

CODE OF CONDUCT
RULES AND REGULATIONS FOR CECIL COUNTY SHERIFF'S OFFICE
PERSONNEL/EMPLOYEES

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CODE OF CONDUCT

SECTION I – GENERAL PROVISIONS

1.1 Standards of Conduct:

Cecil County Sheriff's Office personnel/employees are responsible for the procedures necessary to insure the competent and efficient operation of the Agency. This responsibility must not be abused by engaging in any activities that constitute a conflict of interest, any violation of law, breach of peace, neglect of duty, misconduct, or any conduct on the part of any member of the Sheriff's Office which tends to undermine or be prejudicial to the good order, efficiency, discipline, or which would adversely affect or bring discredit upon the Sheriff's Office or its members, as well as the integrity and reputation of the Office. Moreover, employees are prohibited from using their official position with this Office to secure privileges or advantages. Employees who are found in violation will be subject to disciplinary action, possible criminal prosecution, and if warranted, termination from service. This is defined in the Law Enforcement Officer's Bill of Rights, Public Safety Article, Title 3, Sections §3-101 to §3-113, Annotated Code of Maryland, and the Cecil County Human Resources Policy and Procedures.

The regulations enumerated within the Code of Conduct have been adopted to meet the requirements of Agency policy. All new Cecil County Sheriff's Office personnel/employees will receive a copy of the Code of Conduct. All Agency personnel/employees are responsible for the knowledge and the content in the Code of Conduct and are required to sign for acknowledgement. In the event of improper action or breach of discipline, it is presumed the Agency personnel/employees are familiar with the law, policy or procedure.

1.2 Authority and Responsibility:

Sheriff:

The Sheriff shall have the power to make any rules necessary to promote the effective and efficient operation of the Office, regulate attendance, conduct training, discipline personnel/employees, or establish any other action considered to be in the best interest of the Agency and the public.

Director of Law Enforcement:

The Director of Law Enforcement shall have the ultimate responsibility of ensuring the integrity and reputation of the Agency through the fair and equitable investigation of internal matters and application of disciplinary procedures, where warranted, and ensure all administrative investigations are in compliance with the Law Enforcement Officer's Bill of Rights, (LEOBR) and for civilian employees, the Cecil County Human Resources Policies and Procedures.

Employees:

Employees are responsible for their own acts and may not transfer to others the responsibility for executing any lawful order or duty. Additionally, they are responsible for complying with agency Policy and Procedures, including all additions and amendments that may be promulgated and with all other orders and directives, either verbal or written, which may be issued by a competent authority. Ignorance of the Policy and Procedures and orders of the facility is not justification for any violation.

1.3 Internal Affairs Investigator:

The Internal Affairs Investigator bears the responsibility to ensure that all allegations and complaints of misconduct are investigated. The Director of Law Enforcement bears the responsibility that progressive supervisory action is taken against Agency personnel/employees.

The Internal Affairs Investigator reports directly to, and receives investigative assignments from the Director of Law Enforcement. During the course of an investigation Internal Affairs Investigator(s) have the authority to issue orders both verbal and written and command compliance to any order pursuant to the Law Enforcement Officer's Bill of Rights, (LEOBR). At the conclusion of an investigation, the Internal Affairs Investigator will make factual recommendations to the Director of Law Enforcement, as to whether the complaint is "Sustained," "Non-Sustained" or "Unfounded".

A master file will be securely maintained by the Director of Law Enforcement. The file is available for review only to the Sheriff, Chief Deputy, Major, Captain, Lieutenant, Internal Affairs Investigator, as well the affected employee and the commander who supervises that employee.

1.4 Records Retention:

The Law Enforcement Officer's Bill of Rights (LEOBR) provides for the expungement of any record of formal complaint if the employee has been exonerated on all charges or if the allegations are classified as non-sustained or unfounded and three (3) years have passed since the finding was rendered to the Sheriff. The Director of Law Enforcement will upon written request, expunge files meeting the aforementioned criteria pursuant to LEOBR. Records not covered by the LEOBR statute will be expunged per Cecil County Human Resources Policy and Procedures. Expunged files will be reduced to an electronic file and maintained by the Director of Law Enforcement or the Sheriff.

Completed disciplinary investigations involving sexual misconduct, sexual abuse, sexual harassment, and sexual retaliation related offenses, will be retained for a lifetime or as long as the employee is employed by the Agency plus five (5) years as required by Title 28, Code of Federal Regulations, Part 115, Prison Rape Elimination Act of 2003 (PREA). All records and documents related to disciplinary procedures are confidential and may only be released upon a properly executed authorization of release and within the parameters of the Public Information Act.

1.5 Definitions:

Sheriff	The Sheriff of Cecil County – Official elected by the citizens of Cecil County, Maryland. The Sheriff is the “Appointing Authority” of the Office of the Sheriff and the highest ranking Law Enforcement Officer.
Chief Deputy	An official appointed by and subordinate to the Sheriff. The Chief Deputy is responsible for the overall operation of the Cecil County Sheriff’s Office to include the Correctional Facility.
Director of Law Enforcement	An official (holding the rank of Major), who is appointed by the Sheriff. The Director of Law Enforcement is responsible for the overall operation of the Cecil County Sheriff’s Office Law Enforcement Division and is subordinate to the Chief Deputy and Sheriff.
Operations Commander	A Law Enforcement Officer (holding the rank of Captain), who is subordinate to the Director of Law Enforcement, Chief Deputy, and Sheriff. The Operations Commander is responsible for the day-to-day management of the Agency.
Commander	A Law Enforcement Officer (holding the rank of Lieutenant) who is subordinate to the Captain, Director of Law Enforcement, Chief Deputy, and Sheriff. Commanders are responsible for the Administration and Agency Operations Command.
Sheriff’s Office Personnel	A “Law Enforcement Officer” holding the classification of Deputy Sheriff, possessing an MPCTC Certification and duly appointed by the Sheriff.
Employee	For the purpose of this chapter, “Employee” will be a generic term meaning a civilian employee of the Cecil County Sheriff’s Office appointed by the Sheriff to a job classification within the County Government.
Probationary Employee	A Sheriff’s Office personnel/employee who is in their initial probationary status upon entry into the Cecil County Sheriff’s Office.
Internal Affairs Investigator(s)	A person or group of persons who are sworn law enforcement officers and have been designated as investigators with the authority of the Sheriff.

Supervisor	Is Sheriff's Office personnel/employees, designated by rank or classification to oversee and direct the work of others.
Shift Supervisor	Is Supervisory personnel who are responsible for, and have the authority to, coordinate the activities within the Sheriff's Office during a specified period of work.
Superior	Is a Sheriff's Office personnel/employee higher in rank or classification.
Subordinate	Is a Sheriff's Office personnel/employee subject to or under the authority of a superior.
Progressive Supervision	Is a continuum that provides a successive approach to keep employees focused and productive while deterring unwanted behavior.
Orders	Are directives or instructions, either oral or written, given to Sheriff's Office personnel/employees.
Seniority	Seniority is determined primarily by rank or classification. When Sheriff's Office personnel/employees are the same rank or classification seniority shall be determined by time in that rank or classification. When two or more Sheriff's Office personnel/employees are appointed to the same rank on the same date seniority shall be determined by the date of hire.
County	Cecil County, Maryland
Emergency Suspension	Emergency Suspension means a temporary removal or revocation of a Law Enforcement Officer's powers and authority when deemed to be in the best interest of the public and the Sheriff's Office.
Law Enforcement Incident	An occurrence or situation requiring action, intervention or service by Sheriff's Office personnel/employees.
Agency Vehicle	A vehicle, marked or unmarked, owned, leased, or rented by Cecil County or the Cecil County Sheriff's Office for use by Sheriff's Office employees on a permanent or temporary basis.
Manual	The Policies and Procedure Manuals designed for the Cecil County Sheriff's Office.

Records and Reports

Records and Reports refers to any official document required to be completed or used as a matter of routine in the office of the Sheriff. The records, reports, or ledgers may be handwritten or maintained electronically via computer, microfiche, or compact disk.

1.6 Law Enforcement Officer's Bill of Rights – Public Safety Article – Title 3

3-101. Definitions

(a) *In general.*- In this subtitle the following words have the meanings indicated.

(b) *Chief.*-

(1) "Chief" means the head of a law enforcement agency.

(2) "Chief" includes the officer designated by the head of a law enforcement agency.

(c) *Hearing.*-

(1) "Hearing" means a proceeding during an investigation conducted by a hearing board to take testimony or receive other evidence.

(2) "Hearing" does not include an interrogation at which no testimony is taken under oath.

(d) *Hearing board.*- "Hearing board" means a board that is authorized by the chief to hold a hearing on a complaint against a law enforcement officer.

(e) *Law enforcement officer.*-

(1) "Law enforcement officer" means an individual who:

(i) in an official capacity is authorized by law to make arrests; and

(ii) is a member of one of the following law enforcement agencies:

1. the Department of State Police;
2. the Police Department of Baltimore City;
3. the Baltimore City School Police Force;
4. the Baltimore City Watershed Police Force;
5. the police department, bureau, or force of a county;
6. the police department, bureau, or force of a municipal corporation;
7. the office of the sheriff of a county;
8. the police department, bureau, or force of a bicounty agency;
9. the Maryland Transportation Authority Police;
10. the police forces of the Department of Transportation;
11. the police forces of the Department of Natural Resources;
12. the Field Enforcement Bureau of the Comptroller's Office;
13. the Housing Authority of Baltimore City Police Force;

14. the Crofton Police Department;
 15. the police force of the Department of Health and Mental Hygiene;
 16. the police force of the Maryland Capitol Police of the Department of General Services;
 17. the police force of the Department of Labor, Licensing, and Regulation;
 18. the police forces of the University System of Maryland;
 19. the police force of Morgan State University;
 20. the office of State Fire Marshal;
 21. the Ocean Pines Police Department;
 22. the police force of the Baltimore City Community College;
 23. the police force of the Hagerstown Community College;
 24. the Internal Investigation Unit of the Department of Public Safety and Correctional Services;
 25. the Warrant Apprehension Unit of the Division of Parole and Probation in the Department of Public Safety and Correctional Services; or
 26. the police force of the Anne Arundel Community College.
- (2) "Law enforcement officer" does not include:
- (i) an individual who serves at the pleasure of the Police Commissioner of Baltimore City;
 - (ii) an individual who serves at the pleasure of the appointing authority of a charter county;
 - (iii) the police chief of a municipal corporation;
 - (iv) an officer who is in probationary status on initial entry into the law enforcement agency except if an allegation of brutality in the execution of the officer's duties is made;
 - (v) a Montgomery County fire and explosive investigator as defined in 2-208.1 of the Criminal Procedure Article;
 - (vi) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in 2-208.2 of the Criminal Procedure Article;
 - (vii) a Prince George's County fire and explosive investigator as defined in 2-208.3 of the Criminal Procedure Article;
 - (viii) a Worcester County fire and explosive investigator as defined in 2-208.4 of the Criminal Procedure Article; or
 - (ix) a City of Hagerstown fire and explosive investigator as defined in 2-208.5 of the Criminal Procedure Article.

3-102. Effect of subtitle

(a) *Conflicting law superseded.*- Except for the administrative hearing process under Subtitle 2 of this title that relates to the certification enforcement power of the Police Training Commission, this subtitle supersedes any other law of the State, a county, or a municipal corporation that conflicts with this subtitle.

(b) *Preemption of local law.*- Any local law is preempted by the subject and material of this subtitle.

(c) *Authority of chief not limited.*- This subtitle does not limit the authority of the chief to regulate the competent and efficient operation and management of a law enforcement agency by any reasonable means including transfer and reassignment if:

(1) that action is not punitive in nature; and

(2) the chief determines that action to be in the best interests of the internal management of the law enforcement agency.

3-103. Rights of law enforcement officers generally

(a) *Right to engage in political activity.*-

(1) Subject to paragraph (2) of this subsection, a law enforcement officer has the same rights to engage in political activity as a State employee.

(2) This right to engage in political activity does not apply when the law enforcement officer is on duty or acting in an official capacity.

(b) *Regulation of secondary employment.*- A law enforcement agency:

(1) may not prohibit secondary employment by law enforcement officers; but

(2) may adopt reasonable regulations that relate to secondary employment by law enforcement officers.

(c) *Disclosure of property, income, and other information.*- A law enforcement officer may not be required or requested to disclose an item of the law enforcement officer's property, income, assets, source of income, debts, or personal or domestic expenditures, including those of a member of the law enforcement officer's family or household, unless:

(1) the information is necessary to investigate a possible conflict of interest with respect to the performance of the law enforcement officer's official duties; or

(2) the disclosure is required by federal or State law.

(d) *Retaliation.*-

(1) A law enforcement officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to the law enforcement officer's employment or be threatened with that treatment because the law enforcement officer:

(i) has exercised or demanded the rights granted by this subtitle;

(ii) has lawfully exercised constitutional rights; or

(iii) has disclosed information that evidences:

1. gross mismanagement;

2. a gross waste of government resources;

3. a substantial and specific danger to public health or safety; or

4. a violation of law committed by another law enforcement officer.

(2) A law enforcement officer may not undertake an independent investigation based on knowledge of disclosures described in paragraph (1)(iii) of this subsection.

(e) *Right to sue.*- A statute may not abridge and a law enforcement agency may not adopt a regulation that prohibits the right of a law enforcement officer to bring suit that arises out of the law enforcement officer's duties as a law enforcement officer.

(f) *Waiver of rights.*- A law enforcement officer may waive in writing any or all rights granted by this subtitle.

3-104. Investigation or interrogation of law enforcement officer

(a) *In general.*- The investigation or interrogation by a law enforcement agency of a law enforcement officer for a reason that may lead to disciplinary action, demotion, or dismissal shall be conducted in accordance with this section.

(b) *Interrogating or investigating officer.*- For purposes of this section, the investigating officer or interrogating officer shall be:

(1) a sworn law enforcement officer; or

(2) if requested by the Governor, the Attorney General or Attorney General's designee.

(c) *Complaint that alleges brutality.*-

(1) A complaint against a law enforcement officer that alleges brutality in the execution of the law enforcement officer's duties may not be investigated unless the complaint is signed and sworn to, under penalty of perjury, by:

(i) the aggrieved individual;

(ii) a member of the aggrieved individual's immediate family;

(iii) an individual with firsthand knowledge obtained because the individual:

1. was present at and observed the alleged incident; or

2. has a video recording of the incident that, to the best of the individual's knowledge, is unaltered; or

(iv) the parent or guardian of the minor child, if the alleged incident involves a minor child.

(2) Unless a complaint is filed within 366 days after the alleged brutality, an investigation that may lead to disciplinary action under this subtitle for brutality may not be initiated and an action may not be taken.

(d) *Disclosures to law enforcement officer under investigation.*-

(1) The law enforcement officer under investigation shall be informed of the name, rank, and command of:

(i) the law enforcement officer in charge of the investigation;

(ii) the interrogating officer; and

(iii) each individual present during an interrogation.

(2) Before an interrogation, the law enforcement officer under investigation shall be informed in writing of the nature of the investigation.

(e) *Disclosures to law enforcement officer under arrest.*- If the law enforcement officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, the law enforcement officer shall be informed completely of all of the law enforcement officer's rights before the interrogation begins.

(f) *Time of interrogation.*- Unless the seriousness of the investigation is of a degree that an immediate interrogation is required, the interrogation shall be conducted at a reasonable hour, preferably when the law enforcement officer is on duty.

(g) *Place of interrogation.*-

(1) The interrogation shall take place:

(i) at the office of the command of the investigating officer or at the office of the local precinct or police unit in which the incident allegedly occurred, as designated by the investigating officer; or

(ii) at another reasonable and appropriate place.

(2) The law enforcement officer under investigation may waive the right described in paragraph (1)(i) of this subsection.

(h) *Conduct of interrogation.*-

(1) All questions directed to the law enforcement officer under interrogation shall be asked by and through one interrogating officer during any one session of interrogation consistent with paragraph (2) of this subsection.

(2) Each session of interrogation shall:

(i) be for a reasonable period; and

(ii) allow for personal necessities and rest periods as reasonably necessary.

(i) *Threat of transfer, dismissal, or disciplinary action prohibited.*- The law enforcement officer under interrogation may not be threatened with transfer, dismissal, or disciplinary action.

(j) *Right to counsel.*-

(1) (i) On request, the law enforcement officer under interrogation has the right to be represented by counsel or another responsible representative of the law enforcement officer's choice who shall be present and available for consultation at all times during the interrogation.

(ii) The law enforcement officer may waive the right described in subparagraph (i) of this paragraph.

(2) (i) The interrogation shall be suspended for a period not exceeding 5 business days until representation is obtained.

(ii) Within that 5 business day period, the chief for good cause shown may extend the period for obtaining representation.

(3) During the interrogation, the law enforcement officer's counsel or representative may:

(i) request a recess at any time to consult with the law enforcement officer;

(ii) object to any question posed; and

(iii) state on the record outside the presence of the law enforcement officer the reason for the objection.

(k) *Record of interrogation.*-

(1) A complete record shall be kept of the entire interrogation, including all recess periods, of the law enforcement officer.

(2) The record may be written, taped, or transcribed.

(3) On completion of the investigation, and on request of the law enforcement officer under investigation or the law enforcement officer's counsel or representative, a copy of the record of the interrogation shall be made available at least 10 days before a hearing.

(l) *Tests and examinations - In general.*-

(1) The law enforcement agency may order the law enforcement officer under investigation 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 the law enforcement agency orders the law enforcement officer to submit to a test, examination, or interrogation described in paragraph (1) of this subsection and the law enforcement officer refuses to do so, the law enforcement agency may commence an action that may lead to a punitive measure as a result of the refusal.

(3) If the law enforcement agency orders the law enforcement officer to submit to a test, examination, or interrogation described in paragraph (1) of this subsection, the results of the test, examination, or interrogation are not admissible or discoverable in a criminal proceeding against the law enforcement officer.

(m) *Tests and examinations - Polygraph examinations.*-

(1) If the law enforcement agency orders the law enforcement officer to submit to a polygraph examination, the results of the polygraph examination may not be used as evidence in an administrative hearing unless the law enforcement agency and the law enforcement officer agree to the admission of the results.

