



Maryland's First  
Nationally Accredited  
Sheriff's Office



Darren M. Popkin  
Sheriff

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## MEMORANDUM

June 13, 2022

To: Sheriff Darren M. Popkin

Via: Chief Deputy Maxwell Uy

From: Captain Juan Portillo

Re: **Office of Professional Responsibility Statistical Report - 2021**

This is an annual Office of Professional Responsibility Statistical Report for calendar year 2021 required by CALEA Standard 26.2.5<sup>i</sup> (6th Edition) and Montgomery County Sheriff's Office, Office of Professional Responsibility Special Operational Procedures No. 2<sup>ii</sup>. 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	Administrative Finding	Final Disposition
1	TRII-21-0312	External	Court & Transportation	Courtesy / Speeding	Sustained	Written Non-Disciplinary Counseling
2	TRII-21-1222	External	Evictions	Courtesy	Not Sustained	N/A

**Montgomery County Sheriff's Office  
Inquiries**

#	Inquiry No.	Date Initiated	Findings After Investigation
1	21-01	01/08/2021	Non-Disciplinary Verbal Counseling
2	21-02	01/11/2021	Non-Disciplinary Verbal Counseling
3	21-03	02/01/2021	Unfounded
4	21-04	02/11/2021	Unfounded
5	21-05	02/12/2021	Unfounded
6	21-06	03/05/2021	Unfounded
7	21-07	03/11/2021	Assigned to Division Captain- Track II (Cross Reference TRI-21-0312)
8	21-08	03/25/2021	Unfounded
9	21-09	07/13/2021	Unfounded
10	21-10	07/28/2021	Assigned to OPR- Track I (Cross Reference TRI-21-0812)
11	21-11	09/29/2021	Unfounded
12	21-12	10/07/2021	Unfounded
13	21-13	10/07/2021	Assigned to OPR- Special Investigation (Cross Reference SI-21-01)

The following is a summary of the number of internal investigations, the nature of the complaints, and dispositions for calendar year 2021.

**Office of Professional Responsibility (Track I) Investigations Conducted - (6)**

Investigation Types			Investigation Findings							
#	Type	Case #	External	Internal	Sustained	Not Sustained	Unfounded	Exonerated	Policy Failure	Pending
1	Conduct Unbecoming	TRI-21-0120	X		X					
2	Use of Force	TRI-21-0208		X		X				
3	Theft	TRI-21-0322	X				X			
4	Discrimination / Harassment	TRI-21-0527		X		X				
5	Conduct Unbecoming	TRI-21-0812		X	X					
6	Conformance to Law	TRI-21-1028	X							X

Reviewed:

  
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 Sheriff Darren M. Popkin

<sup>i</sup> 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.

<sup>ii</sup> 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."