

# Hagerstown Community College Police Department



## Mission Statement

*It is the mission of the HCC Police Department to safeguard the lives and property of the faculty, students, staff, and guests of the Hagerstown Community College by working cooperatively with our diverse community within the framework of the United States Constitution. Our mandate is to do so with honor, integrity, and compassion, while always conducting ourselves with the highest ethical standards to maintain public confidence.*

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Chief Eric C. Byers  
Hagerstown Community College Police Department  
11400 Robinwood Drive  
Hagerstown, Maryland 21742

## *Introduction*

The Chief of Police at Hagerstown Community College has the authority to manage and supervise the activities and personnel of the Police Department. The Chief of Police will work closely with the College Human Resources department to establish objectives and standards for the performance of work and administer the operations of the Police Department. Therefore, the following Policies and Procedures have been established for the administration and discipline of the Hagerstown Community College Police.

The Chief of Police, or designee, reserves the right to alter, amend, supplement or repeal any of these Policies and Procedures as circumstances may require. Written or verbal orders may be issued which shall have the same force and effect as these Policies and Procedures. All Policies and Procedures heretofore issued are hereby revoked, insofar as they conflict with the Policies and Procedures herein set forth. These Policies and Procedures are intended for the guidance of the members of the Department. Written policies cannot cover every real or perceived incident that could impact the department. Therefore, a great deal of common sense, intelligence and discretion should be applied when dealing with a particular situation. The same principles of Procedural Justice can be applied to handling issues within the department. The HCC Police Department will focus on fair and transparent policies will help promote positive and effective police work.

The development of a well-disciplined and efficient police department, which has the confidence and respect of the public, can only be accomplished when each member holds themselves to the highest standards. Acts of misconduct or inefficiency not only reflect on the member as an individual, but on the Department as a whole. These policies and procedures are designed to help officers enforce the law and provide fair and equal police services without discrimination toward any individual or group.

All members of the department must strive to set a good example in both conduct and appearance, by having a thorough understanding of the Rules and Procedures of the department. Supervisors are expected to assist and instruct subordinates in the proper performance of their duties. A superior officer who overlooks inefficiency or misconduct on the part of a subordinate is guilty of neglect of duty. It is equally forbidden for any member of the department to fail to report acts of omission or commission by other members which would bring discredit upon the HCC Police Department. It is, therefore, essential that every member be familiar with the Policies and Procedures and to adhere to them as rigidly as is possible.



## *OATH OF OFFICE*

### *HCC Campus Police Officer*

All Hagerstown Community College Campus Police Officers will take an oath of office to uphold the Constitutions of the United States and the State of Maryland, and to enforce the laws of the State of Maryland and Washington County. The oath of office will be administered by the Chief of Campus Police. All sworn officers will abide by the oath of office while employed as a law enforcement officer by the Hagerstown Community College Campus Police Department.

*"I, (OFFICER'S NAME) do solemnly swear (or affirm) that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland and support the constitution and enforce the laws thereof; and I will to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, perform all the duties and responsibilities of the position of Police Officer, with the Hagerstown Community College Campus Police Department; and will accept my commission as a symbol of authority and a mark of service to the Hagerstown Community College."*

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Officer's Signature/Date

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Printed Name and ID number

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Eric C. Byers  
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## *Code of Ethics*

The Police Code of Ethics will guide the operation of the Department and the conduct of its members. These are our fundamental beliefs from which our agency sets policy, delivers services and implements programs. Ethics set standards for our members in executing their public safety duties. These Ethics guide our actions.

### *HCC Campus Police Code of Ethics*

*The Hagerstown Community College Campus Police Department was created to serve the College community; safeguard life and property, enforce state and local laws and to preserve the peace and protect the rights of all citizens, on the campus. The image of the members of the Campus Police Department, both on and off duty, serves as a tool for the public to measure the level of professionalism of the Office. Therefore, it is incumbent upon all members of the Campus Police Department to guard their actions cautiously and for all personnel to abide by the following Code of Ethics.*

**“AS A MEMBER OF THE HAGERSTOWN COMMUNITY COLLEGE CAMPUS POLICE DEPARTMENT,** my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence and disorder; and to respect the Constitutional rights of all persons to liberty, equality and justice.

*I WILL ACT* in the execution of my duties with integrity, dignity, and honor to merit the trust of the community and the profession, and apply honesty, skill, judgment, and initiative to contribute positively to the well-being of society.

*I WILL* treat people with dignity, good faith and equity; without discrimination; and have consideration for the values and cultural sensitivities of all groups within the community affected by my work.

*I WILL* follow recognized professional practice, and provide services and advice carefully and diligently only within my areas of competence.

*I WILL* develop my knowledge, skills, and expertise continuously through my career; contribute to the collective wisdom of the profession; and actively encourage my associates to do likewise.

*I WILL* advise my supervisor of any interest I have which may be, or may be perceived as being, in conflict with the interests of the public I serve or the agency, or which may affect the quality of my services or impartial judgment. I will refrain from furthering my own interests when such conflict or perceived conflict arises unless and until I receive direction from my supervisor.

*I WILL* keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others, honest in thought and deed in both my personal and professional life. I will be exemplary in observing the laws of the land and the regulations of my agency. Whatever I see or hear of a confidential nature or that is

*confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.*

*I WILL NEVER act officiously or permit my personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without unnecessary force or violence and never accepting gratuities.*

*I RECOGNIZE the badge of my Office as a symbol of public faith, and I accept it as a public trust to be held as long as I am true to the ethics of the criminal justice system. I will constantly strive to achieve these objectives and dedicate myself to my chosen profession; criminal justice.*

*I RECOGNIZE the sanctity of life and have respect for the dignity of all persons and the value of human life shall guide all training, leadership, and procedures, as well as guide my decisions in any use of force incident. As a police officer I understand the "Duty to Intervene" and shall intercede, where feasible, to prevent the use of such excessive force, so long as it does not pose a safety risk.*

*I WILL act as an "Ethical Protector" – Officers should act with compassion toward others and be courageous in the face of danger."*



## Organization and Indexing 01.01

The Policy and Procedures Manual is organized into chapter headings. Each chapter heading is indexed by an identifying number unique to that chapter.

### Policies and Procedures Change Orders, Special Orders and Personnel Orders

In addition to these Policies and Procedures, other periodic directives may be issued. These directives are classified as Policy and Procedure Change Orders, Special Orders, and Personnel Orders. Each order shall be designated as such by the Chief of Police or designee and assigned a control number. The control number indicates the type of order, the year issued, and the order number for that year.

Examples are as follows:

- Policy and Procedures Change Order 21001 would be the first Change Order to the Policies and Procedures of 2021.
- Special Order 21002 would be the second Special Order of 2021.
- Personnel Order 21003 would be the third Personnel Order of 2021.

A Policy and procedures Change Order is a directive which announces additions, deletions, or revisions to the Policy and procedures Manual. Any change in policy or procedure which is intended to become standard procedure shall be placed into the Manual. The revision(s) shall be summarized briefly and the actual new or revised pages from the Policy and Procedures Manual shall be distributed to all personnel for inclusion in their Policy and Procedures Manual.

A Special Order is a statement of policy or procedure regarding a specific circumstance or event that is temporary in nature. The order shall be distributed to all affected personnel.

A Personnel Order is an announcement of a change in the status of personnel (reassignments, promotions, new personnel assignment, suspensions, etc.). The order shall be distributed to all affected personnel.

Policies and Procedures Change Orders, Special Orders, and Personnel Orders may only be issued under the signature of the Chief of Police except when an emergency requires a directive and the Chief of Police is not available. At that time, the directives shall be issued under the signature of the Command Personnel in charge and shall specify the duration of the order.

Nothing in this section shall prohibit supervisors from issuing orders or giving direction to subordinates when such orders are lawful and consistent with Department goals, policy, and procedures.

### Distribution 01.02

The Policy and Procedures Manual, Special Orders, and Personnel Orders shall be maintained on the designated HCC Police computer network drive. Additionally, a printed manual shall be



provided to all current and future employees under the supervision/control of the HCC Police. All additions, deletions, or revisions to the Policy and procedures Manual shall be the responsibility of said employee to maintain.

All personnel to whom directives are distributed shall acknowledge receipt and review of same, either on a written Departmental form or in some other Departmentally approved way that is at least equally effective.



## CHAPTER 2 DEFINITIONS AND TERMINOLOGY

**CHAIN OF COMMAND:** The unbroken line of authority extending from the Chief of Police through a single subordinate at each level of command down to the level of execution.

**CIVILIAN PERSONNEL:** Personnel holding non-sworn or commissioned status within the Department.

**COMMANDING OFFICER:** The officer having the highest rank.

**DEPARTMENT:** The Hagerstown Community College Police Department.

**DESIGNEE:** Person or persons who are directed to assume responsibility and authority of another.

**HCC:** Hagerstown Community College

**LAWFUL ORDER:** Any written or oral directive issued by a Supervising Officer to any subordinate or group of subordinates in the course of police duty which is not in violation of any law, ordinance or any Departmental Policy or Procedure.

**MEMBERS:** All personnel assigned to The Hagerstown Community College Police Department

**OFFICERS:** All sworn personnel of The Hagerstown Community College Police Department.

**Security Officers:** All non-sworn security personnel of the Hagerstown Community College Police Department

**DISCIPLINARY INFRACTION:** A violation of any Policy or Procedure by any member of the HCC Police Department.

**POLICY and PROCEDURES:** Those guidelines set forth for the proper functioning of the Hagerstown Community College Police Department by the Chief of Police, as authorized by Maryland Law and the Hagerstown Community College Board of Trustees.

**SENIORITY** for General Staff is established by time in grade (time since promotion or reclassification to current rank)

**SHIFT:** That period of a calendar day during which a specific number of members are assigned to duty.





## Chapter 02

## Definitions and Terminology

**SUPERVISING OFFICER:** Officer of the Department assigned to a position requiring the exercise of immediate supervision over the activities of other members.

**THROUGH OFFICIAL CHANNELS:** Through the hands of supervising officers in the Chain of Command.



## Rules of Conduct

### CONFORMANCE TO RULES AND PROCEDURES 03.01

.1 It is the policy of the Hagerstown Community College Police Department that all employees shall comply with the Rules of Conduct as herein stated, with the additions and amendments to these rules that may be promulgated, and with all other orders and directives, either verbal or written, which may be issued by competent authority. The violation of any rule of conduct, procedure, or lawful order, whether written or verbal, subjects the violator to disciplinary action.

.2 Ignorance of the rules, procedures, and orders of the Department is not justification for any such violation. Each member shall be responsible for his/her own acts and he/she may not transfer to others his/her responsibility for executing or failing to execute any lawful order or police duty.

### UNBECOMING CONDUCT 03.02

.1 Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member of the Department, either within or without the Hagerstown Community College Campus, which tends to undermine the good order, efficiency or discipline of the Department, or which reflects discredit upon the Department or any member thereof, or which is prejudicial to the efficiency and discipline of the Department, even though these offenses may not be specifically enumerated or laid down, shall be considered conduct unbecoming a member of the Hagerstown Community College Police Department, and subject to disciplinary action by the Chief of Police.

.2 A supervisor will not injure or discredit a subordinate through unreasonable, unjust, arbitrary, or tyrannical conduct, or abusive language.

.3 No member of the Department shall maliciously threaten, strike or assault, or harass any other member of the Department. Members who aid, abet or incite any altercation between members of the Department shall be held responsible along with those actually involved.

.4 All members of the Department shall be civil and orderly at all times, and shall refrain from coarse, profane or insolent language.

.5 In their contacts with the Department, other College employees, and members of the campus community officers will conduct themselves in a courteous and respectful manner, and strive to promote and maintain a harmonious relationship.

.6 Members of the Department, in their private business transactions with persons employed by or associated with the Hagerstown Community College, shall not place themselves in a position which would interfere with the proper discharge of their police duties.



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.7 It shall be the duty of every member of the Department to promote good public relations, give assistance when it is required, impartially administrate the law, and keep clean, sober, and orderly habits.

### ABUSE OF POSITION 03.03

.1 While deprived of police powers, sworn members will not wear the uniform and will not represent themselves in an official capacity as a member of the Department.

.2 Members are prohibited from using their official position or official identification card or badge for personal or financial benefit or as a means of obtaining privileges not otherwise available to them, or for avoiding consequences of illegal acts. No member may lend his/her identification card or badge to another person, or permit it to be photographed or reproduced without the approval of the Chief of Police.

.3 No member shall permit or authorize the use of his/her name, photograph, or official title identifying him as an employee of the Hagerstown Community College Police Department in connection with testimonials or advertisements of any commodity or commercial enterprise, or for personal reasons without the approval of the Chief of Police.

.4 No member shall sign a petition, without the authority of the Chief of Police, when his/her signature identifies him/her as a member of this Department; nor shall any member sign any petition which has an unlawful purpose. However, any member may sign a lawful petition as a private citizen.

.5 Members shall not address a public gathering, appear on radio or television, prepare any article for publication, or act as a correspondent to a newspaper or a periodical with regard to matters of the agency or the college, if in violation of college policy or department policy and procedure.

.6 Members shall not release or divulge investigative information to persons not involved in the investigation, nor shall they divulge information on any other matters of the Department, either in an official or unofficial capacity without authorization of the Chief of Police or his designee.

### ASSOCIATIONS 03.04

.1 To maintain the integrity of the employee and to avoid relationships which would tend to impair the operations of the departments, members shall avoid associations or dealings with persons whom they know, or should know, are racketeers, gamblers, felons, persons under criminal investigation or indictment, or others who have a reputation in the community for felonious or criminal behavior, except as directed otherwise by a superior. This section does not prohibit contact with such persons when these contacts are in the performance of duty. Association shall be defined as relationships that exceed those of casual contact on an unavoidable



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basis. Legal business transactions are not regulated by this section. Associations with such persons may be necessary due to relationships through blood or marriage

.2 Members shall not visit or enter a house of prostitution, illegal gambling house, or any other establishment wherein the laws of the United States, the laws the State of Maryland, or any other law or ordinance of a political subdivision are violated except in the performance of duty and while acting in response to lawful and specific orders of a superior.

.3 Members shall not in any manner affiliate themselves with any organization, association, movement, group, or combination of persons which advocates the overthrow of the Government of the United States or any state, or which has adopted the policy of advocating or approving the commission of acts of force or violence to deny any person his rights under the Constitution of the United States or any state, or which seeks to alter the form of government of the United States or any state by unconstitutional means.

.4 Members of the Department are prohibited from affiliating with any organization or body, the provisions of whose constitution or charter would in any way exact prior consideration, and prevent them from performing their duty as members of the Department.

### FINANCIAL OBLIGATIONS 03.05

.1 All members of the Department shall fulfill their financial obligations. Disciplinary action for violation of this rule may be taken when:

- Creditors' judgements have been finally adjudicated and the employee, although able to pay, refuses to pay such judgements;
- The effects of the indebtedness have adversely affected the ability of the member to perform his/her job or has negatively reflected on the reputation or effectiveness of the agency.

Disciplinary action would be inappropriate, absent extenuating circumstances, where:

- The member has made a genuine and sincere effort to pay his/her debts; or
- The employee has filed a voluntary bankruptcy petition.

### CONFORMANCE TO LAWS 03.06

.1 No member shall violate his/her oath of office and trust or any other condition of his/her employment with the Hagerstown Community College or commit an offense punishable under the laws or statutes of the United States or any sovereign nation, the State of Maryland, or public local laws or ordinances. Any member who has been charged with a violation of any law, statute, or public local law or ordinance stipulated in this section must report the facts concerning such violation immediately to his/her commanding officer. Parking violations, except when they are issued to a Department vehicle, are exempted from this section.



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.2 No member shall issue or follow an order in violation of any Federal, State, local ordinance, or these Policies and Procedures.

.3 Any member of the Department summoned to the State's Attorney's Office of Washington County or any other prosecutor, or before any court concerning any matter in which the officer or any other member of the Department may become a defendant, must report the facts in writing to the Chief of Police through official channels.

### SEEKING OR ACCEPTING GIFTS, GRATUITIES/BRIBES 03.07

.1 No member shall solicit, seek, or accept any gift or gratuity, including food or drink for himself/herself or another from any individual, business establishment, or merchant, where such offer of acceptance can be construed to be an effort to influence his/her official conduct as a member of the HCC Police Department.

.2 No member shall receive, seek, solicit, or share in any fee, reward, or other reimbursement for the performance of his/her official duties, or for his/her failure to perform official duties, except as directed by the Chief of Police. He/she shall immediately report any effort to influence his/her official conduct.

.3 Members shall not solicit or accept any subscription or contribution for any purpose whatsoever except in conformance with Department policy. No member shall routinely or habitually accept food or beverages from any individual, business establishment, or merchant either for free or by discount which is given or offered merely as a result of the employee being an HCC Police Department employee.

### POLITICAL ACTIVITY 03.08

.1 Members of the Police Department shall not participate in political activity other than as may be provided for by law and to exercise their right of suffrage, for which sufficient time shall be allowed.

### SECONDARY EMPLOYMENT AND BUSINESS ACTIVITIES 03.09

.1 No member shall engage in any secondary employment or business activity without written permission from the Chief of Police or his designee. Approval shall be for a period of 1 (one) year. The member may request it be renewed after 1 (one) year.

.2 Secondary employment or business activity may not be inconsistent or incompatible with, nor may it interfere with, the proper discharge of a member's duties and responsibilities with this Department.

.3 Members may not engage in any private or personal security work, or investigative work, unless authorized by the Chief of Police. If said work is authorized, the following applies:



- Members engaged in such work may not provide investigative services for or on behalf of someone who is subject of, a witness to, or otherwise involved in a criminal investigation in Washington County. Depending on the situation, members may need to make an up-front inquiry of prospective clients regarding whether this applies to the client or the subject of the investigation.
  - Members engaged in such work may not become involved with investigations in which the subject is a college employee or a college employee's immediate family member.
  - Members have the responsibility to ensure that any such work does not impair their impartiality or independence of judgment as Hagerstown Community College Police Department employees.
- .4 No member may directly or indirectly maintain ownership in any business dealing directly or indirectly with the manufacture, transportation, or sale of alcoholic beverages.
- .5 Members may be permitted to work secondary employment where alcohol is dispensed so long as it is not the primary service of that business, said employment does not bring discredit to the Department, and prior approval of the Chief of Police is obtained.
- .6 No secondary employment or business activity may involve the use of Department files, facilities, equipment, supplies, or information gained or accessible by virtue of being a member of the Hagerstown Community College Police Department. Members may not disclose or use confidential information obtained as a College employee. This includes all information not available to the general public.
- .7 No secondary employment or business activity may involve the use of the Department badge, uniform, prestige, or influence of the member's office.
- .8 Members engaged in secondary employment or business activity may not be compensated for performance of an act which the member, if not performing such an act, would be required or expected to render in the regular course or hours of his/her duties as a member of the Department.
- .9 Secondary employment or business activity may not involve such time demands as would render the performance of the member's duties as an employee of the Department less efficient.
- .10 Members of the Department are prohibited from joining any federal or state military organization without the consent of the Chief of Police.
- .11 Members may be permitted to work secondary employment in establishments engaged in legalized gambling operations, so long as said operations are not the primary service of that business, or said employment does not bring discredit to the Department, and prior approval of the Chief of Police is obtained.



.12 Members may not engage in any secondary employment while on sick leave or workers' compensation leave from the Department.

.13 Any type of secondary employment that may, because of its location or nature, bring disfavor, disrespect, or discredit to either the member or the Department shall not be approved for any member.

.14 Members may not engage in any secondary employment where the use of police powers is expected or anticipated.

.15 Members engaged in secondary employment have the responsibility to avoid conflicts of interest or the appearance of conflicts of interest.

### REPORTS AND COMMUNICATIONS 03.10

.1 Members shall submit all reports, both verbal and written, required by the Department, on time and in accordance with established procedures. All official business transacted by Department employees must be processed through official channels.

.2 Sworn members shall report to their superiors all information that comes to their attention concerning criminal offenses occurring wholly or in part on the College Campus, any of the satellite locations, or on any College sanctioned events (sporting events, bus trips or field trips).

.3 All reports submitted by members of this Department will be truthful; no member shall knowingly report or cause to be reported any false information. A clear distinction must be made between reports which contain false information and those which contain inaccurate or improper information. To prove by a preponderance of evidence that one has submitted a false report, evidence must be presented for consideration that such report is designedly untrue, deceitful, or made with the intent to deceive the person to whom it was directed.

.4 All reports submitted by members will be complete and will not contain improper or inaccurate information. Inaccurate or improper information may be characterized by that which is untrue by mistake or accident or made in good faith, after the exercise of reasonable care.

.5 All members of the Department shall treat as confidential the official communications and business of the Department. This applies to any document, photograph, audio or video recording, written or oral communications, or any other source of communications obtained by a Department member in the course of, or as a result of, the member's employment with the Department. Examples include photographs, sketches, or audio/ video recordings obtained and disseminated using department equipment or a member's personally owned device. More specifically, emailing such records or information, or posting same on social networks, is



prohibited. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with established Department procedures. Members may remove or copy official records or reports from the Department only in accordance with established Department procedures. Members shall not divulge the identity of a person giving confidential information, except as authorized by proper authority in the performance of police duties.

.6 The content material labeled "DRAFT" or "CONFIDENTIAL" must be treated with the utmost sensitivity, as items of this nature may differ significantly when finalized. Only those employees officially directed under competent authority to review, discuss or have input into draft and confidential material may divulge the content of said material and then only to employees specifically authorized by official directive.

.7 The use of HCC telephones shall be limited to the conduct of official business except for personal or emergency calls made/received in accordance with established policy.

.8 Members of the Department are required to report to the Chief of Police through official channels any change in their address, telephone number, or marital status, within 24 hours.

.9 All members of the Department whose duties require them to maintain Departmental records shall do so in accordance with the provisions of the law, the College policies, Federal & State mandates (FERPA) and the established procedures of the Department.

.10 No member of the Department shall remove any official book, document, or file belonging to the Department or College, without authority of the Chief of Police/or designee, or under due process of law.

.11 Accessing Confidential or Restricted Material:

- Members may not intentionally access or review, or attempt to access or review, any material which they know or should reasonably know is confidential, restricted, or otherwise not appropriate for their access or review.
- Examples of confidential or restricted material include, but are not limited to: material whose access is limited by law; internal investigation files; disciplinary records; personnel files; performance evaluations and documentation; medical information; material addressed to someone other than the accessing member such as U.S. mail or inter-office/inter-department mail.
- Any member who inadvertently accesses such material shall report the access through official channels.
- Members may not divulge to unauthorized persons material or information they access which is confidential, restricted, or otherwise not appropriate for their access or review.

.12 Members receiving or possessing facts or information relative to a criminal offense or case, shall not retain such facts or information through ulterior motives, desire for personal credit or





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aggrandizement, but shall report the facts or information in accordance with Departmental procedures.

.13 Because a substantial amount of work-related communication occurs via email, all employees with HCC email accounts are responsible for checking those emails for work related communications at least once during each of their regular workdays. Deviations from this requirement will be allowed if caused by emergencies, unusually high workload, or other reasonable conditions. Employees are encouraged to check emails periodically throughout each of their workdays.

### LABOR ACTIVITIES 03.11

.1 Members shall not engage in any strike or job action. Strike or job action includes, but is not limited to, failure to report for duty, willful absence from duty, unauthorized leave, sickness unsubstantiated by physicians' statement, stoppage of work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in condition, compensation, rights, privileges, or obligations.

.2 Any member of the Department, who being present at or having cognizance of any mutinous, seditious, rebellious or reactionary movement within the Department, must use the utmost effort to suppress same, or knowing or having reason to believe that such movement is to take place, must give information thereof to that member's Commanding Officer without delay.

### CRITICISM 03.12

.1 No member of the Department shall criticize or ridicule the Hagerstown Community College Police Department, any other college department, any State agency, or member of the Maryland Judiciary, their policies, or their officers by speech, in writing, or by expression in any other manner, when such speech, writing, or other expression is defamatory, obscene, unlawful, exhibits a reckless disregard for truthfulness, or tends to undermine the operation of the HCC Police Department, any other College department, any State agency, or the Judiciary by impairing their efficiency or interfering with their operation or maintenance of discipline.

### INSUBORDINATION 03.13

.1 Unless otherwise directed by competent authority, members shall transact all official business with employee's senior in rank or classification through the official chain of command.

.2 No member of the Department shall at any time be insubordinate or disrespectful to a superior/subordinate, or other College employee.



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.3 No member of the Department shall willfully disobey any lawful command or order, either verbal or written, of any superior or other member designated to command. This includes any order relayed from a superior by an employee of the same or lesser rank. A lawful order is any order, either written or verbal, which the member should reasonably believe to be in keeping with the performance of his duties or the responsibilities of his post.

.4 No member without adequate justification will intentionally issue an order that is contrary to an order issued by a superior. In the event that a member receives an order which conflicts with a previously issued order, the member will inform the supervisor (or other person) issuing the conflicting order and ask for resolution of the conflict. If the conflicting order is not altered or retracted, the member will follow the most recent order and shall not be held responsible for disobeying the previously issued order, regardless of the rank or the supervisor issuing the conflicting order.

.5 Any order may be countermanded in an emergency. A member countermanding a prior order will immediately report the reason for his action to his commanding officer. Responsibility for all prudent and reasonable action necessary for compliance with orders will remain with the superior issuing the order. Accountability for all action taken in compliance with orders remains that of the person taking such actions.

.6 At the scene of any incident, the assigned member shall be in charge until relieved at the direction of another member senior in rank, or as otherwise specified in these Policies and Procedures.

### REPORTING FOR DUTY 03.14

.1 Members of this Department shall not absent themselves from duty without proper authority.

.2 Members shall report for duty at the time and place specified by their superior and shall be physically and mentally fit to perform their duty. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties.

