

Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the St. Mary's County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of a member in the normal course of duty by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

- (a) The St. Mary's County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.
- (b) The Office will accept and address all complaints in accordance with this policy and applicable federal, state and local laws; municipal and county rules; and the requirements of any memorandum of understanding.
- (c) It is also the policy of this office to ensure that the community can make complaints without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS

- (a) Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy, or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.
- (b) Inquiries that generally include clarification regarding policy and procedures; the response to specific incidents by this Office; or conduct or performance that would not violate policy, federal state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint.

1010.3.1 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Citizens desiring to file a personnel complaint will be directed to the Public Portal website (www.firstsheriff.com/complaint/) as the primary method for complaint submission. However, individuals from the public may make complaints in any form, including in writing, by email, in person, by telephone, or via the agency's Public Portal website.
- (b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint in accordance with the St. Mary's County Sheriff's Office LE Procedures Manual 1001.1.1 Internal Complaints and 1001.1.2 External Complaints.
- (d) A complaint of police misconduct shall include (Md. Code PS § 3-103):

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1. the name of the police officer accused of misconduct;
 2. a description of the facts on which the complaint is based; and
 3. contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.
- (e) Tort claims and lawsuits may generate a personnel complaint.
- (f) Members of the public may also file a complaint with the Police Accountability Board (PAB), who will forward the complaint to the Office of Professional Responsibilities (OPR) within three (3) days after receipt by the PAB. (Md. Code PS § 3-102).
- (g) The Assistant Sheriff reserves the right to initiate a review into any complaint partially completed in the Public Portal and/or does not contain information of the complainant or a person filing on behalf of the complainant per (Md. Code PS § 3-103).

[St. Mary's County Sheriff's Office LE Procedures Manual: 1001.1.1 INTERNAL COMPLAINTS](#)

[St. Mary's County Sheriff's Office LE Procedures Manual: 1001.1.2 EXTERNAL COMPLAINTS](#)

1010.3.2 ADMINISTRATIVE INQUIRIES

- (a) The Office recognizes that circumstances may arise in which it receives information concerning an incident or the actions of an employee which warrant clarification of the underlying facts and circumstances in order to obtain preliminary information and inform internal decision-making. In such instances, the Assistant Sheriff, or an approved designee, may direct OPR, or a designated supervisory official, to conduct an Administrative Inquiry for the limited purpose of fact-gathering to determine whether a formal Administrative Investigation is warranted in relation to a potential policy violation. Administrative Inquiries do not apply to, and shall not be used for, complaints or allegations originating from external sources, including citizen complaints, which are processed in accordance with applicable investigative policy and procedures.
- (b) Information obtained during an Administrative Inquiry may be used to determine the appropriate administrative course of action. Depending on the nature and significance of the information identified, the matter may be resolved through non-disciplinary measures, such as policy clarifications, training, or remedial instruction. Alternatively, if the preliminary facts indicate that a potential policy violation may have occurred, the Administrative Inquiry may serve as the basis for initiating a formal Administrative Investigation. In such cases, the Administrative Inquiry functions as an initial fact-gathering step and does not establish wrongdoing or predetermine the outcome of any subsequent investigation.
- (c) An Administrative Inquiry may include, but is not limited to:
1. Contacting/interviewing the source of the information to obtain clarity regarding an incident.
 2. Contacting/interviewing potential witnesses regarding an incident or the actions of an employee.
 3. A preliminary review of BWC or MVR footage with the purpose of clarifying the facts and circumstances of an incident or actions of an employee.

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4. Other actions necessary to clarify the facts and circumstances of the incident and/or employee actions.
- (d) The Administrative Inquiry will be generated by OPR at the direction of the Assistant Sheriff, or an approved designee, and forwarded to the assigned supervisor. The Administrative Inquiry will be documented in Blue Team and routed through the Chain of Command. Administrative Inquiries are non-disciplinary and shall not be entered in an employee's disciplinary history.

