

Office of the Sheriff  
Somerset County, Maryland

General Order: 01-14-10

Effective date: April 1, 2017

Revised date: March 21, 2017

Somerset County Sheriff's Office Mission Statement

Chapter 12

Section 1

1. Mission and Values Statement:

- A. Trust: Our mission is to provide professional, compassionate, dedicated, justified service that generates confidence and trust within the community we serve.
- B. Fairness: Members of the Somerset County Sheriff's Office will treat everyone in an unbiased, dignified and respectful manner without regard to human traits, characteristics or status.
- C. Commitment: Members of the Somerset County Sheriff's Office are committed to partnerships with the community, professional and government associates and promoting the quality of life in our community.
- D. Members of the Somerset County Sheriff's Office are responsible for their conduct, both professionally and personally and are held accountable to the highest standards of ethical conduct and strive to be role models for others.

2. Reason for Supporting Values

The integrity of the Somerset County Sheriff's Office is dependent upon the personal conduct, integrity and self-discipline of each employee. The Somerset County Sheriff's Office holds these values in high esteem, and to ensure through fairness and objectivity, has created these conduct guidelines.

3. Employees

- A. Employees are responsible for complying with Somerset County Sheriff's Office Manual and other guidelines 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 competent authority.
- B. Ignorance of the guidelines, procedures, and orders of the Somerset County Sheriff's Office is no justification for any violation.
- C. Employees are responsible for their own acts and may not transfer to others the responsibility for executing or failing to execute any lawful order or law enforcement.
- D. SCSO Employees shall within twenty four (24) hours notify their immediate supervisor whether they are the victim of or accused of violating any motor vehicle or criminal laws.

4. Provisions for Supporting Values

Somerset County Sheriff's Office personnel shall:

- A. Preserve and advance the principles of democracy and freedom in a multi-cultural society by endeavoring to:
  - i. Protect life and property.
  - ii. Apprehend and bring to justice traffic and criminal offenders.
- B. Be responsive to the community by:
  - i. Maintaining the public peace.
  - ii. Reducing the citizens' fear of crime.
  - iii. Remaining sensitive and responsive to community, concerns and problems.
  - iv. Actively seeking input from the community.

- v. Remaining courteous to the public even in the face of provocation.
- C. Maintain the highest degree of professionalism by:
- i. Presenting a neat, clean professional appearance.
  - ii. Attending to duties in an accurate and timely manner.
  - iii. Using appropriate and respectful language when dealing with the public and co-workers.
  - iv. Never using unreasonable force or violence.
  - v. Never impairing fitness for duty through the use of alcohol or controlled dangerous substances.
  - vi. Obeying all laws.
  - vii. Submitting accurate reports.
  - viii. Obeying all lawful orders.
  - ix. Not submitting false reports.
  - x. Furnishing name, identification number and duty assignment to any person properly entitled to this information.
- D. Maintain the highest standards of integrity by:
- i. Not having any contact with a known felon.
  - ii. Not disseminating information to unauthorized people.
  - iii. Not placing themselves in a position or act in a manner that would tend to reflect adversely upon the Somerset County Sheriff's Office.
  - iv. Not consuming alcoholic beverages while on duty or in uniform, or bringing alcoholic beverages into the Somerset County Sheriff's Office.
  - v. Not engaging in sexual behavior while on duty.
  - vi. Not engaging in sexual behavior in an Office facility or vehicle while off duty.
- E. Treat all people with mutual trust, fairness and dignity by acting impartially and consistently in dealing with subordinates, co-workers, prisoners and the public.

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Code of Conduct

Section 2

1. Policy

The Somerset County Sheriff's Office requires all employees to comply with the rules of conduct as herein stated and all additions and amendments that may, from time to time, be promulgated and with all orders and directives, either verbal or written, which may be issued at any time by competent authority. Personnel who violate of any rules of conduct, procedure, or lawful order, whether written or verbal may be subject to disciplinary action.

Ignorance of the rules, procedures, or orders of the Somerset County Sheriff's Office is not to be considered as justification for any violation. Every employee is responsible for his or her own acts and may not shift to other personnel the burden of responsibility for executing or failing to execute any lawful order or duty.

2. Unbecoming Conduct

A. Every employee shall conduct himself at all times, both on and off duty, in a manner which reflects most favorably on the Somerset County Sheriff's Office. The phrase "reflects most favorably" pertains to the perceptions of both citizens and other Office employees. Conduct unbecoming of an employee includes that which tends to bring the Somerset County Sheriff's Office into disrepute, or reflects discredit upon the employee as a representative of the Somerset County Sheriff's Office, or that which tends to impair the operation or efficiency of the Somerset County Sheriff's Office or the employee.

- B. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the State which tends to subvert good order, efficiency or discipline of Somerset County Sheriff's Office or which reflects discredit upon the Somerset County Sheriff's Office or any member thereof, or that is prejudicial to the efficiency and discipline of the Somerset County Sheriff's Office, though such offenses are not specifically defined in this section, shall be prohibited.
- C. No supervisor shall injure or discredit a subordinate through unreasonable, unjust, arbitrary or tyrannical conduct or abusive language.
- D. No employee of the Somerset County Sheriff's Office shall maliciously threaten to strike or assault any other employee of the agency.

### 3. Insubordination

- A. Every employee, unless otherwise directed by competent authority, shall transact all official business with Deputies senior in rank or classification only through the official chain of command.
- B. A Deputy shall obey all lawful orders of a superior, including those from a superior relayed by an employee of equal or lesser rank. A "lawful order" is any order, either verbal or written, which a Deputy should reasonably believe to be in keeping with the performance of his duties or responsibilities of his post, and is consistent with law.
- C. Employees shall obey all orders from superiors, whether written or verbal, except when compliance with such orders would require the commission of an illegal act. No Deputy, without adequate justification, will intentionally issue an order that is contrary to any order issued by his superior. Deputies 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.
- D. Any order may be countermanded in cases of emergency. A Deputy who countermands a prior order will immediately report the reason to his/her immediate supervisor. The superior officer who issued the order is responsible for taking all prudent or reasonable actions to ensure compliance with the order or to adjust the order if the need to countermand is warranted.
- E. At the scene of any incident, the assigned Deputy shall be in charge until relieved at the direction of another more senior Deputy.

#### 4. Criticism

No member of the Somerset County Sheriff's Office shall criticize or ridicule the official action of any member of the Somerset County Sheriff's Office, the Maryland Judiciary, any state agency, or any other law enforcement agency, or member, other state agency, or the judiciary by impairing their efficiency or interfering with the operation or maintenance of discipline.

#### 5. Abuse of Position

- A. While deprived of police powers, sworn Sheriff's Office employees shall not wear the uniform and shall not represent themselves in an official capacity as a sworn Somerset County Sheriff's Office employee.
- B. An employee is prohibited from using his or her official position or official identification card or badge for personal or financial gain or as a means of obtaining privileges not otherwise available to him or her, or for avoiding consequences of illegal acts. An employee may not lend his identification card or badge to another person, or permit it to be photographed without the approval of the Sheriff.
- C. A Deputy shall not permit or authorize the use of his or her name, photograph, or official title identifying him or her as an employee of the Agency in connection with testimonials or advertisements of any commodity, commercial enterprise or political campaign, or for personal reasons without the approval of the Sheriff.
- D. No Deputy shall sign a petition, without the authority of the Sheriff, when his or her signature indicates he or she is an employee of the Somerset County Sheriff's Office; nor shall any employee sign any petition which has an unlawful purpose. However, an employee may sign as a private citizen.
- E. A Deputy shall not address a public gathering, appear on radio or television, prepare any article for publication, act as a correspondent to a newspaper or a periodical, or releases or divulge investigative information or any other matters of the agency, either in an official or unofficial capacity, without first having obtained permission from the Sheriff or his designee.
- F. Authority to release official Agency information of any type shall be limited to the Sheriff and Chief Deputy or individuals designated by them, except as otherwise expressly provided; except as noted, no employees shall release any official information to a representative of the news media without prior authorization from one of the forgoing information releasing authorities.