.3 All members of the Department who are unable to report for duty for any reason shall promptly notify or cause to be notified their supervisor or the Chief of Police, stating the reason for such failure to report. Members who sustain an injury in the line of duty shall promptly notify, or cause to be notified, their supervisor or Chief of Police.

**FICTITIOUS ILLNESS OR INJURY REPORTS 03.15**

.1 No member of the Department shall feign illness or injury, falsely report himself/herself ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of his/her health.

**INTERFERENCE WITH DUTY 03.16**

.1 No member shall attempt to bring influence to bear upon the Chief of Police or College Official for the purpose of securing promotion or transfer or to avoid the penalties for violations of the Department's policies, procedures, or orders.

.2 Any member, against whom formal charges have been preferred or any member preferring such charges, shall not attempt directly or indirectly by threat, appeal, persuasion, payment or promise of reward, to secure the withdrawal or abandonment of such charge, or who at any time before final judgment shall cause any person to intercede personally or by letter, in his/her behalf in this matter whatsoever, with any official in or outside the Department or with any other person for the purpose of withdrawal or abandonment of formal charges, shall be charged with violating this Rule.

.3 No member shall interfere with cases assigned to other members for investigation without consent, except by order of a superior officer. No member shall interfere with any lawful arrest or any prosecution brought by other sworn members of the Department or by any other agency or person. Sworn members shall not undertake any investigation or other police action not a part of his/her regular police duties without first obtaining permission from his/her superior unless he can justify the need for his immediate intervention.

.4 No member shall be directly or indirectly concerned with planning, agreements, or compromises between a criminal and a person who has suffered from his criminal acts for the purpose of allowing the criminal to escape any punishment prescribed by law. Any member having knowledge of such an arrangement, agreement, or compromise shall report such to his/her immediate superior without delay.

**ABUSE OF PROCESS / WITHHOLDING EVIDENCE 03.17**

.1 No member shall intentionally manufacture, tamper with, falsify, destroy, or withhold evidence or information, or make any false accusations of a criminal charge.

**FOUND AND RECOVERED PROPERTY/EVIDENCE 03.18**

.1 All members of the Department who recover or come into the possession, custody, or control of any lost, stolen, seized, or abandoned property, including money, shall be held responsible to properly secure and handle such property or money in conformity with the law and the established procedure of the Department.



.2 Property which has been received as evidence in connection with investigations or which, for any other reason, comes into the custody of this Department, will be processed in accordance with established procedures. No member shall convert to his/her own use, manufacture, tamper with, or damage through negligence, or destroy, or in any other way misappropriate any evidence or any other material or property found in connection with any investigation or other police action, except in accordance with established Department Policies and Procedures

#### **SUGGESTIONS PERTAINING TO SERVICES 03.19**

.1 No employee shall recommend or suggest in any manner, except in the transaction of personal business and then representing himself/herself only as a private citizen, the employment or procurement of a particular product, professional service, or commercial services unless such service is necessary and the person needing the service is unable or unwilling to procure it, the member shall proceed in accordance with Department Policies and Procedures.

#### **REQUESTS FOR ASSISTANCE 03.20**

.1 When the public requests assistance or advice, either by telephone or in person, all pertinent information will be taken in an official and courteous manner, and will be acted upon consistent with established Department Policies and Procedures.

.2 Sworn members shall not act in an official capacity, without authority, in any civil case, except where such action will prevent a breach of the peace or assist in quelling a disturbance, or when summoned by regular court procedure.

.3 Members of the Department shall meet the public with courtesy and consideration. Questions must be answered civilly and courteously, at the same time avoiding unnecessary conversation. Members shall not use slang or facetious expressions while talking to the public.

#### **IDENTIFICATION 03.21**

.1 Sworn members of the Department shall carry their police identification of authority at all times and shall furnish their name and identification number to any person upon request, except when authorized not to do so by proper authority and/or when such refusal may be necessary for the proper performance of his/her police duties. Police identification shall be issued by the Department and shall include, at a minimum, the member's name, rank, photograph, and Maryland Police & Corrections Training Commission (MPCTC) ID number.

.2 When a sworn member takes any action as a law enforcement officer while in plainclothes, he/she shall identify himself/herself to the violator or parties involved and display his/her badge and/or identification card.



.3 While acting in their official capacity, all Department members have the responsibility to ensure that persons with whom they are interacting via telephone are aware of the member's name and rank or position. If requested, members shall provide their identification number. This provision is not required when authorized by proper authority and/or when such refusal may be necessary for the proper performance of their police duties.

#### UNIFORMS AND EQUIPMENT 03.22

.1 Members of the Department shall wear such uniforms, badges, insignia of rank, and equipment consistent with and as prescribed in Departmental Policies and Procedures. Uniforms and service equipment as covered under this rule are applicable to members having police powers only, and the wearing of any portion of the uniform or the use of police service equipment by civilian employees is a violation of this rule unless covered by orders specifically applicable to the individual or group. No uniform or equipment shall be worn or used by members of this Department unless they conform to the prescribed specifications.

.2 Members of the Department are required at all times to be neat, clean, and well-groomed; uniforms and civilian clothes shall be clean and pressed; shoes, boots, leather, and metal equipment shall be regularly polished; and side arms shall be clean and serviceable.

.3 Members of the Department while on duty shall wear the prescribed uniform and be properly armed and equipped, unless otherwise directed.

.4 Members of the Department shall wear only such uniforms, badges, insignia of rank, and equipment as prescribed in Departmental Policies and Procedures.

.5 No member of the Department shall allow any other person to use his/her badge or other means of personal identification.

.6 Members of this Department shall not sell, exchange, lend, or borrow any part of their prescribed uniform and equipment, nor shall they wear their uniforms and equipment or any part thereof in any private performance or exhibition without permission of the Chief of Police.

.7 Damage to or loss of Department equipment will be reported in writing to their immediate supervisor who shall notify the Chief of Police.

.8 Members of the Department shall be held responsible for all equipment issued to them, and where it is established that any part thereof is lost or damaged through negligence, the officer(s) concerned shall be obligated to replace it at their own expense. All members of this Department shall assume personal responsibility for all Departmental property issued to them or placed in service for their use or convenience and shall notify their supervisor or the Chief of Police immediately when such property or equipment requires repair or replacement.



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- .9 Members who elect to store issued equipment within desks, lockers, etc., shall inspect such equipment daily to insure its presence and condition.
- .10 Members of the Department under suspension from duty are required to turn over to their Supervisor or Chief of Police all Departmental equipment as requested. Sworn members will turn over issued weapons and ammunition, issued badges, and identification cards.
- .11 Members will operate all college vehicles in a careful and prudent manner, and will not through negligent or careless operation incur or cause damage to be incurred to Department property or to the property of another. They will obey all laws of the State of Maryland and all local ordinances, and conform to all Department Policies and Procedures pertaining to operation and maintenance of any Department vehicle assigned to them on a permanent or temporary basis. Members will at all times set a proper example for other persons by their operation of vehicles.
- .12 Members will not have any item of Department equipment repaired, adjusted, or modified without official authorization.
- .13 Only members of this Department or approved repair/maintenance personnel will be permitted to operate or attempt to operate any Department vehicle, or use any Department issued firearm, or use any other item of property owned by this Department. However, specific exceptions to this rule may be authorized by the Chief of Police.
- .14 Each member to whom a portable radio is issued shall be responsible for keeping the radio under the member's control or in a secure location. For the purpose of this section, a desktop, an unlocked desk drawer, the top of a locker, or an unlocked locker are examples of areas not considered to be secured. Locked lockers, locked desk drawers or cabinets, or car trunks are examples of secure locations. If a member fails to properly control or secure his/her radio and the radio becomes lost or otherwise missing, the member may be liable for all or a portion of the replacement cost, depending on the member's level of carelessness or negligence. Additionally, in situations where theft is alleged, the Department will take steps to ensure a proper investigation is complete and, when appropriate, criminal and/or administrative charges are filed against those found to be responsible.

### PERFORMANCE OF DUTIES AND RESPONSIBILITIES 03.23

- .1 Members of the Department shall be held strictly responsible for the proper performance of their duties. Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. (Unsatisfactory performance may be demonstrated by a lack of knowledge or the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the member's rank, grade and/or position; the failure to take appropriate action on the occasion of a crime, disorder or other



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condition deserving police attention; absence without leave; or unnecessary absence from the assigned patrol during a tour of duty; repeated inability to perform assigned duties in a satisfactory manner due to physical, mental or emotional incapacitation including, but not limited to, that brought about by a member's use of alcohol/drugs, shall also be considered unsatisfactory performance. Additionally, repeated inability to perform assigned duties in a satisfactory manner due to physical infirmity or mental/emotional incapacitation shall be considered unsatisfactory performance.)

.2 All members shall successfully complete all education and training requirements relative to their positions/assignments, and/or for mandated certifications, including those for specialized positions/assignments.

.3 Supervisory personnel at all levels are accountable for the performance of employees under their immediate command.

.4 Members of the Department must be punctual in attendance to all calls, requirements of duty, court appointments and other circumstances where time is specified.

.5 Members of the Department are sworn in as peace officers of the Hagerstown Community College under the authority of the Education Article and Maryland Public Safety Article and, as such, are considered to be on-duty or ready for duty at all times.

.6 Failure to stop and perform the necessary police functions while off-duty or on leave shall be considered neglect of duty. (Necessary police functions, while off-duty may include, but is not limited to, immediately notifying the responsible law enforcement agency or causing such notification, or taking direct police action. Off-duty members, both inside and outside of the College Campus, are to give first consideration to causing the appropriate action to be affected by the on-duty members of the responsible law enforcement agency. Members should become directly involved only after due consideration of the gravity of the situation, their present physical and mental ability to act in an on-duty capacity and of their possible liability, along with that of the Department and the Hagerstown Community College. Members are reminded that powers of arrest outside the Hagerstown Community College Campus, but within the State of Maryland are governed by Annotated Code of Maryland, Criminal Procedure Article §2-102 (related to extra-jurisdictional arrests), Education Article and Maryland Public Safety Article. Outside the State of Maryland, sworn members have no arrest powers other than those of civilians. HCC Campus Police Officers are currently NOT deputized by the Washington County Sheriff's Office. HCC Police Officer shall not leave the College campus, unless requested by another law enforcement agency, within Washington County. Whenever members assume their official role and take direct police action, they are governed by all Policies and Procedures applicable to on-duty members.

.7 Members will not, without proper authorization, absent themselves from their assigned place of work during their tour of duty.



.8 Members will remain awake and alert while on duty. If unable to so, he/she will report to his/her superior officer, who will determine the proper course of action.

.9 Members will administer the law in a fair and impartial manner.

.10 Members of the Department shall not frequent locations outside the geographical boundaries of the College Campus, except as duty requires or upon order.

.11 Members shall not shop, barter, or trade while on duty or while off duty in uniform, except when required in the performance of their job. Members shall not conduct personal business while on duty. (Note: This section is not meant to prohibit members from purchasing meals, snacks, or items needed for duty use. However, such purchases must not interfere with the member's performance of his/her duties.)

### USE OF ALCOHOLIC BEVERAGES 03.24

.1 Members of this Department while on-duty, or when off-duty in uniform, shall not enter bars, taverns, or liquor establishments, except in the proper performance of their duties.

.2 No member of the Department is authorized to indulge in alcoholic beverages or substances while on-duty, or while off-duty in uniform or partial uniform.

.3 Members, while off-duty, shall refrain from consuming alcoholic beverages or substances to the extent that it results in obnoxious or offensive behavior which would discredit them or the Department.

.4 Members shall not report for duty or be on duty with alcohol in his/her blood beyond that of endogenous alcohol normally found in the body. An immediate supervisor may order a law enforcement officer of this department to submit to an evidentiary test by breath or blood in accordance with the *Law Enforcement Officers' Bill of Rights* if reasonable grounds exist to believe alcohol is present beyond the endogenous limit.

.5 No member of the department will bring any intoxicating beverage onto the Hagerstown Community College Campus except as evidence or pursuant to property held Policies and Procedures.

### USE OF DRUGS 03.25

.1 No member may use any controlled substance, except when prescribed in the treatment of the member by a health care professional licensed to issue prescriptions.

.2 No sworn member shall report to work or be on duty as a law enforcement officer when his/her





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judgment or physical condition has been impaired by medication or other substances.

.3 Sworn members must report the use of any substance, prior to reporting for duty, that impairs their ability to perform as a law enforcement officer.

.4 No member shall report to work or remain at work when the member's ability to perform his or her job has been impaired by medication or other substances.

.5 It is each member's responsibility to be aware of the potential effects of any medication the member is taking or has been prescribed, and to determine if a particular medication impairs the member's ability to perform his/ her job. Members are encouraged to consult with the prescribing health care professional when making that determination.

.6 No member of the department will bring any illicit drug, including marijuana, onto the Hagerstown Community College Campus except as evidence or pursuant to property held Policies and Procedures.

### USE OF TOBACCO 03.26

.1 Hagerstown Community College is committed to providing a safe and healthy working and learning environment for students, faculty, staff, and visitors on its campus, and is therefore adopting a Tobacco-Free policy effective January 1, 2015. In consideration for tobacco users, college administration shall offer ongoing tobacco cessation programs to assist and encourage individuals who wish to quit. The Tobacco-Free Policy applies to all Hagerstown Community College facilities and vehicles, owned or leased, regardless of location. Smoking and the use of tobacco and e-cigarette products shall not be permitted on any Hagerstown Community College property, including all buildings and facilities, walkways, recreational and athletic areas, building entrances, and parking lots. This policy applies to all students, faculty, staff, and other persons on campus, regardless of the purpose of their visit. The College administration shall establish appropriate procedures and consequences, which may include fines or disciplinary measures, for violations of this policy and create an information campaign and signage.

#### Definitions:

- **E-cigarette** means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which stimulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.
- **Smoking** means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, including a hookah pipe, or any other lighted or heated tobacco or plant product, including marijuana, intended for inhalation, in any manner or any form.



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“Smoking” also includes the use of an e-cigarette which creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Policy.

- **Tobacco Product** means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, blunts, clove cigarettes, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, offered for sale, sold, or otherwise distributed with the expectation that the product or matter will be introduced into the human body by inhalation; but does not include any cessation product specifically approved by the U.S. Food and Drug Administration for use in treating nicotine or tobacco dependence.

### GAMBLING 03.27

.1 No member will engage in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a superior.

### TREATMENT OF PRISONERS IN CUSTODY 03.28

.1 No member will mistreat persons who are in his/her custody or the custody of the Department. Members will handle persons in custody in accordance with established Department Policies and Procedures.

### COOPERATION WITH LOCAL LAW ENFORCEMENT AGENCIES 03.29

.1 Although the primary responsibility for delivering police services lies with the Hagerstown Community College Campus Police, other Law Enforcement agencies have jurisdiction upon the Hagerstown Community College Campus. Members of this Department shall offer complete cooperation when situations arise where these agencies must exercise their authority upon the College Campus. Members will also offer complete cooperation when their assistance is requested by these agencies outside the geographical boundaries of the Hagerstown Community College limits, but only when such assistance is approved by a supervisor.

### CIVIL ACTIONS / SETTLEMENTS 03.30

.1 No member shall file a claim, bring suit, or accept a settlement for the recovery of damages sustained from any job-related injury or loss without prior written notification (Maryland Injured Workers Insurance Fund notice of injury) through command channels to the Chief of Police.



### SEXUAL HARASSMENT 03.31

.1 Members of the Department shall abide by the Hagerstown Community College Personnel Policy - "*Sexual Harassment*" as it appears in the HCC Human Resource Manual.

Consistent with federal and state laws, Hagerstown Community College is committed to maintaining a positive learning and working environment free from all forms of sexual harassment. Sexual harassment by any employee, student, visitor, and/or any individual who conducts business on behalf of the college is prohibited.

Sexual harassment is unwanted sexual contact, unwelcome sexual advances, requests for sexual favors and/or other unwanted communications or physical conduct of a sexual nature which has the purpose or effect of unreasonably interfering with an individual's academic or work performance. Such conduct is illegal and will not be tolerated. Examples of sexual harassment include, but are not limited to:

- Direct or implied threat that submission to sexual advances will be a condition of grades, letters of recommendation, or employment
- Unwelcome physical contact, including unnecessary touching, patting, hugging or brushing against a person's body
- Inappropriate or unwelcome sexual remarks about a person's clothing, body, or sexual relations
- The display in a classroom or workplace of sexually suggestive objects, pictures, posters, cartoons and like items which are without defensible educational purpose
- Repeated unwelcome communications, both verbal or written (including electronic and social networking) with sexual or demeaning implications about one's gender or sexual orientation

The entire college community is responsible for preventing and reporting sexual harassment. The College encourages all students who believe they have been or are being subjected to sexual harassment or who are aware of an instance of sexual harassment to report their experiences.

The Board of Trustees hereby authorizes the president to develop appropriate procedures to implement and enforce this policy. The procedures to handle complaints will: 1) respect the confidentiality both of the complainant and the accused, 2) determine who will investigate allegations of misconduct and take corrective action, 3) protect complainants from reprisals, but impose strong disciplinary measures upon those who deliberately file false accusations. In addition, an educational, informational and compliance program should be developed in support of this policy.

### REQUESTS FOR EMPLOYMENT STATUS OR HISTORY 03.32

.1 HCC Police Department employees are not authorized to discuss the employment status or employment history of any current or former HCC employee with a prospective employer, except



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with the consent of the Chief of Police or Executive Director of Human Resources. Employees are to refer all requests for such information to the Human Resources Department.

.2 Before any employment information will be released, a written authorization / liability release is required from the current or former employee. All completed releases will be copied and filed in the personnel folder of the current or former HCC Police Department member if applicable and the original will be provided to the Executive Director of Human Resources.

.3 As a general rule, the following guidelines apply to the type and amount of employment information to be released:

- Information released for current or former employees seeking civilian employment will be limited to the employee's position, dates of employment, and type of separation (e.g., retirement, resignation, termination, etc.) if applicable.
- Information released for current or former employees seeking sworn law enforcement positions will encompass all employment history and may include (but is not limited to) information in personnel files, disciplinary files, and pre-employment background investigation files; performance evaluations; samples of work products; and interviews with supervisors.



## CLASSIFICATION PLAN 04.01

- .1 The Hagerstown Community College Human Resources Department is responsible for the administration and maintenance of the College's Position Classification Plan. A documented review of job descriptions of all employees will be conducted every four years by the Chief of Police or their designees to ensure job descriptions are current and available to all personnel.
- .2 Each job in the department is grouped in classes based on similarities in duties, responsibilities, and qualification requirements. For example, the sworn job classes are Chief of Police, Lieutenant Sergeant, and Police Officer. A list of all job classifications is maintained by the Human Resources Department.
- .3 Class specifications (descriptions of jobs included within the same class) exist within the sworn ranks. The Chief of Police establishes class specifications according to operational needs. An examples of class specification would be the Training Officer. For each class specification, Police Department staff will be assigned by the Chief (or designee) to develop a job description based on that job's function. Such job descriptions will be revised as appropriate based on subsequent assessments and Department need. This information will be forwarded to the Human Resources Department during the review period or when descriptions change based on operational needs of the department as designated by the Chief of Police.
- .4 The job descriptions in this chapter may include additional descriptions of duties and responsibilities that may not necessarily appear in the descriptions on file with the College Human Resources Department, as those are rarely all inclusive. Such additional descriptions are designed to assist employees and supervisors with establishing and clarifying performance expectations. The duties, responsibilities, and tasks listed in each position description are illustrations of the various types of work performed, and are not intended to be all inclusive. The omission of specific duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.



## Chief of Police & Director of Public Safety

### ADMINISTRATION 04.02

#### SUMMARY STATEMENT:

The Director of Public Safety assumes the role of Chief of Police at Hagerstown Community College. The Hagerstown Community College Police Department was created to serve the College community; safeguard life and property, enforce local laws and to preserve the peace and protect the rights of all citizens on campus.

This Director of Public Safety/Chief of Police is responsible for the overall safety and security of the college campus community. This is a command level position that provides leadership and administrative direction to the Hagerstown Community College Police Department. The Chief of Police has a critical role in five phases of responding to a campus emergency (Planning, Preparing, Mitigation, Response and Recovery). This process includes developing and implementing training and outreach programs to meet the needs of a diverse campus community.

#### ORGANIZATIONAL RELATIONSHIPS:

- A. The Director of Public Safety/Chief of Police reports directly to and is responsible to the Executive Director of Human Resources.
- B. This is a director-level position and has operational authority over the HCC Police Department. The Director of Public Safety holds the position of Chief of Police for the Campus Police Department and is recognized by the Maryland Police & Corrections Training Commission.
- C. The Director of Public Safety/Chief of Police provides supervision to the HCC Police Lieutenant, Sergeant, Police Officers, and Security Officers.

#### ESSENTIAL DUTIES AND RESPONSIBILITIES:

- 1. Provide leadership, mentoring, guidance, and direction to the staff of the Hagerstown Community College Police & Security Department. Review and evaluate the structure of the operations of the department to enhance efficiency and effectiveness. Ensure the police department is focused on the values of Principled Policing and responsive to the needs of the campus community.
- 2. Develop, oversee and evaluate campus safety & security policies and procedures for the College. The Director of Public Safety/Chief of Police will work with the



administration, staff, faculty and students to ensure the overall safety of the College campus community. The Director of Public Safety/Chief of Police will coordinate with senior leadership to develop strategic planning for campus safety and security related policies, programs and procedures.

3. Develop and implements law enforcement and security procedures and strategic deployment of officers and security officers to effectively address crime prevention, security concerns, and emergencies impacting the College community. Establish short and long-term goals for the HCC Police Department.
4. Ensure the HCC Police Department meets or exceeds the standards and best practices set forth by the Maryland Police & Corrections training Commission and all state and federal mandates. Oversee the HCC Police Department development and implementation of police policies and procedures.
5. Coordinate all security and safety related needs for daily operation, special planned events, and any other unplanned incidents that may occur on campus. Provide updates and briefs to senior leadership on security related issues at events or incidents on campus.
6. Oversee the robust security surveillance camera system and emergency communication platforms at HCC and provide direction on best practices for use in deterring criminal activity and alerting the campus community.
7. Ensure the College has an up-to-date Emergency Operation Plan that is capable of dealing with a wide variety of hazards. Work with senior leadership at the college to develop plans, train and respond to campus emergencies. Oversee the planning, preparing, mitigating, response and recovery phases of emergency management. Act as the Incident Commander for major incidents or events on campus. Conduct routine training exercises to evaluate the effectiveness of the EOP and make any necessary changes.
8. Develop partnerships with outside agencies and act as the liaison with state and local law enforcement agencies.
9. Effectively manage the Public Safety budget and plan for future operating needs of the department.
10. Oversees compliance with the Clery Act and related annual reporting to the Department of Education.
11. Participates in the College BIT/Care Team to monitor and manage threatening or violent behavior on the campus.
12. Perform public relations activities to increase the awareness of law enforcement's role in the College community, represent the department at community functions, and network with other colleges and universities to share ideas and best practices. Provide outreach programs to educate the community on topics such as, opioid overdoses, domestic/dating violence and how to report crimes that.
13. Comply with all mandatory reporting requirements under the Department of Education
14. Ensure all Campus Safety and Security Reporting mandates, under the Clery Act, are followed and completed in a timely manner.



15. Work with the Title IX Coordinator to ensure accurate reporting of all incidents on campus.
16. Other duties as assigned.

**JOB KNOWLEDGE:**

- A. Education and Experience – Must have a bachelor's degree in Criminal Justice, Police Administration or another related field. At least 15 years' experience as a full-time commissioned police officer and 7 years of progressive management/leadership experience. Priority will be given to candidates having command level experience in a law enforcement department.
- B. Skills and Abilities – Must be able to manage critical incidents and have strong communication skills. Must also have the ability to recruit, train, motivate, supervise and evaluate managers and staff.

**WORKING ENVIRONMENT:**

This position will be required to work various shifts to include day work and evening work. This position may also include working weekends and special events. Traffic details will include working outside in inclement weather for various periods of time. The Director of Public Safety/Chief of Police is subject to being called back to campus at various hours to handle serious officer involved incidents or any unplanned incidents.





## Lieutenant/Police Officer

### Lieutenant – Assistant Director of Public Safety 04.03

#### SUMMARY STATEMENT:

The HCC Police Lieutenant is considered an assistant director position within the college. This is an administrative position in the HCC Police Department and is also responsible for enforcing college policies, procedures, and directives related to campus security, safety, and traffic control, in compliance with the Police Officer's Manual of Operating Procedures. The Lieutenant will enforce all State and Local Laws in compliance with the Maryland Police and Corrections Training Commission Standards. The Lieutenant is an exempt position that works a 37.5 work week.

#### ORGANIZATIONAL RELATIONSHIPS:

- A. The Lieutenant reports directly to the Chief of Police.
- B. The Lieutenant provides direct supervision to full and part-time police officers, security officers and Student Patrol members. Also serves as Field Training Officer as directed by the Chief.

#### DUTIES:

- A. A summary of the duties for the Lieutenant is as follows:
  - 1. Supervises police officers and security officers in performance of regularly assigned patrols and incident investigations; prepares shift notices and assignments; conducts pre-hire evaluations of prospective police officer candidates; conducts performance evaluations; makes recommendations in matters concerning employee discipline and retention.
  - 2. Reviews police documentation including incident and accident reports and daily logs for accuracy and compliance with criminal, motor vehicle, and traffic laws and with university regulations.
  - 3. Assists with preparing and maintaining HCC Police Department schedule to ensure adequate coverage on campus during normal operations. Ensures all internal and external events (shows and sporting events), held on campus, have sufficient police/security planning and coverage.
  - 4. Assists Chief in establishing procedures; makes recommendations regarding improvements or changes in department operations.
  - 5. Conducts accident and crime investigations and prepares detailed reports, including State Motor Vehicle Accident Reports and State Uniform Incident Reports.
  - 6. Provides public assistance, including lockout services, escorts, first aid, and vehicle jump-starts.



