



# HARFORD COUNTY SHERIFF'S OFFICE PERSONNEL POLICY

## Complaints Against Deputies

<b>Distribution:</b>	<b>All Sworn Personnel</b>	<b>Index:</b>	<b>PER 0201</b>
<b>Responsible Unit:</b>	<b>Office of Professional Standards</b>	<b>Rescinds:</b>	<b>PER 0201 12/29/16</b>
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### 1. Purpose

To establish standard and consistent procedures for handling administrative complaints against sworn Law Enforcement Deputies and sworn Correctional Deputies.

### 2. Policy

The Harford County Sheriff's Office (HCSO) shall strive to ensure the highest level of integrity is achieved and maintained by properly receiving and investigating all complaints against sworn personnel in a thorough, fair, and expeditious manner.

### 3. References

MD. CODE ANNOTATED, PUBLIC SAFETY ARTICLE, 3-101 *et seq*  
BALTIMORE CITY POLICE DEPARTMENT V. ANDREW, 318 MD 3 (1989)  
GARRITY V. NEW JERSEY, 385 U.S. 493 (1967)

### 4. Definitions

**CITIZEN INQUIRY:** The informal handling of citizen's questions regarding law, police tactics, policies and procedures. These inquiries are not categorized as complaints.

**COMPLAINT:** An allegation, if proven factual, would constitute employee misconduct, inappropriate performance, or violations of any law, HCSO policy, procedure or directive that is made against any member of the HCSO and are not merely citizen's inquiries.

**CORRECTIONAL OFFICERS' BILL OF RIGHTS:** The latest version of the Correctional Officers' Bill of Rights, as it appears in the Correctional Services Article, Title 11 (herein referred to as the COBR) shall apply to all sworn, non-probationary (except in cases of brutality), correctional officers governed by this policy.

**COUNSELING:** A written or verbal communication between a subordinate and a supervisor, which involves performance related issues and is recorded in the Guardian Notes and used to complete the member's performance evaluation. This shall be considered a non-disciplinary corrective action.

**EXONERATED:** A disposition used when an investigation determines that the incident did occur; however, the actions of the agency or the employee were consistent with agency policy and justified, legal, and proper.

**FINAL DISPOSITION:** The final order and decision of the Sheriff.

**LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS:** The latest version of the Law Enforcement Officers' Bill of Rights, as it appears in the Public Safety Article, Title 3 (herein referred to as the LEOBR) shall apply to all sworn law enforcement, non-probationary (except in cases of brutality) officers governed by this policy.

**NON-SUSTAINED:** A disposition used when an investigation fails to disclose sufficient information to prove or disprove an allegation.

**RECORD:** In the appropriate context, such as interviews and interrogations, includes audio recordings or audio and / or video recordings.

**SHERIFF'S DISCIPLINARY ACTION:** Administrative punishment imposed by the Sheriff for administrative violations not handled through the summary punishment process.

**SUSTAINED:** A disposition used when the investigation discloses sufficient evidence to establish a prima facie case with respect to the allegations of misconduct.

**SUMMARY PUNISHMENT:** A process to dispose of minor violations when the facts are not in dispute, the deputy waives a hearing, and accepts the punishment offered by command. Punishment may not exceed suspension of 3 days without pay or a fine of \$150.

**SWORN DEPUTIES:** Includes all sworn correctional officers and law enforcement officers.

**UNFOUNDED:** A disposition used when the investigation indicates that the alleged act did not occur.

## 5. Receiving Complaints

- A. A complaint may be received by any employee; however, it is preferred that complaints be taken by a supervisor.
- B. Complainants will be met with respect, courtesy, and understanding with every effort being made to ensure no adverse consequences occur to any person as a result of having brought what they believed was a legitimate complaint to the attention of the HCSO.
- C. Complaints can be made against personnel in any of the following ways:
  1. In person
    - a. If a citizen wishes to make a complaint in person, he may be accompanied by another person of his choice when speaking with the HCSO employee receiving the complaint.
    - b. The employee receiving the complaint will encourage the complainant to complete the Complaint Against Personnel (Form IA-028).
    - c. If the citizen declines to submit the complaint in writing, they will be referred to a supervisor who will complete the complaint against personnel report.
      - i. The additional person:

- (a) may not accompany the complainant during the interview if they are a witness to the incident from which the complaint arose; and
- (b) will be excluded from the interview if they become disruptive or interfere with the interview.