A Deputy shall not: make any public statement that could be reasonably interpreted as having an adverse effect upon Agency morale, discipline, operation of the agency, or perception of the public; divulge or willfully permit to have divulged, any information gained by reason of their position, for anything other than its official, authorized purpose; or, unless expressly authorized, make any statements, speeches, or appearances that could reasonably be considered to represent the views of this agency.

Nothing in this section is intended to infringe on the First Amendment rights of an employee to speak as a private citizen on matters of public concern.

## 6. Associations

- A. An employee **shall avoid** associations or personal dealings with persons whom he knows, 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. The purpose of this rule is to maintain the integrity of the employee and to avoid relationships which would tend to impair the operation of the Somerset County Sheriff's Office. In evaluating each case the Sheriff will consider the need for such persons to be rehabilitated or the fact that such persons already may have been rehabilitated at the time the association occurs, and of the necessity for some association because of the family relationship of the employee to such person.
- B. A Deputy **shall not** visit or enter a house of prostitution, gambling house, or other establishment wherein the laws of the United States, the laws of the State of Maryland, or any other law ordinance of a political subdivision are violated, except in the performance of their duties and while acting under proper and specific orders from a superior.
- C. No Deputy **shall** in any matter affiliate himself or herself with any organization, association, movement, group or combination or persons which advocates the overthrow the United States or the constitutional form of government or which has adopted the policy of advocating or approving the commission of acts of force or violence to deny any person his rights under the constitution of the United States by unconstitutional means.

## 7. Immoral Conduct

- A. Every Deputy **shall** maintain a level of moral conduct in his/her personal affairs which is in keeping with the highest standards of the law enforcement profession.

- B. No employee shall participate in any incident involving moral turpitude which tends to impair, or does impair, his ability to perform as a law enforcement officer or an employee of the Somerset County Sheriff's Office, or causes the Somerset County Sheriff's Office to be brought into disrepute.

8. Conformance to Laws

- A. A Deputy **shall not** violate his/her oath of office and trust or any other condition of his or her employment with the Somerset County Sheriff's Office or commit an offense punishable under the laws and statutes of the United States or any sovereign nation, the State of Maryland, or public local laws or ordinances.
- B. Any Deputy who has been charged with a violation of any law, statute, or public local law or ordinance stipulated in this section except for vehicle parking violations, **shall** report the facts concerning such violation immediately to his/her immediate supervisor within 24 hours of being made aware of such change.

9. Payment of Debts

Deputies of the Somerset County Sheriff's Office shall make every effort to pay all debts and legal liabilities. Disciplinary action may be taken when:

- A. Judgments of creditors have been finally adjudicated and the Deputy, even though able to pay, has refused to comply with such judgment, or
- B. The effects of such indebtedness have adversely affected the ability of the Deputy to perform his/her job or have negatively reflected on the reputation and/or effectiveness of the Somerset County Sheriff's Office.
- C. Absent extenuating circumstances, disciplinary action will be inappropriate where the employee has made a genuine and sincere effort to pay his debts or the employee has filed for a voluntary bankruptcy petition.

10. Seeking or Accepting Gifts, Gratuities or Bribes

- A. A Deputy shall not solicit, seek or accept any gift or gratuity, including food or drink for himself or others from any individual, business establishment, or merchant, where such offer of acceptance can be reasonably construed to be an effort to influence his/her official conduct as a Deputy Sheriff.
- B. A Deputy shall not receive, seek, ask or share in any fee, reward, or other reimbursement for the performance of his duties, or for failure to perform official duties, except as directed by the Sheriff.

- C. A Deputy shall immediately report to his immediate supervisor any offer, or attempt to offer, of money, gift, or other gratuity made in an effort to influence his/her official conduct.
- D. Deputies shall not solicit or accept any subscription or contribution for any purpose whatsoever except as authorized by Sheriff's Office policy.
- E. A Deputy shall not solicit/offer personal information from the citizenry for personal gain/reasons.
- F. A Deputy shall not solicit/offer personal information from a violator for other than required law enforcement purposes.

#### 11. Political Activity

The political associations and political conduct of members of the Somerset County Sheriff's Office shall be in conformance with the established policies and procedures of the Somerset County Sheriff's Office, Charter of Somerset County and the public ethics law of the State of Maryland.

#### 12. Labor Activities

- A. A Deputy has the right to join labor or fraternal organizations, but the Somerset County Sheriff's Office is not compelled to recognize or to engage in collective bargaining with such labor or fraternal organization, except as provided by law.
- B. No Deputy **shall** engage in any strike or job action. Strike or job action includes, but it not limited to, a failure to report for duty, willful absence from duty, unauthorized holidays, 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 other terms and conditions of employment, rights privileges, or obligations of employment.

#### 13. Secondary Employment

- A. No Deputy shall be employed in any capacity in any other business, trade, occupation, or profession, while working in an on-duty capacity or being compensated by the Somerset County Sheriff's Office, except in the case of compensation while on approved vacation, personal or compensatory leave.
- B. No Deputy may engage in employment secondary without the express permission of the Sheriff and in compliance with the secondary employment policy.

#### 14. Agency Communication

- A. Deputies **shall** submit all reports, both verbal and written, required by the Somerset County Sheriff's Office in accordance with established procedures. All official business transacted by personnel must be submitted through official channels.
- B. A Deputy, upon order of competent authority, **shall** submit a written and/or verbal statement detailing the facts concerning his/her involvement in an incident being investigated where the incident is related specifically, directly and narrowly to the performance of his/her official duties.
- C. A Deputy shall report, without delay, to his superior all information that comes to his attention concerning organized crime, racketeering, vice conditions, etc.
- D. All reports submitted by Sheriff's Office employees will be truthful; no employee shall knowingly report or cause to be reported any false information. A clear distinction is made between reports which contain false information and those which contain inaccurate or improper information. To prove by a preponderance of evidence that one has submitted a false report, evidence must be presented for consideration that such report is designedly untrue, deceitful, or made with the intent to deceive the person to whom it was directed.
- E. All reports submitted by Sheriff's Office employees will be complete and accurate. 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.
- F. An employee shall treat the official business of the Somerset County Sheriff's Office as confidential. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with Sheriff's Office procedures. An employee may not remove or copy official records or reports from the Sheriff's Office without the express authorization of the Sheriff. An employee shall not divulge the identity of a person giving confidential information, except as authorized by proper authority in the performance of police duties.
- G. Sheriff's Office telephones, facsimile machines and computers may be used only in accordance with established policy.
- H. Users of Sheriff's Office computer equipment may access only those files that they are authorized to access and shall perform only those operations they are authorized to perform. Sheriff's Office employees may not copy or remove any system or application software or manual without the consent and approval of Information Technology personnel.

- I. When using the internet, all Sheriff's Office employees shall not read, view, disseminate, receive or download pornography. The use of unauthorized software is prohibited.

#### 15. Reporting for Duty

- A. No Deputy of the Somerset County Sheriff's Office shall absent himself from duty without properly approved leave.
- B. A Deputy shall report for duty at the time and place specified by his/her superior and shall be physically and mentally fit to perform his/her duties.
- C. A Deputy shall be properly equipped and cognizant of information required for proper performance of duty so that he/she may immediately assume his/her duties.
- D. If an employee is unable to report for duty due to sickness or other causes, the employee shall, as soon as possible, notify the on-duty supervisor.
- E. An employee shall not feign illness or injury, or otherwise deceive or attempt to deceive any official of the Sheriff's Office as to the condition of his/her health.

