

General Rules of Conduct

Index Code: 301

Effective Date: 05/01/2005 (Revised 7/14/2022)

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 summary 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 this directive.

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.

III. Definitions

- A. Employee - All personnel, sworn and non-sworn, employed by the Office of the Sheriff.
- B. 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 Policy and/or 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. Employees must notify their supervisor or commander immediately upon learning that they have become the subject of a criminal investigation, if they have been served with a civil or criminal summons and/or they have been arrested or charged with a traffic offense.

Rule 2 – Authority to Suspend

The Sheriff, Undersheriff, Commander or any supervisor may temporarily suspend with pay a subordinate employee from duty for an emergency that is in the best interests of the public and require the surrender of credentials and issued weapons. Emergency suspension with or without pay not to exceed 30 days may be imposed by the Sheriff prior to investigations, actions by the County Administrative Charging Committee or trial board process if deemed to be in the best interests of the public. (Disciplinary Process #302)

Rule 3 -Compliance with Orders (Disciplinary Process #302)

1. 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 or would otherwise result in a violation of agency policies.

3. Employees will not obey any order that they know would require them to commit an illegal, immoral, unethical act or would otherwise be a violation of agency policy.

Rule 4 - Abuse of Process

1. Employees will not intentionally manufacture, hinder, 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 criminal or internal 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), METERS 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.

4. Employees are prohibited from using their official position to avoid the consequences of criminal laws and/or incarcerable traffic violations.

5. Employees are prohibited from converting property/evidence into personal use.

6. Employees shall not tamper with or manufacture any evidence.

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 laws and procedures adopted by the Office of the Sheriff and will not use more force than is necessary and proportional under the existing circumstances to effect a lawful arrest, protect themselves or others from harm or bring a situation under control. No deputy will use force in a discriminatory or malicious manner. A sworn officer may not use force against a person unless, under the totality of circumstances, the force is necessary and proportional to:

1. Prevent an imminent threat of physical injury to a person, or

2. Effectuate a legitimate law enforcement objective.

Whenever feasible, the de-escalation of a potentially volatile situation and/or the de-escalation of any force that is being used must occur. (Use of Force #401)
Personnel must thoroughly complete and submit a Use of Force Report whenever:

1. A sworn officer discharges a firearm for any reason other than training or recreational purposes.

2. A sworn officer takes an action that allegedly results in a person's injury or death.

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3. A sworn officer applies force through the use of lethal or less lethal weapons.
 4. A sworn officer applies physical force to an individual by utilizing hands or other means such as control or restraint techniques even if no injuries result or are evident.
 5. A canine used by a sworn officer bites or otherwise injures an individual other than during training with the canine handler completing the report.
 6. A sworn officer displays (points a weapon at an individual) to gain compliance.

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 or Commander.
2. No employee will be absent from duty without approved leave or authorization from their supervisor.
3. No employee will leave their 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 their 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, while designated by a supervisor to an on-call duty status, while on County property (unless off-duty at a private event where alcohol is permitted), or 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. An employee shall not, off duty, drive under the influence of alcohol and/or drugs which would constitute a violation of law.

3. A deputy will not exercise any law enforcement authority, take any official action, or represent **themselves** 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, **hallucinogen** 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.

7. Employees shall not report to work/duty with any measurable amount of alcohol in their system.

Rule 11 - Reporting Name, Home Address and Telephone Number

Whenever an employee changes **their** name, home address and/or telephone number, the employee must forward this information through the chain of command to the Sheriff **or designee** within twenty-four (24) hours of the change. All reported changes will be forwarded to the Sheriff's Office Human Resource Section who will then notify 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. All employees of the Office of the Sheriff are considered essential and therefore must be available for call-in within a reasonable amount of time during crises situations unless on pre-approved leave that precludes the availability of the employee for call-in.

Rule 12 - Carrying and Displaying of Credentials/Identification

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

Deputies will carry their official photo identification and MPCTC certification cards 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

1. No employee may engage in any activity related to other or secondary employment while on duty.
2. Sworn officers may not engage in secondary employment while on sick leave.
3. Deputies may not engage in any other employment (secondary employment) within Queen Anne’s County without prior approval of the Sheriff.