7. Prepares and maintains records and reports related to crime statistics and assist with submitting reports to state and federal authorities (NIBRS and Department of Education Clery Reports).
8. Conducts inspections of police personnel and equipment; issues and accounts for police equipment.
9. Oversees the ordering and purchasing of police equipment and supplies issued to campus police and security officers.
10. Assists the Chief of Police with ensuring all HCC Police Officers receive the required training in accordance with MPCTC standards.
11. Ensures HCC Police Officers meet all firearms requirements as set forth by MPCTC.
12. Implement new training standards for the Hagerstown Community College Police.
13. Conduct MPCTC certified training for HCC Police Officers, instruct at the local police academy, and assist with providing In-Service instruction to allied agencies.
14. Create and submit new lesson plans to MPCTC for HCC Police.
15. Manages the HCC Body Worn Camera program and works with the Chief to ensure proper reporting guidelines are being followed.
16. Oversee HCC FTO program to ensure compliance with MPCTC Standards.
17. Reviews any uses of force by any member of the HCC Police Department and provides a detailed report to the Chief of Police.
18. Serves as Campus Security Authority as outlined by the Clery Act.
19. Performs miscellaneous job-related duties as assigned.

#### JOB KNOWLEDGE:

- A. Education and experience - successful completion of a certified police academy and the ability to be Certified as a Police Officer by the Maryland Police and Correction Training Commission. A minimum of 15 years' experience in law enforcement; 5 years of experience as supervisor (sergeant or above) with another police department and BS Degree or higher is required.
- B. Skills and abilities - must have ability to interpret college security and safety regulations; ability to think and act quickly in emergencies; ability to communicate well both orally and in writing; ability to deal tactfully with students, staff, and the general public.
- C. Skills and Abilities - Must have the ability to teach and train officers on law enforcement tactics. Must maintain proper certifications from MPCTC. Must have extensive history in training, policy development, and law enforcement training.
- D. Additional requirement - valid motor vehicle operator's license; Reliable to report for duty assignments on time; compliance to the HCC Police Officers Rules and Regulations/ Manual of operating Procedures and chain of command.

**WORKING ENVIRONMENT:**

Police Officers will wear the uniform of the day as directed by the Chief of Police and will maintain his/her uniform so that a clean, neat, fit for duty appearance is maintained. The job task analysis conducted by the Department for the position of Police Officer identified several physical tasks which require the readiness described above. Some of these are:

- Sitting at a desk or table with some walking, standing, bending or stooping, or carrying of light objects.
- Standing or walking for long periods of time.
- Repeated bending, crouching, stooping, stretching, reaching or crawling.
- Running, chasing, jumping.
- Grappling or fighting with others.
- Lifting or carrying objects up to 50 lbs.
- Climbing over or through obstacles.
- Pulling: Using upper extremities to exert force in order to draw, drag, haul, or tug objects/persons in a sustained motion.
- Pushing: Using upper extremities to press against something or someone with a steady force in order to thrust forward, downward, or outward.
- All of these physical tasks directly relate to one or more of the basic fitness areas. Therefore, a certain level of fitness is required of Police Officers



## Sergeant/Police Officer

### SUPERVISOR/SERGEANT 04.03

#### SUMMARY STATEMENT:

The HCC Police Sergeant is considered a manager/supervisor position within the college. This is a first-line supervisor in the police department and is also responsible for enforcing college policies, procedures, and directives related to campus security, safety, and traffic control, in compliance with the Police Officer's Manual of Operating Procedures. The Sergeant will enforce all State and Local Laws in compliance with the Maryland Police and Corrections Training Commission Standards. Additionally, the Sergeant assists the Chief of Police with all state and federal reporting mandates (NIBRS & NIBRS). The Sergeant is an exempt position that works a 37.5 work week.

#### ORGANIZATIONAL RELATIONSHIPS:

- A. The Sergeant reports directly to the Chief of Police.
- B. The Sergeant provides direct supervision to full and part-time police officers, security officers and Student Patrol members. Also serves as Field Training Officer as directed by the Chief.

#### DUTIES:

- A. A summary of the duties for the Sergeant is as follows:
  - 20. Supervises police officers in performance of regularly assigned patrols and incident investigations; prepares shift notices and assignments; conducts pre-hire evaluations of prospective police officer candidates; conducts performance evaluations; makes recommendations in matters concerning employee discipline and retention.
  - 21. Reviews police documentation including incident and accident reports and daily logs for accuracy and compliance with criminal, motor vehicle, and traffic laws and with university regulations.
  - 22. Prepares and maintains HCC Police schedule to ensure adequate coverage on campus during normal operations. Ensures all internal and external events (shows and sporting events), held on campus, have sufficient police/security planning and coverage.
  - 23. Assists Chief in establishing procedures; makes recommendations regarding improvements or changes in department operations.
  - 24. Conducts accident and crime investigations and prepares detailed reports, including State Motor Vehicle Accident Reports and State Uniform Incident Reports.
  - 25. Provides public assistance, including lockout services, escorts, first aid, and



- vehicle jump-starts.
26. Prepares and maintains records and reports related to crime statistics and assist with submitting reports to state and federal authorities (NIBRS and Department of Education Clery Reports).
  27. Conducts inspections of police personnel and equipment; issues and accounts for police equipment.
  28. Overseas the ordering and purchasing of police equipment and supplies issued to campus police and security officers.
  29. Assists the Chief of Police with ensuring all HCC Campus Police Officers receive the required training in accordance with MPCTC standards.
  30. Ensures HCC Police Officers meet all firearms requirements as set forth by MPCTC.
  31. Reviews any uses of force by any member of the HCC Police Department and provides a detailed report to the Chief of Police.
  32. Represents the department at community and business meetings.
  33. Serves as Campus Security Authority as outlined by the Clery Act.
  34. Performs miscellaneous job-related duties as assigned.

#### JOB KNOWLEDGE:

- A. Education and experience - successful completion of a certified police academy and the ability to be Certified as a Police Officer by the Maryland Police and Correction Training Commission. A minimum of 10 years' experience in law enforcement; an AA Degree or higher is required.
- B. Skills and abilities - must have ability to interpret college security and safety regulations; ability to think and act quickly in emergencies; ability to communicate well both orally and in writing; ability to deal tactfully with students, staff, and the general public.
- C. Additional requirement - valid motor vehicle operator's license; Reliable to report for duty assignments on time; compliance to the Campus Police Officers Rules and Regulations/ Manual of operating Procedures and chain of command.

#### WORKING ENVIRONMENT:

Police Officers will wear the uniform of the day as directed by the Chief of Police, and will maintain his/her uniform so that a clean, neat, fit for duty appearance is maintained. The job task analysis conducted by the Department for the position of Police Officer identified several physical tasks which require the readiness described above. Some of these are:

- Sitting at a desk or table with some walking, standing, bending or stooping, or carrying of light objects.
- Standing or walking for long periods of time.



- Repeated bending, crouching, stooping, stretching, reaching or crawling.
- Running, chasing, jumping.
- Grappling or fighting with others.
- Lifting or carrying objects up to 50 lbs.
- Climbing over or through obstacles.
- Pulling: Using upper extremities to exert force in order to draw, drag, haul, or tug objects/persons in a sustained motion.
- Pushing: Using upper extremities to press against something or someone with a steady force in order to thrust forward, downward, or outward.
- All of these physical tasks directly relate to one or more of the basic fitness areas. Therefore, a certain level of fitness is required of Police Officers



## POLICE OFFICER

### POLICE OFFICER 04.04

#### SUMMARY STATEMENT

The Police Officer is responsible for enforcing college policies, procedures, and directives related to campus security, safety, and traffic control, in compliance with the Police Officer's Manual of Operating Procedures. Officers will enforce all State and Local Laws in compliance with the Manual of Operating Procedures. Additionally, the Police Officer assists the Chief of Police in fire prevention and compliance with safety codes and regulations. The officer works a 37.5 work week and any additional hours as needed at an overtime rate of compensation.

#### ORGANIZATIONAL RELATIONSHIPS

- A. The Police Officer reports directly and is responsible to the Chief of Police.
- B. The position may require the supervision of other personnel, to include Student Patrol Members who are working the same shift and are required to report to the on duty Officer. Also serve as Field Training Officer as directed by the Chief.

#### ESSENTIAL DUTIES

- A. Summary of the duties for Police Officers is as follows:
  - 1. Patrol Campus by vehicle and on foot, ensuring a safe and secure environment, and perform security checks on all campus buildings.
  - 2. Maintain effective traffic control as required and enforce parking regulations.
  - 3. Prepare written incident reports, routine security related reports and other documentation as required.
  - 4. Render prompt assistance in all cases of accident or illness requiring police attention and take such actions as may be necessary.
  - 5. Know and adhere to the HCC Police Officer's Rules and Regulations and perform all other duties for Police Officers outlined in the Manual of Operating Procedures.
  - 6. Officers will make themselves visible to the campus community while on routine patrol or in a stationary position, except during a covert operation/investigation.
  - 7. Attend specialized training as needed to properly perform duties as Assigned by the Chief.



8. Officers will receive training to recognize symptoms of an opioid overdose and will be trained to administer overdose reversing medications and follow emergency procedures in relation to an opioid overdose.

## **EDUCATION AND EXPERIENCE**

Successful completion of a certified police academy and the ability to be Certified as a Police Officer by the Maryland Police and Correction Training Commission. A minimum of 3 years' experience in law enforcement; an AA Degree or higher is desired.

## **SKILLS AND ABILITIES**

Must have ability to interpret college security and safety regulations; ability to think and act quickly in emergencies; ability to communicate well both orally and in writing; ability to deal tactfully with students, staff, and the general public.

Additional requirement - valid motor vehicle operator's license; Reliable to report for duty assignments on time; compliance to the HCC Police Officers Rules and Regulations/ Manual of operating Procedures and chain of command.

## **WORKING ENVIRONMENT**

Police Officers are on probation for 2 years, beginning at the time of being certified by the Maryland Police and Corrections Training Commission. Police Officers will wear the uniform of the day as directed by the Chief of Police And will maintain his/her uniform so that a clean, neat, fit for duty appearance is maintained. The job task analysis conducted by the Department for the position of Police Officer identified several physical tasks which require the readiness described above. Some of these are:

- Sitting at a desk or table with some walking, standing, bending or stooping, or carrying of light objects.
- Standing or walking for long periods of time.
- Repeated bending, crouching, stooping, stretching, reaching or crawling.
- Running, chasing, jumping.
- Grappling or fighting with others.
- Lifting or carrying objects up to 50 lbs.
- Climbing over or through obstacles.
- Pulling: Using upper extremities to exert force in order to draw, drag, haul, or tug objects/persons in a sustained motion.





- Pushing: Using upper extremities to press against something or someone with a steady force in order to thrust forward, downward, or outward.
- All of these physical tasks directly relate to one or more of the basic fitness areas. Therefore, a certain level of fitness is required of Police Officers

## Part-time Police Training Instructor

### PART-TIME POLICE TRAINER 04.05

#### SUMMARY STATEMENT:

The Part-time Police Officer Trainer will be assigned to the Hagerstown Community College Campus Police. These primary responsibilities of this position are to conduct audits of the HCC Police Policies & Procedures. The Trainer will provide findings on the assessments and implement changes, where needed. The Trainer will also conduct a review of the training policies, practices, and procedures of the Police Department. Based on the review, the Trainer will develop policies, lesson plans, and implement training with HCC Police officers. The Trainer will be responsible for ensuring the department is following MPCTC training standards and best practices. This position will also be able to create and present training for students, faculty and staff on a wide variety of safety and security related topics

#### ORGANIZATIONAL RELATIONSHIPS:

- A. The Trainer reports directly to the Director of Public Safety/Chief of HCC Police.
- B. This is a non-supervisory and non-law enforcement-based position. The coordinator will **not** be utilized as a sworn law enforcement officer to respond to calls or cover shifts.
- C. This position is required to maintain all Maryland Police & Corrections Training Commission certifications and other required training/instructor certifications.

#### ESSENTIAL DUTIES AND RESPONSIBILITIES:

- A. List major duties of the position ranging from the most to least important.
  1. Review and assess policies and procedures currently in use by the HCC Campus Police.
  2. Review and provide feedback on Use of Force Reports and policies and procedures.
  3. Review and assess and training files of the Hagerstown Community College Campus Police.
  4. Implement new, standardized General Orders/Policies and Procedures for the Hagerstown Community College Campus Police. General Orders will create



organizational accountability with a proven system of written directives. Those directives will clearly define lines of authority that support decision-making and resource allocations.

5. Implement new training standards for the Hagerstown Community College Campus Police.
  6. Assist with providing training and instruction to students, faculty and staff at HCC (OSHA training, Stop the Bleed and Active Assailant Training).
- B. Conduct MCPCT certified training for HCC Campus Police Officers
1. Conduct MCPCT certified firearms training and qualification for members of the Hagerstown Community College Campus Police
  2. Assist with conducting In-Service training for members of the Hagerstown Community College Campus Police
  3. Provide less-lethal force training and specialized training as needed.
- C. Maintain Compliance with MPCTC Training Certifications
1. Create and submit new lesson plans to MPCTC for HCC Campus Police.
  2. Submit training files and training hours to MPCTC.
  3. Locate and identify training classes for HCC Campus Police officers
- D. Assist with Field Training Officer (FTO) Program
1. Oversee HCC FTO program to ensure compliance with MPCTC Standards.

#### **JOB KNOWLEDGE:**

- A. Education and Experience – Must have a high school diploma or GED and an Associate's Degree. Must be a certified officer with the Maryland Police & Corrections Training Commission. Must be MCPCT certified in: basic instruction, less lethal training, firearms training and in good standing with outside law enforcement agency.
- B. Skills and Abilities – Must have the ability to teach and train officers on law enforcement tactics. Must maintain proper certifications from MPCTC. Must have extensive history in training, policy development, and law enforcement training.

**WORKING ENVIRONMENT:** The part-time police (Trainer) position will have the flexibility to work on an as-need basis. The Trainer can work evenings and weekends to complete projects. Direction on schedule and projects will come from the Chief of Police.

## **SECURITY OFFICER - UNARMED**

### **SECURITY OFFICER 04.06**

**SUMMARY STATEMENT:**

The Security Officer is responsible for observing and reporting violations to college policies, procedures and directives related to campus security, overall safety and traffic control. The HCC Security Officer is a designated Campus Security Authority (CSA) and as such will report all Clery Act Crimes and any other criminal activity to the Campus Police. Security Officers will provide support to the Hagerstown Community Police Department during normal operations and special events. Security Officers will assist with opening and closing the campus buildings, fire prevention and compliance with safety codes and regulations. The Security Officer will be responsible for enforcing parking violations by issuing warnings and citations.

This position carries out College security functions including protecting life and property, preserving the peace and order of the College community, and providing various services of response, aid, and customer service to all campus stakeholders. The Security Officer works effectively with a wide range of constituencies in a diverse community, follows best practices, makes responsible decisions in the best interest of the main campus. This position will use varying styles and approaches that reflect an understanding and acceptance of the role of culture in a diverse, multicultural workplace.

**ORGANIZATIONAL RELATIONSHIPS:**

- A. The Security Officer reports directly to and is responsible to Director of Public Safety.
- B. This is a non-supervisory position.
- C. The Security Officer coordinates most closely with HCC Police and with Facilities and Maintenance.

**ESSENTIAL DUTIES AND RESPONSIBILITIES:**

- A. List major duties of the position ranging from the most to least important.
  - 1. Provide security functions as directed during College emergencies, crises, or continuity of operations
  - 2. Respond to emergency situation on the main campus to assess the scene and determine what life saving resources will be needed (call 911, obtain an AED or administer NARCAN).
  - 3. Conduct investigations, collect statements, interview parties involved in an Incident, prepare related reports, and testify in criminal or civil proceedings.
  - 4. Assist any victim of any violation of policy, law or safety procedure on the main



Campus and refer all incidents off-campus to the Washington County Sheriff's Office.

5. Provide customer service, directions, and information to the College community stakeholders, students, faculty staff and guests.
6. Patrol campus by vehicle and foot, ensuring safe a safe and secure environment, Perform security checks on all campus buildings.
7. Maintain effective traffic control as required an enforce parking regulations on campus.
8. Prepare written incident reports, routine security related reports and other Documents as required by the HCC Police.
9. Observe and Report all incidents of suspicious and/or criminal activity to HCC Police or the Washington County Sheriff's Office.
10. Render prompt assistance, when safe to do so, in all cases of accident or illness requiring security attention and take such actions as may be necessary.
11. Know and adhere to all policies and procedures of the college and perform other duties as defined by HCC Police. Protect the confidentiality of case/investigation and personally identifiable information acquired through performance of the day.

B. Observe and Report all Criminal and/or suspicious behaviors.

1. As part of the Jeanne Clery Act, Security Officers will be defined as a Campus Security Authority (CSA).
2. As a CSA, the Security Officer shall report all Clery Defined Crimes to a member of the Hagerstown Community College Campus Police.
3. Patrol campus and report all criminal and/or suspicious activity to the Washington County Sheriff's Office when Campus Police are not available.

C. Perform Traffic Control and Crowd Control.

1. Assist with traffic control before, during and after an event on campus.
2. Enforce parking regulations on campus by issuing warning/citations and testifying in court, if necessary.
3. Assist with crowd control and fire safety during normal operations and during Events held on campus.

D. Ensure buildings on campus are secure.



1. Security Officers will ensure the buildings are safe during normal operations by by conducting routine patrols. Security officers will report all hazards (spills, leaks and such) to maintenance/custodial staff.
2. Security Officers will assist college staff with securing and opening the buildings on campus when necessary.
3. Security Officers will assist HCC Police with safety drills and/or emergencies that require the campus to be secured or locked down.

## **JOB KNOWLEDGE:**

### Education and Experience:

#### **Required Minimum Qualifications:**

- Associate Degree or equivalent military experience
- 1 year of experience related to security, fire service, EMT, first responder, or law enforcement
- Valid driver's license and ability to safely operate a motor vehicle
- Ability to lift up to 50 pounds and work in seasonal weather conditions
- Ability to stand for extended periods of time, walk long distances, and traverse stairs

#### **Desired Qualifications:**

- Bachelor's Degree
- Proficiency in a second language (preferably Spanish and/or American Sign Language)
- Knowledge of public security policies and regulations
- Experience with access control systems
- Experience with first responder procedures, investigative practices, incident command and/or crisis responses procedures, incident/accident or criminal interviews/ interrogations, parking enforcement, and public relations

Skills and Abilities: Must have the ability to interpret college security and safety regulations; ability to act quickly in emergencies; ability to communicate well both orally and in writing; ability to deal tactfully with students, staff and the general public

**WORKING ENVIRONMENT:** The Security Officer will be required to work various shifts to include day work and evening work. This position will also include working weekends and special events. Traffic details will include working outside in inclement weather for various periods of time. Security Officers will be responsible for assisting with traffic control and being able to move and set up traffic cones/barriers.





## GENERAL REQUIREMENTS .05.01

.1 Unless otherwise ordered, members of the department, while on duty, shall wear such uniforms as prescribed by the Chief of Police. Uniforms shall be kept clean and not in disrepair.

.2 Uniformed personnel may not wear any ornamentations visibly while on duty, unless they are being utilized in a plain clothes capacity, and then only with the approval of their supervisor.

.3 Probationary Officers, until such time as they are certified for solo patrol duties, are subject to the following:

- Weapons may not be carried while off duty unless specifically authorized by the Chief of Police.
- The Hagerstown Community College Police uniform may not be worn while off duty, including those times when the officers are traveling to and from work. The officers shall change into the uniform after they arrive on campus, and remove it before leaving at the end of their tour of duty.
- Officers are not to take any enforcement action while off duty. Instead, they are to act as witnesses and immediately report to the proper police authority any incidents they believe require enforcement action.

NOTE: The above restrictions may be modified by the Chief of Police on a case by case basis, depending on the officer's previous status and/or jurisdiction as a law enforcement officer

.4 The standard uniform of the day will be the Class B or C uniform as described in the following sections. The Class A uniform will be worn only when specified by written or verbal order by the Chief of Police or his designee, when attending formal or special functions where the Class A would be appropriate, or as specified elsewhere in the HCC Police Policies and Procedures Manual.

.5 Each employee is required to wear and carry the applicable issued uniforms and equipment as described in this chapter, but only after said uniforms and equipment have been issued to the employee.

.6 Police employees will be provided with the following equipment: (CALEA 22.1.6)

- L/S Shirts
- S/S Shirts
- Duty Pants
- Uniform Coat/Jacket
- Uniform Hat
- Body Armor – Replacement base on expiration date
- Duty Belt with belt keepers
- Double Mag Pouch

## Chapter 5



G



**UNIFORM SPECIFICATIONS - CLASS B Sworn Members 05.03**

.1 The Class B uniform will consist of the following issued and/or specified attire:

- Solid navy service jacket with name plate and badge.
- Coyote Brown BDU style trousers.
- Long or short sleeve Navy/Dark Blue Tactical Polo style uniform shirt.
- Issued hat with hat shield (as directed by the Chief of Police), or black knit watch cap or skull cap (optional, during appropriate weather conditions).
- Black or Tan colored shoe/boot
- The Chief of Police and Lieutenant will wear a white Polo shirt with coyote brown pants
- Navy-blue or black turtleneck shirt or mock turtleneck shirt (optional), may only be worn under the long sleeve uniform shirt.
- Undershirt, if worn and visible, must be plain navy-blue or black.

.2 In lieu of the above, the Chief or designee may wear conservative business or casual business attire, depending on the day's activities.

**UNIFORM SPECIFICATIONS - CLASS B FOR SECURITY OFFICERS 05.03**

The Class C Uniform for Security Officers shall consist of the following issued and/or specified attire:

- Solid navy service jacket with name plate and badge.
- Black BDU style trousers.
- Long or short sleeve Tan Tactical Polo style uniform shirt.
- Issued hat with hat shield (as directed by the Chief of Police), or black knit watch cap or skull cap (optional, during appropriate weather conditions).
- Black Boots/shoes, plain toe leather (or similar product).
- Black or dark blue socks (supplied by the officer).
- Navy-blue or black turtleneck shirt or mock turtleneck shirt (optional), may only be worn under the long sleeve uniform shirt.
- Undershirt, if worn and visible, must be plain navy-blue or black.

**UNIFORM SPECIFICATIONS: BIKE PATROL 05.05**

.1 When on duty, members operating police bicycles will wear the designated bike patrol uniform as listed;

- Blue and Black Polo Bike Shirt with reflective material. POLICE on the back in reflective lettering. The HCC badge embroidered over the left chest and POLICE on the right chest.
- Undershirt, if visible, navy blue or black in color.



## Chapter 5

## General Requirements

- Blue/Black tactical shorts or blue BDU pants, with agency duty belt.
- Black socks and black sneakers or black hiking boots.
- Bicycle helmet

.2 The protective helmet and eye protection must be worn at all times when operating the bicycle. Personnel may choose to wear their own sunglasses (daylight) or clear glasses (night time). Glasses must be shatter proof.

### OTHER UNIFORM ACCESSORIES 05.06

Unless specified as issued equipment, all additional uniform accessories/clothing will be at the discretion of the Chief of Police.

### INSIGNIA OF RANK 05.07

#### .1 CHIEF OF POLICE:

- Collar emblem: one (designated stars or eagle as CHIEF of police) pin on each collar flap of the uniform shirt, approximately 3/4 of an inch from the collar's front edge, centered approximately midway between the neck and collar point, with the bottom parallel to the collar's front edge.
- Epaulet emblem: Four Stars on each jacket or dress blouse epaulet, approximately one inch in from the epaulet's outer edge. The pin shall be centered between the front and back epaulet edges with bottom parallel to the epaulet's outer edge.
- Hat shield bearing Maryland state emblem and designation for the rank of Chief.

#### .2 LIEUTENANT OF POLICE:

- Collar emblem: one Lieutenant Bar pin on each collar flap of the uniform shirt, approximately 3/4 of an inch from the collar's front edge, centered approximately midway between the neck and collar point, with the bottom parallel to the collar's front edge.
- Epaulet emblem: One Lieutenant Bar on each jacket or dress blouse epaulet, approximately one inch in from the epaulet's outer edge. The pin shall be centered between the front and back epaulet edges with bottom parallel to the epaulet's outer edge.
- Hat shield bearing Maryland state emblem and designation for the rank of Lieutenant.

#### .3 SERGEANT OF POLICE

- Hat shield bearing Maryland state emblem and designation for the rank of sergeant.
- Chevrons: one sergeant chevron on each sleeve of the Class A uniform shirt and service jacket. For the Class A uniform and service jacket, the chevrons will be white on a navy-blue background.

**APPROVED EQUIPMENT FOR UNIFORMED PERSONNEL 05.08**

.1 Except as otherwise provided by their supervisors, all uniformed personnel shall wear and/or carry the following issued equipment, and supervisors shall be responsible for the inspection of said equipment daily:

- Side arm loaded with issued ammunition, issued holster and two full reloads of issued ammunition on the duty belt in issued magazine carriers.
- OC individual protective device in the prescribed holster
- Handcuffs and case worn on the duty belt. Handcuff key must be carried on employee's person.
- I. D. Card as issued by the Department, and MPCTC certification card.
- Baton with holder.
- CAT Tourniquet with issued holder.
- Miranda Warning Card.
- Latex gloves/holder worn on the Duty Belt.
- Portable police radio and issued holder worn on the duty belt.
- Expandable Baton in issued holder.
- Taser with issued cartridges and holster.
- Flashlight in issued holder
- Belt keepers
- Ballistic Vest: must be threat level II or higher with front and rear coverage

.2 The following additional items are also approved for wear/carry and are optional.

