



HARFORD COUNTY SHERIFF'S OFFICE PERSONNEL POLICY

Emergency Suspension of Police/Correctional Powers

Distribution:		All Sworn Personnel			Index:		PER 0205	
Responsible Unit:		Planning and Research Division			Rescinds:		PER 0205 dated 5/13/16	
DLI Program:					MD Code:			
Issued:	6/10/17	Revised:	6/10/17	Reviewed:	6/10/17	Next Review:	6/10/18	

1. Purpose

To describe the procedures to be followed when it becomes necessary to perform an emergency suspension of a deputy's police or correctional powers.

2. Policy

The Harford County Sheriff's Office (HCSO) may suspend a deputy's police or correctional powers when deemed to be in the best interest of the public and the HCSO. The process will be in accordance with the Maryland Code Annotated, Public Safety Article, Title 3 the Law Enforcement Officers' Bill of Rights (LEOBR) and the Correctional Services Article, Title 11 the Correctional Officers' Bill Rights (COBR).

3. Definitions

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

4. Procedures

A. General Provisions

1. An emergency suspension of the police or correctional powers of a deputy may be imposed by a supervisor of a higher rank than the suspended deputy, and at least the rank of Sergeant.
2. Notification of the emergency suspension will be immediately made to the Precinct/Division Commander.
3. An emergency suspension should be imposed when the deputy:
 - a. is the respondent to a temporary ex parte' or protective order, whether or not the issuing authority prohibits the deputy from possessing a firearm;
 - b. is accused of a criminal offense and a charging document has been issued by a court or the issuance of a charging document is imminent;
 - c. has been charged with a serious traffic offense that calls for a period of incarceration;

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- d. is accused of a Category "E" offense which may result in a termination of his employment;
 - e. is presented with a Notification of Administrative Charges (Form IA-009) charging them with a violation of a Category "E" offense, and after review by the Chief Deputy, the recommended penalty would be termination of employment; or
 - f. fails to obey a lawful order dealing with submitting to an interrogation, interview, polygraph, medical test, chemical test, blood test, photographs, or line up.
4. An emergency suspension may be imposed in any other instance where a suspension of police or correctional powers would be in the best interest of the HCSO and the public.
 5. Concurrence of the Sheriff or his designee will be obtained as soon as possible.
 6. The commander of an employee with suspended police or correctional powers will retain custody of the employee's issued:
 - a. firearms, magazines, ammunition, baton, OC spray and taser;
 - (i) exception: if, at the Suspension Review Hearing, the suspension is upheld by the Chief Deputy, and will last longer than 5 days, all firearms, magazines, and ammunition will be returned to the Range Master for storage.
 - b. badges, identification card, and MPTSC officer certification card;
 - c. keys and access proximity card;
 - d. laptop, cellphone, and any other IT equipment;
 - e. portable radio and MDC;
 - f. vehicle/keys; and
 - g. HCDC access chip (if issued);
 7. The commander of an employee with suspended police or correctional powers will, upon service of the suspension paperwork, email the "Suspended Employee" email notification group the name, current assignment, and effective date of the suspension of the deputy being suspended.
 8. Emergency suspension without pay may be imposed when the deputy has been charged with a felony.
 9. A suspended deputy will not exercise his police or correctional powers until those powers have been restored by the Sheriff.
 10. Probationary deputies are not entitled to an emergency suspension review hearing except in the case of brutality.
 11. Concerns about a deputy's ability to perform essential job functions, due to physical or psychological reasons will be referred to the Human Resources Manager.
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- a. When a deputy is suspended due to physical or psychological reasons at the advice of a Medical Consultant or Human Resources Manager:
 - (i) an Administrative Leave Suspension Report (Form SO-401) will be completed; and
 - (ii) the deputy will be advised there is no entitlement to an emergency suspension review hearing.

B. Process

1. A suspended deputy's Division Commander will:
 - a. ensure contact is made with the Office of Professional Standards (OPS);
 - b. ensure a Notification of Emergency Suspension (Form SO-029) is completed and promptly emailed to OPS indicating:
 - (i) whether the suspension is with or without pay;
 - (ii) date, time and location of emergency suspension hearing;
 - (iii) when the suspended deputy is to appear for a review hearing; and
 - c. will be the presenter of facts, or will designate a presenter of facts, at the emergency suspension hearing.
2. A suspended deputy may waive the review hearing by signing the Waiver of Hearing portion of the Notification of Emergency Suspension (Form SO-029).

