



# GENERAL RULES OF CONDUCT & ORDERS

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## **I. POLICY**

All sworn and non-sworn employees are responsible to the director for proper performance of their duties. All federal, state and local laws should be obeyed. All official communications and business of the Comptroller's Office shall be confidential. State employees play a significant role in influencing the public's attitude towards state government. All employees are expected to maintain a neat, clean, and business-like appearance during work hours. Behavior should be appropriate to the efficient and dignified conduct of state business. In their conduct with the public, business community and each other, state employees are expected to be courteous, considerate, and prompt. Indeed, it is the tax paying public who provides our jobs. They are at all times, deserving of our courtesy and our respect.

The rules contained in this directive are designed to serve as a professional standard governing employees' conduct. The Division also recognizes that employees possess certain basic individual rights. Protection of employee rights enhances the integrity of the Division and further promotes the goal of furnishing to the community the highest quality of enforcement and regulatory services.

## **II. DEFINITIONS**

1. Employee – All personnel, sworn and non-sworn

## **III. DIVISION GENERAL RULES OF CONDUCT**

**A Division rule is designed to cover situations in which no deviation or flexibility is permitted. Except where specifically noted, the following rules apply to all employees. It is the employees' responsibility to familiarize themselves with the following rules:**

Rule 1 - Compliance with Orders

1. Employees will obey a superior's lawful order. Should a superior issue an order which conflicts with a previously issued order or directive, the employee should respectfully call attention to the conflicting order and if not rescinded by the superior, the order will stand.
2. Superiors will not issue any order which they know would require a subordinate to commit any illegal, immoral, or unethical acts.
3. Employees will not obey any order, which they know would require them to commit any illegal, immoral, or unethical acts.

Rule 2 - Conformance to law

1. Employees are required to adhere to Division rules and written directives, State personnel regulations, State Administrative procedures, Executive orders, COMAR regulations, and to conform to all laws applicable to the general public.

Rule 3 - Authority to suspend

1. The Director or any supervisor may temporarily suspend, with pay, any subordinate sworn employee from duty and/or require the surrender of credentials, issued weapon and assigned vehicle. Emergency suspension without pay as well as subsequent procedures in the case of police officers will be in accordance with the Law Enforcement Officer's Bill of Rights (MD Code, Public Safety Article, Title 3, Sections 3-101 through 3-113).

Rule 4 - Abuse of Process

1. Employees must not intentionally manufacture, tamper with, falsify, destroy or withhold evidence or information, nor make any false statements or accusations for the purpose of influencing the outcome of any investigation, hearing or trial.
2. Employees are prohibited from providing confidential information concerning Division investigations or operations to any unauthorized person.
3. Employees are prohibited from providing information obtained from the Criminal Justice Information System (CJIS), Motor Vehicle Administration (MVA), National Crime Information Center (NCIC) or confidential or privileged information, such as but not limited to, Federal Tax Information (FTI), State Tax Information (STI), Personal Identification Information (PII) obtained from any source to any unauthorized person, except in the performance of their duties and in accordance with proper procedure and law.

Rule 5 - Abuse of Authority

1. The lawful authority entrusted to Comptroller of Maryland, Field Enforcement Division (FED) Employees will not be used improperly to interfere with the lawful conduct of anyone. All FED Employees must carry out their duties in a nondiscriminatory manner.

Rule 6 - Use of Force

1. FED Agents will use force only in accordance with law and Division procedures and will not use more force than is reasonably necessary under the circumstances to control a person, effect an arrest or protect themselves or citizens from harm. All FED Agents must carry out their duties in a nondiscriminatory manner.

#### Rule 7 - Integrity of the Reporting System

1. FED employees will submit all necessary reports in accordance with established Division procedures. Reports submitted by employees will be accurate, complete and timely.

#### Rule 8 - Punctuality

1. Employees of the Division will be punctual in reporting for duty at the time and place specified by their supervisor.
2. No employee will be absent from duty without approved leave or without authorization from their supervisor.
3. No employee will leave their assigned area or work site prior to the end of the scheduled work day without the approval of a supervisor.
4. An employee who fails to report for duty as scheduled or who leaves their assigned area or work site prior to the end of the scheduled work day without the approval of a supervisor may be considered absent without leave and placed in a non-pay status for the period in question, and be subject to disciplinary action.

#### Rule 9 - Attentiveness to Duty/Use of Alcohol/Drugs to ensure each employee's own protection and the protection of citizens and fellow employees, employees will remain awake and alert while on duty.

1. Employees will not consume alcohol while at work, on State property or on duty, except while acting under the proper and specific orders of a superior.
2. Alcoholic beverages will not be consumed while displaying official State/FED credentials. Further, all employees are prohibited from operating a state vehicle while, or after, consuming alcoholic beverages.
3. A FED employee will not exercise any enforcement or regulatory authority, take any official police action or represent himself as a FED representative while impaired by, or under the influence of, alcohol or drugs, except in a life threatening situation.
4. Agents will not be armed while impaired by, or under the influence of, alcohol or drugs.
5. Employees will not **use or ingest** any narcotic or controlled dangerous substance unless prescribed by a physician. Agents/Police Officers are subject to unannounced, random drug testing according to procedures set by the State of Maryland Government.
6. Employees taking a prescription medication which may impair their performance prior to or while on duty will notify their supervisor of the medication prescribed.

