



HOWARD COUNTY SHERIFF'S OFFICE

# GENERAL ORDER ADM-09 INTERNAL INVESTIGATIONS

EFFECTIVE NOVEMBER 12, 2009

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This General Order contains the following numbered sections:

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- II. DEFINITIONS
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## I. POLICY

The integrity of the Howard County Sheriff's Office (HCSO) depends on the personal integrity and discipline of each member and employee. Therefore, the HCSO provides procedures to ensure that the highest level of integrity is achieved and maintained.

## II. DEFINITIONS

- A. Administrative Leave – Leave with pay (non-disciplinary).
- B. Administratively Closed – A disposition used when investigations are completed and non-disciplinary sanctions, such as training or counseling, are used.
- C. Complaint – An allegation of misconduct made against any personnel of the HCSO.
- D. Counseling – Counseling of a subordinate by his/her supervisor. This is a non-disciplinary corrective action.
- E. Emergency Suspension – Suspension with pay imposed by the Sheriff upon a determination that the action is in the best interest of the public and the HCSO. Suspension without pay is imposed by the Sheriff when a law enforcement officer has been charged with the commission of a felony.
- F. Exonerated – The incident did occur, but the actions of the accused were justified, lawful, and proper.
- G. Final Order – The decision of the Sheriff, after review of the hearing board's finding, conclusions, and recommendations, or, if the hearing board is waived, after the review of the investigative file.
- H. Law Enforcement Officer's Bill of Rights (LEOBR) – Annotated Code of Maryland, Public Safety Article, Title 3, Section 101 - 113, including any amendments.
- I. Letter of Reprimand – A letter documenting the violation inserted in the member's or employee's personnel file. This is the least severe punishment that can be given.

- J. Non-Punitive Transfer – A transfer or re-assignment upon determination of the Sheriff that the action is in the best interest of the internal management of the HCSO. This is a non-disciplinary personnel action.
- K. Not Sustained – The investigation failed to disclose sufficient evidence to prove or disprove the allegation.
- L. Policy Failure – The incident did occur and was consistent with agency policy. However, the investigation revealed a need for a revision, change, or correction in existing policy and/or procedure.
- M. Summary Punishment – Punishment imposed by the highest ranking member of the Division, which may be imposed when the facts constituting the offense are not in dispute. Summary punishment may not exceed three days suspension without pay or a fine of \$150.00.
- N. Sustained – The investigation disclosed sufficient evidence to establish a *prime facie* case with respect to the allegations of misconduct.
- O. Unfounded – The investigation indicated the acts complained of did not occur.

### III. **REGISTERING COMPLAINTS**<sup>1</sup>

Procedures for registering complaints against the HCSO or its employees are available in electronic format on the HCSO website and in paper format at the Administrative, Court, and Field Office locations. This information is also disseminated to all HCSO employees.

### IV. **RECEIVING COMPLAINTS**

- A. All complaints, including those received anonymously, alleging improper or inappropriate acts by individual members or employees of the Howard County Sheriff's Office will be recorded on the Complaint Form (HCSO 9100) and investigated.<sup>2</sup> Calls relating to clarification of laws, procedures, and/or law enforcement practices that are general in nature need not be recorded on the Complaint Form.
- B. Investigative responsibility should be assigned based on the following criteria:
  - 1. Complaints of corruption, brutality, misuse of force, breach of civil rights, untruthful statements, criminal misconduct, or other violations of a serious nature will be coordinated by the Chief Deputy.<sup>3</sup>
  - 2. Complaints of misconduct of a minor nature, such as allegations of rudeness, tardiness, insubordination, etc., will be investigated at the direction of the member or employee's Division Commander.<sup>4</sup>
- C. The Chief Deputy will directly report to the Sheriff any of the following:<sup>5</sup>
  - 1. Investigations of complaints of a serious nature (as described in Section B.1 above), by the next business day after the complaint has been received.
  - 2. Investigations of complaints of a minor nature (as described in Section B.2 above), at least monthly. Complaints of a minor nature may be handled by the employee's immediate supervisor.

