
Prince George's County Sheriff	2	5	0	7
Queen Anne's County Sheriff	2	1	0	3
Salisbury Police	0	2	0	2
St. Mary's County Sheriff	4	7	7	18
Sykesville Police	1	0	0	1
Takoma Park Police	0	1	1	2
UM, Baltimore Police	1	0	0	1
UMBC Police	1	0	0	1
Washington County Sheriff	0	0	1	1
Total	146	130	105	381

* 1997 data complete through early December
DNA = data not available

cases, reprimand was the most severe penalty recommended. Statewide, the hearing board recommended dismissal in 40 cases during the three-year period.

Punishment Imposed by Chief

As discussed above, under Maryland law, the hearing board’s decision regarding guilt is binding, whereas the agency chief can decide whether to accept the hearing board’s recommendation regarding punishment. Of

the 278 cases for which the hearing board made a punishment recommendation, agency chiefs had made their penalty decisions in 274 cases. (Four cases were pending the chiefs’ decisions at the time the data were reported.) As shown in Table 14 on page 36, the chiefs imposed the penalty recommended by the hearing board in more than nine out of 10 cases. During the three-year period, an agency chief imposed a more severe penalty than recommended by the hearing board in 14 cases. In six cases an agency chief imposed a less severe penalty.

**Table 12
Number and Disposition of Hearings**

	Cases Reported by Police Agencies						Total	
	1995		1996		1997*		Number	%
	<u>Number</u>	<u>%</u>	<u>Number</u>	<u>%</u>	<u>Number</u>	<u>%</u>		
Hearing boards convened	146	100%	130	100%	105	100%	381	100%
Officer resigned prior to hearing board decision on guilt	1	1%	1	1%	0	0%	2	1%
Hearing board decision pending	0	0%	0	0%	2	2%	2	1%
Hearing board made a finding of guilt	105	72%	100	77%	81	77%	286	75%

* 1997 data are complete through early December.

Table 13
Punishment Recommended by Hearing Boards

	Cases Reported by Police Agencies							
	1995		1996		1997*		Total	
	<u>Number</u>	<u>%</u>	<u>Number</u>	<u>%</u>	<u>Number</u>	<u>%</u>	<u>Number</u>	<u>%</u>
In cases in which there was a finding of guilt, most severe punishment recommended by hearing board:								
Reprimand	25	24%	21	21%	18	23%	64	22%
Loss of leave	19	18%	19	19%	7	9%	45	16%
Suspension	28	27%	24	24%	20	25%	72	25%
Loss of pay	9	9%	12	12%	6	7%	27	9%
Reassignment	0	0%	0	0%	0	0%	0	0%
Demotion	7	7%	7	7%	10	13%	24	8%
Dismissal	15	14%	10	10%	15	19%	40	16%
Other or no punishment	<u>2</u>	<u>2%</u>	<u>3</u>	<u>3%</u>	<u>1</u>	<u>1%</u>	<u>6</u>	<u>2%</u>
Total cases in which punishment recommendation was made	105	100%	96	96%	77	95%	278	97%
Other dispositions of guilty cases:								
Officer resigned/retired prior to board's punishment recommendation	0	0%	3	3%	2	3%	5	2%
Board's punishment recommendation pending	<u>0</u>	<u>0%</u>	<u>1</u>	<u>1%</u>	<u>2</u>	<u>3%</u>	<u>3</u>	<u>1%</u>
Total cases in which guilt was found	105	100%	100	100%	81	100%	286	100%

* 1997 data are complete through early December.

Table 14
Chiefs' Decisions Regarding Punishment

	Cases Reported by Police Agencies							
	1995		1996		1997*		Total	
	<u>Number</u>	<u>%</u>	<u>Number</u>	<u>%</u>	<u>Number</u>	<u>%</u>	<u>Number</u>	<u>%</u>
<u>Decided</u>								
Chief imposed penalty recommended by hearing board	97	92%	87	91%	70	91%	254**	91%
Chief imposed more severe penalty than recommended by hearing board	4	4%	7	8%	3	4%	14	5%
Chief imposed less severe penalty than recommended by hearing board	<u>4</u>	<u>4%</u>	<u>2</u>	<u>2%</u>	<u>0</u>	<u>0%</u>	<u>6</u>	<u>2%</u>
Total cases in which chief had acted	105	100%	96	100%	73	94%	274	98%
Cases pending chief's action	<u>0</u>	<u>0%</u>	<u>0</u>	<u>0%</u>	<u>4</u>	<u>6%</u>	<u>4</u>	<u>2%</u>
Total cases for which hearing board recommended punishment	105	100%	96	100%	77	100%	278	100%

* 1997 data are complete through early December.

** Represents 93% of the 274 cases in which the chief had acted.

Table 15 on pages 37 and 38 describes the penalty recommended by the hearing board and the penalty imposed by the chief for each of the 14 cases during the three-year period in which a chief imposed a harsher penalty than recommended.

In five of the cases (labeled 2, 6, 7, 8 and 14), the chief elected to dismiss the officer,

although the hearing board had recommended a lesser penalty. For three of the officers that were dismissed (cases 6, 7 and 8), stiff penalties had been recommended by the hearing boards (demotion, multiple penalties including a fine and demotion, and 125-day suspension). The chief imposed an even harsher penalty because of the severity of the offense.

Table 15
Cases in Which Chief Imposed More Severe Punishment
than Hearing Board Recommended

<u>Case</u>	<u>Recommended Punishment</u>	<u>Punishment Imposed by Chief</u>	<u>Reason for Increase</u>
1	Three days loss of leave	10 days loss of leave	Lack of command responsibility by not stopping in process
2	Five-day suspension	Dismissal	Prior incident/jury finding of malice by officer
3	Reprimand	Demotion	Seriousness of offense and prior disciplinary action
4	One-day suspension	30-day suspension	Severity of offense
5	12-day suspension	Demotion	Severity of offense
6	Demotion	Termination	Severity of officer's actions. Trusted and senior position in department
7	\$6,000 fine, demotion, probation, 100 hours community service, alcohol counseling	Termination	Severity of actions that resulted in charges
8	125-day suspension	Termination	Severity of offense
9	Reduction in rank; prohibition of part-time work for six months	Altered effective date of penalty imposition to run consecutive to (not concurrent with) existing penalty	Previous discipline

Table 15
Cases in Which Chief Imposed More Severe Punishment
than Hearing Board Recommended
(Continued)

<u>Case</u>	<u>Recommended Punishment</u>	<u>Punishment Imposed by Chief</u>	<u>Reason for Increase</u>
10	Written reprimand	Forfeiture of 10 hours annual leave	Did not consider the disciplinary recommendation to be sufficient
11	Fined \$4,000 with \$3,000 suspended; made ineligible for promotional cycle until 1998; removed from personal car program for one year	Fined \$4,000, made ineligible for promotional cycle until 1998; removed from personal car program for one year	Did not consider the disciplinary recommendation to be sufficient
12	Fined \$1,500 with \$500 suspended; reassignment; sensitivity training	Demotion in rank; reassignment; sensitivity training	Did not consider the disciplinary recommendations to be sufficient
13	Loss of one day of leave	Loss of two days of leave	Seriousness of offense
14	Written reprimand	Dismissal	Discredit and impairment of agency

In the other two cases in which officers were dismissed (cases 2 and 14), the penalties recommended by the hearing board were much less harsh, a five-day suspension and written reprimand, respectively. In case 2 in which the chief dismissed an officer for whom the hearing board had recommended a five-day suspension,

the chief based the decision on the officer being involved in a prior incident in which a jury found that the officer acted with malice. In case 14 in which the chief dismissed an officer for whom the hearing board had recommended a written reprimand, the chief felt the officer had discredited and impaired the agency.

In three other cases (labeled 3, 5 and 12) among the 14 listed, the discipline imposed by the chief was significantly greater than that recommended by the hearing board. In case 3, the chief rejected the recommendation of a reprimand and instead demoted the officer because of the seriousness of the offense and prior disciplinary action against the officer. In case 5, the chief increased the penalty from a 12-day suspension to demotion because of the severity of the offense. In case 12, the chief imposed two penalties recommended by the hearing board--reassignment and sensitivity training--but increased the third penalty. Rather than a fine of \$1,500 with \$500

suspended, the chief demoted the officer because the chief did not consider the disciplinary recommendation to be sufficient.

Agencies responding to the survey also documented the cases in which the chief imposed a lesser punishment than recommended by the hearing board. These cases are listed in Table 16 below, labeled as cases 15 to 20. The chief is not required by law to explain a decision to reduce a penalty. However, explanations were provided by the agencies for three of the cases.

Table 16
Cases in Which Chief Imposed Less Severe Punishment than Hearing Board Recommended

<u>Case</u>	<u>Recommended Punishment</u>	<u>Punishment Imposed by Chief</u>	<u>Reason for Decrease</u>
15	Dismissal	Allowed resignation	Unknown
16	Two-day suspension	Written reprimand	No justification noted
17	One-day suspension	Charges dismissed	No justification noted
18	20-day suspension	15-day suspension	Prosecutor's penalty request exceeded commander's directive
19	Loss of 20 hours	Loss of 16 hours	Board equated two days to two patrol shifts of 10 hours for a total of 20 hours; chief decided that two days equals 16 hours
20	Prohibited from part-time work for two years; fined \$3,250 with \$1,250 suspended; made ineligible for promotional exam for two years	Prohibited from part-time work for six months; fined \$2,000; made ineligible for promotional exam for two years	Met with respondent and attorney and reconsidered intent to increase discipline

Summary

The review of state statutes concerning police discipline reveals some similarities, and even greater variations, in the protections afforded to officers under investigation and the processes by which agencies impose disciplinary action. While Maryland's statute can be described as unique, so can the statutes in all other states.

Maryland's LEOBR statute contains a number of features favorable to police officers when compared to the provisions in other states. The statute extends uniform protections to officers in a broad list of local and state police agencies, addresses both investigations and resulting disciplinary actions, covers all types of disciplinary actions and specifies a hearing board composed of sworn officers. Only a few other state statutes contain all these features, and only one statute, Rhode Island's, appears to be more favorable to officers overall than Maryland's.

The 106 police agencies in Maryland that provided data on complaints against officers from 1995 to December 1997 reported more than 10,000 complaints requiring investigation. This large volume of complaints underscores the importance for police officers of the extensive provisions concerning internal investigations in Maryland's LEOBR statute.

Maryland agencies also reported that the police officer accepted the punishment recommended by internal investigators in more than 80 percent of cases in which the complaint was sustained. Only 381 hearing boards emanated from nearly 3,200 sustained complaints. This high rate of acquiescence to the results of internal investigations suggests that, under Maryland's current law, the process resolves the vast majority of disciplinary cases.

One provision of Maryland's LEOBR law that may be viewed as unfavorable to police officers is the chief's selection of all hearing board members. The survey of Maryland agencies reveals that the chief's selection power is often mitigated by the policies and procedures of individual agencies.

Many Maryland police agencies have established procedures, through collective bargaining agreements or internal policies, that limit the chief's influence in the selection of hearing board members. Two Maryland agencies, Montgomery County police and Frederick City police, have collective bargaining agreements that offer aggrieved officers the choice of an alternate method of selecting a hearing board, as allowed under the Maryland LEOBR statute. Three other police agencies, Anne Arundel County police, Baltimore City police, and Howard County police, allow officers to challenge selections of hearing board members. Other agencies employ procedures such as designating an administrator to select the actual members of the hearing board, subject to guidelines, seeking all hearing board members from another agency or randomly selecting hearing board members from within the agency.

Only 42 of the 106 agencies that submitted hearing data actually convened hearing boards during the three-year period. Four Maryland police agencies accounted for the majority of hearings. Nine of the 42 police agencies that conducted hearings (including two of the four agencies with the highest number of hearings) have collective bargaining agreements that address the hearing process. Eleven of the 42 agencies that held hearings plus 25 other agencies reported obtaining all hearing board members from other police agencies.

Another provision of Maryland's LEOBR statute that may be viewed as unfavorable to officers is the advisory nature of the hearing board's recommendation regarding punishment unless a collective bargaining agreement provides otherwise. (No Maryland police agency reported having a collective bargaining provision that made the hearing board's decision binding.) The survey results did show that the authority to overrule a hearing board's recommendation is invoked infrequently by chiefs and, in some cases, is used to reduce the punishment recommended by the hearing board.

Police chiefs imposed penalties on officers in 274 cases that were decided during the three-year period. The chief imposed the punishment recommended by the hearing board in 254 of those cases (93 percent). The chief's authority to increase an officer's punishment beyond that recommended by the hearing board was invoked in 14 cases or five percent of all decisions. In six cases (two percent of all decisions), the chief reduced the penalty from that recommended by the hearing board. In all cases in which the chief imposed a harsher punishment than recommended, the chief was required by the Maryland statute to document the reasons for increasing the punishment. The reason most frequently reported for increasing punishment was the seriousness of the offense for which the officer was found guilty by the trial board.

Appendix A
State Statutes that Address Police Disciplinary Procedures

Table A-1	Citations for State Statutes that Address Police Disciplinary Procedures
Table A-2	Provisions in State Statutes that Address Internal Investigations
Table A-3	Hearing Requirements in State Statutes
Table A-4	Purpose, Conduct and Disposition of Hearings as Specified by Statute
Table A-5	State Statute Provisions Regarding Hearing Board Composition

**Table A-1
Citations for State Statutes that Address Police Disciplinary Procedures**

State	Covered Agencies/Officers	Citation
Alabama	Municipalities over 5,000 without civil service systems on August 23, 1976	Ala. Code sec. 11-43-180 to 11-43-190 (1989 and Supp. 1997)
	State police and local police in municipalities that choose state administration of police personnel	Ala. Code sec. 36-26-1 to 36-26-24 (1991)
Alaska	State police	Alaska Stat. sec. 39.25.010 -.176 (1996)
Arizona	Counties over 250,000 and cities over 15,000 without employee merit system; counties under 250,000 and cities less than 15,000 in which governing board adopts state statute	Ariz. Rev. Stat. Ann. sec. 38-1001 to 38-1007 (1998)
	State Department of Public Safety	Ariz. Rev. Stat. Ann. sec. 41-1830.11 -.15 (Supp. 1997)
Arkansas	State police	Ark. Stat. Ann. sec. 12-8-103 and 12-8-204 (1995 and Supp. 1997)
	Municipalities that adopt local ordinances establishing any or all provisions of "Bill of Rights for Law Enforcement Officers"	Ark. Stat. Ann. sec. 14-52-301 to 14-52-307 (1998)
California	Police, investigators, and security officers in broad list of local, state, and other agencies	Cal. Govt. Code sec. 3300 to 3311 (West Supp. 1998)
Colorado	State police	Colo. Rev. Stat. secs. 24-33.5-214 and 24-50-125 to 24-50-125.5 (1990 and Supp. 1997)
Connecticut	Municipalities that adopt ordinance establishing board of police commissioners	Conn. Gen. Stat. Ann. secs. 7-274 to 7-276 (West 1987 and Supp. 1998)
	Sheriffs' deputies	Conn. Gen. Stat. Ann. sec. 6-45 (West 1987 and Supp. 1998)
	State police	Conn. Gen. Stat. Ann. sec. 29-4 (West 1990 and Supp. 1998)
Delaware	Broad list of local and state agencies	Del. Code Ann. tit. 11, secs. 9200 to 9209 (Supp. 1997)
District of Columbia	Metropolitan police	D.C. Code Ann. secs. 4-117 to 4-118 (1998)
Florida	Any law enforcement agency	Fl. Stat. Ann. secs. 112.531 -.531 (West 1992 and Supp. 1998)
Georgia	Sheriffs' deputies in counties for which General Assembly has created merit board	Ga. Code Ann. sec. 15-16-28 (1998)
	State patrol	Ga. Code Ann. secs. 35-2-30 and 45-20-1 to 45-20-9 (1998)
	County police	Ga. Code Ann. sec. 36-8-2 (1998)
Hawaii	County police in the counties of Hawaii, Maui, and Kauai	Haw. Rev. Stat. secs. 76-1, 76-47 and 76-78 (1993 and Supp. 1997)
	Law enforcement officers employed by state	Haw. Rev. Stat. sec. 76-47 (1993 and Supp. 1997)
Idaho	Cities that create civil service system	Idaho Code secs. 50-1601 to 50-1610 (Supp. 1997)
	Law enforcement officers employed by state	Idaho Code secs. 67-5315 to 67-5318 (Supp. 1997)
Illinois	State police	Ill. Ann. Stat. ch 20. para 2610/13 and 2610/14 (Smith-Hurd 1993)

Note: Numbers characterizing municipalities and counties reflect population.

**Table A-1
Citations for State Statutes that Address Police Disciplinary Procedures**

State	Covered Agencies/Officers	Citation
	Any peace officer employed by any unit of local government and pay-grade investigators for Secretary of State unless superseded by collective bargaining agreement	Ill. Ann. Stat. ch 50. para 725/1 to 725/7 (Smith-Hurd 1993 and Supp. 1997)
	Cook County Sheriff's deputies	Ill. Ann. Stat. ch 55. para 5/3-7001 to 5/3-7015 (Smith-Hurd 1993 and Supp. 1997)
	Counties under 1,000,000 that adopt Chapter 55, Act 5, Division 3-8	Ill. Ann. Stat. ch 55. para 5/3-8001 to 5/3-8017 (Smith-Hurd 1993 and Supp. 1997)
	Cities up to 500,000 that adopt Chapter 65, Act 5, Article 10, Division 1 (Civil Service in Cities) and cities over 500,000	Ill. Ann. Stat. ch 65. para 5/10-1-1, 5/10-1-18 and 5/10-1-18.1 (Smith Hurd 1993)
	Cities of 5,000 to 250,000 that are not subject to Chapter 65, Act 5, Article 10, Division 1 (Civil Service in Cities) and cities under 5,000 that adopt Chapter 65, Act 5, Article 10, Division 2.1 (Board of Fire and Police Commissioners)	Ill. Ann. Stat. ch 65. para 5/10-2.1-1 to 5/10-2.1-17 (Smith-Hurd 1993)
Indiana	State police	Ind. Code Ann. sec. 10-1-1-6 (Burns 1998)
	Second and third class cities (under 250,000) and towns and townships with full-time paid police departments that do not have merit ordinances	Ind. Code Ann. secs. 36-4-1-1 and 36-8-3-1 to 36-8-3-5 (Burns 1998)
	Municipalities or townships with full-time paid police department that adopt Police and Fire Merit System under Title 36, Article 8, Chapter 3.5	Ind. Code Ann. secs. 36-8-3.5-1 to 36-8-3.5-19 (Burns 1998)
	County police/sheriffs' departments	Ind. Code Ann. secs. 36-8-10-1 to 36-8-10-11 (1998)
Iowa	State Department of Public Safety except officers covered by collective bargaining agreements that provide otherwise	Iowa Code Ann. secs. 10A.601 and 80.15 (West 1994)
	Sheriffs' deputies	Iowa Code Ann. secs. 341A.1 -.12 (West 1994 and Supp. 1997)
	Cities over 8,000 with paid police departments and cities under 8,000 that adopt provisions of state law	Iowa Code Ann. secs. 400.1 and 400.18 -.27 (West 1994 and Supp. 1997)
Kansas	Cities operating under city-manager plan	Kan. Stat. Ann. secs. 12-1001 to 12-1034 (1997)
	Second class cities	Kan. Stat. Ann. sec. 14-1503 (1997)
	Third class cities	Kan. Stat. Ann. sec. 15-204 (1997)
	Sheriffs' deputies in urban counties; counties over 300,000; counties between 65,000 and 180,000; counties between 45,000 and 100,000 with active military establishments that adopt provisions of state law	Kan. Stat. Ann. secs. 19-4303 to 19-4327 (1997)
Kansas (continued)	Riley County law enforcement agency (if such agency is adopted by county)	Kan. Stat. Ann. secs. 19-4424 to 19-4445 (1997)
	State highway patrol	Kan. Stat. Ann. secs. 74-2113 and 75-2901 to 75-2950 (1997)

Note: Numbers characterizing municipalities and counties reflect population.

