OFFICE OF THE COUNTY SHERIFF

Montgomery County, Maryland

Darren M. Popkin, Sheriff

GENERAL ORDERS/PERSONNEL PROCEDURES

Subject:	**Number:**	**Effective Date:**
General Orders	**2.02**	**08/26/15**

Policy: It is the policy of the Sheriff's Office to ensure all employees maintain an exemplary standard of personal integrity and ethical conduct in their relationship with other employees, the community and the courts. The General Orders contained herein are designed to serve as a professional standard governing employees' conduct. The Sheriff's Office recognizes that employees possess certain basic individual rights. Protection of employee rights enhances the integrity of the office and further promotes the goal of furnishing to the community and the courts the highest quality of service. **(26.1.1)**

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I. Definitions

A. Employee: All personnel, sworn and non-sworn.

B. Deputy: A commissioned (sworn) Deputy Sheriff.

C. Member: All non-sworn personnel of the Sheriff's Office.

II. General Orders

General Orders prohibit specific behavior and require the performance of certain duties. General orders are established to apply to situations in which no deviation or flexibility is permitted. It is the employees' responsibility to familiarize themselves with the following orders:

ORDER 1: Conformance to Law

A. Employees must adhere to Sheriff's Office General Orders, Regulations, Directives and Memoranda, Montgomery County Personnel Regulations, County Administrative Procedures, and Executive Orders, Montgomery County Code, and to all laws applicable to the general public.

B. Employees must immediately notify their section supervisor or the highest-ranking deputy on duty of the following events:

(1) The employee has been arrested or charged with a crime.

(2) The employee has been named as the respondent in an Ex-Parte, Protective or Peace Order.

(3) The employee's driver's license has been suspended, revoked, cancelled, refused or the employee has been issued a traffic citation that carries four (4) or more points.

(4) The employee has been requested, by a law enforcement officer, to a take a blood, breath or urine test for alcohol or drugs.

The supervisor or deputy receiving such notification must immediately notify the Sheriff or Chief Deputy of the event.

C. Neither the placement of charges nor the entering of a conviction is a prerequisite to the commencement of Sheriff's Office action under this section. The following shall be considered prima facie evidence of a violation of this section:

(1) A misdemeanor conviction adversely affecting in any manner the performance of official duties of any employee.

(2) A felony conviction for any offense.

(3) The suspension, revocation, cancellation or refusal of an employee's driver's license.

ORDER 2: Authority to Suspend (26.1.5, *52.2.7*)

The Sheriff, Chief Deputy, Assistant Sheriff, or deputy in charge of a respective section or other persons designated by the Sheriff or Chief Deputy may temporarily suspend, with pay, an 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 deputy sheriffs must be in accordance with the Law Enforcement Officer's Bill Of Rights (***Maryland Code, Public Safety Article Section 3-101 – 3-113*** and the Montgomery County Personnel Regulations, as appropriate).

ORDER 3: Compliance with Orders (12.1.3)

A. Employees must obey a superior's lawful order, including those orders that have been relayed from a superior by an employee of the same or lesser rank. Should a superior issue an order which conflicts with a previously issued order or directive, the employee must respectfully call attention to the conflicting order and if not rescinded by the superior, the order shall stand. The responsibility for the order rests with the issuing superior and the employee is not answerable for disobedience of any previously issued order.

B. Supervisors are prohibited from issuing any order, which they know would require a subordinate to commit any illegal, immoral, or unethical act.

C. Employees are prohibited from complying with any order, which they know would require them to commit illegal, immoral, or unethical acts.

ORDER 4: Abuse of Process

A. Employees must not intentionally manufacture, tamper with, falsify, destroy, or withhold evidence or information, nor make any false accusations or statements regarding a criminal charge, civil or administrative proceeding for the purpose of influencing the outcome of any investigation, hearing or trial.

B. Employees are prohibited from providing confidential information to any unauthorized person.

C. Employees are prohibited from obtaining any information from any Criminal Justice Information System (CJIS) for a non-law enforcement purpose; this includes all local, state and national systems, including Motor Vehicle Administration information. (***82.1.7***)

D. Employees are prohibited from disseminating any information obtained through any Criminal Justice Information System (CJIS) or any other source to any unauthorized person, except in the performance of their official duties and in accordance with proper procedure and law. (***82.1.7***)

E. Employees are prohibited from attempting to influence court rulings by initiating or engaging in, any ex parte communication with a judge concerning a pending or impending proceeding.

ORDER 5: Abuse of Authority

The lawful authority entrusted to deputy sheriffs may not be used improperly to interfere with the lawful conduct of anyone. All deputies must carry out their duties in a nondiscriminatory manner.

ORDER 6: Use of Force (1.3.1)

Deputies may use force only in accordance with law and office procedures and must not use more force than is reasonably necessary under the circumstances to effect an arrest or protect themselves or citizens from harm. No deputy may use force in a discriminatory manner.