#### 16. Interference with Duty

- A. Deputies **shall not** attempt to bring influence to bear on the Sheriff for the purpose of securing a promotion or transfer, or to avoid penalties for reprehensible conduct.
- B. A Deputy **shall not** interfere with cases assigned to other Deputies for investigation without consent, except by order of a superior officer. A Deputy shall not interfere with any lawful arrest or any prosecution brought by other Deputies or by any other Agency or person. A Deputy shall not undertake any investigation or other police action not part of his regular police duties without first obtaining permission from his superior unless he/she can justify the need for his/her immediate police action.
- C. No Deputy **shall** be directly or indirectly concerned with making arrangements, agreements, or compromises between a criminal and a person who has suffered from the criminal acts for the purpose of allowing the criminal to escape any punishment prescribed by law. Any Deputy having knowledge of such an arrangement, agreement, and compromise shall report such to his immediate supervisor without delay.
- D. A Deputy **shall not** acknowledge another police employee who is in civilian clothes and assigned to investigative or other types of covert work, unless such member acknowledges him first.

17. Abuse of Process Without Evidence

A Deputy shall not intentionally manufacture, tamper with, falsify, destroy, or withhold evidence or information or make any false accusations or a criminal charge not supported by probable cause.

18. Evidence/Found and Recovered Property

- A. Property which has been received as evidence in connection with investigations or which for any reason, comes into the custody of the Somerset County Sheriff's Office, will be processed in accordance with established procedures.
- B. An employee shall not convert to his/her own use, manufacture tamper with, or damage through negligence, or destroy, or in any other way misappropriate any evidence or any other material or property found in connection with an investigation or other police action, except in accordance with established Office procedures.

19. Suggestions as to Commercial Services

- A. A Deputy shall not recommend or suggest in any manner, except in the transaction of personal business and not representing himself as a member of the Somerset County Sheriff's Office, the employment or procurement of a particular product, professional service or commercial service (such as an attorney, ambulance or towing service, bondsman, mortician, etc).
- B. In the case of an ambulance or towing when such service is necessary and the person needing service is unable or unwilling to procure it, the employee shall proceed in accordance with the established Somerset County Sheriff's Office policy.

20. Request for Assistance

When a member of the public requests assistance or advice, either by telephone or in person, all pertinent information will be taken in an official and courteous manner, and will be acted upon consistent with Office policies and procedures.

Deputies shall be courteous and promptly accept any allegation or complaint against any personnel of the Somerset County Sheriff's Office. The recipient and processing of all complaints shall be in conformance with established Office procedures.

## 21. Citizens' Complaints

- A. A Deputy shall be courteous to the public. He shall be tactful in the performance of his/her duties.
- B. A Deputy shall control his temper and exercise utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation.
- C. In the performance of his/her duties, a Deputy shall not use profanity, abusive language or obscene hand gestures.
- D. A Deputy shall not express any prejudice concerning race, religion, politics, national origin, lifestyle, or similar personal characteristics.
- E. Deputies will at all times show respect for their fellow employees and will conform to the rules of military courtesy and military discipline as prescribed by the Sheriff.

## 22. Identification

- A. Any time a Deputy is not readily identified by the uniform of the Somerset County Sheriff's Office, he shall carry his badge or identification card on his/her person.
- B. A Deputy shall, at any time, furnish his/her name, identification number and assignment to any person properly entitled to this information, except when authorized not to do so by proper authority and when such refusal may be necessary for the proper performance of his/her police duties.

## 23. Neglect of Duty

- A. Somerset County Sheriff's Office employees shall be punctual in attendance to calls, requirements or duty, court appointments, and other assignments.
- B. A Deputy will not read, play games, watch television or movies, or engage in any activity or personal business while on duty that would cause him/her to neglect or be inattentive to that duty.
- C. The failure of a Deputy to take appropriate action, either on or off duty, on the occasion of a crime, disorder, or other condition deserving police or administrative attention is considered neglect of duty.
- D. A Deputy will not, without proper authorization, absent himself/herself from his/her assigned place of work during his/her tour of duty.

- E. A Deputy will remain awake and alert while he/she is on duty. If unable to do so, he/she will report to his superior officer, who will determine the proper course of action.
- F. A Deputy may be authorized to suspend patrol or other assigned activity, subject to immediate recall at all times, for the purpose of having meals during his/her tour of duty but only for such periods and at such times as are authorized by the Sheriff or a designated supervisor.
- G. Supervisors will actively oversee the performance of subordinates to ensure compliance with all policies and procedures.

#### 24. Use of Alcoholic Beverages

- A. A Deputy shall not drink intoxicating beverages while in uniform or while on duty unless it is necessary for the performance of his/her duty.
  - i. In every case where it is necessary for an employee to use intoxicating beverages while on duty, written permission must be obtained from the employee's immediate superior and placed in the affected employee's auxiliary personnel file.
- B. A Deputy will not report to work with any level of alcohol in his/her system.
- C. A Deputy who is placed on inactive on-call duty status will not consume alcoholic beverages.
- D. A Deputy who has been placed on unrestricted standby duty status will not consume alcoholic beverages.
- E. An employee not in an inactive on-call duty or unrestricted duty status who has consumed alcoholic beverages and is unexpectedly recalled to duty will notify his/her supervisor on duty of his condition and will refrain from further consumption of alcoholic beverages. The Deputy will be afforded sufficient time to ensure the alcohol is no longer in his/her system before assuming duties.
- F. No employee of the Somerset County Sheriff's Office will bring intoxicating beverage into any building occupied by the Somerset County Sheriff's Office, nor will he/she permit the same to be brought therein, except as evidence, pursuant to Somerset County Sheriff's Office property held procedures or in conjunction with a training seminar related to alcoholic consumption.

## 25. Use of Drugs

- A. A Deputy will not use any controlled substances, narcotics, or hallucinogens, except when prescribed in the treatment of an employee by a licensed physician or dentist.
- B. When an employee has been prescribed a controlled substance, narcotic, or hallucinogen, the employee will notify the Sheriff of the name of the prescribed medicine, the amount prescribed and the frequency of the dosage within 24 hours of having been so prescribed.
- C. The agency may request review by a medical advisor as to the nature of the medication and whether it may interfere with the deputy's ability to safely and effectively perform the essential duties of a law enforcement officer.

## 26. Gambling

A Deputy will not engage in any form of illegal gambling at any time, except in the performance of duty while acting under proper and specific orders from the Sheriff.

## 27. Use of Force

A Deputy, acting in his official capacity may use only the amount of physical force that is reasonable under the circumstances to achieve a lawful arrest and overcome any resistance offered. Force may not be used for malicious or punitive purposes.

## 28. Firearms

- A. Weapons shall not be used, displayed, or handled in a careless or imprudent fashion or contrary to Somerset County Sheriff's Office policy or Maryland law.
- B. When worn off duty and being worn by the employee, weapons will not be displayed conspicuously or where the public can observe the weapon.
- C. When off duty and not worn, weapons must be properly secured in accordance with Office policy.

## 29. Treatment of Persons in Custody

- A. A Deputy will not mistreat persons who are in his/her custody. He/she will handle persons in accordance with established procedures.
- B. A Deputy will not, without proper authority, release any prisoner in his/her charge or, through negligence or design, allow any prisoner to escape.

