

# TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



	TITLE: <b>DISCRIMINATION, HARASSMENT and/or RETALIATION</b>	NUMBER: <b>655</b>
	EFFECTIVE DATE: <b>July 5, 2012</b>	REVIEW DATE:
	New    X Amends    Rescinds	General Order 655, dated April 23, 2002
AUTHORITY: <b>Chief Ronald A. Ricucci</b>	ACCREDITATION STANDARDS: <b>26.1.3</b>	TOTAL PAGES: <b>3</b>

**01 Purpose:** To provide guidelines to department personnel on what constitutes discrimination, harassment, and retaliation; to establish reporting requirements and processes for these behaviors; and to prevent such behaviors in the work place and in dealings with the community.

**02 Policy:**

**A.** It is departmental policy to provide an environment for employees that are free of discrimination, harassment, and/or retaliation of any kind, and to ensure equal treatment is given to all persons, regardless of race, color, age, ethnicity, national origin, sex, disability, sexual orientation, religion, marital status, political/union affiliation, or any other characteristic protected by law.

**B.** Discrimination, harassment, and/or retaliation by a specific act or omission, by or against any employee of the Department will not be tolerated or permitted.

**03 Reference:** City of Takoma Park Administrative Regulation No. 01-1 is the city policy statement on discrimination, harassment, and retaliation. The Administrative Regulations Manual is available for review in the Policy & Research Office.

**04 Definitions:** Refer to Administrative Regulation No. 01-1 for definitions.

**05 General Responsibilities:** Department administrators, managers and supervisors will take the appropriate administrative or disciplinary action to ensure an environment free of discrimination, harassment, and retaliation. This procedure covers a wide spectrum of behavior, some of which includes casual remarks or activities which Department employees may not realize are offensive.

**A.** Employees who find casual remarks or other behavior offensive are strongly encouraged to put the offending employee on notice that such activity is offensive. If the offended employee feels uncomfortable confronting the offending employee, he/she should contact a supervisor, following guidelines in Section **06**.

**B.** Condoning or “brushing off” offensive behavior may result in confusion and misunderstanding among employees when the behavior is ultimately reported; thus, supervisors are responsible for responding to complaints seriously and promptly.

**06 Reporting Process:** Should any employee feel that he/she has been subject to discrimination, harassment, or retaliation; the employee may undertake one or more of the following steps:

**A.** Tell the person that his/her actions are unwelcome and offensive and document all incidents in order to provide the fullest basis for investigation.

**B.** Report the incident to his/her supervisor or any higher supervisor as soon as possible. The supervisor will inform the Chief of Police.

**C.** Report the matter to the Chief of Police, Assistant City Manager, or the City Manager.

**D.** Employees may report the matter to the Montgomery County Human Rights Commission, the Equal Employment Opportunity Commission, the Department of Justice, the Maryland Human Rights Commission, or other appropriate agency/body.

**E.** File a grievance. Note: If the grievance involves an alleged EEO violation, it will be reported and processed under this General Order.

**F.** Residents alleging discrimination, harassment, or retaliation by a department member or members may use the Citizen Complaint Procedure (G.O.635) as well as means enumerated in **C** and/or **D** above.

**07 Investigation of Complaints:** The department's Professional Standards Manager is responsible for the conduct of investigations of complaints alleging discrimination, harassment, or retaliation. The departmental investigator(s) may be assisted by the City's EEO representative.

**A.** Anonymous complaints of discrimination, harassment, or retaliation submitted by private individuals will receive the same attention and investigation, as would any other complaint; however, complaints made by department employees must be in writing.

**B.** The person receiving the complaint will meet with the complainant immediately and ensure that the alleged incident(s) is/are documented carefully.

**C.** Any person receiving a complaint of this nature will ensure the Professional Standards Manager is advised and provided a copy of the complaint immediately. If the complaint is oral, the receiving individual will summarize the complaint in writing.

**D.** If any complaint alleges criminal activity, the State's Attorney's office will be consulted by the Professional Standards Manager.

**E.** The Professional Standards Manager will coordinate preparation of a Complaint Investigation Plan. The Professional Standards Manager will advise and oversee the investigation process through disposition.

**F.** The department, in cooperation with the City's EEO representative, will advise Department of Justice/Office of Justice Programs that a complaint has been made.

**G.** The investigation will seek to determine whether other employees are being harassed or discriminated against by the person, and whether other Department employees participated in or encouraged the harassment or discrimination. The investigative report will contain, at a minimum:

- 1) Documented interviews with all known victims, witnesses and the accused;
- 2) Report of the investigation;
- 3) Findings of fact, referencing any violations of rules or procedures.

**H.** The investigative file will be maintained/retained by the Professional Standards Manager for central filing, following the administration of any discipline or other decision on outcome. Each January, the Chief will receive an annual summary of such complaints, for the previous calendar year, from the Professional Standards Manager.

**08 Outcome:** The Chief will inform the involved parties of the outcome of any investigation under this General Order.

**A.** Discipline to be administered shall be the responsibility of the Chief of Police, unless he/she is the accused; then it shall be the responsibility of the City Manager.

**B.** Department member complainants may file a grievance/appeal in accordance with the City Code and Department procedures if they disagree with the disposition of a discrimination, harassment, or retaliation claim.

**09 Retaliation Prohibited:** There will be no retaliation against any employee or City resident for filing a harassment or discrimination complaint, nor will there be retaliation against any person connected with the investigation of such a complaint.