



HOWARD COUNTY SHERIFF'S OFFICE
GENERAL ORDER ADM-03
CODE OF CONDUCT
EFFECTIVE JUNE 29, 2011

This General Order contains the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. CODE OF CONDUCT
- IV. OFF-DUTY CONDUCT
- V. CANCELLATION

I. POLICY¹

The Howard County Sheriff's Office (HCSO) shall ensure that all employees maintain an exemplary standard of personal integrity and ethical conduct in their relationship with other employees, the community, and the courts. This General Order is designed to serve as a professional standard of conduct and ethics for all personnel.

The HCSO is committed to promoting the worth and dignity of all individuals, regardless of race, creed, religion, physical or mental disability, color, gender, national origin, age, occupation, marital status, political opinion, sexual orientation, or personal appearance. The HCSO will not tolerate, nor condone, any act of bias, discrimination, insensitivity, or disrespect towards any person.

II. DEFINITIONS

- A. **Employee** – elected and appointed officials and persons included within either the exempt or classified service comprising the County's merit system.
- B. **Non-Sworn Personnel** – civilian employees of the HCSO.
- C. **Personnel** – all employees of the HCSO.
- D. **Prima Facie Evidence** – evidence that would, if uncontested, establish a fact or raise a presumption of a fact.
- E. **Sworn Personnel** – deputy sheriffs.
- F. **Uniformed Personnel** – deputy sheriffs and security officers in the HCSO uniform.
- G. **Workplace** – all property, including parking lots and vehicles, owned by the County and any non-county property where work is being performed by employees in their official capacities, or during the course of their work for the County.

III. CODE OF CONDUCT²

- A. All HCSO Personnel (sworn, non-sworn, and uniformed) are subject to the Rules & Regulations of the *Howard County Sheriff's Office General Order Manual* as well as the rules and regulations established by the *Howard County Government Policy & Procedure Manual*.³

¹ CALEA 1.1.2 & 12.2.1a

² CALEA 12.2.1 f & g & 26.1.1

³ CALEA 12.2.1 f & g & 26.1.1

B. Operational Conduct

1. Personnel shall not commit, or omit, any act which constitutes a violation of any general order, memorandum, or written directive of the HCSO.
2. All personnel shall fully cooperate in any internal investigation.

C. General Conduct

1. **Conduct Unbecoming**

Any breach of the peace, neglect of duty, or any personnel in the HCSO, either within or outside the confines of Howard County, which undermines the good order, efficiency, reputation, or discipline of the HCSO (even though these offenses may not be specifically set forth) shall be considered conduct unbecoming.

2. **Conformance to Laws**

- a. Personnel shall obey all laws pertaining to the criminal code of the United States and all local, state, and foreign jurisdictions in which they are present.
- b. A misdemeanor conviction adversely affecting in any manner the performance of official duties of any personnel shall be *prima facie* evidence of a violation of this section.
- c. A felony conviction of any offense shall be *prima facie* evidence of a violation of this section.
- d. The Sheriff's Office may take action, under the guidelines of this section, prior to the charging or conviction of the employee.
- e. The suspension, revocation, cancellation, or refusal of a uniformed member's driver's license shall be immediately reported by the member to his/her immediate supervisor and it shall be *prima facie* evidence of a violation of this section.
- f. All employees are required to verbally notify their immediate supervisor within twenty-four (24) hours of an arrest and indicate the charges brought against him/her. A departmental report shall be completed by the employee immediately upon his/her return to duty and shall be forwarded to the Sheriff, via the Chain of Command.

3. **Reporting for Duty**

Personnel shall report for duty at the time and place required by assignment or orders. Judicial summons and other writs shall constitute an order to report for duty under this section.

4. **Performance of Duty**

Personnel shall not engage in activities or personal business while on duty that may cause them to neglect or be inattentive to their official duties.

5. **Injury or Illness Report**

- a. Personnel shall not feign illness or injury, falsely report themselves as ill or injured, or otherwise deceive or attempt to deceive the HCSO as to the condition of their health.

- b. All personnel are required to immediately report to their supervisors any condition of health that might adversely affect their ability to perform their official duties.
- c. Personnel shall follow the guidelines for calling in sick set forth in *General Order ADM-25, Leave & Overtime*.