### 30. Somerset County Sheriff's Office Equipment

- A. Somerset County Sheriff's Office equipment will be used and maintained in accordance with established procedures and will not be abused, damaged, altered, or through negligence, lost. A Deputy will not contribute to the damage, abuse, alteration, or loss of any Sheriff's Office equipment through carelessness or negligence. A Deputy will not convert to his own use or in any way misappropriate Sheriff's Office equipment.
- B. A Deputy will operate an official vehicle in a careful and prudent manner, and will not through negligence or reckless operation incur or cause damage to be incurred to Sheriff's Office property or to the property of another. He/she will obey all laws of the State of Maryland and all local ordinances, and conform to all Sheriff's Office procedures and regulations pertaining to operation and maintenance of any Sheriff's Office vehicle assigned to him on permanent or temporary basis.
- C. Damage to or loss of Office equipment will be reported in conformance with Office procedures.
- D. A Deputy will not have any item of the Sheriff's Office repaired, adjusted, or modified without authorization.
- E. Only Deputies will be permitted to operate or attempt to operate any Sheriff's Office vehicle, Sheriff's Office firearms or use any other item used by the Somerset County Sheriff's Office; however, specific exceptions to this rule may be authorized by the Sheriff.
- F. Under certain circumstances, the Sheriff may require a Deputy to pay restitution for damage that he/she causes to Sheriff's Office property or equipment.

### 31. Incompetence

Deputies shall be held strictly responsible for the proper performance of their duties, maintain sufficient competency to properly perform their duties and assume responsibilities of their positions, and perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Office.

### 32. Intimate Relationships Between Office Personnel and Sexual Conduct

- A. For the purpose of this policy, "intimate" shall mean a mutually agreeable sexual encounter or relationship which may or may not lead to dating or marriage.

- B. The occurrence of an intimate relationship between fellow employees assigned to the same unit/shift must be reported by both employees in writing to the Chief Deputy via the supervisor.
- C. If reassignment occurs that results joining employees who have an established an intimate relationship, the involved employees must immediately report the relationship in writing to the Chief Deputy via the supervisor.
- D. The occurrence of an intimate relationship between a supervisor and a subordinate employee, whether or not assigned to the same unit/shift, must be reported by the supervisor immediately in writing to the Chief Deputy.
- E. Depending on the circumstances, the Chief Deputy may reassign either or both deputies when it is in the best interest of the agency.
- F. Deputies will not engage in any sexual behavior while on duty. While off duty, Deputies will not engage in any sexual behavior on Sheriff's Office or County property or in an Office vehicle. Sexual behavior is defined as any sexual act, sexual contact or vaginal intercourse as defined in the Annotated Code of Maryland.

### 33. Unauthorized Use of METERS, MILES, NCIC or CJIS

Employees are prohibited from using or assisting in the use of METERS, MILES, NCIC, or CJIS system for personal reasons or for any purpose other than those authorized.

### 34. Discrimination/Harassment/Retaliation

- A. Somerset County Sheriff's Office employees will not engage in any form of unlawful discrimination. Acts of discrimination may include but are not limited to favoritism, prejudice, preference, or intolerance 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 workplace.
- B. Somerset County Sheriff's Office employees will not engage in any form of harassment. Harassment is to disturb or irritate persistently. It may include but is not limited to hounding, badgering, bothering, pestering, plaguing, baiting, tormenting, etc.

- C. Somerset County Sheriff's Office employees will not take action against another employee because he has opposed any unlawful employment practice or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing.

35. Race Based Profiling Prohibited

- A. The Somerset County Sheriff's Office recognizes that any race is not a predictor of criminal activity. Race will not be a factor for the development of policies for any law enforcement activity.
- B. Office personnel will not use of race-based profiling as a cause for stopping, detaining or searching motorists traveling on Maryland roadways.
- C. Race alone will not be utilized by individual Sheriff's Office personnel and law enforcement agencies and officers operating in concert with or under the direction of the Somerset County Sheriff's Office as a consideration in determining whether to stop, detain, or search motorists traveling on Maryland roadways.
- D. Nothing in this policy statement precludes Deputies from relying on race as a part of a description where a suspect is sought.
- E. Sheriff's Office Deputies shall not unlawfully detain any person based upon, race, color, ethnicity, national origin, gender, age, sexual orientation, disability or genetic information.
- F. Sheriff's Office Deputies will not participate in the use of any unlawful discriminatory characteristic as a cause for taking any law enforcement action against any individual or group of individuals.

Office of the Sheriff  
Somerset County, Maryland

General Order: 01-14-10

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Somerset County Sheriff's Office Administrative Disciplinary Process

Section 3

1. Purpose

- A. This policy establishes procedures for handling complaints against personnel in a professional, fair and consistent manner. The accurate and unbiased investigation of complaints and allegations against employees of the Agency is one of the basic requirements of efficient law enforcement and effective public relations. The Agency will assure the concerns of citizens are addressed while protecting the interests of the Agency and its employees. This Policy provides information and instruction to personnel regarding the Agency's disciplinary system.
- B. This directive and the attached appendices create policy and establish authority for employment and disciplinary actions. The forms referred to in this Policy are all shown in the appendices.

2. Definitions

- A. **Aggravating Factors:** Facts and/or circumstances that may affect or enhance the severity of a disciplinary action.
- B. **Complaint:** An allegation of misconduct, inappropriate conduct, or violations of any law, Agency policy, procedure or practice that is made against any sworn member of the Agency.
- C. **Counseling:** A non-punitive written or verbal communication between a subordinate and a supervisor, which involves performance-related issues and is recorded in supervisory notes and/or the member's performance evaluation.

- D. **Hearing:** A proceeding conducted by a Hearing Board to take testimony from witnesses and receive evidence by which to reach findings of fact and conclusions of law.
- E. **Investigation:** An in-depth searching inquiry into the conduct of an employee arising from receipt of a complaint or other Agency knowledge. "Investigation" does not include the writing of routine reports, supervisory guidance or counseling, supervisory on-scene inquiries or other Agency action taken during the course of usual operations.
- F. **Interrogation:** A meeting during which an employee who is under investigation is required to answer questions that are specifically and narrowly related to the on-going investigation, the employee's conduct or performance and/or the employee's fitness for office. "Interrogation" does not include the writing of routine reports, supervisory on-scene inquiries or other Agency action during the course of usual operations.
- G. **L.E.O.B.R.:** The Maryland Law Enforcement Officers' Bill of Rights found in Maryland Code, Public Safety Art., Title 3, Law Enforcement, Subtitle 1.
- H. **Mitigating Factors:** Facts and/or circumstances that may affect or reduce the severity of a disciplinary action.
- I. **Progressive Discipline:** It is Agency policy to view discipline as a means of correcting and improving behavior through progressive discipline which contemplates imposing discipline in stages of increasing severity for repeat infractions of a similar or different nature. In egregious cases, progressive discipline may not apply.
- J. **Remedial Actions:** Non-punitive measures taken by supervision to improve an employee's performance, including but not limited to counseling, training, referral to professional services.
- K. **Suspension Hearing:** A meeting on the record at which a designated hearing officer reviews the appropriateness of an emergency suspension of a Deputy from duty, whether the suspension should continue, and under what conditions.
- L. **Summary Punishment:** Punishment imposed by the Sheriff and accepted by a deputy after an investigation when the facts constituting a minor offense are not in dispute. Summary punishment may not exceed three (3) days suspension without pay or a fine of \$150.00.

- M. **Written Reprimand:** A memorandum documenting a violation and a corrective action taken. The written reprimand will be maintained in an employee's personnel file. This is the lowest form of discipline issued by the Agency.