- Additional handcuffs; must be metal (chrome or black), professional style, chain or hinged, double lock capable.
- Penknife or lock blade style folding duty knife; must be hidden or carried in a plain black case on the duty belt.
- Tactical, rail-mount flashlight and/or laser sight attached to firearm; must be compatible with the weapon to which it is mounted and approved by designated firearms instructor.

.3 Uniformed personnel shall wear/carry any additional equipment as directed by their supervisor. **All equipment purchased or used by an individual officer must be approved and meet the standards set forth in these regulations.**

**CARRYING EQUIPMENT OFF DUTY 05.09**

.1 When Carrying Departmental issued/approved firearm, off duty officers shall carry, or have in their immediate possession, their Departmental identification card and MPCTC certification card.

.2 Any approved weapons or equipment may be carried when off duty at the employee's discretion in compliance with all other sections of these Policies and Procedures.



## Chapter 5

## General Requirements

### **BALLISTIC VESTS 05.10**

Ballistic vests are issued to all sworn personnel. While on-duty and in uniform, wearing of the vest is mandatory.

### **CLASSROOM 05.11**

.1 Instructors assigned to teach classes in a classroom setting (except firearms and defensive tactics) will wear the uniform of the day or one of the following:

- Conservative business attire.
- Business casual attire which may include shirts embroidered to identify the instructor.

.2 In the event that there is a demand for specialized courses requiring a split setting such as classroom and practical exercises, instructors and students may wear attire appropriate for the practical exercises.

### **FIREARMS RANGE 05.12**

Instructors and students will wear weather appropriate street clothes. No offensive designs or wording will be permitted.

### **SELF-DEFENSE/PHYSICAL FITNESS/DRIVER SKILLS TRAINING 05.13**

Instructors and students will wear street clothes or gym clothes, as appropriate. No offensive designs or wording will be permitted.

### **COURT ATTIRE 05.14**

.1 The class A uniform will be worn by sworn officers as acceptable attire when appearing in Court or any other official job-related proceeding.

.2 The class C uniform will be worn by Security Officers as acceptable attire when appearing in Court or any other official job-related proceeding.

.3 Non-designated members may wear conservative business attire. "Business casual" attire is not permitted.

.4 The judge or presiding official shall have the final say as to what may be worn in their courtroom.

### **MODIFIED DUTY ASSIGNMENTS 05.15**

.1 Officers on light duty, in house suspensions, administrative re-assignment, etc., shall wear conservative business or business-casual attire if in an assignment where contact with the public is likely.



## Chapter 5

## General Requirements

.2 Employees on modified duty shall follow all other HCC Police policies and procedures related to personal appearance that are applicable to their normal duty assignments.

.3 Other attire or variations to personal appearance may be authorized by the Chief of Police or designee depending on the condition of the employee and the nature of the modified duty assignment. The final decision as to acceptable attire for modified duty employees shall rest with the Chief of Police.



## Chapter 6 PERSONAL APPEARANCE

## Personal Appearance

### UNIFORM APPEARANCE 06.01

All members of the Department, while acting in an official capacity, shall maintain their clothing in a well-pressed and neat manner. Shoes shall be clean and hair styles shall conform with departmental specification.

### WEARING OF UNIFORM 06.02

- .1 Members required to wear the uniform shall wear the complete uniform, and upon going off duty shall remove it in its entirety as soon as practical.
- .2 When in public view, the police service jacket shall be zipped from the bottom up to the top edge of the breast pocket.
- .3 Uniform pants shall not be pegged or tapered in any manner.
- .4 Uniform shirts shall not be altered in any manner, other than fitted to the officer.
- .5 All uniform shirts shall be buttoned, and cuffs and/or sleeves shall not be rolled up or tucked under.

### HAIR STYLE REGULATION - MALE MEMBERS 06.03

- .1 The hair shall be neatly groomed. The length and/or bulk of the hair shall not be excessive or present a ragged, unkempt or extreme appearance. Hair shall present a tapered appearance, and, when combed, it shall not fall over the ears or eyebrows or touch the collar, except for the closely cut hair at the back of the neck. The so-called "block cut" fullness in the back is permitted in moderate degree. In all cases, the bulk or length of hair shall not interfere with the normal wear of all uniform headgear.
- .2 If the officer desires to wear sideburns, they shall be neatly trimmed. The base shall be a clean-shaven horizontal line, with no flares. Sideburns shall not extend downward beyond the lowest part of the ear.
- .3 Sworn personnel shall be clean-shaven except mustaches and goatees are permitted. If a mustache is worn, it shall be kept neatly trimmed and tidy. No hair shall extend downward beyond the upper lip. No other facial hair shall be permitted for officers working uniform assignments except authorized by the Chief of Police.
- .4 Officer's fingernails shall be kept trim and clean.



## Chapter 6

## Personal Appearance

### HAIR STYLE REGULATIONS - FEMALE OFFICERS 06.04

- .1 The hair shall be styled in such a manner as to prevent it from extending or hanging down beyond the bottom edge of the shirt collar. It shall not present a ragged, unkempt, or extreme appearance. Wigs may be worn provided they meet the standards regarding length and style.
- .2 If hair is styled with bangs, the bangs shall be maintained above the eyebrows.
- .3 No pins or hair ornaments shall be worn, other than those needed to keep hair up off of collar.
- .4 In all cases, the bulk or length of hair shall not interfere with the normal wear of all uniform headgear.
- .5 Female officers may wear light make-up. Make-up shall give as natural an appearance as possible. False eyelashes or eyeshadow shall not be worn.
- .6 Officer's fingernails shall be kept trim and clean. Female officers may wear fingernail polish; however, only clear polish may be used.



## DEPARTMENTAL PHYSICAL AGILITY ASSESSMENT 07.01

### PURPOSE

Effective July 1, 2022, all certified police officers in the State of Maryland, as defined by the Public Safety Article § 3-201 MUST submit to a physical agility assessment by the Maryland Police Training and Standards Commission. This physical agility assessment is a requirement for initial certification, *and* as a condition of certification, a police officer is required to submit to an annual physical agility assessment to establish continuing fitness to carry out the officer's assigned duties as a police officer. Public Safety Article §3-209 requires a physical agility assessment to be completed annually by all certified police officers in the State of Maryland. The evaluation components listed in this chapter are required for certification of a police officer by the Commission pursuant to Public Safety Article §3-209.

### PHYSICAL AGILITY ASSESSMENT FORM

- .1 All police officers of the HCC Police Department *shall* be required to complete an annual Physical Agility Assessment Evaluation Form, with a certified physician, prior to the assessment (testing) date. The purpose of the Physical Agility Assessment Form is to ensure the officer is in adequate health to perform the physical tasks mandated by the Maryland Police and Corrections Training Commission (MPCTC).
- .2 Officers can have their primary physician complete the Physical Agility Assessment Evaluation Form during their Annual Wellness visit. Or, the officer can schedule an appointment at Health@work to have an exam and have the physician complete the form. The Physical Agility Assessment Evaluation Form shall be completed within 3 to 4 months of the scheduled physical agility assessment at HCC. The physical agility test will be considered part of annual In-Service and will be scheduled in the Spring months (April/May). Physical Agility Assessment Evaluation Forms shall be submitted to the HCC Lieutenant prior to the testing date.
- .3 If the physician discovers any physical defects or abnormalities during the examination which, in the physician's opinion would adversely affect the officer's ability to perform his job, such findings shall be forwarded to the Chief of Police immediately with the physician's recommendations for correcting said deficiencies. Any and/or all physical defects discovered during this examination shall require that the officer consult with the attending physician, his/her family physician or a specialist to have the physical defects corrected. Failure of any officer to complete the mandated physical agility assessment can result in the officer not being certified as a police officer with the Commission.

### PHYSICAL FITNESS 07.02

- .1 Physical fitness is a health-related status and represents a dimension of physical efficiency. It pertains to minimizing health risks and maximizing readiness to perform strenuous physical tasks. Physical ability, on the other hand pertains to the performance of a specific job task or motor skill.





Many so-called physical fitness tests and standards that have come under scrutiny are ability tests and have been misinterpreted as fitness tests. There is a consensus in the field of exercise physiology, preventive medicine, and physical education that physical fitness consists of four basic components:

- **Aerobic power or cardiovascular-respiratory endurance.** This is the cardiovascular system status in being able to transport oxygen to the body. It is often called maximum VO<sub>2</sub> uptake. It is the single most indicative measure of our physical fitness. Directly, it relates to cardiovascular efficiency to perform any type of physical work, especially endurance activity. It is the area that determines work capacity and fatigue tolerance. In terms of health, one's status in this area has a bearing on disease risk, especially coronary heart disease.
- **Strength.** This is the physical status whereby the muscles are capable of generating force. There are two aspects of strength: 1) absolute strength to generate maximum force and 2) dynamic strength (muscular endurance) that is the capacity to exert force repeatedly over time. Strength is a key direct factor in performing a variety of motor tasks. In terms of health risk, lack of strength is a factor in developing musculoskeletal injuries.
- **Flexibility.** This is the physical status of having good range of motion. It is dependent upon the tendons, ligaments, and muscles being able to relax and stretch with elasticity. Flexibility has a direct bearing in performing any motor tasks with efficiency. In terms of health risk, it is a factor preventing musculoskeletal injuries, especially of the lower back.
- **Body composition.** This is the relationship between lean tissue and fat tissue. The greater the % of fat in the body, the less efficient and more taxing any activity becomes. High % fat (obesity) is also a major risk factor for a variety of diseases including heart disease, diabetes, and stroke.

There does appear to be some evidence that an officer's status in these four areas has a bearing on job performance. The few studies that have addressed the relationship of physical fitness to public safety officers' job performance have shown consistent results at a general level. On a cross sectional basis, fitness was shown to be positively correlated with supervisor ratings of job performance, number of complaints, sick time, and supervisor ratings of performance of physical tasks. Longitudinally, one study showed that following a fitness program, officers demonstrated increased job performance ratings. Fitness has also been shown to be very predictive of recruit academy performance. Construct validity studies have shown that the four fitness areas emerge as underlying factors predicting performance of a variety of job specific tasks.

The four areas of physical fitness have both specific and general implications for public safety officer job relatedness. Two major areas are: 1) readiness to perform strenuous physical tasks and 2) health and disability risk. The nature of public service occupations is such that the majority of time is spent in sedentary work. As a consequence, personnel develop a sedentary lifestyle which minimizes physical readiness and maximizes health risk. This puts the public safety officer in a state of jeopardy at two levels: 1) inability to perform maximally if the situation demands it and 2)



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being in a high risk of coronary disease and circulatory problems if maximum effort was necessary. Consequently, if the sedentary officer must respond, his/her life and the lives of others could be in jeopardy. While there is very little direct evidence from research on public safety officers, there is a large body of knowledge to support the physiological justification of fitness for readiness and risk that has been done with other subjects. Physiologically, the public safety officer responds as any other adult to physical work demands. Consequently, conclusions from that body of data has generalizability to public safety officers. (Source: "Concept Paper: A Rationale for Health and Fitness Within Law Enforcement", published by the Institute for Aerobics Research, Dallas Texas.)

.2 A job task analysis for the position of Patrol Officer identified several physical tasks which require the readiness described above. Some of these are:

- Sitting at a desk or table with some walking, standing, bending or stooping, or carrying of light objects.
- Standing or walking for long periods of time.
- Repeated bending, crouching, stooping, stretching, reaching or crawling.
- Running, chasing, jumping.
- Grappling or fighting with others.
- Lifting or carrying objects up to 50 lbs.
- Climbing over or through obstacles.
- Pulling: Using upper extremities to exert force in order to draw, drag, haul, or tug objects/persons in a sustained motion.
- Pushing: Using upper extremities to press against something or someone with a steady force in order to thrust forward, downward, or outward.

### MPCTC PHYSICAL AGILITY ASSESSMENT COMPONENTS 07.03

The following evaluation components were identified as part of the job task analysis. The

1	The police officer will climb over a barrier
2	The police officer will pull/drag a 150lb individual at least 15 feet
3	The police officer will demonstrate the ability to run for a distance of 300 feet
4	The police officer will demonstrate the ability to traverse up and down at least two (2) flights of stairs

### LAW ENFORCEMENT AGENCY RESPONSIBILITIES 07.04

The HCC Police Department will ensure each officer submits to a physical agility assessment for certification as a police officer and schedule an annual physical agility assessment of all certified officers. The assessment will be completed at HCC as part of the regular In-Service Training. Upon completion, the HCC police lieutenant will attest, in writing that each officer has the



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## Departmental Physical Agility Assessment

physical ability to carry out the officer's assigned duties. The department will maintain records of the individual's assessments for a minimum of three (3) years from the date of assessment.

### **POLICE TRAINING COMMISSION RESPONSIBILITIES 07.05**

As part of the current In-Service auditing process, the Commission will review that a law enforcement agency has the physical agility assessment process in place and that all certified officers have participated. The Commission will then review the agency documentation attesting to each certified officer's physical ability to carry out assigned duties.

### **FAILURE TO PARTICIPATE 07.06**

Officers who fail to submit to a physical agility assessment will be ineligible for initial certification or re-certification. The HCC Police Department will maintain documentation for each certified officer's physical ability to carry out the officer's assigned duties. In the absence of such documentation, the officer will be ineligible for initial certification or re-certification. If an officer fails to complete the Physical Assessment Form or the Physical Agility Assessment the Chief of Police will be notified in writing. Remedial training will be offered to the officer for failure to complete the assessment standards. If remedial training is not successful the HCC Lieutenant will notify the Maryland Police and Corrections Training Commission. Failure to be certified, as a police officer, can result in being assigned to non-police duties, department/College disciplinary procedures and/or termination. The Hagerstown Community College Executive Director of Human Resources will be immediately notified of any non-compliance or failure to meet standards.



## HCC Police Department



## Physical Agility Assessment Evaluation Form

Officer's name:	MPCTC #:
Evaluator(s) name:	Date:

Meets Standard	Does NOT Meet Standard (Remedial Training Required)	Remedial Training Notes Attached	Assessment Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Demonstrate a safe procedure to climb over a barrier (fence).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Demonstrate the ability to pull/drag a 150lb individual (or similar object) 15 feet.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Demonstrate the ability to run at full speed for a distance of at least 300 feet. (100-yard sprint)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Demonstrate the ability to run up and down at least two (2) flights of stairs.

Remedial Training Notes:

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### PHYSICAL AGILITY ASSESSMENT REQUIREMENTS

Public Safety Article 3-209 requires a physical agility assessment to be completed annually by all certified police officers in the State of Maryland. The evaluation components listed below are required for certification of a police officer by the Commission pursuant to Public Safety Article Section 3-209.

**Demonstrate a safe procedure to climb over a barrier (fence).**

**Demonstrate the ability to pull/drag a 150lb individual at least 15 feet.**

**Demonstrate the ability to run at full speed for a distance of at least 300 feet (100 yards).**

**Demonstrate the ability to traverse up and down at least two (2) flights of stairs.**

Additionally, other tasks would include:

1. Sitting at a desk or table with some walking, standing, bending or stooping, or carrying of light objects.
2. Standing or walking for long periods of time.
3. Repeated bending, crouching, stooping, stretching, reaching or crawling.
4. Running, chasing, jumping.
5. Grappling or fighting with others.
6. Lifting or carrying objects up to 50 pounds.
7. Climbing over or through obstacles.
8. Pulling: Using upper extremities to exert force in order to draw, drag, haul, or tug objects/persons in a sustained motion.
9. Pushing: Using upper extremities to press against something or someone with a steady force in order to thrust forward, downward, or outward.
10. Fingering: Picking, pinching, typing, or otherwise working, primarily with fingers rather than with the whole hand or arm as in handling.



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## Departmental Physical Agility Assessment

11. Grasping: Applying pressure to an object with the fingers and palm as well as distinguishing between degrees of pressure applied.
12. Talking: Expressing or exchanging ideas by means of the spoken word.
13. Hearing: Ability to receive detailed information through oral communication and to make fine discriminations in sound.
14. Balancing when walking, standing, or crouching on narrow, slippery, or erratically moving surfaces.
15. Smell: Ability to detect odors commonly encountered on the job, including but not limited to, natural gas leaks, smoke, and other environmental odors, CDS odors such as marijuana, odor of alcoholic beverages.
16. Sight: Correctable to at least 20/30 in each eye; ability to identify and distinguish differences in colors.

I certify that I have examined \_\_\_\_\_ and found that the Officer  
(circle)

**IS** in adequate health to work in the environment and perform the physical tasks described.

or

**IS NOT** in adequate health to work in the environment and perform the physical tasks described.

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Physician (please Print and Sign)

Date



## LEAVE, SICKNESS AND INJURY

### REPORTING FOR DUTY 08.01

**.1 Attendance** -Employees are expected to be ready to work at the beginning of their assigned daily work hours, and to reasonably complete their tasks by the end of their assigned work hours. Employees should let their immediate supervisor know when they will be away from their work area for an extended period of time and their expected return time.

In order to protect the public health, safety, and welfare, members of the Department are required to work those hours or days as directed by the Chief of Police or designee.

**.2 Absence or Lateness From time to time** - It may be necessary to be absent from work. College administration is aware that emergencies, illnesses, or pressing personal business that cannot be scheduled outside of work hours may arise. Sick days and two personal days have been provided for this purpose.

The following is expected of employees if there is an incident of an absence or lateness:

- A. **Notification of Immediate Supervisors** - The employee should contact the immediate supervisor no later than thirty minutes before the scheduled start time, when there is a reason for not reporting to work, or there is a late arrival to work. If the employee is unable to call due to an illness, emergency or for some other reason, someone related to the employee should call the immediate supervisor.
- B. **Job Abandonment** - Any employee of the College who is absent from work for three (3) consecutive working days without communicating with the immediate supervisor or Human Resources, may be considered by the College as a voluntarily resignation through job abandonment.
- C. **Planned Absences** - If the employee knows in advance of a planned absence, the employee needs to request this time off directly from the immediate supervisor at least five (5) working days prior to the planned absence
- D. **Physician's Note** - If an employee is absent due to an illness for five (5) or more consecutive work days, the employee must submit a written doctor's note to the immediate supervisor before being permitted to return to work. The supervisor should forward all confidential physician documentation to Human Resources.
- E. **Excessive Absences & Lateness** - A consistent pattern of questionable absences can be considered excessive, and may be cause for concern. In addition, excessive lateness or leaving early without letting the supervisor know will be considered a "pattern of concern" and may carry the same weight as an absence. Reasons for the lateness will be taken into consideration. Please contact your supervisor for further clarification of departmental attendance guidelines. The employee's immediate supervisor will make a note of any absence or lateness, and their reasons. Excessive absences, lateness or leaving early may lead to disciplinary action, including possible dismissal from the College.



## Chapter 08

## Leave, Sickness and Injury

- F. **Inappropriate or Excessive Use of Sick Leave** - Each supervisor is responsible for reviewing the use of sick leave taken by employees. If an employee's use of sick leave appears excessive or questionable, or there is a pattern of behavior, the supervisor shall report the finding to Director of Human Resources. The Director of Human Resources may require the employee, at the employee's expense, to submit medical evidence confirming the necessity for the sick leave in question. If it is established that the employee used more sick leave than was medically necessary, appropriate disciplinary action may be taken up to and including termination.
- G. **Fraudulent Use of Sick Leave** - If an employee's reason for use of sick leave is proved to be fraudulent, such fraudulence may be cause for immediate dismissal from the College.
- H. Every member who fails to appear for duty at the date, time and place specified, without the consent of a competent authority, is "absent without leave". Such absences shall be reported in writing to the Chief of Police.

.3 No member of the Department shall be absent from his regular shift without permission of a Supervising Officer or the Chief of Police.

.4 Members of the Department, when on annual leave or days off, are subject to recall to duty by the Chief of Police in the event of an emergency.

### **Annual Leave, Sick Leave, Holiday Leave, Bereavement Leave, Personal Leave, Court Leave, Sabbatical Leave and Military Leave**

All paid leave shall be earned and administered as outlined in the Hagerstown Community College Employee Handbook, HR Policy # 3-02, Employee Leave Policy, listed under Section 3.0 Employee Benefits.

### **INJURY IN THE LINE OF DUTY 08.02**

In the event of injury sustained while on the job, an employee may be eligible for payment of medical expenses incurred in the treatment of such injuries through the College's Worker's Compensation Policy.

### **LIGHT DUTY 08.02**

.1 An employee who, due to illness, injury, or pregnancy, is not capable of performing the essential functions of his/her job, may be allowed to return to work on light duty provided:

The Department has work it deems significant enough to its mission to warrant a light duty assignment;

- the employee can perform the work based on his/her medical restrictions; and
- the light duty assignment is approved in advance by the Chief of Police.





## Chapter 08

## Leave, Sickness and Injury

.2 If a light duty employee is not able to return to full duty within 90 days of beginning light duty, the Department may request that the employee be re-evaluated and work restrictions be updated. The employee may be allowed to continue on light duty with re-evaluations every 90days.

.3 If a qualified medical professional determines that an injury or illness will preclude the employee from returning to work and performing the essential functions of his/her regular position, the employee will not be allowed to return to work on light duty. If the employee is already on light duty, that assignment will be discontinued.

.4 Attire: Depending on the condition of the employee and the nature of the light duty assignment, the final decision as to acceptable attire for light duty employees shall result with the Chief of Police. Employees on light duty shall follow all other HCC Police Department Policies and Procedures related to personal appearance which is applicable to their normal duty assignments.

**Assignment to non-officer status** - If the employee is unable to complete MPCTC mandated training or firearms qualifications, the employee will be placed on non-officer status per COMAR 12.04.01 effective the date of illness, injury or pregnancy.

### MILITARY LEAVE 08.04

Military Leave shall be administered as outlined in the Hagerstown Community College Employee Handbook, HR Policy # 3-02, Employee Leave Policy, listed under Section 3.0 Employee Benefits. Additionally, the following Policies and Procedures shall apply for Active Duty Personnel;

.1 Assignment to non-officer status if the activation is anticipated to prevent the employee from completing MPCTC mandated training or firearms qualifications, the employee will be placed on non-officer status per COMAR 12.04.01, effective the first date of activation identified in the employee's orders.

.2 Storage of issued equipment during deployment: If the employee's military activation will require a significant absence from home, all department issued approved weapons (as defined in the Use of Force Policy) will be collected by the Chief of Police or designee prior to the employee leaving for activation. Additionally, building access cards/fobs will be deactivated.

.3 During periods of training or activation, the employee's HCC email address will remain active and accessible to the employee so the employee can continue to be notified of relevant Department information such as Policies and Procedures Change Orders, Special Orders and Personnel Orders.

.4 At the conclusion of a military activation, the Sergeant shall assist employees as needed with completing all Hagerstown Community College requirements for returning to regular employment status. The Sergeant shall also assist the Human Resources Department as needed in matters pertaining to employee wages and benefits.



.5 In preparation for the employee's return to duty, the Sergeant will coordinate the following activities:

- Interview with Chief of Police or designee- The Chief or designee will meet with the employee to review the procedures for returning to duty, including anticipated time lines, if applicable, for completing all steps for reintegration.
- Physical and psychological examinations: Sworn employees whose military activations result in active combat duty or deployment to a combat zone will have physical and psychological examinations as described for pre-employment screenings as required by C.O.M.A.R. prior to return to full duty status. The Sergeant will have both scheduled as soon after the employee's return from active military duty as practical. Should either examination result in a recommendation that the employee is not ready to return to full duty, other relevant sections of this chapter (e.g. fitness for duty, light duty, etc.) will apply.
- Return of equipment: Issued equipment collected prior to activation, or their equivalents, will be re-issued to the employee as soon as practical after the employee's return from active military duty. A sworn employee whose military activation results in active combat duty or deployment to a combat zone may have issued weapons re-issued only after the physical and psychological examinations are completed and the employee is cleared to return to full duty.

.6 MPCTC mandated training and qualification: Prior to return to full duty, the employee will complete all MPCTC mandated training and firearms qualifications per COMAR 12.04.01. The Training Officer will arrange for the training and qualification, and will promptly report the employee's completion of same to the MPCTC.

.7 Return to full duty status: Once a sworn employee has met all requirements for return to full duty, the officer will be reinstated to full duty status. If the officer had been on nonofficer status, the Training Officer will notify the MPCTC of the employee's return to full duty status.

.8 Sworn employees who have been on military activation for a period of 365 calendar days or more will be assigned to an FTO for a minimum 5-day period. During this time, the employee will not be subject to the evaluation process required of probationers in training. The FTO's function is to re-familiarize the officer with agency forms, updated policy and procedures, and any other relevant information.

.9 Sworn employees whose military activations result in active combat duty or deployment to a combat zone will be required to meet with the Department's pre-employment psychologist at 6 months and 12 months after returning to full duty. The intent of this requirement is to provide the employee and Department an opportunity to identify the potential existence of post-traumatic stress disorder (the effects of which may not appear for 6 to 12 months), and to arrange for an appropriate treatment plan as needed. The Sergeant will coordinate the scheduling of these meetings and any recommended follow-up action.



.10 Significant personnel actions resulting from an employee's military activation (e.g. extended leave from HCC while on activation, assignment to nonofficer status, officer status reinstatement, return to duty, etc.) will be noted on personnel orders.

#### REQUESTS FOR STRESS LEAVE 08.05

.1 The purpose of this section is to provide procedures to assess an employee's status and protect the employee and the employer from potential liability when stress leave is requested.

.2 Employees wishing to request stress leave will notify a supervisor as soon as possible.

.3 Upon the request for stress leave from personnel who have been issued firearms, the supervisor will secure the employee's department issued firearms. At that point the employee will be on stress leave. For sworn personnel, the first stress leave occurring 24 hours after notification will not be chargeable to any other leave. For all other days the employee is on stress leave, he/she shall be considered on administrative leave with pay.

.4 The employee's supervisor shall ensure the proper documentation is completed to initiate the worker's compensation claim process.

