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Sheriff

# HARFORD COUNTY SHERIFF'S OFFICE PERSONNEL POLICY

## Administrative Hearing Boards Law Enforcement Deputies

<b>Distribution:</b>	<b>All Sworn Personnel</b>	<b>Index:</b>	<b>PER 0212</b>
<b>Responsible Unit:</b>	<b>Planning and Research Division</b>	<b>Rescinds:</b>	
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### 1. Purpose

To provide Harford County Sheriff's Office (HCSO) Law Enforcement Deputies with procedures that will be followed when conducting an Administrative Hearing Board.

### 2. Policy

The HCSO will coordinate with the Administrative Hearing Board and strive to achieve timely, consistent, and fair administrative hearings.

### 3. Definitions

**AGENCY:** means the Harford County Sheriff's Office.

**COMMANDER:** the current Division Commander or the deputy's Division Commander at the date of the alleged complaint against the deputy. Commander also includes Bureau Commanders.

**DEPUTY:** for the purposes of this policy, this definition refers to all sworn law enforcement deputies at the rank of Captain and below.

**REPRESENTATIVE:** the term includes attorney or any other representative the accused deputy chooses.

### 4. Procedures

A. Cases Referred to a Hearing Board (Board) result from the:

1. Refusal of a deputy to accept the Sheriff's Disciplinary Action; or
2. Failure of a deputy to acknowledge the Sheriff's Disciplinary Action within five working days after receiving the Notification of Charges (IA-009); or
3. Referral of cases where no Sheriff's Disciplinary Action were offered.
4. Hearings related to the emergency suspension of police powers are addressed in HCSO policy PER 0215.

B. Criminal Investigations

1. In general, no administrative hearing, except an emergency suspension review hearing, will be held on any charges that relate to conduct which is also the subject of a pending criminal proceeding.
2. The Sheriff retains the discretion to make an exception to the general rule if the morale, operation, or best interests of the HCSO would be adversely affected by the failure to hold a hearing.
3. The decision of the HCSO whether to hold a hearing while a related criminal proceeding is pending may not be the subject of a grievance.

C. Trial Board - General

1. If the deputy does not accept the Sheriff's offer of discipline, then the matter will be referred to a trial board.
2. The Office of Professional Standards will coordinate with the trial board.
2. At least 30 days before a trial board proceeding begins, the deputy will be:
  - a. provided a copy of the investigatory record;
  - b. notified of the charges against the deputy; and
  - c. notified of the disciplinary action being recommended.

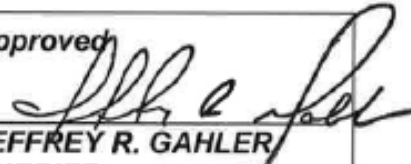
D. Trial Board Composition

1. A trial board to adjudicate all matters for which a deputy is subject to discipline will be composed of:
  - a. An active serving or retired administrative law judge or a retired judge of the District Court or a circuit court, appointed by the Harford County Executive;
  - b. A civilian who is not a member of an administrative charging committee, appointed by the Harford County Police Accountability Board; and
  - c. A deputy of equal rank to the deputy who is accused of misconduct appointed by the Sheriff.
  - d. Before serving as a member of a trial board, an individual will receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.
2. The actively serving or retired administrative law judge or retired judge of the District Court or a circuit court will:
  - a. Be the chair of the trial board;
  - b. Be responsible for ruling on all motions before the trial board; and

- c. Prepare the written decision of the trial board, including the findings, conclusions, and recommendations of the trial board.

E. Trial Board Proceedings

1. Proceedings of a trial board will be open to the public, except to protect:
  - a. A victim's identity;
  - b. The personal privacy of an individual;
  - c. A child witness;
  - d. Medical records;
  - e. The identity of a confidential source;
  - f. An investigative technique or procedure; or
  - g. The life or physical safety of an individual.
2. A trial board may administer oaths and issue subpoenas as necessary to complete its work.
3. A complainant has the right to be notified of a trial board hearing, and except as provided in subsection 4.E.1. of this section, the right to attend a trial board hearing.
4. Except as otherwise provided, the Agency has the burden of proof by a preponderance of the evidence in any proceeding within this policy.
5. A deputy may be disciplined only for cause.
6. Within 45 days after the final hearing by a trial board, the trial board will issue a written decision reflecting the findings, conclusions, and recommendations of a majority of the trial board.
7. Within 30 days after the date of issuance of a decision of a trial board, the decision may be appealed by the deputy to the circuit court of Harford County.
8. An appeal taken under this subsection will be on the record.
9. A trial board decision is final unless appealed by the deputy under subsection 4.E.7.

Approved  
  
JEFFREY R. GAHLER  
SHERIFF  
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