1010.3.3 EMPLOYEE INITIATED COMPLAINTS

- (a) Any employee desiring to file a complaint against another employee will notify their supervisor, who will ensure the Division Commander is notified and briefed on the complaint by the end of the shift (if the Division Commander is not available, the supervisor will contact the OPR Supervisor).
- (b) For procedures related to Internal Complaints, see [St. Mary's County Sheriff's Office LE Procedures Manual: 1001.1.1 INTERNAL COMPLAINTS](#)

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

The St. Mary's County Sheriff's Office is dedicated to providing the public with a simple and uniform citizen complaint process (Md. Code PS § 3-207; Md. Code PS § 3-519). The process for filing complaints against personnel and information and links to the Public Portal will be posted in the public lobby area of each Sheriff's Office building to include the detention center. It will also be posted on the agency website. (Md. Code PS § 3-515)

1010.4.1 PUBLIC PORTAL

- (a) The Public Portal is a secure website designed for the public to submit complaints, compliments, and accompanying files such as photographs, documents, and videos for any employee of the Sheriff's Office. It is the primary method for complaint submissions.
- (b) Although not required, complainants will be encouraged to file complaints using the Public Portal website. This will allow the complainant to track the investigation using a tracking number issued to them at the time of the submission.
- (c) The complainant should receive an initial response to their complaint within 72 hours. OPR shall provide the name, phone number and email address of the assigned investigator as the point of contact to whom the complainant may direct their questions regarding the investigation. If the Public Portal is utilized, the complainant will be updated automatically when the complaint is accepted by OPR and when an investigator is assigned, identifying the name of the investigator.
- (d) Complainants are provided with a tracking number that enables them to log in to the Public Portal and check the status of their complaint. Compliment submissions will receive an immediate acknowledgement of the submission prior to leaving the Public Portal. The Public Portal will update the complainant throughout the investigation by email and/or text notification. These notifications occur upon receipt of their

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complaint, intermittently throughout the investigation, and when an outcome has been determined.

1010.4.2 COMPLAINT FORMS

The primary method for complaint submissions by the public will be via the Public Portal; however, Sheriff's Office complaint forms (SMCSO Form # 300) will still be maintained on the M: Drive and utilized when the use of the Public Portal is not accessible to the Complainant due to lack of internet access. The completed forms will be forwarded to the OPR supervisor for processing. OPR will backfill the complaint into the Public Portal on behalf of the complainant (for citizens only) and provide the complainant with the tracking information.

1010.4.3 ACCEPTANCE

- (a) Anyone can make a complaint, and all complaints will be courteously accepted by any office member and promptly given to a supervisor. If a walk-in or telephone complainant wishes to speak to a police officer about the complaint, the senior-ranking officer who is currently available will speak with the complainant.
- (b) If no police officer is available to speak with the complainant, the agency employee who is speaking with the complainant shall direct the complainant to the Public Portal, obtain contact information for the complainant, and immediately contact a sworn supervisor. The supervisor will:
 1. Promptly meet the complainant in person, or
 2. Contact the complainant by phone if personal contact is impractical or undesired by the complainant.
 3. The supervisor will receive the complaint in accordance with (SMCSO LE Procedures 1001.1 Upon Initial Receipt or Discovery of Complaint).
- (c) If a walk-in or telephone complainant does not wish to speak with a police officer, the complaint shall be directed to the Public Portal or provided an SMCSO Form #300 if they cannot access the internet. If the SMCSO Form #300 is completed, the form may be accepted by any agency employee and forwarded to a sworn supervisor by the end of the shift. Regardless of which agency employee accepts the complaint (whether a police officer or other employee), the employee shall not attempt to influence the complainant in any manner.
- (d) Contact information of the complainant or a person filing on behalf of the complainant is required in accordance with (Md. Code PS § 3-103(b)(iii)).
- (e) Complaints via e-mail sent to any agency employee will be forwarded to the duty officer or an immediate supervisor within the employee's Chain of Command by the end of the shift.