2. In writing

- a. Complaints may be received through any delivery system (US Mail, FedEx, UPS, etc.) at any office of this agency.
- b. Complaints may be received via email by the Office of Professional Standards (OPS) at [hcssoiaharfordsheriff@harfordsheriff.org](mailto:hcssoiaharfordsheriff@harfordsheriff.org) or FAX 410-838-1661.
- c. Email or electronic complaints received at another HCSO email address or social media site will be processed as described in this directive.

3. By telephone

- a. Telephone complaints may be received at any HCSO location or office of this agency.
- b. For consistency, the information will be documented on the Complaint Against Personnel (Form IA-028).

D. A complaint alleging brutality must be documented on Complaint Against Personnel (Form IA-028).

- 1. The form must be typed or handwritten legibly in ink; and
- 2. signed and sworn to, under the penalty of perjury, within 366 days after the alleged brutality; and
- 3. the complainant will be advised that he or she may be held criminally responsible for any false statements made.

**6. Processing Complaints**

A. HCSO employees will:

- 1. not delay the initiation or documentation of a complaint;
- 2. complete a Complaint Against Personnel (Form IA-028) either typed or legibly handwritten in ink;
- 3. make every effort to identify the complainant;
- 4. record anonymous complaints regardless of location of occurrence; and
- 5. forward the complaint immediately to the appropriate shift supervisor.
- 6. Citizens making complaints shall be required to provide a name, mailing address, and phone number or email if they wish to receive notifications as required in Section 8.G.1.

7. If the deputy who is the subject of the complaint is not assigned to the unit receiving the complaint:
    - a. the complaint will be accepted and forwarded as required; and
    - b. the complainant will not be directed or referred to the deputy's work assignment for the complaint to be filed.
  8. Employees desiring to file a complaint against a deputy will complete a Complaint Against Personnel (Form IA-028) and forward it to the involved Deputy's Commander or OPS.
  9. Supervisors may be immediately assigned to investigate serious complaints.
  10. Employees receiving a complaint will not discuss the nature of the complaint with the involved deputy or other unauthorized persons.
  11. Complaint Against Personnel Reports (Form IA-028) will be forwarded to the Division Commander of the accused member, or if against Command personnel to the next officer in the chain of command.
  12. Complaints received by the Sheriff will be processed through the appropriate Bureau Chief.
- B. Responsibility of Employee's Division Commander
1. Review the Complaint Against Personnel Report (Form IA-028) to determine the seriousness of the Complaint.
  2. The Commander shall contact the OPS to obtain a Case Control Number in every case.
  3. Immediately fax or email the Complaint Against Personnel (Form IA-028) to OPS.
  4. Forward a copy of the complaint through the chain of command to the Chief Deputy.
  5. The Chief Deputy or designee will contact the complainant by letter within 72 hours to advise that the complaint has been received and will be reviewed.
  6. Prior to any investigation being conducted, the Division Commander will confer with OPS to confirm whether the guidelines of the Alternative Disciplinary Procedure (ADP) a process described in Policy PER 0204 (Progressive Supervision) are appropriate and applicable. If so, forward the request through the chain of command to the Chief Deputy for approval.
  7. If an investigation is to be conducted, confer with the Chief, Investigative Services Bureau, to determine whether the investigation will be conducted by OPS or the Division Commander.
  8. After consultation with OPS, Commanders may resolve minor complaints or violations through training and / or counseling, when formal disciplinary action is unnecessary.
    - a. Cases resolved under this paragraph require the commander to:

- i. notify the OPS Commander, by Memorandum (Form SO-212), explaining how the case was resolved; and
  - ii. forward the Complaint Against Personnel (Form IA-028) and the Memorandum (Form SO-212) through official channels to the Commander of the OPS.
9. The Chief Deputy or designee will contact the complainant by letter within 72 hours after final disposition has been made as described in Section 8, Subsection G, below.