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<sup>1</sup> CALEA 52.1.4

<sup>2</sup> CALEA 52.1.1

<sup>3</sup> CALEA 52.2.1 b

<sup>4</sup> CALEA 52.2.1 a

<sup>5</sup> CALEA 52.1.3 & 52.2.2

- D. Complaints received during normal business hours:
1. The person making the complaint, whether by phone, by mail, or in person, will be referred to the appropriate Division Commander, based on where the accused member or employee is assigned. If the inquiry cannot be handled as defined above, a Complaint Form will be completed and a control number assigned.
  2. If the complaint meets the criteria for investigation as defined in Section B.1 above, the entire form will be forwarded to the Office of the Sheriff for assignment.
  3. If the complaint meets the criteria for investigation as defined in Section B.2 above, the second copy of the Complaint Form will be forwarded to the Office of the Sheriff for control purposes, while the original will be kept with the investigative file until the investigation is completed.
  4. The Division Commander assigned the complaint will prepare a letter for the Sheriff's signature, notifying the complainant that the complaint has been received for processing.<sup>6</sup>
- E. Complaints received during non-business hours:
1. All telephone and walk-in complaints will be referred to an on-duty supervisor. If the inquiry cannot be handled as defined in Section B above, a Complaint Form will be forwarded to the appropriate Division Commander.
  2. If a complaint is made in the community or in the field, a supervisor will be notified to respond to the location of the complaint and, if appropriate, to complete a Complaint Form. The completed Complaint Form will be forwarded to the appropriate Division Commander.
  3. The Division Commander will determine whether the complaint should be investigated by the Chief Deputy.
    - a. If so, the entire Complaint Form will be placed in a sealed envelope marked "CONFIDENTIAL" and forwarded to the Office of the Chief Deputy by the beginning of the next business day.
    - b. If not, only the copy of the Complaint Form will be forwarded to the Office of the Chief Deputy. The original will be forwarded to the appropriate Division Commander for assignment and investigation.
  4. Should the Duty Officer or a supervisor determine that the allegations are serious enough to mandate an immediate investigation by the Office of the Sheriff, he will immediately notify the Chief Deputy, or his designee.
- F. Members and employees will report to their immediate supervisor any serious violations of office regulations, orders and/or policies of which they have knowledge.
- G. Any member or employee desiring to file a complaint against another member or employee will submit a completed Complaint Form (HCSO 9100) directly to the Office of the Sheriff.
- H. The Chief Deputy will maintain liaison with the State's Attorney's Office and the Attorney General's Office, as required by the nature of the investigation.
- I. The investigator will keep the complainant informed, throughout the investigation, via periodic status reports.<sup>7</sup>

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<sup>6</sup> CALEA 52.2.4 a

<sup>7</sup> CALEA 52.2.4 b

**V. ADMINISTRATIVE ASSIGNMENT, RELIEF & SUSPENSION<sup>8</sup>**

A. Emergency Suspension **With Pay**

Any member (including civilian employees) involved or identified in a complaint or an internal investigation may be placed on emergency suspension from duty, with pay, by the Sheriff or at his direction if it is in the best interest of the member, the public, or the Office. The Sheriff or his designee shall ensure appropriate authorization is documented from the County's Chief Administrative Officer.

B. Emergency Suspension **Without Pay:**

Any member charged with the commission of a felony may be placed on emergency suspension from duty, without pay, by the Sheriff or at his direction.

C. **Suspension of Police Powers:** (Deputy remains on duty with pay)

The Sheriff, or any commissioned officer, may suspend a deputy's police powers if it is determined to be in the best interest of the public, the deputy, or the Office. A commissioned officer suspending police powers must immediately notify the Sheriff, through the chain of command. The commissioned officer will also provide a written notification to the Sheriff and the affected deputy.

D. Whenever a member is suspended or a deputy's police powers are suspended, immediate notification shall be made to the Sheriff. The Sheriff will ensure that the appropriate Personnel Order is promptly issued and confidentially distributed to only those individuals requiring the information.

E. The Office of the Sheriff, or the Sheriff's designee, will make notification to the Howard County Office of Human Resources of any suspension.

F. Any commissioned officer may place a member on administrative duties temporarily if it is determined to be in the best interest of the public, the deputy, or the Office.

**VI. INTERNAL INVESTIGATION PROCEDURES**

A. All internal investigations of employees (non-sworn) will be conducted in accordance with the **Howard County Code**, Title 1, Subtitle Personnel.

B. Administrative charges may not be brought against a law enforcement officer unless filed within one year after the act that gives rise to the charges comes to the attention of the appropriate law enforcement official. The one year limitation does not apply to charges related to criminal activity or excessive force (see *Public Safety Article, Section 3-106[b]*).