.5 The employee will attend a mandatory EAP referral. The Chief of Police or designee will notify the EAP of the reason for the referral and request a confirmation that the employee has completed the referral.

.6 Upon the employee's completion of the EAP referral, the Chief of Police or designee will schedule the employee for a fitness for duty evaluation as soon as possible. The fitness for duty evaluation will be performed by a qualified mental health care professional chosen by the Police Department.

.7 If the employee's condition is not treatable so as to ensure a timely return to duty, or if the employee's condition is defined as a disability under the Americans With Disabilities Act, the Chief of Police shall determine what disposition will be made regarding the employee's employment status.

.8 Upon completion of the fitness for duty and a recommendation for return to full duty, the firearm will be returned and the employee will be immediately reassigned to full duty. If the employee is not yet ready to return to full duty, but is able to work a light duty assignment as determined by the mental health care professional, the employee shall be given said assignment



## USE OF FORCE 09.01

The Hagerstown Community College Police Department was created to serve the College community; safeguard life and property, enforce state and local laws and to preserve the peace and protect the rights of all citizens, on the campus.

Members of the HCC Police Department are committed to the sanctity of life and respect the value of every human life. Deadly force should only be used in extreme circumstances and when reasonably necessary.

The HCC Police Department adheres to the standards set forth by the Maryland Police and Corrections Training Commission. In addition to this, the HCC Police Department has updated their use-of-force policy to meet the requirements, set forth by the U.S. Department of Justice and the Presidential Executive Order on Safe Policing for Safe Communities (Executive Order 13929).

- A. Policy: HCC police officers shall establish policy governing the use of force, escalation of the use of force, reporting use of force incidents, use of firearms and departmentally issued/sanctioned weapons and necessary training.
- B. Definitions
  - 1. Use of Force: the amount of physical effort required by Law Enforcement to compel compliance by, or control of, an unwilling subject or to defend oneself or others against an attack.
  - 2. Non-Deadly Force: is an amount of force that is unlikely to cause serious bodily injury, harm or death to another person. Also referred to as non-lethal force.
  - 3. Deadly Force: is an amount of force that is likely to cause serious bodily injury, harm or death to another person. Also referred to as lethal force.
  - 4. Serious Bodily Harm: relative to use of force, is that bodily harm or injury that creates a high probability of death, serious, permanent disfigurement, or permanent or protracted loss or impairment of any bodily member or organ.
  - 5. Passive Resistance: Where a subject is not actively resisting or being physically or verbally aggressive; however, the individual is not complying with the legal orders of the officer.
  - 6. Active Resistance: Where a subject is displaying physically evasive movements, or verbal communications or other behaviors intended to defeat the officer's attempt to arrest or gain control. Physically evasive movements, verbal communications or other behaviors may include, but are not limited to: physically bracing, twisting, pulling, holding onto objects, fighting words, or assuming a stance reasonably perceived by an officer to be posturing or fleeing.



7. **Active Aggression:** A threat or overt act, hostile, or attacking movement by a subject, coupled with the present ability and opportunity to carry out the threat or assault and where a reasonable officer would believe the threat or assault may cause injury to the officer or other individuals. This aggression may include, but is not limited to: punching, kicking, biting or pushing.
8. **Jeopardy:** The physical or verbal act by an individual which is reasonably perceived by an officer to indicate intent and a present ability and opportunity to place the officer or a third party at risk of injury, peril or danger.
9. **Imminent Jeopardy:** The physical or verbal act by an individual which is reasonably perceived by an officer to indicate intent and a present ability and opportunity to inflict an impending serious bodily harm on the officer or third party. Imminent jeopardy may be present even if a subject is not at that instant pointing a weapon at the law enforcement officer, but is carrying a weapon and poses an articulable imminent threat.
10. **Approved Weapon:** a device or instrument which an officer has received permission from the agency to carry and use in the discharge of that officer's duties, and for which the officer has obtained training in the technical, mechanical and physical aspects of the device, and developed a knowledge and understanding of the law, rules and regulations regarding the use of such weapons.
11. **Weapons of Opportunity:** If the officer or a third person is in jeopardy or imminent jeopardy, any weapon of opportunity can be used to prevent injury and preserve that life (ink pen, broom handle, flashlight). These weapons of opportunity should not be used in place of existing tools (OC, baton, etc.) if tactically practical, but as last resort to preserve life and prevent injury.
12. **Emergency Medical Professional:** An emergency medical professional is defined as a person certified, at a minimum, as an EMT through the Maryland Institute of Emergency Medical Services.
13. **Excited Delirium:** State of extreme mental and physiological excitement, characterized by behaviors and symptoms such as extreme agitation, elevated body temperature (hyperthermia), watering eyes, hostility, exceptional strength, and endurance without fatigue. The subject should be seen by emergency medical professionals as soon as tactically possible.
14. **Intermediate Weapons:** Intermediate Weapons for purposes of this policy, may be defined as those issued or approved weapons that are generally considered, when used in accordance with departmental policy and training, to be non-lethally.
15. **Escape:** A person who has been lawfully arrested and has knowingly departed from custody without the authorization of a law enforcement or judicial officer.
16. **Fresh Pursuit:** Fresh pursuit is pursuit by a law enforcement officer (with or without a warrant) for the purpose of preventing the escape or effecting the arrest of any person who is suspected of committing or having committed, a misdemeanor or felony. Fresh pursuit implies pursuit without unreasonable delay, but need not be immediate pursuit. It can also refer to chasing a suspect or escaped felon into a neighboring jurisdiction in an emergency, without time to alert law enforcement people in that area.



17. Oleoresin Capsicum (OC): An inexpensive, low level, less lethal force option that is derived from the pepper plant. It is classified as an inflammatory and can be deployed by spraying.
18. Conducted Energy Weapon: Conducted Energy Weapons (CEWs) are a force option intended to be used in the following situations:
  - a) To control persons whose attempt to prevent a lawful arrest or custody puts officers and themselves at risk of physical injury;
  - b) To control individuals whose actions can reasonably be expected to intentionally harm themselves or others;
  - c) To protect an officer or others from a dangerous, aggressive animal.

The approved CEW is any issued Taser® model. No other CEWs are approved for use by Department personnel. All CEW's will be inspected and approved by a certified CEW instructor before being placed in service.

## **POLICY LIMITATIONS 09.02**

The rules, policies, and procedures found in this Chapter are for departmental use only and do not apply in any criminal or civil proceeding. The departmental policies should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of these rules, policies, or procedures will only form the basis for departmental administrative sanctions. The Hagerstown Community College Police Department shall establish policy governing the escalation/de-escalation of the use of force, reporting use of force incidents, the use of departmentally approved/issued weapons and training. While primarily designed to cover incidents involving sworn personnel, the procedures in this chapter shall also apply to any member acting in his/her official capacity under the direction/supervision of the Hagerstown Community College Police Department.

## **GENERAL GUIDELINES FOR USE OF FORCE 09.03**

Sworn personnel "hereinafter referred to as officer or officers" shall only use objectively reasonable force options to affect lawful objectives. The objective reasonableness shall be based on facts and circumstances known to the officer at the time. (NOTE: Graham v. Connor, Johnson v. Glick) In choosing and employing force options, officers shall follow all Hagerstown Community College Police Department Policies/ Orders and approved Maryland Police and Correctional Training Commission training.

Any use of force beyond objectively reasonable force shall be defined as excessive force. (NOTE: According to Maryland case law, the term excessive force is synonymous with the term brutality



within the meaning of §3-104 of the Public Safety Article. *Baltimore City Police Dept. v Andrew*, 318 MD3, 566 A.2d 755 (1989).

- A. It is the policy of the Hagerstown Community College Police Department to accomplish its mission as efficiently as possible, with the highest regard for human life and dignity. The use of any type of force will be restricted to that force which is Necessary and Proportional to the totality of the situation to prevent an imminent threat of physical injury to a person or to effectuate a legitimate law enforcement objective. HCC PD officers will cease the use of force as soon as the person is under control, no longer poses an imminent threat of injury or death to the police officer or other person, or the HCC PD police officer determines the force will no longer accomplish a legitimate law enforcement objective.
- B. This order establishes departmental policy for the appropriate use of force. HCC PD police officers will use only that force, which is Necessary and Proportional in the light of the facts and circumstances confronting the officer at the scene. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that law enforcement officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.
- C. Good judgment and circumstances of each situation will dictate the necessary and proportional amount of force to be used. Officers using any type of force will be held accountable for its use. An officer may repel force with the appropriate level of force. A prudent officer, in making an arrest, will consider the severity of the crime in question, the character of resistance faced, and use the reasonably necessary force to overcome the resistance and make the arrest.
- D. All personnel shall review this order before being authorized to carry any departmentally issued/approved weapon. Officers will be instructed and trained on this policy before being authorized to carry weapons and prior to being placed in an active duty status.
- E. Officers will not wear, carry, use, or otherwise possess, while on or off duty, any item which is in violation of any Federal, State, or local law. Officers will not wear, carry, use, or otherwise possess, while on duty, any item that could be construed as a defensive/offensive weapon that is not issued/approved by the Hagerstown Community College Police Department. If an HCC PD police officer chooses to carry a knife, it will not be used as an offensive/defensive weapon except in situations where deadly force is authorized by law and only when all other reasonable means have been exhausted, ineffective or not available.





- F. Officers shall wear, carry, and use authorized and issued weapons in accordance with agency approved training and policy.
- G. Force will not be used maliciously to cause harm or as a form of punishment.
- H. If an HCC PD officer observes another officer clearly using force that is beyond what is objectively reasonable under the circumstance shall intercede, where feasible, to prevent the use of such excessive force, so long as it does not pose a safety risk. HCC officers shall promptly report these observations to the HCC Sergeant, the Chief of Campus Police or to a member of the HCC Human Resources Office.

#### **TYPES OF FORCE 09.04**

##### **A. Non-Deadly Force**

Officers of this department may use non-deadly force in the performance of their lawful duties in the following circumstances:

1. To protect oneself from injury.
2. To protect another person from injury.
3. To prevent the commission of a crime.
4. To prevent another person from injuring himself.
5. To effect a lawful arrest or detention.
6. To prevent escapes.
7. To prevent property damage or loss.

##### **B. Deadly Force**

Officers of this department may use deadly force in the performance of their lawful duties in the following circumstances:

1. When the officer has an objectively reasonable belief such action is immediately necessary to protect the officer or another person from imminent danger of death or serious bodily harm.
2. An officer may use deadly force to prevent the escape of a fleeing suspect (Tennessee v Garner):
  - a) Whom the officer has probable cause to believe has committed an offense in which the suspect caused or attempted to cause death or serious bodily harm; and who will pose an imminent danger of death or serious bodily harm should the escape succeed; and
  - b) When the benefits of deadly force outweigh the risk to innocent persons: and
  - c) If tactically appropriate, an officer should identify himself/herself and state his/her intention to shoot before using a firearm.





### C. Restrictions on the Use of Deadly Force

1. An officer is under no obligation to retreat or desist when resistance is encountered or threatened. However, an officer shall not resort to the use of deadly force if the officer reasonably believes that an alternative to the use of deadly force will avert or eliminate an imminent danger of death or serious bodily harm, and achieve the purpose at no increased risk to the officer or another person.
2. An officer shall not use deadly force to subdue persons whose actions are only destructive to property.
3. Deadly force shall not be used against persons whose conduct is injurious only to themselves.
4. Officers shall not discharge a firearm from a moving vehicle or at the driver or occupant of a moving vehicle unless the officer has an objective reasonable belief:
  - a) There exists an imminent danger of death or serious bodily harm to the officer or another person; and
  - b) No other reasonable means are available at that time to avert or eliminate the danger.
  - c) A law enforcement officer shall not fire a weapon solely to disable moving vehicles without the existence of imminent jeopardy.
    - i. Firearms use is prohibited:  
As a warning shot.
    - ii. As a level of force when a life threatening/serious injury situation does not exist and to do so would constitute a misuse of force.
    - iii. At any time as a result of a careless or negligent act or when unnecessary to do so.

### USE OF FORCE OPTIONS 09.05

#### Physical Presence/Verbal Persuasion

1. An officer's physical presence and verbal communications are not in and of themselves a use of force. It is imperative that a subject would reasonably be made aware that the person that is present and communicating with them is a police officer. This would be accomplished by way of uniform and/or badge/insignia and, if tactically practical, verbal communication.
2. An officer should utilize advice, persuasion, or warnings before resorting to the actual use of force when tactically practical. Simple directions resulting in compliance should be the immediate objective before progressing to the higher levels of force when tactically practical. HCC PD Officers should always take steps to **de-escalate** the conflict without using physical force.



A. Empty Hand Physical Force

1. As it refers to this policy, empty hand physical force is any force used to control, subdue or arrest that uses only the human body.
2. This would include anti-joint techniques, punching, kicking, stunning or diversionary techniques or any other physical contact that would be used against a person displaying any form of resistance or aggression.
3. Empty Hand Physical Force may be used to prevent a person from self-harm.
4. Agency personnel are strictly prohibited from using a **chokehold**/vascular neck restraint on an individual who is not actively posing a threat that would justify the use of Deadly Force as defined in this policy.

B. OC Aerosol and CS Chemical Agent

1. OC aerosol may be used in, but not limited to, the following situations:
  - a) To subdue a person resisting arrest after the person fails to comply with clear and specific verbal instructions to submit.
  - b) To quell a violent situation after clear and specific verbal instructions have failed.
  - c) To protect the life/safety of oneself or a third party.
  - d) OC may be used to prevent a person from self-harm if less forceful means are tactically inappropriate.
  - e) OC aerosol may be used against animals for defensive purposes only; i.e., if the animal is threatening the life or safety of personnel or civilian.
  - f) An officer may also deploy OC if the officer has a reasonable belief, based upon articulable facts, that it may be unsafe or present a tactical disadvantage to the officer to attempt to physically engage the individual prior to its use.
2. Verbal instructions/warnings should be given before using OC when tactically practical.
3. Proper decontamination procedures per training shall follow each exposure as soon as tactically practical.
4. HCC PD police officers will wear their OC while in uniform.
5. OC will only be used by certified personnel as trained.
6. In an unlawful assembly or civil disturbance event, OC may be used as a force option, after the proper orders to cease and desist have been given.

C. Conducted Electric Weapon (Taser)

1. An Officer may deploy a CEW if a subject is displaying, at a minimum, active resistance.
2. An Officer may also deploy a CEW if the Officer has a reasonable belief, based upon articulable facts, that it may be unsafe or present a tactical disadvantage to the Officer to attempt to physically engage the individual prior to its use. Factors to consider may include the severity of the offense, the threat of harm



to the Officer or others, whether the individual is resistant, fleeing or failing to obey lawful orders, and whether alternative means of restraint are available.

3. A Conducted Electrical Weapon may be used to prevent a person from self-harm if less forceful means are tactically inappropriate.
4. CEWs will only be used by certified personnel as trained.
5. An imbedded probe in a subject will only be removed by an emergency medical professional.
6. Mentally ill subject exception (*Armstrong v. Village of Pinehurst*):
  - a. An Officer will not use a CEW during the course of seizing an out-numbered mentally ill individual who is a danger only to himself.
  - b. An Officer may only use a Taser, when an objectively reasonable Officer would conclude that the circumstances present a risk of immediate danger that could be mitigated by the use of force. At bottom, 'physical resistance' is not synonymous with 'risk of immediate danger.' For purposes of this policy, 'physical resistance' is not synonymous with 'risk of immediate danger.'

#### D. Baton

1. Baton would include the use of any type of baton, whether expandable, fixed or riot.
2. The expandable baton or OC spray are two options for HCC PD police officers.
3. The baton may be used to manipulate a suspect that is passive into a position of control.
4. An officer may deploy a baton by way of a strike if a subject is displaying, at a minimum, active resistance, with appropriate articulation.
5. A baton may be used to prevent a person from self-harm if less forceful means are tactically inappropriate.
6. Batons will only be used by certified personnel as trained.

#### E. Weapons of Opportunity

1. Weapons of opportunity are defined as any object available to be used for an officer for self-defense, defense of a third party and control. Although officers are issued many tools that would be used for self-defense, defense of a third party and control (i.e., OC Spray and Baton) there could realistically be moments, in the heat of the battle, whereas these tools have been exhausted, ineffective or not available (i.e., off-duty, malfunction, extended encounter, etc.).
2. Weapons of Opportunity could include but are not limited to:
  - a) Handcuffs
  - b) Chair
  - c) Flashlight
  - d) Knife

**F. Firearms**

1. Discharge of a firearm is permitted as in the following situations:
  - a) As defined in this order, when deadly force actions are justified in defense of oneself or others. The use of a firearm must be considered a deadly force option. It will not be used in an attempt to wound only. Personnel must be aware at all times, to the extent humanly possible, of the potential risks to innocent people if firearms are used, and govern their actions accordingly.
  - b) To kill an animal that is jeopardizing the safety of oneself or others.
  - c) To kill an injured animal (with consent of the owner if a domestic animal and the owner can be located in a reasonable amount of time).
  - d) On a firing range.

**FORCE OPTIONS RELATIVE TO LEVELS OF RESISTANCE 09.06**

- A. Different levels of resistance will be met with appropriate and congruent force options.
- B. The officer will use reasonable force and never use a level of force that “shocks the conscience” (Rochin v California). The four-part test will be used to ensure the appropriateness of the use of force in each case as follows (Johnson v Glick):
  1. The need for the application of force.
  2. The relationship between the need and the amount used.
  3. The extent of the injury inflicted.
  4. Whether the force was applied in good faith to maintain or restore discipline (order), or maliciously and sadistically for the very purpose of causing harm.
- C. An officer must consider the totality of the circumstances (severity of issue, whether the suspect is actively resisting arrests, and or poses an immediate danger. before applying forces. The force is Necessary and Proportional to:
  1. Prevent an imminent threat of physical injury to a person;
  2. Effectuate a legitimate law enforcement objective.A police officer shall cease the use of force as soon as, the person on whom the force is used is under control; or no longer poses an imminent threat of physical injury or death to the police officer or to another person. The HCC PD Officer should cease the use of force if he/she determines that force will no longer accomplish a legitimate law enforcement objective.
- D. Passive resistance will typically be met with verbal commands and empty hand physical force. Not every touch, push or shove is considered a use of force. Typically, a minor manipulation of a person to handcuff or move a person to afford the safety to the general public and to gain control is, and of itself, not considered a reportable use of force.



- E. Active resistance could warrant a higher force option including, but not limited to, empty hand physical force, OC, and baton.
- F. Active aggression must be met with a level of force that ensures the safety of the officer and any third party.
- G. Deadly force assault can be met with deadly force. No HCC PD police officer is obligated to use a less lethal option prior to using deadly force in a deadly force situation.
- H. Deadly force will not be used against a person that is only causing harm to themselves and not a threat to others.
- I. When time, circumstances and safety permit, HCC PD officers should take steps to gain compliance and **deescalate the conflict without using force**. The use of advisements, warning, and persuasion; attempts to slow down or stabilize the situation so that more time, options and resources are available. Consideration should be given to determine if the subject's lack of compliance is a deliberate attempt to resist or is caused by an inability to comply.

#### POST USE OF FORCE MEDICAL ATTENTION 09.07

- A. After a use of force, officers will immediately evaluate the situation to ascertain if the person that force was used upon or others need any medical treatment. Medical treatment will be provided or requested if the person is obviously injured or requests medical treatment.
- B. Appropriate action will include providing first aid supplies for minor cuts, abrasions, etc. If the injuries require treatment beyond the capability of departmental personnel, Emergency Medical Services will be notified to evaluate the arrestee or others in need.
- C. The HCC Lieutenant and/or Chief of Police shall respond to the scene of any use of force that involves serious physical injury. The HCC Lieutenant will gather and review all known video recordings of the use of force incident. The use of force incident involving an HCC officer shall be fully documented.
- D. The HCC supervisor shall be notified of any substantial injuries sustained through the use of force as soon as tactically practical. The supervisor will ensure serious or life-threatening injuries are reported to the Chief of HCC Police immediately. The Chief of Police will then notify the Executive Director of Human Resources.



- E. The officer on scene will follow any medical recommendations made by emergency medical professionals. If an arrestee refuses medical treatment, and an emergency medical professional recommends that the arrestee be transported to a medical facility, that recommendation will be followed.
- F. Refusal of medical treatment by the injured party will be documented in the Use of Force Report.
- G. Photographs of all injuries will be taken as soon as tactically practical.
- H. An arrestee will be given medical attention by an emergency medical professional after a use of force in the following circumstances:
  - 1. When any life-threatening situation/injury exists.
  - 2. When any obvious injury exists.
  - 3. After the deployment of baton strike (not manipulation).
  - 4. After the deployment of a less lethal impact munition.
  - 5. If any signs of excited delirium are evident.
  - 6. When obligated to do so prior to entry into the Washington County Detention Center based on their Orders and protocol.
  - 7. As long as the officer follows proper decontamination protocol per training, medical attention is not necessary after an OC exposure, except when life threatening situations accompany the exposure (i.e. allergic reaction)

#### **RESPONSIBILITIES OF RESPONDING PERSONNEL TO THE SCENE OF A DEADLY FORCE INCIDENT 09.08**

- A. The first officer to arrive at the scene of a deadly force incident (where death occurred or appears to be likely or imminent), involving departmental personnel, will take, (but not be limited to), the following actions, as soon as tactically practical:
  - 1. Render/secure medical assistance to injured parties.
  - 2. Inform Communications of the situation and request specific assistance, as necessary.
  - 3. Secure any suspects/witnesses, secure information on any suspects/witnesses that must be transported to hospital.
  - 4. Secure any evidence and protect the scene.
  - 5. Request assistance from the Washington County Sheriff's Office to investigate the incident.
- B. If a weapon or firearm was used during the incident:
  - 1. In any deadly force incident, all evidence must be preserved, including any weapon used during the incident.
  - 2. If the weapon or firearm is not in the possession of the officer (secured in a holster), the weapon would be treated like any other evidence at the crime scene. It should not



- be handled except by crime scene technicians at the direction of the lead investigator from the Washington County Sheriff's Office.
3. If the weapon must be handled for tactical or safety reasons prior to the lead WCSO investigator arriving on the scene, the condition and any evidence on the weapon will be noted and passed on to the lead investigator. The weapon will be handled in such a manner that will minimize disturbing any evidence on the weapon (fingerprints, DNA, body fluids, etc.).
  4. If a firearm must be retrieved for evidentiary purposes from an officer, the weapon will be retrieved in a secure, private location, until disposition is made on the circumstances of the event. This will only take place at the direction of the lead investigator.
  5. The officer will be issued another weapon as soon as possible after the incident and will not be left "weaponless" without proper safety considerations while on duty and in uniform.

In the event of a Police Involved Fatality, pursuant to the Maryland Annotated Code, State Government Article, § 6-106.2, The Office of the Attorney General's Independent Investigations Division ("IID") and the Maryland State Police ("MSP") will lead the investigation. **Refer to Chapter 46 for full Policies and Procedures.**

#### **MISUSE OR EXCESSIVE FORCE 09.09**

- A. Misuse or excessive force will not be tolerated in any form by The Hagerstown Community College Police Department.
- B. Force will only be used in good faith to enforce laws and compel compliance and control of an unwilling subject and/or to protect oneself or a third party from injury or death. Force will never be used maliciously to cause harm.
- C. The unlawful use of physical force may constitute a criminal act. When a use of force is applied maliciously to cause harm, the offending officer will face departmental disciplinary charges, along with the possibility of criminal/civil actions.
- D. Any member of the department witnessing or having knowledge of another member being involved in a use of force incident resulting in death, injury, or the inappropriate use of force will immediately make the HCC Lieutenant and/or Chief of Police aware of the situation as soon as tactically practical. The Chief of Police will notify the Executive Director of Human Resources of any and all complaints made against an HCC PD police officer.



## USE OF FORCE REPORT 09.10

- A. Employees applying physical force will complete an Incident Report in the following use of force situations:
  - 1. After the physical application of any approved weapon or weapon of opportunity to another person. This does not include personal weapons (i.e. hands, feet, knees, elbows, etc.), or handcuffs.
  - 2. When an employee takes an action that results in or is alleged to have resulted in an injury or death to another person.
  - 3. When the circumstance would suggest to a reasonable person that a connection exists between the employee's action and an injury or death to another person (e.g. temporal proximity).
  - 4. Anytime roadblocks (fixed or moving), or forcible stopping is used to terminate a pursuit.
  - 5. Anytime the employee is injured while using force against another person.
- B. If more than one employee uses the above described force against a suspect, each employee needs to complete a supplement report. Additionally, employees present, regardless of the use of force shall complete a supplement report when an injury occurs or is alleged as a result of a use of force. This will be a supplement report to the initial use of force report.
- C. Completed Use of Force reports shall be reviewed by the Lieutenant and the Chief of Police. Use of Force reports shall be completed by the end of the employee's shift unless the employee is not physically or mentally able to do so. In such cases, reports are to be completed as soon as possible and the delay shall be noted in the incident/supplement report. Reports will be forwarded to the Lieutenant and Chief of Police before the end of the officer(s) shift.

## ADMINISTRATIVE REVIEW OF USE OF FORCE INCIDENTS 09.11

- A. All reported uses of force will be reviewed by the Lieutenant and the Chief of Police to determine whether departmental rules, policies, or procedures were violated. If a determination is made that departmental policies, or procedures were violated, appropriate action shall be taken in accordance with departmental procedure.
- B. For the purpose of reviewing use of force situations, the reasonableness of an officer's particular use of force shall be judged from the perspective of a reasonable officer on the scene in light of the facts and circumstances confronting him or her, rather than with the 20/20 vision of hindsight.