### C. Responsibility of the Office of Professional Standards

#### 1. Administrative Activities

- a. Record, register, and control the investigation of complaints against personnel.
  - (i) Assign a Case Control Number for each complaint.
  - (ii) Receive faxed/emailed copy of Complaint Against Personnel (Form IA-028) from Commanders.
- b. Supervise and control the investigation of alleged or suspected misconduct within the HCSO.
- c. Maintain the confidentiality of internal investigations and records.
  - (i) Ensure there is a written record of every complaint against the HCSO or its employees, and of all disciplinary actions.
  - (ii) Ensure all records are securely filed at the OPS office in accordance with the Agency retention schedule.

#### 2. Assignment of Cases for Investigation – The OPS will conduct administrative investigations of allegations of employee misconduct in the following cases. This list is not all inclusive and the Sheriff or Chief Deputy may reserve or delegate investigations of any complaint, at their discretion.

- a. Allegations of Sexual harassment
- b. Exparte/Protective Orders
- c. Allegations of domestic violence
- d. Arrests of sworn employees for violations of criminal and motor vehicle laws
- e. Allegations of sexual or racial misconduct
- f. Civil liability suits against members of the HCSO
- g. Allegations of corruption
- h. Allegations of gross misconduct

- i. Allegations of the use of excessive force/brutality
  - j. Incidents involving the use of deadly force (including shootings and any accidental or unintentional discharge of firearms)
  - k. Allegations of misconduct against deputies by an allied agency
  - l. All other administrative investigations that may be assigned by the Sheriff
3. Oversight Activities – Complaints not investigated by OPS will be delegated to line supervisors through Division Commanders for investigation. OPS will exercise oversight over all investigations to ensure competent and timely investigations with a fair resolution.

## 7. Investigations

### A. Responsibilities of the Deputy's Division Commander and the OPS Commander

1. When the complainant does not want an investigation but merely an explanation, the Deputy's Commander, in consultation with the OPS Commander, will determine whether a formal investigation is warranted.
2. Should the Deputy's Commander or OPS commander determine that an investigation is warranted, the Deputy's Commander will inform the complainant of such and that the complainant will be notified as described in section 8, subsection G, below.
3. Commanders will assign supervisors to investigate complaints which must be completed within 30 days of assignment with extensions approved by the Chief Deputy or designee, only after requests are made using the Request for Extension of Investigation (Form IA-016).
4. Within 30 days of the completion of an internal investigation and review by the Chief Deputy, Commanders will notify the deputy in writing, by Memorandum (Form SO-212), of the findings.
5. When an investigation includes multiple allegations resulting from the same incident, notification concerning the outcome may be deferred until the completion of the entire investigation.

### B. Investigative Process for Complaints Against Deputies

1. Shall be conducted as criminal investigations of similar nature unless otherwise directed. Criminal and Administrative cases shall be handled independent of each other and the Administrative case shall be subordinate to the criminal case.
2. An internal investigation is complete when:
  - a. the complainant and witnesses have been interviewed;
  - b. employees have been questioned;
  - c. all physical evidence has been examined;
  - d. all leads have been explored; and

- e. the case has been accurately reported.
3. For the complainant / witness interview, the investigator will, when feasible:
- a. conduct all interviews in-person and obtain all pertinent identifiers from the person interviewed;
  - b. audibly record all statements;
  - c. preserve all statements as part of the investigative case file;
  - d. determine every relevant fact known to the complainant and/or witnesses; and
  - e. determine the motivation of the complainant and/or witnesses, such as his relationship with the complainant or deputy.
4. The investigator will, when feasible:
- a. pursue all leads developed through complainant and witness interviews;
  - b. handle all physical evidence in accordance with established procedures;
  - c. obtain all pertinent records (e.g., MVA records, telephone bills, court documents, HCSO records) that could be used to:
    - i. assist the investigation; and
    - ii. corroborate or refute statements.
  - d. if photographs are useful for evidentiary purposes (e.g., identification, to document injury), photograph the complainant, deputy and the scene of the incident;
  - e. when photographs are used for identification purposes, follow the photo lineup guidelines established by the HCSO;
  - f. obtain sketches which may supplement photographs, where appropriate;
  - g. treat firearms in accordance with established procedures;
  - h. ensure the Use of Force Report (Form SO-44) is completed if appropriate.
  - i. when a firearm is discharged by a deputy, determine:
    - i. if the weapon is an approved weapon;
    - ii. if it was issued by the HCSO;
    - iii. if it is a primary or secondary weapon;
    - iv. if the holster is an approved holster; and

- v. if the ammunition is HCSO approved.
- j. document the condition and description of the firearm:
  - i. make, model and caliber;
  - ii. serial number;
  - iii. the number of rounds of ammunition in the weapon, in the deputy's possession, and in each individual magazine; and
  - iv. make, model and condition of the holster.
- k. examine firearms training and qualification records.