6. **Alertness on Duty**

- a. Personnel shall remain alert on duty; if unable to do so, they shall report the fact to their immediate supervisor who shall take such action as is appropriate.
- b. Personnel shall immediately notify their supervisor if taking prescription medication that may affect their alertness while on duty and, therefore, their job performance.

7. **Leaving Duty Post**

- a. Personnel may leave their assigned duty posts during a duty tour only when authorized by proper authority.
- b. Personnel working individually shall NOT leave their assigned duty posts during a duty tour without first acquiring coverage.

8. **Performance Level**

- a. Personnel shall maintain competence to perform their duties and to assume the responsibilities of their assignments. They shall perform their duties in a manner commensurate with the standards established by the HCSO.
- b. Unsatisfactory performance may be demonstrated by a lack of knowledge, an unwillingness or inability to perform assigned tasks, failure of any personnel to conform to established requirements for the position, rank, or grade, or by failure to take appropriate action when required.
- c. An unsatisfactory evaluation or a record of repeated infractions of HCSO orders or directives shall be *prima facie* evidence of unsatisfactory performance.

9. **Alcoholic Beverages in Sheriff Facilities**

Personnel shall not store alcoholic beverages in any HCSO facility, except those items held as evidence or recovered property.

10. **Alcohol and Drugs Generally**

- a. Personnel shall not appear for, nor be on, duty while impaired due to the influence of alcoholic beverages or illegal drugs.
- b. Personnel shall not use prescription medication that impairs their ability to fully function at a satisfactory level while on duty.
- c. While in uniform (or partial uniform), regardless of duty status, personnel shall not purchase, nor consume, alcoholic beverages.
- d. While off-duty, personnel shall refrain from consuming alcoholic beverages to the extent that it results in public behavior which discredits them or the HCSO, or which renders them unfit to report for their next tour of duty.

11. **Insubordination**

Personnel shall not be willfully insubordinate or disrespectful to any supervisor or other person designated to command, nor shall they willfully disobey any lawful order, whether verbal or written.

12. **Conflicting and Illegal Orders**

a. Personnel who are given an otherwise proper order which is in conflict with a previous order, rule, regulation, or directive shall so inform the Supervisor issuing the conflict causing order.

1) If the Supervisor issuing the order does not alter or retract the conflicting order, the order shall stand and personnel shall obey the order.

2) The responsibility of the conflict shall be upon the Supervisor and personnel shall not be held accountable for having disobeyed the previously issued order, rule, regulation, or directive.

b. Personnel shall not obey an order which they know or should know would require them to commit a criminal act. If in doubt as to the legality of the order, personnel shall request the issuing supervisor to clarify the order or to confer with higher authority.

13. **Gifts and Gratuities**

a. Personnel shall not accept, nor solicit, from any person, business, or organization any gift, including money, tangible or intangible personal property, food, beverage, loan, promise of service or entertainment, for the benefit of them or the HCSO, except for the purposes of sponsoring a charity sanctioned by the Sheriff or his designee.

b. However, personnel are not precluded from accepting unsolicited give-away items, such as pens, pads, calendars, and similar items of little or nominal value. Personnel will ensure that they understand and comply with the provisions of the County governing this matter.

14. **Abuse of Position**

a. Personnel shall not use their official position, HCSO identification cards or badges for personal or financial gain, obtaining privileges not otherwise available to them, except in the performance of their duties, or for avoiding consequences of illegal acts.

b. Sworn personnel, while deprived of law enforcement powers, shall not wear the HCSO uniform or represent themselves in an official capacity as a HCSO deputy.

c. Personnel shall not lend to another person their identification cards or badges, nor shall they permit them to be reproduced without the approval of the Sheriff.

d. Personnel may not authorize the use of their names, photographs, or official titles which identify them as HCSO employees in connection with testimonials, petitions, or advertisements of any commodity or commercial enterprise without the approval of the Sheriff.

15. **Identification⁴**

- a. Sworn personnel shall carry their badges and identification cards on their persons at all times when they are armed and/or in Howard County, except when impractical or inconsistent with their duty assignment.
- b. Deputies shall furnish their names and County four (4) digit identification number, if appropriate, to any person requesting it when they are on duty or holding themselves out as having official capacity, except when the withholding of such information is necessary in connection with their duty assignments or when authorized by a supervisor.⁵
- c. Non-sworn employees and HCSO interns shall be required carry their identification cards on their persons at all times while on the job.⁶
 - 1) Non-sworn employees are issued identification cards from both the Howard County Government and the Sheriff's Office.
 - 2) Interns are issued identification cards from the Sheriff's Office.