C. Emergency Suspension Review Hearing (ESRH)

1. The Chief Deputy will promptly conduct an emergency suspension review hearing or may delegate the authority to conduct the hearing to an HCSO commissioned officer.
2. The ESRH will convene on the first working day following the suspension from duty, exclusive of weekends and holidays; unless the time limit is extended by mutual agreement of the ESRH Chairperson and the suspended deputy.
3. The ESRH will limit the scope of the review and determine if the continuation of the suspension is necessary to protect the public interest or the HCSO; only matters dealing with the disposition of the suspension will be heard.
4. During an Emergency Suspension Review Hearing, a suspended deputy may:
 - a. be accompanied by counsel;
 - b. rebut the reason(s) for the initial suspension;
 - c. present mitigating testimony; and

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- d. suggest alternatives to suspension.
5. The presenter of facts will:
 - a. present reason(s) for the initial suspension;
 - b. make recommendations concerning the deputy's leave status and temporary assignment during the period of suspension; and
 - c. recommend a final disposition on the suspension.
- D. Emergency Suspension Review Hearing Officer will:
1. ensure the hearing is recorded and the recordings are forwarded to the OPS;
 2. advise the suspended deputy of the outcome of the suspension review hearing;
 3. instruct a deputy who is suspended with pay and not assigned to administrative duties at an HCSO location to notify OPS, Monday through Friday, excluding holidays, between 0900 and 1000 hours and provide a telephone number or location where the suspended deputy can be contacted.
 4. prepare a Suspension Hearing Report (Form SO-023) and forward it through the chain of command to the Sheriff noting one of the following actions:
 - a. emergency suspension of powers will discontinue and the deputy will return to duty; or
 - b. emergency suspension of powers will continue including their pay status, leave status and any temporary duty assignment.
- E. The Sheriff will:
1. review the Suspension Hearing Report (Form SO-023); and
 2. if he deems necessary, modify the recommendations stated in the Suspension Hearing Report (Form SO-023); and
 3. return the report to the Chief Deputy for processing.
- F. The Chief Deputy will:
1. receive the report with the Sheriff's final decision;
 2. inform the deputy's Bureau Commander of the decision for notification of the suspended deputy; and
 3. forward the Suspension Hearing Report (Form SO-023), recordings and any other records to OPS.
- G. Office of Professional Standards will:

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

H. Access to Agency equipment, networks and software

1. Upon receipt of the "Suspended Employee" email, Computer Support, Human Resources, and respective Precinct and Division Commanders will deactivate access to the following:
 - a. All agency computer networks;
 - b. All agency email;
 - c. All agency door codes and cards;
 - d. Guardian (change password);
 - e. PowerDMS, and
 - f. Other computer software/networks as deemed necessary.
2. Upon removal of access to the above, the respective personnel will notify Human Resources via email.
3. Access to all, or some, of the systems contained in (H)(1) may be granted upon written request from the employee's commander, through the chain of command, to the Chief Deputy or designee.

I. Reinstatement of Police Powers

1. When police or correctional powers have been suspended, with or without pay and the allegations which led to the suspension are, or appear to be, without merit, the deputy's Bureau Commander will consult with the Chief Deputy and the Commander of OPS for input on all relevant case information.
2. When the employee's Bureau Commander determines the deputy's powers should be reinstated, the deputy's Bureau Commander will send a Memorandum (Form SO-212) delineating the reasons for recommendation of reinstatement through the chain of command to the Sheriff.
3. The Sheriff will evaluate the request and make a final decision by endorsement to the memorandum.
4. The reinstatement procedure may be implemented either before or after the Emergency Suspension Review Hearing.
5. Whenever the Sheriff reinstates a deputy's police or correctional powers, the Bureau Commander will make the appropriate notifications.

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6. The original Memorandum (Form SO-212) will be forwarded to the Human Resources Manager. Copies will be forwarded to the Chief Deputy, Division Commander, OPS and the employee.
7. Upon reinstatement of police or correctional powers, the Human Resources Manager will notify the "Suspended Employee" email group of the reinstatement and will indicate what access to networks and agency facilities the employee will have.

Approved 

JERFREY R. GAHLER
SHERIFF
DATE 6-6-17