C. Statements from the Accused Deputy

1. As a general rule, the interrogation of the deputy occurs after the complainant and all witnesses have been interviewed.
2. The investigator determines the sequence of interviews.
3. The verbal statements of the deputy will be audibly recorded.

D. Written Reports and Interrogations of Accused Deputies

1. Interrogations of deputies will be in conformance with the Law Enforcement Officers' Bill of Rights (LEOBR) or the Correctional Officers' Bill of Rights (COBR), as applicable.
2. Probationary deputies on initial entry are not entitled to LEOBR / COBR provisions unless the allegation involves brutality in the performance of their duties.
3. Generally, a recorded interview / interrogation is preferred; however, deputies may still be required to submit reports detailing the facts concerning their involvement in an incident.
4. If the report is likely to contain information that may be used as evidence against a deputy in a disciplinary hearing, the report is considered an interrogation and the supervisor ordering the report will do so in conformance with the provisions of LEOBR / COBR.
5. Before every interrogation, including the submission of a detailed Memorandum (Form SO-212), the supervisor conducting the interrogation will provide the deputy with a completed Nature of Investigation (Form IA-019), LEOBR / COBR Rights (Form IA-018), Order Not to Discuss (Form IA-030) and an Order to Submit to an Interrogation (Form IA-015).
6. The deputy will be allowed up to 10 days under COBR or 5 days under LEOBR to consult with counsel or other representative of his choice prior to submitting the Memorandum (Form SO-212) or the interrogation.
7. Before ordering a detailed Memorandum (Form SO-212) from a deputy where criminal charges may result, the supervisor will consult with the investigator of the criminal complaint.

8. The LEOBR / COBR Rights (Form IA-018) advises the deputy that the investigation and interrogation must be conducted in conformance with LEOBR / COBR and that he may retain or waive any or all rights he is afforded.
  9. The Nature of Investigation (Form IA-019) should clearly state that the deputy is the subject of an investigation, and briefly describe the nature of the investigation.
  10. The deputy subject to the interrogation will be allowed to read or have read to him the LEOBR / COBR rights prior to the interrogation.
  11. The interrogating supervisor must be certain the deputy is provided with the opportunity to waive or retain his LEOBR / COBR rights before any statement can be taken.
  12. If the deputy waives his LEOBR / COBR rights, he will indicate by signing his name, rank and ID number in the space provided on the LEOBR / COBR Rights (Form IA-018).
  13. The deputy will note those rights he wishes to retain in the space provided.
  14. The deputy subject to the interrogation will sign the LEOBR / COBR Rights (Form IA-018) and receive a copy
  15. The original LEOBR / COBR Rights (Form IA-018) will be placed in the case file.
  16. The deputy has the right to be represented by counsel or any other representative of his choice who will be present and available for consultation at all times during the interrogation, unless the deputy waives this right.
  17. All questions directed to the deputy during the interrogation will be asked by and through one interrogator during any single interrogating session.
  18. The interrogation will take place at:
    - a. The office of the command of the investigating officer; or
    - b. The office of the local precinct or police unit in which the alleged incident occurred; or
    - c. Any other reasonable and appropriate place designated by the investigator, unless the deputy waives this right.
  19. The interrogator will audibly record the interrogation and include the location, those in attendance, the date and time the interrogation begins, all interruptions, and the time the questioning concludes.
  20. Upon completion of an investigation, and no less than 10 days prior to any hearing, the deputy or his representative may request to review the record of the interrogation.
- E. Compelled Tests
1. Deputies may be compelled to submit to blood tests, breath tests and urinalysis tests for controlled dangerous substances.