(2) The law enforcement officer's counsel or representative need not be present during the actual administration of a polygraph examination by a certified polygraph examiner if:

- (i) the questions to be asked are reviewed with the law enforcement officer or the counsel or representative before the administration of the examination;
- (ii) the counsel or representative is allowed to observe the administration of the examination; and
- (iii) a copy of the final report of the examination by the certified polygraph examiner is made available to the law enforcement officer or the counsel or representative within a reasonable time, not exceeding 10 days, after completion of the examination.

(n) *Information provided on completion of investigation.-*

(1) On completion of an investigation and at least 10 days before a hearing, the law enforcement officer under investigation shall be:

- (i) notified of the name of each witness and of each charge and specification against the law enforcement officer; and
- (ii) provided with a copy of the investigatory file and any exculpatory information, if the law enforcement officer and the law enforcement officer's representative agree to:
 1. execute a confidentiality agreement with the law enforcement agency not to disclose any material contained in the investigatory file and exculpatory information for any purpose other than to defend the law enforcement officer; and
 2. pay a reasonable charge for the cost of reproducing the material.

(2) The law enforcement agency may exclude from the exculpatory information provided to a law enforcement officer under this subsection:

- (i) the identity of confidential sources;
- (ii) nonexculpatory information; and
- (iii) recommendations as to charges, disposition, or punishment.

(o) *Adverse material.-*

(1) The law enforcement agency may not insert adverse material into a file of the law enforcement officer, except the file of the internal investigation or the intelligence division, unless the law enforcement officer has an opportunity to review, sign, receive a copy of, and comment in writing on the adverse material.

(2) The law enforcement officer may waive the right described in paragraph (1) of this subsection.

3-105. Application for show cause order

(a) *In general.*- A law enforcement officer who is denied a right granted by this subtitle may apply to the circuit court of the county where the law enforcement officer is regularly employed for an order that directs the law enforcement agency to show cause why the right should not be granted.

(b) *Conditions.*- The law enforcement officer may apply for the show cause order:

(1) either individually or through the law enforcement officer's certified or recognized employee organization; and

(2) at any time prior to the beginning of a hearing by the hearing board.

(c) *Relief on finding agency obtained evidence in violation of officer's rights.*- On a finding that a law enforcement agency obtained evidence against a law enforcement officer in violation of a right granted by this subtitle, the court shall grant appropriate relief.

3-106. Limitation on administrative charges

(a) *In general.*- Subject to subsection (b) of this section, a law enforcement agency may not bring administrative charges against a law enforcement officer unless the agency files the charges within 1 year after the act that gives rise to the charges comes to the attention of the appropriate law enforcement agency official.

(b) *Exception.*- The 1-year limitation of subsection (a) of this section does not apply to charges that relate to criminal activity or excessive force.

3-106.1. Agency list of officers found or alleged to have committed acts bearing on exculpatory or impeachment evidence

(a) *In general.*- A law enforcement agency required by law to disclose information for use as impeachment or exculpatory evidence in a criminal case, solely for the purpose of other characteristics that would constitute exculpatory or impeachment evidence.

(b) *Punitive action against officers on list prohibited.*- A law enforcement agency may not, based solely on the fact that a law enforcement officer is included on the list maintained under subsection (a) of this section, take punitive action against the law enforcement officer, including:

(1) demotion;

(2) dismissal;

(3) suspension without pay; or

(4) reduction in pay.

(c) *Notice of placement on list.*- A law enforcement agency that maintains a list of law enforcement officers under subsection (a) of this section shall provide timely notice to each law enforcement officer whose name has been placed on the list.

(d) *Rights of appeal.*- A law enforcement officer maintains all rights of appeal provided in this subtitle.

3-107. Hearing by hearing board

(a) *Right to hearing.*-

(1) Except as provided in paragraph (2) of this subsection and 3-111 of this subtitle, if the investigation or interrogation of a law enforcement officer results in a recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar action that is considered punitive, the law enforcement officer is entitled to a hearing on the issues by a hearing board before the law enforcement agency takes that action.

(2) A law enforcement officer who has been convicted of a felony is not entitled to a hearing under this section.

(b) *Notice of hearing.*-

(1) The law enforcement agency shall give notice to the law enforcement officer of the right to a hearing by a hearing board under this section.

(2) The notice required under this subsection shall state the time and place of the hearing and the issues involved.

(c) *Membership of hearing board.*-

(1) Except as provided in paragraph (5) of this subsection and in 3-111 of this subtitle, the hearing board authorized under this section shall consist of at least three voting members who:

(i) are appointed by the chief and chosen from law enforcement officers within that law enforcement agency, or from law enforcement officers of another law enforcement agency with the approval of the chief of the other agency; and

(ii) have had no part in the investigation or interrogation of the law enforcement officer.

(2) At least one member of the hearing board shall be of the same rank as the law enforcement officer against whom the complaint is filed.

(3) (i) Subject to subparagraph (ii) of this paragraph, a chief may appoint, as a nonvoting member of the hearing board, one member of the public who has received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers' Bill of Rights and matters relating to police procedures.

(ii) If authorized by local law, a hearing board formed under paragraph (1) of this subsection may include up to two voting or nonvoting members of the public who have received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers' Bill of Rights and matters relating to police procedures.

(4) (i) If the chief is the law enforcement officer under investigation, the chief of another law enforcement agency in the State shall function as the law enforcement officer of the same rank on the hearing board.

(ii) If the chief of a State law enforcement agency is under investigation, the Governor shall appoint the chief of another law enforcement agency to function as the law enforcement officer of the same rank on the hearing board.

(iii) If the chief of a law enforcement agency of a county or municipal corporation is under investigation, the official authorized to appoint the chief's successor shall appoint the chief of another law enforcement agency to function as the law enforcement officer of the same rank on the hearing board.

(iv) If the chief of a State law enforcement agency or the chief of a law enforcement agency of a county or municipal corporation is under investigation, the official authorized to appoint the chief's successor, or that official's designee, shall function as the chief for purposes of this subtitle.

(5) (i) 1. A law enforcement agency or the agency's superior governmental authority that has recognized and certified an exclusive collective bargaining representative may negotiate with the representative an alternative method of forming a hearing board.

2. A hearing board formed under this paragraph may include up to two voting or nonvoting members of the public, appointed by the chief, who have received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers' Bill of Rights and matters relating to police procedures.

(ii) A law enforcement officer may elect the alternative method of forming a hearing board if:

1. the law enforcement officer works in a law enforcement agency described in subparagraph (i) of this paragraph; and

2. the law enforcement officer is included in the collective bargaining unit.

(iii) The law enforcement agency shall notify the law enforcement officer in writing before a hearing board is formed that the law enforcement officer may elect an alternative method of forming a hearing board if one has been negotiated under this paragraph.

(iv) If the law enforcement officer elects the alternative method, that method shall be used to form the hearing board.

(v) An agency or exclusive collective bargaining representative may not require a law enforcement officer to elect an alternative method of forming a hearing board.

(vi) If the law enforcement officer has been offered summary punishment, an alternative method of forming a hearing board may not be used.

(vii) If authorized by local law, this paragraph is subject to binding arbitration.

(d) *Subpoenas.*-

(1) In connection with a disciplinary hearing, the chief or hearing board may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, papers, records, and documents as relevant or necessary.

(2) The subpoenas may be served without cost in accordance with the Maryland Rules that relate to service of process issued by a court.

(3) Each party may request the chief or hearing board to issue a subpoena or order under this subtitle.

(4) In case of disobedience or refusal to obey a subpoena served under this subsection, the chief or hearing board may apply without cost to the circuit court of a county where the subpoenaed party resides or conducts business, for an order to compel the attendance and testimony of the witness or the production of the books, papers, records, and documents.

(5) On a finding that the attendance and testimony of the witness or the production of the books, papers, records, and documents is relevant or necessary:

(i) the court may issue without cost an order that requires the attendance and testimony of witnesses or the production of books, papers, records, and documents; and

(ii) failure to obey the order may be punished by the court as contempt.

(e) *Conduct of hearing.*-

(1) The hearing shall be:

(i) conducted by a hearing board; and

(ii) open to the public, unless the chief finds a hearing must be closed for good cause, including to protect a confidential informant, an undercover officer, or a child witness.

(2) The hearing board shall give the law enforcement agency and law enforcement officer ample opportunity to present evidence and argument about the issues involved.

(3) The law enforcement agency and law enforcement officer may be represented by counsel.

(4) Each party has the right to cross-examine witnesses who testify and each party may submit rebuttal evidence.

(f) *Evidence.*-

(1) Evidence with probative value that is commonly accepted by reasonable and prudent individuals in the conduct of their affairs is admissible and shall be given probative effect.

(2) The hearing board shall give effect to the rules of privilege recognized by law and shall exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(3) Each record or document that a party desires to use shall be offered and made a part of the record.

(4) Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(g) *Judicial notice.*-

(1) The hearing board may take notice of:

(i) judicially cognizable facts; and

(ii) general, technical, or scientific facts within its specialized knowledge.

(2) The hearing board shall:

(i) notify each party of the facts so noticed either before or during the hearing, or by reference in preliminary reports or otherwise; and

(ii) give each party an opportunity and reasonable time to contest the facts so noticed.

(3) The hearing board may utilize its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented.

(h) *Oaths.*-

(1) With respect to the subject of a hearing conducted under this subtitle, the chief shall administer oaths or affirmations and examine individuals under oath.

(2) In connection with a disciplinary hearing, the chief or a hearing board may administer oaths.

(i) *Witness fees and expenses.*-

(1) Witness fees and mileage, if claimed, shall be allowed the same as for testimony in a circuit court.

(2) Witness fees, mileage, and the actual expenses necessarily incurred in securing the attendance of witnesses and their testimony shall be itemized and paid by the law enforcement agency.

(j) *Official record.*- An official record, including testimony and exhibits, shall be kept of the hearing.

3-108. Disposition of administrative action

(a) *In general.*-

(1) A decision, order, or action taken as a result of a hearing under 3-107 of this subtitle shall be in writing and accompanied by findings of fact.

(2) The findings of fact shall consist of a concise statement on each issue in the case.

(3) A finding of not guilty terminates the action.

(4) If the hearing board makes a finding of guilt, the hearing board shall:

(i) reconvene the hearing;

(ii) receive evidence; and

(iii) consider the law enforcement officer's past job performance and other relevant information as factors before making recommendations to the chief.

(5) A copy of the decision or order, findings of fact, conclusions, and written recommendations for action shall be delivered or mailed promptly to:

(i) the law enforcement officer or the law enforcement officer's counsel or representative of record; and

(ii) the chief.

(b) *Recommendation of penalty.*-

(1) After a disciplinary hearing and a finding of guilt, the hearing board may recommend the penalty it considers appropriate under the circumstances, including demotion, dismissal, transfer, loss of pay, reassignment, or other similar action that is considered punitive.

(2) The recommendation of a penalty shall be in writing.

(c) *Final decision of hearing board.*-

(1) Notwithstanding any other provision of this subtitle, the decision of the hearing board as to findings of fact and any penalty is final if:

(i) a chief is an eyewitness to the incident under investigation; or

(ii) a law enforcement agency or the agency's superior governmental authority has agreed with an exclusive collective bargaining representative recognized or certified under applicable law that the decision is final.

(2) The decision of the hearing board then may be appealed in accordance with 3-109 of this subtitle.

(3) If authorized by local law, paragraph (1)(ii) of this subsection is subject to binding arbitration.

(d) *Review by chief and final order.*-

(1) Within 30 days after receipt of the recommendations of the hearing board, the chief shall:

(i) review the findings, conclusions, and recommendations of the hearing board; and

(ii) issue a final order.

(2) The final order and decision of the chief is binding and then may be appealed in accordance with 3-109 of this subtitle.

(3) The recommendation of a penalty by the hearing board is not binding on the chief.

(4) The chief shall consider the law enforcement officer's past job performance as a factor before imposing a penalty.

(5) The chief may increase the recommended penalty of the hearing board only if the chief personally:

(i) reviews the entire record of the proceedings of the hearing board;

(ii) meets with the law enforcement officer and allows the law enforcement officer to be heard on the record;

(iii) discloses and provides in writing to the law enforcement officer, at least 10 days before the meeting, any oral or written communication not included in the record of the hearing board on which the decision to consider increasing the penalty is wholly or partly based; and

- (iv) states on the record the substantial evidence relied on to support the increase of the recommended penalty.

3-109. Judicial review

(a) *By circuit court.*- An appeal from a decision made under 3-108 of this subtitle shall be taken to the circuit court for the county in accordance with Maryland Rule 7-202.

(b) *By Court of Special Appeals.*- A party aggrieved by a decision of a court under this subtitle may appeal to the Court of Special Appeals.

3-110. Expungement of record of formal complaint

(a) *In general.*- On written request, a law enforcement officer may have expunged from any file the record of a formal complaint made against the law enforcement officer if:

(1) (i) the law enforcement agency that investigated the complaint:

1. exonerated the law enforcement officer of all charges in the complaint; or
2. determined that the charges were unsustainable or unfounded; or

(ii) a hearing board acquitted the law enforcement officer, dismissed the action, or made a finding of not guilty; and

(2) at least 3 years have passed since the final disposition by the law enforcement agency or hearing board.

(b) *Admissibility of formal complaint.*- Evidence of a formal complaint against a law enforcement officer is not admissible in an administrative or judicial proceeding if the complaint resulted in an outcome listed in subsection (a)(1) of this section.

3-111. Summary punishment

(a) *Authorized.*- This subtitle does not prohibit summary punishment by higher ranking law enforcement officers as designated by the chief.

(b) *Imposition.*-

(1) Summary punishment may be imposed for minor violations of law enforcement agency rules and regulations if:

- (i) the facts that constitute the minor violation are not in dispute;
- (ii) the law enforcement officer waives the hearing provided under this subtitle; and
- (iii) the law enforcement officer accepts the punishment imposed by the highest ranking law enforcement officer, or individual acting in that capacity, of the unit to which the law enforcement officer is attached.

(2) Summary punishment imposed under this subsection may not exceed suspension of 3 days without pay or a fine of \$150.

(c) *Refusal.*-

(1) If a law enforcement officer is offered summary punishment in accordance with subsection (b) of this section and refuses:

(i) the chief may convene a hearing board of one or more members; and

(ii) the hearing board has only the authority to recommend the sanctions provided in this section for summary punishment.

(2) If a single member hearing board is convened:

(i) the member need not be of the same rank as the law enforcement officer; but

(ii) all other provisions of this subtitle apply.

3-112. Emergency suspension

(a) *Authorized.*- This subtitle does not prohibit emergency suspension by higher ranking law enforcement officers as designated by the chief.

(b) *Imposition - With pay.*-

(1) The chief may impose emergency suspension with pay if it appears that the action is in the best interest of the public and the law enforcement agency.

(2) If the law enforcement officer is suspended with pay, the chief may suspend the police powers of the law enforcement officer and reassign the law enforcement officer to restricted duties pending:

(i) a determination by a court with respect to a criminal violation; or

(ii) a final determination by a hearing board with respect to a law enforcement agency violation.

(3) A law enforcement officer who is suspended under this subsection is entitled to a prompt hearing.

(c) *Imposition - Without pay.*-

(1) If a law enforcement officer is charged with a felony, the chief may impose an emergency suspension of police powers without pay.

(2) A law enforcement officer who is suspended under paragraph (1) of this subsection is entitled to a prompt hearing.

3-113. False statement, report, or complaint

(a) *Prohibited.*- A person may not knowingly make a false statement, report, or complaint during an investigation or proceeding conducted under this subtitle.

(b) *Penalty.*- A person who violates this section is subject to the penalties of 9-501 of the Criminal Law Article.

CODE OF CONDUCT

SECTION II – RULES OF CONDUCT

Cecil County Sheriff's Office personnel/employees shall obey all Rules of Conduct. Generally it is intended that all administrative charges preferred by a commander be based on the Rules of Conduct as stated herein. Commanders may prefer charges from any area of the Policy and Procedures Manual, when deviation from the Rules of Conduct would be more practical. The Rules of Conduct are:

2.1 General Responsibilities:

Sheriff's Office personnel/employees shall not commit any acts or omit any acts which constitute a violation of any rules, regulations, directives, or orders of the Sheriff's Office, whether stated in the Policy and Procedures Manual or elsewhere, or that would constitute a violation of any applicable section of the Cecil County Policies and Procedures Manual.

In the performance of their duty, Sheriff's Office personnel/employees shall take appropriate actions to:

- A. Protect life and property.
- B. Enable citizens to be free from criminal attack and enjoy freedom of movement through a proactive approach of crime prevention in such a way as to increase the likelihood that a criminal/violator will be apprehended during the commission of a crime or immediately thereafter.
- C. Monitor and supervise traffic patterns, enforce the traffic laws of the State of Maryland for the purpose of preventing collisions; saving lives; and expediting the free flow of traffic.
- D. Maintain the efficient operation of the Office of the Sheriff.
- E. Administer policies, procedures, rules and regulations of the Office of the Sheriff.

2.2 Courtesy:

- A. Sheriff's Office personnel/employees shall courteously and promptly accept any allegation or complaint made by a citizen or prisoner against any employee of the Cecil County Sheriff's Office. The receipt and processing of all complaints shall be in conformance with established Policy and Procedure.
- B. Sheriff's Office personnel/employees shall be courteous to the public, prisoners and fellow employees. They shall treat their superiors and subordinates with respect. When on duty, especially in the presence of others, will conform to basic military courtesy standards and refer to each other by rank and last name.

- C. Sheriff's Office personnel/employees shall be tactful in the performance of their duties; shall control their temper; and exercise the utmost patience and discretion. They shall not engage in argumentative discussions, even in the face of extreme provocation. While on duty or in the performance of their duties, they shall not use coarse, violent, profane, or obscene language toward the public, prisoners, or fellow employees. They shall not express any prejudice or use language which is insulting or demeaning to the public, an inmate, or a fellow employee concerning race, sex, religion, politics, national origin, lifestyle, mental or physical disabilities or other personal characteristics.
- D. When answering telephone calls, Sheriff's Office personnel/employees shall greet the caller courteously, identifying themselves and their assignment, and ask to be of assistance. Every reasonable attempt will be made to supply the caller with the requested information (unless prohibited) or promptly refer the caller to the proper Sheriff's Office Division or other public or private agency for assistance.