C. "A complaint against a law enforcement officer, alleging brutality in the execution of his duties, may not be investigated unless the complaint is duly sworn to by the aggrieved person, a member of the aggrieved person's immediate family, or by any person with firsthand knowledge obtained as a result of the presence at and observation of the alleged incident, or by the parent or guardian in the case of a minor child, before an official authorized to administer oaths.

"An investigation which could lead to disciplinary action may not be taken unless the complaint is filed within ninety (90) days of the alleged brutality" (see *Public Safety Article, Section 3-104[c][2]*).

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<sup>8</sup> CALEA 52.2.7

- D. The member may be required to be photographed and/or participate in a lineup when the actions are material to the particular investigation. The member may also be required to submit a financial disclosure statement for investigations involving allegations of conflict of interest, or where required by law.<sup>9</sup>
- E. Chemical tests will be ordered in accordance with the following:<sup>10</sup>
1. A supervisor has reason to believe that:
    - a. A member has consumed alcoholic beverages while on duty; OR
    - b. A member has reported for duty under the influence of alcohol; OR
    - c. A member, whose duties authorize the consumption of alcoholic beverages, has reached or exceeded the legal level of influence. The supervisor will order the member to submit to a breathalyzer test.
  2. A supervisor who has reason to believe that a member has, after consuming alcoholic beverages, been involved in a collision while operating an HCSO vehicle, will order the member to submit to a breathalyzer test.
  3. A supervisor who has reason to believe that a member has unlawfully used a controlled dangerous substance (CDS) will order the member to submit to chemical testing in order to determine the presence or absence of such a substance.
  4. Any member so ordered will submit to chemical testing for drugs and/or alcohol.
    - a. The elapsed time between the first notice or report of a member's condition and the time of the chemical test will be recorded by the supervisor ordering the test.
    - b. The two (2) hour time limit set forth in the Maryland Motor Vehicle Law does not apply in such an instance.
- F. If a law enforcement officer is under investigation or subjected to interrogation by a law enforcement agency for any reason that could lead to disciplinary action, demotion, or dismissal, the investigation or interrogation shall be conducted in accordance with the Explanation of Police Officer's Rights (see Appendix A).
- G. Prior to any interrogation, the member under investigation shall be informed, in writing, of the nature of the investigation. At this time, the explanation of Police Officer's Rights form will be read to the accused member.<sup>11</sup>

## **VII. COMPLETED INTERNAL INVESTIGATIONS**

- A. At the conclusion of each internal investigation, a written conclusion of fact for each investigation will be prepared, as outlined below.<sup>12</sup> This will include a Recommendation of Finding and one of the following five possible resolutions: unfounded, exonerated, not sustained, sustained, and administratively closed.
- B. Cases investigated by members assigned by the Chief Deputy will be reviewed by the Chief Deputy who will make a Recommendation of Finding. If the Chief Deputy is the investigator, the cases will be reviewed by the Sheriff.

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<sup>9</sup> CALEA 52.2.6 b, c & d

