

# Rockville City Police Department

## GENERAL ORDER



<b>Subject</b> SUSPENSION PROCEDURES		<b>Procedure</b> G.O.#2-18
<b>Authorizing Signature</b> 	<b>Effective</b> 01-28-2020	<b>Total Pages</b> 6

### I. Background

Sworn officers of the Rockville City Police Department (RCPD) are granted powers beyond those of the public including the powers of arrest without a warrant and to use deadly force. In order to protect the general public and Rockville City Police Officers, the police powers of sworn officers may need to be suspended in special circumstances. It is the responsibility of the RCPD to ensure that officers maintain the highest level of physical, emotional and ethical readiness to perform their duties.

### II. Purpose

The purpose of this General Order is to establish the policies and procedures for the suspension and restoration of the police powers of sworn officers of the Rockville City Police Department.

### III. Policy

It is the policy of the Rockville City Police Department to suspend the police powers, law enforcement authority, of a sworn officer when deemed to be in the best interest of the public and RCPD. Every suspension shall be consistent with applicable laws, rules, regulations, the Law Enforcement Officers Bill of Rights (LEOBR), and related Rockville City Police General Orders.

### IV. Definitions

- A. **Administrative Leave** - Paid leave which can be granted by authority of the Police Chief or his designee if an officer has been removed from the performance of all police duties with no loss of salary or leave.
- B. **Disciplinary Suspension**- The temporary removal of an officer from duty, without pay, and as a final disciplinary action.
- C. **Emergency Suspension** - The temporary removal of an officer's law enforcement authority in connection with an allegation of misconduct or the investigation of an incident that may lead to an allegation of misconduct. This action is taken when it is believed to be in the best interest of

the public and the RCPD.

1. **With Pay**
    - a. Emergency suspension with pay may be imposed by the Chief of Police, when in the best interest of the public and the Department.
    - b. If an officer is suspended with pay, the Chief of Police will suspend the officer's police powers and reassign the officer to restricted duties or a no duty status on administrative leave.
    - c. Any officer so suspended shall be entitled to a prompt hearing.
  2. **Without Pay**
    - a. The Chief of Police may suspend an officer without pay if the officer has been charged the commission of a felony.
    - b. Any officer so suspended shall be entitled to a prompt hearing.
- D. **Medical Suspension** – The temporary removal of an officer's law enforcement authority for medical reasons when it is determined the officer is incapable of performing their duties as a result of their psychological or physiological being and determined by the Police Chief or designee to be in the best interest of RCPD, the involved employee and/or the public. The safety of the officer and others is of paramount importance in these situations. This is non-punitive in nature.
- E. **Administrative Suspension** - The temporary removal of an officer's law enforcement authority for administrative reasons when it is determined to be in the best interest of the of the officer and/or the department (e.g. failure to meet annual Maryland Police Training and Standards Commission requirements or extended approved leave without pay). This is non-punitive in nature.
- F. **Suspension Hearing** – An administrative hearing conducted to review the facts and circumstances leading to a officer's Emergency Suspension. This hearing is conducted by a member of the command staff appointed by the Police Chief and is subject to the procedures established by the LEOBR.
- G. **Full Duty**- Duty Status wherein an officer possesses all the police authorities, powers, privileges of a law enforcement officer and is expected to perform the entire range of assigned policing job duties and responsibilities.
- H. **Leave Without Pay**- Duty/pay status indicating that an officer has been granted leave in a non-pay status.
- I. **Limited Duty**- Duty/pay status indication that an officer, because of injury or illness or other temporary medical disability, is no longer medically certified to perform in a full duty status but has been medically certified as capable of performing certain types of limited police duties consistent with medical restrictions.

- J. **Restoration of Police Powers-** Process by which an officer's authority to enforce the laws, rules and regulations of the City of Rockville and the State of Maryland is returned to the officer following the cessation of a suspension of police powers made by an official of the RCPD.

V. Regulations

A. Suspension Authority

1. Sworn officials the rank of Lieutenant and above may suspend the police powers of an officer.
2. Whenever possible the suspending officials shall be at least one rank higher than the suspended officer or shall be an officer assigned to the Office of Professional Responsibility.
3. Sergeants and O.I.C. may utilize an emergency relief from duty as outlined in General Order 2-5 IX.

B. RCPD form titled Suspension of Police Powers form shall be prepared for each suspension.

- C. The police powers of sworn officers, whose alleged actions are of such a serious nature that suspension, appears to be in the best interest of the public and the RCPD. Examples of reasons to suspend an officer include, but ARE NOT limited to:

1. Violations of criminal law;
2. Serious traffic violations;
3. A respondent in a protective order;
4. Under the influence of alcohol or other substance while on-duty;
5. Other disciplinary matters that may result in termination of employment and
6. The best interest of the public, officer or Department.