2.3 Conduct Unbecoming:

- A. Sheriff's Office personnel/employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Sheriff's Office. Conduct unbecoming shall include that which brings the Sheriff's Office into disrepute, reflects discredit upon Sheriff's Office personnel/employees of the Sheriff's Office, impairs the efficient operation of the Sheriff's Office or Sheriff's Office personnel/employees; or may be perceived as impairing the operation, its efficiency or its personnel/employees.
- B. A commander or supervisor will not injure or discredit a subordinate through unreasonable, unjust, arbitrary or tyrannical conduct or abusive language.
- C. Sheriff's Office personnel/employees shall not maliciously threaten, strike, or assault another person.
- D. Sheriff's Office personnel/employees who can be identified as an employee of the Cecil County Sheriff's Office have no reasonable expectation of privacy when social networking online using sites that allow users to post personal blogs, and are subject to all pertinent Cecil County government policies, Cecil County Sheriff's Office policies, local, state and federal laws regarding public information. Sheriff's Office personnel/employees shall not post or cause to be posted any unethical, offensive, or vulgar photograph, comment or expression on the internet; of themselves, other personnel/employees, inmates/prisoners, or any other aspect of the Sheriff's Office, which depicts affiliation/representation with or to the Sheriff's Office. Personnel/employees are prohibited from using any social networking site to harass, retaliate, intimidate, or otherwise attack/offend any person or entity. The posting of not personal blog/thread related are excluded from this policy; so long as the aforementioned regulations are conformed to.

2.4 Insubordination:

- A. Sheriff's Office personnel/employees shall, unless otherwise directed by competent authority, transact all official business with personnel/employees senior in rank or classification only through the official chain of command.
- B. Orders from a superior to a subordinate shall be in clear, understandable language, civil in tone and issued pursuant to Sheriff's Office business. Sheriff's Office personnel/employees in doubt as to the nature or detail of their assignment shall seek clarification by utilizing the chain of command.
- C. Sheriff's Office personnel/employees shall promptly obey all lawful orders of a superior, including those from a superior relayed by personnel/employees equal or lesser in rank. A lawful order is any order, either verbal or written, which personnel/employees should reasonably believe to be in keeping with the performance of their duties or the responsibilities of their assignment.
- D. Sheriff's Office personnel/employees will obey all orders from superiors, whether written or verbal, except when compliance with such orders would require the commission of an illegal act. No employee, without adequate justification, will intentionally issue an order that is contrary to an order issued by a superior. Personnel/employees to whom conflicting orders are issued will call immediate attention to such conflict; however, if the conflict is not resolved, the last order will be obeyed.
- E. Any order may be countermanded in an emergency. Sheriff's Office personnel/employees countermanding a prior order will immediately report the reason for their action, in writing, to the Director of Law Enforcement. Responsibility for all prudent and reasonable action necessary for compliance with orders will remain with the superior issuing the order. Accountability for all action taken in compliance with orders remains that of the person taking such action.
- F. During any incident, the assigned Sheriff's Office personnel/employees shall be in-charge until relieved at the direction of another Sheriff's Office personnel/employees senior in rank.

2.5 Criticism:

Sheriff's Office personnel/employees shall not criticize or ridicule the Office of the Sheriff, or any other local, state, or federal agency, the judiciary, their members or their policies by speech, in writing or by expression in any other manner, when such speech, writing or other expression is defamatory, obscene, unlawful, exhibits a reckless disregard for truthfulness, or tends to undermine the operation of the Sheriff's Office, other local, state, federal agency, or the Judiciary by impairing their efficiency or interfering with their operation or maintenance of discipline.

2.6 Abuse of Position:

- A. While deprived of their Law Enforcement powers/authority, personnel will not wear the uniform and will not represent themselves in an official capacity as an employee with Cecil County Sheriff's Office authority.
- B. Sheriff's Office personnel/employees are prohibited from using their official identification card or badge for personal or financial benefit; as a means of obtaining privileges not otherwise available to them, or for avoiding consequences of illegal acts. Personnel/employees may not lend their identification card or badge to another person or permit it to be photographed without the approval of the Sheriff.
- C. Sheriff's Office personnel/employees shall not permit or authorize the use of their name, photograph, or official title identifying them as an employee of the Sheriff's Office in connection with testimonials or advertisements of any commodity or commercial enterprise or for personal reasons without the approval of the Sheriff.
- D. Sheriff's Office personnel/employees shall not sign a petition without the authority of the Sheriff when their signature identifies them as a member of the Sheriff's Office; nor shall any employee sign any petition which has an unlawful purpose. Personnel/employees may sign a lawful petition as a private citizen.
- E. Sheriff's Office personnel/employee shall not address a public gathering, appear on radio or television, prepare any article or document for publication or posting on the internet or in a newspaper, act as a correspondent to a newspaper or periodical, release or divulge information or any other matters of the Sheriff's Office without first having obtained permission from the Sheriff or designee.
- F. Sheriff's Office personnel/employees may not seek the influence or intervention of any person outside of the Sheriff's Office for purposes of personal preferment, advantage, transfer or advancement.

2.7 Neglect of Duty:

- A. Sheriff's Office personnel/employees shall be punctual in attendance to all requirements of duty, court appointments and other assignments.
- B. Sheriff's Office personnel/employees will not read, play games, watch television or movies, or engage in any activity or personal business while on-duty that would cause them to neglect or be inattentive to that duty.
- C. Supervisors and superiors will actively oversee the performance of subordinates to ensure compliance with Policy and Procedures.

- D. Sheriff's Office personnel/employees will take appropriate action when: required or directed by law, Sheriff's Office rule, policy, procedure, or by order of a supervisor or superior.
- E. Sheriff's Office personnel/employees will remain awake and alert while on-duty. If unable to do so, they will report to their superior officer who will determine the proper course of action.
- F. Failure to follow Policy and Procedure of the Sheriff's Office is considered neglect of duty.

2.8 Associations:

The purpose of this rule is to maintain the integrity of personnel/employees and to avoid relationships which would impair the operation of the Sheriff's Office in general. Superiors must also evaluate the veracity for some associations because of relationships of personnel/employees to certain individuals. Whenever a potential conflict of interest may exist due to a relationship personnel/employees shall immediately notify their superior of the relationship.

- A. Sheriff's Office personnel/employees shall avoid associations or dealings with persons whom they know, or should know, are racketeers, gamblers, felons, persons under criminal investigation or indictment, or others who have a reputation in the community for felonious or criminal behavior, except as directed otherwise by a superior.
- B. Sheriff's Office personnel/employees shall not visit or enter a house of prostitution, gambling, or any other establishment wherein the laws of the United States, the laws of the State of Maryland, or any other law or ordinance of a political subdivision are violated except in the performance of duty and while acting in response to specific orders of a superior.
- C. Sheriff's Office personnel/employees shall not in any manner affiliate themselves with any organization, association, movement, group or combination of persons which; 1) Advocates the overthrow of the government of the United States or any state, or which; 2) Has adopted the policy of avocation or approving acts of force or violence to deny any person their rights under the Constitution of the United States or any state, or which; 3) Seeks to alter the form of government of the United States or any state by unconstitutional means.
- D. Sheriff's Office personnel/employees shall not knowingly become an officer, participant, employee or associate, or otherwise be connected, associated or affiliated to any Gang. "Gang" means any ongoing organization, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts.
- E. Sheriff's Office personnel/employees shall not communicate in any manner, either directly or indirectly, any information which might assist persons charged with or guilty

of criminal acts to escape arrest or punishment or which may enable them to dispose of or secrete evidence; or to provide them with any preferential treatment.

2.9 Immoral Conduct:

All Sheriff's Office personnel/employees shall maintain a level of conduct in their personal and business affairs which is in keeping with the highest standards of the Law Enforcement profession. No personnel/employee shall be a participant in any incident involving moral turpitude which compromises or has the potential to compromise their ability to perform as a Law Enforcement Officer or as an employee of the Sheriff's Office, or causes the Office of the Sheriff to be brought into disrepute.

2.10 Conformance to Laws:

Sheriff's Office personnel/employees shall not violate their oath of office and trust or any other condition of their employment, or commit an offense punishable under the laws or statutes of the United States or any sovereign nation, the State of Maryland, public local laws, ordinances, or civil violations. Personnel/employees who are charged with a violation of any law, statute, or public local law or ordinance stipulated in this sub-section must report the facts concerning such violation immediately to their commander. Parking and red light camera violations are exempt from this sub-section, unless they are issued to an Agency Vehicle. A conviction of the violation of any law shall be prima facie evidence of a violation of this section.

Sheriff's Office personnel/employees knowing of other Sheriff's Office personnel/employees violating laws, ordinances, or rules of the Sheriff's Office, shall report the same in writing to the Director of Law Enforcement through the chain of command as soon as possible, but no longer than 24 hours, of the knowledge of the alleged act. Sheriff's Office personnel/employees may deviate from the chain of command if the information regarding the violation involves a superior officer or if the violation could result in death or injury to anyone.

2.11 Payment of Debts:

Absent extenuating circumstances, disciplinary action shall be inappropriate where personnel/employees have made a genuine effort to pay their debts or the employee has filed for a voluntary bankruptcy petition.

Personnel/employees of the Sheriff's Office shall make every effort to pay all just debts and legal liabilities. Disciplinary action may be taken when:

- A. Judgments of creditors have been finally adjudicated and personnel/employees, even though able to pay, refuse to comply with such judgment, or;
- B. The effects of such indebtedness have adversely affected the ability of personnel/employees to perform their job or have negatively reflected on the reputation or effectiveness of the Sheriff's Office.

2.12 Seeking or Accepting Gifts, Gratuities/Bribes:

- A. Sheriff's Office personnel/employees shall not solicit, seek, or accept any gift or gratuity including food or drink for themselves or another, from any individual, business establishment, or merchant, where such offer or acceptance could or may be construed to be an effort to influence their official conduct as a member of the Sheriff's Office.
- B. Sheriff's Office personnel shall not receive, seek, solicit, or share any fee, reward, or other reimbursement for the performance of their official duties or for the failure to perform those duties, except as directed by the Sheriff. Personnel shall immediately report to their supervisor an offer or attempt to offer money, gift, or other gratuity made in an effort to influence their official conduct as a member of the Sheriff's Office.
- C. Sheriff's Office personnel/employees shall not solicit or accept any subscription or contribution for any purpose whatsoever except in conformance to established policy.
- D. Sheriff's Office personnel/employees are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, inmate, or other person under the regulatory control or jurisdictional responsibilities of the Sheriff, except as may be specifically authorized by the Sheriff.
- E. Whenever a potential conflict of interest may exist, Sheriff's Office personnel/employees are prohibited from knowingly engaging in any commercial transaction with any complainant, suspect, witness, defendant, inmate or other person involved in any case which has come to their attention through their employment, unless such transaction is specifically authorized by the Sheriff.
- F. Any unauthorized gift, gratuity, fee, reward or other item falling into the above listed categories coming into the possession of Sheriff's Office personnel/employees shall be forward to the Director of Law Enforcement, accompanied by a written report detailing the circumstances of its receipt.
- G. Sheriff's Office personnel/employees shall not suggest, recommend, advise or otherwise counsel, except in the transaction of personal business and then representing themselves only as a private citizen, the employment or procurement of a particular product, professional or commercial service (i.e. attorney or bail bond broker) to any person coming to their attention as a result of their official position. This does not apply when a relative of Sheriff's Office personnel/employees seeks such service. In no case may such advice be given where a fee, gratuity, or regard is solicited, offered or accepted from anyone.
- H. Sheriff's Office personnel/employees shall not act as a bailer for any person in custody except relatives, and in no case where any fee, gratuity or reward is solicited or accepted.

2.13 Labor Activities:

Sheriff's Office personnel/employees shall not engage in any strike or job action. A strike or job action includes, but is not limited to, a failure to report for duty, willful absence from duty, unauthorized holidays, sickness, stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in wages, hours and terms and conditions of employment, rights, privileges or obligations of employment.

2.14 Political Activities:

Employment by the County as Sheriff's Office personnel/employees does not affect any right or obligation of a citizen under the Constitution and laws of the United States or under the Constitution and laws of the State. Except as otherwise provided in this section or by local, State, or federal law, Sheriff's Office personnel/employees:

- (i) may freely participate in any political activity and express any political opinion; and
- (ii) may not be required to provide any political service.

Notwithstanding any other law of the State or ordinance of the County effective on or before June 30, 1973, the restrictions imposed by this section are the only restrictions on the political activities of Sheriff's Office personnel/employees.

Sheriff's Office personnel/employees may not:

- A. Engage in political activity while on-duty or during working hours, while in uniform, while operating an Agency Vehicle, or while displaying anything which identifies them as a member of the Sheriff's Office; or
- B. While in uniform, operate or be a passenger in any vehicle that is displaying any political bumper sticker, sign, or other paraphernalia that supports or is in opposition to any political candidate, unless any characteristic of the uniform that identifies them as a member of the Sheriff's Office is covered and is not displayed, or
- C. Advocate the overthrow of the government by unconstitutional or violent means; or
- D. Require any County or State employee, or be required, to make a political contribution as that term is defined in §1-101 of the Maryland Election Law Code.

2.15 Secondary Employment:

- A. Sheriff's Office personnel/employees shall not be employed in any capacity in any other business, trade, occupation, or profession, while employed by the Sheriff's Office except as established by Policy and Procedure and approved by the Sheriff.

- B. Personnel/employees will not conduct secondary employment on any premises of the Cecil County Sheriff's Office and will adhere to the Secondary Employment Policy.

2.16 Communications:

- A. The Cecil County Sheriff's Office maintains, and constantly strives to improve its communications network to provide for rapid and efficient operation to facilitate management and control. All communications, to include written reports, general correspondence, radio, telephone, teletype, computer (Internet) and mail are reserved for official business and are not to be used for personal purposes, nor will they be distributed to unauthorized persons, in whole or in part, without proper authorization. Sheriff's Office personnel/employees shall not:
 - I. Use the Cecil County Sheriff's Office mailing address for personal/private purposes; or
 - II. Use Sheriff's Office letterhead, envelopes, or Seal of Authority for personal use; and
 - III. Send correspondence from the Sheriff's Office under their signature without permission or as established by Policy and Procedure.
- B. Sheriff's Office personnel/employees are required to be truthful at all times whether under oath or not, while in the performance of their duties.
- C. All Sheriff's Office personnel/employees receiving written communication for delivery to a higher level of command shall, in every case, forward such communication. Personnel/employees receiving a communication from a subordinate directed to a higher command shall endorse it indicating approval, disapproval or acknowledgement and forward the correspondence.
- D. All Sheriff's Office personnel/employees shall submit all reports, both verbal and written, required by the Sheriff's Office, on time and in accordance with Policy and Procedure. All reports transacted by personnel/employees must be processed through official channels.
- E. Sheriff's Office personnel/employees shall, upon order of a proper authority, submit a written and/or oral statement concerning their involvement in an incident being investigated where the incident is related specifically and directly to the performance of their official duty.
- F. When Sheriff's Office personnel are ordered to submit a detailed report/oral statement concerning an incident in which they are alleged to have been involved and the authority ordering the statement knows or should know that the statement is likely to contain information which may be used as evidence against the Sheriff's Office personnel in a disciplinary hearing; the authority ordering the statement will, at the time of such order, provide the member with a copy of CCSO Form SO-094. (Notification of Complaint) The form shall clearly state the recipient is the subject of an investigation and briefly

describe the nature of the investigation. *This criteria does not apply to the submission of procedural reports required by Policy and Procedure.*

- G. All Sheriff's Office personnel/employees shall report, without delay, but no longer than 24 hours of acquiring the knowledge, all information that comes to their attention concerning any crime or criminal activity to include but not limited to: organized crime, gang activity, racketeering, vice conditions, sexual misconduct, sexual abuse, sexual harassment, and sexual retaliation related offenses, etc.
- H. All reports/oral statements submitted by Sheriff's Office personnel/employees will be truthful; no personnel/employee shall knowingly report or cause to be reported any false information. A clear distinction must be made between reports which contain false information and those which contain inaccurate or improper information. To prove that a false report was submitted, a preponderance of evidence must be presented that such report is designed to be untrue, deceitful or made with the intent to deceive the person to whom it is directed.
- I. All reports submitted by Sheriff's Office personnel/employees will be complete and will not contain improper or inaccurate information. Inaccurate or improper information may be characterized by that which is untrue by mistake or accident or made in good faith, after the exercise of reasonable care.
- J. Sheriff's Office personnel/employees will treat the official business of the Sheriff's Office as confidential. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with established Policy and Procedure. Personnel/employees shall not divulge the identity of a person giving confidential information, except as authorized by proper authority in the performance of their duties.
- K. No originals, copies, or excerpts of Sheriff's Office records shall be removed or released without the permission of the Sheriff or designee. No information shall be released without proper authority.
- L. All Sheriff's Office personnel/employees operating the Sheriff's Office radio system shall strictly observe regulations for such operations as set forth in Policy and Procedures and by the Federal Communications Commission.
- M. The use of Agency Telephones (hardwired, cellular/mobile) and FAX machines shall be in accordance with established Policy and Procedure.
- N. Sheriff's Office personnel/employees shall have an operable telephone in their residence and shall immediately report in writing any change of telephone numbers or addresses to the Director of Law Enforcement through the chain of command, utilizing the Cecil County Government Form as well as Personnel Information Form CCSO SO-108. In the event Sheriff's Office personnel/ employees are moving from one residence to another, their telephone will be operable within 72 hours. Cellular telephones are acceptable as long as they are operational and provide adequate service.

- O. Users of Sheriff's Office computer equipment will access only files they are authorized to access and shall perform only those operations they are authorized to perform. Sheriff's Office personnel/employees may not copy or remove any system or application software or manual without consent of the Director of Law Enforcement. When using the Internet, all personnel/employees will adhere to the provisions established by Cecil County Government policy. The use of unauthorized software is prohibited.
- P. At the time or occurrence of a "Law Enforcement Incident," only the Director of Law Enforcement or designee shall grant access and supply information to the news media. When the Director of Law Enforcement or designee feels that release of information or access to an area is detrimental to the operation or against the best interest of managing the situation the Director of Law Enforcement or designee shall refer the press to the Chief Deputy or the Sheriff.

