



OFFICE OF THE COUNTY SHERIFF
Montgomery County, Maryland
Darren M. Popkin, Sheriff



ADMINISTRATIVE DIRECTIVES

Subject:	Number:	Effective Date:
Authority, Office Organization and Command Structure	1.01	09/06/19

Purpose: The purpose of this directive is to formally define the authority of and establish the Sheriff's Office organizational structure, order of rank and chain of command.

Contents:

- I. Authority
- II. Jurisdiction
- III. Organizational Structure
- IV. Command Structure
- V. Span of Control
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I. Authority

The authority and responsibilities of the Office of the Sheriff are established by common law, statutory enactment and judicial rules.

A. The Constitution of Maryland, Article IV, Section 44, establishes the office of an elected Sheriff in each county and Baltimore City. The duties of the Sheriff are those prescribed by the common law, the enactments of the Maryland General Assembly, and the rules of the Court of Appeals of Maryland

- (1) Duties and responsibilities of the Sheriff's Office include, but are not limited to the following:
 - (a) Preserve the peace and maintain public safety.
 - (b) General Law Enforcement
 - (c) Arrest and commit to jail, felons and other violators of statutory or common law.
 - (d) Execute legal process as directed.
 - (e) Attend trial courts of record and preserve the peace within the courthouse and courtrooms.

- (f) Custody and transportation of prisoners.
 - (g) Execute and carry out the mandates, orders, and directions of the courts.
 - (h) Apprehend fugitives.
 - (i) Participate in law enforcement task force operations with local, state, and federal agencies.
 - (j) ***Provide the Montgomery County Public School System with a deputy as a School Resource Officer (SRO).***
 - (k) Deploy with area police departments during natural disasters and declared states of public emergency.
 - (l) Enforce motor vehicle laws and issue motor vehicle citations.
 - (m) Deploy canine teams cross-trained in explosive detection, patrol, and tracking.
 - (n) Deploy a special response team for response to high-risk situations.
 - (o) Provide domestic violence civil and criminal intervention.
- B. The Maryland Code, Criminal Law Article § 4-203, authorizes sworn deputy sheriffs to carry handguns in the performance of their duties.
- C. The policies of the Sheriff's Office regarding the use of weapons or any use of force are predicated on the authority granted by numerous legal mandates, including:
- (1) The United States Constitution, Fourth Amendment, Search and Seizure.
 - (2) The Maryland Constitution, Article 24, Due Process.
 - (3) Maryland Police and Correctional Training Commissions, General Police Powers, Force in Making Arrest.
 - (4) Court decisions, including, but not limited to *Tennessee v. Garner*, 471 U.S. 1 (1985) ***and Graham V. Connor, 490 U.S. 386 (1989).***
- D. Prior to assuming sworn status, each deputy must take and subsequently abide by the Oath of Office as administered by the Clerk of the Circuit Court.
- E. Delegation of Authority
- (1) Employees who have been assigned responsibility also have the requisite authority, delegated by the Sheriff, to make decisions necessary for the effective execution of those responsibilities.
 - (2) Each employee is fully accountable for the use of delegated authority, as well as for failure to use it.

II. Jurisdiction

- A. A Sheriff's jurisdiction is defined as the county in which the Sheriff is elected and is referred to as a "bailiwick". The geographical jurisdiction of the Sheriff of Montgomery County is depicted on the various Montgomery County street maps posted throughout the Sheriff's Office and in the Montgomery County map books issued to employees.
- B. The Sheriff and the Sheriff's deputies have the authority to serve certain types of process (i.e. summonses and subpoenas) in other Maryland counties, however, law enforcement powers outside the "bailiwick", are generally limited. Pursuant to the provisions of Maryland Code, Criminal Procedure: Title 2. Law Enforcement Procedures; Arrest Process, deputies may make arrests, conduct investigations, and otherwise enforce the laws of this State under certain circumstances without regard to jurisdictional boundaries within the State of Maryland, subject to certain exceptions. Deputy Sheriffs may not engage in motor vehicle enforcement outside the geographical limits of Montgomery County, Md. This authority is subject to deputies acting in accordance with regulations adopted by this office to carry out these activities.