- D. When a physician/medical doctor determines that an officer's medical or behavioral health condition prevents the officer from carrying his/her service weapon, the officer may be placed on Sick Leave, Limited Duty, or Limited Duty/Non-Contact status, and his/her police powers suspended or placed in a non-officer status as appropriate by an official the rank of Lieutenant and above.

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- E. Suspended officers shall not wear or carry any portion of their uniform or equipment during the suspension period.

- F. Officers are not authorized to carry any firearm as a law enforcement officer while suspended from duty or while the officer's police powers are suspended.
- G. Whenever officers are on pay status while their police powers are suspended, and there are any cases pending before court or an administrative agency related to police duties, the officer has the responsibility as a witness until such cases are adjudicated. The officer shall be compensated in accordance with RCPD policy.
- H. Suspended officers on Administrative Leave shall be placed on an administrative schedule and be available between 0800 and 1600 hours Monday through Friday excluding holidays. If the officer is unavailable or out of the area during these times the officer must request annual or compensatory leave and receive approval as outlined in General Order 5-11 (Leave Policy).
  - 1. The officer must be immediately accessible to the Department during the delineated administrative schedule. This requirement will be met if the officer is able to report to the RCPD station within one hour of notification.
  - 2. The officer must provide their supervisor or designated official with a phone number or other means of immediate contact.
- I. Restoration Authority
  - 1. Only the Chief of Police or designee may authorize the restoration of police powers of suspended officers.
  - 2. Sworn members the rank of Lieutenant and above may restore the police powers of officers when authorized to do so by the Chief of Police.
- N. Suspended officers returning to full duty following an absence of more than ninety (90) days shall be required to requalify with their service weapon and any off-duty weapon.

## VI. PROCEDURAL GUIDELINES

- A. Duty of Suspending Official
  - 1. The suspending official shall initiate the suspension process by completing the Suspension of Police Powers form. The form will include the suspended officers full name, rank, assignment, date and time of suspension and contact number.
  - 2. The suspending official shall ensure the officer understands the administrative schedule and need for the employee to be immediately accessible to the Department as detailed in V. H.

General Order 2-18  
Suspension Procedures

3. The suspending official shall ensure the officer reads and understands the Suspension of Police Powers form including that the officer is not authorized to carry any authorized on-duty or off-duty weapon.
4. The suspending official and a second officer shall witness the signing and dating of the Suspension of Police Powers form. The suspending official shall clearly record the date and time of the notification on the form.
5. The suspending official shall then document the police equipment to be surrendered.
6. Any officer placed on emergency suspension will be ordered to appear for a suspension hearing as outlined (G.O. 2-6).
7. The suspending official shall use the Suspension of Police Powers form to document obtaining the equipment that shall be surrendered for all suspensions as follows:
  - a. Service Pistol, Issued Rifle, Issued Shotgun and all Magazines
  - b. Electronic Control Device
  - c. Badge, ID card/folder
  - d. Police Radio
  - e. ASP
  - f. Aerosol chemical spray dispenser
  - g. All RCPD-issued telecommunications devices
  - h. The officer's assigned vehicle and vehicle keys
8. Officers in a non-pay status for more than thirty (30) days shall surrender the items of equipment listed in section (VI, A-7) to also include all department issued uniform items, and bio-chemical gear.

**B. Duty of Restoration Official**

1. When an official has been directed to restore police powers of an officer, the restoring official shall, enter the restoration information on the Restoration of Police Powers form. When necessary a supplemental form may be used.
2. The restoring official and witnessing official shall sign the Suspension/Restoration of Police Powers form and verify that all equipment listed on the original form has been returned to the officer. A copy of the original form shall be returned to the officers personnel file.

C. Roles and Responsibilities

1. Officers are responsible for ensuring they understand the requirements and restrictions related to the suspension and restoration of police powers and complying with this order.
2. Command Officials are responsible for suspending and restoring police powers and ensuring that the required items of equipment are surrendered or returned in a timely manner and properly documented.
3. The Chief of Police will provide guidance, upon request, on suspension and restoration matters and the appropriate duty/pay status of officers to be suspended based on conduct.