[St. Mary's County Sheriff's Office LE Procedures Manual: 1001.1 Upon Initial Receipt or Discovery of Complaint](#)

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1010.5 DOCUMENTATION

The duty officer or immediate supervisor will ensure all complaints are thoroughly documented in accordance with the St. Mary's County Sheriff's Office LE Procedure 1001 Personnel Complaint Procedures.

For procedures related to External Complaints, see the St. Mary's County Sheriff's Office LE Procedures Manual: [EXTERNAL COMPLAINTS](#)

For procedures related to Internal Complaints, see the St. Mary's County Sheriff's Office LE Procedures Manual: [INTERNAL COMPLAINTS](#)

For procedures related to Documentation, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Upon Initial Receipt or Discovery of Complaint](#)

1010.6 ADMINISTRATIVE INVESTIGATIONS

All Administrative Investigations will be conducted in accordance with the Maryland Police Training and Standards Commission and [St. Mary's County Sheriff's Office LE Procedures Manual: 1001.5 Assigned Investigator Procedures](#).

1010.6.1 COMPLETION OF INVESTIGATIONS

- (a) Administrative investigations will be completed within 45 days from the date the complaint was assigned to an investigator. If it is anticipated that an Administrative Investigation will exceed the 45 day timeframe, the assigned investigator shall contact an OPR supervisor to request an extension. Investigators will update OPR regarding the investigation status every 20 days.
- (b) A complaint of police misconduct (as defined in Md. Code PS § 3-101) involving a member of the public and a police officer, regardless of whether the complaint originated from within the law enforcement agency or from an external source, is subject to immediate review and completion in accordance with Md. Code PS § 3-113. [St. Mary's County Sheriff's Office LE Procedures Manual: 1001.5.4 COMPLETION OF ADMINISTRATIVE INVESTIGATION](#)
- (c) Upon completion of an Administrative Investigation that meets the criteria for review by the Administrative Charging Committee (ACC) (Md. Code PS 3-101; Md. Code PS 3-104), the investigative files will be forwarded through the Chain of Command to the Assistant Sheriff/Sheriff. The Sheriff, or the authorized designee shall forward the investigatory files to the ACC.
- (d) Upon Completion of an Administrative Investigation that does not meet the criteria for review by the ACC, the investigative files will be forwarded via Blue Team through the Chain of Command to the appropriate Division Commander.
- (e) For procedures related to Post-Administrative Investigation Procedures (ACC), see [St. Mary's County Sheriff's Office LE Procedures Manual: 1001.6 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES](#)

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- (f) For procedures related to Post-Administrative Investigation Procedures (Non-ACC), see [St. Mary's County Sheriff's Office LE Procedures Manual: 1001.7 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES](#)

1010.6.2 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - The allegations against a police officer are not supported by fact.

Exonerated - A police officer acted in accordance with the law and agency policy.

Not Administratively Charged - A determination has been made not to administratively charge a police officer in connection with alleged misconduct.

Administratively Charged - A police officer has been formally accused of misconduct in an administrative proceeding.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1010.6.3 DISCIPLINE

- (a) For investigations with allegations having a Category A or B on the disciplinary matrix, Summary Punishment may be offered in accordance with [St. Mary's County Sheriff's Office LE Procedures Manual: 1001.1.3 SUMMARY PUNISHMENT](#)
- (b) For investigations with allegations having a Category C, D, E, or F on the disciplinary matrix, the case file will be reviewed by the Assistant Sheriff (this includes allegations which are recommended to be Unfounded, Not Administratively Charged or Exonerated). When the Assistant Sheriff determines that discipline will be utilized in response to an Administratively Charged finding, all discipline will be negotiated through the Assistant Sheriff in conjunction with the Sheriff.
- (c) For procedures related to Discipline, see the [St. Mary's County Sheriff's Office LE Procedures Manual: 1001.13 Discipline](#)