III. Organizational Structure

- A. The Sheriff is responsible for administering the office in accordance with applicable laws and regulations and ensuring that organizational objectives are being met. A number of employees report directly to the Sheriff to assist in carrying out these responsibilities. These employees are so organized due to their unique functions and need for immediate access to the Sheriff and include the following:
 - (1) Chief Deputy
 - (2) Assistant Sheriffs
 - (3) *Office of Professional Responsibility*
 - (4) *Accreditation Manager*
 - (5) Domestic Violence Coordinator
 - (6) Fiscal Affairs
 - (7) Technology
- B. The Assistant Sheriff for Operations is responsible for the Property and Evidence Function.
- C. The operational functions of the Sheriff's Office are the responsibility of the Administrative, Criminal & Civil, Court Services, and Family Divisions. A Captain commands each division.

D. Each division is divided into sections according to functions and responsibilities. The following list identifies the major components within each division:

- (1) Administrative Division
 - (a) ***Office of Professional Responsibility***
 - (b) Planning and Policy Management Section
 - (i) Accreditation Management
 - (ii) Inspectional Services
 - (c) Personnel Section
 - (i) Support Services
 - (d) Training Section
 - (e) Labor Relations
- (2) Criminal & Civil Division
 - (a) Child Support Enforcement Section
 - (i) Support Services
 - (b) Criminal Section
 - (i) Support Services
 - (c) Civil Section
 - (i) Attachments
 - (ii) Evictions
 - (iii) Civil Process
 - (iv) Support Services
- (3) Court Services Division
 - (a) Court and Transportation Section
 - (b) Courthouse Security Section
 - (i) Canine Section
- (4) Family Division
 - (a) Domestic Violence Section
 - (i) Support Services

IV. **Command Structure**

- A. The Sheriff is the highest-ranking member of the office. In the event the Sheriff is absent, unless otherwise designated, the command progression is:
 - (1) Chief Deputy – Colonel
 - (2) Assistant Sheriff – Lieutenant Colonel, by seniority
 - (3) Captain, by seniority
- B. The Sheriff may designate a deputy to serve in an acting command capacity, i.e. Acting Night Commander. This "acting" responsibility may rotate among deputies in the Sheriff's Office.
- C. The order of rank or chain of command for sworn employees is:
 - (1) High Sheriff
 - (2) Chief Deputy – Colonel
 - (3) Assistant Sheriff - Lieutenant Colonel
 - (4) Captain
 - (5) Lieutenant
 - (6) Sergeant
 - (7) Deputy Sheriff III
 - (8) Deputy Sheriff II
 - (9) Deputy Sheriff I
- D. Each organizational component, whether a division or section, is under the direct command of only one supervisor.
 - (1) Employees assigned to a section, including employees assigned temporarily, are accountable to the supervisor of that section.
 - (2) In situations involving personnel from different sections, unless otherwise designated, the senior ranking deputy is in command.
- E. During the temporary absence of a commanding supervisor, and when competent authority makes no other provision, the command automatically devolves to the senior ranking deputy. Seniority is established for command purposes first by rank and, secondly, by length of service in such rank. In cases of equal rank and length of service in rank, the deputy with the greatest length of service in the Sheriff's Office is in command.

- F. All supervisors are accountable for the performance of employees under their immediate control.
- G. All employees must adhere to the provisions of the chain of command in their official duties. Communications and correspondence must be made through official channels, i.e. supervisors in the chain of command.

V. Span of Control

To achieve effective direction, coordination, and control, supervisors should not normally directly supervise more than fifteen (15) employees at any one time, i.e., Lieutenants supervise Sergeants; Sergeants supervise Deputy Sheriffs, etc.

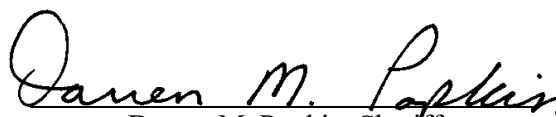
VI. Discretion

Employees must use sound discretion when faced with situations or circumstances that do not fall within specific written guidelines, policies, training and supervision.

VII. Cancellation

This directive cancels and replaces Administrative Directive 1.01, Effective Date: **05/19/09** and the attached Organizational Chart.

AUTHORITY:


Darren M. Popkin, Sheriff
09/06/2019



Montgomery County Sheriff's Office
Montgomery County, Maryland
2019-0830