<sup>10</sup> CALEA 52.2.6 a

<sup>11</sup> CALEA 52.2.5

<sup>12</sup> CALEA 52.2.8

1. If the Recommendation of Finding is **unfounded, administratively closed, exonerated, or not sustained**, the case will be forwarded to the Sheriff for approval. The endorsement will be completed in a timely fashion for review by the Sheriff. If it is determined that a policy failure has occurred, the Sheriff may instruct the Research and Planning Section to review the policy.
  2. If the Recommendation of Finding is **sustained**, the case will be forwarded to the accused deputy's Section or Unit Commander for review. If the Commander agrees with the Recommendation of Finding, he may elect to impose non-disciplinary sanctions or summary punishment as outlined in Section VII, subsection D of this General Order.
- C. Cases investigated by a supervisor will be reviewed by the appropriate Division Commander, who will make a Recommendation of Finding.
1. If the Recommendation of Finding is **unfounded, administratively closed, exonerated, or not sustained**, the case will be forwarded to the Chief Deputy for approval. The case will then be reviewed for final approval by the Sheriff. If it is determined that a policy failure has occurred, the Sheriff will instruct the Research and Planning Section to review the policy for possible revision.
  2. If the Recommendation of Finding is **sustained**, the case will be forwarded to the Chief Deputy for review. If the Chief Deputy agrees with the recommendation, he may elect to impose either non-disciplinary or disciplinary sanctions, as outlined below.
- D. Disciplinary and Non-Disciplinary Sanctions
1. If the Recommendation of Finding is **sustained**, the Chief Deputy shall exercise one of the two following options:
    - a. Non-punitive sanctions, such as training and counseling. If this option is used, the entire case file will be forwarded to the Office of the Sheriff.
    - b. Summary punishment may be imposed for minor violations of HCSO Rules and Regulations when the facts which constitute the minor violations are not in dispute, the Deputy waives the hearing, or the Deputy accepts the punishment imposed by the Chief Deputy.
  2. Summary Punishment
    - a. Summary punishment is utilized only when both the accused member and the Chief Deputy agree to its imposition.
    - b. A letter of reprimand is the least severe form of punishment that can be imposed via summary punishment.
    - c. Summary punishment may not exceed three (3) days suspension without pay, or a fine of \$150.00.
    - d. The imposition of summary punishment requires that the member receive an HCSO Finding of Fact form, and Offer to Impose Summary Punishment form, and a Waiver of Right to a Hearing form.
    - e. If the member accepts the summary punishment, the completed forms and the entire investigative file will be forwarded to the Office of the Sheriff.
    - f. If the member declines an offer of summary punishment, the entire investigative file will be forwarded to the Chief Deputy and a one-member hearing board will be convened by the Sheriff.

3. Declination of Summary Punishment
  - a. The entire investigative file will be forwarded to the Chief Deputy for coordination with the Attorney General's Office. The Attorney General's Office will prepare an HCSO Charging Document.
  - b. The Chief Deputy will present the accused member with the HCSO Charging Document and the Waiver of Right to a Hearing form.
  - c. The member may, in writing, waive his right to a hearing board. The Sheriff, upon review of the investigative file, will issue a final order.
  - d. If the member **does not** waive his right to a hearing board, the Sheriff will appoint a three (3) member hearing board, with at least one member being of the same rank as the deputy against whom the complaint has been filed.

## VIII. DISCIPLINARY HEARING BOARDS

### A. HEARING BOARD

1. "If the investigation or interrogation of a law enforcement officer results in the recommendation of some action...considered as a punitive measure...except for convicted felons and officers accepting summary punishment...the law enforcement agency shall give notice to the law enforcement officer that he is entitled to a hearing on the issues by a hearing board. The notice will state the time and place of the hearing and the issues involved. An official record of the hearing, including testimony and exhibits, shall be kept" (see *Public Safety Article, Section 3-107[a]*).
2. The hearing board is "...authorized by the Sheriff to hold a hearing on a complaint against a law enforcement officer and which consists of not less than three members... [except a one-member board to decide summary punishment issues]...all to be appointed by the Sheriff and selected from law enforcement officers of another agency, with the approval of the Chief of the other agency, and who had no part in the investigation or interrogation of the law enforcement officer. At least one member of the hearing board shall be of the same rank as the law enforcement officer against whom the complaint has been filed" (see *Public Safety Article, Section 3-107[c][1]*).
3. The hearing board chairman will be a commissioned officer appointed by the Sheriff. The chairman "...shall administer oaths or affirmations and examine any individual under oath" (see *Public Safety Article, Section 3-107[h]*). The chairman will contact the other board members prior to the hearing, shall inform them of the name of the accused officer and the charge(s), ensure they are familiar with their responsibilities as board members, and instruct them that all information obtained through their assignment on the board shall be held strictly confidential.

Additionally, the chairman presides over the hearing and decides any issues of procedure or admissibility of evidence. Finally, the chairman will, at the request of either the HCSO or the accused, issue summonses to compel the attendance and testimony of witness, and the production of books, papers, records, and documents, as may be relevant or necessary.

4. Members notified to serve on a hearing board may, within five (5) days of the notice, request removal from the board. The written request shall contain the reason(s) for removal and must be submitted directly to the Sheriff.
5. The accused member has the right to request that selected members be removed from the board. The written request, containing the reason(s) for removal must be submitted directly to the Sheriff within five (5) days of the accused member's receipt of the notice of selection of board members.

B. COUNSEL

1. The accused member may be represented by counsel.
2. The Attorney General's Office is responsible for supplying separate counsel to the proceedings. One counsel will prosecute the case while the other counsel will advise the board on questions or issues posed by the chairman.