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, inappropriate or improper conduct.

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

1. 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 (excluding the elected Sheriff) 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/Incompetence

1. 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 neglect of duty and/or incompetence.

Rule 18 - Maintenance of Property

1. 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.
3. Agency personnel must have all appropriate licensing and authorizations prior to operating any agency vehicle.
4. Agency personnel must operate agency vehicles in a safe and legal manner at all times. Employees will drive in a manner that is reasonable and prudent based on existing conditions including, but not limited to, road and traffic conditions, maximum speed limits, weather, presence of pedestrians and performance capabilities of their vehicle.
5. Agency personnel shall drive in a manner to prevent any type of accident, if possible, at all times.
6. Operators of an agency vehicle who are involved in any type of collision shall report the incident as soon as possible (by radio or phone if a radio is unavailable) to dispatch and the duty officer/on duty supervisor.
7. Agency personnel shall be held accountable for any preventable agency vehicle collision that is determined to be caused in whole or in part by their carelessness or neglect.

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. Employees who do not return or account for all issued agency property may be charged with theft.

Rule 20 – Wearing the Uniform

1. Employees will only wear their uniform 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, legal duties, is in need of assistance.

Rule 22 – Truthfulness

1. Employees will not make untruthful statements or misrepresent facts, either verbal or written, while performing official duties.

2. Employees shall not intentionally make any verbal or written false statements during an official investigation, on any official agency document or during any official court proceeding.

Rule 23 – Courtesy

Employees will be courteous 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 or gestures.

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 **person** 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 or Chief Deputy.

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 legal counsel.

Rule 29 – Insubordination

Employees may not refuse to comply with the proper and legal order of an authorized authority or be disrespectful to a superior officer.

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. This includes the obligations of a supervisor or commander to ensure that subordinates comply with all laws and agency policies and procedures and to initiate guidance and/or corrective measures to those subordinates who fail to perform within the confines of law, regulations or policy. Failure to stop and perform a necessary law enforcement duty while on or off duty and/or failure of a supervisor or commander to ensure that documentation and guidance and/or corrective action is initiated if a subordinate's actions are unlawful and/or not within policy shall also be considered neglect of duty. Failure to accept a complaint against an employee shall be considered "Failure to perform required duties."

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 - 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 33 – Smoking Prohibited

Employees are prohibited from smoking, vaping or chewing tobacco or cannabis product in any County operated vehicles as well as County buildings parking lots and recreation areas 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, vape, chew tobacco or cannabis product in any of those same vehicles or areas.

Rule 34 – 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:

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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 35 – Dissemination of Information

Employees of the Office of the Sheriff often come into contact with information that is 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 36 - Rumors

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

Rule 37 - Association with Others

Except as may be necessary in the performance of official duties, agency employees shall minimize associations or dealings with individuals or groups whom they know or should know are convicted felons, are actively involved in criminal activity or are under investigation in a criminal matter. Agency employees shall not knowingly participate or join an organization that advocates, incites or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious, ethnic or other groups or classes of individuals protected by law.

Rule 38 - Searching & Securing a Prisoner

Employees shall conduct a thorough search of detainees immediately following their arrest to locate and seize any contraband, weapons or potential tools for escape. Detainees must be safely and effectively controlled and contained to minimize the potential for their improper release or

escape. Deputies should provide constant physical support to detainees to prevent falls and injury as well as to hinder escape. (Arrest Procedures #2001)

Rule 39 - Inspections

Agency vehicles shall be thoroughly searched/inspected for weapons/contraband prior to and following the transport of any prisoner.

Rule 40 - Jurisdictional Limitations to Agency Vehicles

Employees whether on or off duty shall not operate any agency vehicle beyond the jurisdictional boundaries or routes authorized by their supervisor or commander unless a specific prior authorization is allowed.

Rule 41 - Limitations to Vehicle Use

Employees are prohibited from operating an agency vehicle if they are suspended or on leave from work due to an illness or injury and/or the employee's medical practitioner has indicated that the employee should be off duty due to the employee's illness or injury. Employees on modified or restricted duty status whose orders state that they are prohibited from operating an agency vehicle will comply with those orders.