# ROCKVILLE CITY POLICE DEPARTMENT

## Suspension of Police Powers

To: \_\_\_\_\_

From: \_\_\_\_\_

Subject: Suspension of Police Powers

Date: \_\_\_\_\_

Pursuant to department policy, you are hereby notified that effective \_\_\_\_\_ your powers as a Rockville City Police Officer are Suspended. Understand that because of the Suspension you will not have the authority to make an arrest or perform any duty requiring the exercise of police powers; your authority to carry a service weapon/off duty weapon and your privilege to engage in any outside/secondary law enforcement employment is suspended. You are directed to immediately relinquish to the official serving this notice, the following issued equipment:

- |     |  |               |                     |
|-----|--|---------------|---------------------|
| 1.  | Credentials Relinquished (Badge and ID Card) | Yes           | No                  |
| 2.  | Body Armor                                   | Serial Number | _____               |
| 3.  | Flashlight                                   | Serial Number | _____               |
| 4.  | Taser  | Serial Number | _____               |
| 5.  | Patrol Vehicle/ PPV                          | Serial Number | _____               |
| 6.  | Portable Radio                               | Serial Number | _____               |
| 7.  | Firearm                                      | Handgun       | Serial Number _____ |
|     |  | Rifle         | Serial Number _____ |
|     |  | Shotgun       | Serial Number _____ |
| 8.  | ASP  | Serial Number | _____               |
| 9.  | OC Spray                                     | Serial Number | _____               |
| 10. | Department Cell Phone                        | Serial Number | _____               |
| 11. | Other  | Serial Number | _____               |

\_\_\_\_\_  
Officers Signature/Date/Time

\_\_\_\_\_  
Serving Officers Signature/Date/Time

\_\_\_\_\_  
Witness Officers Signature/Date/Time

A copy of this completed form will be placed in your personnel file

RCPD Form 247



## ROCKVILLE CITY POLICE DEPARTMENT Restoration of Police Powers

To: \_\_\_\_\_

From: \_\_\_\_\_

Subject: Restoration of Police Powers

Date: \_\_\_\_\_

Pursuant to department policy, you are hereby notified that effective \_\_\_\_\_ your powers as a Rockville City Police Officer are Restored. Understand that because of the restoration you will have the authority to make an arrest or perform any duty requiring the exercise of police powers; your authority to carry a service weapon/off duty weapon and your privilege to engage in any outside/secondary law enforcement employment is fully restored. The official serving this notice, will ensure the following issued equipment is returned:

- | 1. Credentials Relinquished (Badge and ID Card) | Yes                 | No                  |
|---|---------------------|---------------------|
| 2. Body Armor                                   | Serial Number _____ |                     |
| 3. Flashlight                                   | Serial Number _____ |                     |
| 4. Taser  | Serial Number _____ |                     |
| 5. Patrol Vehicle/ PPV                          | Serial Number _____ |                     |
| 6. Portable Radio                               | Serial Number _____ |                     |
| 7. Firearm                                      | Handgun             | Serial Number _____ |
|   | Rifle               | Serial Number _____ |
|   | Shotgun             | Serial Number _____ |
| 8. ASP  | Serial Number _____ |                     |
| 9. OC Spray                                     | Serial Number _____ |                     |
| 10. Department Cell Phone                       | Serial Number _____ |                     |
| 11. Other                                       | Serial Number _____ |                     |

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Officers Signature/Date/Time

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Serving Officers Signature/Date/Time

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Witness Officers Signature/Date/Time

A copy of this completed form will be placed in your personnel file

RCPD Form 248





## ROCKVILLE CITY POLICE DEPARTMENT Administrative Leave

TO: \_\_\_\_\_

FROM: \_\_\_\_\_

SUBJECT: Administrative Leave

DATE: \_\_\_\_\_

In compliance with RCPD General Order #X-XX, you are hereby notified that you are being immediately placed on administrative leave. This action is not punitive. The following information is provided to ensure that you understand the reason for this action, your rights and responsibilities.

1. Reason: \_\_\_\_\_  
\_\_\_\_\_

2. Suspended officers on Administrative Leave shall be placed on an administrative schedule and be available between 0800 and 1600 hours Monday through Friday excluding holidays. If the officer is unavailable or out of the area during these times the officer must request annual or compensatory leave and receive approval as outlined in General Order 5-11 (Leave Policy).

- The officer must be immediately accessible to the Department during the delineated administrative schedule. This requirement will be met if the officer is able to report to the RCPD station within one hour of notification.
- The officer must provide their supervisor or designated official with a phone number or other means of immediate contact.

3. Effective \_\_\_\_\_, and until further notice, your administrative leave "work schedule" will be Monday – Friday, 0800 to 1600 hours.

\_\_\_\_\_  
Officers Signature/Date/Time

\_\_\_\_\_  
Serving Officers Signature/Date/Time

\_\_\_\_\_  
Witness Officers Signature/Date/Time  
A copy of this completed form will be placed in your personnel file