



Maryland's First
Nationally Accredited
Sheriff's Office



Darren M. Popkin
Sheriff

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MEMORANDUM

April 22, 2021

To: Sheriff Darren M. Popkin

Via: Chief Deputy Maxwell Uy

From: Captain Juan Portillo

Re: **Office of Professional Responsibility Statistical Report - 2020**

This is an annual Office of Professional Responsibility Statistical Report for calendar year 2020 required by CALEA Standard 26.2.5ⁱ (6th 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.

Montgomery County Sheriff's Office OPR Track II

#	Case No.	Internal/External	Section	Charges-Order#	Administrative Finding	Final Disposition
1	TRII-20-0127	External	Evictions	Traffic (HOV Lane)	Sustained	Verbal Non-Disciplinary Counseling/ Roll Call Training
2	TRII-20-0131	External	Civil	Traffic (HOV Lane)	Sustained	Verbal Non-Disciplinary Counseling/ Roll Call Training
3	TRII-20-0421	Internal	Court and Transportation	Improper use of Keywatch	Sustained	Written Non-Disciplinary Counseling
4	TRII-20-1021	External	Court and Transportation	Courtesy	Not Sustained	Verbal Counseling

Montgomery County Sheriff's Office Inquiries

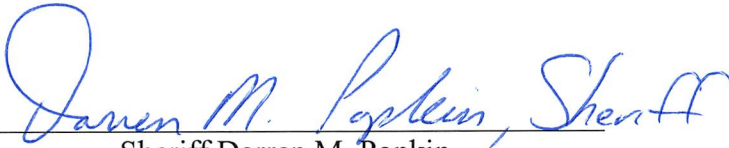
#	Inquiry No.	Date Initiated	Findings After Investigation
1	20-01	06/01/2020	Administratively Closed-Unfounded
2	20-02	06/01/2020	Assigned to OPR- Track I (Cross Reference TRI-20-0609)
3	20-03	07/14/2020	Assigned to OPR- Track I (Cross Reference TRI-20-0717)
4	20-04	08/05/2020	Administratively Closed-Unfounded
5	20-05	08/10/2020	Administratively Closed- Uncooperative Complainant
6	20-06	08/19/2020	Administratively Closed- Roll Call Training
7	20-07	09/14/2020	Assigned to OPR- Track I (Cross Reference TRI-20-1003)
8	20-08	10/20/2020	Administratively Closed-Unfounded
9	20-09	11/13/2020	Administratively Closed-Unfounded
10	20-10	12/28/2020	Administratively Closed-Unfounded

The following is a summary of the number of internal investigations, the nature of the complaints, and dispositions for calendar year 2020.

Office of Professional Responsibility (Track I) Investigations Conducted - (11)

Investigation Types			Investigation Findings							
#	Type	Case #	External	Internal	Sustained	Not Sustained	Unfounded	Exonerated	Policy Failure	Pending
1	Conduct Unbecoming/ Conformance to Law	TRI-20-0121	X		X					
2	Conformance to Law	TRI-20-0122		X	X					
3	Neglect of Duty	TRI-20-0303		X		X				
4	Compliance with Orders	TRI-20-0313		X		X				
5	Conduct Unbecoming	TRI-20-0609		X	X					
6	Conduct Unbecoming	TRI-20-0717	X		X					
7	Punctuality	TRI-20-0824		X	X					
8	Conduct Unbecoming	TRI-20-0908	X		X					
9	Conduct Unbecoming	TRI-20-1002	X		X					
10	Punctuality	TRI-20-1003		X	X					
11	Conduct Unbecoming	TRI-20-1016		X		X				

Reviewed:


 Sheriff Darren M. Popkin

ⁱ CALEA 26.2.5. The agency compiles annual statistical summaries of complaints and 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."