- C. Upon review, Use of Force Reports will be forwarded to the HCC Executive Director of Human Resources for review at the discretion of the Chief of Police. The report can then be forwarded to the College President for further review and considerations.
- D. Annually, an analysis of use of force incidents will be reviewed to ascertain training and policy needs, and report its findings to the Chief of Police. The analysis shall contain the following:
  - 1. Date and time of incidents;
  - 2. Types of encounters resulting in use of force;
  - 3. Trends or patterns related to race, age, and gender of subjects involved;
  - 4. Trends or patterns resulting in injury to any person including employees;  
and
  - 5. Impact of findings on policies, practices, equipment and training

#### REVIEWING USE OF FORCE INCIDENTS 09.12

- A. Physical Force/OC/baton/CEW/firearm: The review process to determine if use of force was necessary and proper, will consist of the initial review by the HCC Lieutenant/Sergeant at the time of the incident or soon thereafter.
- B. If the actions taken by the HCC PD police officer are determined to be grossly negligent or outside the training guidelines, the Chief of Police can request an independent review, from an outside law enforcement agency. The Chief can request an allied law enforcement agency or the Maryland Police & Corrections Training Commission to review the actions taken by the HCC police officer. A lead instructor in the weapon/technique that was used (i.e. defensive tactics, OC, baton, and firearms) can review the use of force to determine if proper techniques were applied during the use of force.
- C. A Use of Force Review Board can be convened, at the request of the HCC Chief of Campus Police. The Chief can request a Review Board to meet and conduct an annual review of all of the use of force activities, policies and practices. The board will be determined by the Chief of Police after consulting with the Executive Director of Human Resources and the College President.
- D. The board shall forward a short synopsis of each incident and their comments/recommendations to the College President within five (5) business days of the review.
- E. The Board shall review all uses of force occurring since the last review for indications of any patterns of misuse of force, need for retraining, or a need for policy changes.



- F. The Chief of Police shall maintain a record of the reviews for three (3) years past the date of the incident.
- G. HCC Police Department currently have a citizen complaint form that is located on the HCC website at <https://www.hagerstowncc.edu/docs/>. This form allows citizens to file complaints against an HCC Police Officer online. The HCC Police Lieutenant/Sergeant will review these forms to determine if there is need for an early intervention. If an officer were to receive three or more citizen complaints within a 12-month period they would undergo a confidential and non-punitive early intervention. This intervention is to identify an officer at risk of engaging in excessive use of force and to provide that officer with training, behavioral interventions, reassignments or other appropriate responses to reduce the risks. This policy will not prevent the investigation of or imposition of discipline for any particular complaint.

#### ADMINISTRATIVE ACTIONS REVIEW AND EVALUATION 09.13

- A. Personnel involved in deadly force or serious injury incidents, including the discharge of a firearm as a means of force, will be placed in an administrative status pending review at the discretion of the Chief of Police. Such an assignment is not disciplinary in nature, but rather an action for the purpose of relieving the member from routine police duties while undergoing the extreme emotional stress of having used deadly force or causing death or serious physical injury. The length of the administrative assignment will be determined by the Chief of Police.
- B. Personnel involved in deadly force incidents or whose actions led to death or serious physical injury, will be required to meet with an agency designated psychologist as soon as practical after the incident.
- C. Hagerstown Community College currently offers an Employee Assistance Program (EAP). This program offers confidential mental health services to include: counseling services, crisis counseling, stress management counseling, resiliency sessions and peer support services for police. Prior to returning to full duty HCC PD police shall provide voluntary mental health consultation and voluntary counseling services to the police officer if the police officer is involved in an incident resulting in a fatality. A mandatory mental health consultation and voluntary counseling services to the police officer, if the police officer is involved in: an incident involving a serious injury to the police officer, an officer-involved shooting, or any use of force resulting in a fatality or serious injury.



STATE OF MARYLAND USE OF FORCE STATUTE 09.14

**§3-524**

- (a) This section shall be known as the Maryland Use of Force Statute.
- (b) (1) In this section the following words have the meanings indicated.
  - (2) “Law enforcement agency” has the meaning stated in § 3–201 of this title.
  - (3) “Police officer” means:
    - (i) a police officer as defined in § 3–201 of this title; or
    - (ii) a special police officer as defined in § 3–301 of this title.
  - (4) “Serious physical injury” has the meaning stated in § 3–201 of the Criminal Law Article.
- (c) Each police officer shall sign an affirmative written sanctity of life pledge to respect every human life and act with compassion toward others.
- (d) (1) A police officer may not use force against a person unless, under the totality of the circumstances, the force is necessary and proportional to:
  - (i) prevent an imminent threat of physical injury to a person; or
  - (ii) effectuate a legitimate law enforcement objective.
- (2) A police officer shall cease the use of force as soon as:
  - (i) the person on whom the force is used:
    - 1. is under the police officer’s control; or
    - 2. no longer poses an imminent threat of physical injury or death to the police officer or to another person; or
  - (ii) the police officer determines that force will no longer accomplish a legitimate law enforcement objective.
- (e) A police officer shall:
  - (1) when time, circumstances, and safety allow, take steps to gain compliance and de-escalate conflict without using physical force;



(2) intervene to prevent or terminate the use of force by another police officer beyond what is authorized under subsection (d) of this section;

(3) render basic first aid to a person injured as a result of police action and promptly request appropriate medical assistance; and

(4) fully document all use of force incidents that the officer observed or was involved in.

(f) A police supervisor shall:

(1) respond to the scene of any incident during which a police officer used physical force and caused serious physical injury; and

(2) gather and review all known video recordings of a use of force incident.

(g) A law enforcement agency shall:

(1) have a written de-escalation of force policy; and

(2) adopt a written policy requiring supervisory and command-level review of all use of force incidents.

(h) A police officer shall:

(1) undergo training on when a police officer may or may not draw a firearm or point a firearm at a person and enforcement options that are less likely to cause death or serious physical injury, including scenario-based training, de-escalation tactics and techniques, and reasonable alternatives to decrease physical injury; and

(2) sign a training completion document stating that the officer understands and shall comply with the Maryland Use of Force Statute.

(i) (1) A police officer may not intentionally violate subsection (d) of this section, resulting in serious physical injury or death to a person.

(2) A police officer who violates paragraph (1) of this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years.

(3) A sentence imposed under this subsection may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing a violation of this subsection.



## FIREARMS

### POLICY LIMITATIONS

The Policies and Procedures found in this chapter are for departmental use only and do not apply in any criminal or civil Proceeding. The departmental policies should not be construed as a creation of higher legal standard for safety or care in an evidentiary sense with respect to third party claims. Violations of these Policies and Procedures will only be the basis for departmental administrative sanctions.

#### GENERAL GUIDELINES 10.01

- .1 Unless otherwise directed by the Chief of Police or designee, sworn members are authorized to carry firearms while on and off duty. Officers may carry only weapons authorized and registered with the department while acting under the authority granted by the Hagerstown Community College Police Department. *For purposes of this chapter, officer shall include any sworn member regardless of rank or title.* In addition to the HCC Police Department Policies and Procedures, officers shall adhere to all applicable federal, state, and local laws pertaining to the carrying of firearms.
- .2 All officers shall be suitably armed at all times when on duty, except when security considerations warrant that they should not be armed (e.g., designated areas of Central Booking, Correctional Facilities and other Law Enforcement Agencies as specified).
- .3 When not in use, firearms shall be kept in a secure place inaccessible to persons not members of the department. Officer should utilize a firearm's safe to secure their departmentally issued firearm.
- .4 WHEN FEASIBLE, before using a firearm against any person, officers shall identify themselves and state their intention to shoot.
- .5 Weapons shall not be used, displayed, or handled in a careless or imprudent fashion, or contrary to Department policy.
- .6 Wearing or carrying issued or registered off-duty weapons outside the Department's jurisdiction is authorized pursuant to and in accordance with the Annotated Code of Maryland Criminal Law Article §4-203, and the United States Code 18 USC 926B. Officers are reminded, however, that outside their own jurisdiction, but within the State of Maryland, they must follow all applicable laws, the requirements and restrictions set forth in the Annotated Code of Maryland, Article §2-102 (related to extra-jurisdictional arrests) in addition to all Policies and Procedures of the Hagerstown Community College Police Department. Officers are not authorized to carry weapons off-duty when engaged in activities or under other circumstances where a prudent person would reasonably conclude the wearing of a firearm to be inappropriate. (NOTE: The Chief of Police may grant probationary officer's permission to carry a firearm off-duty while still in the FTO program.)



.7 Prior to being authorized to carry any firearm, members of the Department shall be issued a copy of and be instructed in the contents of this Chapter as well as the Policies and Procedures relating to use of force. This shall be the responsibility of the Lieutenant/Training Officer.

.8 The Lieutenant/Training Officer shall maintain the inventory of all Department firearms in a designated electronic inventory system. This will include issued and stored firearms, and those disposed of as it relates to found or abandoned property. The Lieutenant/Training Officer will also maintain the registration forms for all Personally Owned Department Approved firearms.

.9 Prior to issuance, each Department firearm shall be inspected by a firearms instructor or armorer to ensure that it is operating safely. Those that have been inspected and verified as operating safely shall be designated as "In Service" in the Department's electronic inventory system. Documentation of factory inspection of new firearms shall satisfy the inspection and approval requirement. Firearms acquired without factory inspection documentation will be designated as "Out of Service" until inspected and approved by a firearms instructor or armorer. Departmental inspection/approval shall be documented on the CPD Weapon Inspection and Approval Certification form, or on a certified armorer's inspection report. Additionally, firearms removed from service due to malfunction or unsafe condition must be inspected and certified on one of the same forms before issuance or approval for carry.

.10 If at any time a Department firearm is found to be, or is suspected of being unsafe, it shall be turned over to the Lieutenant/Training Officer who will determine the most practical corrective course of action. If the weapon is an issued sidearm, the officer shall be issued a replacement. Other Department issued firearms will be replaced as they are available.

.11 All officers are responsible for the condition of the PODA firearms carried by them. They shall see that they are clean and ready for use. Anytime a PODA firearm is found to be, or is suspected of being unsafe, the officer will remove it from service until it is repaired or replaced, inspected, and approved by a certified armorer. Upon demand of a supervisor, a Department certified firearms Instructor, or the Chief of Police, PODA firearms shall be made available for inspection.

#### **DEPARTMENTAL SIDEARMS 10.02**

.1 The Glock Model 45 semi-automatic pistol shall be the standard issue sidearm of the department. Other models of the Glock pistol may be authorized by the Chief of Police as the issued sidearm for individual officers based on individual circumstances. Each officer shall be held responsible for the condition of the weapon issued to him/her whether on or off duty. They shall see that it is clean and ready for use. If repairs are needed, they shall report same immediately to the Lieutenant/Training Officer.

.2 When armed as required in this Chapter, Department personnel shall carry their standard issued sidearm(s), holster, magazines, and magazine carriers. The only exceptions shall be for personnel engaged in non-uniformed assignments as designated by the Chief of Police. Under such circumstances, personnel may carry only a department approved and registered weapon.



While in such a plainclothes assignment, personnel shall carry their weapon in a secure holster with a minimum retention level of one (1) designed for the specific weapon.

.3 No modifications may be made to any issued weapon without the approval of the Chief of Police and Lieutenant/Training Officer. The approval and modification shall be documented on the Weapons Inspection/Repair Log.

.4 Each officer shall be held responsible for the condition of the weapon issued to him/her. They shall see that it is clean and ready for use. If repairs are needed, they shall notify the Lieutenant/Training Officer as soon as possible. Upon demand of a supervisor, a Department certified Firearms Instructor, or the Chief of Police, off-duty weapons shall be inspected.

### OFF-DUTY SIDEARMS 10.03

.1 Officers may only register and carry the following make and model handguns for off-duty/secondary duty weapons. Caliber must be 9mm, .40 S&W, or .45 ACP.

- Any model of Glock or similar Safe Action type semi-automatic pistol.

.2 The above restriction only applies to officers carrying handguns under their authority as Hagerstown Community College Police Officers. It does not apply in situations where such authority is not required to carry a handgun.

.3 Off-duty weapons must be inspected and authorized by the Lieutenant/Training Officer before they may be carried. The weapon will be registered using the Officer's Personally Owned Weapon Registration form (PODA-2)

.4 Holster: Type and style of holster for off-duty use will be the option of individual officers. Officers should keep in mind, however, that security and safety are the very first consideration when choosing and using this piece of equipment. Holsters for this purpose will be furnished by the individual officers. If a holster is deemed unsafe by the Lieutenant/Training Officer, the officer will be informed in writing and at that point will not be permitted to use the holster.

.5 While off duty and carrying either the approved personal off-duty weapon or issued service weapon, sidearms shall not be worn or carried in such a manner as to be exposed to public view.

.6 Each officer shall be held responsible for the condition of the weapon carried by him/her. They shall see that it is clean and ready for use. If repairs are needed, they shall not carry the weapon until it is repaired and inspected by the Lieutenant/Training Officer or certified armorer. Upon demand of a supervisor, a Department certified Firearms Instructor, or the Chief of Police, off-duty weapons shall be inspected.

.7 Wearing or carrying of off-duty weapons is not mandatory unless direct orders are given by a supervisor to do so. If a supervisor gives an order directing off-duty weapons to be worn, it will be documented in writing to the Chief of Police and specify:



- Why the order was given.
- The date and time the order was given.
- Duration of the order.

### SECONDARY WEAPONS 10.04

.1 Only firearms issued by the department will be carried by uniformed on-duty personnel. No second backup weapon will be carried while on duty without permission from the Chief of HCC Police. Such requests will be made to the Chief, in writing, on HCC Police letterhead.

.2 Officers approved to carry secondary weapons must carry them concealed on their person in a holster designed for the specific weapon with a minimum-security level one (1).

### DEPARTMENTAL SHOTGUNS 10.05

.1 Departmental shotguns assigned for duty use will be stored in HCC PD safe located inside the police department. If a shotgun is to be serviced or repaired, the officer noticing the issue will immediately notify the Lieutenant or Chief of Police. The Shotgun will be made safe and tagged as out of service. The Lieutenant/Training Officer shall ensure the shotgun is secured until it is inspected/repared and placed back into service.

.2 Officers choosing to carry shotguns will inspect the operating condition of the shotgun prior to the start and end of each tour of duty. Officers will secure the shotgun in the designated safe upon completion of a tour of duty. No firearms are permitted to be stored in a departmental vehicle that does not contain a designated storage box and being utilized for the current tour of duty.

.3 The basic ammunition load will be ten (10) rounds of rifled slugs. The officer will load six (6) rounds of ammunition into the magazine tube and have four (4) spare rounds. When not in use, extra ammo will be maintained in the shotgun storage case. Also, shotguns may be stored with the tube loaded, but **no round will be chambered**. If the shotgun is stored with rounds in the magazine tube, the action will be closed, and the safety will be on.

.4 Damage, uncleanliness, etc. should be reported immediately to the Lieutenant or Chief of Police.

.5 Damaged weapons will be turned over to the Lieutenant/Training Officer at the earliest possible time for repairs. The shotgun will be tagged and marked out of service.

.6 The shotgun, while transported in a Departmental patrol vehicle, will be carried in a lock box designed for such purposes. The vehicle's locks are to be used at all times for security while the weapons are being transported in the vehicle.

.7 In situations where the shotgun deployment is planned or anticipated, the shotgun may be transported in the passenger compartment of the vehicle as long as a round is not chambered, and





the safety remains on until deployment and the officer is assured of his/her target and ready to fire.

**.9 EXTREME CAUTION MUST BE USED TO ENSURE THAT THE WEAPON IS NEVER PLACED IN THE LOCK BOX OR OTHERWISE TRANSPORTED WITH A ROUND IN THE CHAMBER AND THE SAFETY OFF.**

.10 After a shotgun has been removed from the vehicle, it shall be the returning officer's responsibility to make the weapon safe before placing it back in the vehicle and/or safe. This shall include ensuring that the chamber is clear, and the safety is on. If the gun is being returned to the HCCPD safe, the magazine tube is empty, the chamber is empty, and open. All ammunition shall be returned to the safe.

.11 The last officer with the deployed shotgun, will be accountable for any damage, uncleanness, or safety violations found by the next officer.

.12 Only those officers who have completed the MPCTC required training courses and who have current MPCTC required qualification scores shall be permitted to carry a patrol shotgun.

.13 When firing the shotgun, every precaution shall be used to ensure public safety.

.14 The following shotguns are approved for department use:

.15 Mossberg, Model 590, 12 gauge (standard model or PMAX, standard or folding/collapsible stock).

.16 Mossberg Model 590, 12 gauge. (for less lethal munitions only). REFER TO CHAPTER 11 FOR POLICIES AND PROCEDURES RELATING TO LESS LETHAL MUNITIONS

#### **DEPARTMENTAL RIFLES 10.06**

.1 Departmental rifles assigned for duty use will be stored in the HCCPD Safe located inside the police department when not in use. If a rifle is stored in a designated lock box assigned to a departmental vehicle that is to be serviced or repaired, the officer operating the vehicle will remove the rifle and secure it in the HCCPD safe.

.2 Officers will inspect the operating condition of the rifle prior to the start and end of each tour of duty. Officers will secure the rifle in the HCCPD Safe upon completion of a tour of duty. No firearms are permitted to be stored in a departmental vehicle overnight.

.3 The basic ammunition load will be fifty (50) rounds, split between 2 twenty-five round magazines, of designated .223 ammunition. When not in use, the ammo will be maintained in the designated magazine and secured in the storage case. Although the magazine will be loaded, **no**



**magazine will be inserted into the weapon, nor any round chambered until ready for deployment.** The rifle will be stored with the safety on.

.4 Rifles will be inspected prior to each tour of duty for cleanliness, damage, and proper operation.).

.5 Damage, uncleanness, etc. should be reported immediately to a supervisor or the Lieutenant/Training Officer.

.6 Damaged weapons will be turned over to the Lieutenant/ Training Officer at the earliest possible time for repairs.

.7 The rifle, while transported in a Departmental patrol vehicle, will be carried in a storage case designed for such purposes in the vehicle trunk. The vehicle's locks are to be used at all times for security while the weapons are being transported in the vehicle.

.8 In situations where the rifle deployment is planned or anticipated, the rifle may be transported in the passenger compartment of the vehicle with the magazine inserted, as long as a round is not chambered, and the safety remains on until deployment and the officer is assured of his/her target and ready to fire.

**.9 EXTREME CAUTION MUST BE USED TO ENSURE THAT THE WEAPON IS NEVER PLACED IN THE LOCK BOX OR OTHERWISE TRANSPORTED WITH A ROUND IN THE CHAMBER AND THE SAFETY OFF.**

.10 After a rifle has been removed from the vehicle, it shall be the returning officer's responsibility to make the weapon safe before placing it back in the vehicle. This shall include ensuring that the chamber is clear, and the safety is on.

.11 The last officer with a deployed rifle, will be accountable for any damage, uncleanness, or safety violations found by the next officer.

.12 Only those officers who have completed the MPCTC required training courses and who have current MPCTC required qualification scores shall be permitted to carry a patrol rifle.

.13 When firing the rifle, every precaution shall be used to ensure public safety.

#### **AMMUNITION 10.07**

Only Department issued ammunition shall be carried while on or off duty for those weapons authorized and registered with the department and while acting under the authority granted by the Hagerstown Community College Police Department. The ammunition approved for used will be specified via Special Order issued by the Chief of Police. All ammunition will be chosen based on technical merit and specific objectives. Ammunition shall be supplied by the department for on-



duty and off-duty PODA weapons. The amount issued to each officer shall be based on the weapon(s) they will be using. Annually, officers will be issued 50 rounds of ammunition for their duty weapons, and enough ammunition to load each off-duty weapon plus one full reload.

### **FIREARMS QUALIFICATIONS 10.08**

**.1 All personnel are expected to maintain firearms proficiency and attain a qualifying score during annual or bi-annual qualifications. Failure to do so shall be considered unsatisfactory performance.** All officers are required to qualify on each firearm the officer is authorized to use. Qualifications shall only be on courses approved by the Department and MPCTC, and shall comply with all other MPCTC and COMAR regulations. The Department may add requirements and regulations that exceed those of MPCTC. Qualifications shall occur as follows:

- Handgun and shotgun: Once per calendar year. A 70% or higher.
- Rifle (MPTC designated Type 3): Once during each half of the calendar year. A 90% or higher.

**2. All personnel are expected to maintain firearms proficiency and attain qualifying scores during annual qualifications for issued firearms. Failure to do so shall be considered unsatisfactory performance.** Except as noted below in 10.3, each officer will only be permitted to complete any qualification course **once** on the day of qualification or on each subsequent day that qualification is being attempted. Officers must qualify with at least the minimum score required by MPCTC. Officers will be permitted to attempt to qualify on all required courses for each firearm regardless of the outcome of any one course. For example, an officer who fails to qualify on the daylight handgun course will still be allowed to attempt to qualify on the low light handgun course.

**.3** In the event an officer fails to qualify with the officer's duty sidearm on any required course, the firearms instructors shall immediately notify the officer, **regardless of rank**, that his/her enforcement powers are temporarily suspended pending the successful completion of remedial training and qualification. The aforementioned notification will be on a department approved form that will include the following information:

- Officer's name and ID number
- Date
- Notification of suspension of enforcement powers and authority to carry any weapon as a

Hagerstown Community College Police Department member pending completion of remedial training and qualification.

- Signature of officer.
- Signature of firearms instructor.
- Signature of the Chief of Police (to be completed upon review of the form).

While under the above suspension, officers must comply with all applicable laws pertaining to the wearing, carrying, and transportation of weapons. Additionally, the officer shall not operate HCC Police vehicles while under the above suspension. If the officer has driven a police vehicle to the



qualification location, the firearms instructors shall, if needed, assist the officer with obtaining other transportation arrangements from the qualification location.

.4 The firearms instructor shall, as soon as possible, notify the Chief of Police and provide him with a copy of the notification form. The officer shall be reassigned to non-enforcement duties until the successful completion of remedial training as set forth by the Lieutenant/Training Officer, after which they shall be retested. In order to qualify after remedial training, the officer must meet the entry level qualification requirements for the weapon with which the officer failed to qualify. The officer will only be permitted one attempt at this on each day qualification is being attempted. The remedial training and retest must be completed within 30 days of the initial failure to qualify.

.5 The officer will be given remedial training as soon as practical. This training will be provided on, at a minimum, five occasions, within a 30-day period from the initial qualification attempt for that year. There will be no expectations of more than five attempts. These training sessions will not include qualification attempts. However, if the firearms instructor deems appropriate, an attempt to qualify on three successive occasions may be attempted at the conclusion of the remedial training. The officer must attain a passing score on three consecutive qualification attempts within that 30-day period.

.6 Any officer may request and shall be afforded remedial firearms training before the officer's qualification date with the firearm. It will be the officer's responsibility to contact the Lieutenant/Training Officer and schedule the remedial training to be held during the officer's regular workdays.

.7 An officer who has taken extended leave that has caused him/her to miss any firearms training or qualification, or who has been on leave or light duty for more than 90 days due to illness or injury, will be required to re-qualify before returning to enforcement duties.

.8 For firearms other than the duty sidearm, an officer who fails to qualify on the first attempt is not authorized to carry the firearm until the officer qualifies with it. It will be the officer's responsibility to contact the Lieutenant/Training Officer and schedule the remedial training to be held during the officer's regular workdays. The above stated procedures concerning qualification attempts and remedial training, as it relates to an officer's sidearm, shall be followed for all firearms that are approved and authorized to be carried under their authority as Hagerstown Community College Police Officers.

- For each off duty sidearm, officers are limited to two qualification attempts during each half of the calendar year.
- For each off duty sidearm, officers who fail to qualify in their first attempt must supply their own ammunition for all subsequent qualification attempts until the officer qualifies.



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- The Lieutenant/Training Officer may make recommendations to the Chief of Police regarding cessation of attempts to qualify if they believe the officer does not appear to be responding to remedial training or other reasons exist to discontinue attempts to qualify.

### REMOVING WEAPON FROM HOLSTER 10.09

Except for maintenance, departmental inspections, securing the weapon in a safe place, or during training, officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with department Policies and Procedures.

### MOVING VEHICLES 10.10

Officers shall not fire their weapons at or from a moving vehicle except when all reasonable alternatives have been exhausted, and when failure to take such action would probably result in death or serious bodily harm, and when due consideration has been given to the safety of innocent bystanders.

### UNLAWFUL DISCHARGING 10.11

Firearms shall not be discharged under any of the following circumstances:

- As a warning.
- Indiscriminately.

### INVESTIGATION OF FIREARMS DISCHARGE 10.12

.1 Except for conditions specified below, Firearms discharges will be investigated according to the procedures outlined in Chapter 9, Use of Force

.2 When the officer has discharged the firearm in accordance with his or her duties in a safe and prudent manner which in no way was directed at, or has jeopardized the life, welfare, or safety of another person, the full investigation outlined in Chapter 9 may be foregone. Such a waiver shall not include any direction of the use of force toward the person of another in any manner whatsoever. The exception is intended to apply only in situations when the necessity arises to destroy an animal or other similar circumstance. In cases where the exception is applied, the Sergeant will be responsible for the initial review of the discharge and will make the determination as to the applicability of this exception. If the determination is made not to investigate further pursuant to Policy, the Lieutenant shall then prepare a report detailing his or her review and forward such to the Chief of Police. The Lieutenant/Training Officer shall maintain a file of all such reports.

.3 Any officer discharging a firearm in the performance of a police duty, except in accordance with an approved training program, shall notify the Lieutenant as soon as possible. Any officer discharging a firearm accidentally, except downrange from the firing line during firearms training, shall also notify the Lieutenant as soon as possible.



.4 The Chief of Police or his designee is to be notified immediately for any report of a departmental firearms discharge that involves any death, injury, or property damage.

### **FIRING RANGE~HAGERSTOWN DEPARTMENT OF POLICE 10.13**

.1 The Hagerstown Department of Police Firing Range is located at the Edgemont Reservoir Complex on Warner Hollow Road, Smithsburg MD.

