



Charles County Department of Emergency Services STANDARD OPERATING PROCEDURES

Section 100 - General Rules & Administration

General Rules & Administration - 100.00		
S.O.P. # 100.26	Dereliction of Duty	PAGE: 1 OF 2
EFFECTIVE: 06/01/2004	Authorized: John Filer, Chief	
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100.26.01 Purpose

This SOP defines dereliction of duty as it pertains to duties and responsibilities of uniformed personnel to include line officers, executive officers and chief officers. It also outlines the disciplinary process for infractions.

100.26.02 Applicability

All uniformed personnel.

100.26.03 Definition

1. **Derelict** - A person is derelict in the performance of duties when that person willfully or negligently fails to perform that person's duties or when that person performs them in a culpably inefficient manner. "Willfully" means intentionally. It refers to the doing of an act knowingly and purposely, specifically intending the natural and probable consequences of the act. "Negligently" means an act or omission of a person who is under a duty to use due care which exhibits a lack of that degree of care which a reasonably prudent person would have exercised under the same or similar circumstances. "Culpable inefficiency" is inefficiency for which there is no reasonable or just excuse.
2. **Duty** - A duty may be imposed by job description, statute, regulation, lawful order, standard operating procedure, commander's intent or custom of the service.
3. **Ineptitude** - A person is not derelict in the performance of duties if the failure to perform those duties is caused by ineptitude rather than by willfulness, negligence, or culpable inefficiency, and may not be charged under this SOP. For example, an employee who has tried earnestly during skills training and throughout continuous record trainings is not derelict in the performance of duties if the employee fails to qualify or validate a mandatory skill set.
4. **Knowledge** - Actual knowledge of duties may be proved by circumstantial evidence. Actual knowledge need not be shown if the individual reasonably should have known of the duties. This may be demonstrated by regulations, training or operating manuals, customs of the service, academic literature or testimony, testimony of persons who have held similar or superior positions, commander's intent or similar evidence.



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100.26.04 Elements of Dereliction

After a thorough investigation of charges has been completed, an employee may be found derelict if the following elements have been discovered.

1. That the accused had certain duties,
2. That the accused knew or reasonably should have known of the duties; and
3. That the accused was (willfully) (through neglect or culpable inefficiency) derelict in the performance of those duties.

100.26.05 Policy

1. The accused's charge shall be fully investigated by Quality Improvement and the accused's immediate supervisor.
2. Any person subject to this SOP who is derelict in the performance of his/her duties; shall be disciplined in accordance with the *Charles County Government, Policy and Procedures Manual*.
3. In accordance with *Chapter 10, Disciplinary Actions*; any person who is derelict in the performance of his/her duties that results in an injury, significant loss or near miss may be disciplined by suspension for the first offense as outlined in *Section 10-2*.