Table A-1
Citations for State Statutes that Address Police Disciplinary Procedures

State	Covered Agencies/Officers	Citation
Kentucky	State police	Ky. Rev. Stat. Ann. secs. 16.140-.150 (Michie 1997)
	Sheriffs' deputies in counties that enact sheriff's merit board	Ky. Rev. Stat. Ann. secs. 70.260 -.273 (Baldwin 1996)
	Second, third, fourth, and fifth class cities (as identified by name in sec. 81.010) and urban counties	Ky. Rev. Stat. Ann. secs. 95.010, 95.450-.460, and 95.765-.766 (Michie 1998)
Louisiana	State police	La. Const. Art. 10, secs. 41-50 (West 1996 and Supp. 1997)
	Municipalities between 13,000 and 250,000	La. Rev. Stat. Ann. secs. 33:2471-2508 (West 1987 and Supp. 1997)
	Municipalities between 7,000 and 13,000	La. Rev. Stat. Ann. secs. 33:2531-2568 (West 1987 and Supp. 1997)
	Municipalities between 250,000 and 500,000	La. Rev. Stat. Ann. sec. 33:2591 (West 1987 and Supp. 1997)
Maine	State police	Me. Rev. Stat. Ann. tit. 5, secs. 948, 7032, 7051, 7081-7085, and 9051-9064 (1997)
	Sheriffs' deputies	Me. Rev. Stat. Ann. tit. 30-A, secs. 381 and 501 (1997)
	All municipalities	Me. Rev. Stat. Ann. tit. 30-A, sec. 2671 (1997)
Maryland	Broad list of local and state agencies	Md. Code Ann. Art. 27, secs. 727-734C (1996 and Supp. 1998)
Massachusetts	State police	Mass. Ann. Laws ch. 22C, secs. 10-13 (1998)
	Cities that operate under state civil service law	Mass. Ann. Laws ch. 31, sec. 51 (1998)
	Towns that operate under state civil service law and accept applicability of civil service law to police force	Mass. Ann. Laws ch. 31, sec. 52 (1998)
	Municipalities that create decentralized personnel systems	Mass. Ann. Laws ch. 31A, secs. 1-11 (1998)
Michigan	State police	Mich. Comp. Laws Ann. secs. 28.4 and 28.12 (West 1998)
	Townships of 60,000 or more that adopt civil service	Mich. Comp. Laws Ann. secs. 38.451-.462 (West 1998)
	Cities, villages, or municipalities with full-time paid police departments in which electorate adopts provisions of Fire Fighters and Police Officers Civil Service System	Mich. Comp. Laws Ann. secs. 38.501-.518 (West 1998)
	Sheriffs' deputies in counties over 400,000 not covered by County Employees' Civil Service System and in which electorate adopts provisions of Civil Service Commission	Mich. Comp. Laws Ann. secs. 51.351-.367 (West 1998)
Michigan (continued)	Fourth class cities (10,000 or fewer)	Mich. Comp. Laws Ann. secs. 87.3 and 92.6 (West 1998)
Minnesota	State patrol	Minn. Stat. sec. 299D.03 (West 1997 & Supp. 1998)
	Hennepin County sheriff's deputies	Minn. Stat. secs. 383B.26-.42 and 14.58-.60 (1997)

Note: Numbers characterizing municipalities and counties reflect population.

**Table A-1
Citations for State Statutes that Address Police Disciplinary Procedures**

State	Covered Agencies/Officers	Citation
	Sheriffs' deputies in counties without civil service systems	Minn. Stat. sec. 387.14 (1997)
	Sheriff's deputies in counties that establish civil service systems for sheriff's department	Minn. Stat. secs. 387.31-.45 (1997)
	Cities, except first class (over 100,000), that create police civil service commission; any city with civil service commission that vests powers of police civil service commission in that commission	Minn. Stat. secs. 419.01-.181 (1996)
	Any city, county, town, or political subdivision with formal merit system	Minn. Stat. sec. 419.075 (1996)
Mississippi	Sheriffs' deputies	Miss. Code Ann. sec. 19-25-19 (1995 and Supp. 1998)
	State police	Miss. Code Ann. secs. 25-9-105 to 25-9-132 (1991 and Supp. 1998)
Missouri	State highway patrol	Mo. Rev. Stat. sec. 43.150 (1997)
	Sheriffs' deputies in first class counties not having charter government	Mo. Rev. Stat. sec. 57.201 (1997)
	Sheriffs' deputies in counties that became second class after 9/28/87 and third and fourth class counties	Mo. Rev. Stat. secs. 57.220-.221 and 57.250-.251 (1997)
	St. Louis	Mo. Rev. Stat. secs. 84.020 and 84.120 (Vernon 1971 and Supp. 1998)
	Kansas City	Mo. Rev. Stat. secs. 84.350 and 84.430 (Vernon 1971 and Supp. 1998)
	Law enforcement agencies with more than 15 officers other than sheriffs' departments	Mo. Rev. Stat. secs. 85.011 and 590.500 (Vernon 1971 and Supp. 1998)
	Cities of third class (at least 3,000 and choose third class status) that adopt merit system police department	Mo. Rev. Stat. secs. 85.541 (Vernon 1971 and Supp. 1998)
Montana	Counties other than first- and second-class with departments of public safety	Mont. Code Ann. secs. 7-32-107 to 7-32-125 (1997)
	Sheriffs' departments	Mont. Code Ann. secs. 7-32-2107 to 7-32-2110 (1997)
	State highway patrol	Mont. Code Ann. secs. 44-1-701 to 44-1-910 (1997)
Nebraska	Metropolitan class cities (over 300,000)	Neb. Rev. Stat. secs. 14-609 and 14-704 (1997)
	Second class cities (800 to 5,000) and villages	Neb. Rev. Stat. secs. 17-107 and 17-208 (1997)
	Cities over 5,000 (except home rule cities over 40,000) and cities under 5,000 that adopt state statute	Neb. Rev. Stat. secs. 19-1825 to 19-1833 (1997)
Nebraska (continued)	Sheriffs' deputies in counties over 25,000	Neb. Rev. Stat. secs. 23-1721 to 23-1737 (1998)
	State patrol	Neb. Rev. Stat. secs. 81-1301 to 81-1319 (1998)
Nevada	Sheriffs' deputies	Nev. Rev. Stat. Ann. sec. 248.040 (Michie 1997)
	Metropolitan police departments	Nev. Rev. Stat. Ann. secs. 248.045 and 280.310 (Michie 1997)
	State highway patrol	Nev. Rev. Stat. Ann. secs. 284.010-.150 and 284.383-.391 (Michie 1997)

Note: Numbers characterizing municipalities and counties reflect population.

Table A-1
Citations for State Statutes that Address Police Disciplinary Procedures

State	Covered Agencies/Officers	Citation
	Officers covered by collective bargaining agreements with local governments	Nev. Rev. Stat. Ann. sec. 288.150 (Michie 1997)
	All peace officers	Nev. Rev. Stat. Ann. sec. 289.010-.120 (Michie 1997)
New Hampshire	Sheriffs' deputies	N.H. Rev. Stat. Ann. sec. 104:27 (1990 and Supp. 1997)
	Towns adopting police commissions	N.H. Rev. Stat. Ann. sec. 105-C:4 (1990 and Supp. 1997)
	State police	N.H. Rev. Stat. Ann. sec. 106-B:5 (1990 and Supp. 1997)
	Officers covered by collective bargaining agreements	N.H. Rev. Stat. Ann. sec. 273-A:1 to 273-A:4 (1987 and Supp. 1997)
New Jersey	Counties	N.J. Stat. Ann. secs. 40A:14-106 and 40A:14-106a (West 1996 and Supp. 1997)
	Municipalities	N.J. Stat. Ann. secs. 40A:14-118 and 40A:14-147 to 40A:14-151 (West 1996 and Supp. 1997)
	State police	N.J. Stat. Ann. secs. 53:1-5 to 53:1-8.1 (West 1996 and Supp. 1997)
New Mexico	Municipal police	N.M. Stat. Ann. secs. 3-11-6 D and 3-13-4 (1995 and Supp. 1997)
	Sheriffs' deputies	N.M. Stat. Ann. secs. 4-41-5 and 4-41-6 (1992 and Supp. 1997)
	State police	N.M. Stat. Ann. secs. 9-19-11 and 29-2-11 (1997 and Supp. 1998)
	All peace officers	N.M. Stat. Ann. secs. 29-14-1 to 29-14-11 (1997 and Supp. 1998)
New York	Permanent employees in competitive class of classified civil service, honorably discharged war veterans in classified service of state or local government, or police officer holding position of detective for 3 continuous years	N.Y. Civ. Serv. Law secs. 75 -76 (McKinney 1993 and Supp. 1997)
	State police	N.Y. Exec. Law sec. 215 (McKinney 1993 and Supp. 1997)
	Second class cities (as designated on Dec. 31, 1923)	N.Y. Second Class Cities Law secs. 137 -138 (McKinney 1995)
New York (continued)	Towns	N.Y. Town Law sec. 155 (McKinney 1987 and Supp. 1997)
	Villages	N.Y. Village Law secs. 8-804 and 8-806 (McKinney 1996 and Supp. 1997)
	Police in competitive class of civil service in cities, counties, towns, and villages	N.Y. Law sec. 891 (McKinney 1979 and Supp. 1997)
North Carolina	Any police officer	N.C. Gen. Stat. sec. 128-16 (1995)
North Dakota	State highway patrol	N.D. Cent. Code secs. 39-03-03 (1997) and 54-44.3-12.2 (1989 and Supp. 1997)
	Council cities	N.D. Cent. Code secs. 40-08-19 and 40-08-27 (1983 and Supp. 1997)

Note: Numbers characterizing municipalities and counties reflect population.

**Table A-1
Citations for State Statutes that Address Police Disciplinary Procedures**

State	Covered Agencies/Officers	Citation
Ohio	Peace officers	Ohio Rev. Code Ann. secs. 109.76 and 124.34 (Baldwin 1994 and Supp. 1998)
	State, counties, civil service townships, and cities	Ohio Rev. Code Ann. sec. 124.34 (Baldwin 1994 and Supp. 1998)
	Sheriffs' deputies	Ohio Rev. Code Ann. sec. 311.04 (and secs. 119.014-.13) (Baldwin 1994 and Supp. 1998)
	Non-civil service townships	Ohio Rev. Code Ann. secs. 505.49-.495 (Anderson 1998)
	Incorporated municipalities	Ohio Rev. Code Ann. sec. 737.12 (Anderson 1998)
	Villages	Ohio Rev. Code Ann. sec. 737.19 (Anderson 1998)
Oklahoma	Sheriffs' deputies	Okla. Stat. Ann. tit. 19, sec. 547 (West 1988 and Supp. 1998)
	Highway patrol, Lake patrol, Capitol patrol	Okla. Stat. Ann. tit. 47, secs. 2-105 and 840-6.1 to 840-6.7 (West 1997 and Supp. 1998)
Oregon	Full-time police officers in broad list of agencies who are not covered by collective bargaining agreement requiring just cause, county civil service system adopted under state law, or equivalent local civil service system	Or. Rev. Stat. secs. 236.350-.370 (1995)
Pennsylvania	Sheriffs' deputies in second class counties (between 800,000 and 1,500,000)	Pa. Stat. Ann. tit. 16, secs. 4221.1-.10 (Purdon 1956 and Supp. 1998)
	Police officers in second class counties (between 800,000 and 1,500,000)	Pa. Stat. Ann. tit. 16, secs. 4501-4518 (Purdon 1956 and Supp. 1998)
	Boroughs and townships of first class with less than 3 officers and townships of second class	Pa. Stat. tit. 53, secs. 811-815 (1998)
	First class city (over 1,000,000)	Pa. Stat. Ann. tit. 53, secs. 12621-12638 (Purdon 1957 and Supp. 1997)
	Second class cities (between 250,000 and 1,000,000) and second class A cities (a choice for between 80,000 and 250,000)	Pa. Stat. Ann. tit. 53, secs. 23531-23539.1 (Purdon 1957 and Supp. 1997)
Pennsylvania (continued)	Third class cities (under 250,000 and have not chosen second class A)	Pa. Stat. Ann. tit. 53, secs. 37001 and 39401-39408 (Purdon 1957 and Supp. 1997)
	Boroughs with 3 or more officers	Pa. Stat. Ann. tit. 53, secs. 46171-46191 (Purdon 1966 and Supp. 1997)
	Boroughs, incorporated towns, and first class townships	Pa. Stat. Ann. tit. 53, secs. 53251-53271 (Purdon 1957 and Supp. 1997)
	State police	Pa. Stat. Ann. tit. 71, sec. 251 (Purdon 1990 and Supp. 1997)
Rhode Island	City, town, or state police officers; law enforcement officers of department of natural resources or state marshalls	R.I. Gen. Laws secs. 42-28.6-1 to 42-28.6-17 (1998)
	Sheriffs' deputies	R.I. Gen. Laws sec. 36-4-2 (1998)
South Carolina	Counties and municipalities that adopt employee grievance plans	S.C. Code Ann. sec. 8-17-110 (Law. Co-op. 1985 and Supp. 1997)

Note: Numbers characterizing municipalities and counties reflect population.

**Table A-1
Citations for State Statutes that Address Police Disciplinary Procedures**

State	Covered Agencies/Officers	Citation
	State police and state highway patrol	S.C. Code Ann. sec. 23-6-100 (Law. Co-op. Supp. 1997)
	Sheriffs' deputies	S.C. Code Ann. sec. 23-13-10, 23-13-240 and 23-13-530 (Law. Co-op. 1988 and Supp. 1997)
	Cities of 20,000 to 50,000 that establish board of police commissioners	S.C. Code Ann. sec. 23-21-10 to 23-21-80 (Law. Co-op. 1988 and Supp. 1997)
South Dakota	State divisions of highway patrol and criminal investigation	S.D. Codified Laws Ann. secs. 3-7-1 to 3-7-18 (1997)
	Sheriffs' deputies in counties of 75,000 or more	S.D. Codified Laws Ann. sec. 7-12-10.1 (1998)
Tennessee	State highway patrol	Tenn. Code Ann. sec. 4-7-102 (1991)
	Sheriffs' deputies in counties that adopt sheriff's civil service	Tenn. Code Ann. secs. 8-8-401 and 8-20-112 (1993 and Supp. 1997)
	Sheriffs' deputies in counties without sheriff's civil service	Tenn. Code Ann. sec. 8-20-109 (1993 and Supp. 1997)
	Any municipal or county police agency that provides a property interest in police officer's employment and has no other established procedures for dealing with dismissal, demotion, suspension, or punitive transfer	Tenn. Code Ann. secs. 38-8-301 to 38-8-309 (1997)
Texas	Municipalities over 10,000 that have adopted Local Government Code (LGC) Chapter 143	Tex. Local Govt. Code Ann. secs. 143.001-.134 and 174.001-.253 (Vernon 1988 and Supp. 1998)
	Council-manager municipalities between 460,000 and 1.5 million that have not adopted LGC Chapter 174	Tex. Local Govt Code Ann. secs. 143.301-.313 (Vernon 1988 and Supp. 1998)
	Municipalities of 1.5 million or more that have not adopted LGC Chapter 174	Tex. Local Govt. Code Ann. secs. 143.351-.363 (Vernon 1988 and Supp. 1998)
	Counties over 200,000 that adopt civil service system	Tex. Local Govt. Code Ann. secs. 158.001-.015 (Vernon 1988 and Supp. 1998)
Texas (continued)	Sheriffs' deputies in counties over 500,000 that create civil service system	Tex. Local Govt. Code Ann. secs. 158.031-.040 (Vernon 1988 and Supp. 1998)
	State police	Tex. Govt. Code Ann. secs. 411.001-.0075 (Vernon 1990 and Supp. 1998)
	Law enforcement officers of state or police officers not covered by civil service statute	Tex. Govt. Code Ann. secs. 614.021-.023 (Vernon 1994 and Supp. 1998)
	Peace officers	Tex. Govt. Code secs. 614.061-.063 (1994 and Supp. 1998)
Utah	First and second class cities	Utah Code Ann. secs. 10-3-912 and 10-3-1001 to 10-3-1012.5 (1996 and Supp. 1998)
	Sheriffs' deputies in counties of 20,000 or more	Utah Code Ann. secs. 17-30-3 to 17-30-20 (1995 and Supp. 1998)
	State highway patrol	Utah Code Ann. secs. 53-1-107, 53-8-104, and 67-19-18 (1998)
Vermont	State police	Vt. Stat. Ann. tit. 20 secs. 1880 and 1923 (1987 and Supp. 1997)

Note: Numbers characterizing municipalities and counties reflect population.

**Table A-1
Citations for State Statutes that Address Police Disciplinary Procedures**

State	Covered Agencies/Officers	Citation
	Municipalities without charter provisions for removal of police officers only after hearing and for cause	Vt. Stat. Ann. tit. 24 secs. 1931-1933 (1992 and Supp. 1997)
Virginia	Broad list of local and state agencies	Va. Code Ann. sec. 2.1-116.1 to 2.1-116.9 (1997)
Washington	Municipalities without provisions that substantially accomplish the purpose of chapter. Excludes police forces of not more than 2 persons including chief	Wash. Rev. Code Ann. secs. 41.12.010-.090 (1991 and Supp. 1998)
	Sheriffs' deputies	Wash. Rev. Code Ann. secs. 41.14.010-.120 (1991 and Supp. 1998)
	State police	Wash. Rev. Code Ann. secs. 43.43.070-.110 (1983 and Supp. 1998)
West Virginia	Sheriffs' deputies	W.Va. Code Ann. sec. 6-3-2 (1998)
	Municipal police	W.Va. Code Ann. secs. 8-14-6 to 8-14-23 and 8-14A-1 to 8-14A-5 (1990 and Supp. 1997)
	State police	W.Va. Code Ann. secs. 15-2-6 and sec. 15-2-21 (1998)
Wisconsin	State traffic patrol	Wis. Stat. secs. 15.01, 15.06, 110.07, and 230.01-.45 (1997)
	Sheriffs' deputies in counties under 500,000 that enact civil service system for deputies	Wis. Stat. Ann. sec. 59.26 (West 1988 and Supp. 1997)
	Law enforcement employees in counties under 500,000 that enact civil service system for all county employees	Wis. Stat. Ann. sec. 59.52 (West 1988 and Supp. 1997)
	Second and third class cities (between 4,000 and 150,000) and cities under 4,000 that adopt these provisions	Wis. Stat. Ann. sec. 62.13 (West 1988 and Supp. 1997)
	First class cities	Wis. Stat. Ann. sec. 62.50 (West 1988 and Supp. 1997)
	State, city, village, town, or county	Wis. Stat. secs. 164.01-.06 (1997)
Wyoming	State highway patrol	Wyo. Stat. secs. 9-2-1019 and 16-3-101 to 16-3-112 (1997)
	Cities and towns	Wyo. Stat. secs. 15-5-101 to 15-5-112 (1997)
	Sheriffs' deputies in departments with 20 or more sworn officers	Wyo. Stat. secs. 16-3-101 to 16-3-112 and 18-3-611 (1997)

Note: Numbers characterizing municipalities and counties reflect population.