2.17 Court Appearances/Civil Actions/Subpoenas:

- A. Sheriff's Office personnel/employees shall not volunteer to testify unless legally subpoenaed. Personnel/employees will accept all subpoenas legally served.
- B. Sheriff's Office personnel/employees subpoenaed to testify for the defense in any trial or hearing or against the county or Sheriff's Office in any hearing or trial shall not wear a uniform and shall immediately notify the Director of Law Enforcement in writing of the notice and the circumstances surrounding their testimony. Sheriff's Office personnel/employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except upon approval of the Director of Law Enforcement.
- C. Sheriff's Office personnel/employees shall, upon being subpoenaed, attend court or quasi-judicial hearings. Permission to omit this duty shall only be obtained from the prosecuting attorney handling the case or other competent court official. When appearing in court for cases that arise from Sheriff's Office employment, personnel/employees will wear the mode of dress applicable to their Section or Unit and shall present a neat and clean appearance avoiding any mannerisms which may imply disrespect to the court.
- D. Sheriff's Office personnel/employees shall not assist in any civil case outside the Sheriff's Office without the specific consent of the Sheriff.
- E. Sheriff's Office personnel/employees shall not prefer a civil action, seek or accept money or other compensation from any source, for an injury or damage sustained, or expenses incurred, resulting from a line of duty incident, without first notifying the Sheriff in writing.
- F. Sheriff's Office personnel/employees who have received salary from the County for an injury or illness sustained off-duty shall notify the Sheriff, in writing, of any intent to seek, sue, solicit or accept compensation as damages for such illness or injury. The notice shall be filed before the action is taken and include the facts of the claim and the

name of the respondent. Notification to the Sheriff is discretionary for civil action preferred as a private citizen that does not impact the county or the Sheriff's Office.

2.18 Interviews/Interrogations:

During any administrative investigation Sheriff's Office personnel/employees shall, at the direction of competent authority:

- A. Submit to an interrogation, interview, or polygraph examination. The questions to be asked during the interrogation, interview, or polygraph examination will be related specifically, directly and narrowly to the performance of the personnel/employees duties and to the subject matter of the current investigation.
- B. Submit to any medical, chemical, or other test, photograph, or line-up. All procedures carried out under this rule shall be specifically, directly and narrowly related to the nature and scope of the employee's employment and conduct.

2.19 Reporting for Duty:

- A. Sheriff's Office personnel/employees shall not absent themselves without properly approved leave. Personnel/employees who fail to report for duty without permission from a competent authority are considered to be using unauthorized leave. Any instance of unauthorized leave must be reported in writing to the Director of Law Enforcement the first business day following the incident.
- B. Sheriff's Office personnel/employees shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of the information required for the proper performance of duty so that they may immediately assume their duties.
- C. Sheriff's Office personnel, while off-duty, shall be subject to call at all times. In the event of emergency or potential emergency, personnel may be ordered to provide the location and telephone number where they can be reached.
- D. All Sheriff's Office personnel/employees are to remain on their assignment and on-duty until properly relieved.
- E. Sheriff's Office personnel/employees shall not use tobacco or smoke inside of a Sheriff's Office facility; any local, State, or Federal building; or any public or private establishment where tobacco use is prohibited. At the Sheriff's Office, personnel/employees shall be permitted to use tobacco in a designated area outside of the building. Breaks for tobacco use shall be held to a minimum, with no more than two (2) breaks per shift, and may only be taken if sufficient manpower exists and is approved by a supervisor. Breaks for tobacco use may not exceed ten minutes and will be substituted as a rest break. A missed smoking break does not entitle personnel/employees to extend any other break and may not be combined with a meal time, or used to compensate for

reporting to work late or leaving early. Breaks for tobacco use shall be held to a minimum and at no time will tobacco use be permitted in an Agency Vehicle.

- F. Sheriff's Office personnel/employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Sheriff's Office, or anyone else who may report the condition of the personnel/employees health.
- G. Sheriff's Office personnel/employees will not accrue five (5) occurrences of sick leave and/or leave without pay absences in a 12 month cycle that are not protected by FMLA or are considered an unauthorized absence.
- H. Sheriff's Office personnel/employees unable to report for duty for any reason, shall as soon as possible, but in no event less than two (2) hours prior to the start of the scheduled shift, make notification in conformance to established policy.

2.20 Tampering/Manufacturing and Withholding Evidence and False Charges:

Sheriff's Office personnel/employees shall not intentionally manufacture, tamper with, falsify, destroy, or withhold evidence or information, or make any false allegation of a criminal or administrative disciplinary charge.

2.21 Found and Recovered Property – Evidence:

Property which comes into the possession of Sheriff's Office personnel/employees through the normal course of duty, or received as evidence in connection with investigations will be processed in accordance with established Policy and Procedure. Sheriff's Office personnel/employees shall not convert to their own use, manufacture, tamper with, or in any other way misappropriate any material or property found in connection to their duties.

2.22 Providing Assistance:

- A. When the public or a prisoner requests assistance or clarification of Policy and Procedure the information will be taken in an official and considerate manner and will be acted upon consistent with established Policy and Procedure.
- B. All Sheriff's Office personnel/employees are required to take appropriate action to aid fellow Sheriff's Office personnel/employees exposed to danger or in a situation where danger might be impending.

2.23 Use of Alcoholic Beverages:

- A. Sheriff's Office personnel/employees shall not bring, permit to be brought into, or keep any alcoholic beverages on the premises of any Sheriff's Office facility or Agency Vehicle.

- B. Sheriff's Office personnel/employees will not consume intoxicating beverages while in uniform and on duty. Sheriff's Office personnel/employees will not consume intoxicating beverages while on duty unless the duty assignment warrants such occasion(s) and the exception shall be approved in writing by the Director of Law Enforcement.
- C. Sheriff's Office personnel/employees shall not report to work with any level of alcohol in their system, while under the influence of, or impaired by the consumption of alcohol.
- D. While off-duty, Sheriff's Office personnel/employees shall not consume intoxicating beverages to the extent that evidence of such consumption is apparent when reporting for duty or to the extent that the ability to perform their duties is impaired. Sheriff's Office personnel/employees shall not consume intoxicating beverages within eight (8) hours prior to the start of their scheduled shift.
- E. Sheriff's Office personnel/employees who have consumed intoxicating beverages and are recalled to duty will notify the supervisor on duty of their condition and will refrain from further consumption. Personnel/employees will be afforded sufficient reporting time to assure the alcohol is no longer in their system.

2.24 Use of Drugs:

- A. The use of any substance (narcotic or non-narcotic) regulated under the Maryland Uniform Controlled Dangerous Substance Act and/or the Annotated Code of Maryland shall be prohibited for use by the members of the Sheriff's Office. (Refer to Drug and Alcohol Testing Policy)
- B. Prescription drugs may be used only when prescribed to Sheriff's Office personnel/employees by a licensed medical practitioner.
- C. Sheriff's Office personnel/employees using prescribed medication or over the counter medication which may affect their ability to perform their duties shall immediately inform their supervisor, who shall determine their suitability to remain on duty or at work.

2.25 Treatment of Persons in Custody:

- A. Sheriff's Office personnel/employees will not mistreat persons who are in their custody. They will handle persons in accordance with established Policy and Procedure.
- B. Sheriff's Office personnel/employees will not, without proper authority, release any prisoner, detainee or inmate, or through negligence or design allow any prisoner, detainee or inmate to escape.

2.26 Use of Force:

Sheriff's Office personnel/employees will not use unnecessary or excessive force, and will employ only the minimum amount of force necessary to overcome any resistance offered.

2.27 Weapons:

Weapons shall not be used, displayed, or handled in a careless or imprudent fashion or contrary to Policy and Procedure or Maryland Criminal Law. (*Weapons include but are not limited to: Firearms, Impact Weapons/Batons, OC Spray, Taser, Straight/Folding Edged Weapons and Flashlights.*)

2.28 Sheriff's Office Property, Uniforms and Equipment, Military Courtesy:

- A. Sheriff's Office personnel shall carry their identification credentials at all times, specifically when armed, unless ordered not to do so by proper authority. They shall furnish their full name and assignment to any person properly entitled to this information, at any time, except when authorized not to do so by proper authority or when such refusal may be necessary for the proper performance of their Law Enforcement duties.
- B. Sheriff's Office personnel/employees will maintain a neat, well groomed appearance and will style their hair and wear the uniform consistent with established Policy and Procedure. Sheriff's Office personnel shall wear the uniform of the day unless other prescribed clothing is authorized by a supervisor. Damage to clothing or other approved personal property belonging to Sheriff's Office personnel/employees sustained in the performance of duty may be eligible for reimbursement.
- C. Sheriff's Office personnel shall render full military honors to the national colors and anthem at appropriate times. Sheriff's Office personnel/employees in civilian dress shall render proper civilian honors to the national colors and anthem at appropriate times.
- D. Sheriff's Office equipment/property will be used and maintained in accordance with established Policy and Procedure and will not be abused, damaged, altered or through negligence, lost. Sheriff's Office personnel/employees will not cause or contribute to the damage, abuse, alteration, or loss of equipment through negligence or carelessness, and may not convert to their own use or misappropriate any equipment/property. Damage or loss of Sheriff's Office equipment/property will be reported in conformance with Policy and Procedure.
- E. Only properly trained Sheriff's Office personnel/employees will be permitted to operate, or attempt to operate any Agency Vehicle, or use any firearm or other property owned by the Sheriff's Office.
- F. Sheriff's Office personnel/employees will operate an Agency Vehicle in a careful and prudent manner and will not through negligence or reckless operation incur or cause damage to be incurred to agency property or the property of another. Sheriff's Office personnel/employees will obey all laws and ordinances and conform to all Policy and Procedures pertaining to the operation and maintenance of an Agency Vehicle assigned on either a permanent or temporary basis. Use of Agency Vehicles as commercial vehicles is prohibited.

- G. Sheriff's Office personnel/employees will not have any equipment/property belonging to the Sheriff's Office repaired, adjusted, or modified without official authorization.
- H. Sheriff's Office personnel/employees shall not deface any surface in the Sheriff's Office buildings or other, County, State, Federal or private building. Nor shall any material be affixed in any way to any wall, bulletin board or similar area in the aforementioned buildings without specific authorization. Sheriff's Office personnel/employees shall not alter or deface any authorized posted notice. Sheriff's Office personnel/employees are required to conduct their duties in compliance with safety regulations and keep their work areas clean and orderly.
- I. Sheriff's Office personnel/employees are responsible for exercising extreme caution at all times to adequately control and prevent unauthorized persons from gaining control of Agency issued equipment, weapons of any kind, drugs, and other toxic and dangerous materials. The loss or inability to account for any of these items must be reported immediately, verbally and in writing, to the supervisor on duty at the time of the discovery.
- J. Sheriff's Office personnel/employees are required to surrender all Sheriff's Office property in their possession upon separation from service, or upon order by a competent authority.

2.29 Incompetence:

Sheriff's Office personnel/employees shall be held strictly responsible for the proper performance of their duties. Personnel/employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Personnel/employees shall perform their duties in a manner which would maintain the highest standards of efficiency in carrying out the mission and objectives of the Cecil County Sheriff's Office.

2.30 Sexual Behavior:

Sheriff's Office personnel/employees will not engage in any sexual behavior while on-duty. While off-duty, Sheriff's Office personnel/employees will not engage in any sexual behavior within a Sheriff's Office Facility, Premises or Agency Vehicle. Sexual behavior is defined as any sexual act, sexual contact, or vaginal intercourse as defined in the Annotated Code of Maryland.

2.31 Unauthorized Use of METERS/ NCIC or CJIS Systems:

Sheriff's Office personnel/employees are prohibited from using or assisting in the use of the METERS/NCIC or CJIS system for personal reasons or for any other purpose prohibited by State and Federal statute.

2.32 Discrimination/Harassment/Retaliation:

- A. Sheriff's Office personnel/employees will not engage in any form of discrimination. Acts of discrimination may include, but are not limited to, favoritism, prejudice, preference, or tolerance based upon, sex, ancestry, citizenship, color, creed, marital status, mental or physical disability, national origin, pregnancy, race, religious affiliation, belief, or opinion, sexual orientation, or union membership in the work place.
- B. Sheriff's Office personnel/employees will not engage in any form of harassment. Harassment is to disturb or irritate persistently. It may include, but is not limited to, hound, badger, bother, pester, plague, torment, etc.
- C. Sheriff's Office personnel/employees will not take action against another employee because they are opposed to any unlawful employment practice or because they have made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing.

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SECTION III – DRUG AND ALCOHOL TESTING

3.1 General Provisions:

It shall be the policy of the Cecil County Sheriff's Office that all personnel and employees are obligated to maintain a Drug and Alcohol abuse free lifestyle. The use of any substance (narcotic and non-narcotic) regulated under the Maryland Uniform Controlled Dangerous Substances Act and /or the Annotated Code of Maryland – Criminal Law Article, shall be prohibited and the Sheriff's Office has zero tolerance for such use. Prescription drugs may be used only when prescribed to an employee by a licensed medical practitioner. It is the employee's responsibility to inform the practitioner of his/her medical history, employment assignment, and employment duties. It is the employee's responsibility to inquire as to whether the prescription will adversely affect the employee's ability to operate a motor vehicle or hinder his/her performance of duty. The following elements shall underscore the Sheriff's Office firm commitment to this policy:

- A. Pre-employment Urinalysis Drug Screening.
- B. Random Urinalysis Drug and/or Breath Alcohol Testing.
- C. Reasonable cause for Drug and/or Alcohol Testing
- D. Post-accident Urinalysis Drug and Breath or Blood Alcohol Testing.

3.2 Objectives:

The objectives of the testing program are to detect and deter the use of Controlled Dangerous Substances (CDS) and intoxicants (Alcohol and other intoxicants) by employees of the Sheriff's Office, either on or off duty and to detect related illegal or prohibited activities, either on or off duty that would adversely affect a employee's job performance or the mission of the Sheriff's Office.

3.3 Definitions, Rules and Prohibitions:

- A. Controlled Dangerous Substance (CDS) – Use of any substance (Narcotic or non-Narcotic) subject to enforcement under the Maryland Uniform Controlled Dangerous Substance Act, and those regulated substances under the Annotated Code of Maryland - Criminal Law Article, is prohibited.
- B. Non-Prescription Drugs – Use of a substance that may impair the employee's job performance or capability to respond to their duties is prohibited.
- C. Prescription Drugs – Use other than prescribed by a licensed health care provider to the employee is prohibited. It is a violation of this policy to use or misuse any medication prescribed by a licensed health care provider to another.

- D. Consumption of Intoxicants – Sheriff’s Office employees shall not consume intoxicants while off duty to the extent that evidence of such consumption is apparent when reporting for duty, or to the extent that ability to perform duty is impaired. Sheriff’s Office employees shall not consume intoxicants within eight (8) hours prior to their scheduled shift. Sheriff’s Office employees shall not consume intoxicants while on duty. (Exception: With approval of the employee’s Director when acting in an official capacity.)
- E. Chemical Compounds – Sheriff’s Office employees shall not illegally use any Chemical or Chemical Compound, such as, but not limited to inhaling paint, glue, butane, gasoline, cooking spray, Freon, white out, computer keyboard cleaner or other chemical or chemical compound.
- F. Accidental Ingestion or Contact – A Sheriff’s Office employee shall immediately notify his/her supervisor in the event an accidental ingestion or contact occurs of any controlled dangerous substance, intoxicant, chemical or chemical compound. (This may occur when the employee is on duty or off duty when necessary job functions are performed. Testing and analysis shall be done within twenty-four hours. Follow up testing shall be completed.
- G. Employees – All employees and personnel within the Sheriff’s Office and under the direction of the Sheriff shall be subject to these provisions.

3.4 Procedures:

- A. The Cecil County Sheriff’s Office shall be responsible for the cost of drug and/or alcohol testing.
- B. Pre-employment Drug Screening
 - I. Sheriff’s Office applicants for employment shall submit to a Drug Screen Test.
 - II. The Director of Law Enforcement or designee of the operation the applicant has applied to shall review all tests results.
- C. Random Drug and/or Alcohol Testing.
 - I. Annually, 20% of the Cecil County Sheriff’s employees shall submit to random drug testing, with 5% of the 20% being tested for alcohol. Quarterly, 5% of employees as reflected on the official employee directory shall be selected through an automated random sampling using a system code.
 - II. Random selections and random testing may occur anytime.
 - III. Since testing is done on a random basis, some employees may be selected more than once. Sheriff’s Office employees will be

required to test each time their name is selected.

- IV. The Human Resources Director shall provide the Chief Deputy or designee a computer printout of selected individuals.
 - V. The Chief Deputy or designee shall notify the Director of employees required to submit to random testing. The Director or designee shall notify the employee, utilizing CCSO Form SO-135.
 - VI. Sheriff's Office employees selected for random drug and/or alcohol testing shall be notified when they report for duty. Upon notification, employees selected for testing procedures shall sign the Random Drug/Alcohol Testing Notification Form CCSO form SO-135. The completed letter of notification shall be placed in the employee's medical personnel file.
 - VII. Notification of a drug and/or alcohol test will be considered a direct order from the Sheriff. Refusal to submit to an ordered test will be treated as a failure to obey a direct order as outlined in the Policy and Procedures Manual.
 - VIII. An employee who fails to report to the designated testing location will have been deemed to have refused to test. Refusal to take a drug and/or alcohol test shall be treated the same as a positive test.
 - IX. An employee who fails to successfully complete random drug and/or alcohol testing will be subject to disciplinary action including termination of employment.
- D. Reasonable Cause and Post Accident Testing
- I. Under this section, Sheriff's Office employees shall be tested for alcohol and drug use pursuant to Cecil County Personnel Policy and Procedures.
 - II. An employee who fails to successfully complete testing as required for reasonable cause and/or post accident will be subject to disciplinary actions including termination of employment.
- E. Testing
- I. The drug and/or alcohol test shall occur at a facility designated by the Sheriff.
 - II. All test results shall be communicated in writing to the Chief Deputy who shall notify the Director of Law Enforcement.

F. Positive Test Results/Action Plan

- I. Following confirmation of a positive drug and/or alcohol test result, the employee shall be:
 - a. Provided a copy of the laboratory test result(s).
 - b. Provided written notice of the Sheriff's Office intent to take disciplinary action, terminate employment, change the status of employment, or place administrative charges.
 - c. Provided a statement permitting the employee to request independent testing of the same sample for verification of the test result by a laboratory that holds a certification permit as outlined in Annotated Code of Maryland, Health-General Article Section 17-241.1. The employee shall pay the cost of an independent test, CCSO Form SO-136.
- II. The information required to be provided to the employee under Section (F)(I) of this policy shall be delivered to the employee either in person or by certified mail, within 30 calendar days from the date the test was performed.
- III. The employee will be immediately suspended from duty. Sheriff's Office personnel will be subject to disciplinary action under the Law Enforcement Officer's Bill of Rights (LEOBR). All other Sheriff's Office employees are subject to appropriate action by the Sheriff, with rights as indicated in the Cecil County Personnel Policy and Procedures.
- IV. The employee shall be informed of his/her right to have legal representation during any formal hearing process if the employee is covered by LEOBR. The employee shall bear the cost of legal representation regardless of the outcome of the hearing.

