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Sheriff

HARFORD COUNTY SHERIFF'S OFFICE PERSONNEL POLICY

Complaints Against Law Enforcement Deputies

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1. Purpose

To provide personnel of the Harford County Sheriff's Office (HCSO) with guidance for handling complaints of misconduct against Law Enforcement Deputies.

2. Policy

The HCSO will strive to ensure the highest level of integrity is achieved and maintained by properly receiving and investigating all complaints against Law Enforcement Deputies in a thorough, fair, and expeditious manner.

3. Definitions

ADMINISTRATIVELY CHARGED: means that a law enforcement deputy has been formally accused of misconduct in an administrative proceeding.

DISCIPLINARY MATRIX: means a written, consistent, progressive, and transparent tool or rubric that provides ranges of disciplinary actions for different types of misconduct.

EXONERATED: means that a law enforcement deputy acted in accordance with the law and Agency policy.

NOT ADMINISTRATIVELY CHARGED: means that a determination has been made not to administratively charge a law enforcement deputy in connection with alleged misconduct.

POLICE MISCONDUCT: means a pattern, a practice, or conduct by a law enforcement deputy or law enforcement agency that includes:

- Depriving persons of rights protected by the constitution or laws of the State or the United States;
- A violation of a criminal statute; and
- A violation of law enforcement agency standards and policies.

SERIOUS PHYSICAL INJURY: has the meaning stated in § 3-201 of the Criminal Law Article.

UNFOUNDED: means that the allegations against a law enforcement deputy are not supported by fact.

4. Reference

Maryland Code, Public Safety Article, Section 3, 101-114

5. Procedure

A. Complaint of Law Enforcement Deputy Misconduct from the Public

1. A complaint of misconduct against a law enforcement deputy may be filed by a complainant with the HCSO or the Harford County Police Accountability Board (PAB) and will include:
 - a. The name of the deputy accused of the misconduct;
 - b. A description of the facts on which the complaint is based; and
 - c. Contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.
2. A complaint need not be notarized.
3. A complaint of law enforcement deputy misconduct filed with a PAB will be forwarded to the HCSO within three days after receipt by the board.
4. A law enforcement deputy, who is the subject of a complaint of police misconduct, and a complainant may have the assistance of a representative in connection with the proceedings.

B. Review of Complaints

1. An investigating unit of the HCSO will immediately review a complaint by a member of the public alleging law enforcement deputy misconduct.
2. An Administrative Charging Committee (ACC) will review and make a determination or ask for further review within 30 days after completion of the investigating unit's review.
3. The process of review by the investigating unit through disposition by the ACC will be completed within one year and one day after the filing of a complaint by a citizen.

C. Administrative Charging Committee

1. Harford County will have one administrative charging committee (ACC) to serve the HCSO and local law enforcement agencies within the County.
2. On completion of an investigation of a complaint of police misconduct involving a member of the public and a LE deputy, regardless of whether the complaint originated from within the HCSO or from an external source, the HCSO will forward to the ACC the investigatory files for the matter.
3. The investigatory files will be accompanied by a recommendation of penalty by the HCSO Chief Deputy.
4. The ACC will:
 - a. Review the findings of the HCSO investigation conducted and forwarded in accordance with subsection C.2 of this section;

- b. Make a determination that the deputy who is subject to investigation will be:
 - i. Administratively charged; or
 - ii. Not administratively charged;
 - c. If the deputy is charged, recommend discipline in accordance with the HCSO disciplinary matrix established in accordance with Section 5.D. below;
 - d. Review any camera footage (body worn, in-car, or other) that may be relevant to the matters covered in the complaint of misconduct;
 - e. Authorize a deputy called to appear before an ACC to be accompanied by a representative;
 - f. Issue a written opinion describing in detail its findings, determinations, and recommendations; and
 - g. Forward the written opinion to the Sheriff, the law enforcement deputy, and the complainant.
5. In executing its duties an ACC may:
- a. Request in writing information or action from the HCSO including requiring additional investigation and the issuance of subpoenas;
 - b. If the law enforcement deputy is not administratively charged, make a determination that:
 - i. The allegations against the law enforcement deputy are unfounded; or
 - ii. The law enforcement deputy is exonerated; and
 - c. Record, in writing, any failure of supervision that caused or contributed to a law enforcement deputy misconduct.