.2 The Hagerstown Police Department Training Coordinator shall be responsible for the maintenance and care of the range and shall maintain a range-use calendar in order to eliminate scheduling conflicts for outside agencies.

.3 When regular maintenance, such as grass mowing, etc., is being done on the range or in the area adjacent to the range, the range shall not be used until the area is clear.

.4 The range shall be policed by the person or persons using the range, and all trash removed before leaving.

.5 Vehicles shall only be allowed on the range for maintenance and at the discretion of the firearms instructor.

.6 No glass items shall be used as targets on the range. Any devices other than standard targets used for demonstration purposes shall be approved by the certified firearms instructor.

.7 Damages observed and/or found at the range shall be reported immediately to the Hagerstown Police Department Training Coordinator.

.8 When individual officers desire to use the range for practice, they shall notify the Training Officer beforehand. The Training Officer shall notify the Hagerstown Police Department Training Coordinator to ensure availability of the range.

.9 When the range is being use for training by the Department or another agency, individual officers shall not be permitted to use the range for individual practice.

### **General Safety Rules for Firing Range**

.1 During training, all firing shall be executed under the supervision of a certified firearms instructor.

.2 No person who has been drinking alcoholic beverages or is under the influence of drugs shall be permitted to fire on the range.

.3 There shall be no smoking on the firing line during training.



- .4 All dry firing or sighting of any weapons will only be done at a point designated for such purpose by the firearms instructor(s). This area will be away from the firing line and all other officers and arranged so that persons practicing dry firing or sighting will not be pointing weapons down range or toward any other person.
- .5 During training, all weapons shall be benched or holstered and unloaded, except when otherwise directed by the firearms instructor.
- .6 During training, on the firing line, all weapons shall be holstered until a firearms instructor advises otherwise.
- .7 No weapons shall be permitted to lay around unattended.
- .8 During training, all officers who are not on the firing line shall wait at the upper part of the range until they are instructed to the firing line.
- .9 During training, there will be no talking on the firing line except to ask questions or report problems.
- .10 All persons on the firing line shall wear ear and eye protection. During training, this shall be furnished by the Department. Personally, owned ear and eye protection is permitted if they match the protection of those furnished by the Department.
- .11 During training, no one shall advance towards the targets until ordered to do so by the firearms instructor. During individual practice, no one shall advance toward the targets until it is safe to do so.
- .12 While on the firing line, shooters will keep drawn weapons pointed down range and WILL NOT allow their weapons to be pointed to either side in the direction of others on the firing line.
- .13 A shooter experiencing malfunctions shall attempt to clear the malfunctions himself/herself. If the shooter is unable to do so during training, he/she shall keep the weapon pointed down range, raise his/her hand, and wait for the assistance of the firearms instructor.
- .14 Anyone not obeying the orders or following the instructions of the firearms instructor may be ordered off the range and proper action taken at a later time.
- .15 The City of Hagerstown and/or the Hagerstown Department of Police shall not be liable for any injuries or property damage during the time that anyone is using the range without the supervision of a firearms instructor.
- .16 The City of Hagerstown and/or the Hagerstown Department of Police shall not be liable for any injury or damage when the range is being used by other law enforcement agencies and solely under their supervision.



## LESS LETHAL WEAPONS

### POLICY LIMITATIONS

The rules, policies, and procedures found in Chapter 11 are for departmental use only and do not apply in any criminal or civil proceeding. The departmental policies should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of these rules, policies, or procedures will only form the basis for departmental administrative sanctions.

#### GENERAL GUIDELINES 11.01

- .1 The primary purpose of less lethal weapons is to be defensive tools which would allow police officers to overcome a violent subject resisting arrest, and /or assaulting an officer or another person, thereby allowing the officer to take the offender into custody and bring an unlawful situation safely and effectively under control.
- .2 Less lethal weapons should be used as intermediate weapons in the escalation of force in making an arrest. They would be properly used when the officer cannot achieve control of the subject by means of verbal commands, physical restraints (control or come along restraints), or has reasonable belief that such commands or physical restraints would be ineffective, and when the use of a firearm would not be justified.
- .3 HCC Police personnel may only carry those weapons which are departmentally issued or approved. Only personnel who have received departmentally approved training and who have demonstrated proficiency in the use of departmentally approved weapons may carry such weapons. This is not meant to prevent an employee from utilizing any object at his/her disposal as a weapon in exigent circumstances which would justify the use of such an object as a weapon.
- .4 Less lethal weapons and weaponless control training and proficiency certification will be documented and given by certified instructors. In the event an officer fails proficiency testing, the instructor may provide remedial training and proficiency testing the same day as the initial training and testing. If the employee officer cannot pass on the first scheduled day of proficiency testing, the instructor shall immediately notify the employee, regardless of rank, that his/her authority to carry the weapon or use the control technique is temporarily suspended pending the successful completion of remedial training and proficiency testing. The Chief of Police will be notified no later than the following day. Upon receipt of said notification, a written order suspending the employee's authority to carry the weapon or use the control technique will be issued. The employee may receive any number of remedial training sessions and attempts to pass proficiency testing. If the employee fails to pass within a 30-day period, written notice of the failure will be forwarded to the Chief of Police. The Chief of Police will determine what action to take at that time.





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## Less Lethal Weapons

.5 When using less lethal weapons, care should be taken not to injure any innocent party or uninvolved persons.

.6 Prior to issuance or approval for carry, Departmentally and personally owned less lethal weapons shall be inspected by an instructor certified on the specific weapon. Those that have been inspected and verified as operating safely shall be designated as “In Service” in the Department’s electronic inventory system. Documentation of factory inspection of new weapons shall satisfy the inspection and approval requirement. Less lethal weapons acquired without factory inspection documentation will be designated as “Out of Service” until inspected and approved by a less lethal weapon instructor. Departmental inspection/approval shall be documented on the CPD Weapon Inspection and Approval Certification form. Additionally, weapons removed from service due to malfunction or unsafe condition must be inspected and certified on the same form before issuance or approval for carry.

### THE POLICE BATON 11.02

.1 The Police Baton shall only be used in accordance with departmental training, specifically the courses designed by Monadnock Lifetime Products, Inc., and taught by instructors certified through Monadnock Lifetime Products, and according to Department policy regarding use of force. Officers must maintain current certifications in order to be permitted to carry the Police Baton. Officers are only authorized to carry the Department issued Monadnock expandable straight baton with a baton specific holder, any personally owned model of the Monadnock expandable straight baton with a baton specific holder, or any comparable version of the Monadnock straight expandable baton. Prior to issue to or use by an officer, all batons will be inspected by a certified baton instructor to ensure they meet the above specifications.

.2 Anytime an issued baton is found to be or suspected of being unsafe, it shall be turned over to a certified instructor who will determine the most practical corrective course of action. The officer shall be issued a replacement if needed.

.3 All officers shall be held responsible for the condition of any personally owned batons carried by them. Anytime a personally owned baton is found to be or suspected of being unsafe, the officer will remove it from service until it is repaired or replaced, inspected, and approved by a certified baton instructor.

.4 After initial certification by a certified instructor, all uniformed officers shall demonstrate proficiency with the baton annually. Such proficiency will be documented and remedial training provided to those persons unable to demonstrate proficiency. Batons shall only be carried by those officers who satisfactorily demonstrate proficiency.

.5 The Lieutenant/Training Officer will maintain a record of the batons issued or carried by officers. The record shall list each officer and the type of baton issued to the officer or approved for the officer’s use, and will include any identifying numbers.



### OLEORESIN CAPSICUM INDIVIDUAL PROTECTIVE DEVICE(IPD) 11.03

- .1 Individual Protective Devices will be used in accordance with Departmental training.
- .2 Only those personnel who have been trained in the use of the individual protective device will be allowed to carry or use them. The initial training includes classroom as well as exposure to the product carried. A member must have both classroom and exposure for authorization to carry the IPD. Bi-annually (odd years), officers will have to demonstrate proficiency to certified instructors. All training will be documented. Officers unable to demonstrate proficiency will receive remedial training and shall not carry the weapon until satisfactorily demonstrating proficiency.
- .3 Only IPD's which contain oleoresin capsicum will be used and must be inspected and approved by a qualified IPD instructor prior to use.
- .4 Any accidental discharge, which results in personal injury to any person, must be reported in writing as soon as possible to the Lieutenant/Sergeant.
- .5 When an IPD is approximately ½ full, the Lieutenant/Training Officer must be notified so a replacement can be issued. Anytime an IPD is found to be or suspected of being unsafe, it shall be turned over to the Lieutenant/Training Officer who will determine the most practical corrective course of action. The officer shall be issued a replacement if needed.
- .8 The Lieutenant/Training Officer will maintain a record of the IPDs issued to officers. The record shall list to whom each IPD is issued, and will include any identifying numbers.

### CONDUCTED ELECTRICAL WEAPONS(CEW) 11.04

- .1 Actively resisting or assaultive suspects frequently present a risk of injury to officers and themselves. This can be due to the physical actions they take to avoid being taken into custody, as well as their potential to escalate quickly to assaultive behavior. Conducted Electrical Weapons (CEWs) are a force option intended to be used in the following situations:
  - to control persons whose attempt to prevent a lawful arrest or custody puts officers and themselves at risk of physical injury;
  - to control individuals whose actions can reasonably be expected to intentionally harm themselves or others;
  - to protect an officer or others from a dangerous, aggressive animal.
- .2 The approved CEW is any issued Taser® model. No other CEWs are approved for use by Department personnel. All CEW's will be inspected and approved by a certified CEW instructor before being placed in service.
- .3 Only cartridges issued by HCC PD are approved for duty-use.



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## Less Lethal Weapons

- .4 Anytime a Department issued CEW is found to be or suspected of being unsafe, it shall be turned over to a certified instructor who will determine the most practical corrective course of action.
- .5 The Lieutenant/Training Officer will maintain a record of all agency-owned CEWs. The record shall list to whom each CEW is issued (if applicable) and will include any identifying numbers.
- .6 CEWs may only be used in accordance with Departmental training and Department policy and procedures.
- .7 Only those persons who successfully complete the manufacturer's training course and annual recertification will be certified to use the CEW.
- .8 Personnel to whom a CEW and/or cartridge has been issued are responsible for the safe storage of that equipment when not in use (i.e., when the officer is off-duty).
- .9 The CEW will be carried in the issued or otherwise approved holster. The holster will be kept on the officer's support side (opposite the sidearm), to avoid the accidental drawing and/or firing of the sidearm.
- .10 The CEW "Probe Mode" should be the primary use option, with "Drive Stun Mode" generally used as a secondary option. After deploying a CEW in probe mode, the officer is to collect and process the probes, along with several of the AFID tags, as evidence.
- .11 A warning should be given to a person prior to activating the CEW unless to do so would place any other person at risk.
- .12 When applicable, an announcement should be made to other officers on the scene that a CEW is going to be activated.
- .13 After any deployment of a CEW which results in probes being attached to a person's body, the person will be examined by an emergency medical professional for removal of the probes. Probes attached to clothing only may be removed by an officer certified in the use of the CEW.
- .14 If first aid is necessary, it will be administered per Departmental training. If additional medical treatment appears to be needed, the officer is to call an ambulance for transport to the hospital.
- .15 Officers are to consider the possibility of secondary injuries that may occur when deploying a CEW. For example, head injuries or fractures resulting from falls due to muscle incapacitation may occur. Officers are to take the possibility of secondary injuries into consideration when making the decision to deploy a CEW. When possible, steps to prevent such secondary injuries should be taken.
- .16 When a subject is armed with a CEW and attacks or threatens to attack a police officer, the officer may defend himself or herself to avoid becoming incapacitated and risking the possibility that the subject could gain control of the officer's firearm. When possible, officers should attempt



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## Less Lethal Weapons

to move outside the device's range (approximately 21 feet) and seek cover, as well as request backup officers to mitigate the danger.

.17 Additional CEW discharges after the initial discharge are permissible only if the subject still poses a threat of injury. The necessity of each discharge shall be documented and articulated as to the need. The officer is to stop administering additional discharges when it becomes evident that Neuro Muscular Incapacitation (NMI) has not been achieved, allowing the officer the time and opportunity to take the person into custody.

.18 Persons who require more than one discharge (with effect) should be suspected of mental, medical, or substance abuse issues. Therefore, such persons are to be transported to the hospital for a medical examination.

.19 **When possible**, lowering the preferred target area to lower center of mass (below the sternum) is recommended for the following reasons:

- For frontal shots, CEWs have been found to be more effective if the probes are in the abdominal to pelvic region rather than in the sternum / chest (more nerves, more muscle, and critical balance functions in the midbody).
- Lowering the preferred target area will reduce the risk of a head/eye shot in a dynamic situation (as is standard for impact munitions).

Back shots remain the preferred area when practical. The darker area in the diagram below represents the preferred target areas.



This recommendation on shot placement recognizes that in many situations, the officer will not be able to avoid a chest shot because of movement, dynamics of the scenario, tactical issues and/or time.

The recommendation is that when officers have the luxury of time and can aim to place a shot, they should try to aim for the preferred target areas for maximum effectiveness with minimal risk. However, in fluid and dynamic situations, officers should take the best shot available to them. This recommendation is all about improving the officers' odds of success while minimizing risk.

.20 When practical, the officer deploying the CEW shall obtain the names of any witnesses to the incident and include them on the Use of Force Report. If necessary, backup officers shall assist the deploying officer with obtaining witness names.

**.21 Restrictions on use:** Unless exigent circumstances exist (i.e., the officer or others are in imminent danger or injury due to the individual's resistance) CEW's are not to be used in the following circumstances:

- against individuals in physical control of any vehicle (Chapter 11 of the Maryland Transportation Article defines a vehicle) in motion, or against persons operating machinery.
- against an individual who has been contaminated with a flammable substance, including alcohol-based pepper sprays. If an officer becomes involved in an arrest situation with



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another jurisdiction who has deployed pepper spray, HCC PD personnel are not to deploy a CEW unless they know the spray is nonflammable.

- in any environment contaminated with flammable or volatile substances.
- against persons already under control with restraints unless they are actively assaultive.
- in situations where the individual is at risk from a fall from an elevated position (e.g., climbing a fence or other obstacle, near a window, at the top of stairs, etc.);
- in situations where the person is in or in close proximity to water deep enough to cause drowning if the person falls in to it;
- to control unruly patients unless they are exhibiting actively assaultive behavior and other means of restraint are not sufficient to protect the officer or others;
- against an individual who is running away, and for whom no lawful reason to arrest or detain exists;
- against an individual for whom lawful reason to arrest or detain does exist and who is running away, if the individual appears to be stopping or getting ready to stop running. This does not preclude the officer from utilizing the CEW if the individual displays assaultive behavior.
- solely to prevent the destruction of evidence.
- to escort individuals or otherwise induce persons to move.
- to awaken unconscious or intoxicated individuals.
- on women who are pregnant (due to risk to the fetus from the person falling).

### LESS LETHAL IMPACT MUNITIONS 11.05

.1 Less lethal impact munitions (LLIM) are intermediate impact weapons designed to impose pain compliance and possible incapacitation in order to gain control of assaultive individuals. Launched from the 12-gauge shotgun, LLIM's afford personnel the advantage of distance. They are designed to provide both physiological and psychological effects.

.2 The Less lethal impact munitions approved for use will be specified in a Special Order issued by the Chief of Police.

.3 LLIM's are for use in the following situations:

- To control persons whose assaultive behavior puts officers and themselves at risk of physical injury;



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- To control individuals whose actions can reasonably be expected to intentionally harm themselves or others;
- To protect an officer or others from a dangerous, aggressive animal.

.4 LLIM's are to be used in accordance with Departmental training. Only personnel trained and qualified in the use of LLIM will be authorized to use them. Training will consist of classroom, written exam, practical exercise and live fire. Officers will demonstrate proficiency to certified instructors on a yearly basis. Any officer not able to demonstrate proficiency will receive remedial training and will not be authorized to use LLIM until they can satisfactorily demonstrate proficiency. Additionally, officers must have current MPCTC qualification with the shotgun in order to be certified or re-certified in shotgun launched LLIM.

.5 LLIM's designed for use with the 12-gauge shotgun will be used as follows:

- Only shotguns with a cylinder bore (smooth bore, no choke) may be used.
- Unless exigent circumstances arise, LLIM will only be deployed from 12- gauge shotguns clearly marked as a less lethal weapon.
- Because the shotgun is capable of firing both regular (lethal) and less lethal rounds, shotguns will be loaded using a buddy system. The buddy system will consist of the LLIM rounds being loaded into an empty shotgun by the deploying officer in the presence of the lethal cover officer. Both officers will visually identify and verify the LLIM prior to loading. Under no circumstances will lethal and LLIM be mixed in the platform or carried separately on the officer's person.

.6 LLIM will only be used with a lethal cover officer on scene.

.7 All accidental/unintentional discharges will be reported immediately to the Sergeant by the employee who discharged the munition. That employee will also file a written report detailing the incident. All discharges of LLIM as a force option will be reported according to Use of Force Policies and Procedures.

.9 All sworn HCC PD personnel at the scene of a LLIM discharge are responsible for ensuring that first aid is provided as needed to any person struck, and that the person is transported to the hospital for medical treatment.

.10 At the scene of a LLIM discharge, the officer deploying the LLIM is responsible for ensuring the suspect and the scene are photographed, that distances are recorded, and that all spent rounds and projectiles are collected as evidence according to departmental Policies and Procedures.

LLIM's coming in contact with a person or animal are to be collected and treated as bio-hazardous evidence.



## COMMUNICATIONS

### PRIMARY RESPONSIBILITIES 12.01.1

The primary responsibility for the public safety communications function has been delegated to the Washington County Emergency Communications Center (ECC) through written agreements.

.2 HCC PD supervisors retain the authority and responsibility for directing the activities of HCC PD personnel being dispatched by, or communicating with, ECC personnel.

.3 Campus Police Officers will ensure that ECC staff are notified prior to the start of each shift and at the conclusion of each shift.

.4 The Training Officer is the liaison between HCC PD and the ECC. Examples of duties related to this function include:

- Keep portable radio electronic IDs current.
- Disseminate relevant information to HCC PD personnel regarding ECC radio operations, policy, and procedures.
- Provide ECC staff with information regarding communications issues affecting HCC PD; recommend improvements/changes as appropriate.
- Attend periodic user meetings.

.5 HCC PD personnel engaged in operational assignments and incidents are to keep the ECC notified of their status. The preferred method is via radio, although other methods, such as phone or MDT messaging, may be used in situations where radio communication is not efficient.

Examples of notifications include:

- Going in and out of service.
- Initiating field activity.
- Covering calls with other units.
- Changing locations during calls for service.
- Relevant information pertaining to the call or activity.
- Requests for ECC assistance.

### GENERAL RADIO COMMUNICATIONS 12.02

.1 The primary operating talk group (channels) will be WCSO 01. Other talk groups, WCSO 02, WCSO 03 are to be used based on the nature of the message, call type, assignment, or operation. Additional Washington County Emergency Services talk groups are accessible to Campus Police Personnel, based on the nature of the event, and shall be used only as directed.





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- .2 All radio transmissions shall be kept as brief as possible. Lengthy, non-emergency radio transmissions are to be relayed on one of the other available talk groups, with WCSO 02 and WCSO 03 being the preferred talk groups for this purpose.
- .3 Transmissions containing sensitive information is to be broadcast on one of the encrypted talk groups. This includes such categories as criminal or motor vehicle records, medical information, alarm and/or security information, etc.
- .4 Department radio communications shall be conducted in accordance with FCC Procedures and Requirements. The use of profanity, derogatory language, or other inappropriate, non-professional language is prohibited.
- .5 All sworn personnel, while engaged in any field assignment, shall have access to radio communications at all times. This may include the use of portable radios, mobile radios, or both.
- .6 HCC 01 is a designated channel for Campus Police Personnel. HCC 01 is to be used only for non-police related radio traffic as this channel is not monitored by the ECC or allied law enforcement agencies.

### CRIMINAL JUSTICE INFORMATION SYSTEMS ACCESS 12.03

- .1 State and federal criminal justice information systems (CJIS) can be accessed by certified users through devices (desktops, laptops, mobile data terminals, etc.) authorized by the Maryland State Police. The designation of Department devices as CJIS terminals shall be approved by the Chief of Police based on the device location, assignment, and need.
- .2 As devices are identified for CJIS access, HCC PD's Site Security Coordinator (Chief of Police or Designee) will submit a request for an ORI to the state CJIS systems officer at the Maryland State Police. Once that request is approved, the SSC will notify the HCC IT Department to have the necessary work performed to activate the device.
- .3 Only those personnel who have been certified through the MSP CJIS systems officer may access terminals. Members who wish to become certified are to contact the Chief of Police.
- .4 CJIS terminals will be used according to law and relevant regulations. CJIS terminals and information may be accessed for Department related business only and may not be used for personal reasons.

### MOBILE DATA TERMINALS (MDTs) 12.04

- .1 Mobile Data Terminals are vehicle mounted computers designed to provide the following functionality to operational personnel:
  - Serve as CJIS access terminals.
  - Provide information on calls for service
  - Allow for silent dispatching



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- Allow officers to add notes to call logs
- Provide a means to file field reports electronically
- Provide a means for supervisory review of field reports
- Allow access to the records management system
- Allow messaging between other MDTs and ECC dispatchers

2 The following restrictions apply to the use of MDTs:

- Information displayed on the MDT may not be shared with the general public.
- Only authorized personnel (i.e. HCC PD personnel with HCC PD and/or METERS logins) may use the MDTs.
- With the exception of caution codes, criminal history information may not be transmitted between MDT units via chat or unit-to-unit email functions.

### CALL FOR SERVICE RESPONSE CODES 12.05

Personnel operating agency vehicles are authorized to respond to calls for service in one of the following two modes:

**.1 Code 3:** This mode is to be used where no emergency exists, nor would one reasonably be expected to develop before the responding personnel arrive. Responding personnel will proceed to the call for service without undue delay, observing all traffic laws and without the use of emergency lights and siren.

**.2 Code 2:** This mode is authorized when the responding personnel reasonably perceives that an emergency exists, or could reasonably be expected to develop before the responding personnel arrive. When responding in Code 2 mode, emergency lights and siren must be activated unless operational circumstances dictate the need to deactivate the siren when in close proximity to the location as it relates to the call for service. The privileges and duties of responding officers are detailed in the Transportation Article, 21-106. The decision to operate in this mode will be the responding officer's unless otherwise directed by a sworn HCC PD supervisor.

### COMMON LANGUAGE PROTOCOLS 12.06

**.1 PURPOSE:** To provide guidelines for the conversion of the Hagerstown Community College Police Department radio communications from 10 codes to Common Language Protocols (plain language).

**.2** The HCC Police Department will utilize the Common Language Protocol. This protocol is a step toward ensuring that during a multi-jurisdictional incident or anytime different agencies must communicate through the radio system; everyone involved understands what is being communicated.



.3 The use of **10-4** to acknowledge a transmission will continue. This “10” code has been deemed universal and should not cause any problems during inter/intra-agency communications.

**.4 Authorized Caution Codes:** These will be utilized for broadcasting officer safety information on an OPEN (unencrypted) radio channel and may be used during police/violator contacts. This information is contained in the “HOT FILES” and CRIMINAL HISTORY FILES.

### Authorized Caution Codes

- A - Armed
- B - Dangerous
- C - Mental
- D - Armed/Mental
- E - Suicidal
- F - Armed Suicidal
- G - Resists Arrest
- H - Armed/Resists
- I - Dangerous/Resists
- J - Mental/Resists
- K - Suicidal/Resists
- L - Approach with Caution
- M - Assaults Police Officers
- N - Drug User/Seller

The information given to support the use of a caution code should have some verifiable foundation from which it is offered. Materials contained in data base files such as CJIS or other supporting information (e.g. investigative reports or arrest records) may be used as justification for a caution code descriptor.

The code, “N” by itself, does not constitute probable cause or a reasonable articulable suspicion that the person is involved in criminal conduct.

These caution codes are the only codes authorized to disseminate officer safety information.



### PHONETIC ALPHABET

The phonetic alphabet should be used for spelling out words over the air. The following Standard Phonetic Alphabet is the preferred method to be used when conducting radio communications:

A - Alpha  
B - Bravo  
C - Charlie  
D - Delta  
E - Echo  
F - Foxtrot  
G - Golf  
H - Hotel  
I - India  
J - Juliet  
K - Kilo  
L - Lima  
M - Mike  
N - November  
O - Oscar  
P - Papa  
Q - Quebec  
R - Romeo  
S - Sierra  
T - Tango  
U - Uniform  
V - Victor  
W - Whiskey  
X - X-ray  
Y - Yankee  
Z - Zulu

### RADIO CALL LETTERS

The following numeric radio call letter assignments will be used to identify HCC PD Sworn Personnel;

Chief of Police: 4700

Lieutenant: 4701

Officer: 4702



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Officer: 4703

Officer: 4704

Officer: 4705

The numeric designators will continue in sequence as vacant officer positions are staffed.

### EMERGENCY CALL BUTTON ACTIVATION 12.07

- .1 The portable radio issued to HCC PD personnel is equipped with a red emergency button.
- .2 When an emergency button activation occurs, the radio automatically reverts to a pre-assigned talk group and opens the microphone for 10 seconds to allow the operator an opportunity to make an announcement and also to allow the ECC dispatcher to hear the announcement and/or background noises. HCC Police Department radios will revert to WCSO 01
- .3 After emergency button activation, the ECC dispatcher will instruct the unit to confirm or deny the emergency (example: "4700 confirm or deny").
- .4 If the unit confirms or does not respond when prompted, the ECC will dispatch law enforcement units immediately to the unit's last known location, and will notify the designated supervisor.
- .5 If the unit denies the emergency, the operator will be asked to reset the radio. The radio is reset by holding the emergency button down for approximately two to five seconds and will emit a beep upon successful reset.

