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Sheriff

# HARFORD COUNTY SHERIFF'S OFFICE PERSONNEL POLICY

## Progressive Supervision

<b>Distribution:</b>	<b>All Employees</b>	<b>Index:</b>	<b>PER 0204</b>
<b>Responsible Unit:</b>	<b>Planning and Research Division</b>	<b>Rescinds:</b>	
<b>DLI Program:</b>		<b>MD Code:</b>	

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### 1. Purpose

To provide supervisors and deputies with information explaining the different types of supervisory and disciplinary procedures.

### 2. Policy

The Harford County Sheriff's Office will use a supervisory model for all deputies that is on a continuum that will provide a progressive approach to keep deputies focused and productive while deterring unwanted behavior.

### 3. Definitions

**HEARING BOARD:** a panel that is authorized by the Sheriff to hold a hearing on a complaint against a deputy.

**PROBATIONARY DEPUTY:** a deputy who has not completed the entry level two-year probationary period mandated by statute.

### 4. Procedures

#### A. Performance Appraisal System Documentation

##### 1. Overview

- a. **CATEGORY: non-disciplinary**
- b. **USED FOR:** improvement of performance and minor violations.
- c. **RESTRICTIONS:** N/A
- d. **DISPOSITION:** written documentation (Guardian Entry).
- e. **ADMINISTRATIVE INVESTIGATION CONDUCTED: Discretionary.**

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2. Key Points

Detailed information about the Performance Appraisal System may be found in Policy MAN6200.

3. Procedures

Supervisors will:

- a. document deputy work performance and behavior using Guardian; and
- b. review performance appraisals with deputies to ensure the mission and values of the HCSO are supported.

**B. Personnel Counseling**

1. Overview

- a. **CATEGORY: non-disciplinary.**
- b. **USED FOR:** minor violations.
- c. **RESTRICTIONS:** behavior requiring formal disciplinary action.
- d. **DISPOSITION:** written documentation (Guardian Entry).
- e. **ADMINISTRATIVE INVESTIGATION CONDUCTED: Discretionary.**

2. Key Points

Supervisors will:

- a. conduct counseling at the time of the violation, as soon as possible after the occurrence of the inappropriate behavior or at the conclusion of the investigation;
- b. conduct counseling with the deputy or attend counseling conducted by the deputy's commander;
- c. document deputy performance and provide guidance to correct behavior that is not in compliance with current HCSO policies.
- d. focus counseling on the violation, pointing out areas for improvement and recommend a course of action, including training, to help the deputy improve; and
- e. encourage the deputy to offer suggestions to improve the behavior and performance.

3. Procedures

- a. The Guardian System will be used to document counseling sessions.
- b. The deputy will be given the opportunity to add a written comment to the counseling document within the Guardian System.

### C. Alternative Disciplinary Process (ADP)

#### 1. Overview

- a. **CATEGORY: disciplinary.**
- b. **USED FOR: minor violations.**
- c. **RESTRICTIONS: departmental collisions and damage or loss of HCSO equipment are not eligible as these incidents require an administrative investigation.**
- d. **DISPOSITION: consistent with Category "B" or "C" offenses.**
- e. **ADMINISTRATIVE INVESTIGATION CONDUCTED: No.**

#### 2. Key Points

- a. Commanders may offer ADP when the:
  - (i) alleged violations are serious enough to compel formal disciplinary action;
  - (ii) an administrative investigation is not conducted;
  - (iii) the Chief Deputy concurs;
  - (iv) the facts which constitute a violation are not in dispute; and
  - (v) the deputy agrees to the punishment recommended by his commander.
- b. The deputy must agree that the minor misconduct occurred and wants to resolve the issue by accepting the disciplinary action recommended by the commander.
- c. It is the deputy's option to accept ADP; if he does not accept ADP, an investigation will be conducted to determine if misconduct has occurred.

#### 3. Procedures

- a. The deputy's commander will contact the Commander of OPS to discuss the case, the feasibility of offering ADP and the recommended disciplinary action.
- b. When an agreement is reached with the OPS Commander regarding the use of ADP, and the recommended discipline is approved by the Chief Deputy, the deputy's commander will:
  - (i) forward the original Form IA-028 to OPS, noting the agreed upon disciplinary recommendation; and
  - (ii) meet with the deputy to discuss the allegation and recommended discipline.
- c. The deputy's commander will ensure the deputy understands that:

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- (i) acceptance of the recommended discipline only applies under ADP;
  - (ii) statements made by the deputy in the meeting with the commander may not be used in any disciplinary investigation or proceedings against the deputy;
  - (iii) additional investigations and disciplinary actions may result if other allegations or information comes to light; and
  - (iv) acceptance of ADP will not excuse the deputy from being interviewed at a later time to provide information pertaining to other deputies or additional allegations.
- d. If the deputy accepts ADP, he will sign the Notification of Charges (Form IA-009), the Administrative Disciplinary Action and Waiver of LEOBR/COBR Rights (Form IA-010).
- e. If the deputy does not accept the recommended discipline:
- (i) the deputy shall sign an Order Not to Discuss (Form IA-030) and not discuss the case with anyone other than his counsel, union representative or the investigator;
  - (ii) the OPS will be notified of the refusal to accept ADP; and
  - (iii) the alleged violation will then be investigated.
- f. Report flow when ADP accepted
- (i) the original Complaint Against Personnel (Form IA-028) will be forwarded to the OPS. The original and one copy of the Notification of Charges (Form IA-009), the Administrative Disciplinary Action and Waiver of LEOBR/COBR Rights (Form IA-010) will be forwarded to the OPS.
  - (ii) the OPS will forward the original copies of the appropriate forms to the Human Resources Manager for processing.

#### **D. Summary Punishment**

##### **1. Overview**

- a. **CATEGORY: disciplinary.**
- b. **USED FOR: minor violations.**
- c. **RESTRICTIONS: any Category "D" or "E" violation.**
- d. **DISPOSITION: may not exceed Category "C" penalties.**
- e. **ADMINISTRATIVE INVESTIGATION CONDUCTED: Yes.**

##### **2. Key Points**

- a. **Commanders may offer summary punishment when the:**

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- (i) facts which constitute minor violations are not in dispute;
- (ii) deputy accepts the punishment as recommended; and
- (iii) deputy waives the right to a formal hearing provided for by the LEOBR/COBR.

b. Cases disposed of by Summary Punishment are not forwarded to the Harford County Law Office.

### 3. Procedures

a. Commanders will:

- (i) prepare a Notification of Charge (Form IA-009), with a concise statement of facts;
- (ii) refer to the Penalty Assessment Matrix when assigning the disciplinary action;
- (iii) meet with the deputy to determine whether the facts of the case are in dispute;
- (iv) if the facts are NOT in dispute, allow up to five working days for the deputy to accept the disciplinary action; and
- (v) ensure that the deputy accepting Summary Punishment signs the Notification of Charges (Form IA-009) and the Administrative Disciplinary Action and Waiver of LEOBR/COBR (Form IA-010).

b. If the facts of the case ARE in dispute, Summary Punishment will not be offered and the case will be processed in accordance with the procedure for Hearing Boards.

c. Report flow when Summary Punishment is accepted

- (i) The original Complaint Against Personnel (Form IA-028) will be forwarded to the OPS. The original and one copy of the Notification of Charges (Form IA-009) and the Administrative Disciplinary Action and Waiver of LEOBR/COBR Rights (Form IA-010) will be forwarded to the OPS.
- (ii) The OPS will forward the original copies of the appropriate forms to the Human Resources Manager for processing.

## E. Hearing Board

### 1. Overview

- a. **CATEGORY: disciplinary.**
- b. **USED FOR:** any type of formal disciplinary action.
- c. **RESTRICTIONS:** non-disciplinary documentation.
- d. **DISPOSITION:** range from a written reprimand to termination.

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e. ADMINISTRATIVE INVESTIGATION CONDUCTED: **Yes.**

2. Key Points

- a. Behavior contrary to HCSO rules and regulations may be cause for administrative charges.
- b. Except as provided in subsection (F) (2) of this directive, a deputy on entry level probation is not entitled to a hearing as provided by LEOBR/COBR if he has been charged administratively.

3. Procedures

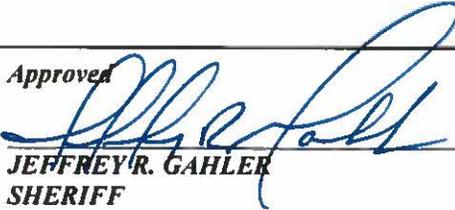
Detailed procedures related to hearing boards may be found in HCSO Policy PER 0208

**F. Probationary Deputies**

1. A probationary deputy's commander will attempt to correct inappropriate behavior through supervision and training.
2. Probationary deputies are not entitled to LEOBR/COBR provisions unless there is an allegation of brutality.
3. If disciplinary action is taken, commanders will:
  - a. document the behavior on a Probationary Deputy Record of Disciplinary Action (Form IA-031);
  - b. select a penalty with concurrence of the Chief Deputy;
  - c. ensure that the case file is reviewed by the Sheriff if the penalty exceeds a suspension of 15 days;
  - d. present the completed Probationary Deputy Record of Disciplinary Action (Form IA-031) to the deputy and have him sign it; and
  - e. forward the Probationary Deputy Record of Disciplinary Action (Form IA-031) and the completed case file, through channels, to OPS for processing.

**G. Documentation**

Documentation related to disciplinary action will be maintained in accordance with Agency Policy.

Approved   
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JEFFREY R. GAHLER  
SHERIFF  
DATE 8.25.16