G. Employee Assistance Program

- I. The Cecil County Sheriff's Office shall encourage its employees to use the Employee Assistance Program (EAP) for help with alcohol or drug problems; however, it is the employee's responsibility to seek assistance from the EAP before the problems affect judgment, performance, or behavior at work.
- II. It is not the intent of this policy to require enrollment in an Employee Assistance Program prior to disciplinary action being taken.
- III. Disclosure of a Substance/Alcohol abuse problem is the responsibility of

the employee; the decision whether to discipline an employee will be made by the Sheriff on a case by case basis depending upon the facts and circumstances. This provision only applies to employees who come forward prior to random selection or required testing. It is not available to any employee who requests assistance after being asked to provide a urine sample or is discovered to have used a controlled dangerous substance, non-prescription drug, prescription drug, intoxicant, chemical or chemical compound in violation of the policy by observation, circumstance, and/or investigation.

- IV. If an employee's employment has been terminated as a result of violating this policy, he/she shall be able to address the substance abuse problem through the Employee Assistance Program, (EAP) as long as the initial contact is made within 30 days of the termination.

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SECTION IV – PROGRESSIVE SUPERVISION

4.1 General Provisions:

Progressive supervision is intended to provide a process for supervisors to manage employees in a manner that supports the operation of the Cecil County Sheriff's Office. This continuum provides a progressive approach to keep employees focused and productive while deterring unwanted behavior. It is also the first step to progressively documenting negative behavior.

4.2 Job Observation Documentation:

Job Observation documentation is an informal method of counseling and is a non-disciplinary measure. Supervisors are required to document personnel/employee work performance and behavior and use the process to identify and acknowledge positive performance and document corrective action for negative performance. The documentation will be captured on Sheriff's Office Job Observation Record Form SO-019 (Job Observation Report) and will be used to support the employee's annual performance appraisal.

4.3 Counseling:

Counseling is a formal process used to document and provide guidance to correct behavior that is not in compliance with established Sheriff's Office Policy and Procedure. It is a non-disciplinary measure and will be documented using Sheriff's Office Personnel Counseling Record Form SO-087 (Personnel Counseling Record) Supervisors will offer suggestions to correct specific performance issues or behavior and encourage the employee to offer suggestions to improve performance and behavior. The completed Personnel Counseling Record will be placed in the employee's Personnel File and made part of his/her permanent record.

4.4 Formal Disciplinary Action:

Behavior contrary to Sheriff's Office Policy and Procedures, which cannot be resolved utilizing non-disciplinary measures, may be cause for administrative charges. In all cases Sheriff's Office personnel are entitled to a hearing as provided by LEOBR. Sheriff's Office employees may appeal administrative sanctions pursuant to the Cecil County Human Resources Policy and Procedures. Penalties may include but are not limited to:

- Written Reprimand
- Loss of paid leave (i.e. Annual, Personal, or Holiday) *Must be delineated in hourly increments.*
- Transfer
- Fine
- Suspension
- Demotion
- Dismissal
- Other action which is intended as a punitive measure.

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SECTION V – PERSONNEL COUNSELING

5.1 Definition:

Personnel counseling means documenting employee performance and providing guidance to overcome behavior contrary to Policy and Procedure.

5.2 Procedures:

- A. Personnel counseling guidelines include, but are not limited to the following:
 - I. Counseling that occurs as soon as possible following the inappropriate behavior or at the conclusion of any investigation disclosing a minor violation.
 - II. Counseling that is conducted by an employee’s supervisor at the time of the violation or by the employee’s commander with the supervisor present.
 - III. Applying limitations to the scope of the counseling to deal with a specific violation or behavior and identifying areas for improvement in the employee’s behavior.
 - IV. Providing employees the opportunity to state their views and suggest corrective action to support the operation.
- B. Upon conclusion of the personnel counseling session:
 - I. The employee’s supervisor or commander will recommend a course of action designed to help the employee.
 - II. The employee’s supervisor will prepare a Personnel Counseling Record Form SO-087, in triplicate.
 - III. The employee will be given three (3) business days for the opportunity to review, sign and comment in writing on the form.
 - IV. If the employee refuses to acknowledge receipt of the form with a signature, “Refused to Sign” will be recorded thereon.
 - V. The completed Personnel Counseling Record Form (SO-087) will be placed in the employee’s Personnel File.

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SECTION VI – SUMMARY PUNISHMENT

6.1 Purpose:

Summary punishment is a disciplinary action available to commanders for use when an employee commits a violation of the Policy and Procedures that is determined to be minor in nature, after a formal investigation has been conducted.

6.2 Commander's Responsibility:

Commanders will review completed investigations and determine if the violation is minor in nature and that the facts are not disputed by the involved employee. If these conditions exist, the commander may offer Summary Punishment. Sheriff's Office personnel/employees holding an initial probationary status are exempt from requirements enumerated in A-F of this subsection and will be processed utilizing Form SO-218 (Probationary Record of Disciplinary Action). In all other circumstances, commanders will:

- A. Prepare Form SO-141 (Notification of Charges) including a concise statement of facts.
- B. Refer to the Disposition Matrix (Chapter XII) to determine the punishment.
- C. Meet with the employee to determine whether the facts are in dispute. If the facts of the case are not in dispute, Summary Punishment may be offered. If the facts of the case are in dispute, Summary Punishment shall not be offered and the case will be processed in accordance with the Hearing Board Procedures. (Section VIII)
- D. Offer Summary Punishment to the employee and allow up to three (3) working days for the employee to accept.
- E. Prepare Form SO-141A and ensure that employees accepting Summary Punishment sign, waiver and acceptance of punishment. (Waiver of Law Enforcement Officer's Bill of Rights and Acceptance of Punishment)
- F. Process all cases in accordance with the procedure for Hearing Boards when an employee does not accept the Summary Punishment offered.

6.3 Case Flow:

- A. The case file and all completed charging documents will be forwarded to the Director of the Law Enforcement, utilizing the chain of command and Form SO-155. (Routing Slip)
- B. Following the Director's review, the complete file will be forwarded to the Chief Deputy for signature. Upon return it will be forwarded to the Director of Law Enforcement for maintained filing and tracking of the file.

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SECTION VII – ALTERNATIVE DISCIPLINARY PROCEDURE (ADP)

7.1 Purpose:

The Alternative Disciplinary Procedure (ADP) provides an option for an employee to immediately accept disciplinary sanctions for minor violations without a formal investigation, when the facts are not in dispute and the employee agrees to the recommended disciplinary action.

7.2 General Provisions:

- A. Alleged violations must be serious enough to warrant formal disciplinary action although minor in nature. (i.e. Abuse of Leave)
- B. A formal investigation is not conducted.
- C. The commander of the employee accused of the violation, the Director of Law Enforcement and Chief Deputy must agree ADP is appropriate.
- D. An employee accused of a violation must agree with the recommended penalty.
- E. Collisions or accidents involving Agency Vehicles and damage or loss of Agency equipment shall not be processed under the provisions of ADP as these incidents require investigation. These issues may however, be processed in accordance with Summary Punishment or referral to a Hearing Board.

7.3 Procedures:

- A. Upon receipt of a complaint which may be resolved through the ADP, the employee's commander, utilizing the chain of command, will contact the Director of Law Enforcement to discuss the:
 - I. Merits of the case.
 - II. Feasibility of offering ADP.
 - III. Recommended discipline.
- B. When an agreement is reached with the Director of Law Enforcement regarding the use of ADP and the recommended discipline, the employee's commander will:
 - I. Forward the original Form SO-137 (Complaint Against Personnel) to the Captain/Operations Commander, noting the agreed upon disciplinary recommendation and request the issuance of a case number.

- II. Arrange a meeting with the employee to discuss the allegation and recommended discipline.
- C. The employee's commander will ensure the employee understands and or complies with the following:
- I. Acceptance of the recommended discipline only applies under ADP.
 - II. Statements made by the employee in the meeting with the commander under 7.3 (B) (II) of this sub-section may not be used in any disciplinary investigation or proceeding against the employee.
 - III. Additional investigations and disciplinary action may result if other allegations or information comes to light.
 - IV. That the procedure will not excuse the employee from being interviewed at a later time to supply information pertaining to other employees or additional allegations.
 - V. Complete and serve to the employee Form SO-141 (Notification of Charges)
 - VI. Complete a memorandum under the IAU case number, detailing the circumstances surrounding the violation being charged.
 - VII. Forward the Form SO-137, (Complaint Against Personnel) the commander's memorandum and the completed Form SO-141, (Notification of Charges) to the Director of Law Enforcement utilizing the chain of command and Form SO-155 (Routing Slip).
 - VIII. Following the Director's review, the complete file will be forwarded to the Chief Deputy for signature. Upon return it will be forwarded to the Director of Law Enforcement for maintained filing and tracking of the file.
 - IX. If the employee does not accept the recommended discipline:
 - a. The employee will be ordered, in writing, not to discuss the case with anyone other than counsel, the commander, or the investigator.
 - b. Notify IAU of the refusal to accept ADP.
 - c. Notify the employee that the alleged violation will be investigated.
 - X. The employee's signature on the Form SO-141 (Notification of Charges) indicates acceptance of the approved discipline.

7.4 Penalties:

Penalties under ADP will be consistent with the Disposition Matrix and follow the guidelines prescribed for Summary Punishment. Sheriff's Office personnel/employees holding an initial probationary status are exempt from requirements enumerated in A-F of this subsection and will be processed utilizing Form SO-218 (Probationary Record of Disciplinary Action).

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SECTION VIII – HEARING BOARD PROCEDURES

8.1 General Provisions:

- A. Cases referred to a Hearing Board result from the following:
 - I. Refusal of an employee to accept Summary Punishment.
 - II. Failure of an employee to acknowledge an offer of Summary Punishment within three (3) working days of receipt of Form SO-141 (Notification of Charges).
 - III. Referral of charges by a Commander.
- B. An employee's Commander as defined in this section is either the current Commander or the employee's Commander at the date of the alleged act or the Commander at the date of the alleged complaint against the employee.
- C. In general, no hearing, except a suspension review hearing, shall be held on any allegations that relate to conduct which is also the subject of a criminal proceeding, until such time as all criminal charges are disposed of. However, the Sheriff retains the discretion (non-grieveable) to make an exception to the general rule if he/she determines that the morale, operation, or best interest of the Sheriff's Office would be adversely affected by the failure to hold a hearing.

8.2 Director of Law Enforcement's Responsibilities:

The Director of Law Enforcement, or designee, will coordinate and direct all administrative hearings.

- A. The Director of Law Enforcement will:
 - I. Designate either a one-member or three-member hearing board.
 - II. Assign a chairperson, who did not participate in the investigation or interrogation of the employee, unless otherwise directed by the Sheriff,
 - III. Assign the board members of a three-member hearing board none of whom will have participated in the investigation of the employee who is the subject of the hearing.
 - IV. For three-member board, assign at least one board member who is the same rank as the employee for whom the hearing is being established.
 - V. Appoint a prosecutor.

- VI. Issue a memorandum to announce the appointment of the board and prosecutor.
- VII. Forward Copies of the memorandum and Form SO-141(s) (Notification of Charges) to the employee's commander, the board member (s) and the employee.
- VIII. The accused employee shall be entitled to one peremptory challenge of persons assigned to the hearing board. The chairperson is excluded from peremptory challenges.
- IX. Peremptory challenges must be filed by the accused employee with the board chairman at least 10 days prior to the hearing.

8.3 Administrative Procedures Prior to Hearing:

- A. Hearing Board Member(s) may not review the case file and may only review the information contained on Form SO-141(Notification of Charges).
- B. The accused employee is entitled to a copy of the investigative file, at no cost, not less than 30 days before the hearing date.
- C. Identity of confidential sources and non-exculpatory information shall be excluded from the case file.
- D. The accused employee will complete Form SO-205, (Confidentiality Agreement) relating to the use and disclosure of the information from the case file.

8.4 Pre-Hearing Procedures:

- A. The Hearing Board Chairperson will:
 - I. Contact the accused employee's attorney or representative, (if applicable) the prosecutor and the board members to arrange a mutually convenient date for the hearing. The hearing date will not be scheduled before 30 days from the date that counsel for the accused employee received a copy of all charges and the investigation material, unless a shorter period is mutually agreed upon by counsel and the chairperson. If the accused employee is not represented by counsel or a representative the employee will be the point of contact.
 - II. Prepare Form SO-143 (Notification of Hearing) and Form SO-144 (Notification of Evidence or Document Receipt) and forward these to the accused employee's commander.
- B. The accused employee's commander will serve Form SO-143 (Notification of Hearing) to the employee and return a signed copy to the chairperson.

- C. The chairperson will provide a copy of Form SO-143 (Notification of Hearing) to the prosecutor and board members.
- D. The accused employee will be responsible to give their counsel or representative (if applicable) a copy of Form SO-143 (Notification of Hearing) and Form SO-144 (Notification of Evidence or Document Receipt). If the accused employee has not retained counsel or a representative, he/she is responsible for the completion of Form SO-144 (Notification of Evidence or Document Receipt) and all other procedures required.
- E. If the prosecutor or the accused employee's counsel/representative requires summonses or if evidence will be presented, they will return the Form SO-144 (Notification of Evidence or Document Receipt) to the chairperson not less than 10 days prior to the hearing date.
- F. Requests for postponement will be directed to the chairperson and granted only for good cause.
- G. Requests to amend charges will be directed to the chairperson. An amended charge could result in a postponement of the hearing.
- H. If a penalty which differs from the matrix category is sought by the prosecutor, notice will be given to the accused employee no less than 10 days prior to the hearing.

8.5 Conducting the Hearing Board:

- A. All hearings are conducted by the chairperson unless otherwise designated.
- B. No weapons will be allowed in the hearing room.
- C. Hearings will be recorded and a record maintained anytime the tape is stopped and restarted.
- D. Written requests for open hearings will be considered.
- E. All documents accepted into evidence will be marked for identification and retained as part of the record.
- F. Motions and stipulations may be heard. The chairperson may rule or recess the board to discuss matters with the other board members.
- G. The chairperson will administer oaths or affirmations and may examine any individual under oath.
- H. Brief opening statements by the prosecutor and the defense counsel may be made.
- I. The prosecution will present its case in chief and bears the burden of proof.

- J. The defense may, but is not required to, present its case.
- K. Each party has the right to cross-examine each witness who testifies for the other party. Redirect and re-cross examination is limited to matters covered in a preceding examination. The board may question each witness.
- L. Rebuttal evidence by both parties may be presented.
- M. Closing arguments include:
 - I. A summation presented by the prosecutor.
 - II. A summation presented by the defense.
 - III. A rebuttal may be presented by the prosecutor.
- N. The board members will clear the room to decide guilt or innocence on each charge.

8.6 Decision of the Hearing Board:

- A. A majority of the board members shall reach a verdict on each charge.
- B. Guilty Verdict – A finding of guilt must be based on a preponderance of evidence.
- C. Not Guilty Verdict – A finding of not guilty on all charges concludes the hearing.
- D. Dissenting Opinion – A board member may submit a written report outlining his/her objection to the verdict.

8.7 Notification of Findings:

- A. The chairperson will reconvene the hearing.
- B. The accused employee will be advised of the boards finding on each charge.
- C. For a guilty finding, the chairperson shall request recommendations for penalty from the prosecution and defense. The accused employee’s personnel file and disciplinary record will be introduced at this time.
- D. The prosecution and defense may present testimony or other evidence in support of the recommendation for penalty.
- E. The board will clear the hearing room for deliberation of penalty.

8.8 Penalty Deliberation:

- A. If the penalty recommended by the board differs from the matrix category, the board shall state the mitigating/aggravating factors considered in support of the penalty.
- B. The accused employee's personnel file and/or disciplinary record will be considered in the deliberation.
- C. All evidence presented during the hearing along with other personnel related material, must be considered during this phase.
- D. The disciplinary recommendation can include one or more of the following: demotion, dismissal, transfer, loss of pay, fine, reassignment, remedial training or other punitive measures.
- E. Remedial training is required for guilty findings concerning illegal discrimination or harassment incidents, except in cases of termination.

8.9 Notification of Penalty:

- A. The board will reconvene the hearing.
- B. The chairperson shall notify all interested parties of the penalty for each charge and that the penalty will be recommended to the Sheriff.

8.10 Hearing Board Report:

- A. Within fourteen (14) days, the Hearing Board Report will be completed and submitted to the Director of Law Enforcement.
- B. Conclusions made by the board will be explained in a concise written statement and must be supported by finding of fact.
- C. The report will be signed by all board members.

8.11 Dissemination of Report:

- A. A copy of the Hearing Board Report will be forwarded through the chain of command to the Sheriff for review and approval.
- B. All evidence received during the hearing will be submitted to the Sheriff by the Director of Law Enforcement.

8.12 Sheriff's Review:

- A. Within 30 days of receipt of the Hearing Board Report the Sheriff may:
 - I. Increase or decrease the recommended penalty and document the reasons therefore.
 - II. Permit the employee to be heard, only if the penalty is being increased.
 - III. Forward a copy of the Hearing Board Report to the accused employee or their defense counsel/representative.
 - IV. The Sheriff's decision is final.

8.13 Post-Hearing Procedures:

- A. Distribution:
 - I. Form SO-141 (Notification of Charges), the case file and the boards report with all exhibits will be returned to the Director of Law Enforcement.
 - II. For guilty findings the Director of Law Enforcement will facilitate the preparation of all orders, memorandums, letters or other documents necessary to notify the accused employee and/or defense counsel of the disciplinary action to be carried out.
 - III. For not guilty findings the Director of Law Enforcement will facilitate the preparation of documents notifying the accused employee and/or defense counsel/representative of the board's decision and that the matter is closed.
 - IV. The Director of Law Enforcement will be the repository for the Case File, Hearing Board Report and all related material. At the conclusion of the process, the Director will file, maintain and track all case files and material.