1010.6.4 HEARING BY TRIAL BOARD

- (a) If the investigation of a sworn employee results in a recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar action that is considered punitive, the deputy is entitled to a hearing on the issues before the Sheriff's Office takes that action.
- (b) A deputy who has been convicted of a felony is not entitled to a hearing under this section.
- (c) A professional staff employee who is served administrative charges, with discipline ranging from a letter of reprimand to termination, has a right to appeal. For procedures related to professional staff, see the [St. Mary's County Sheriff's Office LE Procedures Manual: 1001.14 PROFESSIONAL STAFF DISCIPLINE APPEAL BOARD PROCEDURES](#)

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- (d) For procedures related to Trial Boards, see the [St. Mary's County Sheriff's Office LE Procedures Manual: 1001.8 HEARING BY TRIAL BOARD \(SWORN EMPLOYEES\)](#)

1010.6.5 NOTICE TO COMPLAINANT OF INVESTIGATION DISPOSITION

OPR will notify the complainant of the outcome of the complaint within 72 hours of disposition, including any discipline imposed in accordance with established confidentiality policies and any applicable law. Each employee involved will be notified in writing, via email, advising the outcome of the complaint for a finding other than Administratively Charged.

1010.6.6 VICTIMS RIGHTS ADVOCATE

- (a) The OPR Victim Rights Advocate will serve as the office's contact for the public in complaints related to deputy misconduct, in accordance with (Md. Code PS § 3-108). The OPR Victim Rights Advocate shall:
 1. Explain to a complainant the various processes involved and any decisions made, including status updates through each stage.
 2. Provide a complainant with an opportunity to review a deputy's statement before completion of the office's investigation, with any redactions of protected information that may be required by law.
 3. Provide a case summary to a complainant within 30 days after final disposition of the case, with any redactions of protected information that may be required by law.
- (b) The Public Portal is the Sheriff's Office's database that enables a complainant to enter their case number to follow the status of the case throughout each stage, and the OPR Victim Rights Advocate should make sure that a complainant is provided information regarding how to access this database (Md. Code PS § 3-108).

1010.7 ADMINISTRATIVE SEARCHES

- (a) Agency issued cell phones, computers, assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon reasonable suspicion.
- (b) Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other documents or equipment.

1010.8 CRIMINAL INVESTIGATION

- (a) Where a member is accused of potential criminal conduct, a separate investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.
- (b) The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

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- (c) A member accused of criminal conduct shall be provided with all rights afforded to a member of the public. The member shall not be administratively ordered to provide any information in the criminal investigation.
- (d) The Sheriff may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1010.9 PROBATIONARY EMPLOYEES AND CONTRACTED MEMBERS

- (a) At-will and probationary (new hires) employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their name through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.
- (b) Any probationary period may be extended at the discretion of the Sheriff in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1010.10 RETENTION OF PERSONNEL INVESTIGATION FILES

- (a) All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.
- (b) A record relating to an administrative or criminal investigation of misconduct by a police officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, may not be: expunged or destroyed by a law enforcement agency (Md. Code PS § 3-109).

1010.11 ANNUAL PUBLIC REPORT AND PUBLIC INFORMATION

- (a) The supervisor of OPR will prepare an annual statistical summary of all complaints and dispositions. Copies of the analysis will be sent to the Sheriff and all commanders for dissemination to agency employees.
- (b) The Sheriff or the authorized designee shall publish an annual statistical summary report to the agency website regarding complaints against personnel, the final disposition of Administrative Investigations, and any discipline imposed as a result as required by the uniform citizen complaint process developed by the MPTSC (Md. Code PS § 3-207).
- (c) The statistical summary is available upon request to the public and will be posted on the agency website. No persons who are the subject of any complaint or disciplinary action will be identified.