

HARFORD COUNTY SHERIFF'S OFFICE PERSONNEL POLICY



Harford County Sheriff's Office Accountability Process

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1. Purpose

To implement a process of accountability for Law Enforcement Deputies within the Harford County Sheriff's Office (HCSO).

2. Policy

The Harford County Sheriff will provide the Law Enforcement Deputies of the HCSO with the rights as delineated in the Harford County Sheriff's Office Accountability Process (HCSOAP).

3. References

HCSO Policy PER 0212 Administrative Hearing Board – Law Enforcement Deputies
HCSO Policy PER 0214 Complaints Against Law Enforcement Deputies

4. Procedures

A. Effect of this Policy

1. This policy does not limit the authority of the Sheriff to regulate the competent and efficient operation and management of the HCSO by any reasonable means including transfer and reassignment if:
 - a. that action is not punitive in nature; and
 - b. the Sheriff determines that action to be in the best interests of the internal management of the HCSO.
2. Complaints received from the public, whether directly to the HCSO or through the Harford County Police Accountability Board (PAB) will be processed in accordance with policy PER 0214.

B. Rights of Law Enforcement Deputies Generally

1. A law enforcement deputy has the same rights to engage in political activity as a state employee; however, the right does not apply when the law enforcement deputy is on duty or acting in an official capacity.

2. The HCSO may not prohibit secondary employment by law enforcement deputies; however, the Agency may adopt reasonable regulations that relate to secondary employment by law enforcement deputies.
 3. A law enforcement deputy may not be required or requested to disclose an item of the law enforcement deputy's property, income, assets, source of income, debts, or personal or domestic expenditures, including those of a member of the law enforcement deputy's family or household, unless:
 - a. the information is necessary to investigate a possible conflict of interest with respect to the performance of the law enforcement deputy's official duties; or
 - b. the disclosure is required by federal or State law.
 4. A law enforcement deputy may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to the law enforcement deputy's employment or be threatened with that treatment because the law enforcement deputy:
 - a. has exercised or demanded the rights granted by this policy;
 - b. has lawfully exercised constitutional rights; or
 - c. has disclosed information that evidences:
 - i. gross mismanagement;
 - ii. a gross waste of government resources;
 - iii. a substantial and specific danger to public health or safety; or
 - iv. a violation of law committed by another law enforcement deputy.
 5. A law enforcement deputy may not undertake an independent investigation based on knowledge of disclosures described in paragraph 4.B.4.c. of this subsection.
 6. A statute may not abridge, and HCSO may not adopt a regulation that prohibits the right of a law enforcement deputy to bring suit that arises out of the law enforcement deputy's duties as a law enforcement deputy.
 7. A law enforcement deputy may waive in writing any or all provisions of this policy.
- C. Investigation or Interrogation of Law Enforcement Deputy
1. The investigation or interrogation by the HCSO of a law enforcement deputy for a reason that may lead to disciplinary action, demotion, or dismissal will be conducted in accordance with this section.
 2. For purposes of this section, the investigator or interrogator need not be a sworn law enforcement deputy.
 3. The law enforcement deputy under investigation will be informed of the name, rank, and command of:
 - a. the law enforcement employee in charge of the investigation;

- b. the interrogating employee; and
 - c. each individual present during an interrogation.
4. Before an interrogation, the law enforcement deputy under investigation will be informed in writing of the Nature and Scope of Investigation (IA-019).
 5. If the law enforcement deputy under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, the law enforcement deputy will be informed completely of all of the law enforcement deputy's rights before the interrogation begins.
 6. Unless the seriousness of the investigation is of a degree that an immediate interrogation is required, the interrogation will be conducted at a reasonable hour, preferably when the law enforcement deputy is on duty.
 7. The interrogation will take place:
 - a. at the office of the command of the investigating employee or at the office of the local precinct or police unit in which the incident allegedly occurred, as designated by the investigating employee; or
 - b. at another reasonable and appropriate place.
 - c. The law enforcement deputy under investigation may waive the provision described in paragraph C.7.a. and b. of this subsection.
 8. All questions directed to the law enforcement deputy under interrogation should be asked by and through one interrogating employee during any one session of interrogation.
 9. Each session of interrogation will:
 - a. be for a reasonable period; and
 - b. allow for personal necessities and rest periods as reasonably necessary.
 10. The law enforcement deputy under interrogation may not be threatened with transfer, dismissal, or disciplinary action.
 11. On request, the law enforcement deputy under interrogation has the right to be represented by counsel or another responsible representative of the law enforcement deputy's choice who will be present and available for consultation at all times during the interrogation.
 - a. The law enforcement deputy may waive the right described in 4.C.13.
 12. The interrogation will be suspended for a period not exceeding 10 days until representation is obtained.
 - a. Within that 10-business day period, the Sheriff for good cause shown may extend the period for obtaining representation.
 13. During the interrogation, the law enforcement deputy's counsel or representative may:

- b. request a recess at any time to consult with the law enforcement deputy;
 - c. object to any question posed; and
 - d. state on the record outside the presence of the law enforcement deputy the reason for the objection.
14. A complete record will be kept of the entire interrogation, including all recess periods, of the law enforcement deputy.
- a. The record may be written, taped, or transcribed.
 - b. On completion of the investigation, and on request of the law enforcement deputy under investigation or the law enforcement deputy's counsel or representative, a copy of the record of the interrogation will be made available at least 30 days before a hearing.
15. The HCSO may order the law enforcement deputy under investigation to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations, or interrogations that specifically relate to the subject matter of the investigation.
- a. If the HCSO orders the law enforcement deputy to submit to a test, examination, or interrogation described in 4.C.15 of this subsection and the law enforcement deputy refuses to do so, the HCSO may commence an action that may lead to a punitive measure as a result of the refusal.
 - b. If the HCSO orders the law enforcement deputy to submit to a test, examination, or interrogation described in 4.C.15 this subsection, the results of the test, examination, or interrogation are not admissible or discoverable in a criminal proceeding against the law enforcement deputy.
16. If the HCSO orders the law enforcement deputy to submit to a polygraph examination, the results of the polygraph examination may not be used as evidence in an administrative hearing unless the HCSO and the law enforcement deputy agrees to the admission of the results.
- a. The law enforcement deputy's counsel or representative need not be present during the actual administration of a polygraph examination by a certified polygraph examiner if:
 - i. The questions to be asked are reviewed with the law enforcement deputy or the counsel or representative before the administration of the examination;
 - ii. The counsel or representative is allowed to observe the administration of the examination; and
 - iii. A copy of the final report of the examination by the certified polygraph examiner is made available to the law enforcement deputy or the counsel or representative within a reasonable time, not exceeding 20 days, after completion of the examination.
17. Information provided on completion of investigation.
- a. On completion of an investigation and at least 30 days before a hearing, the law enforcement deputy under investigation will be:
 - i. Notified of the name of each witness and of each charge and specification against the law enforcement deputy; and

- ii. Provided with a copy of the investigatory file and any exculpatory information, if the law enforcement deputy and the law enforcement deputy's representative agree to:
 - a) Execute a confidentiality agreement with the HCSO not to disclose any material contained in the investigatory file and exculpatory information for any purpose other than to defend the law enforcement deputy; and
 - b) Pay a reasonable charge for the cost of reproducing the material.
- b. The HCSO may exclude from the exculpatory information provided to a law enforcement deputy under this subsection:
 - i. The identity of confidential sources; and
 - ii. Recommendations as to charges, disposition, or punishment.

18. Adverse material

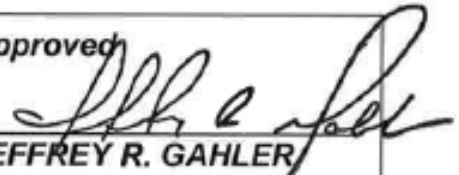
- a. The HCSO may not insert adverse material into a file of the law enforcement deputy, except the file of the internal investigation or the intelligence unit, unless the law enforcement deputy has an opportunity to review, sign, receive a copy of, and comment in writing on the adverse material, unless the law enforcement deputy waives this right.

D. Limitation on Administrative Charges

- 1. In general, the HCSO may not bring administrative charges against a law enforcement deputy unless the agency files the charges within one year after the act that gives rise to the charges comes to the attention of the appropriate HCSO official.
- 2. The one-year limitation of this section does not apply to charges that relate to criminal activity or matters handled by the Police Accountability Board/Administrative Charging Committee.

E. False Statement, Report, or Complaint

- 1. A person may not knowingly make a false statement, report, or complaint during an investigation or proceeding conducted under this policy.
- 2. A person who violates this section is subject to the penalties of § 9-501 of the Criminal Law Article.

Approved

JEFFREY R. GAHLER
SHERIFF
DATE 07/01/2022