8.14 Appeal Process:

- A. An employee may appeal the Sheriff's decision to the Circuit Court of Cecil County, pursuant to Maryland Rules.
- B. A secondary appeal to the Court of Special Appeals may be made by any party aggrieved by a decision of the Circuit Court.

CODE OF CONDUCT

SECTION IX – EMERGENCY SUSPENSION OF LAW ENFORCEMENT POWERS

9.1 General Provisions:

- A. A suspension may be imposed against Law Enforcement Personnel by a supervisor superior in rank to the suspended employee.
- B. Instances when an emergency suspension may be imposed include, but are not limited to the following:
 - I. A Law Enforcement Officer is the respondent to a temporary ex-parte or peace order where the issuing authority prohibits personnel from possessing a firearm.
 - II. A Law Enforcement Officer is accused of a felony criminal offense and a charging document has been issued by a court or the issuance of a charging document is imminent.
 - III. A Law Enforcement Officer been accused with a Category “C” offense which may result in termination of employment.
 - IV. A Law Enforcement Officer is charged on Sheriff’s Office Form SO-141 (Notification of Charges) or Form SO-218 (Probationary Record of Disciplinary Action) with a Category “C” offense where the recommended penalty is termination of employment.
 - V. A Law Enforcement Officer fails to obey a lawful order dealing with submission to an interrogation, interview, polygraph, medical test, chemical test, blood test, photograph or line-up.
 - VI. Any other instance where a suspension of Law Enforcement Powers/Authority would be in the best interest of the Sheriff’s Office and the general public.
- C. Concurrence of the Sheriff will be obtained as soon as possible following the suspension.
- D. The commander of a suspended Law Enforcement Officer will retain custody of the following issued equipment:
 - I. Firearm, magazines, and ammunition (if assigned)
 - II. Badge
 - III. Identification Credentials/ Swipe Card
 - IV. MPCTC Officer Certification Card
 - V. Vehicle (if assigned)

- E. Suspended Law Enforcement Personnel will be advised whether the suspension is with or without pay utilizing Sheriff's Office Form SO-120 (Order of Emergency Suspension).
- F. Following the suspension of Law Enforcement Personnel, the completed Form SO-120 (Order of Emergency Suspension) will be immediately forwarded to the Director of Law Enforcement for processing.
- G. Emergency Suspensions without pay may be imposed when Law Enforcement Personnel have been charged with a felony.
- H. Suspended Law Enforcement Personnel shall be notified of the date, time and location of an Emergency Suspension Hearing when applicable, if requested by the employee or the employee's legal counsel.
- I. Suspended Law Enforcement Personnel will not exercise Law Enforcement Powers/Authority until those powers have been restored by the Sheriff.
- J. When Law Enforcement Personnel are suspended due to physical or physiological reasons, a Sheriff's Office Form SO-120 will not be completed and personnel are not entitled, by law, to an Emergency Suspension Hearing.
- K. Incidents involving concerns of an individual's ability to perform the essential job functions, due to physical or psychological reasons will be referred to the appropriate medical provider.

9.2 Procedures:

- A. The Sheriff shall promptly conduct an emergency suspension review hearing or may delegate the authority to conduct the hearing to a commissioned officer.
- B. The Commander of suspended Law Enforcement Personnel will:
 - I. Liaison with the Director Law Enforcement to schedule a review hearing, if applicable.
 - II. Direct suspended Law Enforcement Personnel to appear for a review hearing.
 - III. Act as the representative of the Sherriff's Office and present the facts.
- C. Suspended Law Enforcement Personnel may waive the review hearing by completing and submitting Sheriff's Office Form SO-142. (Emergency Suspension Waiver of Hearing) Completed forms will be submitted through the individual's Commander to the Director of Law Enforcement.

9.3 **Review Board:**

- A. The review board will be comprised of three members. At least one member will be the same rank as the individual suspended, and one member will be a commissioned officer who will act as the chairperson.
- B. Suspended Law Enforcement Personnel are entitled to a prompt hearing. Therefore, the review hearing will be held within three (3) days of the suspension from duty, (excluding holidays and scheduled days off) unless the time limit is extended by mutual agreement of the Sheriff's Office and Respondent.
- C. The review board will conduct a hearing and recommend to the Sheriff one of the following:
 - I. The suspension was not justified and the individual should return to duty.
 - II. The suspension was justified but the individual should be returned to duty.
 - III. The suspension was justified and the individual's suspension should continue.
- D. The review board will limit the scope of the review to determine if the continuation of the suspension is necessary to protect the public interest or the Sheriff's Office.
- E. During a review hearing, suspended Law Enforcement Personnel may:
 - I. Be accompanied by counsel or a representative. (Only matters dealing with the determination of suspension will be heard.)
 - II. Rebut the reason(s) for the initial suspension.
 - III. Present mitigating testimony.
 - IV. Suggest alternatives to the suspension.
- F. The Sheriff's Office representative will:
 - I. Present reason(s) for the initial suspension.
 - II. Make recommendations concerning the individuals leave status and temporary assignment during the period of suspension.
 - II. Recommend a final disposition on the suspension.

9.4 Review Board Chairman:

The review board chairman will:

- A. Ensure the review hearing is recorded and the recording is forwarded to the Director of Law Enforcement for filing.
- B. Advise the suspended individual that the suspension will continue pending the Sheriff's decision and that he/she will be notified of the decision in writing.
- C. Prepare a report containing the review board's recommendation and forward it to the Director of Law Enforcement.

9.5 Director of Law Enforcement's Responsibilities:

The Director will:

- A. Review and forward the board's report to the Sheriff, without endorsement.
- B. Receive the returned report and Sheriff's endorsement.
- C. Maintain the report and Sheriff's endorsement for filing and retention.

9.6 Sheriff's Responsibilities:

The Sheriff will:

- A. Review the boards report.
- B. Determine if the suspension should be continued.
- C. Determine if the suspension is with or without pay.
- D. Notify the suspended individual, in writing, of the decision.
- E. Return the report, endorsement, and attachments to the Director of Law Enforcement for filing and retention.

9.7 Reinstatement of Law Enforcement Powers/Authority:

- A. When an individual's Law Enforcement Powers/Authority have been suspended, with or without pay, and the allegations which led to the suspension are or appear to be unfounded, the Director may consult with the Internal Affairs Investigator for input on all relevant case information. If the Director determines that the Law Enforcement Powers/Authority should be reinstated, the Director will initiate a memorandum to the Sheriff making the recommendation. The Director will further delineate the reasons that

support the reinstatement. The Sheriff will evaluate the request and make the decision accordingly.

- B. The reinstatement procedure may be implemented before or after the review hearing.
- C. If the Sheriff reinstates the suspended individual, this will be documented by return endorsement to the Director's initial memorandum. The Director will make the appropriate notifications.

CODE OF CONDUCT

SECTION X – INVESTIGATION AND PROCESSING OF ADMINISTRATIVE COMPLAINTS

10.1 Purpose:

- A. To establish procedures for investigating and processing complaints against employees.
- B. To ensure all complaints are reviewed by the employee's Commander to:
 - I. Determine the nature of the allegation.
 - II. Determine if an investigation is warranted.
 - III. Inform all complainants of the case status and disposition.
 - IV. Ensure that all complaints and dispositions are reported to the Internal Affairs Unit.

10.2 General Provisions:

- A. The Sheriff establishes rules, regulations and procedures necessary to ensure the competent and efficient management of the Sheriff's Office.
- B. Administrative charges may be lodged against an employee for:
 - I. Violating rules, regulations and procedures.
 - II. Violating federal, state and local laws and ordinances.
- C. Disciplinary procedures will be applied to all Sheriff's Office personnel in conformance with the Law Enforcement Officer's Bill of Rights. (LEOBR)
- D. Disciplinary procedures will be applied to civilian employees in conformance with Cecil County Human Resources Policies and Procedures.
- E. All records and documents related to disciplinary procedures are confidential.

10.3 Complaints:

- A. A complaint is defined as an allegation that if proven factual would constitute misconduct.
- B. Exceptions: Differences of opinion are not complaints unless the allegation reports misconduct, (i.e. improper demeanor, etc.)

- C. A complaint can be made by a citizen, a Sheriff's Office personnel/employee, or by a third party in any of the following ways:
 - I. In person.
 - II. In writing.
 - III. By telephone.
 - IV. If a citizen wishes to make a complaint in person, that citizen may be accompanied by another person. The additional person(s) may not, however, accompany the complainant during the interview if they are a witness to the incident from which the complaint arises. Furthermore, if the additional person(s) becomes disruptive or otherwise interferes with the interview that person(s) shall be excluded from the interview.
- D. Unless a complaint is filed within 366 days after the alleged brutality, an investigation that may lead to disciplinary action under this subtitle for Brutality/Excessive force may not be initiated and an action may not be taken.

10.4 Processing Complaints:

- A. A complaint may be received by any employee at any time. It is preferred that the initial complaint be taken by a supervisor.
- B. It is imperative that the complainant is met with respect, courtesy, and understanding. Projecting a negative attitude adds aggravation to someone who perceives they have been treated unjustly.
- C. All Sheriff's Office personnel/employees will:
 - I. Not delay the initiation of a complaint.
 - II. Record all complaints on Sheriff's Office Form SO-137 (Complaint Against Personnel).
 - III. Make every effort to identify the complainant.
 - IV. Record anonymous complaints.
 - V. Forward Form SO-137 (Complaint Against Personnel) covered by a Form SO-155 (Routing Slip) with any supporting documentation relevant to the complaint, through channels to their Commander.

- D. Personnel/Employees desiring to file a complaint against another employee shall complete Form SO-137 (Complaint Against Personnel) sign the form and forward it to the accused employee's Commander.
- E. Personnel/Employees may be immediately assigned to investigate all or part of any complaint. Personnel/employees receiving the complaint will not discuss the nature of the complaint with the involved employee or other unauthorized person.
- F. Complaints received directly by the Sheriff will be forwarded to the Director of Law Enforcement for appropriate distribution.

10.5 Commander's Responsibilities:

- A. Commanders shall:
 - I. Review Form SO-137 (Complaint Against Personnel) to determine the seriousness of the complaint.
 - II. Inform the complainant in writing that the complaint has been received and will be reviewed.
 - III. Confer with the Director of Law Enforcement to determine if the complaint will be formally investigated, whether it will be investigated by a supervisor or the Internal Affairs Unit, and whether to proceed under the guidelines of the Alternative Disciplinary Procedure (ADP).
 - IV. If it is determined that the complaint will be formally investigated and the investigation will be conducted by a supervisor, a copy of the Form SO-137 (Complaint Against Personnel) will be forwarded to the Operations Commander, and a case number will be requested.
 - V. If it is determined that the complaint will be formally investigated by the Internal Affairs Unit, the commander will ensure Form SO-137 (Complaint Against Personnel) and all supporting documents are forwarded to the Director of Law Enforcement who will assign an investigator.
 - VI. The Director of Law Enforcement will have final authority governing case assignments and bears the responsibility for any and all notifications of all affected parties involved upon complaint closure, specially complaints under the perimeters of Title 28, Code of Federal Regulations, Part 115, Prison Rape Elimination Act of 2003 (PREA).

10.6 Commander's Discretionary Responsibilities:

- A. Commanders have the authority and discretion to resolve minor complaints or violations when formal disciplinary action is unnecessary. A complaint is considered a minor violation when it involves:
 - I. Errors in judgment.
 - II. Incidents that can be resolved to the Commander's satisfaction.
- B. Complaints resolved without investigation will require the Commander to:
 - I. Endorse the Form SO-137 (Complaint Against Personnel) outlining the justification for such action.
 - II. Notify the complainant by letter, (if applicable) informing them of the final disposition of the complaint.
 - III. Forward the Form SO-137 (Notification of Complaint) and attachments to the accused employee's immediate supervisor for inclusion with their Job Observation Documentation. If the complaint was resolved through Personnel Counseling, Form SO-087 (Personnel Counseling Record) will be forwarded for inclusion in the accused employee's personnel file.

10.7 Investigation Process:

- A. An internal investigation is considered complete when:
 - I. The complainant and all witnesses have been interviewed.
 - II. Employees have been questioned.
 - III. All physical evidence has been examined.
 - IV. All leads have been explored.
 - V. The case has been accurately reported.
- B. The investigator shall, when feasible:
 - I. Conduct all complainant/witness interviews in person and obtain all pertinent identifiers from the person interviewed.
 - II. Take formal recorded statements from the complainant and witnesses.

- III. Preserve all statements and physical evidence as part of the investigative file.
- IV. Determine all relevant facts known to the complainant and/or witnesses, and pursue all leads developed.
- V. Determine the motivation of the complainant and/or witnesses, such as relationships with the complainant or employee.
- VI. Obtain all pertinent records/documents that are relevant to the investigation.
- VII. If a firearm is used by an employee, determine:
 - 1. If the weapon is an approved weapon.
 - 2. If it was issued by the Sheriff's Office.
 - 3. If the ammunition is issued and approved by the Sheriff's Office.
 - 4. Document the condition of the weapon, including a complete description of it's:
 - a. Make, model, caliber, serial number
 - b. The number of rounds of ammunition in the weapon and on the employee's person, including all magazines.

C. Written Reports:

- I. Generally, a recorded interview/interrogation is preferred. However, employees may still be required to submit written reports detailing the facts concerning their involvement in an incident.
- II. If the report is likely to contain information that may be used as evidence against an employee in a disciplinary hearing, the report is considered an interrogation. Therefore, the authority ordering the report shall:
 - 1. Consult with the investigator of the criminal complaint before ordering a report from an employee where criminal charges may result.
 - 2. Provide the employee with a completed copy of Form SO-094 (Notification of Complaint).
 - 3. Provide the employee a written order instructing him/her to submit a written report.

4. Allow up to ten (10) days for the employee to consult with counsel or other responsible representative prior to submitting the report.

D. Interrogation/Statements from an Accused Employee:

- I. As a general rule, the interrogation of an employee under investigation occurs after the complainant and all witnesses have been interviewed.
- II. The investigator determines the sequence of interviews.
- III. All interrogations shall be in conformance with LEOBOR.
- IV. Before every interrogation, including the submission of a written report, the authority conducting the interrogation will:
 1. Complete Form SO-094, (Notification of Complaint) which shall:
 - a. State that the employee is the subject of an investigation, and
 - b. Briefly describe the nature of the investigation.
 - c. Be provided with Form SO-089, (Order to Submit to Interrogation) identifying the date, time and location that the interrogation will take place.
 - d. Allow up to ten (10) days for the employee to consult with counsel or other responsible representative prior to being interrogated and have that representative present during the interrogation.
- V. The employee subject to the interrogation will be allowed to read or have read to them Form SO-094 (Notification of Complaint) prior to the interrogation.
- VI. The employee subject to the interrogation will sign Form SO-094 (Notification of Complaint) and be provided a copy.
- VII. The interrogating authority must be certain employees are given the opportunity to retain or waive their LEOBOR rights before any statement can be taken.
- VIII. If the employee desires to waive or retain any or all of their LEOBOR rights, he/she shall indicate by signing their name, rank, and ID number in the space provided on Sheriff's Office Form SO-139A (Notification of Rights-Waiver of Rights) and provided a copy.
- IX. The original SO-094 (Notification of Complaint), Form SO-089 (Order to Submit to Interrogation) and Form SO-139A (Notification of Rights-Waiver of Rights) will be placed in the case file.

- X. All questions directed to the employee during the interrogation shall be asked by and through one interrogator during any one interrogating session.
 - XI. The interrogation shall take place at one of the following locations:
 - 1. The office of the employee's assignment.
 - 2. The office of the investigator.
 - 3. Any other reasonable and appropriate place designated by the investigating authority, unless otherwise waived by the employee.
 - XII. The interrogation will be recorded and include: the date, location and time the interrogation begins, all interruptions, breaks or recess periods, and the time the interrogation is terminated.
- E. Compelled Tests:
- I. Employees may be compelled to submit to blood tests, breath tests and urinalysis tests for controlled dangerous substances and alcohol.
 - II. Employees may be compelled to submit to other forensic tests such as providing handwriting samples, hair samples, etc. as may be required through the investigation.
- F. Polygraph Examinations:
- I. Polygraph examinations of employees will be conducted in accordance with LEOBOR.
 - II. Employees may voluntarily submit or be ordered to submit to a polygraph examination.
 - III. The results of a polygraph examination may not be used as evidence in any administrative hearing when the Law Enforcement Officer has been ordered to submit to a polygraph examination by the Sheriff's Office unless the Sheriff's Office and Law Enforcement Officer agree to the admission of the results per LEOBOR.
 - IV. The employee's counsel/representative need not be present during the actual administration of the polygraph examination if:
 - 1. The questions to be asked are reviewed with the employee or counsel/representative prior to administering the examination.

2. The counsel/representative is allowed to observe the administration of the polygraph examination.
- V. A copy of the final report is made available to the employee or their counsel/representative within ten (10) days.
 - VI. A post polygraph interrogation will require the issuance of a new Form SO-094 (Notification of Complaint) and SO-089, (Order to Submit to Interrogation) prior to the interrogation.
- G. Failure to Comply:
- I. Before ordering employees to submit written reports; or submit to an interrogation, interview, blood, breath, or urine tests, and/or polygraph examinations; the employee must first be advised of the following:
 1. Information supplied through their answers will not be used against them in subsequent criminal proceedings.
 2. The following actions are separate violations of the Rules of Conduct and constitute grounds for disciplinary action which may cause the employee's dismissal:
 - a. Refusal to cooperate in an investigation.
 - b. Refusal to submit to a blood alcohol test, or a blood, breath, or urine test for use of controlled dangerous substances.
 - c. Refusal to submit to a polygraph examination, interrogation, interview, or submit a written report.
- H. Investigative Report Format:
- I. The completed investigation case file will be organized as follows:
 1. Table of Contents
 2. Section I - Complaint Against Personnel Report, (Form SO-137) and/or Complaint of Brutality (Form SO-138).
 3. Section II - Report of Investigation.
 4. Appendices.
 - a. Statement of complainant, if different from the victim.

- b. Statement of victim, if different from that of the complainant.
- c. Witness statements.
- d. Notification of Complaint, Form SO-094. (If applicable)
- e. Order to Submit to interrogation, Form SO-089. (If applicable)
- f. Notification of Rights-Waiver of Rights, Form SO-139A. (If applicable)
- g. Written statement or interrogation transcript of the accused employee.
- h. Other statements or written reports.
- i. Additional exhibits or documents.

