

General Rules of Conduct

Index Code: 301

Effective Date: 05/01/05 (Revised 10/18/2016)

I. Purpose

The purpose of this directive is to establish the general rules of conduct expected of all personnel employed by the Office of the Sheriff. This directive identifies the most important standards of conduct expected of employees and/or the most obvious forms of unacceptable behavior. This list is not intended to be all encompassing, nor is it intended to prevent the disciplining of employees for acts or omissions not specifically enumerated within it.

II. Policy

It is the policy of the Office of the Sheriff to ensure that all employees maintain an exemplary standard of personal integrity and ethical conduct in their relationship with other employees and members of the community. The recognition that our primary responsibility is to the community requires the understanding that law enforcement powers are limited, and law enforcement action in whatever form must be accountable to the community.

111. Definitions

A. Employee – All personnel, sworn and non-sworn, employed by the Office of the Sheriff.

8. Deputy – A commissioned (sworn) law enforcement officer employed by the Office of the Sheriff.

C. Plainclothes Deputy – Any deputy who is not working in uniform. This includes, but is not limited to, CIU investigators, members of the Drug Task Force and any uniformed deputy on special assignment.

IV. Rules of Conduct

The rules contained in this directive are designed to serve as a professional standard governing employees' conduct. The Office of the Sheriff also recognizes that employees possess certain basic rights. Protection of employee rights enhances the integrity of the Office, and further promotes the goal of providing to the community the highest quality of services available.

Rules of conduct are designated to cover situations in which no deviation or flexibility is generally permitted. Except where specifically noted, the following rules apply to all employees. It is the employees' responsibility to familiarize themselves with the following rules.

Rule 1 – Conformance to Law

Employees are required to adhere to all policies written directives, standard operating procedures, memorandums, County personnel regulations, County administrative procedures, County Codes, and all laws applicable to the general public.

Rule 2 - Authority to Suspend

The Sheriff, Undersheriff, or any supervisor may temporarily suspend with pay a subordinate employee from duty, and/or require the surrender of credentials and/or issued weapons. Emergency suspension without pay, as well as subsequent procedures in the case of sworn deputies, will be in accordance with the Law Enforcement Officers Bill of Rights (Article 27, Sections 727 through 734, Annotated Code of Maryland).

Rule 3 - Compliance with Orders

I. Employees will obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank. Should a superior issue a conflicting order, the employee will respectfully bring it to their attention, and if not rescinded by the superior the order will stand. However, the responsibility for the order will rest with the issuing superior and the employee will not be answerable for disobedience of any previously issued order.

2. Superiors will not issue any order that they know would require a subordinate to commit an illegal, immoral, or unethical act.

3. Employees will not obey any order that they know would require them to commit an illegal, immoral, or unethical act.

Rule 4 – Abuse of Process

1.. Employees will not intentionally manufacture, tamper with, falsify, destroy, or withhold evidence or information, nor make any false accusations or statements for the purpose of influencing the outcome of any investigation, hearing or trial.

2. Employees are prohibited from providing confidential information concerning investigations or operations to any unauthorized person.

3. Employees are prohibited from providing information obtained from the Criminal Justice Information System (CJIS), Motor Vehicle Administration (MVA), National Crime Information Center (NCIC), or confidential or privileged information obtained from any other source to any unauthorized person, except in the performance of their duties and in accordance with proper law enforcement procedure and law.

Rule 5 -Abuse of Authority

The lawful authority entrusted to law enforcement officers will not be used improperly to interfere with the lawful conduct of anyone. All deputies will carry out their duties in a nondiscriminatory manner.

Rule 6 – Use of Force

Deputies will only use force in accordance with the law and procedures adopted by the Office of the Sheriff, and will not use more force than is reasonably necessary under the existing circumstances to affect an arrest, protect themselves or citizens from harm, or bring a situation under control. No deputy will use force in a discriminatory manner.

Rule 7 – Maintaining the integrity of the Reporting System

Employees will submit all necessary reports in accordance with established procedures. Reports submitted by employees will be accurate, complete and timely.

Rule 8 - Punctuality

1. Employees will be punctual in reporting for duty at the time and location specified by their supervisor.

2. No employee will be absent from duty without approved leave or authorization from his/her supervisor.

3. No employee will leave his/her assigned work location prior to the end of the scheduled workday without the approval of a supervisor.