### 3. Policy

The Agency will accept and investigate all complaints against its personnel by a process that is thorough, fair and equitable, and will strive to ensure the highest level of personal integrity. Based upon the findings of such investigations, it is the Agency's responsibility to exonerate the innocent, establish the liability of violators and determine disciplinary action in a timely and effective manner.

### 4. Disciplinary Process – General

- A. Administrative charges may be filed against employees (sworn or non-sworn) for any violation of:
  - 1) The Agency's rules, regulations, policies, practices, procedures, or for any conduct detrimental to the good order, efficiency, or discipline of the Agency; or
  - 2) Federal, State or local law.
- B. Supervisors shall assume the obligations of their ranks and properly perform their duties in the investigation of complaints alleging misconduct against an employee. All employees shall cooperate fully with supervisors and section commanders who are conducting these investigations.
- C. Section commanders and supervisors shall initiate investigations when the alleged violation reported or observed is within the scope of their authority. Violations outside an individual's authority shall be reported promptly to higher authority consistent with procedures herein. See Section 6-A.
- D. Sworn non-probationary police officers and probationary law enforcement officers in matters alleging brutality/excessive force are entitled to pre-disciplinary hearings that will be conducted in accordance with the L.E.B.O.R.

### 5. Initial Handling Of Citizen Complaints

- A. The Agency response to a citizen complaint and how law enforcement attempts to resolve the complaint are extremely important. The manner in which the initial supervisor handles the complaint is the first step in assuring or restoring public confidence in the Agency.

- B. The duty of a supervisor when confronted with a citizen complaint is to listen carefully to the complaint, even if it may appear petty, trivial or unlikely to have occurred. Minor infractions many times lead to more serious misconduct; early intervention in minor misconduct can save a career.
- C. Citizen complaints are generally received by the Agency in the following manners:
  - 1) Verbal Complaint: Verbal allegations of employee misconduct. Employees shall direct a verbal complaint to an appropriate supervisor.
  - 2) Written Complaint: A written letter or email message directed to the Agency about the conduct of its personnel or a complaint filed on the Agency's General Complaint Form.
- D. Supervisors are sometimes faced with verbal "complaints" or inquiries from the public that actually involve misunderstandings by a citizen of the law, Agency policy or procedures, or simply dissatisfaction with the fact that they were the subject of an enforcement action but do not involve allegations of employee misconduct. Supervisors shall screen such concerns and make efforts to resolve them. If the "complainant" is persistent, it sometimes shall be appropriate for a higher ranking supervisor or section commander to review the matter.
- E. Consistency in handling complaints is imperative whether the involved employee is under the direct supervision of the supervisor made aware of the complaint or not. The fact that the involved employee is not under his/her direct supervision does not alleviate the supervisor's responsibility to assure the matter is addressed in a timely manner.
- F. If a citizen wishes to make a complaint against an Agency employee, supervisors shall:
  - 1) Listen to the whole story from the citizen without interruption.
  - 2) Advise the citizen you will look into the matter.
  - 3) Ask the citizen for 3-5 days to investigate the situation.
  - 4) Accurately document the information given to you by the citizen on an internal memorandum and submit to the Chief Deputy.
  - 5) Give the citizen your name and office telephone number.

6) If the involved employee is under your direct supervision:

- a. Thoroughly investigate the matter, unless the investigation is to be conducted otherwise.
- b. Re-contact the citizen and advise the citizen generally of the findings.
- c. If an infraction was uncovered, tell the citizen you found a problem, explain generally, and that appropriate measures will be or have been taken.
- d. If there was no infraction, clarify any misunderstandings that the citizen may have with policy, procedures or law and how you intend to prevent similar misunderstandings in the future.
- e. In either of the previous cases, thank the citizen for bringing the matter to your and the Agency's attention
- f. Ask the citizen to re-contact you if he/she has any further questions.

7) If the employee is not under your direct supervision:

- a. Advise the citizen you will notify the officer's supervisor and that the matter will be investigated.
- b. Ask the citizen to contact you in 5 days if he or she has not been contacted by the officer's supervisor.
- c. Notify the appropriate supervisor and provide written documentation of the conversation you had with the citizen to the involved officer's supervisor.

G. Supervisors shall provide citizens with the Agency's general Complaint Form when requested and shall instruct the citizen to complete and submit the form to the Agency for investigation. Supervisors receiving the initial information regarding the complaint shall document the conversation with the citizen and forward the documented information to the Chief Deputy. Supervisors shall also notify an appropriate staff member (section commanders) of:

- 1) The nature of the complaint;

- 2) The name of the involved party;
- 3) The supervisor's actions taken to facilitate an investigation in the allegation(s).

H. A Supervisor who receives a citizen complaint against a sworn employee that alleges excessive force while the sworn employee was performing his/her duties as police officer shall:

- 1) Accurately document the information given by the citizen;
- 2) Record any sign of injury (photograph or digital image) noted on the citizen or complained of by the citizen;
- 3) Provide medical assistance if required or requested by the citizen;
- 4) Provide the citizen with a General Complaint form;
- 5) Inform the citizen that the complaint must be signed and sworn to, under penalty of perjury and in accordance with the L.E.O.B.R. prior to the submission to the Agency for investigative purposes;
- 6) Submit all documentation obtained from the initial contact with the citizen regarding the complaint to the Chief Deputy;
- 7) Notify the appropriate Supervisor via official channels of the allegations and the name(s) of the involved officer(s).

## 6. Duties and Responsibilities

A. Investigative responsibility shall be assigned based on the following criteria:

- 1) The Chief Deputy will assign an investigator to investigate complaints of corruption, excessive force, inappropriate level of force, breach of civil rights, untruthful statements, criminal misconduct, workplace harassment, workplace violence, other violations of a serious nature, and other complaints as directed by the Sheriff.
- 2) Complaints of a relatively minor nature (i.e., minor traffic collisions, allegations of rudeness, tardiness, work performance, etc.) will be investigated by the appropriate shift/section commander.

B. All complaints, including those received anonymously, alleging improper or inappropriate acts by employees shall be recorded on an inter-agency memorandum and forwarded to the Chief Deputy through the chain of command.

C. Inquiries shall be documented appropriately at the shift/section level by supervisors and placed in the involved employee's shift file for evaluation purposes. While each inquiry is unique, supervisors should understand that a pattern of inquiries may reveal the need for additional action/intervention.

D. The Chief Deputy will notify the Sheriff of:

- 1) Serious complaints by the next business day. Notification will be made via telephone or in person.
- 2) Minor complaints requiring investigative input, within 72 hours of the event.

#### 7. Internal Investigations: Employee Obligations

A. Consistent with the Agency's policy regarding "Substance Abuse," an employee may be ordered to submit to testing when a supervisor has reasonable suspicion that an employee:

- 1) Has consumed alcoholic beverages while on-duty (except for authorized training and undercover operations).
- 2) Has reported for duty under the influence of alcohol.
- 3) Whose duties authorize the on-duty consumption of alcoholic beverages has reached or exceeded a level considered "under the influence of alcohol, per se." (TR-11-127.1)
- 4) Is involved in a collision while operating an Agency vehicle, after being suspected of consuming or over the counter medication.
- 5) Has unlawfully used a controlled dangerous substance or abused prescription or over the counter medication.
- 6) Has consumed alcoholic beverages while in an on-duty capacity and is the subject of a complaint regarding alleged misconduct.
- 7) Consistent with the Agency's policy on "Substance Abuse," the elapsed time between the first notice or report of the employee's condition and the time of a chemical test will be recorded by the supervisor ordering the test; the two (2) hour time limit set forth in the Maryland motor vehicle laws does not apply in such situations.