ORDER 7: Integrity of the Reporting System

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

ORDER 8: Punctuality

A. Employees must be punctual in reporting for duty at the time and place specified by their supervisor.

B. No employee may be absent from duty without leave or without authorization from their supervisor.

C. No employee may leave the work site prior to the end of the scheduled workday without the approval of a supervisor.

D. Any employee who fails to report for duty as scheduled or who leaves the work site prior to the end of the scheduled workday 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 appropriate disciplinary action.

ORDER 9: Attentiveness to Duty/Use of Alcohol/Drugs

To ensure each employee's own protection and the protection of citizens and fellow employees, employees must remain awake and alert while on duty. If unable to do so, the employee must report that fact to the immediate supervisor who shall take such action as is appropriate. For the purpose of this General Order impaired is defined as having a blood alcohol level (BAC) of .05% or higher and under the influence is defined as having a BAC of .07% or higher. Armed is defined as wearing, carrying or having immediate access to a firearm.

A. Employees may not consume, or be impaired by any alcoholic beverage while on duty, except while acting under the proper and specific orders of a supervisor. Further, all employees are prohibited from operating a Sheriff's Office or county vehicle while, or within four hours after, consuming alcoholic beverages or while impaired or under the influence of alcohol or drugs.

B. Alcoholic beverages may not be consumed or purchased while wearing any part of the uniform regardless of duty status.

C. Deputies may not exercise any authority or take any official action as a deputy sheriff while, or within four hours after, consuming alcoholic beverages or while impaired or under the influence of alcohol or drugs.

D. Deputies may not be armed while, or within four hours after, consuming alcoholic beverages or while impaired or under the influence of alcohol or drugs.

E. Employees may not take any narcotic or controlled dangerous substance unless prescribed by a physician. Employees taking prescription medication, that could affect the performance of duty, prior to or while on duty must notify their supervisor of the medication prescribed.

ORDER 10: Telephone Requirements

Employees are required to maintain telephones at their residences and inform the office of their telephone numbers. Any change of telephone number must be communicated to the Chief Deputy, via the chain of command, within twenty-four (24) hours.

ORDER 11: Carrying of Credentials

A. Deputies must carry their badge and Sheriff's Office credentials while on duty and while off duty when armed. Credentials must be displayed upon request. Deputies must furnish their full name and identification number to all persons who request the same when the deputy is in uniform or is acting in an official capacity.

B. Members must carry their Sheriff's Office credentials while on duty. Credentials must be displayed upon request. Members must furnish their full name to all persons who request the same when the member is acting in an official capacity

ORDER 12: Gratuities

A. No compensation, reward, gifts or other consideration may be solicited or accepted by employees without special permission from the Sheriff or Chief Deputy.

B. Any attempt to bribe an employee must be reported immediately to the highest-ranking deputy on duty. The employee must complete and submit an Incident Report (MCSO9) before the end of their tour of duty.

ORDER 13: Secondary Employment

No employee may engage in any secondary employment without the prior approval of the Sheriff or Chief Deputy.

ORDER 14: Conduct Unbecoming

No employee may commit any act which constitutes conduct unbecoming an employee of the Sheriff's Office. "Conduct unbecoming" is defined as any breach of the peace or any conduct on the part of any employee on or off duty, which tends to undermine the good order, efficiency or discipline of the Sheriff's Office, or which reflects discredit upon the office or any employee thereof, or which is prejudicial to the efficiency and discipline of the office, even though these offenses may not to be specifically enumerated in a directive.

ORDER 15: Soliciting/Endorsements

A. Employees may not solicit votes or contributions for any prize contest, nor engage in the sale of tickets or the solicitation of advertisements or business of any nature while in uniform or while representing themselves as employees of the office without prior written approval of the Sheriff or Chief Deputy.

B. Employees may not use or authorize the use of their names, photographs, official titles, official equipment or property, which identifies them as employees of the Sheriff's Office, in connection with testimonials or endorsements of any product or particular commercial enterprise.

C. Employees may not use or authorize the use of their names, photographs, official titles, official equipment or property, which identifies them as employees of the Sheriff's Office, in connection with any public display without the express permission of the Sheriff or Chief Deputy.

ORDER 16: Neglect of Duty/Unsatisfactory Performance

Employees must demonstrate an ability or willingness to perform assigned tasks, take appropriate action in situations deserving an employee's attention, and conform to work standards established for the employee's rank, grade, or position. Repeated poor performance evaluations or a documented record of reported infractions of Sheriff's Office rules, regulations, orders or directives may be considered as evidence of unsatisfactory performance.

ORDER 17: Maintenance of Property

A. Employees are held accountable for the proper care, use and maintenance of all uniforms, vehicles, weapons/firearms and equipment in their charge.

B. Employees, who lose or damage office property, must report in writing such loss or damage to their supervisor. If the employee is incapacitated, the supervisor must file the required report.