**Table A-2
Provisions in State Statutes that Address Internal Investigations**

State	Formality of Complaint	Conditions of Interrogation			
		Time	Location	Session Length	Record
Arkansas (municipalities may adopt)	NA	No adverse inference or punitive action taken from a refusal to participate in investigation or be interrogated other than when on duty	At the office of those conducting the investigation, the place where the officer reports for duty, or other reasonable place	NA	Recorded in full. Officer may make independent recording.
California	NA	At a reasonable hour, preferably when officer is on duty	NA	Reasonable periods with rest periods and accommodation of personal needs	May be recorded; if so, officer has access to tape; officer may record; officer entitled to transcribed copy of notes.
Colorado State Police	At discretion of chief, complaint shall be in writing and bear signature and verification of person making complaint.	NA	NA	NA	NA
Delaware	NA	At a reasonable hour, preferably when officer is on duty	At headquarters or office of local unit	Reasonable periods with rest periods and accommodation of personal needs	Complete written or taped record required
Florida	NA	At a reasonable hour, preferably when officer is on duty	At office of command or local precinct or unit	Reasonable periods with rest periods and accommodation of personal needs	Entire session recorded
Illinois (except state police)	NA	At a reasonable hour, when officer is on duty if nature of incident permits	At facility to which investigating officer is assigned or at unit where incident occurred	Reasonable periods with rest periods and accommodation of personal needs	Complete record made and transcript or copy available to officer; record may be electronic

**Table A-2
Provisions in State Statutes that Address Internal Investigations**

State	Formality of Complaint	Conditions of Interrogation			
		Time	Location	Session Length	Record
Illinois State Police	NA	NA	NA	NA	Complete record made and transcript or copy available to officer; record may be electronic
Maryland	Brutality complaint must be sworn by aggrieved, immediate family, eye-witness, or parent or guardian of aggrieved.	At a reasonable hour, preferably when officer is on duty	At office of command or local precinct or unit or unit where incident occurred	Reasonable periods with rest periods and accommodation of personal needs	Complete record made and transcript or copy available to officer; record may be electronic
Nevada	NA	During regular work hours or compensate officer for time if no charges arise from interrogation	NA	NA	Officer or agency may make stenographic or magnetic record. If agency records, must provide copy to officer.
New Mexico	NA	When on duty or during normal waking hours, unless urgency requires otherwise. No more than 2 interrogation sessions within 24-hour period unless parties mutually consent. One-hour rest required between sessions.	At employer's facility, unless urgency requires otherwise	Each session not to exceed 2 hours unless parties mutually consent to continue. Combined duration of work shift and interrogation shall not exceed 14 hours.	Either mechanical or stenographic recording and transcription required. Copy provided to officer on request.
Rhode Island	No complaint brought before hearing commission unless duly sworn to before official authorized to administer oaths.	At a reasonable hour, preferably when officer is on duty	At office previously designated for that purpose by chief	Reasonable periods with rest periods and accommodation of personal needs	NA

**Table A-2
Provisions in State Statutes that Address Internal Investigations**

State	Formality of Complaint	Conditions of Interrogation			
		Time	Location	Session Length	Record
Tennessee	NA	At a reasonable hour, preferably when officer is on duty	At office of command or local precinct unless circumstances dictate otherwise	NA	NA
Texas Municipalities over 10,000 that have adopted Local Government Code Chapter 143	Complainant must verify complaint in writing before public officer authorized to take statements under oath.	Only during normal work hours except in serious circumstances; officer must be compensated if questioned when off duty; time cannot be considered missed work.	Not at person's home without permission	Not unreasonably long	If prior notification of intent to record is given, either interrogator or officer may record the interrogation.
Vermont State Police	NA	NA	NA	NA	NA
Virginia	NA	At a reasonable hour, preferably when officer is on duty	At reasonable place as designated by investigating officer, preferably at office of command	NA	NA
West Virginia Municipal Police	NA	At a reasonable hour, preferably when officer is on duty. Officer must be compensated if questioned while off duty, other than at residence.	NA	NA	Complete interrogation recorded (written, taped, or transcribed); copy available to officer on request
Wisconsin	NA	NA	NA	NA	NA

**Table A-2
Provisions in State Statutes that Address Internal Investigations**

State	Information Provided to Officer			Right to Attorney or Representative
	Identity of Interrogators	Nature of Investigation	Constitutional Rights	
Arkansas (municipalities may adopt)	Yes	Yes	NA	One witness who must be an attorney or member of the police department unrelated to the matter
California	Officer informed of rank, name, and command of officer in charge and anyone present	Yes	If arrested or likely to be arrested	Yes
Colorado State Police	NA	NA	NA	NA
Delaware	Officer informed of rank, name, and command of officer in charge and anyone present	Yes, in writing	If arrested or likely to be arrested	Yes
Florida	Officer informed of rank, name, and command of officer in charge and anyone present	Yes	If arrested or likely to be arrested	Yes
Illinois (except state police)	Officer informed of rank, name, and command of officer in charge and anyone present	Yes, in writing	Advice of rights prior to investigation (not predicated on arrest potential)	Yes

**Table A-2
Provisions in State Statutes that Address Internal Investigations**

State	Information Provided to Officer			Right to Attorney or Representative
	Identity of Interrogators	Nature of Investigation	Constitutional Rights	
Illinois State Police	NA	Yes, in writing	Officer informed that information can be used in subsequent disciplinary proceedings.	Yes
Maryland	Officer informed of rank, name, and command of officer in charge and anyone present	Yes, in writing	If arrested or likely to be arrested	Yes
Nevada	Officer informed in writing of name and rank of officer in charge, interrogators, and any other person who will be present prior to interrogation	Yes, in writing	NA	Yes
New Mexico	Prior to interrogation, officer informed of name and rank of person in charge and all other persons who will be present.	Nature of investigation and names of all known complainants disclosed unless chief determines complainant's identity should be protected.	If determination is made to commence a criminal investigation	NA
Rhode Island	Officer informed of rank, name, and command of officer in charge and anyone present	Yes, in writing	If arrested or likely to be arrested	Yes

**Table A-2
Provisions in State Statutes that Address Internal Investigations**

State	Information Provided to Officer			Right to Attorney or Representative
	Identity of Interrogators	Nature of Investigation	Constitutional Rights	
Tennessee	Officer informed of rank, name, and command of officer in charge and anyone present	Yes	NA	NA
Texas Municipalities over 10,000 that have adopted Local Government Code Chapter 143	Officer has right to inquire and be informed of identity of officer in charge and anyone present	Yes, plus name of each complainant	NA	NA
Vermont State Police	NA	NA	NA	NA
Virginia	Officer informed of rank, name, and command of officer in charge and anyone present. Officer who is complainant may not participate in investigation.	Yes	NA	NA
West Virginia Municipal Police	Officer informed of rank, name, and command of officer in charge and anyone present	Yes	NA	Upon filing of formal statement of charges or when interrogation focuses on matters likely to result in punitive action against officer
Wisconsin	NA	Yes	NA	Yes

**Table A-2
Provisions in State Statutes that Address Internal Investigations**

State	Limits on Questioning	Threats	Polygraph Test	Drug/ Alcohol Tests
Arkansas (municipalities may adopt)	Not more than 1 interrogator at a time	No threat, harassment, promise, or reward in order to induce answering any questions	NA	NA
California	Not more than 2 interrogators at a time	No offensive language or threats of punitive action except that refusal to answer may result in punitive action	No officer compelled to submit and no reference to refusal admissible in subsequent proceedings	NA
Colorado State Police	NA	NA	NA	NA
Delaware	Not more than 2 interrogators at a time	No threats of punitive action except that refusal to answer may result in punitive action	NA	NA
Florida	Not more than 1 interrogator at a time	No offensive language or threats of punitive action; no promise or reward	NA	NA
Illinois (except state police)	NA	No professional or personal abuse or offensive language	Not required; no penalty for refusal to submit; refusal not made part of record	Not required; no penalty for refusal to submit; refusal not made part of record

**Table A-2
Provisions in State Statutes that Address Internal Investigations**

State	Limits on Questioning	Threats	Polygraph Test	Drug/ Alcohol Tests
Illinois State Police	NA	NA	NA	NA
Maryland	Not more than 1 interrogator at a time	No threats of punitive action except that refusal to submit to polygraph, blood, or urine test may result in punitive action	Required to submit if ordered; results may not be used as evidence in criminal or administrative hearing	Required to submit if ordered; results may not be used as evidence in criminal or administrative hearing
Nevada	Scope of questions must be limited to alleged misconduct of officer	NA	If accuser submits to and passes polygraph test, officer must submit. Sound or video recording required. All records subject to review of second examiner acceptable to agency and officer. If opinions conflict, officer has right to reexamination.	NA
New Mexico	No more than 2 interrogators at a time	No offensive language or illegal coercion by interrogator	Chief may order officer to submit to polygraph test if all other reasonable investigative means have been exhausted and officer has been advised of reasons.	NA
Rhode Island	Not more than 1 interrogator at a time	No threats of punitive action	NA	NA

**Table A-2
Provisions in State Statutes that Address Internal Investigations**

State	Limits on Questioning	Threats	Polygraph Test	Drug/ Alcohol Tests
Tennessee	NA	NA	NA	NA
Texas Municipalities over 10,000 that have adopted Local Government Code Chapter 143	NA	Officer may not be threatened with discipline except for failure to provide truthful answers to reasonable questions	NA	NA
Vermont State Police	NA	NA	NA	NA
Virginia	NA	NA	NA	Blood or urine specimen divided. If first specimen is positive, officer can choose to have second specimen sent to approved independent lab.
West Virginia Municipal Police	Not more than 3 interrogators at a time	No offensive language or threats of punitive action; no promise or reward	NA	NA
Wisconsin	NA	NA	NA	NA

**Table A-2
Provisions in State Statutes that Address Internal Investigations**

State	Notice of charges	Copy of File	Adverse Material
Arkansas (municipalities may adopt)	No formal proceeding to administer discipline except upon official signed charges containing specifics of misconduct	NA	NA
California	NA	Officer entitled to transcribed copy of any stenographer's notes of interrogation or to any report or complaints made by an investigator or other persons except those deemed confidential.	No adverse material entered in file without officer having read and signed; officer has 30 days to file response
Colorado State Police	NA	NA	NA
Delaware	At conclusion of investigation, inform officer of investigative findings and recommendations for further action	Within 48 hours of charges, officer is provided access to transcripts, records, written statements, written reports, analyses and video tapes if exculpatory, intended to support disciplinary action, or to be introduced at hearing.	No adverse material entered in file without officer having read, received a copy, and been allowed to comment
Florida	No personnel action unless officer notified of action and reason prior to effective date of action	NA	NA
Illinois (except state police)	NA	NA	NA

**Table A-2
Provisions in State Statutes that Address Internal Investigations**

State	Notice of charges	Copy of File	Adverse Material
Illinois State Police	NA	NA	NA
Maryland	Written notice of charges and names of witnesses provided to officer at conclusion of investigation.	After investigation, officer may obtain investigative file excluding information from confidential sources	No adverse material entered in file without officer having reviewed, received a copy, and been allowed to comment
Nevada	NA	NA	No adverse material entered in file without officer having read and initialed. (Refusal to initial so noted.) Written response filed timely by officer must be attached. Officer provided with copy of any comment or document placed in file.
New Mexico	NA	NA	No adverse material entered in file without officer having read and signed. (Refusal to sign noted by chief witnessed by third party.) Written response filed timely by officer must be attached.
Rhode Island	NA	NA	No adverse material entered in file without officer having reviewed and received a copy

**Table A-2
Provisions in State Statutes that Address Internal Investigations**

State	Notice of charges	Copy of File	Adverse Material
Tennessee	Before dismissal, demotion, suspension without pay, or punitive transfer, officer notified in writing of all charges, basis, and possible action	NA	NA
Texas Municipalities over 10,000 that have adopted Local Government Code Chapter 143	NA	NA	If investigation results in reprimand, officer given opportunity to review, sign, and respond in writing
Vermont State Police	NA	NA	NA
Virginia	Before dismissal, demotion, suspension without pay, or punitive transfer, officer notified in writing of all charges, basis, and possible action	NA	NA
West Virginia Municipal Police	NA	NA	NA
Wisconsin	NA	NA	NA

**Table A-2
Provisions in State Statutes that Address Internal Investigations**

State	Expungement of Record	Other
Arkansas (municipalities may adopt)	NA	NA
California	NA	No reassignment of officer under investigation if officer would not normally be reassigned; no search of locker except in presence or with consent, warrant, or prior notice. Information gained in violation of statute cannot be used proceedings.
Colorado State Police	NA	NA
Delaware	NA	All records compiled as result of investigation are confidential and shall not be released to public. Agency must have substantial evidence before prosecuting formal charges.
Florida	NA	NA
Illinois (except state police)	NA	Information gained in violation of statute cannot be used in disciplinary proceedings.

**Table A-2
Provisions in State Statutes that Address Internal Investigations**

State	Expungement of Record	Other
Illinois State Police	NA	NA
Maryland	If officer is exonerated or after 3 years	NA
Nevada	NA	Officer must be allowed to explain an answer or refute a negative implication resulting from questioning during interrogation or hearing.
New Mexico	NA	NA
Rhode Island	NA	No public statement on investigation prior to decision; no public statement if innocent except at officer's request; no officer compelled to speak, testify before, or be questioned by an non-governmental agency

**Table A-2
Provisions in State Statutes that Address Internal Investigations**

State	Expungement of Record	Other
Tennessee	NA	NA
Texas Municipalities over 10,000 that have adopted Local Government Code Chapter 143	Documents indicating disciplinary action recommended or taken expunged from file if disciplinary action is overturned on appeal, except if officer is charged with and under criminal investigation for using excessive force	Information gained in violation of statute cannot be used in disciplinary proceedings.
Vermont State Police	NA	Records of internal investigations are confidential with specified exceptions.
Virginia	NA	NA
West Virginia Municipal Police	NA	NA
Wisconsin	NA	Information gained in violation of statute cannot be used in disciplinary proceedings.

**Table A-3
Hearing Requirements in State Statutes**

State	Covered Agencies/Officers	Does statute require hearing? If not, what procedures are required?
Alabama	Municipalities over 5,000 without civil service on August 23, 1976	No. Municipality must establish merit system governing appointment, removal, tenure and conduct of police officers.
	State police and local police in municipalities that choose state administration of police personnel	Yes, for dismissal and when charges filed by an officer, citizen, or taxpayer of the state
Alaska	State police	Yes
Arizona	Covered agencies*	Yes
Arkansas	Covered agencies*	Yes
California	Covered agencies*	Yes
Colorado	State police	Yes
Connecticut	Covered agencies*	Yes
Delaware	Covered agencies*	Yes
District of Columbia	Metropolitan police	Yes
Florida	All agencies	No. Each law enforcement agency establishes system for receipt, investigation, and determination of complaints. (Statute establishes composition of complaint review board which was not created to review disciplinary actions and is advisory only.)
Georgia	Covered sheriffs' deputies* and state patrol	Yes
	County police	No. County police may be removed from office at any time at will of county governing authority with or without cause.
Hawaii	Covered agencies*	Yes
Idaho	Covered agencies*	Yes
Illinois	State police; Cook County Sheriff's deputies; and covered cities and counties*	Yes
	Any peace officer employed by local government and investigators for Secretary of State	No. Statute pertains to internal investigations.
Indiana	Covered agencies*	Yes
Iowa	Covered agencies*	Yes
Kansas	City manager cities	No. Manager appoints and removes all heads of departments and subordinate officers and employees of the city.
	Second class cities	No. Board of commissioners may discharge any employee for cause. Chief of police, with consent of Board, may suspend or discharge any subordinate for neglect of duty or disobedience.
	Third class cities	No. Officer may be removed by majority vote of Council and may be suspended at any time by Mayor.
	Covered sheriff's deputies*, Riley County law enforcement agency, and state highway patrol	Yes

*See Table A-1 for covered agencies
Note: Numbers characterizing municipalities and counties reflect population.

**Table A-3
Hearing Requirements in State Statutes**

State	Covered Agencies/Officers	Does statute require hearing? If not, what procedures are required?
Kentucky	Covered agencies*	Yes
Louisiana	State police	No. State Police Commission has power to make rules for administering discipline and exclusive power to hear and decide disciplinary cases. Officer subjected to disciplinary action has right of appeal to commission.
	Covered municipalities*	Yes
Maine	State police and municipalities	Yes
	Sheriffs' deputies	No. Subject to provisions of a collective bargaining agreement. Prior approval of county commissioners or personnel board required for dismissal. Employee may request investigation of other disciplinary action
Maryland	Covered agencies*	Yes
Massachusetts	Covered agencies*	Yes
Michigan	State police, covered townships*, covered sheriffs' deputies*, and fourth class cities	Yes
	Covered cities, villages, and municipalities that adopt Police Officers Civil Service System*	Yes (may be amended by collective bargaining agreement)
Minnesota	Covered agencies* except sheriffs' deputies in counties without civil service systems	Yes
	Sheriffs' deputies in counties without civil service systems	No. Deputies serve at the pleasure of the sheriff.
Mississippi	Sheriff's deputies	Yes, but only if court removes deputy. Sheriff may remove deputy at pleasure without hearing.
	State police	Yes
Missouri	State highway patrol, St. Louis, Kansas City, and covered third class cities*	Yes
	Sheriffs' deputies in first class counties not having charter government	No. Deputies serve at the pleasure of the sheriff.
	Sheriffs' deputies in counties that became second class after 9/28/87 and third and fourth class counties	No. Sheriff may discharge at any time.
	Law enforcement agencies with more than 15 officers other than sheriffs' departments	No. Meeting is required if penalty is suspension, demotion, or dismissal.
Montana	Covered counties*	Yes or pursuant to collective bargaining agreement
	Sheriffs' departments	No. Sheriff must provide written statement of causes. Acceptable causes for termination are limited by statute.
	State highway patrol	Yes
Nebraska	Covered agencies*	Yes

*See Table A-1 for covered agencies
Note: Numbers characterizing municipalities and counties reflect population.

**Table A-3
Hearing Requirements in State Statutes**

State	Covered Agencies/Officers	Does statute require hearing? If not, what procedures are required?
Nevada	Sheriffs' deputies	No. Removal only for cause.
	Metropolitan police departments in counties with less than 100,000 residents	No. Department's civil service board prepares regulations governing disciplinary actions and removal.
	Metropolitan police departments in counties with 100,000 or more residents	No. Removal in accordance with provisions of county's civil service system.
	State highway patrol	Yes
	Officers covered by collective bargaining agreements with local governments	No. Discharge and disciplinary procedures are included in scope of mandatory bargaining.
	All peace officers	No. Statute addresses internal investigations, financial disclosure, and material in personnel file.
New Hampshire	Sheriffs' deputies	No. Sheriff may discharge deputy by stating discharge in written document served by another deputy.
	Covered towns*	Yes
	State police	Yes, but not for suspension.
	Officers covered by collective bargaining agreements	No. Statute provides for mandatory bargaining on terms of employment. Courts upheld ruling of Public Employee Labor Relations Board that termination is mandatory subject.
New Jersey	Counties	No. Rules and procedures are promulgated locally by governing body
	Municipalities and state police	Yes
New Mexico	Municipal police	No. Subject to merit system provisions that may be adopted by municipality, Mayor may discharge or suspend upon approval of governing body or governing body may discharge. Upon employee's request, Mayor shall give reasons for discharge in writing.
	Sheriffs' deputies	No. Deputies remain in office at pleasure of sheriff except in counties that have adopted merit systems. Merit systems may address demotion and discharge of deputies.
	State police	Yes. For suspensions of 30 days or less, officer has right to have suspension reviewed by State Public Safety Advisory Commission.
	All peace officers	No. Officer shall be permitted to produce witnesses or evidence and may cross-examine witnesses during any grievance process or appeal involving disciplinary action.
New York	Covered officers/agencies*	Yes
North Carolina	Any police officer	Yes
North Dakota	State highway patrol	Yes

*See Table A-1 for covered agencies
Note: Numbers characterizing municipalities and counties reflect population.

**Table A-3
Hearing Requirements in State Statutes**

State	Covered Agencies/Officers	Does statute require hearing? If not, what procedures are required?
	Council cities	No. Mayor must report reasons for removal of officer to council at next regular meeting.
Ohio	All peace officers	Yes
Oklahoma	Sheriffs' deputies	No. Sheriff may revoke appointment of deputies at will.
	State highway patrol, lake patrol, capitol patrol	Yes
Oregon	Covered agencies*	Yes (informal hearing)
Pennsylvania	Sheriffs' deputies and police officers in second class counties; first class, second class, second class A, and third class cities; boroughs, incorporated towns, and first class townships; and state police.	Yes
	Boroughs and townships of first class with fewer than 3 officers and townships of second class	No. Statute does not require hearing, but courts have held that statute extends dismissal procedures covering other municipalities to this set of officers.
Rhode Island	Covered agencies*	Yes (For summary punishment of two-day suspension, subject to grievance provisions of any applicable collective bargaining agreement.)
South Carolina	Covered counties and municipalities/cities*	Yes
	State police and state highway patrol	No. Commissions of officers and troopers may be terminated at the pleasure of the State Director of Public Safety.
	Sheriffs' deputies	No. Sheriff may discharge deputy at will.
South Dakota	Covered agencies*	Yes
Tennessee	State highway patrol	No. Officers serve at the pleasure of commissioner.
	Sheriffs' deputies in counties with sheriff's civil service and covered municipal or county police agencies*	Yes
	Sheriffs' deputies in counties without sheriff's civil service	No. Deputies are removable at will by official for whom they are acting.
	Covered municipal or county police agencies*	Yes
Texas	Municipalities over 10,000 that have adopted Local Government Code (LGC) Chapter 143	Yes
	Covered municipalities that have not adopted LGC Chapter 174*	No. Process as specified in agreement between city and majority bargaining agent. Terms and conditions not addressed by agreement are subject to civil service statute provisions.
	Counties over 200,000 that adopt civil service system	No. County civil service commission adopts rules regarding disciplinary actions. Employee may appeal to court a final decision by commission to demote, suspend, or remove.