16. **Requests for Assistance**

When a citizen asks for assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information shall be obtained in an official and courteous manner and will be properly and judiciously acted upon in accordance with established HCSO procedure.

17. **Associations**

Personnel shall avoid regular or continuous associations or dealings with persons whom they know to be under criminal investigation or indictment, or who are currently involved in criminal behavior, except as may be necessary in connection with official duties or where unavoidable because of other personal (familial) relationships.

18. **Visiting Certain Establishments**

Personnel shall not knowingly visit, enter, or frequent a house of prostitution, gambling, or any other establishment wherein the laws of the United States, the State of Maryland, or Howard County are regularly violated, except in the performance of official duties under orders of a supervisor.

19. **Public Statements and Appearances**

- a. Personnel shall not publicly criticize or ridicule the HCSO, its policies, or other employees where such action undermines the effectiveness of the HCSO, interferes with the maintenance of discipline, is made with reckless disregard for the truth or falsity, or is illegal. This order shall not be used to inhibit or hamper the right of personnel to free speech.
- b. Personnel may address public gatherings, appear on radio or television, prepare articles for publication, act as correspondents to a publisher, and otherwise appear in public so long as they do not present themselves as representing the HCSO in such matters, unless they have the approval of the Sheriff, or his designee.

⁴ CALEA 22.2.7
⁵ CALEA 22.2.7 a
⁶ CALEA 22.2.7 b

- c. All personnel are specifically forbidden, while on duty or while representing the HCSO, to address anyone in degrading, undignified, defamatory, or belittling terms, or to use profanity, racial slurs, and/or other foul, vulgar, or squalid language.
- d. All personnel, while on duty or while representing the HCSO, are specifically forbidden to make any obscene gestures or any other gestures that are associated with any group or organization that promotes or advocates bias, discrimination, insensitivity, or disrespect towards any person or group.

20. Labor Activity

- a. Personnel have the right to join labor organizations, although the County is not compelled to recognize those organizations, or to engage in collective bargaining with any such organization, except as may be provided by law.
- b. Personnel may not engage in any strike and the term "strike" shall include the concerted failure to report for duty, the willful absence from one's position, unauthorized holidays, sickness which is unsubstantiated by a physician's statement, in whole or in part, from the full, faithful, and proper performance of the duties of employment.

21. Payment of Debts

- a. Personnel are required to pay all just debts when due.
- b. An isolated instance of financial irresponsibility will not be grounds for discipline, except in unusually severe cases. However, repeated instances of financial irresponsibility may be cause for disciplinary action. Filing a voluntary bankruptcy petition shall not, by itself, be cause for discipline.
- c. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, provided that a good faith effort to settle all accounts is undertaken.
- d. Personnel shall not co-sign a note for a supervisor, nor will a supervisor co-sign for a subordinate. Exception to this policy is in the case of personal spousal relationships.

22. Telephones & Residences

- a. Sworn personnel shall have telephones (landlines or cellular phones) and shall immediately report any changes of telephone numbers to their supervisor and other such persons as required by established HCSO procedure.
- b. Additionally, personnel shall report changes of residence addresses to their supervisor and other such persons as required by established HCSO procedures.

23. Altercations with Other Employees

- a. Personnel shall not maliciously threaten, strike, or assault any employee in the workplace. Personnel who aid, abet, or incite any altercation between personnel and/or County employees shall be held responsible along with those actually and/or physically involved.
- b. Personnel shall follow the guidelines addressed to County Employees in the *Howard County Policy and Procedure Manual, 300.59*, entitled "Violence in the Workplace".

24. Dissemination of Information

- a. Personnel shall treat the official business of the HCSO as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established procedures.
- b. Personnel shall not divulge the identity of persons giving confidential information, except as authorized by supervisory personnel.
- c. Additionally, personnel shall NOT lend out or take any document, file, book, or General Orders Manual without first obtaining permission from their immediate supervisor.

25. Intervention in Cases

- a. Sworn personnel shall not interfere with cases being handled by other sworn personnel of the HCSO or any other governmental agency, unless:
 - 1) Ordered to intervene by a supervisor; OR
 - 2) The intervening personnel believes beyond a reasonable doubt that a manifest injustice would result from the failure to take immediate action; OR
 - 3) Such intervention is required as a result of supervisory or command responsibilities.
- b. Off-duty personnel shall not undertake any investigation or official action without obtaining permission from a supervisor, unless the extenuations of the situation require immediate action.