ORDER 18: Pay Account Withheld for Unreturned Equipment

Upon separation from the office, employees must promptly return to the Sheriff, Chief Deputy or their designee all issued property. The Sheriff or Chief Deputy is authorized to withhold certification of the employee's pay account until all articles of uniform and equipment have been accounted for.

ORDER 19: Wearing the Uniform

The uniform may be worn by deputies only while on duty or going to or from their place of assignment. Uniforms must be clean and pressed; shoes and metal objects must be shined.

ORDER 20: Mutual Protection

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

ORDER 21: Untruthful Statements

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

ORDER 22: Courtesy

Employees must be courteous and discreet to members of the public and other employees. Employees must maintain proper decorum and command of temper, and avoid the use of violent, insolent or obscene language.

ORDER 23: Property

Property or contraband coming into the possession of an employee in the employee's official capacity must be reported and properly stored or otherwise disposed of in accordance with office procedures and state and local laws.

ORDER 24: Meal Periods

Deputies are considered on duty while on meal periods during their workday.

ORDER 25: Recognition of Plainclothes Officers

A. No employee may, either visually or verbally, recognize or acknowledge any plainclothes officer until and unless that officer acknowledges them first.

B. A plainclothes officer is any deputy or law enforcement officer who is not working in uniform. This includes Vice & Narcotic officers, Intelligence officers, officers assigned to Investigative Services, Special Assignment Team (SAT) and any officer or deputy on special assignment from Montgomery County Police Department or the Sheriff's Office.

ORDER 26: Discrimination/Harassment (26.1.3)

A. Employees may not discriminate against or harass any other employee or citizen on the basis of sex, age, race, color, national origin, religion, marital status, political affiliation, disability or sexual preference or any other basis as prohibited by county, state, and federal law.

B. Employees may not use any derogatory, demeaning or insulting language that could be inciting or harassing in nature, directed toward or within listening distance of any employee or citizen.

C. Employees are prohibited from engaging in profiling; the targeting of individuals based solely on race, ethnicity, or gender for the purpose of detaining, interdicting, or giving other unequal treatment.

D. Employees may 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 office policy, or county, state, or federal law.

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

ORDER 27: Injury

Employees must report promptly in writing, to their supervisor, any injuries to their person or persons in their custody, any damage to county property in their charge irrespective of when or where such injury or damage occurs. This report must be in full detail and state the names and addresses of all witnesses. If an employee is injured to such extent that they are physically unable to make such report, their supervisor must promptly make the required report.

ORDER 28: Residency

A. Deputies must establish their place of residence so that the deputy is able to report for their assigned duties in a timely manner.

B. Employees must keep the office informed of their current place of residence. Any changes must be reported to the Chief Deputy, via the chain of command, within twenty-four (24) hours.

ORDER 29: Drivers License

Deputies must maintain a valid driver's license and authorization to operate a motor vehicle in the State of Maryland and all other states.

ORDER 30: Public Comments

No employee, while acting in their official capacity or representing themselves as an employee of the Sheriff's Office, may publicly criticize or ridicule the official action of any fellow employee, public official or judge.

ORDER 31: On Duty Status

Deputies are held to be always on duty, although periodically relieved from the routine performance thereof. They are subject at all times to orders from proper authorities and to call by citizens, and the fact that they may be "off duty" shall not be held as relieving them from the responsibility of taking proper action in any matter coming to their attention requiring immediate action.

ORDER 32: Recommending Attorneys, Bail Bond Services, or Other Services

In the performance of their official duties, employees may not suggest, recommend, advise or otherwise counsel the retention of any specific attorney, bail bond service, private process server, towing service or any other specific service to any person coming to their attention as a result of official business. This prohibition includes any specific suggestion or recommendation, by a non-bargaining unit employee, to any employee under investigation regarding contacting a specific attorney, shop steward or bargaining unit representative.

ORDER 33: Associations

Employees must avoid regular or continuous associations or dealings with persons whom they know, or should know, are under criminal investigation or indictment, or who have a reputation in the community or in the office for current involvement in criminal behavior, except as may be necessary in connection with official duties or where unavoidable because of other personal relationships.

ORDER 34: Violations

Employees must immediately report to their supervisor, any violations of Sheriff's Office written directives, rules and procedures, Montgomery County Personnel Regulations, County Administrative Procedures, and Executive Orders, Montgomery County Code or laws applicable to the general public, committed by employees of this office.

III. Exemptions

In certain instances, the Sheriff or Chief Deputy may exempt individuals or sections from complying with specific Sheriff's Office written directives, rules and procedures. Such exemptions will be made on a case-by-case basis in recognition of individual or section requirements for performance of their duties.

IV. CALEA Standards

1.3.1, 12.1.3, 26.1.1, 26.1.3, 26.1.5, ***52.2.7, 82.1.7***

V. Cancellation

This directive cancels and replaces General Orders/Personnel Procedure 2.02, Effective Date: ***03/23/01***.

AUTHORITY:

Darren M. Popkin

Darren M. Popkin, Sheriff
08/26/2015