*See Table A-1 for covered agencies
Note: Numbers characterizing municipalities and counties reflect population.

**Table A-3
Hearing Requirements in State Statutes**

State	Covered Agencies/Officers	Does statute require hearing? If not, what procedures are required?
	Covered sheriffs' deputies*	Yes, if jurisdiction has more than 2.8 million population.
Texas (continued)	State police	Yes
	Law enforcement officers of state or police officers not covered by civil service statute	No. Statute addresses form of complaint.
	Peace officers	No. Statute addresses submission to polygraph examination.
Utah	First and second class cities and covered sheriffs' deputies*	Yes
	State highway patrol	Yes
Vermont	Covered agencies*	Yes
Virginia	Covered agencies*	Yes
Washington	Covered agencies*	Yes
West Virginia	Municipal and state police	Yes
	Sheriffs' deputies	No. Deputy may be removed by the sheriff by whom deputy was appointed.
Wisconsin	State traffic patrol	Yes
	Covered sheriffs' deputies* and covered cities*	Yes
	Covered counties*	No. Case is determined by civil service commission or board in accordance with specified standards.
	Village and town police	No. Statute addresses internal investigations.
Wyoming	Covered agencies*	Yes

*See Table A-1 for covered agencies
Note: Numbers characterizing municipalities and counties reflect population.

**Table A-4
Purpose, Conduct, and Disposition of Hearings as Specified by Statute**

State	Covered Agencies/Officers	Purpose of Hearing		Officer Entitled to:			Disposition
		Determine guilt and punishment prior to imposition of discipline ...	Review agency head's decision ...	Have Attorney Present	Present Evidence	Cross-Examine Witnesses	
Alabama	State police and local police in municipalities that choose state administration of police personnel	when charges are filed by an officer, citizen, or taxpayer of the state.	to dismiss.	NA	NA	NA	Board decision is final. (Court has ruled that, in appeal hearing, board may not reduce punishment if it sustains charges.)
Alaska	State police		to dismiss, demote, or suspend for more than 30 working days in a 12-month period.	Yes	NA	NA	Board shall reinstate employee if disciplinary action violated law or personnel rules. Otherwise, board reports findings and recommendations to both parties.
Arizona	Covered counties and cities*		to suspend, demote, or dismiss.	NA	NA	NA	Board decision is final.
	State Department of Public Safety		to suspend, demote, dismiss, reduce pay, or reduce leave.	NA	NA	NA	Board decision is final.
Arkansas	State police		to suspend, demote, or discharge.	NA	NA	NA	NA
	Covered municipalities*	for any officer under official departmental charges.		Yes	NA	NA	NA
California	Covered agencies*		to impose any punitive action.	NA	NA	NA	NA
Colorado	State police		to dismiss, suspend, or otherwise discipline.	Yes	NA	NA	Appointing authority shall promptly execute findings of board.
Connecticut	Covered municipalities*	if penalty is removal.		NA	NA	NA	Board has sole power of removal.
	Sheriffs' deputies	if penalty is removal.		NA	NA	NA	NA
	State police	if penalty is dismissal.		NA	NA	NA	NA

*See Table A-1 for covered agencies.

NA = not addressed by statute

**Table A-4
Purpose, Conduct, and Disposition of Hearings as Specified by Statute**

State	Covered Agencies/Officers	Purpose of Hearing		Officer Entitled to:			Disposition
		Determine guilt and punishment prior to imposition of discipline ...	Review agency head's decision ...	Have Attorney Present	Present Evidence	Cross-Examine Witnesses	
Delaware	Covered agencies*	if penalty is anything other than reprimand.	to suspend prior to hearing.	Yes	Yes	Yes	Board decision and right of appeal, if any, delivered to officer.
District of Columbia	Metropolitan police	if penalty is removal.		NA	NA	NA	Findings of board are final and conclusive unless appeal is made within 15 days to Mayor.
Georgia	Covered sheriffs' deputies*		to impose disciplinary action.	NA	NA	NA	NA
	State patrol		to dismiss or take other adverse personnel action.	NA	Yes	Yes	Board decision is binding upon appointing authority.
Hawaii	Covered agencies*		to dismiss, suspend, or demote.	Yes	Yes	Yes	Board may order such disposition as it deems just.
Idaho	Covered cities*		to suspend, demote, discharge, or deprive of privileges.	Yes	Yes	NA	Findings of board shall be enforced by department head.
	Law enforcement officers employed by state		to suspend, demote, or discharge.	NA	NA	NA	Hearing officer decision is final unless officer petitions review by commission. Commission and hearing officer may order such action as may be appropriate.
Illinois	State police	if penalty is removal, demotion or suspension over 30 days.		NA	Yes	NA	Board has power to order actions consistent with its decisions
Illinois (continued)	State police (continued)		to suspend up to 30 days.	NA	NA	NA	Board may sustain or reverse Director's action or reduce length of suspension but may not increase length of suspension.

*See Table A-1 for covered agencies.

NA = not addressed by statute

**Table A-4
Purpose, Conduct, and Disposition of Hearings as Specified by Statute**

State	Covered Agencies/Officers	Purpose of Hearing		Officer Entitled to:			Disposition
		Determine guilt and punishment prior to imposition of discipline ...	Review agency head's decision ...	Have Attorney Present	Present Evidence	Cross-Examine Witnesses	
	Cook County Sheriff's deputies	if penalty is removal, demotion or suspension over 30 days.		NA	Yes	NA	If board finds guilt, sheriff must impose punishment ordered by board.
	Covered counties under 1,000,000*	if penalty is removal, demotion or suspension over 30 days. Sheriff may suspend officer pending hearing.		Yes	Yes	NA	Sheriff shall take such action as may be ordered by commission.
	Covered cities up to 500,000*	if penalty is removal or suspension over 5 days.	to suspend up to 5 days.	Yes	NA	NA	Finding of commission shall be enforced by appointing officer.
	Cities over 500,000	if penalty is removal or suspension over 30 days.	to suspend up to 30 days (depending on police board rules).	Yes	Yes	Yes	Finding of commission shall be enforced by appointing officer.
	Covered cities up to 250,000*	if penalty is removal or suspension over 5 days.		NA	NA	NA	Board has authority to decide and impose discipline.
Indiana	State police		to discharge, demote or suspend. Officer is entitled to appearance before superintendent prior to superintendent's decision.	Yes	NA	NA	Board shall make an informal finding of fact and a determination based on facts and notify employee who may seek judicial review
Indiana (continued)	Covered second and third class cities and towns and townships that do not have merit ordinances*	if penalty is dismissal, demotion, or suspension over 5 days.	to reprimand or suspend up to 5 days (at board's discretion).	Yes	Yes	Yes	Board decision is final and conclusive. Officer has right of court appeal if suspended more than 5 days, demoted, or dismissed.

*See Table A-1 for covered agencies.
NA = not addressed by statute

**Table A-4
Purpose, Conduct, and Disposition of Hearings as Specified by Statute**

State	Covered Agencies/Officers	Purpose of Hearing		Officer Entitled to:			Disposition
		Determine guilt and punishment prior to imposition of discipline ...	Review agency head's decision ...	Have Attorney Present	Present Evidence	Cross-Examine Witnesses	
	Covered municipalities or townships that adopt Police and Fire Merit System*	if penalty is dismissal, demotion, or suspension over 5 days.	to reprimand or suspend up to 5 days (at commission's discretion).	Yes	Yes	Yes	Decision of hearing officer or designated board may be appealed to Civil Service Commission. Commission decision to suspend over 10 days, demote, or discharge may be appealed to court.
	County police/sheriffs' departments	if penalty is dismissal, demotion, or suspension over 15 days.		Yes	NA	NA	Board shall make specific findings of fact in writing to support its decision.
Iowa	Covered state police*	if penalty is dismissal, suspension, demotion, or other disciplinary action resulting in loss of pay.		NA	NA	NA	Board decision is final.
	Sheriffs' deputies		to remove, suspend, or demote.	Yes	Yes	NA	Finding and decision of commission shall be enforced and followed by Sheriff.
	Covered cities*	if penalty is suspension, demotion, or discharge.	to peremptorily suspend, demote, or dismiss.	Yes, for appeal	NA	NA	Commission has jurisdiction to hear and determine matters and may affirm, modify, or reverse any case.
Kansas	Covered sheriffs' deputies*		to suspend or dismiss.	NA	Yes	NA	Board shall approve or disapprove disciplinary action and may order appropriate action.
	Riley County law enforcement agency		to suspend or dismiss.	NA	NA	NA	Agency shall hear and determine matter and affirm or revoke suspension or removal.

*See Table A-1 for covered agencies.
NA = not addressed by statute

**Table A-4
Purpose, Conduct, and Disposition of Hearings as Specified by Statute**

State	Covered Agencies/Officers	Purpose of Hearing		Officer Entitled to:			Disposition
		Determine guilt and punishment prior to imposition of discipline ...	Review agency head's decision ...	Have Attorney Present	Present Evidence	Cross-Examine Witnesses	
	State highway patrol	if penalty is suspension, demotion, or dismissal.	to suspend, demote, or dismiss.	Yes	NA	NA	Appeal board decision is final.
Kentucky	State police	if penalty is suspension over 20 days, reduction in pay over 10%, demotion, or removal.		NA	NA	NA	Board decision is final. Officer has right of court appeal if penalty exceeds 20 days suspension or 10% reduction in pay
	Covered sheriffs' deputies*	if board has initiated disciplinary action.		NA	NA	NA	Board decision is final.
	Covered cities* and urban counties	if penalty is reprimand, suspension, demotion, or dismissal. (Officer may be suspended pending hearing.)		Yes	Yes	NA	Legislative body shall fix punishment of officer found guilty.
Louisiana	Covered municipalities*		to demote, suspend, or dismiss.	Yes	Yes	NA	Board decision shall be enforced by appointing authority.
Maine	State police		to dismiss, suspend, or otherwise discipline	NA	Yes	Yes	NA
	Municipalities	if penalty is removal.		NA	NA	NA	NA
Maryland	Covered agencies*	if penalty is any punishment other than summary punishment. (Emergency suspension may occur prior to hearing.)		Yes	Yes	Yes	Board decision is final with respect to guilt; chief's decision is final with respect to punishment.

*See Table A-1 for covered agencies.
NA = not addressed by statute

**Table A-4
Purpose, Conduct, and Disposition of Hearings as Specified by Statute**

State	Covered Agencies/Officers	Purpose of Hearing		Officer Entitled to:			Disposition
		Determine guilt and punishment prior to imposition of discipline ...	Review agency head's decision ...	Have Attorney Present	Present Evidence	Cross-Examine Witnesses	
		if penalty is summary punishment which does not exceed 3-day suspension or fine of \$150.		Yes	Yes	Yes	Hearing board's only authority is to recommend sanctions. Chief's decision is final.
Massachusetts	State police	when charges have been preferred.		NA	NA	NA	NA
	Cities and towns covered by state civil service law	if action is discharge, removal, suspension, layoff, transfer (if employed in 1968), lowered rank or compensation, or abolition of position.	to impose one of the listed actions.	Yes	NA	NA	Decision of appointing authority may be appealed to Civil Service Commission. Commission decision is final.
	Municipalities with decentralized personnel systems		to suspend, demote, dismiss, lay-off, or transfer.	NA	Yes	NA	Decision of board is final and binding on parties.
Michigan	State police	if penalty is dismissal.		NA	NA	NA	If charges are proved, board shall recommend removal or appropriate punishment and commissioner shall direct such removal or punishment.
Michigan (continued)	Covered townships*		to remove, suspend, or reduce in rank or compensation	Yes	Yes	NA	Decision of commission shall be enforced by agency.
	Covered cities, villages, and municipalities that adopt Police Officers Civil Service System*	if penalty is discharge, demotion, or suspension over 30 days.		Yes	NA		Civil service commission decision is final.

*See Table A-1 for covered agencies.
NA = not addressed by statute

**Table A-4
Purpose, Conduct, and Disposition of Hearings as Specified by Statute**

State	Covered Agencies/Officers	Purpose of Hearing		Officer Entitled to:			Disposition
		Determine guilt and punishment prior to imposition of discipline ...	Review agency head's decision ...	Have Attorney Present	Present Evidence	Cross-Examine Witnesses	
	Covered sheriffs' deputies*	if penalty is demotion, suspension, or discharge.		Yes	NA	NA	Civil service commission decision is final.
	Fourth class cities	if penalty is suspension or removal. (Mayor may suspend officer for up to 30 days pending hearing.)		NA	NA	NA	Following board hearing, Mayor decides whether to remove and reports action and reasons to board.
Minnesota	State patrol	if penalty is suspension, demotion, or discharge. (Commissioner may suspend employee before hearing if commissioner orders hearing or without hearing if employee chooses contractual grievance procedure.)		Yes	Yes	Yes	Arbitrator's decision is final.
	Hennepin County Sheriff's deputies		to suspend, demote, or discharge	Yes	Yes	Yes	Administrative appeals judge's decision is final.
Minnesota (continued)	Sheriffs' deputies in counties that adopt civil service for sheriff's deputies	if penalty is removal or discharge		NA	NA	NA	An officer who is found guilty may be removed, reduced, or suspended. If charges are not sustained, officer shall be reinstated without loss of pay.
	Covered cities with police civil service commissions*	if penalty is suspension over 60 days or dismissal.		NA	NA	NA	Board decision is final.

*See Table A-1 for covered agencies.
NA = not addressed by statute

**Table A-4
Purpose, Conduct, and Disposition of Hearings as Specified by Statute**

State	Covered Agencies/Officers	Purpose of Hearing		Officer Entitled to:			Disposition
		Determine guilt and punishment prior to imposition of discipline ...	Review agency head's decision ...	Have Attorney Present	Present Evidence	Cross-Examine Witnesses	
	Cities, counties, towns, and political subdivisions with formal merit system	if penalty is removal or discharge.		NA	NA	NA	NA
Mississippi	Sheriffs' deputies	if court seeks to remove deputy upon a showing that the public interest will be served.		NA	NA	NA	NA
	State police	if penalty is dismissal or other action adversely affecting compensation or employment status.	to dismiss or take other action adversely affecting compensation or employment status.	NA	Yes	NA	Agency decision may be appealed to employee appeals board. Appeals board decision is final.
Missouri	State highway patrol	if penalty is dismissal.		NA	NA	NA	Board reports to Superintendent whether charges are true and sufficiently serious to warrant removal.
	St. Louis	if penalty is removal		NA	NA	NA	Board has exclusive jurisdiction.
Missouri (continued)	Kansas City	for all complaints or charges.	to take any action adversely affecting officer.	NA	NA	NA	NA for complaints or charges. Board decision on appeal of Chief's action is final and not subject to review by any court.
	Covered cities of third class*		to suspend, demote, or discharge.	NA	NA	NA	NA

*See Table A-1 for covered agencies.
NA = not addressed by statute

**Table A-4
Purpose, Conduct, and Disposition of Hearings as Specified by Statute**

State	Covered Agencies/Officers	Purpose of Hearing		Officer Entitled to:			Disposition
		Determine guilt and punishment prior to imposition of discipline ...	Review agency head's decision ...	Have Attorney Present	Present Evidence	Cross-Examine Witnesses	
Montana	Covered counties*		to discharge.	Yes	NA	NA	Board decides whether charges resulting in discharge have been proven. If not, board can order reinstatement. An appointed public safety director, must reinstate; an elected public safety director may refuse.
	State highway patrol	if penalty is suspension over 10 days, demotion, or discharge. (Officer may be suspended pending hearing.)		Yes	Yes	Yes	Board decision is final.
Nebraska	Metropolitan class cities	if penalty is suspension or dismissal. (Officer may be suspended prior to hearing.)		NA	NA	NA	NA
	Second class cities and villages		to remove or impose other disciplinary action. (Mayor has removal authority; officer may appeal to council.)	NA	Yes	NA	Board decision is final. If board fails to act within 30 days of hearing, removal or disciplinary action is upheld.
Nebraska (continued)	Covered cities over 5,000* and cities under 5,000 that adopt statute		to remove, suspend, demote, or discharge.	Yes	Yes	NA	Findings of commission shall be enforced by appointing authority.
	Covered sheriffs' deputies*		to remove, suspend, or reduce in rank or grade.	Yes	Yes	NA	Decision of commission shall be enforced by agency.

*See Table A-1 for covered agencies.

NA = not addressed by statute

**Table A-4
Purpose, Conduct, and Disposition of Hearings as Specified by Statute**

State	Covered Agencies/Officers	Purpose of Hearing		Officer Entitled to:			Disposition
		Determine guilt and punishment prior to imposition of discipline ...	Review agency head's decision ...	Have Attorney Present	Present Evidence	Cross-Examine Witnesses	
	State patrol		made pursuant to state personnel law.	NA	NA	NA	Hearing officer recommends decision to State Personnel Board. Decision of board may be appealed in accordance with State Administrative Procedures Act.
Nevada	State highway patrol		to dismiss, demote, or suspend.	Yes	Yes	If hearing officer directs	Hearing officer's decision is binding on parties.
New Hampshire	Covered towns*		to discharge.	NA	NA	NA	NA
	State police		to discharge or demote.	NA	NA	NA	NA
New Jersey	Municipalities	if penalty is suspension, removal, fine, or demotion. (Officer may be suspended pending hearing. Officer may waive hearing and appeal charges directly to any available authority or follow a procedure recognized by contract.)		NA	NA	NA	NA. Officer has right of court appeal if municipality is not subject to Revised Statutes Title 11A (Civil Service).
New Jersey (continued)	State police	if penalty is removal.		NA	NA	NA	State Police Superintendent's decision is final.

*See Table A-1 for covered agencies.

NA = not addressed by statute

**Table A-4
Purpose, Conduct, and Disposition of Hearings as Specified by Statute**

State	Covered Agencies/Officers	Purpose of Hearing		Officer Entitled to:			Disposition
		Determine guilt and punishment prior to imposition of discipline ...	Review agency head's decision ...	Have Attorney Present	Present Evidence	Cross-Examine Witnesses	
New Mexico	State police	if penalty is removal, demotion or suspension for more than 30 days.		Yes	Yes	Yes	Commission decision is final. Officer has right to appeal Commission decision to remove, demote, or suspend more than 30 days to court. Officer has no right to appeal Commission decisions on suspensions of 30 days or less.
New York	Covered officers/agencies*	for all penalties. (Officer may be suspended for up to 30 days pending hearing.)	to impose any disciplinary action (at discretion of state or municipal commission having jurisdiction).	Yes	Yes	NA	Decision following hearing of officer/ body having removal authority may be appealed to state or municipal civil service commission or to court. Decision of civil service commission is final and not subject to court review.
North Carolina	Any police officer	if penalty is removal.		NA	NA	NA	NA
North Dakota	State highway patrol		to demote with loss of pay, suspend without pay, or dismiss.	NA	NA	NA	Decision of administrative hearing officer is final.
Ohio	All peace officers; state, counties, civil service townships, and cities		to demote, suspend over 3 days or remove.	NA	NA	NA	Board may affirm, disaffirm, or modify judgment of appointing authority.
Ohio (continued)	Non-civil service townships	for specified offenses including misconduct, neglect of duty and failure to obey orders.		Yes	NA	Yes	NA

*See Table A-1 for covered agencies.
NA = not addressed by statute

**Table A-4
Purpose, Conduct, and Disposition of Hearings as Specified by Statute**

State	Covered Agencies/Officers	Purpose of Hearing		Officer Entitled to:			Disposition
		Determine guilt and punishment prior to imposition of discipline ...	Review agency head's decision ...	Have Attorney Present	Present Evidence	Cross-Examine Witnesses	
	Villages		if after inquiry, Mayor recommends suspension over 3 days, demotion, or removal. (Marshal may suspend officer pending Mayor's inquiry.)	Yes	NA	Yes	Legislative body may dismiss charges, uphold judgment, or modify judgment (with limits). Two-thirds vote required to affirm Mayor's decision to remove or suspend. Officer can appeal removal to court.
Oklahoma	State highway patrol, lake patrol, capitol patrol	if penalty is suspension without pay or dismissal.		Yes	Yes	Yes	Hearing officer findings are final.
Oregon	Covered agencies*	for any disciplinary action.		NA	NA	NA	NA
Pennsylvania	Sheriffs' deputies and police officers in second class counties		demote, suspend, furlough, or discharge.	Yes	NA	NA	Commission decision is final.
	First class city	if penalty is removal or discharge.		Yes	Yes	NA	Commission finding and conclusion shall be enforced by appointing authority.
	Second class and second class A cities	if penalty is suspension over 10 days, removal, or discharge.		NA	NA	NA	Mayor must approve board decision. Accused may appeal to civil service commission.
	Third class cities	if penalty is suspension over 10 days, demotion, or discharge.		Yes	NA	NA	City council decision is final.
Pennsylvania (continued)	Boroughs, incorporated towns, and first class townships	if penalty is suspension, demotion, or removal.		Yes	NA	NA	Commission decision is final.
	State police	if penalty is dismissal.		Yes	Yes	NA	Board decision is advisory. Decision of State Police Commissioner is final.