2. Deputies may be compelled to submit to other forensic testing (e.g. providing handwriting samples or hair samples) as may be required to conduct a thorough investigation.
3. Deputies may be compelled to disclose financial information to the extent that the information is necessary to investigate a possible conflict of interest with respect to the performance of the deputy's official duties or the disclosure is required by federal or State law.

F. Polygraph Examinations of Deputies

1. Polygraph examinations of deputies will be conducted in accordance with MD.CODE ANN., PUB. SAFETY § 3-104. and with the approval of the Chief Deputy or designee.
2. Deputies may voluntarily submit or be ordered to submit to polygraph examinations after being presented with an Order to Submit to Polygraph Test (Form IA-022).
3. The results of a polygraph examination may not be used as evidence in any administrative hearing when the deputy has been ordered to submit to an examination by the HCSO unless the HCSO and the deputy agree to the admission of the results at the administrative hearing per MD. CODE ANN., PUB. SAFETY § 3-104.
4. The deputy's representative need not be present during the actual administration of a polygraph examination if:
  - a. the questions to be asked are reviewed with the deputy or his representative prior to administering the examination;
  - b. the representative can observe the administering of the polygraph examination; and
  - c. a copy of the final report is made available to the deputy or his representative within 10 days.
5. A post-polygraph interrogation will require the issuance of a new Order to Submit to an Interrogation (Form IA-015), briefly detailing the nature of the investigation, and directing the deputy when and where to appear for the interrogation.

G. Failure to Comply

1. Before ordering a deputy to submit detailed reports, memoranda; or submit to interrogation, interview, blood, breath, or urine tests, and / or polygraph examination; the deputy must first be advised that information supplied through a deputy's answers will not be used against him in subsequent criminal proceedings.
2. The following actions are separate violations of the rules of conduct, constitute grounds for disciplinary action, and may cause the deputy's termination:
  - 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, an interrogation or an interview; and

- d. refusal to submit a detailed report or memorandum.

#### H. Investigative Report Format

- 1. The completed investigative case file will be separated by tabs and organized as follows:

- a. Table of Contents
- b. Complaint Against Personnel Report (Form IA-028)
- c. Administrative Investigation Report (Form IA-014)
- d. Appendices:
  - i. Statement of complainant, if different from that of the victim
  - ii. Statement of the victim, if different from the complainant
  - iii. Statement of witnesses
  - iv. Notification of Complaint (Form IA-019), if applicable
  - v. Detailed Memorandum (Form SO-212) from the accused deputy, if applicable
  - vi. Order to Submit to Interrogation (Form IA-015), if applicable
  - vii. Other statements, detailed memoranda or additional exhibits
  - viii. Letter indicating receipt of complaint
  - ix. Memorandum (Form SO-212) to accused member
  - x. Letters providing updated status to complainant
  - xi. Final Disposition letter to complainant
  - xii. History sheet

#### I. Completion of the Investigation

- 1. The investigator will recommend for each violation, based upon a preponderance of evidence, a finding of:
  - a. **SUSTAINED:** A disposition used when the investigation discloses sufficient evidence to establish a prima facie case with respect to the allegations of misconduct; or
  - b. **NON-SUSTAINED:** A disposition used when an investigation fails to disclose sufficient information to prove or disprove an allegation; or

- c. UNFOUNDED: A disposition used when the investigation indicates that the alleged act did not occur; or
  - d. EXONERATED: A disposition used when an investigation determines that the incident did occur; however, the actions of the agency or the employee were consistent with agency policy and justified, legal, and proper.
2. The Deputy's Division Commander, upon receipt of the completed investigation, will prepare a Memorandum (Form SO-212) with an endorsement.
- a. The endorsement will include whether the commander agrees with the investigator's findings.
  - b. If the commander disagrees with the findings, he will state in detail the factual basis for not accepting the investigator's conclusions.
  - c. A Commander who chooses to change a sustained finding to a non-sustained or unfounded finding must, in the endorsement, indicate that they have the concurrence of the Chief Deputy.
  - d. A recommended penalty for each charge from Policy PER 0204 and PER 0207 will be included.

J. Time Limits

- 1. Except in cases of criminal activity or excessive force, administrative charges must be brought against a deputy within one year after the act that gives rise to the charges coming to the attention of the HCSO.