#### Rule 10 - Carrying of Credentials/Identification

1. All employees of the Division are issued an identification card that contains their name, photograph, and job title. All employees must carry their identification card on their person at all times while on duty, or while operating a state vehicle.
2. Agents will carry their agency credentials while on duty and while off duty when armed or while operating a state vehicle, unless exempted by the Director.
3. All employees of the Division will identify themselves to any citizen requesting such identification, either in person or verbally over the phone, by supplying their full name and identification number if applicable. If requested, identification cards will be displayed, unless exempted by the Director.

#### Rule 11 - Conduct unbecoming State Employee or Agent/Police Officer

1. No employees will commit any act which constitutes conduct unbecoming an employee of the Division or the State. Conduct unbecoming includes, but is not limited to, any criminal, dishonest or improper conduct.

**COMMENTS:** As State employees, we are constantly being observed and judged by the community we serve. Improper behavior on the part of an employee, on or off duty, tends to reflect unfavorably on all employees and the Agency/Division.

“Conduct unbecoming” is often viewed as a “catch all” offense. Although non-specific, “conduct unbecoming” has been upheld in court for certain acts committed by Agent/Police Officers both on and off duty. The following examples have been upheld by various state and federal courts throughout the country as “conduct unbecoming”: speeding, placing unauthorized poster on the wall in a work space, lying in a Division investigation, excessive absenteeism, profane language in public, barroom fighting off duty, ticket fixing, assault on a co-worker, annoying and/or molesting bar patrons off duty, males dressing in women’s clothing, illegal possession of marijuana, horseplay with firearms, misuse of a police radio to criticize a superior and the failure to cooperate with an internal investigation. The following examples of conduct which the courts have found not to be unbecoming include: embarrassing the agency by neglecting “discretion” and vigorously enforcing state laws and regulations, disrespectful but private, language to the Director of the Division while under emotional stress; and filing a libel suit. These lists, although not inclusive, further indicate how courts nationally have viewed police conduct both on and off duty. Although these cases have involved Agents/Police Officers, no employee will commit any act which would reflect unfavorably on the Division, the Agency or State government.

#### Rule 12 - Soliciting/Endorsements

1. Employees may not solicit votes or contributions for any prize contest, nor engage in the sale of tickets or the solicitation of advertisements or business of any nature while displaying official State/Division Credentials or while representing themselves as employees of the Agency/Division without prior approval of the Director.
2. Employees will not authorize the use of their names, photographs or official titles which identify them as employees of the Agency/Division in connection with the endorsement of political candidates or causes, testimonials, or endorsements of any product or enterprise.

#### Rule 13 - Neglect of Duty/Unsatisfactory Performance

1. Neglect of Duty – Employees will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.
2. Unsatisfactory Performance – Employees will demonstrate an ability or willingness to perform assigned tasks, take appropriate action in a situation deserving of enforcement action, and conform to work standards established for the employee’s rank, grade, or position.

**COMMENTS:** Due to the nature of Police work, all FED employees must maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Repeated poor evaluations, observations of declining competencies or a documented record of reported infractions of the

rules, directives or orders of the State/Agency/Division may be considered as evidence of unsatisfactory performance.

Rule 14 - Untruthful Statements

1. Employees will not make untruthful statements, either verbal or written, pertaining to official duties.

Rule 15 - Courtesy

1. Employees will be courteous and discreet to members of the public, and all members of the law enforcement community including Agency/Division personnel. Employees will maintain proper decorum and command of temper, and will not use violent, insolent, sarcastic or obscene language.

Rule 16 - Truthfulness

1. No member of the Division shall make any false statement or intentionally misrepresent facts under any circumstance.

Rule 17 - Division Investigations (Testifying)

1. Members of the Division are required to answer questions or render material reports and relevant statements in an Agency/Division personnel investigation.

Rule 18 - Telephone and home address maintenance

1. Whenever a Division employee changes his or her telephone number or home address the employee will forward this information on inter-office correspondence to the Office of Human Resources (OHR), via the chain of command within the Division. Notification must occur within twenty four (24) hours of the change. Both the old information and the new information should be included in the inter-office memo. Division personnel will insure that appropriate notifications are made to Agency and State offices. Any sworn member of the Division who does not have a telephone at his/her residence must provide the Division Administration with a telephone number where he/she can be reached within thirty (30) minutes. This "will call" number will be maintained at the Division and OHR in the same manner as a regular residence telephone number. Should the "will call" number change, the sworn member must notify the Division and OHR within twenty four (24) hours of the change.

Rule 19 - Maintenance of Property

1. Employees will be held accountable for the proper care, use and maintenance of all vehicles weapons/firearms and equipment in their charge.
2. Employees who lose or damage Division property, will report in writing such loss or damage to their supervisor. If the employee is incapacitated, the supervisor will file the required report.