*See Table A-1 for covered agencies.
NA = not addressed by statute

**Table A-4
Purpose, Conduct, and Disposition of Hearings as Specified by Statute**

State	Covered Agencies/Officers	Purpose of Hearing		Officer Entitled to:			Disposition
		Determine guilt and punishment prior to imposition of discipline ...	Review agency head's decision ...	Have Attorney Present	Present Evidence	Cross-Examine Witnesses	
Rhode Island	Covered agencies*	for any punitive action other than summary punishment. (Chief may suspend with pay up to 15 days or per collective bargaining agreement when officer is under investigation or pending hearing when termination or demotion is recommended.)		Yes	Yes	Yes	Hearing committee is empowered to sustain, modify, or reverse the complaint or charges of the investigating authority.
South Carolina	Counties and municipalities that adopt employee grievance plans		regarding employee grievances that cannot be resolved within the employing agency.	NA	NA	NA	Committee reports findings and decision to governing body which may approve or reject the decision without further hearing.
	Cities of 20,000 to 50,000 residents that establish board of police commissioners	when an accusation is preferred against an officer.		NA	NA	NA	NA
South Dakota	State divisions of highway patrol and criminal investigation		to impose any disciplinary action.	NA	NA	NA	Commission decision is final.
South Dakota (continued)	Covered sheriffs' deputies*		to suspend or remove.	Yes	NA	NA	Board may affirm, reverse, or modify action.
Tennessee	Sheriff's deputies in counties with sheriff's civil service		to suspend more than 10 days.	NA	NA	NA	NA

*See Table A-1 for covered agencies.
NA = not addressed by statute

**Table A-4
Purpose, Conduct, and Disposition of Hearings as Specified by Statute**

State	Covered Agencies/Officers	Purpose of Hearing		Officer Entitled to:			Disposition
		Determine guilt and punishment prior to imposition of discipline ...	Review agency head's decision ...	Have Attorney Present	Present Evidence	Cross-Examine Witnesses	
	Covered municipal or county police agencies*	if penalty is dismissal, demotion, suspension without pay, or punitive transfer.	to impose dismissal, demotion, suspension, or punitive transfer.	Yes (1)	Yes (2)	Yes (2)	NA
				(1) with exception for appeal hearing; (2) for appeal hearing, only			
Texas	Municipalities over 10,000 that have adopted Local Government Code (LGC) Chapter 143	if penalty is demotion.	to suspend, including indefinitely.	Yes	Yes (3)	NA	Commission or hearing examiner decision is final and binding on all parties. Officer's right of court appeal is limited when hearing examiner option is chosen.
				(3) With limitations			
	Covered sheriffs' deputies	if penalty is termination or demotion.	to dock pay.	NA	NA	NA	Panel decision is final.
	State police		to discharge.	NA	NA	NA	NA

*See Table A-1 for covered agencies.
NA = not addressed by statute

**Table A-4
Purpose, Conduct, and Disposition of Hearings as Specified by Statute**

State	Covered Agencies/Officers	Purpose of Hearing		Officer Entitled to:			Disposition
		Determine guilt and punishment prior to imposition of discipline ...	Review agency head's decision ...	Have Attorney Present	Present Evidence	Cross-Examine Witnesses	
Utah	First and second class cities		to suspend or discharge	Yes	NA	NA	Decision of commission is final and binding.
	Covered sheriffs' deputies*		to demote, reduce in pay, suspend, or discharge.	Yes	NA	NA	Commission provides copy of decision and findings to each party.
	State highway patrol		to demote or dismiss	NA	NA	NA	Officer may be dismissed or demoted if department head finds adequate cause or reason.
Vermont	State police	for disciplinary actions other than temporary suspension.		Yes	Yes	Yes	Panel decision regarding guilt is binding. Panel may recommend punishment. Commissioner's decision regarding punishment is final. If officer declines hearing, officer may appeal Commissioner's decision to state labor relations board.
	Covered municipalities*	if penalty is suspension or removal. (Legislative body may suspend officer pending hearing.)		Yes	NA	NA	Findings of court are final.
Virginia	Covered agencies*	in accordance with grievance procedure established by local governing body. Officer must be given opportunity to respond.	to dismiss, demote, suspend without pay, or transfer punitively.	Yes, with exception	Yes	Yes	Recommendations of board are advisory only, but must be accorded significant weight.

*See Table A-1 for covered agencies.
NA = not addressed by statute

**Table A-4
Purpose, Conduct, and Disposition of Hearings as Specified by Statute**

State	Covered Agencies/Officers	Purpose of Hearing		Officer Entitled to:			Disposition
		Determine guilt and punishment prior to imposition of discipline ...	Review agency head's decision ...	Have Attorney Present	Present Evidence	Cross-Examine Witnesses	
Washington	Covered municipalities*		to remove, suspend, demote, or discharge.	Yes	NA	NA	Findings of commission shall be enforced by appointing power.
	Sheriffs' deputies		to remove, suspend, demote, or discharge.	Yes	Yes	NA	Findings of commission shall be enforced by appointing power.
	State police	if penalty is discharge, demotion, or suspension.		Yes	Yes	NA	Board decision regarding guilt is binding. Chief determines disciplinary action.
West Virginia	City and municipal departments with police civil service	if penalty is written reprimand or punitive transfer.		Yes	Yes	NA	Board decision is binding on all parties. Both officer and chief have right to appeal to police civil service commission composed of 3 residents.
		if penalty is removal, suspension, reduction in rank or pay, or discharge. (Punitive action may be taken prior to hearing in exigent circumstances.)		Yes	NA	NA	Board decision is final. Both officer and chief have right to appeal to police civil service commission composed of 3 residents.
	City and municipal departments without police civil service	for any punitive action.		Yes	Yes	NA	Board decision is final.
	State police		to suspend, demote, or discharge	Yes	Yes	NA	Board determines whether or not Superintendent's order is sustained. Either party may appeal to circuit court.

*See Table A-1 for covered agencies.
NA = not addressed by statute

**Table A-4
Purpose, Conduct, and Disposition of Hearings as Specified by Statute**

State	Covered Agencies/Officers	Purpose of Hearing		Officer Entitled to:			Disposition
		Determine guilt and punishment prior to imposition of discipline ...	Review agency head's decision ...	Have Attorney Present	Present Evidence	Cross-Examine Witnesses	
Wisconsin	State traffic patrol		to demote, layoff, suspend, discharge, or reduce base pay	Yes	NA	NA	Commission or arbitrator may issue an enforceable order for action in accordance with the decision.
	Covered sheriffs' deputies*	if penalty is suspension, demotion, or discharge.		NA	NA	NA	Committee shall take such action as it considers requisite and proper.
	Second and third class cities and cities under 4,000 that adopt these provisions	if penalty is suspension, demotion, or removal. (Chief or commission may suspend pending hearing.)		Yes	Yes	NA	Board decision is final.
	First class cities	if penalty is discharge or suspension over 30 days.	to suspend over 5 days.	Yes	Yes	NA	Board decision to dismiss, suspend for up to 60 days, or demote is final.
Wyoming	State highway patrol		regarding a personnel action.	Yes	Yes	NA	Decision of hearing officer is final.
	Cities and towns	if penalty is discharge or reduction in grade or compensation.		NA	NA	NA	Commission decision is final.
	Covered sheriffs' deputies*	if penalty is discharge, reduction in rank, or suspension without pay.		Yes	Yes	NA	NA

*See Table A-1 for covered agencies.
NA = not addressed by statute

**Table A-5
State Statute Provisions Regarding Hearing Board Composition**

State	Agencies/Officers	Composition of Hearing Board	Who Selects?
Alabama	State police and local police in municipalities that choose state administration of police personnel	5-member state personnel board or, for charges filed by officer, citizen, or taxpayer of state, agency director or special agent appointed by the director or the board	2 by governor, 1 by speaker of house, 1 by lieutenant governor, 1 by state employees
Alaska	State police	3-member state personnel board	Governor with confirmation by legislature
Arizona	Covered counties and cities*	5-member merit system board for police; persons knowledgeable in merit principles	Local governing body
	State police	3-member law enforcement merit system council; members in sympathy with merit principles, have not held elective office within one year prior, and do not hold another political office	Governor
Arkansas	Covered municipalities*	Police chief	Local governing body
	State police	7-member state police commission	Governor
California	Covered agencies*	NA: Details of hearing process left to police agency	NA
Colorado	State police	5-member state personnel board	3 by governor with consent of senate; 2 by state classified employees
Connecticut	Municipalities	3-,5-, or 7-member board of police commissioners	Appointed by local governing body or elected
	Sheriff's deputies	NA	NA
	State police	Commissioner of public safety	Governor
Delaware	Covered agencies*	Impartial board of agency's officers or, if impartial board cannot be convened, 3 or more officers convened under auspices of Delaware Criminal Justice Council or in accordance with collective bargaining agreement	NA
District of Columbia	Metropolitan Police force	Such number of persons as the Mayor may appoint	Mayor
Florida	All agencies	In agencies with up to 100 officers: 3-member board of law enforcement officers from any agency within the county; in agencies with more than 100 officers: 5-member board of law enforcement officers from any agency within the county	3-member board: 1 by chief, 1 by aggrieved officer, and 1 by the other 2; 5-member board: 2 by chief, 2 by aggrieved officer, 1 by the other 4
Georgia	Covered sheriffs' deputies*	NA	NA
	State patrol	5-member state personnel board	Governor with confirmation by Senate

*See Table A-1

NA = not addressed by statute

**Table A-5
State Statute Provisions Regarding Hearing Board Composition**

State	Agencies/Officers	Composition of Hearing Board	Who Selects?
Hawaii	Covered county police officers*	5-member county civil service commission	Mayor with approval of council
Hawaii (continued)	Law enforcement officers employed by state	7-member state civil service commission comprising one member from each county and 3 at large and including at least one skilled or unskilled laborer from private industry.	NA
Idaho	Covered cities*	3-member civil service commission composed of electors of the city	Mayor with advice and consent of council
	Law enforcement officers employed by state	hearing officer appointed by 5-member state personnel commission with not more than 3 members from same political party and at least 2 members with 5 years personnel management experience. Hearing officer may be commission member.	Governor selects commission members. Commission appoints hearing officer.
Illinois	State police	Board for Department of State Police	NA
	Cook County	5-member Sheriff's Merit Board; no more than 3 members from one party, has not held or been candidate for elective office in past year	Sheriff with advice and consent of county board
	Covered counties under 1,000,000*	3 or 5-member Sheriff's Office Merit Commission. No member may hold statutory partisan political office; no more than 2 of 3-member board or 3 of 5-member board from same political party	Sheriff with approval of majority of county board
	Covered cities up to 500,000*	3-member Civil Service Commission (5 members in municipalities with commission form of government); no federal state, or local government employees	Mayor (corporate authorities in municipalities with commission form of government)
	Cities over 500,000	Police Board	NA
	Covered cities up to 250,000*	Board of Fire and Police Commissioners	Mayor with consent of council or President of village with consent of board of trustees
Indiana	State police	State police board	NA
	Covered second and third class cities and towns and townships that do not have merit ordinances*	Local safety board	Cities: NA; Towns/townships: appointing authority is safety board.

*See Table A-1

NA = not addressed by statute

**Table A-5
State Statute Provisions Regarding Hearing Board Composition**

State	Agencies/Officers	Composition of Hearing Board	Who Selects?
Indiana (continued)	Covered municipalities or townships that adopt Police and Fire Merit System*	Single hearing officer or 5-member Merit Commission for police (no active officers and no more than 2 past officers) or person or board designated by Commission	Single hearing officer: chief and aggrieved officer; Commission: 2 by local executive, 1 by legislative body, and 2 by police department members
	County police/sheriffs' departments	5-member Sheriff's Merit Board; no active county officers	3 by Sheriff and 2 by Sheriff's Department members
Iowa	Covered state police*	3-member state employment appeals board; 1 qualified to represent employer, 1 qualified to represent employees, and 1 to represent public with no more than 2 of same political party	Governor with senate confirmation
	Sheriffs' deputies	3-member county civil service commission; residents of county not holding elected or appointed office with no more than 2 from same political party	1 by county board of supervisors, 1 by presiding district court judge, and 1 by county attorney
	Covered cities*	3-person civil service commission of residents or, for cities under 8,000, city council	Mayor
Kansas	Covered sheriffs' deputies*	5-member civil service board for sheriff composed of residents of at least 3 years that are not political party officers, public officers, or public employees, and no more than 3 in one political party or 2 in the same county commissioner district	County commissioners
	Riley county law enforcement agency	7-member law enforcement agency composed of 1 county commissioner, 1 county resident, 1 member of governing body of largest city, 2 residents of largest city, 1 mayor or member of governing body of next largest city, and county attorney	County members by county commissioners; largest city members by governing body of city; next largest city member by mayor.
	State highway patrol	Prior to imposition of discipline: Superintendent of highway patrol. On appeal: state civil service board.	Superintendent of highway patrol by Governor. Civil service board by Governor with confirmation by senate.
Kentucky	State police	3 to 7-member trial board selected from 10-member panel of department officers	Commissioner appoints 10-member panel and designates 3 to 7 members as trial board

*See Table A-1

NA = not addressed by statute

**Table A-5
State Statute Provisions Regarding Hearing Board Composition**

State	Agencies/Officers	Composition of Hearing Board	Who Selects?
Kentucky (continued)	Covered sheriffs' deputies*	5-member Sheriff's Merit Board; no deputy sheriffs, public officials, or immediate family of Sheriff	2 by county judge/executive or CEO of urban county with approval of legislative body, 2 by Sheriff, and 1 by deputy sheriffs
	Covered cities and urban counties*	Local legislative body	Electorate
Louisiana	Covered municipalities*	5-member municipal fire and police civil service board of residents that may include police/fire officers	1 by governing body, 2 by governing body from 4 nominees of higher education executive, 1 by members of fire department, 1 by members of police department
Maine	State police	5-member State Civil Service Appeals Board whose members have experience in personnel or labor relations, with no more than 3 of 1 party and no state employees	Governor with confirmation by legislature
	Municipalities	NA	NA
Maryland	Covered agencies*	At least 3 officers from within agency or another agency, with at least one of equal rank to aggrieved officer or as specified in collective bargaining agreement	Chief or as specified in collective bargaining agreement
		1-member or more hearing board (if more than 1 member, then 1 of same rank as officer) or as specified in collective bargaining agreement	Chief or as specified in collective bargaining agreement
Massachusetts	State police	Unspecified; officer may request colonel as hearing board	Board appointed by colonel; colonel appointed by Governor
	Cities and towns covered by state civil service law	Prior to action: appointing authority or an impartial hearing officer. On appeal: 5-member state civil service commission with 1 labor representative and not more than 3 in a political party or an impartial hearing officer	Appointing authority by electorate or local governing body. Civil service commission by Governor
	Municipalities with decentralized personnel systems	3-member local merit appeals board with 1 member representing management and 1 member representing employees	Management representative by local chief executive, employee representative by employees, and third member by the other 2
Michigan	State police	Commissioner and 3 officers from among the top 10 officers in the department	Commissioner

*See Table A-1

NA = not addressed by statute

**Table A-5
State Statute Provisions Regarding Hearing Board Composition**

State	Agencies/Officers	Composition of Hearing Board	Who Selects?
	Covered townships*	3-member civil service commission of county electors with not more than 2 from same political party	Township governing board
Michigan (continued)	Covered cities, villages, and municipalities that adopt Police Officers Civil Service System*	3-member civil service commission of residents with no more than 2 from the same political party	1 by principal elected official with legislative approval, 1 by members of fire and/or police department, and 1 by the other 2
	Covered sheriffs' deputies*	3-member civil service commission of county electors with not more than 2 from same political party	2 by Board of Supervisors, 1 by members of Sheriff's Department
	Fourth class cities	Mayor and council	Electorate
Minnesota	State patrol	Arbitrator selected from list of 5 provided by bureau of mediation services	NA
	Hennepin County Sheriff's deputies	Administrative law judge	Chief administrative law judge, subject to notice to remove by agency or aggrieved party
	Sheriffs' deputies in counties that adopt civil service	3-member sheriff's civil service commission composed of residents	Chair of county governing board with confirmation by county governing board
	Covered cities with police civil service commissions*	3-member Police Civil Service Commission composed of residents	City council
	Cities, counties, towns, and political subdivisions with formal merit system	NA	NA
Mississippi	Sheriffs' deputies	NA	Circuit court
	State police	Trial hearing: within agency as specified in State personnel rules. Appeal hearing: 1 or more members of State employee appeals board	Trial hearing: NA. Appeal hearing: State Personnel Board
Missouri	State highway patrol	5-member board composed of 1 captain, 1 lieutenant, 1 sergeant, 1 patrol officer, and 1 officer of equal rank	Superintendent of State Highway Patrol
	St. Louis	Board of Police Commissioners composed of Mayor plus 4 residents	Governor with consent of senate
	Kansas City	Board of Police Commissioners composed of Mayor plus 4 residents	Governor with consent of senate
	Covered third class cities that adopt merit system police department*	Personnel board with not less than 3 and not more than 6 members	NA

*See Table A-1

NA = not addressed by statute

**Table A-5
State Statute Provisions Regarding Hearing Board Composition**

State	Agencies/Officers	Composition of Hearing Board	Who Selects?
Montana	Covered counties*	3-, 5-, or 7-member public safety commission; no officials of any local government unit	Equal number of members appointed by legislative body of city or town and board of county commissioners; 1 appointed by the two governing bodies meeting in joint session
	State highway patrol	Department of Justice	NA
Nebraska	Metropolitan class cities	City council	Electorate
	Second class cities and villages	City council	Electorate
	Covered cities over 5,000* and cities under 5,000 that adopt statute	3- or 5-member Civil Service Commission composed of residents; not more than 2 members of a 3-member board or 3 members of a 5-member board of same party	Local governing body
	Covered sheriffs' deputies in counties over 500,000*	5-member civil service commission composed of 1 county official, 1 deputy, and 3 residents	County official by county governing board, deputy by other deputies, residents by presiding judge of district
	Other covered sheriffs' deputies*	Sheriff's civil service commission	NA
	State patrol	Hearing officer	State Personnel Board. Appellant may disapprove first hearing officer assigned. Second assignment is final.
Nevada	State highway patrol	Hearing officer	Members of State Personnel Commission
New Hampshire	Covered towns*	NA	NA
	State police	NA	NA
New Jersey	Municipalities	Rules and procedures promulgated locally by appropriate authority	NA
	State police	NA	NA
New Mexico	State police	State Public Safety Advisory Commission	Governor with consent of Senate
New York	Permanent employees in competitive class of classified civil service, honorably discharged war veterans in classified service of state or local government, or police officer holding position of detective for 3 continuous years	Officer or body having authority to remove or deputy or other person designated to hold hearing	NA
	State police	NA	NA
	Second class cities	Public safety commissioner	Mayor