- B. The Somerset County Sheriff's Office may require personnel to submit to a polygraph examination when it specifically relates to a matter of an investigation, upon the approval by the Chief Deputy. The results are not admissible in a legal proceeding unless agreed upon by the employee and the Agency.
- C. Employees may be required to submit to any forensic examination that relates specifically to the subject matter of the investigation.
- D. Employees may be required to submit a financial disclosure statement or other financial evidence consistent with L.E.B.O.R if cause exists to believe the employee has a possible conflict of interest with respect to the performance of his/her official duties, State or federal law requires such disclosure.
- E. An employee is prohibited from wearing or possessing any weapons during a witness interview or interrogation.
- F. Auto Vehicle Locator (A.V.L.) and Mobile Data Terminal (M.D.T.) data may be used to investigate violations of rules and policies and/or suspected criminal activity. Any use of historical A.V.L and/or M.D.T data for internal investigations must be approved by the Chief Deputy.
- G. Employees shall participate in eyewitness investigation processes when necessary to an investigation of alleged misconduct.
- H. The SCSO may inspect any locker, desk, vehicle, computer devices, email and text messages exchanged via agency equipment and other work place equipment provided by the agency at any time without other prior notice or individual suspicion.

#### 8. Internal Investigations: Notice Procedures

- A. Administrative charges may not be brought against a sworn employee unless filed within 1 year after the act that gives rise to the charges comes to the attention of the appropriate law enforcement official. The one (1) year limitation does not apply to charges related to criminal activity or excessive force.

In the Somerset County Sheriff's Office, the term "appropriate law enforcement official includes the Sheriff, the Chief Deputy, or any supervisor of the rank of Sergeant or above.

- B. A complaint against a sworn employee alleging excessive force in the execution of his/her duties may not be investigated except as provided by the L.E.O.B.R. The complaint shall be sworn to under the penalty of perjury by (1) the aggrieved person, (2) a member of the aggrieved person's immediate family, (3) any person who directly observed the alleged incident, (4) any person who has a video recording of the incident, that, to the individual's knowledge, is unaltered, (5) by the parent or guardian if the incident involves a minor child. To be investigated, the complaint must also be submitted within 366 days of the alleged excessive force. This does not apply to complaints of excessive force filed by or otherwise discovered by the Somerset County Sheriff's Office.
- C. Prior to any interrogation as defined by L.E.B.O.R., any officer under investigation shall be informed in writing of the nature of the allegation and of his/her right to have a representative present during the interrogation. All interrogations shall be audio or video recorded and those tapes or transcriptions thereof made part of the file. The agency will provide to the officer under investigation a copy of the recording or transcript upon request and 10 business days before a hearing.
- D. An interrogation of an officer shall be suspended for a period no exceeding 5 business days until representation is obtained.

9. Guidelines for Conducting Internal Investigations of Criminal Misconduct

- A. The Criminal Investigation Section will investigate all allegations of criminal misconduct. The Somerset County Sheriff's Office may conduct a concurrent administrative investigation.
- B. The Criminal investigation Section shall conduct an administrative investigation of all reported criminal misconduct by Agency personnel occurring outside the jurisdiction of the Somerset County Sheriff's Office whether or not the outside jurisdiction intends to conduct an investigation.
- C. In the event that a supervisor becomes aware of the possibility that employees may be involved in any type of criminal activity, he/she shall immediately notify his/her section commander of the activity in question. The section commander will notify the Chief Deputy.
- D. In the event an on-scene criminal investigation is in process at the time of the notification, i.e. domestic violence, assault, etc., the Chief Deputy will respond to the scene of the event to assess the activity from an administrative perspective.

- E. An employee charged with a criminal violation (whether by arrest or other charging document) or significant motor vehicle violation as described in Section 26-202 of the Maryland Transportation Article, must notify his/her supervisor within twenty-four (24) hours. If the first notification is verbal, written notification must be made to the supervisor on their first day back to work.
- F. Upon notification, the supervisor shall report the criminal infraction to the Chief Deputy within twenty-four (24) hours of the initial report.
- G. Employees with knowledge of any violations of civil or criminal laws or Agency regulations, orders or policies shall immediately report them to their supervisors, or in accordance with other policies (e.g. sexual harassment policy). The Chief Deputy will maintain a liaison with the State's Attorney's Office as required by the nature of the criminal investigation.
- H. Employees involved in criminal activity will generally be subjected to the provisions of emergency suspensions as outlined below.

#### 10. Administrative Assignment, Relief and Suspension

- A. The section establishes a means for supervisors to impose an emergency suspension when such action is in the best interest of the public, and the Agency. The mission of the Agency is very sensitive and it is necessary its employees be of exemplary character and their reputations be beyond reproach. Therefore, when an employee is charged or is to be charged with a crime or a violation of Agency policy that would tend to bring into question the discipline, integrity, or reputation of the Agency, a supervisor is authorized to suspend the employee from duty and suspend the employee's police powers.
- B. When infractions occur, a case by case determination must be made as to whether a suspension is appropriate and warranted. Suspension from duty and suspension of police powers would usually be appropriate in the following cases:
  - 1) Commission of a crime or a serious violation of Agency policy.
  - 2) Use of alcoholic and/or controlled substances (legal/illegal) while on duty or prior to reporting for duty.
  - 3) Assault on Agency employees.
  - 4) Making or filing of an intentionally false report.
  - 5) Refusal to obey a lawful order.

6) Deliberate destruction or misuse of Agency equipment.

C. Suspensions from duty are classified as follows:

- 1) Emergency suspension from duty with pay: Sworn employees involved or identified in a complaint or internal investigation may be placed on emergency suspension from duty, with pay, by a supervisor, if it is in the best interest of the employee, the public or the Agency. "Emergency" connotes that the action is being taken in response to a sudden and unexpected happening that affects public safety. The supervisor must immediately notify the Chief Deputy of the action.
- 2) Emergency Suspension from duty without pay: Non-sworn employees, probationary sworn employees and sworn employees charged with the commission of a felony may be placed on emergency suspension from duty without pay by the Chief Deputy.
- 3) Suspension of Police Powers: The Sheriff or the, Chief Deputy, may suspend a sworn employee's police powers if it is determined to be in the best interest of the public, the officer or the Agency. The Sheriff may impose suspension of police powers for non-disciplinary reasons such as qualification failures or medical limitations. Sworn employees whose police powers have been suspended will be placed in an appropriate administrative assignment unless they are otherwise suspended from duty.

D. Whenever an employee is suspended from duty or a sworn employee's police powers are suspended, the person making the suspension shall immediately notify the Chief Deputy. The Chief Deputy will ensure that the appropriate Personnel Order is promptly issued and confidentially distributed to only those individuals requiring the information.

E. The Chief Deputy, or his/her designee, will notify the State's Attorney of a suspension of any type.

F. When a sworn employee's actions or use of force in an official capacity results in death or serious physical injury, he/she shall be placed into an administrative assignment, and/or suspended from duty, pending an Agency evaluation, a review of the incident, and the employee's ability to resume his/her normal assignment (independent of the internal investigation).

G. Any command staff officer may assign an employee to administrative duties temporarily if it is determined to be in the best interest of the public, the officer, or the Agency. Such assignment will not create any diminution in pay or benefits.

H. When suspending an employee from his/her duty assignment, the suspending supervisor will:

- 1) Notify the employee verbally and in writing of his/her suspension and relieve him/her of:
  - i. Agency Identification;
  - ii. Weapon and ammunition (including specialty weapons);
  - iii. Badge
  - iv. Radio
  - v. Agency keys
  - vi. Agency vehicle
- 2) Notify the Chief Deputy and make a written preliminary report to the Sheriff within twenty-four (24) hours describing the circumstances of the suspension, and the action taken by the suspending officer.
- 3) Submit the seized equipment to the Chief Deputy.
- 4) Submit the seized weapon and ammunition to the Agency armorer in accordance with standard operating procedures.
- 5) Notify the Agency armorer via e-mail of the seized equipment.