D. Model Uniform Disciplinary Matrix

- 1. The HCSO will adopt the uniform State disciplinary matrix developed by the Maryland Police Training and Standards Commission.
 - a. Within 15 days after the ACC issues an administrative charge against a law enforcement deputy, the Sheriff will offer discipline to the law enforcement deputy who has been administratively charged in accordance with the disciplinary matrix.
 - b. The Sheriff may offer the same discipline that was recommended by the ACC or a higher degree of discipline within the applicable range of the disciplinary matrix, but may not deviate below the discipline recommended by the ACC.
 - c. If the law enforcement deputy accepts the Sheriff's offer of discipline, then the offered discipline will be imposed.

- d. If the law enforcement deputy does not accept the Sheriff's offer of discipline, then the matter will be referred to a trial board in accordance with HCSO policy PER 0212.

E. Termination of Employment

1. The Sheriff will terminate the employment of a law enforcement deputy who is convicted of a felony.
2. The Sheriff may terminate the employment of a law enforcement deputy who:
 - a. Receives a probation before judgment for a felony; or
 - b. Is convicted of:
 - i. A misdemeanor committed in the performance of duties as a law enforcement deputy;
 - ii. Misdemeanor second degree assault; or
 - iii. A misdemeanor involving dishonesty, fraud, theft, or misrepresentation.

F. Required Tests

1. In connection with a disciplinary matter under this section, a law enforcement deputy may be required to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations, or interrogations that specifically relate to the subject matter of the investigation.
2. If a law enforcement deputy is required to submit to a test, examination, or interrogation under paragraph F.1. of this section and the law enforcement deputy refuses to do so, the HCSO may commence an action that may lead to a punitive measure as a result of the refusal.
3. If a law enforcement deputy is required to submit to a test, examination, or interrogation under paragraph F.1. of this section, the results of the test, examination, or interrogation are not admissible or discoverable in a criminal proceeding against the law enforcement deputy.
4. If a law enforcement deputy is required to submit to a polygraph examination under paragraph F.1. of this section, the results of the polygraph examination are not admissible or discoverable in a criminal or civil proceeding against the law enforcement deputy.

G. Rights to Disclose Information

1. A law enforcement deputy may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against or threatened in regard to the law enforcement deputy's employment because the deputy:
 - a. Disclosed information that evidences:
 - i. Mismanagement;
 - ii. A waste of government resources;

- iii. A danger to public health or safety; or
- iv. A violation of law or policy committed by another police officer.

b. Lawfully exercised constitutional rights.

2. A law enforcement deputy may not be denied the right to bring suit arising out of the deputy's official duties.

H. Secondary Employment

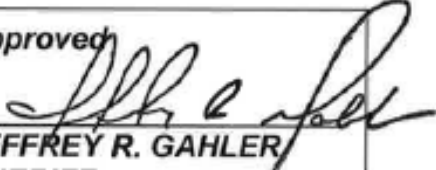
- 1. A law enforcement deputy has the same rights to engage in political activity as a state employee; however, the right does not apply when the law enforcement deputy is on duty or acting in an official capacity.
- 2. The HCSO may not prohibit secondary employment by law enforcement deputies; however, the Agency may adopt reasonable regulations that relate to secondary employment by law enforcement deputies.

I. Collective Bargaining

- 1. The HCSO may not negate or alter any of the requirements of the Public Safety Article, Section 3.

J. Expungement of Records

- 1. A record relating to an administrative or criminal investigation of misconduct by a law enforcement deputy, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, may not be:
 - a. Expunged; or
 - b. Destroyed by the HCSO.

Approved

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SHERIFF
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