*See Table A-1

NA = not addressed by statute

**Table A-5
State Statute Provisions Regarding Hearing Board Composition**

State	Agencies/Officers	Composition of Hearing Board	Who Selects?
New York (continued)	Towns and villages	Rules prescribed by local governing body. Person who prefers charges against officer shall not sit as judge.	NA
	Police in competitive class of civil service in cities, counties, towns, and villages	Officer or body having authority to remove or deputy or other person designated to hold hearing	NA
North Carolina	Any police officer	Superior court judge	NA
North Dakota	State highway patrol	State administrative hearing officer	State office of administrative hearings
Ohio	All peace officers	NA	NA
	State, counties, civil service townships, and cities	Applicable civil service commission	NA
	Non-civil service townships	Township board of trustees	Electorate
	Villages	Village legislative body	Electorate
Oklahoma	State highway patrol, lake patrol, capitol patrol	Administrative hearing officer	Executive Director of State Merit Protection Commission
Oregon	Covered agencies*	Person or persons having authority to impose disciplinary action	NA
Pennsylvania	Sheriffs' deputies and police officers in second class counties	3-member Civil Service Commission	County commissioners
	First class city	3-member civil service commission or one commissioner or person or board appointed by commission	City council selects commissioners; commissioners select person or board
	Second class cities and second class A cities	3-person trial court composed of 3 employees of police department of equal or superior rank to accused	Director of department of public safety
	Third class cities	City council	Electorate
	Boroughs, incorporated towns, and first class townships	3-member civil service commission	Local governing body
	Boroughs and first class townships with fewer than 3 officers and second class townships	Local governing body	Electorate
	State police	Court martial board consisting of 3 commissioned officers	State police commissioner
Rhode Island	Covered agencies*	3-member committee of active or retired law enforcement officers	1 by chief, 1 by aggrieved officer, and 1 by the other 2
South Carolina	Counties and municipalities that adopt employee grievance plans	3 to 9-member grievance committee selected on a broadly representative basis from among employees	Local governing body
	Cities of 20,000 to 50,000 residents that establish board of police commissioners	NA	NA

*See Table A-1

NA = not addressed by statute

**Table A-5
State Statute Provisions Regarding Hearing Board Composition**

State	Agencies/Officers	Composition of Hearing Board	Who Selects?
South Dakota	State divisions of highway patrol and criminal investigation	5-member civil service commission; not all from one political party	Governor: may select 1 from 5 nominees of a peace officers' association, 1 from 5 nominees of a fraternal order of police association, and 1 from 5 nominees of sheriffs' association
	Sheriffs' deputies in counties with Sheriff's civil service	Civil service board for county deputy sheriffs	NA
Tennessee	Covered municipal or county police agencies*	NA	
	Sheriff's deputies	3-member civil service commission	County legislative body
Texas	Municipalities over 10,000 that have adopted Local Government Code (LGC) Chapter 143	3-member civil service commission or, at officer's request, independent third-party hearing examiner	Civil service commission: municipal chief executive with governing body confirmation; hearing examiner: officer and department head or, if no agreement, from list of arbitrators
	Covered sheriffs' deputies*	3-member panel of 7-member civil service commission	2 civil service commission members selected by sheriff, 2 by commissioners of court, 2 by district attorney, and 1 jointly by the three authorities. Civil service commission adopts rules for assigning members to panel.
	State police	3-member State Public Safety Commission	Governor with advice and consent of Senate
Utah	First and second class cities	3-member civil service commission who are not public officer holders or candidates with not more than 2 from the same political party.	Local board of commissioners
	Covered sheriffs' deputies*	3-member merit system commission composed of residents of not less than 5 years who are not government employees or office holders with not more than 2 members from the same political party	County legislative body
	State highway patrol	Commissioner of public safety	Governor with consent of senate
Vermont	State police	3-member panel of department members at least one with rank of lieutenant or higher	Officer chooses 3 from list of 5 provided by Commissioner
	Covered municipalities*	Municipal legislative body or, at officer's request, district court	Electorate
Virginia	Covered agencies*	3-member panel of officers from within the agency	1 by grievant, 1 by agency, and 1 by the other 2

*See Table A-1

NA = not addressed by statute

**Table A-5
State Statute Provisions Regarding Hearing Board Composition**

State	Agencies/Officers	Composition of Hearing Board	Who Selects?
Washington	Covered municipalities*	3-member civil service commission composed of residents	Body vested by law with power to appoint police chief
	Sheriffs' deputies	3-member civil service commission	Board of county commissioners
	State police	3-member trial board composed of 2 state patrol officers of rank of captain and 1 of same rank as aggrieved officer	Chief by lot from department roster
West Virginia	City and municipal departments with police civil service	3-member hearing board of police officers of accused officer's department or, with chief's approval, another department, at least one of same rank as accused	1 by chief, 1 by members of accused officer's department, and 1 by the other 2
	City and municipal departments without police civil service	3-member standing hearing board	1 by chief, 1 by local fraternal order of police, and 1 by local chamber of commerce or business association
	State police	7-member ad hoc appeals board composed of 1 member of trooper rank and 1 member of each of 6 ranks above trooper with no member from appellant's detachment	Superintendent by lot from among all members of 7 ranks
Wisconsin	State traffic patrol	3-member state personnel commission composed of residents of at least 3 years with experience in personnel or labor relations with at least 1 attorney and no state employees or recent political party officials or candidates and no more than 2 from 1 party	Governor with advice and consent of senate
	Covered sheriffs' deputies*	Grievance committee of county board members or other electors	Appointed in same manner as standing committee of county board
	Second and third class cities and cities under 4,000 that adopt these provisions	5-member board of fire and police commissioners composed of citizens with not more than 3 from same political party	Mayor
	First class cities	5-member board of fire and police commissioners composed of citizens with not more than 2 from same political party	Mayor
Wyoming	State highway patrol	Hearing officer	Mutually acceptable to the parties or appointed by office of administrative hearings with each party having 1 peremptory disqualification of a hearing officer.

*See Table A-1

NA = not addressed by statute

**Table A-5
State Statute Provisions Regarding Hearing Board Composition**

State	Agencies/Officers	Composition of Hearing Board	Who Selects?
Wyoming (continued)	Cities and towns	3-member police civil service commission composed of qualified electors of municipality with not more than 1 appointed from governing body and no officer or employees of fire or police department	Mayor with confirmation by governing body
	Covered sheriffs' deputies*	NA	NA

*See Table A-1

NA = not addressed by statute

Appendix B
Survey of Police Disciplinary Practices in Maryland

Cover Letter

Survey of Police Discipline Practices

Survey Addendum

Table B-1 Agencies Receiving Survey (with respondents identified)



UNIVERSITY OF MARYLAND AT COLLEGE PARK

INSTITUTE FOR GOVERNMENTAL SERVICE

December 1, 1997

Police Chiefs and Sheriffs
Maryland Police Agencies

Dear Chief or Sheriff:

During the 1997 session, the Maryland General Assembly considered legislation that would have amended the Law Enforcement Officers' Bill of Rights with respect to hearing boards for police discipline cases. In anticipation of similar legislation being introduced in the 1998 session, the Institute for Governmental Service at the University of Maryland, College Park, is conducting a survey of Maryland police agencies to obtain factual information addressing this issue.

We request your cooperation in completing the enclosed survey which seeks information on the practices your agency uses to assemble disciplinary hearing boards and the actual cases that have been heard in your agency during the most recent three years.

Please feel free to contact me if you have any questions or concerns about the survey. In order for the Institute to compile the results of the survey prior to the 1998 Maryland General Assembly session, please return the completed survey to the Institute in the enclosed postage paid envelope by December 15, 1997. Thank you for your participation.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne E. Bilanin".

Jeanne E. Bilanin
Project Administrator

Enclosure

Survey of Police Discipline Practices

December 1997

The attached survey is being conducted by the Institute for Governmental Service at the University of Maryland, College Park, to obtain information about how police departments in Maryland handle disciplinary procedures.

Your participation in this survey is very important. If you have any questions about how to fill out the survey, please contact Jeanne Bilanin at the Institute for Governmental Service at (301) 403-4610.

Please mail this sheet and the completed survey in the enclosed postage paid envelope by December 15, 1997, to:

Institute for Governmental Service
4511 Knox Road, Suite 205
College Park, MD 20740

Please provide the following information so that we can contact you if we have questions about your survey.

Jurisdiction _____

Department _____

Contact Person _____

Title _____

Telephone _____

Survey of Police Discipline Practices

1. Please describe how individuals are picked to serve on disciplinary hearing boards in your agency. (i.e., What is the composition of the hearing board? Who selects the members?)

2. Does your agency have any agreements or policies (e.g., collective bargaining agreements, other agreements, formal or informal policies) that govern the composition of disciplinary hearing boards, the selection of board members, or the conduct of boards? If so, please describe.

Survey of Police Discipline Practices

Please provide the following information for disciplinary hearing cases that occurred in your agency during 1995, 1996, and 1997.

		Year in Which Hearing Was Held		
		<u>1995</u>	<u>1996</u>	<u>1997</u>
3.	Number of cases for which a hearing on possible disciplinary action was held.	_____	_____	_____
4.	Number of cases in which the hearing resulted in a finding of guilt.	_____	_____	_____
5.	Number of cases for which there was a finding of guilt in which the hearing board recommended:*			
	Reprimand	_____	_____	_____
	Loss of leave	_____	_____	_____
	Suspension	_____	_____	_____
	Loss of pay (fine)	_____	_____	_____
	Reassignment	_____	_____	_____
	Demotion	_____	_____	_____
	Dismissal	_____	_____	_____
	Other (please specify): _____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____

*For cases in which multiple disciplinary actions were recommended, count the case only once by identifying the most severe penalty.

6.	Number of cases in which the chief:			
	Imposed the penalty recommended by the hearing board	_____	_____	_____
	Imposed a more severe penalty than was recommended by the hearing board	_____	_____	_____
	Imposed a less severe penalty than was recommended by the hearing board	_____	_____	_____

Survey of Police Discipline Practices

7. For each case during 1995, 1996, and 1997 in which the chief imposed a penalty that differed from the discipline recommended by the hearing board, please provide the following information. (Attach additional sheets if necessary.)

<u>Case</u>	<u>Date of Chief's Decision</u>	<u>Discipline Recommended by Hearing Board</u>	<u>Action Taken by Chief</u>	<u>Why Chief Imposed Different Penalty</u>
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				



UNIVERSITY OF MARYLAND AT COLLEGE PARK

INSTITUTE FOR GOVERNMENTAL SERVICE

December 4, 1997

[Addressed to each chief]

A few days ago the Institute sent you a survey on police agency practices regarding disciplinary hearings. Unfortunately, a question was inadvertently omitted from the survey. We would appreciate your responding to the following question and sending this letter back with your completed survey in the postage paid envelope that was provided. If you have already returned the original survey, please feel free to fax us your response on this sheet to (301) 403-4222.

	Year in Which Investigation Occurred		
	<u>1995</u>	<u>1996</u>	<u>1997</u>
Total number of complaints against police officers requiring an investigation	_____	_____	_____
Total number of sustained complaints against police officers	_____	_____	_____
Total number of sustained cases in which disciplinary recommendation was accepted by police officer	_____	_____	_____

If you have any questions, please feel free to call me at (301) 403-4610. Once again, thank you for your participation in this survey.

Sincerely,

Jeanne E. Bilanin
Project Administrator

**Table B-1
Agencies Receiving Survey of Police Disciplinary Practices**

Agency	Response Submitted	Agency	Response Submitted
Incorporated municipalities (73)			
Aberdeen	X	Hurlock	X
Annapolis	X	Hyattsville	X
Baltimore City	X	Landover Hills	X
Bel Air	X	La Plata	X
Berlin	X*	Laurel	X
Berwyn Heights	X	Lonaconing	
Bladensburg	X**	Luke	X
Brunswick	X	Manchester	X
Cambridge	X	Midland	X
Capitol Heights	X	Morningside	
Centreville	X	Mount Rainier	X
Chestertown	X	North East	X
Cheverly		Oakland	
Chevy Chase	X	Ocean City	X
Cottage City	X	Oxford	X**
Crisfield		Pocomoke City	X
Cumberland	X	Preston	X
Delmar	X	Princess Anne	X
Denton	X	Ridgely	X
District Heights	DNA	Rising Sun	X
Easton	X	Riverdale	X
Edmonston	X	Rock Hall	X
Elkton	X	Rockville	X
Federalburg	X	St. Michaels	X
Forest Heights		Salisbury	X
Frederick	X	Seat Pleasant	
Frostburg	X	Smithsburg	X
Fruitland	X	Snow Hill	X
Gaithersburg	X	Sykesville	X
Glenarden	X	Takoma Park	X
Goldsboro	X	Taneytown	X
Greenbelt	X	Thurmont	X
Greensboro	DNA	University Park	X
Hagerstown	X	Upper Marlboro	X
Hampstead	X	Westernport	X
Hancock	X	Westminster	X
Havre de Grace	X		

*Verbal response

**Did not respond to addendum

DNA = data not available

**Table B-1
Agencies Receiving Survey of Police Disciplinary Practices**

Agency	Response Submitted	Agency	Response Submitted
County Police Departments (5)		State Agencies (6)	
Anne Arundel County Police	X	Maryland Comptroller, Investigative Unit	X
Baltimore County Police	X	Maryland Department of State Police	X
Howard County Police	X	Maryland Natural Resources Police	X
Montgomery County Police	X	Maryland Port Administration Police	X
Prince George's County Police	X	Maryland Transportation Authority Police	X
		Mass Transit Administration Police	X
Sheriff's Departments (24)		University of Maryland Police (4)	
Allegany County Sheriff	X	University of Maryland, Baltimore	X
Anne Arundel County Sheriff	X	University of Maryland Baltimore County	X
Baltimore City Sheriff	X	University of Maryland, College Park	X
Baltimore County Sheriff	X	University of Maryland Eastern Shore	
Calvert County Sheriff	X		
Caroline County Sheriff	X	Other (5)	
Carroll County Sheriff	X	Baltimore City Housing Authority	X
Cecil County Sheriff	X	Baltimore City Public School	X
Charles County Sheriff	X	Crofton	X
Dorchester County Sheriff	X	MNCPPC - Montgomery Division	X
Frederick County Sheriff	X	MNCPPC - Prince George's Division	X
Garrett County Sheriff	X		
Harford County Sheriff	X		
Howard County Sheriff		Note: MNCPPC = Maryland National Capital Park and Planning Commission	
Kent County Sheriff	X		
Montgomery County Sheriff	X		
Prince George's County Sheriff	X		
Queen Anne's County Sheriff	X		
St. Mary's County Sheriff	X		
Somerset County Sheriff	X		
Talbot County Sheriff	X		
Washington County Sheriff	X		
Wicomico County Sheriff	X		
Worcester County Sheriff	X		

*Verbal response

**Did not respond to addendum

DNA = data not available

Appendix C Responses to Survey Questions 1 and 2

Police agencies were asked to describe how individuals are picked to serve on disciplinary hearing boards in their agency and whether the agency has any agreements or policies, such as collective bargaining agreements, that govern the composition of hearing boards, selection of board members or the conduct of boards. The following 34 police agencies reported having no additional guidelines regarding disciplinary hearings beyond those outlined in the Law Enforcement Officers' Bill of Rights (LEOBR) in the Annotated Code of Maryland.

Aberdeen Police	Maryland Transportation Authority Police
Allegany County Sheriff	Montgomery County Sheriff
Baltimore City Sheriff	Mount Rainier Police
Capitol Heights Police	Oxford Police
Charles County Sheriff	Pocomoke City Police
Chevy Chase Police	Princess Anne Police
Cottage City Police	Ridgely Police
Cumberland Police	Rock Hall Police
Delmar Police	Rockville Police
Edmonston Police	St. Mary's County Sheriff
Frostburg Police	Smithsburg Police
Garrett County Sheriff	Taneytown Police
Glenarden Police	Thurmont Police
Goldsboro Police	University of Maryland, College Park Police
Hancock Police	Westernport Police
Hurlock Police	Westminster Police
Luke Police	
Maryland Comptroller Investigative Services Unit	

In the following 36 agencies, hearing board members are always obtained from outside the agency. When officers from other agencies are requested to serve on hearing boards, the chief or another administrator from the providing agency selects the particular officer(s) that serve as hearing board members.

Annapolis Police	Cambridge Police
Berwyn Heights Police	Caroline County Sheriff
Bladensburg Police	Cecil County Sheriff
Brunswick Police	Chestertown Police
Calvert County Sheriff	Denton Police

Dorchester County Sheriff
Frederick County Sheriff
Fruitland Police
Gaithersburg Police
Greenbelt Police
Hampstead Police
Harford County Sheriff
Havre de Grace Police
Hyattsville Police
Landover Hills
La Plata Police
Laurel Police
Manchester Police
Maryland Port Administration Police
North East Police
Ocean City Police

Queen Anne's County Sheriff
Rising Sun Police
Salisbury Police
Snow Hill Police
St. Michaels Police
Sykesville Police
University of Maryland Baltimore County
Police
University Park Police
Upper Marlboro Police
Washington County Sheriff

The disciplinary hearing practices in the following 10 agencies are covered by provisions of collective bargaining agreements:

Anne Arundel County Police

The agreement provides that no hearing board be held sooner than 30 days after notification of charges and receipt of required materials. On request, the same material is provided to employees offered summary punishment. For a one-member hearing board, the accused officer is allowed two peremptory challenges to the member assigned. For a three-member hearing board, the accused officer is allowed three peremptory challenges to members assigned, but only two peremptory challenges may be used to strike chair.

As a general rule, when the accused is a patrol officer, the composition of a hearing board is one lieutenant, one sergeant, and one officer. If the accused is of a higher rank than lieutenant, the chair of the board is of or above the rank of the accused.

Anne Arundel County Sheriff

The procedures adopted under the collective bargaining agreement reiterate LEOBR.

Baltimore City Police

The selection process of trial board panel members is partly controlled by the existing labor contract with the Fraternal Order of Police, which provides: "A unit member shall be entitled to four (4) peremptory challenges of persons designated a member of the Trial Board. Only three (3) challenges may be used to strike a Board chairman. No individual assigned to Traffic may sit as a member of the Traffic Accident Review Board."

A pool of approximately 60 persons have been assembled from which trial board panels are selected. The pool of 60 were selected with input from the following organizations: Fraternal Order of Police, Lodge 3; Vanguard Justice Society (an association of African-American Officers); City Union of Baltimore (Civilian Employee Union).

Before the commencement of a trial, individual panels are selected by the chief of human resources. The composition of the trial board panels are as follows: one chairperson (rank of major), second member (lieutenant), third member (same rank as defendant). For some minor cases a one-person panel is convened. The sole member of the one-person panel is generally the rank of major. Selection of this sole member is made in the same manner as the three-person panel described above.

Frederick City Police

For a one-member hearing board (summary punishment), the chief chooses the member from among officers within the agency. For three-member hearing boards, two options are available to the accused officer: (1) the chief chooses the members from other agencies; or (2) the officer picks one hearing board member, the chief picks one hearing board member and the third member is chosen by the other two members.

City of Hagerstown Police

There is an agreement between the city and the American Federation of State, County, and Municipal Employees (AFSCME) Council 67, Local 3373 AFL-CIO, which provides that, for all patrol officers, the LEOBR hearing board comprises three to five members to be selected as follows: (1) one or two members drawn from a pool of eligible officers selected by the chief, (2) one or two members to be drawn from a pool of eligible members by Local 3373 and (3) the last member appointed by the chief.

Howard County Police

A board convened to administer punishment only (when the charges are not contested) consists of one officer. A three-member hearing board convened to hear the merits of a case consists of a captain or lieutenant, a sergeant and a member of equal rank. Each member of the hearing board is selected by lottery. The accused officer and the department have two challenges for each selection.

Maryland National Capital Park and Planning Police - Prince George's Division

The members of hearing boards are determined by both the accused officer and the division. The chair, who is selected by the division commander, is the rank of lieutenant or captain and can be a member of another police agency. The other two members are selected by the accused officer from a pool of three division officers, with one group of equal rank to the accused officer. The ranks of these two board members change based on the rank of the accused and are not predetermined.

Montgomery County Police

For a traditional hearing board, the Field Services Bureau selects all members who include a captain, a lieutenant, and an officer of equal rank to the accused officer. An alternate hearing board comprises

a chair selected by rotation from among four arbitrators, one member selected by the department, and one member selected by the Fraternal Order of Police.