#### 11. Suspension Hearing

- A. Consistent with the L.E.B.O.R., any sworn employee placed on emergency suspension from duty with or without pay shall be notified in writing by the suspending supervisor of that decision and informed that he/she is entitled to a prompt suspension hearing.
- B. All suspension hearings will be conducted by the Chief Deputy.
- C. The suspended employee will report to the office of the Agency at 1000 hours on the next regular working day, but no sooner than twenty-four (24) hours from the time of the suspension for a suspension hearing.
- D. The suspension hearing will be a recorded proceeding for the purpose of determining if it should remain in effect, and whether with or without pay. This is not an evidentiary hearing related to the merits of the underlying incident, and no testimony will be permitted.

- E. If the suspension hearing official determines the suspension was not justified or should be lifted, suspension will be terminated and the employee shall be restored to duty. If the suspension hearing official determines the suspension was justified, the suspended employee may be granted permission to engage in secondary employment in accordance with Agency policy until such time as the suspension is terminated. If such permission is not granted, the employee's privilege to engage in secondary employment is also suspended.
- F. At the conclusion of the suspension hearing, the suspension hearing official will make a written report to the Sheriff that will include his/her findings and what actions were taken. The Sheriff will review the report of the suspension and can overrule the continuation of a suspension, but not the termination of a suspension, except in egregious circumstances.
- G. Employees under suspension may not wear any portion of their uniforms and will not take any action exercising police powers.

## 12. Completed Internal Investigations

- A. At the conclusion of each internal investigation, the investigator shall prepare a written conclusion of fact for each investigation, including a "Finding" with one of the following classifications:
  - 1) **Sustained:** Sufficient evidence to prove the allegations of misconduct. The standard is by a preponderance of the evidence.
  - 2) **Insufficient Evidence:** There is insufficient evidence to either prove or disprove the allegation(s).
  - 3) **Exonerated:** The action of the involved officer(s) was justified, lawful, proper and in compliance with policy.
  - 4) **Unfounded:** The allegation was false, not factual, did not involve Somerset County Sheriff's Officer Personnel, or did not occur.
  - 5) **Policy/Training failure:** Omissions or insufficient/ineffective policy or lack of training explained the address the employee's actions/conduct.

- 6) **Administrative Closure:** The investigation could not be conducted or administrative charges filed because the complainant could not be contacted/located; the complainant was unwilling to provide testimony; or the complaint concerned matters of law or Agency procedure and not the actual member's actions.
- 7) **Commended:** The actions were not only acceptable, but were commendable.

- B. All investigated cases will be forwarded to the Chief Deputy for review regarding accuracy, thoroughness and compliance with policy. If the "Finding" is unfounded, administratively closed, exonerated, or insufficient evidence, the case will be forwarded to the Sheriff for review. If it is determined that a policy/training failure has occurred, the Sheriff shall assign the Chief Deputy to review policy/training and make necessary modifications. The above process shall be completed in a timely manner.
- C. If the "finding" is sustained, the case will be forwarded to the Chief Deputy for legal sufficiency review and administrative charging.

### 13. Administrative Hearing Board

- A. This section establishes guidelines for conducting administrative hearings regarding disciplinary matters where the Agency has recommended punitive measures as a means to address violations of policy, law and unacceptable performance and the employee has requested due process.
- B. Administrative hearing boards for sworn non-probationary employees and all sworn employees charged with excessive force will be conducted in accordance with the L.E.B.O.R.
- C. The hearing board members will be appointed by the Sheriff and may be selected from members of this or any other law enforcement agency.
- D. Hearings will be conducted in accordance with the Rules of Procedure found in Appendix.

## 14. Agency Action

### A. Non-punitive actions include training and counseling.

If non-punitive action appears to be appropriate, the investigator will submit the complete case file to the Chief Deputy who will review the investigation for accuracy and completeness, and then forward the recommendation, with appropriate endorsements from the employee's supervisor to the Sheriff.

### B. Summary Punishment

- 1) The may offer summary punishment to a sworn employee who is charged with minor violations of Agency rules and regulations when the facts that constitute the minor violations are not in dispute, the sworn employee waives his/her right to a hearing, and the sworn employee accepts the punishment recommended.
- 2) If loss of leave time is noted as a summary punishment for a case, the leave time must be noted in hours.
- 3) The imposition of summary punishment requires that the Chief Deputy present to the sworn employee an offer outlined in the Disciplinary Action Report.
- 4) If the sworn employee accepts the summary punishment, the appropriate section of the Acceptance/Non-acceptance of Disciplinary Action Form shall be signed and included in the investigative case file. The Chief Deputy will ensure that the appropriate personnel order is promptly issued specifying the involved employee, the violation of policy and the corrective action/sanction imposed. This personnel order shall be confidentially distributed to only those employees required the information.
- 5) If the sworn employee disputes the facts in an offer of summary punishment, the sworn employee shall sign the appropriate section of the Acceptance/Non-acceptance of the Disciplinary Action Form and the Chief Deputy shall coordinate the empanelment of a three member administrative hearing board.

- 6) If the sworn employee accepts the facts but rejects the punishment offered, the sworn employee shall sign the appropriate section of the Acceptance/Non-acceptance of the Disciplinary Action Form and the Chief Deputy shall coordinate the empanelment of a one person administrative hearing board. This board may only recommend to the Sheriff a corrective action for the accepted facts and policy violation. The Sheriff retains the final authority for imposing punishment which must be in accordance with Public Safety Article., §3-111.

C. Non-Summary Punishment

- 1) A completed internal investigation with a recommendation that does not meet the standards for summary punishment shall be forwarded for legal sufficiency review via the Chief Deputy.
- 2) The Chief Deputy will present the accused sworn employee with the recommended punitive sanction(s) on a Disciplinary Action report (D.A.R). The sworn personnel can either accept the recommended punitive sanction(s) or decline the offer, electing to be tried by an administrative hearing board.

Alternatively, the Agency legal counsel may present an offer of settlement to the employee or his/her attorney.

- 3) If the sworn employee accepts the recommended sanctions, the appropriate section of the Acceptance/Non-acceptance of the Disciplinary Action Form, he/she shall be sign the form and the Chief Deputy will ensure the appropriate Personnel Order is promptly issued specifying the involved employee, the violation of policy and the corrective action/sanction imposed. The personnel order shall be confidentially distributed to only those employees required the information.
- 4) If the sworn employee does not accept the recommended punitive sanctions, the Acceptance/Non-acceptance of Disciplinary Action Form shall be signed and the Chief Deputy shall coordinate the empanelment of a three (3) member administrative hearing board in compliance with the L.E.B.O.R. The hearing on the matter will be scheduled as quickly as possible.

15. Expungement

- A. A deputy may request in writing that any file or record of a formal complaint made against him/her be expunged if the investigation:

- 1) Exonerated the deputy of all charges in the complaint;
  - 2) Determined that the charges were unstained or unfounded, or if
  - 3) A hearing board acquitted the deputy and at least three (3) years have passed since the final disposition by the Agency or the hearing board.
- B. The Sheriff retains the discretion whether or not the file will be expunged, and his decision is not subject to further review.
- C. Expungement will be by separation.