II. The investigator will recommend for each violation, based upon a preponderance of evidence, a finding of:

- 1. Non-Sustained – the investigation fails to disclose sufficient information to clearly prove the allegation; or
- 2. Sustained – the investigation disclosed sufficient information to substantiate the allegation; or
- 3. Unfounded – the investigation revealed that the reported incident did not occur.

I. Report Flow – Investigations Conducted at the Supervisory Level

- I. Upon completion of an investigation conducted at the supervisory level, the supervisor completing the investigation will forward it to Lieutenant utilizing Form SO-155 (Routing Slip).
- II. The Lieutenant will review the investigation for content and investigative thoroughness and, by endorsement, will document concurrence or dissent with the investigator's findings.
 - 1. If the Lieutenant agrees with the investigative findings he/she will document concurrence by endorsement and make a recommendation for penalty for sustained cases. When making this recommendation the Lieutenant will refer to the Disposition Matrix, (Section XII) consider the employees past disciplinary record, the seriousness of the offense, and whether the application of Summary Punishment or utilization of ADP is warranted.

2. If the Lieutenant disagrees with the investigative findings, he/she will document the factual basis for not accepting the investigator's findings and route the report and endorsement on Form SO-155 (Routing Slip) to the Operations Commander.
 3. For sustained cases, the Lieutenant will prepare charging documents utilizing Form SO-141 (Notification of Charges) or Form SO-218 (Probationary Record of Disciplinary Action) and forward the entire investigative file to the Operations Commander utilizing Form SO-155 (Routing Slip). *Separate charging documents will be used for each charge preferred and the Lieutenant **shall not** sign the document at this time.*
 4. For non-sustained cases, only the endorsement concurring with the finding is necessary. The entire investigative file will be forwarded to the Operations Commander utilizing Form SO-155 (Routing Slip).
- III. The Operations Commander will review the investigation and endorsement, and document concurrence or dissent with both the investigative findings and the Lieutenant's recommendation. The investigation and endorsements will then be routed on Form SO 155 (Routing Slip) to the Director of Law Enforcement.
- IV. The Director of Law Enforcement will review the investigation for content and investigative thoroughness and, by endorsement, will document concurrence or dissent with the Operations Commander and Lieutenant's recommendation.
1. If the Director agrees with the Operations Commander and Lieutenant's recommendation, he/she will:
 - a. For sustained cases, endorse the investigative file and forward it to the Chief Deputy utilizing Form SO-155. (Routing Slip)
 - b. For non-sustained cases, endorse the investigative file, notify the affected employee by memorandum concerning the case disposition and then file and maintain the IA investigative case file at the Director's level.
 2. If the Director disagrees with the Operations Commander and Lieutenant's recommendation, he/she will:
 - a. For sustained cases he/she believes are non-sustained, he/she will document the factual basis for dissent, reclassify and close the investigation. He/she will notify the affected employee by memorandum concerning the case disposition. The IA

investigative file will then be filed and maintained at the Director's level.

- b. For non-sustained cases he/she believes are sustained, he/she will document the factual basis for dissent and return the investigation, through the chain of command, to the Lieutenant for processing as prescribed in sub-section I.(II)(3) of this section.

V. The Chief Deputy is only responsible for the review of sustained cases.

1. If he/she concurs with the sustained finding and recommendation for penalty, he/she will return the investigative file, through the chain of command, to the Lieutenant for service of the charging documents.
2. If he/she disagrees with the sustained finding, he/she will document the factual basis for the dissent and return the investigative file to the Director for processing as prescribed in subsection I.(IV)(2)(a) of this section. The Director will be responsible for notifying the affected employee concerning the case disposition.

J. Report Flow – Investigations Conducted by the Internal Affairs Investigator

- I. Upon completion of an investigation conducted by the Internal Affairs Investigator, the assigned investigator will forward it to the Director of Law Enforcement, utilizing Form SO-155 (Routing Slip).
- II. The Director of Law Enforcement will review the case for content and investigative thoroughness.
 1. If correction is required it will be returned to the assigned investigator utilizing Form SO-155 (Routing Slip).
 2. If the case is sufficient, it will be forwarded, by endorsement, to the Operations Commander.
 3. For sustained cases he/she believes are non-sustained, he/she will document the factual basis for dissent, reclassify and close the investigation. He/she will notify the affected employee by memorandum concerning the case disposition. The IA investigative file will then be filed and maintained at the Director's level.
 4. For non-sustained cases he/she believes are sustained, he/she will document the factual basis for dissent and forward the investigation, through the chain of command, to the Operations Commander utilizing Form SO-155 (Routing Slip).

- III. The Operations Commander will review the investigation for content and investigative thoroughness.
1. If the Operations Commander agrees with the investigative findings and or the Director's dissent, he/she will document by endorsement the concurrence and forward the entire investigative file to the Lieutenant utilizing Form SO-155 (Routing Slip).
 2. If the Operations Commander disagrees with the investigative findings and or the Director's dissent, he/she will document the factual basis for not accepting the investigator's findings and or Director's dissent, and route the report and endorsement on Form SO-155 (Routing Slip) to the Director.
- IV. The Lieutenant will review the investigation for content and investigative thoroughness and, by endorsement, will document concurrence or dissent with the Internal Affairs Investigator's findings and or endorsements from the Director and Operations Commander.
1. If the Lieutenant agrees with the investigative findings and or the endorsements from the Director and Operations Commander, he/she will document concurrence by endorsement and make a recommendation for penalty for sustained cases. When making this recommendation the Lieutenant will refer to the Disposition Matrix, (Section XII) consider the employees past disciplinary record, the seriousness of the offense, and whether the application of Summary Punishment or utilization of ADP is warranted.
 2. If the Lieutenant disagrees with the investigative findings and or the endorsements from the Director and Operations Commander, he/she will document the factual basis for not accepting the findings and route the report and endorsement on Form SO-155 (Routing Slip) to the Operations Commander.
 3. For sustained cases, the Lieutenant will prepare charging documents utilizing Form SO-141 (Notification of Charges) or Form SO-218 (Probationary Record of Disciplinary Action) and forward the entire investigative file to the Operations Commander utilizing Form SO-155 (Routing Slip). *Separate charging documents will be used for each charge preferred and the Lieutenant shall not sign the document at this time.*
 4. For non-sustained cases, only the endorsement concurring with the finding is necessary. The entire investigative file will be forwarded to the Operations Commander utilizing Form SO-155 (Routing Slip).

- V. The Operations Commander will review the investigation and endorsement, and will document concurrence or dissent with the Lieutenant's recommendation for penalty. The investigation and endorsements will be routed on Form SO-155 (Routing Slip) to the Director.

- VI. The Director of Law Enforcement will again review the investigation for content, investigative thoroughness, as well as the recommendation for penalty. By endorsement he/she will document concurrence or dissent with the Operation Commander and Lieutenant's recommendation.
 - 1. If the Director agrees with the Operations Commander and Lieutenant's recommendation for penalty, he/she will:
 - a. If the Director agrees with the recommendation for penalty, he/she will endorse the investigative file and forward it to the Chief Deputy utilizing Form SO- 155 (Routing Slip).
 - b. If the Director disagrees with the recommendation for penalty, he/she will endorse the investigative file, notify the affected employee by memorandum concerning the case disposition and then file and maintain the IA investigative case file at the Director's level.
 - c. If applicable, it will be the Director's responsibility to have the investigative case file and charging documents reviewed for legal sufficiency.

- VII. The Chief Deputy is only responsible for the review of sustained cases.
 - 1. If he/she concurs with the sustained finding and recommendation for penalty; he/she will return the investigative file, through the chain of command, to the Lieutenant for service of the charging documents.
 - 2. If he/she disagrees with the sustained finding and recommendation of penalty; he/she will document the factual basis for the dissent and return the investigative file to the Director for processing as prescribed in subsection J.(IV)(2)(a) of this section. The Director will be responsible for notifying the affected employee concerning the case disposition.

10.8 Charging Documents:

- A. If after investigation and review, it is determined that formal disciplinary action is warranted, the investigative file, all endorsements and attachments will be returned to the Lieutenant for service of the charging document(s), Form SO-141 (Notification of Charges).
- I. If Summary Punishment is to be offered, the Lieutenant will:
1. Meet with the employee to determine whether the employee does not dispute the facts.
 2. Allow the employee three (3) working days to accept the Summary Punishment.
 3. Prepare the case for prosecution if the employee does not accept Summary Punishment within three (3) days.
- II. If the employee accepts Summary Punishment, the Lieutenant will:
1. Prepare Form SO-141A (Waiver of Law Enforcement Officer's Bill of Rights and Acceptance of Punishment) indicating the offered penalty in the space provided. (i.e. Written Reprimand, One day Suspension or the dollar amount of a fine.)
 2. Sign both Forms SO-141 (Notification of Charges) and Form SO-141A (Waiver of Law Enforcement Officer's Bill of Rights and Acceptance of Punishment). *The Lieutenant's signature signifies the filing of the charge(s).*
 3. Ensure the employee accepting Summary Punishment signs Form SO-141A, (Waiver of Law Enforcement Officer's Bill of Rights and Acceptance of Punishment) and provided with a copy.
 4. Notify the complainant by letter, (if applicable) informing them of the final disposition of the complaint.
 5. If the complainant is a Sheriff's Office employee other than the employee's immediate supervisor, the Lieutenant will make notification of the case disposition to the employee by memorandum.
 6. Prepare an endorsement and route the entire case file, including the letter to the complainant or memorandum to an employee and the charging documents to the Director of Law Enforcement, utilizing the chain of command.

- III. For all sustained cases where the offense carries a penalty outside of the scope of Summary Punishment, a hearing is required. In these instances, the Lieutenant will:
1. Sign the front of Form SO-141 (Notification of Charges). *The Lieutenant's signature signifies the filing of the charge.*
 2. Present Form SO-141 (Notification of Charges) to the accused employee for acknowledgement and signature, and provide the employee with a copy.
 3. Inform the accused employee of the Lieutenant's penalty recommendation (If any). If the accused employee indicates they wish to waive their right to a hearing board and accept the recommended penalty, refer to subsection (B) (IV).
 4. Forward the entire case file, utilizing the chain of command, to the Director for scheduling of the hearing board, as prescribed in Section VIII, if the accused employee does not indicate they wish to waive their right to a hearing board and accept the recommended penalty.

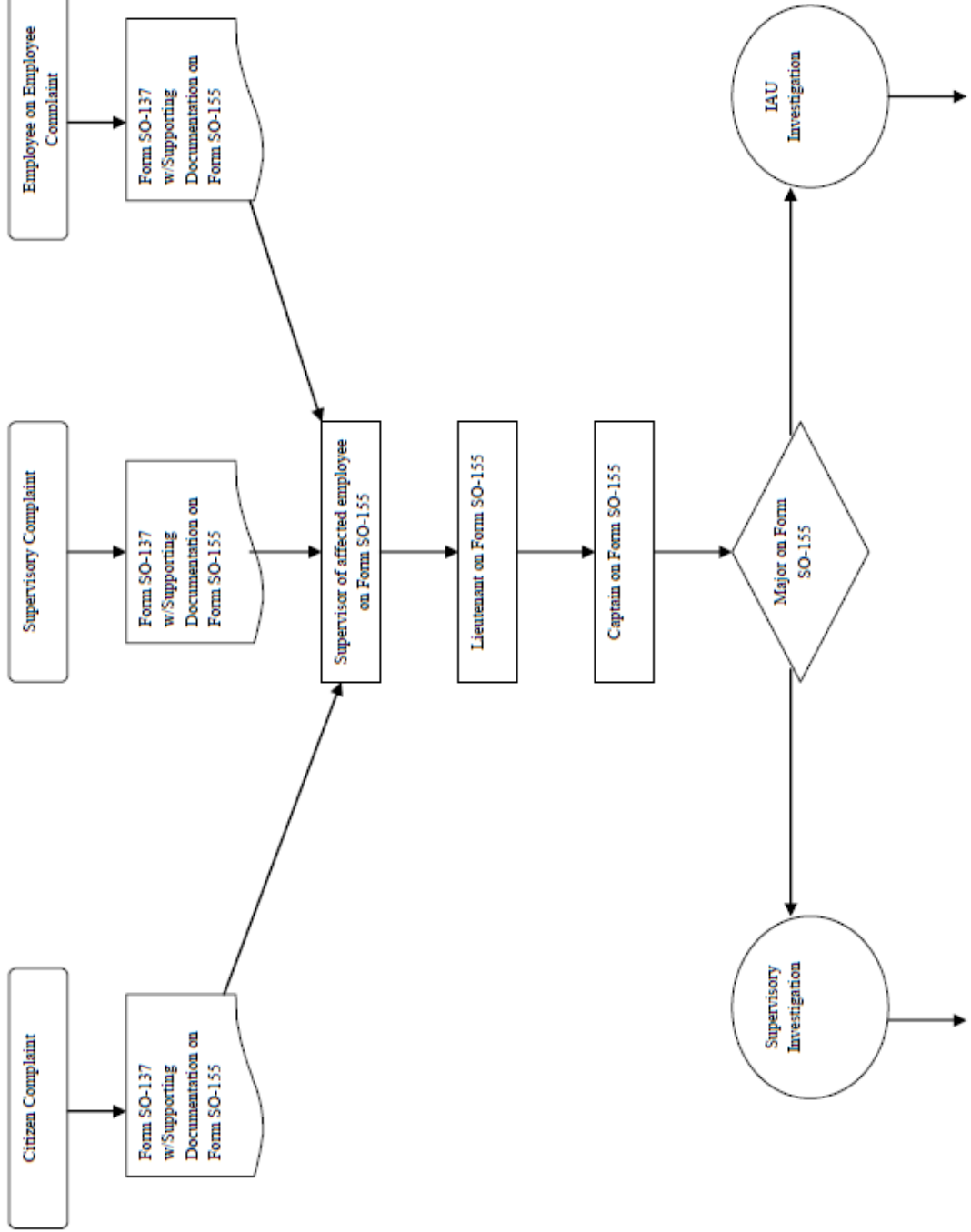
B. Resolution of Cases Prior to Hearing

- I. An employee may waive all rights afforded by LEOBOR after the employee is charged with a violation of the Policy and Procedures.
- II. The Director of Law Enforcement or the assigned prosecutor can be contacted by the employee or his/her representative to engage in negotiations to resolve the case at any time.
- III. When it is in the best interest of the employee and the Sheriff's Office to resolve the case, the Director or the assigned prosecutor can offer the employee the opportunity to waive the Hearing Board process. The Director or assigned prosecutor may facilitate negotiations and initiate the completion of Form SO-147 (Waiver of Hearing). The waiver is contingent on acceptance by the Sheriff before it is binding.
- IV. At the time the Lieutenant serves the charging document(s) and informs the accused employee of the recommended penalty, the accused employee may waive his/her right to a hearing board and accept the recommended penalty. In this case, the Lieutenant will:
 1. Facilitate the completion of Form SO-147 (Waiver of Hearing) and ensure the accused employee signs the form.

2. Inform the employee that the waiver will not be accepted until approved by the Sheriff.
3. Forward the completed Form SO-147 (Waiver of Hearing) utilizing Form SO-155 (Routing Slip) through the chain of command to the Sheriff.
4. If the waiver is accepted by the Sheriff the accused employee will be provided with a signed copy of the waiver and the penalty will be applied.
5. If the waiver is not accepted, the accused employee will be informed that the case will proceed to the Hearing Board process.

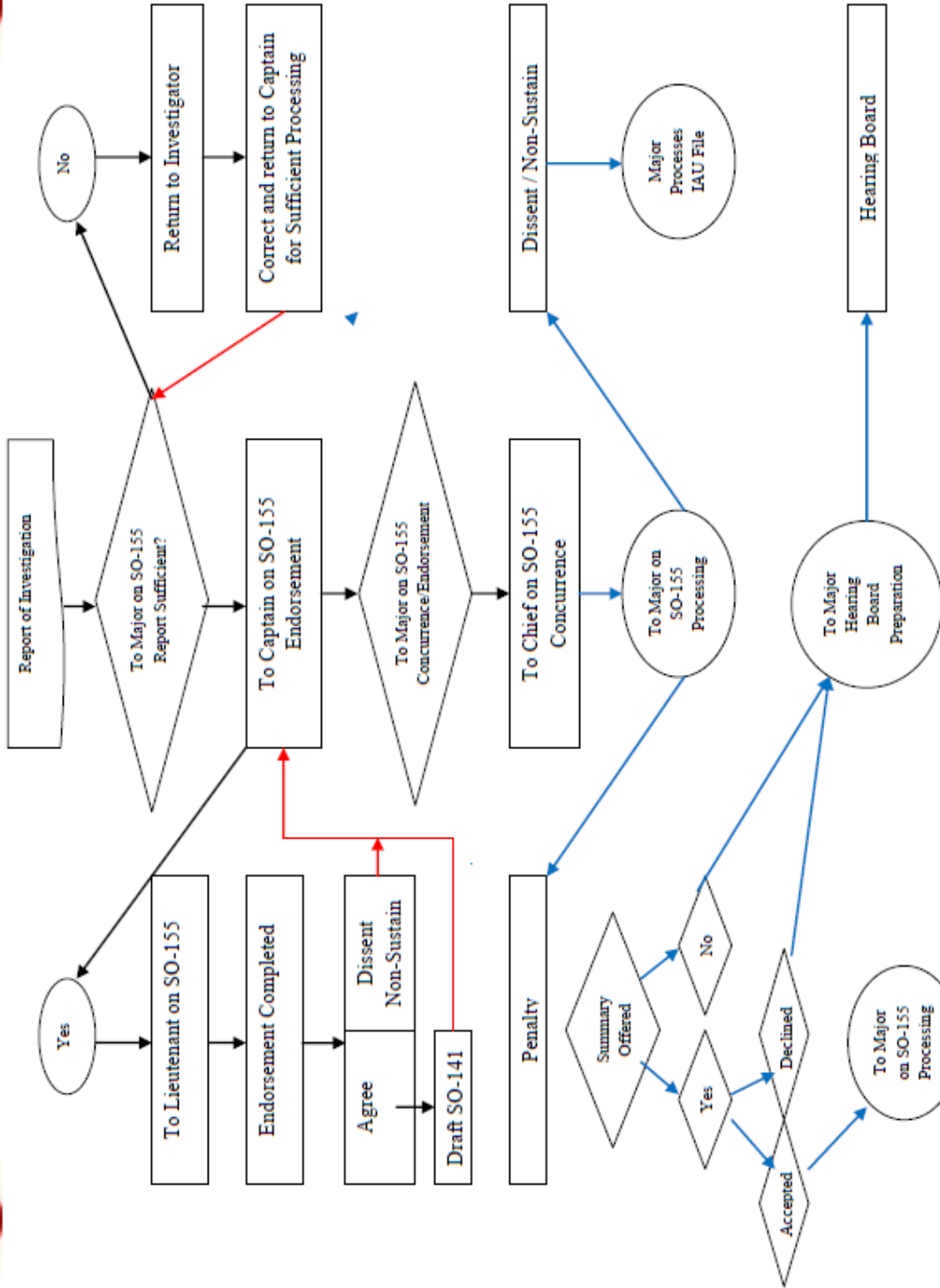


ADMINISTRATIVE COMPLAINT PROCESSING





ADMINISTRATIVE INVESTIGATION REVIEW PROCESS



Black = Initial Routing
 Red = Return Routing to the Captain
 Blue = Routing after Review by the Chief

CODE OF CONDUCT

SECTION XI – CRIMINAL COMPLAINTS AND USE OF FORCE INVESTIGATIONS

11.1 General Provisions:

The Sheriff's Office will conduct criminal and administrative investigations when an employee is accused of violating the criminal law or using force which result in a life threatening injury or death.

