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# HARFORD COUNTY SHERIFF'S OFFICE PERSONNEL POLICY

## Emergency Suspension of Law Enforcement Powers

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### 1. Purpose

To describe the procedures to be followed when it becomes necessary to perform an emergency suspension of a Law Enforcement Deputy's police powers.

### 2. Policy

The Harford County Sheriff's Office (HCSO) may suspend a deputy's police powers when deemed to be in the best interest of the public and the HCSO. The process will be in accordance with the Maryland Code Annotated, Public Safety Article, Title 3, subtitle 1 the Police Accountability Act, and the HCSO Policy PER 0213, the Harford County Sheriff's Office Accountability Process.

### 3. Definitions

**EMERGENCY SUSPENSION:** suspension of a deputy's police powers when deemed to be in the best interest of the public and the HCSO.

### 4. Procedures

#### A. General Provisions

1. Pending an investigatory, administrative charging committee, and trial board process, the Sheriff may impose an emergency suspension with or without pay if the Sheriff determines that such a suspension is in the best interest of the public.
2. An emergency suspension without pay under this subsection may not exceed 30 days.
3. Upon written request, a law enforcement deputy who is suspended without pay under this section is entitled to receive back pay if an Administrating Charging Committee (ACC) determines not to administratively charge the law enforcement deputy in connection with the matter on which the suspension is based.
4. The Sheriff or designee may suspend a law enforcement deputy without pay and suspend the law enforcement deputy's police powers on an emergency basis if the law enforcement deputy is charged with:
  - a. A disqualifying crime, as defined in Maryland Code, Public Safety § 5-101;

- b. A misdemeanor committed in the performance of duties as a law enforcement deputy; or
  - c. A misdemeanor involving dishonesty, fraud, theft, or misrepresentation.
5. Upon written request, a law enforcement deputy who was suspended without pay under this subsection is entitled to receive back pay if the criminal charge or charges against the law enforcement deputy result in:
- a. A finding of not guilty;
  - b. An acquittal;
  - c. A dismissal; or
  - d. A nolle prosequi.
6. An emergency suspension of the police powers of a deputy may be imposed by a supervisor of a higher rank than the suspended deputy, and at least the rank of Sergeant.
7. Notification of the emergency suspension will be immediately made to the Precinct/Division Commander.
8. An emergency suspension should be imposed when the deputy:
- a. Is the respondent to a temporary ex parte' or protective order, whether or not the issuing authority prohibits the deputy from possessing a firearm;
  - b. Is accused of a criminal offense and a charging document has been issued by a court or the issuance of a charging document is imminent;
  - c. Has been charged with a serious traffic offense that calls for a period of incarceration;
  - d. Is accused of a Category "F" offense which may result in a termination of his employment;
  - e. Is presented with a Notification of Administrative Charges (IA-009) charging them with a violation of a Category "F" offense, and after review by the Chief Deputy, the recommended penalty would be termination of employment; or
  - f. Fails to obey a lawful order dealing with submitting to an interrogation, interview, polygraph, medical test, chemical test, blood test, photographs, or line up.
9. An emergency suspension may be imposed in any other instance where a suspension of police powers would be in the best interest of the HCSO and the public.
10. Concurrence of the Sheriff or his designee will be obtained as soon as possible.
11. The commander of an employee with suspended police powers will retain custody of the employee's issued:
- a. Firearms, magazines, ammunition, baton, OC spray and taser;

- i. Exception: if, at the Suspension Review, the suspension is upheld by the Chief Deputy, and will last longer than five days, all firearms, magazines, and ammunition will be returned to the Range Master for storage.
  - b. Badges, identification card, and Maryland Police Training Standards Commission (MPTSC) officer certification card;
  - c. Keys and access proximity card;
  - d. Laptop, cellphone, and any other IT equipment;
  - e. Portable radio and MDC;
  - f. Vehicle/keys; and
  - g. Any other HCSO equipment requested by the Division Commander.
- 12. The commander of an employee with suspended police powers will, upon service of the suspension paperwork, email the "Suspended Employee" email notification group the name, current assignment, and effective date of the suspension of the deputy being suspended.
- 13. Emergency suspension without pay may be imposed when the deputy has been charged with a felony.
- 14. A suspended deputy will not exercise his police powers until those powers have been restored by the Sheriff.
- 15. Probationary deputies are not entitled to an emergency suspension review except in the case of brutality.
- 16. Concerns about a deputy's ability to perform essential job functions, due to physical or psychological reasons, will be referred to the Human Resources Director, by way of chain of command.
  - a. When a deputy is suspended due to physical or psychological reasons at the advice of a Medical Consultant or the Human Resources Director:
    - i. An Administrative Leave Suspension Report (Form SO-401) will be completed; and
    - ii. The deputy will be advised there is no entitlement to an emergency suspension review.