K. Report Flow for Completed Investigations

- 1. All completed investigative reports will be forwarded through the chain of command to the OPS by way of a Routing Slip (Form SO-179).
- 2. The Chief, Investigative Services Bureau, or OPS supervisor will review the cases with the Chief Deputy along with those cases which were investigated by OPS personnel.
- 3. The Chief Deputy will review the cases with the involved deputy's Bureau Chief to determine the recommended penalties, if applicable.
- 4. If disciplinary action is warranted, the Bureau Chief will forward the case file to the involved Division Commander for processing by way of a Routing Slip (Form SO-179).
- 5. Investigations involving multiple deputies assigned to different units will be routed in the following manner:
  - a. If all the involved deputies are assigned to the same Bureau:
    - i. the investigative file will be forwarded to the Bureau Chief for review and disposition;

- ii. the involved Bureau Chief will ensure that each Division Commander reviews the report of investigation;
  - iii. each Division Commander will be responsible for the preparation of the Notification of Charges (Form IA-009) when appropriate; and
  - iv. the Bureau Chief will designate one Division Commander to facilitate the appropriate case flow.
- b. If the deputies are assigned to different Bureaus:
- i. the report will be forwarded to one of the Bureau Chiefs;
  - ii. the Bureau Chiefs will coordinate their review of the investigation;
  - iii. after the Bureau Chiefs have reviewed the report, it will be sent to each involved Deputy's Commander for review;
  - iv. each commander will be responsible for the preparation of the Notification of Charges (Form IA-009) when appropriate; and
  - v. a Bureau Chief will designate one commander to facilitate the appropriate case flow.

## 8. Disposition of Cases

### A. Unfounded/Non-Sustained/Exonerated/Alternative Disciplinary Procedure/**Withdrawn** Cases

1. When the case has been **withdrawn**, exonerated, unfounded, non-sustained or disposed of under ADP, the Division Commander will route the original case file through their Bureau Chief and Chief Deputy to the OPS.
2. The case file will include the Division Commander's endorsement and copies of the Chief Deputy's complaint received letter and final disposition letter to the complainant.

### B. Sustained Cases of violations within the **Penalty Assessment Matrix categories of A, B, or C.**

1. Disciplinary actions involving probationary deputies are not covered by LEOBR / COBR and are processed in accordance with Policy PER 0204.
2. Summary Punishment, found in Policy PER 0204, may be offered to a deputy when a minor violation has occurred. For other cases, the Sheriff's Disciplinary Action may be offered.
3. **Division Commanders will prepare and sign the Notification of Charges (Form IA-009) for violations within the Penalty Assessment Matrix categories of A, B, or C.**
  - a. Upon receipt of an offer of Summary Punishment or Sheriff's Disciplinary Action, the accused **will sign the Notification of Charges (Form IA-009) and** may elect one of the following:

- i. document acceptance of Summary Punishment or Sheriff's Disciplinary Action by completing HCSO Administrative Disciplinary Action and Waiver of LEOBR / COBR (Form IA-010) and the Review of Adverse Material (Form IA-013); or
- ii. request charges be formally heard by a Hearing Board by completing the appropriate section of the Administrative Disciplinary Action and Waiver of LEOBR / COBR (Form IA-010).

4. Hearing boards will be initiated to resolve all other cases.

C. Sustained Cases of violations within Penalty Assessment Matrix categories of D or E.

1. Case Screening by Prosecutor

- a. In all sustained cases for violations of Penalty Assessment Matrix categories D or E, where the potential offense is serious, Commanders will have the case screened by the Harford County Law Office (HCLO) representing the HCSO.
- b. The Commander will prepare the Notification of Charges (Form IA-009); however, will not sign them until the case has been reviewed by the HCLO for legal sufficiency.
- c. If additional information is needed to support the charges, the HCLO will return the file to the employee's Commander and request submission of the additional information.
- d. HCLO will return the case file with their endorsement of legal sufficiency to the deputy's Commander for appropriate disposition.
- e. If HCLO determines that a case is not legally sufficient and cannot be prosecuted, the deputy's commander will notify the Chief Deputy that the case will not be presented for prosecution.
- f. Cases which will not be prosecuted will be routed by the commander with an endorsement and a copy of the complaint disposition letter through the Bureau Chief to the OPS.