C. HEARING

1. All hearing boards shall be closed to the public unless the accused member submits a written request for an open hearing to the Chairman of the hearing board at least seven (7) days prior to the convening of the hearing board.
2. Presentation of evidence:
  - a. Brief opening statements first by the HCSO and then by defense counsel.
  - b. The HCSO will present its case. The defense may cross-examine each witness. The Board may question each witness.
  - c. The defense will present its case. The HCSO may cross-examine each witness. The Board may question each witness.
  - d. Rebuttal evidence by the HCSO may be presented.
  - e. Summation by the HCSO and then by defense counsel, with concluding summation by the HCSO.

D. DECISION

1. A finding of guilty must be based on a preponderance of the evidence. The Board must have found that the evidence, as a whole, shows that the fact or causation to be proved is more probable than not.
2. The decisions and recommendations of the hearing board shall be governed by majority vote of the members. Minority opinions may be written at the option of any dissenting member of the Board.
3. "Any decision, order, or action taken as a result of the hearing shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement upon each issue of the case. A finding of not guilty shall terminate the case" (see *Public Safety Article, Section 3-108[a][1-3]*).
4. "If a finding of guilt is made, the hearing board shall reconvene the hearing, receive evidence, and consider the law enforcement officer's past job performance and other relevant information as factors before making its recommendations [for disciplinary action] to the Sheriff" (see *Public Safety Article, Section 3-108[a][4]*).  
  
"The hearing board may recommend punishment as it deems appropriate under the circumstances, including but not limited to, demotion, dismissal, transfer, loss of pay, reassignment, or other similar action which would be considered a punitive measure" (see *Public Safety Article, Section 3-108[b]*).



5. "A copy of the decision or order and accompanying findings and conclusions, along with written recommendations for action, shall be delivered or mailed promptly to the law enforcement officer or to his attorney or representative of record and to the Sheriff" (see *Public Safety Article, Section 3-108[a][5]*). The written recommendations will be completed by the board and forwarded to the Sheriff and the officer within ten (10) working days, beginning the day after the Board finally adjourns. An extension may be granted by the Sheriff upon request. The Board must notify the officer of its intent to seek an extension.
6. "Within thirty (30) days of receipt of the Board's recommendations, the Sheriff shall review the findings, conclusions, and recommendations of the Board and then he shall issue the final order. The Sheriff's final order and decision is binding and may be appealed in accordance with [the procedure outlined below](see *Public Safety Article, Section 3-108[d]*).

E. APPEAL

"Appeal from decisions rendered in accordance with [ACM, Article 27, Section] 731 shall be taken to the Circuit Court for the County, pursuant to Maryland Rule B2. Any party aggrieved by a decision of a court under this subtitle may appeal to the Court of Special Appeals" (see *Public Safety Article, Section 3-109*).

**IX. EMERGENCY SUSPENSION HEARING BOARDS**

- A. Any member placed on emergency suspension shall be entitled to a prompt hearing (see *Public Safety Article, Section 3-112[c][2]*).
- B. If the Sheriff, or any other commissioned officer, imposes an emergency suspension, he shall notify the member promptly, in writing, of that decision and inform him that he is entitled to a prompt hearing. The member must make a written request for a hearing to the Sheriff. The Sheriff will ensure that a hearing is scheduled as soon as possible and that the member is notified in writing of the date and time of the hearing.
- C. The suspension hearing board will be impaneled and will function in the same manner as the Disciplinary Hearing Board (see above), with the following exceptions:
  1. The purpose of the suspension hearing is to determine if the suspension of the member is reasonable under the circumstances.
  2. The suspension hearing board does not bring forth a finding of fact. The Board examines the evidence only to make a determination as to the reasonableness of the suspension.
  3. The suspension hearing board can make any of the following recommendations:
    - a. That the member be suspended without pay.
    - b. That the member be returned to full duty.
    - c. That the member be placed on administrative leave.
    - d. That the member has his police powers suspended and that he be placed in an administrative duty assignment.
  4. The written recommendations of the suspension hearing board will be forwarded to the Sheriff and the member within three (3) days of the hearing.
  5. The Sheriff shall review the recommendation and notify the member promptly in writing of his status.