Prince George's County Police

The following are additional provisions prescribed by departmental policy or agreement with the Fraternal Order of Police:

1. A chairperson must have chaired a one-member board before being eligible to chair a three-member administrative hearing board (AHB).
2. The chairperson of a three-member AHB must have completed the Disciplinary Training Seminar before being eligible to chair a three-member board.
3. Certain commanders, by virtue of their present assignments, are ineligible to sit as board members due to the potential for exparte communication and the availability of investigatory information.
4. The officer of equal rank in a three-member hearing board is selected at random by lottery from the agency personnel roster with participation by the respondent(s).
5. The composition of the three-member hearing board also provides for the selection of an alternate captain and alternate officer of equal rank. Both are selected in the same manner as the primaries, however, they participate only when a primary board member be unable to sit.
6. The department has adopted the practice of conducting a pre-trial conference. In which the chairperson, prosecutor, defense representative and AHB coordinator discuss non-substantive preliminary issues. Issues acceptable for discussion or to be raised as preliminary motions include: charging document (except content of charges), board challenges, disclosure, defense witness list and summons method, anticipated hearing length, record stipulations, expert witness issues, rule on witnesses, show cause orders, plea negotiations, departmental representative at hearing, hearing date selection and waiver of reading of charges.

One-member boards are convened to hear appeals of summary punishment and are chaired by a sworn officer the rank of captain. The chair is selected by the chief or his designee on a rotating basis. Three-member administrative hearing boards comprise a sworn major, captain and officer of equal rank. The board is chaired by the major. The major and captain are selected by the chief of police or his designee on a rotating basis. If a respondent ranks equal to or above the chairperson, the chairperson selected will be at least one rank higher than the respondent.

Takoma Park Police

The department follows Montgomery County police outline and LEOBR.

The department generally seeks board members from outside the agency but may elect to have one member from within the agency. Generally a lieutenant or captain is sought as the chair and a sergeant or corporal, depending on the rank of the accused officer.

Hearing board procedures in the following agencies are not covered by a collective bargaining agreement, but the agencies have adopted various special practices regarding disciplinary hearings that are

consistent with LEOBR requirements.

Baltimore City Housing Authority Police

Command staff (majors) chair the boards. Members are picked from other section on a rotation basis. The board is composed of a major, lieutenant and an officer the same rank as the accused officer.

Baltimore City Public School Police

The City Union of Baltimore is notified of an impending hearing and the officer may go through the union and request a lawyer. The composition of the board depends on the accused officer's rank as follows: for patrol officer, board consists of lieutenant, sergeant and officer of same rank; for sergeant, board consists of major, lieutenant and sergeant; for lieutenant, board consists of deputy chief, major and lieutenant. Selection is made by the chief or the chief's designee, either the operations chief or the administrative chief.

Baltimore County Police

A major is permanent hearing chair. The other board members are selected by the major. The second member is a captain selected at random based on availability. The third member is the person of equal rank to the accused officer. This person also is randomly selected from a list of sworn members who have volunteered to serve as board members. Most board members have had prior training in board procedures.

Baltimore County Sheriff

The sheriff has designated the second in command to convene hearing boards.

Bladensburg Police

The chief requests officers from other agencies, usually a municipality. If the accused officer is a minority group member, other agencies are requested to provide at least one member of the same minority group.

Carroll County Sheriff

Selection of board members is made by the chief deputy for law enforcement deputies. Normally, two members of hearing board are selected from other agencies and one is an officer from this agency. The agency manual provides detailed guidelines regarding disciplinary procedures, including recommended disciplinary action for different categories of infractions, supervisory review of disciplinary recommendations, emergency suspensions, administrative leave pending investigations and coordination with county attorney's office.

Chestertown Police

The chief contacts agencies in other counties. Typically three different agencies are called and one

member is gotten from each agency.

Easton Police

The Chief selects an officer from within the department to be the chair. Letters are then sent to allied agencies (where Easton officers have served on trial boards) requesting an officer of a specified rank to participate.

Elkton Police

Emergency suspension boards: Chief conducts hearing or delegates authority to lieutenant. Review board comprises three department members, at least one of which is the same rank as the accused. Disciplinary hearing boards: administrative lieutenant serves as permanent chair and appoints hearing board members from the department or another agency. The administrative lieutenant may serve as a sitting member of any board.

Federalsburg Police

The chief selects members as follows: one of equal rank to the accused officer, one chief and one rank in between.

Landover Hills Police

Agency would seek the following members from other local municipalities: 1) a command officer to serve as chair, 2) a lieutenant as a board member and 3) an officer of equal rank.

Laurel Police

Requests are made to other agencies for board members of a certain rank or above. The composition is a command officer or above as board chair, one member equal in rank to the accused and a final member equal or above the rank of the accused. Hearing board composition and procedures are specified in the department policy manual.

Maryland Department of State Police

The commander, personnel management division, is the permanent chair of the hearing board. Administrative cases are heard by a lieutenant who is the full-time LEOBR hearing officer. Other board members are an officer who is generally higher in rank than the accused officer and a third member equal in rank to the accused officer. Hearing board members are selected by the Personnel Management Division from department officers who are recommended by their commanders. In cases involving sexual harassment, at least one female member is appointed to the hearing board. At least one person on each hearing board is the same sex as the accused officer. At least one person on each hearing board is the same race as the accused officer.

Maryland National Capital Park and Planning Police - Montgomery Division

The deputy chief for support services develops a pool list of eligible personnel to sit on a hearing board. Divisional directive 1,500 sets the composition of the board according to rank. Depending on the rank of accused officer, the pool may include officers from the Prince George's Division and outside agencies. Final board member selection is made by the division chief.

Maryland Natural Resources Police

The permanent hearing board chairman selects members to serve on the board. If the permanent hearing board chairman does not serve as the hearing board chairman, a Natural Resources Police commissioned officer is selected. In accordance with LEOBR, one member is the same rank as the accused. All other members are of equal or higher rank.

Maryland Transportation Authority Police

Policy concerning hearing board procedures is outlined in the department's Administrative Manual, Volume I, Chapter 5. Disciplinary hearing boards are authorized and appointed by the commanding officer and are selected without regard for race, color, creed, etc.) From officers within the force or, if deemed necessary, officers from another law enforcement agency.

Mass Transit Administration Police

All members of a hearing board are selected randomly from within or outside the agency by a major who is permanent chairman of the hearing board. A three-member hearing board consists of two members each of whom may be a lieutenant, sergeant or corporal and one member of equal rank to the accused officer. The permanent chairman selects one person as the chair.

Preston Police

The town council serves as a hearing board for disciplinary actions against probationary officers.

Prince George's County Sheriff

Disciplinary hearing boards are appointed and conducted in accordance with Sheriff's Office General Order 904. An informal policy has evolved that board chairs are chosen from separate bureaus from that in which the accused officer is assigned. The board chair is at the minimum a permanent rank of captain. Appointments to the board are made by the sheriff.

Somerset County Sheriff

Board consists of three members, one appointed from within the agency and two additional from allied agencies. The selection is made by respective administrative staff.

St. Mary's County Sheriff

Selections of hearing board members are made by sheriff or his assistant. Department has informal agreements with neighboring jurisdictions for outside hearing board members.

Talbot County Sheriff

The board comprises three members: a chair, one officer of equal rank and one other officer. The accused officer can challenge any selection for cause.

University of Maryland Baltimore County Police

All hearing boards are made up of officers from allied agencies. The composition of the board is representative of the accused officer in terms of race and sex.

Washington County Sheriff

General Order Number 30800.00 of the Policy/Procedure Manual dated 02/05/92 covers Departmental disciplinary procedures. The sheriff determines the makeup of the board based on the charges and never uses a member from within the agency. The sheriff considers the job assignment of the accused officer and requests at least one officer from another agency who performs the same type of task.

Wicomico County Sheriff

Members of a hearing board are selected by the chief deputy, with the chair being from another law enforcement agency.

Worcester County Sheriff

Hearings are conducted pursuant to the Administrative Procedures Act as modified by LEOBR. The chairman of the hearing board provides for a hearing in compliance with police employee's grievance procedure and the civilian employee's grievance procedure contained in the Agency Manual and Worcester County Personnel Rules.

The captain of the command staff serves as permanent chairman of the hearing board. The permanent chairman, with the sheriff's authority, appoints from the total uniformed complement of the agency, or from another agency, a hearing board of not less than three members. The procedure is modified if the hearing board is convened to hear charges against an officer senior in rank to the LEOBR hearing officer, for charges in which the LEOBR hearing officer has been involved in the investigation or interrogation or as expressly directed by the sheriff.

The case file is reviewed by the agency legal advisor before the hearing board commences. The investigating officer must not be recommended for prosecutor if he or she will be a witness at the hearing. In cases of summary punishment in which the officer elects to have a hearing, the prosecutor for the single-member hearing board is appointed by the sheriff. In serious cases, the sheriff may request an assistant attorney general to prosecute. If the recommended penalty is dismissal, the case will be reviewed by an assistant attorney general.

Appendix D
Responses to Survey Questions 3-6

Agency	Number of Hearings			Number of Guilty Findings		
	1995	1996	1997 *	1995	1996	1997 *
Aberdeen Police	DNA	DNA	0	DNA	DNA	0
Allegany County Sheriff	0	0	0	0	0	0
Annapolis Police	0	1	1	0	1	1
Anne Arundel County Police	3	4	3	3	4	3
Anne Arundel County Sheriff	4	1	0	3	0	0
Baltimore City Housing Authority Police	2	4	4	2	3	3
Baltimore City Police	23	11	10	15	9	5
Baltimore City Public School Police	0	0	0	0	0	0
Baltimore City Sheriff	LNA	LNA	0	LNA	LNA	0
Baltimore County Police	12	24	13	12	17	8
Baltimore County Sheriff	10	8	7	9	8	7
Bel Air Police	0	0	0	0	0	0
Berlin Police	0	0	0	0	0	0
Berwyn Heights Police	0	0	0	0	0	0
Bladensburg Police	0	0	0	0	0	0
Brunswick Police	0	0	0	0	0	0
Calvert County Sheriff	0	0	0	0	0	0
Cambridge Police	0	0	0	0	0	0
Capitol Heights Police	0	0	0	0	0	0
Caroline County Sheriff	0	0	0	0	0	0
Carroll County Sheriff	1	2	0	1	2	0
Cecil County Sheriff	0	0	0	0	0	0
Centreville Police	0	0	0	0	0	0
Charles County Sheriff	0	0	0	0	0	0
Chestertown Police	0	0	0	0	0	0
Cheverly Police	NR	NR	NR	NR	NR	NR
Chevy Chase Police	0	1	0	0	0	0
Cottage City Police	0	1	0	0	1	0
Crisfield Police	NR	NR	NR	NR	NR	NR
Crofton Police	0	0	0	0	0	0
Cumberland Police	0	0	0	0	0	0
Delmar Police	0	0	0	0	0	0
Denton Police	0	0	0	0	0	0
District Heights Police	DNA	DNA	DNA	DNA	DNA	DNA
Dorchester County Sheriff	0	0	0	0	0	0
Easton Police	0	0	0	0	0	0
Edmonston Police	0	0	0	0	0	0
Elkton Police	1	0	0	1	0	0
Federalsburg Police	0	0	0	0	0	0
Forest Heights Police	NR	NR	NR	NR	NR	NR
Frederick City Police	1	1	1	1	0	1
Frederick County Sheriff	2	0	0	1	0	0
Frostburg Police	0	0	0	0	0	0
Fruitland Police	1	0	0	1	0	0

Appendix D
Responses to Survey Questions 3-6

Agency	Number of Hearings			Number of Guilty Findings		
	1995	1996	1997 *	1995	1996	1997 *
Gaithersburg Police	0	0	1	0	0	0
Garrett County Sheriff	0	1	0	0	1	0
Glenarden Police	NR	NR	NR	NR	NR	NR
Goldsboro Police	0	0	0	0	0	0
Greenbelt Police	0	0	0	0	0	0
Greensboro Police	DNA	DNA	DNA	DNA	DNA	DNA
Hagerstown Police	0	0	0	0	0	0
Hampstead Police	0	0	0	0	0	0
Hancock Police	1	0	0	1	0	0
Harford County Sheriff**	2	2	2	0	1	2
Havre de Grace Police	0	0	0	0	0	0
Howard County Police	2	2	8	1	2	8
Howard County Sheriff	NR	NR	NR	NR	NR	NR
Hurlock Police	DNA	0	0	DNA	0	0
Hyattsville Police	0	0	0	0	0	0
Kent County Sheriff	0	0	0	0	0	0
La Plata Police	0	0	0	0	0	0
Landover Hills Police	0	0	0	0	0	0
Laurel Police	0	0	2	0	0	1
Lonaconing Police	NR	NR	NR	NR	NR	NR
Luke Police	0	0	0	0	0	0
Manchester Police	0	0	0	0	0	0
MD Comptroller, Investigative Unit	0	0	0	0	0	0
MD Department of State Police	18	18	4	16	10	4
MNCPPC Police - Montgomery Division	1	2	1	1	2	1
MNCPPC Police - Prince George's Division	4	2	2	2	2	1
MD Natural Resources Police	DNA	DNA	1	DNA	DNA	1
MD Port Administration Police	3	0	2	3	0	2
MD Transportation Authority Police	3	3	3	3	3	3
Mass Transit Administration Police	3	3	0	3	3	0
Midland Police	0	0	0	0	0	0
Montgomery County Police	11	2	4	5	2	2
Montgomery County Sheriff	0	0	1	0	0	0
Morningside Police	NR	NR	NR	NR	NR	NR
Mount Rainier Police	0	0	0	0	0	0
North East Police	0	0	0	0	0	0
Oakland Police	NR	NR	NR	NR	NR	NR
Ocean City Police	3	0	0	3	0	0
Oxford Police	0	0	0	NR	NR	NR
Pocomoke City Police	1	0	0	1	0	0
Preston Police	NR	NR	NR	NR	NR	NR
Prince George's County Police	23	21	25	8	16	20
Prince George's County Sheriff	2	5	0	1	3	0
Princess Anne Police	0	0	0	0	0	0

Appendix D
Responses to Survey Questions 3-6

Agency	Number of Hearings			Number of Guilty Findings		
	1995	1996	1997 *	1995	1996	1997 *
Queen Anne's County Sheriff	2	1	0	2	1	0
Ridgely Police	0	0	0	0	0	0
Rising Sun Police	0	0	0	0	0	0
Riverdale Police	0	0	0	0	0	0
Rock Hall Police	0	0	0	0	0	0
Rockville Police	0	0	0	0	0	0
Salisbury Police	0	2	0	0	2	0
Seat Pleasant Police	NR	NR	NR	NR	NR	NR
Smithsburg Police	0	0	0	0	0	0
Snow Hill Police	0	0	0	0	0	0
Somerset County Sheriff	0	0	0	0	0	0
St. Mary's County Sheriff	4	7	7	4	7	7
St. Michaels Police	0	0	0	0	0	0
Sykesville Police	1	0	0	1	0	0
Takoma Park Police	0	1	1	0	0	0
Talbot County Sheriff	0	0	0	0	0	0
Taneytown Police	0	0	0	0	0	0
Thurmont Police	0	0	0	0	0	0
UM, Baltimore Police	1	0	0	0	0	0
UMBC Police	1	0	0	1	0	0
UM, College Park Police	0	0	0	0	0	0
UMES Police	NR	NR	NR	NR	NR	NR
University Park Police	0	0	0	0	0	0
Upper Marlboro Police	0	0	0	0	0	0
Washington County Sheriff	0	0	1	0	0	0
Westernport Police	0	0	0	0	0	0
Westminster Police	0	0	0	0	0	0
Wicomico County Sheriff	0	0	0	0	0	0
Worcester County Sheriff	0	0	0	0	0	0
Total	146	130	104	105	100	80

Appendix D
Responses to Survey Questions 3-6

Agency	Penalty Recommended by Hearing Board											
	Reprimand			Loss of Leave			Suspension			Loss of Pay		
	95	96	97*	95	96	97*	95	96	97*	95	96	97*
Aberdeen Police												
Allegany County Sheriff												
Annapolis Police												
Anne Arundel County Police	1	1						2	2			
Anne Arundel County Sheriff								3				
Baltimore City Housing Authority Police	1							3	3			
Baltimore City Police	3			1	3			4	3	3		
Baltimore City Public School Police												
Baltimore City Sheriff												
Baltimore County Police		3	3	6	9	1		3	1			
Baltimore County Sheriff	9	8	7									
Bel Air Police												
Berlin Police												
Berwyn Heights Police												
Bladensburg Police												
Brunswick Police												
Calvert County Sheriff												
Cambridge Police												
Capitol Heights Police												
Caroline County Sheriff												
Carroll County Sheriff	1											
Cecil County Sheriff												
Centreville Police												
Charles County Sheriff												
Chestertown Police												
Cheverly Police												
Chevy Chase Police												
Cottage City Police								1				
Crisfield Police												
Crofton Police												
Cumberland Police												
Delmar Police												
Denton Police												
District Heights Police												
Dorchester County Sheriff												
Easton Police												
Edmonston Police												
Elkton Police				1								
Federalsburg Police												
Forest Heights Police												
Frederick City Police									1	1		
Frederick County Sheriff												
Frostburg Police												
Fruitland Police												

Appendix D
Responses to Survey Questions 3-6

Agency	Penalty Recommended by Hearing Board											
	Reprimand			Loss of Leave			Suspension			Loss of Pay		
	95	96	97*	95	96	97*	95	96	97*	95	96	97*
Gaithersburg Police												
Garrett County Sheriff								1				
Glenarden Police												
Goldsboro Police												
Greenbelt Police												
Greensboro Police												
Hagerstown Police												
Hampstead Police												
Hancock Police											1	
Harford County Sheriff**			1					1				
Havre de Grace Police												
Howard County Police								1	2	5		
Howard County Sheriff												
Hurlock Police												
Hyattsville Police												
Kent County Sheriff												
La Plata Police												
Landover Hills Police												
Laurel Police						1						
Lonaconing Police												
Luke Police												
Manchester Police												
MD Comptroller, Investigative Unit												
MD Department of State Police	4	1		6	4	1	3	2				
MNCPPC Police - Montgomery Division											1	
MNCPPC Police - Prince George's Division							1	1		1	1	1
MD Natural Resources Police						1						
MD Port Administration Police							3		1			
MD Transportation Authority Police							2	3	1			
Mass Transit Administration Police							3	2			1	
Midland Police												
Montgomery County Police	2	1					2		1	1		
Montgomery County Sheriff												
Morningside Police												
Mount Rainier Police												
North East Police												
Oakland Police												
Ocean City Police				2								
Oxford Police												
Pocomoke City Police												
Preston Police												
Prince George's County Police	1	2	1	1	1	3			3	4	7	3
Prince George's County Sheriff		1								1	2	
Princess Anne Police												

**Appendix D
Responses to Survey Questions 3-6**

Agency	Penalty Recommended by Hearing Board											
	<u>Reprimand</u>			<u>Loss of Leave</u>			<u>Suspension</u>			<u>Loss of Pay</u>		
	95	96	97*	95	96	97*	95	96	97*	95	96	97*
Queen Anne's County Sheriff							2	1				
Ridgely Police												
Rising Sun Police												
Riverdale Police												
Rock Hall Police												
Rockville Police												
Salisbury Police					1							
Seat Pleasant Police												
Smithsburg Police												
Snow Hill Police												
Somerset County Sheriff												
St. Mary's County Sheriff	2	4	6	1	1		1	1				1
St. Michaels Police												
Sykesville Police				1								
Takoma Park Police												
Talbot County Sheriff												
Taneytown Police												
Thurmont Police												
UM, Baltimore Police												
UMBC Police	1											
UM, College Park Police												
UMES Police												
University Park Police												
Upper Marlboro Police												
Washington County Sheriff												
Westernport Police												
Westminster Police												
Wicomico County Sheriff												
Worcester County Sheriff												
Total	25	21	18	19	19	7	28	24	20	9	12	5