4. An employee who fails to report for duty as scheduled, or who leaves his/her work location prior to the end of the scheduled work day without the approval of a supervisor may be considered absent without leave and placed in a non-pay status for the period in question, and be subject to disciplinary action.

Rule 9 -Attentiveness to Duty

To ensure each employee's own protection, and the protection of citizens and fellow employees, employees will remain awake and alert while on duty.

Rule 10- Use of Alcohol and/or Other Drugs

1. Employees will not consume alcohol while on duty, on County property, nor while representing the Office of the Sheriff in an official capacity, except when acting under the proper and specific orders of a superior (i.e., working in an undercover role at a location where alcohol is being served).

2. Alcoholic beverages will not be consumed while wearing any part of an official uniform. Further, all employees are prohibited from operating a vehicle owned, leased or utilized by the Office of the Sheriff while consuming alcoholic beverages, or after consuming alcoholic beverages within eight hours of their last drink.

3. A deputy will not exercise any law enforcement authority, take any official action, or represent himself/herself as a deputy, while impaired by or under the influence of alcohol or drugs, except in a life-threatening situation.

4. Deputies will not be armed while impaired by or under the influence of alcohol or drugs.

5. Employees will not ingest any narcotic or controlled dangerous substance unless prescribed by a licensed physician. Employees are subject to unannounced, random drug testing according to procedures set forth by the Queen Anne's County government.

6. Employees taking prescription medication that may impair their performance

while on duty will notify their immediate supervisor.

Rule 11 – Reporting Name, Home Address and Telephone Number

Whenever an employee changes his/her name, home address and/or telephone number, the employee must forward this information through the chain of command to the Sheriff within twenty-four (24) hours of the change. A member of the clerical staff will forward the reported change(s) to the Queen Anne's County Department of Human Resources.

All employees of the Queen Anne's County Office of the Sheriff will provide a telephone number at which they can be reached. These numbers are confidential and will not be released outside of the agency unless authorized by the employee. Employees are expected to respond to calls within ten hours in non-emergency situations. The emergency mobilization use of these numbers is governed by the office All-Hazard Plan.

Rule 12 - Carrying and Displaying of Credentials/Identification

All employees of the Office of the Sheriff will identify themselves to any citizen requesting such identification by supplying their full name, identification number if applicable, and job title. In addition, they will provide their supervisor's name if so requested.

Deputies will carry their official credentials while on duty, and while off duty when armed or operating a vehicle owned, leased or utilized by the Office of the Sheriff, unless exempted by the Sheriff or Chief Deputy. Credentials will be displayed to any citizen upon request. Deputies working in an undercover capacity are exempt from this requirement if it would place the deputy in danger.

Rule 13- Gratuities

No compensation, gift, reward or other consideration may be solicited without permission of the Sheriff or Chief Deputy.

Rule 14-Secondary Employment

No employee may engage in any activity related to other employment while on duty.

Deputies may not engage in any other employment (secondary employment) within Queen Anne's County without prior approval of the Sheriff or Chief Deputy.

Rule 15 – Conduct Unbecoming an Employee As employees of the Office of the Sheriff we are constantly being observed and judged by the community we serve. Improper behavior on the part of any employee, on or off duty, tends to reflect negatively on all employees and the Office. Therefore, no employee will commit any act that constitutes conduct unbecoming an employee of the Office of the Sheriff.

Conduct unbecoming includes, but is not limited to, any criminal, dishonest or improper conduct.

Note: "Conduct unbecoming" is often viewed as a "catch-all" offense. Although non-specific, conduct unbecoming has been upheld in court for certain acts committed by law enforcement officers, both on and off duty. Various state and federal courts throughout the country have upheld the following as "conduct unbecoming:" Assaulting a fellow employee, excessive absenteeism, failure to cooperate with an internal investigation, fighting off duty, illegal use of drugs, lying during an internal investigation, "horse playing" with firearms, misuse of the police radio, placing an unauthorized poster in the squad room, speeding in a marked patrol vehicle, "ticket fixing," and using profane language in public.