16. Conclusion of Hearing

- A. Ensure the hearing is recorded and the recording is to be maintained by the Chief Deputy for filing.
- B. Advise the suspended employee the suspension will continue pending the Sheriff's decision and the employee will be notified of the decision in writing.
- C. Prepare a report containing the board's decision within 15 days and forward it to the Sheriff.
- D. Instruct an employee suspended with pay and not assigned administrative duties to notify the Administrative First Sergeant, Monday through Friday, excluding holidays, between 0900 and 1100 hours and provide a telephone number or location where the suspended employee can be contacted.

Office of the Sheriff  
Somerset County, Maryland

General Order: 01-14-10

Effective date: April 1, 2017

Revised date: March 21, 2017

Grievance Procedures

Section 4

1. Definitions

- A. **Grievance** - means a dispute between a SCSO employee and the Somerset County Sheriff's Office the interpretation of and application to the employee of a personnel policy or regulation adopted by the Somerset County Sheriff's Office, or any other regulation over which management has control.
- B. **Grievant** - means an employee of the Somerset County Sheriff's Office who is authorized by the Somerset County Sheriff's Office to initiate a grievance and who has done so.
- C. **Subject Matter** - The grievance procedure may not be used to challenge the content of Office policy or promotions, pay or benefits.

2. Right to Bring Grievance

- A. Sworn employees and civilian employees who have a with a grievance may present a grievance in accordance with the procedures in this section, free from:
  - i. Coercion, discrimination, interference, reprisal and restraint.

3. Burden of Proof

- A. All grievance decisions shall be based upon a preponderance of the evidence.
- B. The grievant bears the burden of proof in grievance proceedings.

4. Representation

- A. A grievant may be represented at any time by any person that the grievant chooses.
- B. The grievant will notify the SCSO of that choice.
- C. The grievant's immediate supervisor is responsible for presenting the SCSO position at all grievance conferences.

5. Resolution

Each party to a grievance will make every effort to resolve the grievance at the lowest level possible by exploring all available options which resolve the issue in a positive manner for both parties.

6. Records

- A. Grievances must be submitted to their immediate supervisor in writing using a SCSO Form 17.
- B. The supervisor will promptly notify the Chief Deputy of all grievances.
- C. A record of all grievances and their dispositions will be filed in the employee's personnel file.

7. Initiation of Grievance Proceeding

- A. A grievance proceeding must be initiated by the grievant within thirty (30) calendar days:
  - i. after the occurrence of the alleged act that is the basis for the grievance, or
  - ii. of the date the grievant first knew, or reasonably should have known, of the alleged act that is the basis for the grievance.
- B. Grievances must be submitted to their immediate supervisor in writing using a SCSO Form 17.

8. Grievance Steps

- A. Prior to formally initiating a written grievance, an employee shall present the matter on a Form 17 to his/her supervisor for informal discussion and an attempt to mediate the issue.

- B. After meeting with his/her supervisor, if the grievant is unsatisfied, he/she may initiate a grievance.
- C. The grievant shall, within 10 calendar days after the initial meeting, file the grievance with his/her immediate supervisor.
- D. The immediate supervisor shall within 14 calendar days of receipt, complete a SCSO Form 200.
- E. After meeting with the grievant, the group supervisor shall within 7 calendar days reply in writing to the grievant.
- F. If the matter is not resolved, the grievant shall within 14 calendar days, meet and discuss the grievance (Form 200) with the Chief Deputy.
- G. After meeting with the grievant, the Chief Deputy shall within 7 calendar days reply in writing to the grievant.
- H. Decisions rendered by the Chief Deputy are final and binding.

Office of the Sheriff  
Somerset County, Maryland

General Order: 01-14-10

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Workplace Searches

Section 5

1. Workplace Searches

A. Supervisors and investigators are authorized to conduct workplace searches in accordance with this policy. Employees should be aware that they have a diminished, if any, expectation of privacy in the workspaces and equipment that is provided by the Department for work-related activities. However, usually employees do retain an expectation of privacy in personal belongings brought to the workplace, subject to the policy below.

- 1) The term “workplace” those areas and items that are provided by the employer and related to work, including but is not limited to offices, desks, filing cabinets, lockers, vehicles, telephones, cell phones, pagers and computers. Workplace areas are subject to inspection at any time by authorized personnel for work-related, administrative purposes.
- 2) Supervisors and investigators are authorized to conduct searches and inspections of the workplace for non-investigative, operational purposes at any time and without any particularized suspicion.
- 3) Searches conducted by supervisors and investigators as part of an administrative investigation of employee misconduct must be based on reasonable grounds to believe that information related to the misconduct allegations will be discovered in the search. The scope of the search shall be limited to areas in which the information or other evidence may reasonably be found.

- 4) Searches conducted by supervisors and investigators as part of a purely criminal investigation of an employee must be justified by probable cause and authorized by a warrant or by an exception to the fourth amendment warrant requirement.
- 5) If a search is to be conducted for the dual purpose of investigating employee misconduct and criminal conduct, the “special needs” exception to the warrant requirement applies, thus no warrant is required. The scope of any such search shall be limited to areas in which the information or other evidence may reasonably be found.
- 6) A canine detection scan is not considered a search and may be conducted in the workplace at any time.
- 7) Before conducting a workplace search, the supervisor or investigator should consult with the agency’s legal counsel if feasible.

Office of the Sheriff  
Somerset County, Maryland

General Order: 01-14-10

Effective date: April 1, 2017

Revised Date:

Whistleblower Protections

Section 6

1. Purpose

- A. To establish policy, procedures and guidelines related to the implementation of “whistleblower” protection for SCSO employees. The Somerset County Sheriff’s Office (SCSO) is committed to operating in compliance with all applicable state and federal laws, rules and regulations; to include retaliation by the agency or an agency employee against a Deputy for the exercise of his/her L.E.O.B.R rights, the exercise of an employee’s constitutional rights and/or an employee making a disclosure of gross mismanagement, abuse of authority, waste of resources, substantial danger to public safety or a violation of law committed by another employee.

2. Policy

- A. Effective immediately, if a SCSO employee has a reasonable belief that an employee or the SCSO has engaged in any action that violates any applicable law, rule or regulation, including those actions enumerated above, the employee is expected to immediately report such information to the Sheriff of Somerset County. If the employee does not feel comfortable reporting the information to the Sheriff, he or she is expected to report the information to the State’s Attorney of Somerset County or the Office of the Maryland Attorney General.

- B. All reports will be followed up promptly, and an investigation conducted. In conducting its investigations, the SCSO will strive to keep the identity of the complaining individual as confidential as possible, while conducting an adequate review and investigation.
- C. No employee of the SCSO will retaliate against a SCSO employee in the terms and conditions of employment because that employee: (a) reports to a supervisor, to the Sheriff of Somerset County, to the States Attorney of Somerset County, to the Maryland Attorney General or to a federal or state agency, what the employee believes in good faith to be a violation of the law; or (b) participates in good faith in any resulting investigation or proceeding, or (c) exercises his or her rights under any state or federal law(s) rule(s) or regulation(s) to pursue a claim or take legal action to protect the employee's rights.
- D. The SCSO will take disciplinary action (up to and including termination) against an employee who in the Sheriff's assessment has made false statements and/or engaged in retaliatory conduct in violation of this policy.
- E. In addition, SCSO will not, with the intent to retaliate, take any action harmful to any employee who has provided to law enforcement personnel or any court, truthful information relating to the commission or possible commission by SCSO or any of its employees of a violation of any applicable law, rule or regulation.
- F. All SCSO personnel are hereby notified of this policy and the SCSO's prohibition against retaliation in accordance with this policy.

### 3. Chapter Revision

- A. General Order 01-14-10 has been revised.

Ronald W. Howard

Sheriff

Somerset County, Maryland