Appendix D
Responses to Survey Questions 3-6

Agency	Penalty Recommended by Hearing Board											
	Reassignment			Demotion			Dismissal			Other		
	95	96	97*	95	96	97*	95	96	97*	95	96	97*
Aberdeen Police												
Allegany County Sheriff												
Annapolis Police				1					1			
Anne Arundel County Police							1	1	1	1		
Anne Arundel County Sheriff												
Baltimore City Housing Authority Police							1					
Baltimore City Police							7	3	2			
Baltimore City Public School Police												
Baltimore City Sheriff												
Baltimore County Police				2				2	3	1	2	1
Baltimore County Sheriff												
Bel Air Police												
Berlin Police												
Berwyn Heights Police												
Bladensburg Police												
Brunswick Police												
Calvert County Sheriff												
Cambridge Police												
Capitol Heights Police												
Caroline County Sheriff												
Carroll County Sheriff								1			1	
Cecil County Sheriff												
Centreville Police												
Charles County Sheriff												
Chestertown Police												
Cheverly Police												
Chevy Chase Police												
Cottage City Police												
Crisfield Police												
Crofton Police												
Cumberland Police												
Delmar Police												
Denton Police												
District Heights Police												
Dorchester County Sheriff												
Easton Police												
Edmonston Police												
Elkton Police												
Federalsburg Police												
Forest Heights Police												
Frederick City Police												
Frederick County Sheriff								1				
Frostburg Police												
Fruitland Police								1				

Appendix D
Responses to Survey Questions 3-6

Agency	Penalty Recommended by Hearing Board											
	Reassignment			Demotion			Dismissal			Other		
	95	96	97*	95	96	97*	95	96	97*	95	96	97*
Gaithersburg Police												
Garrett County Sheriff												
Glenarden Police												
Goldsboro Police												
Greenbelt Police												
Greensboro Police												
Hagerstown Police												
Hampstead Police												
Hancock Police												
Harford County Sheriff**												1
Havre de Grace Police												
Howard County Police									3			
Howard County Sheriff												
Hurlock Police												
Hyattsville Police												
Kent County Sheriff												
La Plata Police												
Landover Hills Police												
Laurel Police												
Lonaconing Police												
Luke Police												
Manchester Police												
MD Comptroller, Investigative Unit												
MD Department of State Police				3	3	3						
MNCPPC Police - Montgomery Division					1	1	1					
MNCPPC Police - Prince George's Division												
MD Natural Resources Police												
MD Port Administration Police										1		
MD Transportation Authority Police						1	1	1				
Mass Transit Administration Police												
Midland Police												
Montgomery County Police						1						1
Montgomery County Sheriff												
Morningside Police												
Mount Rainier Police												
North East Police												
Oakland Police												
Ocean City Police								1				
Oxford Police												
Pocomoke City Police				1								
Preston Police												
Prince George's County Police				1	1	4	1	2	3		3	3
Prince George's County Sheriff												
Princess Anne Police												

**Appendix D
Responses to Survey Questions 3-6**

Agency	Penalty Recommended by Hearing Board												
	<u>Reassignment</u>			<u>Demotion</u>			<u>Dismissal</u>			<u>Other</u>			
	95	96	97*	95	96	97*	95	96	97*	95	96	97*	
Queen Anne's County Sheriff													
Ridgely Police													
Rising Sun Police													
Riverdale Police													
Rock Hall Police													
Rockville Police													
Salisbury Police								1					
Seat Pleasant Police													
Smithsburg Police													
Snow Hill Police													
Somerset County Sheriff													
St. Mary's County Sheriff					1								
St. Michaels Police													
Sykesville Police													
Takoma Park Police													
Talbot County Sheriff													
Taneytown Police													
Thurmont Police													
UM, Baltimore Police													
UMBC Police													
UM, College Park Police													
UMES Police													
University Park Police													
Upper Marlboro Police													
Washington County Sheriff													
Westernport Police													
Westminster Police													
Wicomico County Sheriff													
Worcester County Sheriff													
Total	0	0	0	7	7	10	15	10	15	2	7	5	
Explanation of Penalties Reported as "Other"													
	<u>Agency</u>			<u>Recommendation</u>									
										1			
										1	1		
											1	1	
											1		
											1		
											3	1	
												2	
										Total	2	7	5

**Appendix D
Responses to Survey Questions 3-6**

Agency	Penalty Imposed by Chief								
	Recommended by Hearing Board			More Severe than Recommended			Less Severe than Recommended		
	1995	1996	1997 *	1995	1996	1997 *	1995	1996	1997 *
Aberdeen Police									
Allegany County Sheriff									
Annapolis Police		1	1						
Anne Arundel County Police	3	4	3						
Anne Arundel County Sheriff	3								
Baltimore City Housing Authority Police	2	3	3						
Baltimore City Police	15	9	3						
Baltimore City Public School Police									
Baltimore City Sheriff									
Baltimore County Police	11	17	6	1					
Baltimore County Sheriff	9	8	7						
Bel Air Police									
Berlin Police									
Berwyn Heights Police									
Bladensburg Police									
Brunswick Police									
Calvert County Sheriff									
Cambridge Police									
Capitol Heights Police									
Caroline County Sheriff									
Carroll County Sheriff	1	2							
Cecil County Sheriff									
Centreville Police									
Charles County Sheriff									
Chestertown Police									
Cheverly Police									
Chevy Chase Police									
Cottage City Police					1				
Crisfield Police									
Crofton Police									
Cumberland Police									
Delmar Police									
Denton Police									
District Heights Police									
Dorchester County Sheriff									
Easton Police									
Edmonston Police									
Elkton Police	1								
Federalburg Police									
Forest Heights Police									
Frederick City Police	1		1						
Frederick County Sheriff	1								
Frostburg Police									
Fruitland Police								1	

Appendix D
Responses to Survey Questions 3-6

Agency	Penalty Imposed by Chief								
	Recommended by Hearing Board			More Severe than Recommended			Less Severe than Recommended		
	1995	1996	1997 *	1995	1996	1997 *	1995	1996	1997 *
Gaithersburg Police									
Garrett County Sheriff		1							
Glenarden Police									
Goldsboro Police									
Greenbelt Police									
Greensboro Police									
Hagerstown Police									
Hampstead Police									
Hancock Police	1								
Harford County Sheriff**		1				1			
Havre de Grace Police									
Howard County Police	1	1	7		1	1			
Howard County Sheriff									
Hurlock Police									
Hyattsville Police									
Kent County Sheriff									
La Plata Police									
Landover Hills Police									
Laurel Police			1						
Lonaconing Police									
Luke Police									
Manchester Police									
MD Comptroller, Investigative Unit									
MD Department of State Police	16	9	4		1				
MNCPPC Police - Montgomery Division	1	2				1			
MNCPPC Police - Prince George's Division	2	2	1						
MD Natural Resources Police			1						
MD Port Administration Police	3		2						
MD Transportation Authority Police	2	2	3				1	1	
Mass Transit Administration Police	1	3			1		1		
Midland Police									
Montgomery County Police	5	1	2						
Montgomery County Sheriff									
Morningside Police									
Mount Rainier Police									
North East Police									
Oakland Police									
Ocean City Police	2						1		
Oxford Police									
Pocomoke City Police	1								
Preston Police									
Prince George's County Police	7	9	17		1	3		1	
Prince George's County Sheriff	1	3							
Princess Anne Police									

**Appendix D
Responses to Survey Questions 3-6**

Agency	Penalty Imposed by Chief								
	Recommended by Hearing Board			More Severe than Recommended			Less Severe than Recommended		
	1995	1996	1997 *	1995	1996	1997 *	1995	1996	1997 *
Queen Anne's County Sheriff	2	1							
Ridgely Police									
Rising Sun Police									
Riverdale Police									
Rock Hall Police									
Rockville Police									
Salisbury Police		1			1				
Seat Pleasant Police									
Smithsburg Police									
Snow Hill Police									
Somerset County Sheriff									
St. Mary's County Sheriff	4	7	7						
St. Michaels Police									
Sykesville Police					1				
Takoma Park Police									
Talbot County Sheriff									
Taneytown Police									
Thurmont Police									
UM, Baltimore Police									
UMBC Police	1								
UM, College Park Police									
UMES Police									
University Park Police									
Upper Marlboro Police									
Washington County Sheriff									
Westernport Police									
Westminster Police									
Wicomico County Sheriff									
Worcester County Sheriff									
Total	97	87	69	4	7	3	4	2	0

Notes:

- * 1997 data complete through early December.
- ** Reported cases include correctional officers.
- DNA = data not available
- LNA = LEOBR not applicable
- NR = no response

Appendix E
Cases in Which Chief Imposed Different Punishment than Recommended

<u>Agency</u>	<u>Hearing Year</u>	<u>Recommended Punishment</u>	<u>Punishment Imposed by Chief</u>	<u>Reason Given by Chief</u>
Baltimore Co. Police	1995	Three days loss of leave	10 days loss of leave	Lack of command responsibility by not stopping in process
Cottage City Police	1996	Five-day suspension	Dismissal	Prior incident/jury finding of malice by officer
Fruitland Police	1995	Dismissal	Allowed resignation	Unknown
Harford Co. Sheriff	1997	Reprimand	Demotion	Seriousness of offense and prior disciplinary action
Howard Co. Police	1996	One-day suspension	30-day suspension	Severity of offense
Howard Co. Police	1997	12-day suspension	Demotion	Severity of offense
Maryland Dept. of State Police	1996	Demotion	Termination	Severity of officer's actions. Trusted and senior position in Department
MNCPPC Police - Montgomery Div.	1997	\$6,000 fine, demotion, probation 100 hours community service; alcohol counseling	Termination	Severity of actions that resulted in charges

<u>Agency</u>	<u>Hearing Year</u>	<u>Recommended Punishment</u>	<u>Punishment Imposed by Chief</u>	<u>Reason Given by Chief</u>
Md. Transportation Authority Police	1995	Two-day suspension	Written reprimand	No justification noted
Md. Transportation Authority Police	1996	One-day suspension	Charges dismissed	No justification noted
Mass Transit Admin. Police	1995	20-day suspension	15-day suspension	Prosecutor's penalty request exceeded commander's directive
Mass Transit Admin. Police	1995	125-day suspension	Termination	Severity of offense
Ocean City Police	1995	Loss of 20 hours	Loss of 16 hours	Board equated two days to two patrol shifts of 10 hours for a total of 20 hours; chief decided that two days equals 16 hours.
Prince George's Co. Police	1995	Reduction in rank; prohibited from working part-time for six months.	Altered effective date of penalty imposition to run consecutive to (not concurrent with) existing penalty.	Previous discipline
Prince George's Co. Police	1996	Written reprimand	Forfeiture of 10 hours annual leave	Did not consider the disciplinary recommendation to be sufficient

<u>Agency</u>	<u>Hearing Year</u>	<u>Recommended Punishment</u>	<u>Punishment Imposed by Chief</u>	<u>Reason Given by Chief</u>
Prince George's Co. Police	1996	Prohibited from working part-time for two years; fined \$3,250 with \$1,250 suspended; made ineligible for promotional exam for two years	Prohibited from working part-time for six months; fined \$2,000; made ineligible for promotional exam for two years	Met with respondent and attorney and reconsidered intent to increase discipline
Prince George's Co. Police	1996	Fined \$4,000 with \$3,000 suspended; ineligible for promotional cycle until 1998; removed from personal car program for one year	Fined \$4,000, ineligible for promotional cycle until 1998; removed from personal car program for one year	Did not consider the disciplinary recommendation to be sufficient
Prince George's Co. Police	1996	Fined \$1,500 with \$500 suspended; reassignment; sensitivity training	Demotion in rank; reassignment; sensitivity training.	Did not consider the disciplinary recommendation to be sufficient
Salisbury Police	1996	Loss of one day of leave	Loss of two days of leave	Seriousness of offense
Sykesville Police	1995	Written reprimand	Dismissal	Discredit and impairment of agency

Appendix F
Responses to Survey Addendum

Agency	Number of Complaints Requiring Investigation			Number of Sustained Complaints			Number of Cases in Which Officer Accepted Discipline		
	1995	1996	1997 *	1995	1996	1997 *	1995	1996	1997 *
Aberdeen Police	DNA	DNA	5	DNA	DNA	1	DNA	DNA	1
Allegany County Sheriff	0	1	0	0	0	0	0	0	0
Annapolis Police	68	73	73	47	37	35	46	37	34
Anne Arundel County Police	141	174	161	88	95	61	85	91	58
Anne Arundel County Sheriff	5	10	8	5	4	6	5	4	6
Baltimore City Housing Authority Police	10	11	11	8	10	11	8	10	11
Baltimore City Police	1205	1132	1142	95	96	97	DNA	DNA	DNA
Baltimore City Public School Police	0	1	7	0	1	7	0	1	7
Baltimore City Sheriff	0	0	0	0	0	0	0	0	0
Baltimore County Police	190	193	157	95	96	50	DNA	DNA	DNA
Baltimore County Sheriff	54	31	50	15	8	13	13	8	6
Bel Air Police	0	0	1	0	0	1	0	0	1
Berlin Police	3	5	6	0	0	2	0	0	2
Berwyn Heights Police	0	2	0	0	1	0	0	1	0
Bladensburg Police	NR	NR	NR	NR	NR	NR	NR	NR	NR
Brunswick Police	3	3	4	1	0	1	1	0	1
Calvert County Sheriff	7	17	14	1	8	3	1	8	3
Cambridge Police	7	6	2	3	0	0	3	0	0
Capitol Heights Police	0	1	2	0	0	0	0	0	0
Caroline County Sheriff	2	3	3	1	2	2	1	2	2
Carroll County Sheriff	8	11	8	2	8	4	1	6	3
Cecil County Sheriff	0	3	2	0	0	0	0	0	1
Centreville Police **	1	2	2	1	1	0	1	1	0
Charles County Sheriff **	17	20	36	11	10	8	11	9	8
Chestertown Police	1	1	0	0	1	0	0	1	0
Cheverly Police	NR	NR	NR	NR	NR	NR	NR	NR	NR
Chevy Chase Police	2	3	0	2	3	0	0	2	0
Cottage City Police	1	0	1	1	0	0	0	0	0
Crisfield Police	NR	NR	NR	NR	NR	NR	NR	NR	NR
Crofton Police	0	0	0	0	0	0	0	0	0
Cumberland Police	2	4	2	2	3	2	NR	NR	NR
Delmar Police	0	0	0	0	0	0	0	0	0
Denton Police	0	7	2	0	4	0	0	4	0
District Heights Police	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA
Dorchester County Sheriff	0	0	0	0	0	0	0	0	0
Easton Police **	5	11	7	3	6	2	3	5	2
Edmonston Police	0	0	2	0	0	0	0	0	0
Elkton Police	5	19	10	2	15	2	2	15	2
Federalsburg Police	10	8	6	5	3	4	5	3	4
Forest Heights Police	NR	NR	NR	NR	NR	NR	NR	NR	NR
Frederick City Police	47	76	81	15	16	13	14	15	12
Frederick County Sheriff	21	24	27	10	13	9	10	13	9
Frostburg Police	1	0	0	0	0	0	0	0	0
Fruitland Police	9	4	4	9	4	3	8	4	3

**Appendix F
Responses to Survey Addendum**

Agency	Number of Complaints Requiring Investigation			Number of Sustained Complaints			Number of Cases in Which Officer Accepted Discipline		
	1995	1996	1997 *	1995	1996	1997 *	1995	1996	1997 *
Gaithersburg Police **	8	3	8	2	1	1	2	1	1
Garrett County Sheriff	2	1	3	2	1	3	2	1	3
Glenarden Police	0	0	0	0	0	0	0	0	0
Goldsboro Police	0	0	0	0	0	0	0	0	0
Greenbelt Police	2	3	4	0	0	1	0	0	1
Greensboro Police	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA
Hagerstown Police	76	95	67	17	14	21	NR	NR	NR
Hampstead Police	0	0	0	0	0	0	0	0	0
Hancock Police	1	0	0	1	0	0	0	0	0
Harford County Sheriff*** **	30	44	54	10	8	18	7	6	15
Havre de Grace Police	0	0	1	0	0	0	0	0	0
Howard County Police	187	192	178	46	70	58	44	65	55
Howard County Sheriff	NR	NR	NR	NR	NR	NR	NR	NR	NR
Hurlock Police	DNA	2	1	DNA	1	1	NR	NR	NR
Hyattsville Police	1	0	0	1	0	0	1	0	0
Kent County Sheriff **	1	2	4	0	1	1	0	1	0
La Plata Police	DNA	2	1	DNA	1	1	DNA	1	1
Landover Hills Police	1	1	1	0	0	0	0	0	0
Laurel Police	18	15	17	0	3	6	0	3	3
Lonaconing Police	NR	NR	NR	NR	NR	NR	NR	NR	NR
Luke Police	0	0	0	0	0	0	0	0	0
Manchester Police	0	0	0	0	0	0	0	0	0
MD Comptroller, Investigative Unit	0	0	0	0	0	0	0	0	0
MD Department of State Police	351	342	334	235	223	157	156	162	102
MNCPPC Police - Montgomery Division	15	28	26	9	13	10	8	12	9
MNCPPC Police - Prince George's Division	22	28	29	8	5	6	8	4	1
MD Natural Resources Police	17	13	18	DNA	DNA	9	DNA	DNA	7
MD Port Administration Police	24	15	24	20	6	14	20	9	10
MD Transportation Authority Police	53	61	28	26	30	18	6	7	2
Mass Transit Administration Police	63	52	75	38	20	4	18	9	1
Midland Police	0	0	0	0	0	0	0	0	0
Montgomery County Police	130	184	190	42	45	35	29	15	10
Montgomery County Sheriff	0	0	1	0	0	0	0	0	0
Morningside Police	NR	NR	NR	NR	NR	NR	NR	NR	NR
Mount Rainier Police	26	14	8	7	0	0	NR	0	0
North East Police	0	0	0	0	0	0	0	0	0
Oakland Police	NR	NR	NR	NR	NR	NR	NR	NR	NR
Ocean City Police	48	44	28	22	18	7	18	13	7
Oxford Police	NR	NR	NR	NR	NR	NR	NR	NR	NR
Pocomoke City Police	0	4	5	0	0	2	0	0	2
Preston Police	0	0	1	0	0	1	NR	NR	NR
Prince George's County Police	306	340	324	126	179	111	121	154	107
Prince George's County Sheriff	37	45	27	15	22	10	14	19	10
Princess Anne Police	0	1	0	0	0	0	0	0	0

Appendix F
Responses to Survey Addendum

Agency	Number of Complaints Requiring Investigation			Number of Sustained Complaints			Number of Cases in Which Officer Accepted Discipline		
	1995	1996	1997 *	1995	1996	1997 *	1995	1996	1997 *
Queen Anne's County Sheriff	5	1	3	4	1	2	2	0	2
Ridgely Police	0	0	0	0	0	0	0	0	0
Rising Sun Police	0	1	2	0	0	1	0	0	1
Riverdale Police	1	0	1	0	0	0	0	0	0
Rock Hall Police	0	0	0	0	0	0	0	0	0
Rockville Police	19	16	16	8	9	8	NR	NR	NR
Salisbury Police	24	25	15	7	11	3	7	9	3
Seat Pleasant Police	NR	NR	NR	NR	NR	NR	NR	NR	NR
Smithsburg Police	0	0	0	0	0	0	0	0	0
Snow Hill Police	0	4	1	0	0	0	0	0	0
Somerset County Sheriff	0	0	0	0	0	0	0	0	0
St. Mary's County Sheriff	7	9	11	4	7	7	4	7	7
St. Michaels Police **	5	13	1	4	13	1	4	13	0
Sykesville Police	2	1	0	1	0	0	0	0	0
Takoma Park Police **	10	26	19	1	6	1	1	1	0
Talbot County Sheriff	5	10	4	2	5	3	2	5	3
Taneytown Police	0	0	0	0	0	0	0	0	0
Thurmont Police	2	1	1	1	0	0	0	0	0
UM, Baltimore Police	17	7	22	10	6	14	7	6	14
UMBC Police	8	4	3	4	3	1	2	3	0
UM, College Park Police	16	10	19	3	3	3	3	3	3
UMES Police	NR	NR	NR	NR	NR	NR	NR	NR	NR
University Park Police	21	12	3	17	11	2	17	11	2
Upper Marlboro Police	0	1	4	0	0	0	0	0	0
Washington County Sheriff	11	14	8	1	0	2	1	0	1
Westernport Police	0	0	0	0	0	0	0	0	0
Westminster Police	4	0	1	4	0	1	NR	NR	NR
Wicomico County Sheriff **	6	4	6	1	1	0	0	1	0
Worcester County Sheriff	3	4	2	3	3	2	3	3	2
Total	3410	3550	3435	1124	1185	883	725	784	561

Notes:

*1997 data complete through early December.

** Some reported complaints were pending disposition.

***Reported cases include correctional officers.

DNA = data not available

NR = not reported