The following examples of conduct that the courts have found not to be unbecoming include: embarrassing the department by neglecting "discretion" and vigorously enforcing a law, disrespectful but private language directed at a superior while under emotional stress, and filing a libel suit.

These lists, although not inclusive, further indicate how courts nationally have viewed police conduct both on and off duty. Although these court cases have involved police officers, no employee will commit any act that would reflect unfavorably on the Office of the Sheriff or the Queen Anne's County government.

Rule 16-Soliciting/Endorsements

I. Employees may not solicit votes, advertisements, or business of any nature, or engage in the sale of tickets while in uniform or while representing themselves as employees of

The Office of the Sheriff, without prior written approval of the Sheriff or Chief Deputy.

2. Employees will not authorize the use of their names, photographs, or official titles that identify them as employees of the Office of the Sheriff in connection with the endorsement of political candidates, or causes testimonials or endorsements of any product or enterprise.

Rule 17 – Neglect of Duty/Unsatisfactory Performance

I. Employees will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.

2. Employees will demonstrate an ability or willingness to perform assigned tasks, take appropriate action in a situation deserving attention, and conform to work standards established for the employee's rank, grade and/or position.

Note: Due to the nature of police work, employees must maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Repeated poor evaluations or a documented record of reported infractions of policies, directives or orders may be considered as evidence of unsatisfactory performance.

Rule 18 - Maintenance of Property

I. Employees will be held accountable for the proper care, use and maintenance of all uniforms, vehicles, weapons/firearms and equipment in their care.

2. Employees who lose or damage property owned, leased or utilized by the Office of the Sheriff must report such loss or damage in writing to their supervisor within twenty-four

(24) Hours after becoming aware of the loss or damage, or within twenty-four (24) hours after a reasonable and prudent person should have known of such loss or damage. If the employee is incapacitated the supervisor will file the required report.

Rule 19 – Account Withheld for Unreturned Property

Upon separation from the Office of the Sheriff employees will promptly return all property issued by the Office and/or Queen Anne's County. The Sheriff is authorized to have

Withheld an employee's pay until all property has been returned/accounted for.

Rule 20 -Wearing the Uniform

I. Employees will only wear their uniform only while on duty, when authorized for secondary employment, or when going to or from their place of assignment, unless authorized in writing by the Sheriff or Chief Deputy.

2. Uniforms will be worn clean and pressed, in their entirety, and in the manner intended.

Rule 21 -Mutual Protection

Deputies will promptly come to the aid of any law enforcement officer who, when carrying out official duties, is in need of assistance.

Rule 22 -Untruthful Statements

Employees will not make untruthful statements, either verbal or written, pertaining to official duties.

Rule 23 -Courtesy

Employees will be courteous and discreet to members of the public, and all members of the law enforcement community including agency personnel. Employees will maintain proper decorum and command of temper, and will not use violent, insolent, sarcastic, demeaning or obscene language.

Rule 24 -Property

Property and/or contraband coming into the possession of an employee in an official capacity will be reported in accordance with current procedures and applicable state and local laws.

Rule 25 -Meal Periods

Deputies are entitled to a thirty-minute meal period each workday, but are considered on duty while on meal periods.

Rule 26 – Recognition of Plainclothes Deputies

No employee of the Office of the Sheriff will, either visually or verbally, recognize or acknowledge any plainclothes deputy until and unless that deputy acknowledges them first.

Note: To provide for the safety of law enforcement officers working undercover, and to protect the integrity of investigations, it is imperative that all employees comply with this rule. In regard to this issue, the Office of the

Sheriff recognizes that the initial contact or acknowledgment is normally accidental. This, however, does not reduce the potential for serious repercussions. Particular emphasis is placed on the recognition of law enforcement officers assigned to the Drug Task Force because their activities may take place in and out of the county, range twenty-four hours a day, and take place in unexpected locations. Further, it is an accepted tool of law enforcement for these officers to use different identities and not carry law enforcement credentials.

Rule 27 - Discrimination/Harassment and Use of Derogatory Language

1. Employees of the Office of the Sheriff will not discriminate against, harass, or use derogatory language in referring to any other employee or citizen on the basis of race, color, national origin, religion, sex, or any other basis as prohibited by county, state, or federal law.