The employee's supervisor, commander, Chief Deputy or Sheriff may determine any exceptions to the above and authorize agency vehicle use.

Rule 42 - Electronic Means of Communication & Social Media

Employees are prohibited from accessing through any County equipment or software any sites that display sexual, lewd, violent, racial, ethically derogatory material, comments, pictures, artwork, images, video, or other references which would likely have an adverse effect on the reputation of the employee, another employee, the Office of the Sheriff, or the Queen Anne's County government. (Social Media & Networking #303)

Rule 43 - Firearm Security and Handling

Firearms used or controlled by an agency employee shall be properly handled and secured at all times to prevent another unauthorized individual from gaining access to the firearm. A firearm is considered properly secured when in the possession of an on-duty employee whether holstered or unholstered. The employee shall not display the weapon in a flagrant, careless or improper manner that might be unsafe or bring the agency into disrepute. When not in use, a firearm must be kept in a secure, locked location that is inaccessible to unauthorized individuals.

Rule 44 - Firearm Discharge

Employees shall not discharge or cause to be discharged a firearm in circumstances which would be deemed improper, inappropriate, unlawful or contrary to policy whether or not that discharge resulted in an injury. Sworn personnel shall immediately report (and complete a Use of Force Report) to their supervisor or, if unavailable, an on duty supervisor upon an accidental or purposeful discharge of a firearm or less lethal weapon if that discharge was for anything other than training or recreational purposes. An accidental discharge of a weapon during training or recreational purposes that causes injury shall be reported immediately to their supervisor or an on duty supervisor.

Rule 45 - Unauthorized or Improper Vehicle Pursuits (with or without injury)

See written directive Vehicular Pursuit #1607 for specific details on pursuits.

Rule 46 - Medical Assistance

Sworn personnel shall immediately request needed medical assistance or provide medical first aid to any person in need of emergency medical care whether or not that person is in custody.

Rule 47 - Retaliation

Employees shall not engage in any acts of retaliation toward any complainant, witness or suspect in a criminal case.

Rule 48 - Sexual Behavior

1. Employees shall not engage in any sexual behavior while on duty.
2. Employees shall not engage in sexual behavior in an agency vehicle or on County property whether on or off duty.

Rule 49 - Audio and/or Visual Recordings

1. Personnel shall only activate any recording system for legitimate law enforcement reasons.
2. Sworn personnel shall ensure that recording systems are turned on as soon as possible following the activation of their vehicle's emergency equipment. If the vehicle's emergency equipment is not activated automatically, the vehicle's recording equipment and body worn camera must be activated prior to arrival on the scene of any incident or traffic stop.
3. Employees shall not intentionally erase/destroy any audio/visual recordings created through any agency systems. The Sheriff or Chief Deputy retain the sole authority to authorize the deletion of any such recordings for due cause and only when there exists no duty related reason for their retention.

4. Employees shall not prohibit or prevent a person from recording a sworn officer's actions if that person is otherwise acting lawfully and safely.

Rule 50 - Court/MVA Hearings

Employees shall appear for court or MVA hearings when properly summonsed to do so.

Rule 51 - Traffic Stops

All sworn personnel shall comply with written directive Traffic Stops #1904 when contemplating or initiating a traffic stop whether on or off duty.

Rule 52 - Citations

Any parking or automated violations known to have been issued on a vehicle or an employee operating an agency vehicle must be reported to the employee's immediate supervisor within three business days whether on or off duty unless exigent circumstances exist that prevent the employee from doing so.

Rule 53 - Carrying Weapons

Personnel may only carry on their person or in an agency vehicle a firearm, electronic control device or other weapon for which the employee has received specific authorization to wear or carry.

V. Exemptions

In certain circumstances, the Sheriff may exempt individuals 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. Cancellation: This directive cancels Index Code 301 dated 12/7/2021

VIII. Proponent Unit: Sheriff

Sheriff Gary Hofmann