**X. TIME CONSTRAINTS, FILING & EXPUNGEMENT**

- A. All internal investigations must be completed within thirty (30) days of the initiation of the investigation.<sup>13</sup>
1. Extensions beyond the 30 day limit may be granted upon written approval of the Sheriff.<sup>14</sup>
  2. The case investigators must submit status reports on the investigation to the Chief Deputy's office every twenty (20) days.
  3. All completed investigative files must be forwarded to the Chief Deputy for the Final Order.
  4. Once a complaint or internal investigation has been closed and/or completed, the Office of the Sheriff will make written notification to each complainant, if known, and to each member involved, of the outcome of the complaint.<sup>15</sup>
- B. Internal Affairs Files
1. Internal Affairs files will be stored in a secure area so as to protect the confidentiality of all parties involved.<sup>16</sup>
  2. "A law enforcement agency may not insert any adverse material into any file of the officer, except the file of the internal investigation or the intelligence division [if applicable], unless the officer has an opportunity to review, sign, receive a copy of, and comment in writing upon the adverse material, unless the officer waives these rights" (see *Public Safety Article, Section 3-104(o)*).
  3. All complaint forms will be maintained in a separate Internal Affairs file for three years. The complaint forms remain confidential and will not become a part of the member's or employee's County personnel file, except in cases of a sustained finding.
  4. The Office of the Sheriff will retain its investigative files for such a period of time as the HCSO may be subject to a civil suit.
  5. No administratively closed investigative files will become part of a member's or employee's County personnel file. These files will be retained by the Office of the Sheriff at the direction of the Sheriff.
- C. Expungement
1. "A law enforcement officer, upon written request, may have any record of a formal complaint made against him expunged from any file if:
    - a. The law enforcement agency investigating the complaint has exonerated the officer of a charge in the complaint, or determined that the charges were not sustained or unfounded, or an administrative hearing board acquits, dismisses, or makes a finding of not guilty; AND
    - b. Three (3) years have passed since the findings by a law enforcement agency or administrative hearing board (see *Public Safety Article, Section 3-110*).
  2. Sustained and administratively closed internal affairs investigation case files will be retained as determined by the Sheriff.

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<sup>13</sup> CALEA 52.2.3  
<sup>14</sup> CALEA 52.2.3  
<sup>15</sup> CALEA 52.2.4 c  
<sup>16</sup> CALEA 52.1.2

**XI. ANNUAL REPORT & PUBLIC INFORMATION**<sup>17</sup>

- A. The Chief Deputy will prepare an annual statistical summary report of complaints and dispositions. Copies of the report will be sent to the Sheriff and all Division Commanders for dissemination to agency members.
- B. The summary report is to be disseminated to the public through the Office of the Sheriff.

**XII. CANCELLATION**

This General Order cancels and replaces General Order ADM-09, Internal Investigations, dated October 15, 2007.

Authority:

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James F. Fitzgerald  
Sheriff

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<sup>17</sup> CALEA 52.1.5

**APPENDIX A**  
**EXPLANATION OF RIGHTS**

**§ 3-103. Rights of law enforcement officers generally.**

*(a) Right to engage in political activity. –*

(1) Subject to paragraph (2) of this subsection, a law enforcement officer has the same rights to engage in political activity as a State employee.

(2) This right to engage in political activity does not apply when the law enforcement officer is on duty or acting in an official capacity.

*(b) Regulation of secondary employment. –*

(1) may not prohibit secondary employment by law enforcement officers; but

(2) may adopt reasonable regulations that relate to secondary employment by law enforcement officers.

*(c) Disclosure of property, income, and other information. –* A law enforcement officer may not be required or requested to disclose an item of the law enforcement officer's property, income, assets, source of income, debts, or personal or domestic expenditures, including those of a member of the law enforcement officer's family or household, unless:

(1) the information is necessary to investigate a possible conflict of interest with respect to the performance of the law enforcement officer's official duties; or

(2) the disclosure is required by federal or State law.

*(d) Retaliation. –* A law enforcement officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to the law enforcement officer's employment or be threatened with that treatment because the law enforcement officer:

(1) has exercised or demanded the rights granted by this subtitle; or

(2) has lawfully exercised constitutional rights.

*(e) Right to sue. –* A statute may not abridge and a law enforcement agency may not adopt a regulation that prohibits the right of a law enforcement officer to bring suit that rises out of the law enforcement officer's duties as a law enforcement officer.

*(f) Waiver of rights. –* A law enforcement officer may waive in writing any or all rights granted by this subtitle.