



Maryland's First
Nationally Accredited
Sheriff's Office

Darren M. Popkin
Sheriff



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MEMORANDUM

January 18, 2019

To: Sheriff Darren M. Popkin

Via: Chief Deputy Mark E. Bonanno

From: Captain Richard L. Kane

Re: **Office of Professional Responsibility Statistical Report - 2018**

This is an annual Office of Professional Responsibility Statistical Report for calendar year 2018 required by CALFA Standard 52.1.5ⁱ (5th Edition) and Montgomery County Sheriff's Office, Office of Professional Responsibility Special Operational Procedures No. 2ⁱⁱ. This document is suitable for distribution to employees and the general public.

Under Maryland law, all disciplinary actions against non-probationary law enforcement officers and probationary officers accused of brutality must be investigated and prosecuted pursuant to the Law Enforcement Officers' Bill of Rights (LEOBR), Md. Code, Public Safety Article, Section 3-101 to 3-113. The purpose of the LEOBR is to provide due process procedures for law enforcement discipline, and to provide a mechanism for compelling statements concerning the subject of a disciplinary investigation.

Under the LEOBR, if an investigation results in a sustained charge and a recommendation of some punishment, a deputy may request an administrative trial to determine whether the deputy committed the alleged violation. At the trial, the Sheriff's Office and the charged deputy may present and cross-examine witnesses and introduce evidence. The Sheriff's Office must prove its case by a preponderance of the evidence. If the hearing board finds the deputy not guilty, the charge is terminated. If the hearing board finds the deputy guilty, the board submits a recommendation of appropriate punishment for review and consideration by the Sheriff. The deputy may appeal adverse decisions to the Circuit Court for Montgomery County and the Court of Special Appeals of Maryland.


Civilian employees and probationary deputies of the Sheriff's Office are not covered under the LEOBR. Disciplinary action for non-union civilian employees and probationary deputies is governed by Montgomery County Personnel Regulations, Section 33, Disciplinary Actions. Disciplinary action for union civilian employees is governed by the agreement between the Municipal & County Government Employees Organization, United Food and Commercial Workers, Local 1994, and the Montgomery County Government, Montgomery County, Maryland.

The following is a summary of the number of internal investigations, the nature of the complaints, and dispositions for calendar year 2018.

Office of Professional Responsibility (Track I) Investigations Conducted - (7)

Investigation Types			Investigation Findings						
	External	Internal	Sustained	Not Sustained	Unfounded	Exonerated	Policy Failure	Pending	Administratively Closed
Absent Without Leave (AWOL) Neglect of Duty/Unsatisfactory Performance		X	X						
Absent Without Leave		X						X	
Attentiveness to Duty	X								X
Neglect of Duty/Unsatisfactory Performance		X	X						
Abuse of Process	X			X					
Compliance with Orders		X						X	
Neglect of Duty		X	X						
Use of Force & Discrimination (Carryover – Case was Pending in 2017 Statistical Table)	X					X			

Reviewed:



 Sheriff Darren M. Popkin

ⁱ CALEA 52.1.5. The agency compiles annual statistical summaries, based upon records of internal affairs investigations, which are made available to the public and agency employees.

ⁱⁱ Office of Professional Responsibility, Special Operational Procedures, No. 2 (9/9/15). "Annually, the Administrative Division Captain must prepare a written statistical report of all Office of Professional Responsibility investigations conducted during the preceding year. This report must be statistical in nature, limited to the number of investigations, type of the complaints, and case findings and may not include employee's names, case particulars or action taken by this office.

Upon request, the Administrative Division Captain must provide a copy of the OPR Statistical Report to members of the general public and office employees."