26. Processing Property and Evidence

- a. Property and evidence which has been discovered, gathered, or received in connection with HCSO responsibilities shall be processed in accordance with established HCSO procedures.
- b. Personnel shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation or other enforcement action, except in accordance with established HCSO procedures.

27. Truthfulness

- a. Personnel shall truthfully answer all questions specifically directed and narrowly related to the scope of their employment and of operations of the HCSO which are asked of them.
- b. Personnel shall not knowingly enter, or cause to be entered, any inaccurate, false, or improper information on any HCSO document.

28. Treatment of Persons in Custody

Personnel shall not mistreat persons who are in their custody or in the custody of the HCSO and shall handle such persons in accordance with law and established HCSO procedures.

29. **Use of Force⁷**

- a. Sworn personnel, while acting in their official capacity, shall not use force that is malicious, gross, or excessive in its application.
- b. Whenever force is used in effecting an arrest or other action, all personnel involved shall submit a detailed report thereof to their supervisor.
- c. All personnel may exercise use of force only in accordance with established HCSO procedures.

30. **Influence upon other Personnel**

Personnel shall not attempt to improperly influence any other personnel in the HCSO for the purpose of securing promotion or transfer, or to avoid penalties for improper action or conduct.

31. **Use of Tobacco**

When in uniform, personnel shall not use tobacco while immediately engaged in HCSO activities. Personnel shall NOT use tobacco when in contact with the public.

32. **HCSO Report Submission**

- a. Personnel shall submit all reports on time and in accordance with established HCSO procedures.
- b. Reports submitted by personnel shall be truthful and complete. No personnel shall knowingly enter, or cause to be entered, any inaccurate, false, or improper information.

33. **Use of Weapons**

Sworn and non-sworn personnel shall not use or handle weapons in a careless or impudent manner. Weapons will be used in accordance with the law and established HCSO procedures.

34. **Arrest, Search, and Seizure**

Personnel shall not make any arrest, conduct any search, or make any seizure which they know or should know is not in accordance with the law and established HCSO procedures.

35. **Employment Outside the Office**

Personnel may engage in secondary employment, in addition to their County employment, only in accordance with the guidelines established by *General Order ADM-05, Secondary Employment*.

36. **Political Activity**

Personnel may join or affiliate with civic organizations of a political nature, attend political meetings, and advocate and support their political principles. However, no employee will:

- a. Engage in any political activity while on duty;
- b. Use official authority or influence for political purposes;

⁷ CALEA 1.3.1

- c. Coerce contributions from others for political purposes;
- d. Distribute unauthorized literature, written or printed matter, during working hours, the effect of which is to be disruptive of the work environment;
- e. Harass fellow employees through the display of inappropriate political written or graphic material (i.e., posters, leaflets, e-mails), as per *General Order ADM-04, Discrimination & Harassment*; NOR
- f. Use any HCSO supplies or equipment (i.e., computers, printers, copiers) for political purposes.

37. Respect of Personal Property

- a. Personnel will respect the personal property of other employees and will refrain from using the personal property of others without permission.
- b. Additionally, personnel will NOT deface, vandalize, or steal the personal property of other employees.
- c. Personnel caught engaging in any of the above listed acts will be immediately disciplined, as per *General Order ADM-27, Punitive & Non-Punitive Disciplinary Actions*.

IV. OFF-DUTY CONDUCT⁸

- A. All HCSO employees are cautioned that off-duty conduct which adversely reflects upon the good name and reputation of the Howard County Sheriff's Office will be considered in the same manner as on-duty conduct and may therefore equally affect the outcome of any disciplinary hearing or review board.
- B. Additionally, off-duty criminal conduct is considered just as unacceptable as on-duty criminal conduct and will be treated accordingly.
- C. In accordance with Maryland law and at the Sheriff's discretion, retirement benefits may be withheld from any HCSO employee engaging in off-duty criminal conduct.

V. CANCELLATION

This General Order cancels and replaces *General Order ADM-03, Code of Conduct*, dated September 1, 2009.

Authority:

James F. Fitzgerald
Sheriff

⁸ CALEA 12.2.1 f & g