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Sheriff

HARFORD COUNTY SHERIFF'S OFFICE PERSONNEL POLICY

Office of Professional Standards Notifications & Investigations

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1. Purpose

To describe the notification and investigation procedures for the Office of Professional Standards (OPS).

2. Policy

OPS will be the central repository for all internal investigations involving Agency members and must be notified in certain situations.

3. Procedures

A. Notifications

1. OPS will be notified immediately when:

- a. A member shoots an individual or has been shot;
- b. A member is involved in an incident that results in the death of a civilian or the civilian has incurred injuries from a member that are likely to result in the death of the civilian;
- c. A member is charged with a criminal offense;
- d. An allegation of criminal activity is directed at a member warranting a police investigation, regardless of jurisdiction of occurrence;
- e. A member's weapon is discharged other than at the range or the killing of a dangerous or injured animal;
- f. A member is found driving a Harford County Sheriff's Office (HCSO) or HCSO owned, leased, or rented vehicle while under the influence of alcohol or a controlled dangerous substance, or both;
- g. A member has been served with an ex parte protective order or is the respondent in a non-ex parte protective order;
- h. A member is involved in a departmental (i.e., HCSO owned, rented, or leased vehicle) collision resulting in a fatality; or

- i. A member commits any act of serious misconduct warranting an immediate investigation.
2. Upon being notified of any of the incidents listed above, the on-call OPS investigator will immediately notify the Sheriff through the Investigative Services Bureau Chief.
3. The Investigative Services Bureau Chief will brief the Sheriff on open cases routinely.
4. After business hours, OPS can be notified through the on-call roster on the shared directory or the Investigative Services Bureau Chief.

B. Investigations

1. Generally, OPS will conduct administrative investigations when the following exists:
 - a. There are allegations of sexual harassment or discrimination;
 - b. Protective Orders;
 - c. Allegations of domestic violence;
 - d. Arrests/investigations of employees for violations of criminal and/or motor vehicle laws;
 - e. Allegations of sexual or racial misconduct;
 - f. Civil liability suits against members of the HCSO;
 - g. Allegations of corruption;
 - h. Allegations of gross misconduct;
 - i. Allegations of the use of excessive force/brutality;
 - j. Incidents involving the use of deadly force (including shootings and any accidental or unintentional discharge of firearms). OPS will determine if the member complied with HCSO policy;
 - k. Incidents that result in the death of a civilian or serious injury that is likely to result in the death of a civilian;
 - l. Allegations of misconduct against deputies by an allied agency;
 - m. All other administrative investigations that may be assigned by the Sheriff; or when
 - n. A member is involved in a department collision resulting in a fatality.
2. The OPS reserves the right to assume case responsibility for any complaint or investigation.

3. Upon receipt of a complaint, the Investigative Services Bureau Chief or his designee will contact the complainant by letter within 72 hours to advise that the complaint has been received and will be reviewed. A copy of the letter will be filed with the investigation.
4. At the conclusion of an administrative investigation, the OPS investigator will make factual recommendations in writing as to whether the complaint is sustained, non-sustained, or unfounded.
5. Once a complaint or internal investigation has been closed and/or completed, the Investigative Services Bureau Chief or his designee will contact the complainant by letter within 72 hours after final disposition has been made, and to each member accused, advising the outcome of the complaint. A copy of the letter will be filed with the investigation.

C. Records and Files

1. A "Complaint Against Personnel" master file for each member will be securely and confidentially maintained by OPS.
2. The master file is available for review only to the involved member, the commander who supervises the member's work, and the Harford County Law Department or the Maryland Office of the Attorney General.
3. The Correctional Officers' Bill of Rights (COBR) provides for the expungement of any record of formal complaint if the sworn correctional member has been exonerated on all charges or if the charges are non-sustained or unfounded and three years have passed since the findings were rendered by the HCSO.
4. OPS will periodically review its records and without request from the sworn member, expunge a formal complaint or other material pursuant to the COBR.
5. Expunged files may be sent to the State Records Management Center and can only be retrieved by the Sheriff, the Chief Deputy, the Harford County Law Department, or the Assistant Attorney General representing the HCSO.
6. All original reports and recordings related to internal investigations will be forwarded to OPS for filing.
7. OPS will maintain the integrity and confidentiality of all internal investigations and records.

D. Office of Professional Standards Tracking Number

1. Upon receiving any citizen complaint, commanders will obtain a tracking number from OPS.
2. Commanders will report dispositions in writing directly to OPS when an incident is determined to be unfounded or non-sustained.
3. Commanders will report sustained cases resulting in non-disciplinary personnel counseling to OPS via a Memorandum ([SO-212](#)) so that the tracking number can be closed.

4. Sustained cases resulting in Alternative Disciplinary Procedure, summary punishment, hearing board, or waiver of a hearing board will be reported to OPS via a Memorandum ([SO-212](#)) at the conclusion of the proceeding.
5. OPS will record all dispositions in the tracking number database.

E. OPS Offices

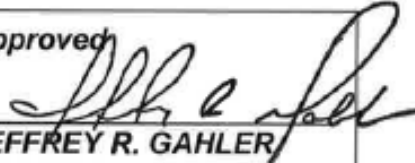
1. OPS investigators are assigned to a single office that is centrally located to provide support and assistance to commanders, supervisors, and employees.

F. Annual Analysis of Complaints Against Personnel

1. Annually, the OPS Commander will prepare a summary report of all complaints against personnel that were investigated during the previous calendar year that includes the data elements required by the Maryland Police Training and Standards Commission (MPTSC).
2. The report will be forwarded annually by way of the chain of command to the Sheriff.
3. A summary of the prior year's cases will be included in the HCSO Annual Report.
4. No persons who are the subject of any complaint or disciplinary action will be identified.

G. Statutory Reporting

1. Annually, the OPS Commander will report to the MPTSC the following, in accordance with Maryland Code in the format provided:
 - a. Serious law enforcement deputy involved incidents;
 - b. The number of deputies disciplined; and
 - c. The type of discipline administered to those deputies.

Approved

JEFFREY R. GAHLER
SHERIFF
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