11.2 Investigative Procedures:

- A. If an employee is the subject of an inquiry in which life threatening force has been used or is a witness to life threatening injuries of another employee, the senior Deputy on the scene will:
 - I. Remove the involved employee to a neutral location.
 - II. If warranted, ensure the proper notifications have been made and the appropriate psychological services are provided to the employee.
- B. If an employee's firearm or other weapon was used, the supervisor on the scene will ensure it is secured in the condition it was surrendered. All magazines, ammunition, cartridges, etc. will also be secured in the condition they were surrendered and a chain of custody will be maintained. The senior Deputy on the scene will only relinquish the firearm, weapon and related components to the criminal investigator.
- C. The removal of a weapon should:
 - I. Occur when the crime scene is safe.
 - II. Be done in a manner as not to cause additional stress to the employee.
- D. An employee accused of a criminal act will be subject to a criminal investigation conducted by the Criminal Investigation Division, or the police department investigating the case.
- E. The employee's Commander will notify the Chief Deputy, Director of Law Enforcement and Operations Commander as soon as it is alleged that an employee has been involved in an incident which threatens the life of another or that has resulted in death.
- F. The Director of Law Enforcement, or designee, will contact the Internal Affairs Investigator for investigative resources and joint investigations as necessary.

- G. If it is determined that the criminal investigation will be conducted by an outside resource, an investigator from the Sheriff's Office will be assigned to act as a liaison with other resources during the investigation.

11.3 State's Attorney Liaison:

The primary criminal investigator assigned to the case will provide the local State's Attorney's Office with:

- A. An investigative report for review; and/or
- B. The presentation of evidence to the grand jury.

11.4 Internal Affairs Liaison:

- A. When an employee is alleged to have committed a criminal act or is involved in an incident involving injury or death to another person, a criminal investigator and Internal Affairs investigator will be assigned to the investigation.
- B. The primary investigators will determine what aspects of the investigative process (if any) can be conducted jointly.

CODE OF CONDUCT MANUAL

SECTION XII – DISPOSITION MATRIX

12.1 General Provisions:

The matrix in this section includes, but is not limited to, all possible charges which may arise out of violations of the Cecil County Sheriff's Office Policy and Procedures and the Cecil County Human Resources Policy and Procedures, all of which are delineated throughout this Chapter.

- A. When assessing discipline, Commanders will not focus on a single factor, but should consider other influential factors that may raise or lower the original category to another level. These factors include, but are not limited to:
 - I. Type of Incident
 - II. Injury severity
 - III. Amount of damage
 - IV. Intent
 - V. Employee record and performance level

12.2 Description of Categories:

- A. Misconduct is classified into broad categories of violations based on progressive degrees of severity.
- B. Category "A" defines the lowest level of misconduct, Category "C" the highest.
- C. Repetition of similar misconduct or violations of more serious offenses will lead to higher penalty categories.

12.3 Category "A" Violations:

- A. Category "A" – minor rules violation
- B. Formal Counseling or Written Reprimand
- C. Same or similar violations within a 12 month cycle enhances the next violation to Category "B".
- D. A combination of any three (3) Category "A" violations within a 12 month cycle enhances the third violation to Category "B".

12.4 Category “B” Violations:

- A. Category “B” – minor misconduct
- B. One (1) to three (3) days suspension and/or fine not to exceed \$150.00
- C. Enhanced violation from Category “A”
- D. Same or similar misconduct within an 18 month cycle enhances the next violation to a Category “C”.
- E. A combination of any three (3) sustained Category “B” violations within an 18 month cycle enhance the third violation to Category “C”.

12.5 Category “C” Violations:

- A. Category “C” – serious misconduct
- B. Loss of leave or a suspension of four (4) or more days, transfer/reassignment, demotion, fine, termination of employment, or any other action consider to be punitive.
- C. Enhanced violation from Category “B”

12.6 Violations Not Referenced in Matrix:

Violation of any other provisions of any other Policy and Procedure not referenced in the matrix shall be considered a Category “A” offense unless extenuating circumstances exist where strict adherence would render an injustice to either the Sheriff’s Office and/or the employee. If an exception is noted, then variation from the matrix is only permissible when recommended by the accused employee’s Commander and authorized by the Director of Law Enforcement.

12.7 Disposition Matrix:

(See attached)



**CODE OF CONDUCT
DISPOSITION MATRIX**

7/1/2013

REFERENCE POLICY	ALLEGATION	CATEGORY		
		A	B	C
Section II – 2.2 (A)	Failure to accept a complaint against an employee in conformance to policy		X	
Section II – 2.2 (B)	Discourteous towards the public/prisoners/other employees	X		
Section II – 2.2 (B)	Failure to comply with military courtesies	X		
Section II – 2.2 (C)	Use of profanity/obscene gestures towards the public/prisoners/other employees	X		
Section II – 2.2 (C)	Use of insulting/demeaning language concerning, race, sex, religion, personal lifestyle/mental or physical disabilities or personal characteristics			X
Section II – 2.3 (A)	Conduct Unbecoming		X	
Section II – 2.3 (B)	Commanders/Supervisors discrediting a subordinate through unreasonable/unjust/arbitrary conduct/language		X	
Section II – 2.3 (C)	Maliciously threatening/striking/assaulting another person			X
Section II – 2.3 (D)	Posting or causing to be posted unauthorized material on the Internet			X
Section II – 2.4 (A)	Failure to obey the chain of command	X		
Section II – 2.4 (C)	Failure to obey a lawful order relayed from an employee of equal or lesser rank			X
Section II – 2.4 (D)	Failure to Obey a Lawful Order			X
Section II – 2.5	In appropriate criticism/ridicule of the Sheriff's Office, /Other Agency/Judiciary	X		
Section II – 2.6 (A)	Wearing the uniform/representing one's self in an official capacity while Law Enforcement Powers/Authority are deprived/suspended			X
Section II – 2.6 (B)	Using official position for personal or financial benefit			X
Section II – 2.6 (B)	Using official position to avoid consequences of an illegal act			X
Section II – 2.6 (C)	Unauthorized lending/photographing/reproducing of badge and/or ID card			X
Section II – 2.6 (C)	Unauthorized use of position with the Sheriff's Office in any testimonial/advertisement/commercial enterprise or personal reasons		X	
Section II – 2.6 (D)	Unauthorized signing of a petition for unlawful purpose or as a member of the Sheriff's Office		X	
Section II – 2.6 (E)	Unauthorized contact with the media	X		
Section II – 2.7 (A)	Failure to be punctual in attendance to all requirements of duty, court appointment and other assignments	X		
Section II – 2.7 (B)	Reading/playing games/watching T.V or movies/engaging in personal business causing the employee to be negligent or inattentive to duty	X		
Section II – 2.7 (C)	Failure of a supervisor to take supervisory action		X	
Section II – 2.7 (D)	Neglect of Duty			X



**CODE OF CONDUCT
DISPOSITION MATRIX**

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REFERENCE POLICY	ALLEGATION	CATEGORY		
		A	B	C
Section II - 2.7 (E)	Sleeping on-duty			X
Section II - 2.7 (F)	Failure to follow policy and procedure	X		
Section II - 2.8 (A)	Associations with current or former inmates or persons known to be racketeers, gamblers, felons, or persons under criminal indictment			X
Section II - 2.8 (B)	Unauthorized visiting of a house of prostitution, gambling house, or establishment wherein laws of the State/US Government or local subdivision are violated			X
Section II - 2.8 (C)	Affiliating one's self with a group/organization which advocates violence or overthrow of the federal, state or local government by any unconstitutional means			X
Section II - 2.8 (D)	Affiliation in any manner with a "Gang"			X
Section II - 2.9 (E)	Divulging information to assist an individual to escape arrest/punishment/secret evidence or providing them with preferential treatment.			X
Section II - 2.9	Participating in conduct which could compromise the ability to perform as a Law Enforcement Officer or brings the Sheriff's Office into disrepute.		X	
Section II - 2.10	Violation of criminal/traffic laws that could result in incarceration			X
Section II - 2.10	Violation of traffic laws/civil violations		X	
Section II - 2.10	Failure to notify the Director that an employee has been charged with a crime/traffic offense			X
Section II - 2.11	Failure to make every effort to pay just debts		X	
Section II - 2.12	Seeking/receiving gifts, gratuities, fees, rewards, subscriptions, etc. in violation of Policy and Procedure			X
Section II - 2.12 (G)	Recommending/suggesting product/professional and/or commercial services in violation of Policy and Procedure			X
Section II - 2.12 (H)	Acting as a bailer for persons in custody			X
Section II - 2.13	Engaging in a strike or other job action			X
Section II - 2.14 (A)	Engaging in political activity while on-duty, during work hours, while in uniform, operating an Agency Vehicle, or while possessing and or displaying anything identifying one's self as a member of the Sheriff's Office.			X
Section II - 2.14 (C)	Requiring any County or State employees to make a political contribution			X
Section II - 2.15	Secondary Employment in violation of Sheriff's Office policy		X	
Section II - 2.16 (A)	Unauthorized use of Sheriff's Office address/ Sheriff's Office Letterhead		X	
Section II - 2.16 (B)	Truthfulness			X



**CODE OF CONDUCT
DISPOSITION MATRIX**

7/1/2013

REFERENCE POLICY	ALLEGATION	CATEGORY		
		A	B	C
Section II – 2.16 (C)	Failure to transact official business through proper channels	X		
Section II – 2.16 (D)	Failure to submit required reports		X	
Section II – 2.16 (D)	Late reports		X	
Section II – 2.16 (F)	Failure to submit oral/written reports on the order of a competent authority regarding an investigation related to performance of duty.			X
Section II – 2.16 (G)	Failure to report information concerning organized crime, racketeering, vice conditions, etc.			X
Section II – 2.16 (H)	False reports (Oral and Written)			X
Section II – 2.16 (I)	Inaccurate/incomplete reports			X
Section II – 2.16 (J)	Improper dissemination of official Sheriff's Office business			X
Section II – 2.16 (K)	Unauthorized release /removal of Sheriff's Office records/reports		X	
Section II – 2.16 (L)	Unauthorized use of the Sheriff's Office radio system	X		
Section II – 2.16 (M)	Unauthorized use of Sheriff's Office telephones and FAX equipment	X		
Section II – 2.16 (O)	Unauthorized use of Sheriff's Office computer and peripherals		X	
Section II – 2.17 (A)	Failure to comply with Policy and Procedures concerning Court Appearances/Civil Actions and subpoenas		X	
Section II – 2.18 (A)	Failure to submit to an interrogation/interview/polygraph for an administrative investigation			X
Section II – 2.18 (B)	Failure to submit to medical/chemical tests/photographs or lineups			X
Section II – 2.19 (A)	Absent without leave (AWOL)		X	
Section II – 2.19 (B)	Lateness for duty	X		
Section II – 2.19 (B)	Physically/Mentally unfit for duty/failure to be properly equipped	X		
Section II – 2.19 (C)	Failure to leave contact information when ordered to do so in the event of an emergency or potential emergency	X		
Section II – 2.19 (D)	Failure to remain on assignment until properly relieved		X	
Section II – 2.19 (E)	Violating the County Tobacco Use policy	X		
Section II – 2.19 (F)	Feigning injury or illness			X
Section II – 2.19 (G)	Abuse of leave	X		
Section II – 2.19 (H)	Failure to make notification of inability to report for duty due to sickness/other causes	X		
Section II – 2.20	Tampering/Manufacturing and withholding evidence/false charges			X
Section II – 2.21	Converting/misappropriating or failure to properly process property/evidence			X



**CODE OF CONDUCT
DISPOSITION MATRIX**

7/1/2013

REFERENCE POLICY	ALLEGATION	CATEGORY		
		A	B	C
Section II - 2.22	Failure to take/respond to requests for assistance/advice from the public or prisoner		X	
Section II - 2.23 (A)	Bringing unauthorized alcoholic beverages into Agency Facility/Agency Vehicle			X
Section II - 2.23(B)	Unauthorized consumption of intoxicating beverages while in uniform and/or on duty			X
Section II - 2.23 (C)(D)	Reporting to work with alcohol in bloodstream			X
Section II - 2.23 (E)	Consuming intoxicating beverages after being recalled to duty			X
Section II - 2.24	Use of controlled dangerous substances/narcotics/hallucinogens in violation of policy			X
Section II - 2.25 (A)	Mistreatment of prisoner/inmate			X
Section II - 2.25 (B)	Improper release/escape of prisoner/inmate		X	
Section II - 2.26	Unnecessary/Excessive Force/Brutality			X
Section II - 2.27	Unauthorized/Careless use/handling/display of firearm/weapon(s)		X	
Section II - 2.28 (A)	Failure to carry Identification Card	X		
Section II - 2.28 (A)	Failure to furnish name and/or Identification Card to properly entitled person	X		
Section II - 2.28 (B)	Failure to maintain appearance/uniform in conformance to Policy and Procedure	X		
Section II - 2.28 (C)	Failure to render military honors while in uniform at appropriate times	X		
Section II - 2.28 (D)	Damaging Sheriff's Office equipment (Unintentional)	X		
Section II - 2.28 (D)	Damaging Sheriff's Office equipment (Intentional)			X
Section II - 2.28 (D)	Loss of Sheriff's Office Equipment		X	
Section II - 2.28 (D)	Misappropriating/converting Sheriff's Office equipment or property			X
Section II - 2.28 (D)	Failure to report damage/loss of Sheriff's Office equipment in conformance to policy		X	
Section II - 2.28 (F)	Failure to operate an Agency Vehicle in a careful and prudent manner	X		
Section II - 2.28 (F)	Failure to properly maintain an Agency Vehicle	X		
Section II - 2.28 (G)	Unauthorized repair/adjustment or modification of Sheriff's Office equipment		X	
Section II - 2.28 (H)	Defacing any surface/altering an authorized notice /posting an unauthorized notice	X		
Section II - 2.28 (I)	Failure to prevent unauthorized person(s) from gaining control of Agency issued equipment/weapons/drugs/toxic and dangerous materials			X
Section II - 2.28 (J)	Failure to report damage/loss of Sheriff's Office equipment in conformance to policy		X	
Section II - 2.29	Incompetence			X
Section II - 2.30	Prohibited Sexual behavior			X
Section II - 2.31	Unauthorized use of METERS/NCIC/CJIS systems			X
Section II - 2.32	Engaging in acts of discrimination/harassment/retaliation			X

CODE OF CONDUCT MANUAL

SECTION XIII – CIVILIAN DISCIPLINARY PROCEDURES

13.1 General Provisions:

Civilian Sheriff's Office employees are subject to compliance with all Sheriff's Office Policy and Procedures as well as Cecil County Human Resource Policy #HR-008. (Standards of Conduct, Performance and Discipline) They will perform their assigned duties in such a fashion, and at such times, as may be specified by written directive or direction from their superiors. Behavior contrary to Policy and Procedure, which cannot be resolved utilizing non-disciplinary measures, may be cause for administrative sanctions.

- A. Civilian employees may be disciplined for:
 - I. Unsatisfactory performance of duties and responsibilities
 - II. Misconduct
- B. Disciplinary actions that may be taken include:
 - I. Written reprimand
 - II. Suspension for up to 30 working days
 - III. Demotion
 - IV. Transfer
 - V. Termination of employment

13.2 Burden of Proof:

When imposing disciplinary sanctions against a civilian employee, the Sheriff's Office has the burden of proof, by a preponderance of evidence.

13.3 Investigative Process:

Whenever a civilian employee of the Sheriff's Office is the subject of a complaint or investigation involving misconduct or behavior contrary to Policy and Procedure, the provisions of Section X of this chapter will apply.

13.4 Group Offenses:

Disciplinary sanctions for sustained investigative findings against a civilian employee will be applied using the guidelines specified in Cecil County Human Resource Policy #HR-008 D. (Group Offenses) These guidelines are illustrative, but not all inclusive and the Sheriff (after considering mitigating circumstances) has the discretion to increase or reduce the action prescribed. Affected employees will be notified of disciplinary sanctions in writing.

13.5 Appeal Process:

Civilian employees disagreeing with the investigative findings and/or the disciplinary sanction applied, have the right to appeal such decisions. This will be accomplished utilizing Cecil County Human Resource Policy #HR-009. (Grievance Procedures)

13.6 Records Retention:

Completed disciplinary investigations will be forwarded to the Director of Law Enforcement for filing and retention. Written notices provided to the employee will be retained in the employee's personnel file. The investigative file and written notice have an active life, and will be retained pursuant to Cecil County Human Resource Policy #HR-008 G (Record Retention). The Director of Law Enforcement may expunge disciplinary records upon written request and in accordance with the procedures outlined in Cecil County Human Resource Policy #HR-008. Completed disciplinary investigations involving sexual misconduct, sexual abuse, sexual harassment, and sexual retaliation related offenses, will be retained for a lifetime or as long as the employee is employed by the Agency plus five (5) years as required by Title 28, Code of Federal Regulations, Part 115, Prison Rape Elimination Act of 2003 (PREA). All records and documents related to disciplinary procedures are confidential and may only be released upon a properly executed authorization of release and within the parameters of the Public Information Act.