**B. Process**

- 1. A suspended deputy's Division Commander will:
  - a. Ensure contact is made with the Office of Professional Standards (OPS);
  - b. Ensure a Notification of Emergency Suspension (SO-029) is completed and promptly emailed to OPS indicating;
    - i. Whether the suspension is with or without pay;

- ii. Date, time, and location of emergency suspension review;
  - iii. When the suspended deputy is to appear for a review; and
  - c. Will be the presenter of facts, or will designate a presenter of facts, at the emergency suspension review.
2. A suspended deputy may waive the review by signing the Waiver of Review portion of the Notification of Emergency Suspension (SO-029).

C. Emergency Suspension Review (ESR)

- 1. The Chief Deputy will promptly conduct an emergency suspension review or may delegate the authority to conduct the review to an HCSO commissioned officer.
- 2. The ESR will convene on the first working day following the suspension from duty, exclusive of weekends and holidays; unless the time limit is extended by mutual agreement of the ESR Chairperson and the suspended deputy.
- 3. The ESR will limit the scope of the review and determine if the continuation of the suspension is necessary to protect the public interest or the HCSO; only matters dealing with the disposition of the suspension will be heard.
- 4. During an Emergency Suspension Review, a suspended deputy may:
  - a. Be accompanied by a representative;
  - b. Rebut the reason(s) for the initial suspension;
  - c. Present mitigating testimony; and
  - d. Suggest alternatives to suspension.
- 5. The presenter of facts will:
  - a. Present reason(s) for the initial suspension;
  - b. Make recommendations concerning the deputy's leave status and temporary assignment during the period of suspension; and
  - c. Recommend a final disposition on the suspension.

D. Emergency Suspension Review Officer will:

- 1. Ensure the review is recorded and the recordings are forwarded to the OPS;
- 2. Advise the suspended deputy of the outcome of the suspension review;
- 3. Instruct a deputy who is suspended with pay and not assigned to administrative duties at an HCSO location to notify their commander or designee, Monday through Friday, excluding holidays, during

hours specified and provide a telephone number or location where the suspended deputy can be contacted.

4. Prepare a Suspension Review Report (SO-023) and forward it through the chain of command to the Sheriff noting one of the following actions:
  - a. Emergency suspension of powers will discontinue, and the deputy will return to duty; or
  - b. Emergency suspension of powers will continue including their pay status, leave status, and any temporary duty assignment.

E. The Sheriff will:

1. Review the Suspension Review Report (SO-023); and
2. If he deems necessary, modify the recommendations stated in the Suspension Review Report (SO-023); and
3. Return the report to the Chief Deputy for processing.

F. The Chief Deputy will:

1. Receive the report with the Sheriff's final decision;
2. Inform the deputy's Bureau Commander of the decision for notification of the suspended deputy; and
3. Forward the Suspension Review Report (SO-023), recordings and any other records to OPS.

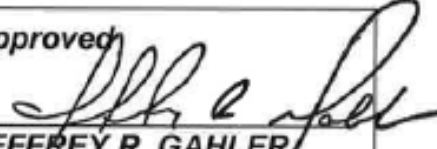
G. Office of Professional Standards will:

1. Maintain the Suspension Review Report (SO-023), recordings and any other records;
2. Forward the original Suspension Review Report (SO-023) to Human Resources (HR);
3. Forward a copy of the final report to the suspended deputy; and
4. Forward a copy of the final report to the suspended deputy's Division Commander.

H. Access to Agency equipment, networks, and software

1. Upon receipt of the Suspension Review Report (SO-023), the HR Director will enter the information into the "Suspended Employee" email, Computer Support, Human Resources, and respective Precinct and Division Commanders will deactivate access to the following:
  - a. All agency computer networks;
  - b. All agency email;
  - c. All agency door codes and cards;

- d. Guardian (change password);
  - e. PowerDMS, and
  - f. Other computer software/networks as deemed necessary.
2. Upon removal of access to the above, those respective personnel will notify HR via email.
  3. Access to all, or some, of the systems contained in 4.H.1. may be granted upon written request from the employee's commander, through the chain of command, to the Chief Deputy or designee.
- I. Reinstatement of Police Powers
1. When police powers have been suspended, with or without pay and the allegations which led to the suspension are, or appear to be, without merit, the deputy's Bureau Commander will consult with the Chief Deputy and the Commander of OPS for input on all relevant case information.
  2. When the employee's Bureau Commander determines the deputy's powers should be reinstated, the deputy's Bureau Commander will send a Memorandum (SO-212) delineating the reasons for recommendation of reinstatement through the chain of command to the Sheriff.
  3. The Sheriff will evaluate the request and make a final decision by endorsement to the memorandum.
  4. The reinstatement procedure may be implemented after the Emergency Suspension Review.
  5. Whenever the Sheriff reinstates a deputy's police powers, the Bureau Commander will make the appropriate notifications.
  6. The original Memorandum (SO-212) will be forwarded to the HR Director. Copies will be forwarded to the Chief Deputy, Division Commander, OPS, and the employee.
  7. Upon reinstatement of police powers, the HR Director will notify the "Suspended Employee" email group of the reinstatement and will indicate what access to networks and agency facilities the employee will have.

Approved  
  
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SHERIFF  
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