Rule 20 - Mutual Protection

1. An Agent or Inspector will promptly come to the aid of any member of the Division who, when carrying out official duties, is in need of assistance.

Rule 21 – Property

1. Property coming into the possession of an employee in an official capacity will be reported and properly stored or otherwise disposed of in accordance with Division procedures and state laws.

Rule 22 - Discrimination/Harassment and Use of Derogatory Language

1. Employees of the Division will not discriminate against, harass, or use derogatory language in referring to any other employee or citizen on the basis of race, color, national origin, religion, sex, or any other basis as prohibited by state and federal law.
2. Employees will not take nor contribute to any reprisal or adverse action against any individual or group of individuals having opposed discriminatory practices or having participated or assisted in a charge, investigation, or proceeding brought under Division policy, or state or federal law.
3. Supervisors and/or Managers of the Division will conduct a prompt and thorough inquiry into any instance of alleged discrimination or harassment which comes to their attention. All information regarding such allegations will be documented and forwarded to the Deputy Director.

Rule 23 - Recommending Attorneys, Bail Bond Services or other services prohibited

1. In the performance of their official duties, employees will not suggest, recommend, advise or otherwise counsel the retention of any specific attorney, bail bond service, towing service or any other specific service to any person coming to their attention as a result of regulatory or enforcement business.

**COMMENTS:** The intent of this rule is to prohibit employees from making suggestions, recommendations, etc. for any specific attorney, bail bond service, etc. by name. General references such as informing defendants they should retain an attorney or seek legal assistance are acceptable.

Rule 24 - Insubordination

1. No member of the Division shall refuse to comply with the proper order of an authorized authority.

Rule 25 - Failure to Perform Required Duties

1. No member of the Division shall feign illness, avoid responsibility, or attempt to shirk his or her duties.

Rule 26 - Entering Liquor Establishments

1. No member of the Division while on duty, or when off duty while displaying Official Credentials of the Division/Agency/State shall enter bars, taverns, or liquor establishments, except in the proper performance of his/hers duty.

Rule 27 - Required Notifications

1. An employee charged with a criminal, traffic, or civil offense that carries a penalty/sentence of possible incarceration will immediately or before reporting for any subsequent tour of duty following the incident, report the date, place and nature of the charge to his/her supervisor for transmission to the Director via the chain of command.
2. Any sworn member of the Division that becomes the subject of a protective or peace order is required to notify his/hers supervisor immediately upon becoming aware of the issuance of such an order for transmission to the Director.

Rule 28 - Smoking prohibited

1. Members of the Division are prohibited from smoking in all Division/State vehicles and facilities.

Rule 29 - Incidents involving relatives, associates or neighbors

1. Division personnel, hereafter referred to as members, shall not investigate or take regulatory or enforcement action in matters involving themselves, their relatives, associates or neighbors regardless of duty status except to prevent: 1) Injury or death 2) A felony or other serious crime from occurring 3) Destruction of evidence or property 4) Escape of a person that the member, under normal circumstances, would have arrested.

When involved in such incidents, other than the exceptions listed above, the member will: 1) Request another member take action 2) Be available to serve as a witness or to assist in an arrest.

Rule 30 – Associations

1. Members of the Division shall avoid associations, with persons who have a reputation for criminal behavior, except as necessary to perform official duties, or where unavoidable due to a family relationship.
2. Members of the Division shall not visit or enter a house of illegal prostitution, illegal gambling, or any other establishment wherein the laws of the applicable jurisdiction are violated, except in the performance of their duties.
3. Members of the Division shall not in any manner knowingly affiliate himself/herself with any organization, association, movement, group or combination of persons which advocates the non-constitutional, non-charter overthrow of the Government of the United States or any state, or which has adopted the policy of approving the commission of illegal acts of force or violence to deny any person his/her rights under the Constitution of the United States or the State of Maryland, or which seeks to alter the form of government of the United States or any state by unconstitutional or non-charter means.
4. The enforcement of this rule shall not infringe on the employee's right to exercise their Freedom of religion, Freedom to redress their Representatives and/or any Freedom/Right afforded by local, state or United States Constitution/Laws.

**IV. ORDERS: MEMORANDUMS**

A. Memorandums

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1. A Memorandum can be issued by any level of the management or supervisory staff. Instructions and directions issued by memorandums shall not deviate from, or conflict with, established policies and procedures documented by higher authority.
2. A copy of all Memorandums will be forwarded to the administrative agent for retention, by the issuing party.

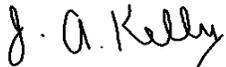
**B. Cancellation and Amendment of Orders**

1. All orders will remain in effect until:
  - a. a termination date specified in the directive has passed or
  - b. the directive is amended, superseded or canceled.

**V. EXEMPTIONS**

In certain instances, the Director may exempt individuals or units from complying with specific rules contained in this directive. Such exemptions will be made on a case-by-case basis in recognition of individual or unit requirements for the performance of their job.

**VII. CANCELLATION: None.**



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Jeffrey A. Kelly, Director