2. Charges being Preferred

- a. For the serious cases deemed legally sufficient for prosecution and the cases are not disposed of through summary punishment or the Sheriff's Disciplinary Action, the Deputy's Commander will:
  - i. upon filing the charges and prior to serving the accused deputy, fax or email a copy of the Notification of Charges (Form IA-009) to the OPS commander;
  - ii. present the Notification of Charges (Form IA-009) to the accused deputy for acknowledgment and signature;
  - iii. give a copy of the signed Notification of Charges (Form IA-009) to the deputy; and
  - iv. forward the entire case file, through the chain of command to the Chief Deputy for review.

- b. The Chief Deputy will forward the case to the Prosecutor for presentation to the Hearing Board.
- c. The prosecutor will provide a copy of the investigative materials, as described and limited by LEOBR / COBR, at no cost, to the accused deputy or his representative not less than 30 days prior to the deputy's disciplinary hearing.

3. Administrative Hearing Boards

- a. Administrative Hearing Boards are not judicial proceedings.
- b. Administrative Hearings will follow the procedures as outlined in HCSO Policy PER 0208 and in accordance with the provisions found in the LEOBR / COBR.
- c. NO weapons will be allowed in the hearing room other than those possessed by Office of Professional Standards investigators.
- d. Members appearing before a hearing board either as a witness or a member who has been charged shall appear in uniform.
- e. Members with police powers suspended or in a covert assignment shall appear in appropriate business attire.

D. Resolution of Case prior to LEOBR / COBR Administrative Hearing

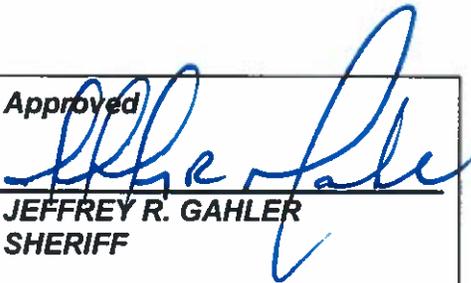
- 1. A deputy may waive all rights afforded by the LEOBR / COBR after being charged with a violation of HCSO rules or regulations.
- 2. The Prosecutor can be contacted by the deputy or his representative to engage in negotiations to resolve a non-serious case at any time.
- 3. When it would be in the best interest of the deputy and the HCSO to resolve the case, the Prosecutor, after consultation with the Chief Deputy, can offer the deputy an opportunity to waive the hearing board process.
- 4. The prosecutor may facilitate negotiations and complete the Administrative Disciplinary Action and Waiver of LEOBR / COBR (Form IA-010).
- 5. Cases that involve the serious offenses described in the Penalty Assessment Matrix categories D or E will be reviewed collectively by the Chief Deputy and the Bureau Chiefs before a recommended penalty is made known to the deputy or his representative and before a trial board has commenced.
- 6. Cases deemed by the Prosecutor to be sensitive in nature may also be referred to the Chief Deputy and Bureau Chiefs to collectively review and determine the recommendation.
- 7. Recommendations for transfer, demotion or suspension exceeding 15 days will be reviewed by the Sheriff.

E. Complaint Withdrawals

1. At any time during an investigation, a complainant may voluntarily withdraw their complaint.
2. The investigator may facilitate a voluntary withdrawal of a complaint by having the Internal Investigation Statement of Withdrawal (Form IA-08) completed by the complainant.
3. Requests will be reviewed prior to acceptance by the Chief, Investigative Services Bureau, who will determine if the request was voluntary.
4. Requests may be denied at any point in the Chain of Command.
5. Investigations may be initiated or continue if it is determined to be in the best interest of the HCSO or the employee with or without the cooperation of the complainant.

F. Final Disposition

1. Upon completion of the investigation, the Chief Deputy or designee will notify the complainant, in writing within 72 hours, by certified mail, of the final disposition of all charges (sustained, non-sustained, unfounded, or exonerated) and any discipline imposed as a result in accordance with established confidentiality policies and any applicable law.
2. In the unlikely event an investigation will take a prolonged period, the complainant should be updated by the assigned investigator's Commander in writing, by certified mail, on the case status every 30 days.

Approved  
  
JEFFREY R. GAHLER  
SHERIFF  
DATE 7.19.19