2. Employees will not take nor contribute to any reprisal or adverse action against any individual or group of individuals having opposed discriminatory practices or having participated or assisted in a charge, investigation or proceeding brought under current policy, or county, state, or federal law.

3. Supervisors will conduct a prompt and thorough inquiry into any instance of alleged discrimination or harassment that comes to their attention. All information regarding such allegations will be documented and forwarded to the Sheriff.

Rule 28 – Recommending Attorneys, Bail Bond Services, and Other Services Prohibited
Employees will not advise, suggest, recommend or otherwise counsel the retention of any specific attorney, bail bond service, towing service, or any other specific service to any person coming to their attention as a result of official duties.

Note: The intent of this rule is to prohibit employees from making suggestions, recommendations, etc., for any specific attorney, bail bond service, towing service, etc., by name. General references, such as informing defendants they should retain an attorney or seek legal assistance, or have their vehicle towed by the closest tow company, are acceptable. When an employee is the subject of an internal administrative investigation they should be advised they have the right to representation and

to contact their Fraternal Organization of Police representatives or private counsel if applicable.

Rule 29 - Insubordination

Employees may not refuse to comply with the proper and legal order of an authorized authority.

Rule 30 – Failure to Perform Required Duties
No employee of the Office of the Sheriff will feign illness, avoid responsibility, or attempt to shirk his/her duties. Failure to stop and perform a necessary law enforcement duty while off duty, or on leave, may be considered neglect of duty.

Rule 31 - Entering Liquor Establishments

No employee of the Office of the Sheriff, while on duty or when off duty in uniform, will purchase alcoholic beverages or enter any bar, tavern, or liquor establishment except in the performance of duty or for the purchase of non-alcoholic items. For purposes of this directive a liquor establishment is defined as any business whose primary source of business is the selling of alcoholic beverages.

Rule 32 – Deputies Charged with a Crime

A deputy charged with any criminal offense, or any traffic offense that carries a penalty of possible incarceration, will report the date, time, location and nature of the offense to the Sheriff, via the chain of command, as soon as possible, and prior to their next scheduled tour of duty.

Rule 33 - Truthfulness

No employee of the Office of the Sheriff will intentionally make any false statement or misrepresent facts under any circumstances.

Rule 34 - Internal Investigations (Testifying)

Employees of the Office of the Sheriff are required to answer questions and render material reports and relevant statements in an internal investigation when so directed.

Rule 35 - Smoking Prohibited

Employees are prohibited from smoking or chewing tobacco in any building owned, leased or utilized by the Office of the Sheriff or the Queen Anne's County government. In addition, employees will not allow any other person to smoke or chew tobacco in any building owned, leased or utilized by the Office of the Sheriff.

Rule 36 – Incidents Involving Relatives, Associates, or Neighbors

Assigned deputies will answer all calls for service to determine the need for assistance, regardless of the individuals involved. However, responding deputies will not investigate or make arrests in any dispute involving themselves, their relatives, associates, or neighbors, regardless of duty status except to prevent:

1. Injury or death
2. A crime from occurring
3. Escape of a person that the deputy, under normal circumstances, would have arrested

When involved in such incidents, other than the exceptions listed above, the deputy will:

1. Request another deputy to take action
2. Be available to serve as a witness
3. Advise their supervisor of the situation

Rule 37 – Dissemination of Information

Employees of the Office of the Sheriff often come into contact with information confidential and sensitive in nature. In order to protect the rights of citizens, the integrity of the Office, and maintain the highest degree of trust placed on each of us by the public, no employee will divulge information or discuss matters of the Office with any non-employee, unless in an official capacity and necessary for the performance of their duties.

Rule 38 - Rumors

Employees of the Office of the Sheriff are prohibited from creating or passing on information (I.e. spreading rumors) known to be false or which cannot be verified by an authorized individual.

V. Exemptions

In certain circumstances the Sheriff may exempt individual deputies or units from complying with specific rules contained in this directive. Such exemptions will be made on a case-by-case basis in recognition of individual or unit requirements for the performance of their duties.

VI. CALEA References: 12.1.3, 26.1.1 & 26.1.3

VII. Proponent Unit: Sheriff

VIII. Cancellation: This directive cancels Index Code 301 dated 4/28/16.

Sheriff Gary Hofmann