### RADIO COMMUNICATIONS WITH OTHER AGENCIES 12.08

HCC PD utilizes the Washington County trunked radio system which allows interoperability among other user groups. Additionally, other equipment allows for patched communications between Washington County radio users and other entities. The following are guidelines when HCC PD personnel need to communicate with interacting agencies:

- .1 For evolving, in-progress police calls, responding and participating personnel will utilize the initial talk group on which the call was initiated. Usually this will be the primary law enforcement channel of the initiating agency. Personnel not involved will be asked to switch to another talk group. If the call activity stabilizes sufficiently, personnel may be directed by the ECC or a police supervisor to move the operations to an operations talk group.
- .2 When participating in pre-planned operations or command incident, HCC PD personnel will be directed to one of the talk groups established by ECC staff for the operation or incident.
- .3 If communications with agencies not on the County radio system becomes necessary, personnel may request the ECC to establish a radio patch to those agencies.

### ROUTING OF MISDIRECTED EMERGENCY AND NON-EMERGENCY CALLS 12.09

- .1 In the event a member of this Department receives an emergency telephone call:



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- The member first determines if police need to respond immediately, if so the member shall notify field units via radio. If the member does not have a radio, an on-duty officer or the on-duty supervisor should be notified immediately. If necessary, the member will obtain the location, nature of incident, and caller, then call 911 directly. The call taker should attempt to keep the caller on the line to provide updated information to responding units.
- .2 If a non-emergency call requiring an officer response is received the caller should be instructed to contact the ECC's non-emergency number, 240-313-4345.
- .3 If a member of this department receives a non-emergency telephone call intended for another agency, the member will advise the caller of the correct agency's name requesting the caller to contact that agency.

### ACCEPTING AND DELIVERING EMERGENCY MESSAGES 12.10

- .1 Requests for emergency notifications, either from citizens or other public service agencies, will be handled as a call for service. Such notifications will be made as soon as possible.
- .2 The Chief of Police will be informed of any request for death notification. Such notification shall be made in person in a discreet manner.

### FOREIGN LANGUAGE AND SIGN LANGUAGE SPECIALISTS 12.11

- .1 Personnel requiring foreign language interpretation assistance while at the scene of an incident may contact the ECC to determine if any apt officer from an adjoining jurisdiction is available. In the event an apt officer is not available, Personnel may contact the Language Line Services at 800-752-6096 for over-the-phone interpretation.
- .2 Personnel requiring foreign language interpretation assistance for in-person investigative interviews may contact the ECC to determine if any apt officer from an adjoining jurisdiction is available. In the event an apt officer is not available, Personnel may contact Lionbridge Global Solutions at 800-423-6756 to schedule an interpreter. The use of this service is limited to situations where immediate interpretation services are not required, and where an in-person interpreter would be more appropriate than one conducted over the phone.
- .3 Interpreters for the hearing impaired are available through Deafnet Association, Inc., at 301-791-9025.

### COMMUNICATION EQUIPMENT MAINTENANCE/REPAIRS 12.12

- .1 In the event emergency or urgent repairs are needed on radio equipment, the Washington County Communication Maintenance Section may be contacted at 240-313-2070. If prompted by voice mail, leave a message in the general voice mailbox and staff will be immediately notified.
- .2 For non-urgent maintenance, send an email to: [communications@washco-md.net](mailto:communications@washco-md.net) describing the problem, or contact the Lieutenant/Training Officer.



## DEPARTMENT VEHICLES

### INSPECTION 13.01

.1 Every officer of the department assigned to operate a departmental vehicle shall be held accountable for the proper use and care of the vehicle, and of all accessories, equipment and tools assigned to such vehicle. Standard equipment of vehicles shall not be changed, interchanged, altered, or removed from such vehicle without the authority of the Chief of Police.

.2 At the beginning of each shift, an officer shall carefully inspect the vehicle to assure that it is in a clean, serviceable condition, and that no weapons or contraband have been left in the vehicle.

.3 When making inspections, officers shall check the following:

1. damage to vehicle, exterior and interior
2. all trunk equipment
3. operation of radio system
4. siren, P.A. system
5. lighting equipment (red lights, spotlights, instruments, and other vehicle lights)
6. condition of tires
7. gas, oil and other gauges
8. exterior and interior cleanliness
9. special attention shall be given to searching under both front and back seats.
10. any other equipment assigned to the vehicle

.4 If any damage, inoperative, or missing equipment is discovered, the officer shall report it immediately to his supervisor and note same on the Cruiser Inspection/Information Log. The officer discovering any mechanical issues with the vehicle is responsible for submitting a School Dude request to Facilities to have the vehicle repaired

.5 During inspections, any damage to the vehicle or any missing, damaged, or inoperable equipment not reported previously, the presumption of responsibility shall fall on the previous operator and/or operators of the vehicle.

.6 When damage to the vehicle is discovered or any missing, damaged, or inoperable equipment is reported, after the vehicle has been placed in service, the officers assigned to that vehicle shall be held responsible.

.7 If during the vehicle inspection any weapons or contraband are found, the inspecting officer shall turn same over to his/her supervisor for appropriate action.

.8 Officers shall return their assigned vehicle at the end of each tour with no less than one-quarter tank of gas, unless the workload for the tour precluded obtaining a refill. At the same time the



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vehicle is refueled, the assigned officer will be responsible for checking all other fluid levels and refilling them as needed. If an officer notices a pattern where fluid levels have to be refilled frequently, the officer shall notify his/her supervisor who shall schedule the necessary maintenance.

.9 Prior to leaving a vehicle at any location for maintenance or repair, the operator leaving the vehicle is responsible for ensuring that any lethal and less lethal weapons are removed and secured as directed in Chapter 10 Firearms.

### OPERATION OF VEHICLES 13.02

.1 All officers shall possess a valid operator's license for the class of vehicle operated.

.2 Officers shall not allow persons other than authorized members of the department to ride in the vehicle under their control, except, as reasonably necessary for operational reasons or, in the performance of duty.

### PATROL VEHICLES~EMERGENCY EQUIPMENT 13.03

.1 Each vehicle used for patrol will be equipped with the following minimum equipment:

- Red and blue emergency lights
- A siren
- A mobile radio transceiver
- Seat belts.

.2 Optional equipment which will be suitable on patrol vehicles includes:

- Alley and takedown lights
- Public address system
- Other optional equipment included in the vehicle specifications, i.e. police package.

.3 Each vehicle used for patrol will have the following equipment maintained in the trunk:

- First aid kit
- Fire extinguisher
- Reflective traffic vest
- Flares
- Bio-hazard protection kit.

### USE OF AUTHORIZED EMERGENCY EQUIPMENT 13.04

.1 GENERAL GUIDELINES~ Officers will use emergency equipment only when authorized to do so by a supervisor, when required by the nature of their assignment, or when situations confront them that indicate the need for the use of emergency equipment.

.2 EMERGENCY (RED/BLUE) LIGHTS~ This equipment is used to signal other users of the roadway that emergency conditions exist and the right of way should be relinquished to the police vehicle. The officer cannot safely assume, however, that the lights will be sufficient to assure the





right of way, even though state law requires that emergency vehicles be yielded the right of way under emergency conditions. Even when both the emergency lights and siren are in simultaneous operation, officers remain responsible for any injuries or damage sustained as a result of any failure to drive without due regard for the safety of others.

.3 SIREN~ The siren is to be used simultaneously with the emergency lights when such a response is deemed appropriate based on the nature of the emergency. The siren may be used to signal drivers to stop or yield the right of way when other means of attracting the driver's attention have failed. The siren shall always be use in accordance with Maryland law.

.4 TAKEDOWN LIGHTS— Takedown lights should be used to illuminate the interior of the violator's vehicle to assure all occupants are seen and at a distinct disadvantage when looking back toward the police vehicle and officer. The officer should exercise care not to be silhouetted by the light. The spotlight should not be used routinely to signal violators to stop, due to the possibility of temporary blindness to the violator and other drivers from the glare created by its use.

.5 PUBLIC ADDRESS SYSTEM~ The public address system should be used when necessary to minimize a suspected hazard to the officer by directing the actions of a violator or violators from a safe distance. The public address system is also a valuable tool for directing persons when unusual conditions are present such as natural or man-made disasters.

## **VEHICLE MODIFICATIONS FOR PRISONER TRANSPORTATION 13.05**

.1 To minimize the opportunities for a prisoner to escape during transport, patrol vehicles as well as any other vehicles intended to be used for prisoner transportation are to be modified so that the rear window and door operation are rendered inoperable from the back seat.

.2 Vehicles which have not been modified as described above are not to be used for prisoner transport.

## **VEHICLE REPAIRS AND ALTERATIONS 13.06**

.1 Other than the normal preventative maintenance mentioned above, personnel are not authorized to perform any repairs or alterations to any Departmental vehicle without the authorization of the Chief of Police.

.2 If a departmental vehicle becomes inoperable, the following shall apply:

- The person discovering the problem (usually the person to whom the vehicle was assigned) shall notify, or cause to be notified, the Lieutenant or Chief of Police. The person finding the problem shall provide a detailed description of the problem on a Cruiser Inspection/Information Log and submit a School Dude request to Facilities.
- If the vehicle becomes disabled off Campus and the Lieutenant or Chief of Police is not on duty, the vehicle is to be towed/transported to the HCC parking lot.



## PATROL OPERATIONS

### GENERAL GUIDELINES 14.01

- .1 The basic purpose of patrol is prevention of crime and is best performed by constant patrol techniques.
- .2 Officers shall have all the equipment necessary for proper patrol as outlined under uniforms and equipment.
- .3 When any officer leaves his/her patrol car, a portable radio shall be carried at all times.
- .4 While on patrol, officers shall perform the following duties:

Physical security of buildings, perimeter and interior patrol to include public safety inspections, traffic, parking and pedestrian enforcement, response to call for service, criminal and traffic investigations, planning and execution of special events/services and community oriented policing strategies.

- .5 Officers shall notify the ECC of any self-initiated activity, and shall keep the ECC notified of their location and change in status during all calls for service.

### FIRES 14.02

- .1 When any officer of the Department discovers a fire, they shall immediately notify the ECC, requesting Fire Department apparatus.
- .2 Extreme caution should be used at any fire or suspected fire when opening any door or window in order to prevent injury from internal heat, pressure, explosions or toxic gas.
- .3 At the scene of any fire or suspected fire, the Commanding Officer of the Fire Department shall be in command of the fire scene and shall have the cooperation of the HCC PD officer assigned.
- .4 Officers shall be responsible to see that no person hinders or obstructs any member of the Fire Department in the performance of their duty.
- .5 No officer shall enter a burning building after the arrival of the Fire Department unless requested to do so by the Commanding Officer of the Fire Department for the performance of proper police services. In such an occurrence, full fire protective gear will be worn by the officer.
- .6 In the event that additional Police Resources are needed the ECC will be notified requesting mutual aid from the Washington County Sheriff's Office or Hagerstown Police Department. Under these circumstances, HCC PD Personnel shall yield Supervisory responsibility to any member who is superior in rank. The supervising officer/deputy shall establish a Command Post at a convenient and accessible point, in order that the Supervisor may give general directions and



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make suitable dispositions. The ECC shall be notified of the Police Command Post location. The Chief of Campus Police shall be notified immediately by the HCC PD Officer on scene.

.7 After the departure of the fire apparatus from the scene, HCC PD Officers shall maintain scene security assuring unauthorized persons from entering the premises until the building is deemed secured.

.8 In the event that a body is found in fire debris, the established Command Post Supervisor shall be notified, and he/she shall notify the Criminal Investigations supervisor for the Washington County Sheriff's Office.

### SUICIDES AND ATTEMPTS 14.03

.1 Cases of threatened and/or attempted suicide present so many varied situations that it is impossible to outline any specific action that might be applicable in each case. Each demands of the officer on the scene composure, good judgment, and prompt efficient action. The duty of the first officer on the scene is:

- Take immediate steps to protect the general public.
- Notify ECC, stating type of attempt or threat (by use of firearms, fire, jumping from a structure, etc., type of assistance needed, manpower, equipment, etc.)
- Delay the suicide attempt if possible.

.2 Each moment gained by delaying the attempt is one in which the person may change his/her mind, or perform some action which will allow the officers a window of opportunity to intervene.

.3 In the presence of a person threatening suicide, an officer must be cautious in their movement. Every act must be in such a fashion as to not unduly alarm or frighten the person contemplating suicide. The officer must be vigilant should the window of opportunity arise allowing the officer, with due regard to his/her own personal safety, as well as that of others, to intervene.

.4 In the case where suicide has been averted, the person shall be taken to the Meritus Medical Center Emergency Room for the purpose of an emergency mental evaluation.

### SICK OR INJURED PERSONS: 14.04

.1 Whenever an officer finds, or has his attention called to an unconscious, sick or seriously injured person on the HCC grounds, and it is necessary that such a person be transported to the hospital, the officer shall at once notify the ECC requesting an ambulance.

.2 A patrol car shall only be used to transport sick or injured persons when no other means exists and the nature of the injury necessitates an immediate transport to the Meritus Medical Center.

.3 Any officer transporting a sick or injured person to the hospital in a patrol car shall notify the ECC, stating the nature of injury or illness. The beginning and ending mileage, when feasible,



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shall be broadcast as well. The ECC shall notify the hospital, advising them of the incoming sick or injured person and the nature of injury or illness.

.4 In the case of a sick or injured person, the officer, before requesting an ambulance, shall ascertain from such person whether or not he is willing to be taken to the hospital for treatment. Care must be taken to assure that the victim is capable of making such a decision. When a small child is involved, or where there is any doubt of the person having sufficient control of their senses to make the decision, the officer shall request the ambulance. If the victim refuses hospitalization, the officer shall render whatever assistance possible.

.5 All unconscious persons, and all persons apparently sick and unable to speak for themselves, shall be removed to a hospital immediately. This procedure is applicable whether such condition is caused by sickness, alcohol, or other factors.

.6 Every officer shall be thoroughly acquainted with first aid and CPR methods so that they may be prepared to act promptly and properly in any emergency which may come to the officer's attention. In addition, officers should be familiar with communicable diseases and the type and location of equipment to combat transmission of same.

.7 When a person is found in an unconscious state, the officer shall take particular care to safeguard the personal property of the victim. If the sick or injured person does not immediately regain consciousness, the property shall be secured in the designated Property Control Area and all applicable report(s) completed.

.8 When necessary to notify relatives concerning serious illness or injury of any family member, a request will be made through the ECC for the appropriate law enforcement agency to do so in person. The telephone shall be employed for such purposes only when other means are impractical.

.9 In all cases involving sick or injured persons requiring transport for emergency medical care, a report shall be submitted outlining the details of the incident.

### DECEASED PERSONS 14.05

.1 OCME - When any officer is assigned to investigate a deceased person, procedures set forth by the Office of the Chief Medical Examiner (OCME), per Health and General Articles, shall be adhered to as it relates to unattended deaths. Unattended deaths are defined as an apparent natural death that was unexpected, or unexplained; or if the deceased was not currently under the care of a physician for an illness that would have caused the death.

- A. Notify the OCME of all unattended deaths. This responsibility will be handled by request for the on-call Forensic Investigator through the ECC dispatcher. From the OCME standpoint, unattended means the decedent has;
  - 1. Never been diagnosed with an illness



2. Not seen a doctor in more than 18 months
3. Not prescribed any medications
4. The primary physician is not licensed in MD
5. Any baby born without medical care
- B. Additionally, the following situations have been provided by the OCME for cases requiring a medical examiners response;
  1. If the decedent's primary care physician is an out-of-state doctor (unable to sign a death certificate)
  2. Any death in an un-secure location (unlocked residence, outside, in a vehicle, etc)
  3. Any trauma or history of recent trauma
  4. Any death involving burns or fires
  5. Any death related to vehicular collisions
  6. Any suspected suicides
  7. History of drug or alcohol use prior to death, or continued abuse of drugs or alcohol
  8. Age less than 50
  9. Any suspected violence
  10. Any death of a resident housed in a city/county/state institution
  11. Occupational deaths
  12. Environmental exposures
  13. Neglect situations
  14. Any pregnant woman
  15. Suspected infectious or contagious diseases
  16. Any suspicious circumstances
  17. Signs of decomposition present

**.2 Unattended Deaths** are defined as an apparent natural death that was unexpected, or unexplained; or if the deceased was not currently under the care of a physician for an illness that would have caused the death. In the event the attending physician is unwilling or unable to sign the death certificate, then it will be handled as an unattended death. In the event the Officer arrives at the scene of a death that appears to be an unattended death as outlined in Chapter 14.05.01, the following course of action will be taken;

- A. The Officer will notify the Lieutenant or Chief of Police and advise them of the situation. The Officer will secure the scene until the Sergeant or the Chief of Police, or designee, arrives.
- B. If it appears to be natural causes, the Officer will notify the deceased's physician, if known, and determine the scope of any illness and treatment, when the deceased was last seen by the physician and any medications being prescribed.
- C. The Officer will contact the ECC dispatcher and request the on-call Forensic Investigator assigned by the OCME. The Forensic Investigator will make the determination whether to come to the scene or examine the body at the morgue. The Forensic Investigator will also determine, through the OCME, whether or not an autopsy will be performed.



- D. In the event of an autopsy, the Forensic Investigator will arrange for transport to the Meritus Medical Center morgue (unusual circumstances) or to the Medical examiner's office.
- E. If no family member is present, the Officer will make every effort to contact one and have them respond to the scene, if possible.
- F. The Officer will be responsible for the transfer of all the deceased's personal property (off of body) to the next-of-kin, or attorney of record. Any property of value will also need to be transferred to the next-of-kin, or attorney of record by the Officer. A property report will be filed, with the signature of the person taking possession of the deceased's property. If no one is available to take possession, it will be brought to headquarters and placed in the designated Evidence Room.

**.3 Attended Deaths** are defined as an apparently natural death where the deceased was currently under the care of a physician for life threatening illness and the death was not unexpected. The physician must be **WILLING TO SIGN THE DEATH CERTIFICATE**. In the event the attending physician is unwilling or unable to sign the death certificate, then it will be handled as an unattended death. In the event the Officer arrives at the scene of a death by what appears to be natural causes (i.e., elderly suffering from long term illness, no suspicious signs of criminal activity, the following course of action will be taken;

- A. The Officer will notify the Lieutenant or Chief of Police.
- B. The Officer will contact the attending physician and determine the scope of illnesses and treatment, when the deceased was last seen by the physician and any medications being prescribed. The Officer will determine if the attending physician will examine the body at the scene or examine it at the hospital.
- C. If no family member is present, the officer will make every effort to contact one, and have them come to the scene if possible.
- D. The Officer will be responsible for the transfer of all the deceased's personal property (off of body) to the next-of-kin, or attorney of record. Any property of value will be transferred to the next-of-kin, or attorney of record by the Officer. A property report will be filed, with the signature of the person taking possession of the deceased's property. If no one is available to take possession of the property, it will be brought to police headquarters and placed in the designated Evidence Room.
- E. The Officer should assist family members with contacting a funeral home, if needed, for removal of the body.

**.4 Suicides** The willful taking of one's own life. All cases suspected of suicide should be treated as a crime scene and handled as a death investigation. Standard crime scene protocols and death investigation techniques should be utilized to rule out any indication of foul play.

- A. Immediately secure the scene as if the situation were a homicide. This would mean: securing all critical areas, controlling spectators and family members, covering area that would be affected by the weather.
- B. The Officer will Notify the Lieutenant or Chief of Police. The Lieutenant, Chief of Police or designee will respond to the scene and a mutual aid request will be made to the WCSO, Criminal Investigation Unit.



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- C. The Officer will notify next-of-kin, when possible, if there are none on the scene. The HCC Campus Police Officer will work with the WCSO detective(s) to coordinate the notification of next of kin.
- D. Upon arrival of CIU, investigative responsibility shall be yielded and they will take control of the scene and notify the on call Forensic Investigator. CIU, along with the Forensic Investigator, will be responsible for the removal of the body and the recovery of any evidence.
- E. The Officer will prepare an initial report. The Officer will be responsible for the transfer of all the deceased's personal property (off of body) to the next-of-kin, or attorney of record. Any property of value will also need to be transferred to the next-of-kin, or attorney of record by the Officer. A property record will be filed, with the signature of the person taking possession of the deceased's property. If no one is available to take possession, it will be brought to headquarters and placed in the designated Evidence Room.

**.5 Reporting** - All deaths **require a written report** titled either Attended or Unattended Death. The following Investigative Checklist shall be adhered to when completing the written report;

- 1. Nature/facts surrounding the initial call for service.
- 2. Identify the reporting person and who recovered the decedent.
- 3. Identify all involved persons on scene prior to responding officer's arrival, including medical personnel directly attending to decedent.
- 4. Establish the last known contact (in person, by phone, etc.) with decedent and condition of decedent at that time.
- 5. Identify any known medical conditions or lifestyle risks (drug or alcohol abuse).
- 6. Photograph the scene in addition to the decedent (to include medication labels or drug paraphernalia).
- 7. Document a complete description of the scene to include; scene security (doors/windows locked or open, interior/exterior lighting conditions, location of the decedent to include moving of the decedent for medical care, any signs of/ lack of trauma, lividity or rigor mortis present, funeral service/livery service used to transport the decedent to include the location of transport and who the scene was released to and or secured by.
- 8. Check Keystone for any history involving the decedent as a victim of a crime, documenting same.

**.6 Notifications** - When necessary to notify relatives concerning a death investigated by HCC PD personnel, such notification shall be made in person in a discreet manner. The telephone shall be used for such purpose when no other means are available.

**.7 Release of Name** -The name of the decedent shall not be released until next-of-kin have been notified.

### PURSUIT DRIVING 14.06

**.1 Vehicle Pursuit** of fleeing suspects can present a danger to the lives of the public, officers, and suspects involved in the pursuit. It is the responsibility of this department to assist officers in the





safe performance of their duties. To fulfill these obligations, it shall be the policy of this department to regulate the manner in which vehicular pursuits are undertaken and performed. Vehicle pursuits should only be initiated in extreme circumstances. Vehicle pursuits shall only be initiated to prevent the loss of life. An example of an extreme situation would be an active assailant suspect attempting to flee from officers. If a vehicle fails to stop for a traffic or misdemeanor violation the officer will notify the ECC of the situation and immediately cease the pursuit. The geography and nature of college campus makes vehicle pursuits extremely dangerous. Colleges and universities naturally have more foot traffic from pedestrians and limited roadways. HCC Police Officers do not have law enforcement jurisdiction off the main College campus and shall NOT initiate or continue pursuits off campus. The following policy defines vehicle pursuits and provides general guidance to officers.

## .2 DEFINITIONS:

- A. **Vehicle Pursuit:** For the purposes of this policy, a vehicle pursuit shall be defined as any attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is using a vehicle to actively attempt to elude the police. Following a person in a vehicle who is refusing to stop, but is maintaining a safe and legal speed and following all rules of the road, and who is not actively attempting to elude the police is not a vehicle pursuit under this definition.
- B. **Authorized Emergency Vehicle:** For the purposes of this policy, an authorized emergency vehicle (as defined in the Maryland Transportation Article) shall be equipped with emergency lights and siren.
- C. **Primary Unit:** The officer who initiates a vehicle pursuit or any officer who assumes control of the pursuit.
- D. **Secondary Unit:** Any officer who becomes involved as a backup to the primary unit.

## .3 INITIATION OF VEHICLE PURSUIT

- A. Any officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so, and under the conditions described in the following sections.
- B. The seriousness of the possible outcome of a vehicle pursuit commands a police officer to weigh many factors when deciding whether or not to pursue the violator. The decision to pursue must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the vehicle pursuit is less than the immediate or potential danger to the public should the suspect remain at large. HCCPD officers shall consider the following prior to continuing a police officer pursuit;
  - 1. Does the seriousness of the crime warrant a vehicle pursuit?
  - 2. Is the offender known, and what is the possibility of apprehension at another time?
  - 3. Will the vehicle pursuit take place on residential or business streets?
  - 4. What are the traffic conditions?
  - 5. What are the weather conditions?
  - 6. What is the condition of the police vehicle?





7. Is there assistance available from other officers, and is the vehicle pursuit within radio communications range?
- C. Officers in unmarked police cars equipped with emergency lights and siren may initiate a vehicle pursuit. When a marked unit becomes available to take over the vehicle pursuit, the unmarked unit will withdraw and serve as a secondary unit in a support role.
- D. HCCPD Officers involved in a vehicle pursuit will immediately terminate the pursuit when allied agencies assume responsibility of the pursuit unless mutual aid assistance is requested due to lack of additional resources.
- E. Police bicycles **WILL NOT** participate in any vehicle pursuits. Only authorized emergency vehicles will participate in vehicle pursuits.
- F. Officers will not initiate nor will they participate in vehicle pursuits when accompanied by civilian passengers.

#### .4 INITIATING OFFICER'S RESPONSIBILITIES

- A. In any vehicle pursuit, the pursuing officer(s) will immediately activate the siren and emergency lights, and will continuously use both systems throughout the pursuit.
- B. If the officer has not already done so prior to the start of the vehicle pursuit, he will contact the ECC as soon as possible after initiating the pursuit and relay relevant information such as;
  1. The unit involved.
  2. The location and direction for travel.
  3. Exact reason for vehicle pursuit.
  4. A detailed description (to the fullest extent possible) of the pursued vehicle.
  5. Any other details which will enable other officers in the area as well as the ECC dispatcher to be aware of the pursuing officer's situation.
- C. During the vehicle pursuit, a safe distance must be maintained between vehicles. This will enable the pursuing officer to duplicate any sudden turns, and will lessen the possibility of any sudden collisions in the event of a sudden stop or collision involving the pursued vehicle.
- D. Officers will not pursue suspect vehicles the wrong way on divided highways.
- E. Officers involved in vehicle pursuits are authorized to suspend conformance with normal traffic regulations to the extent allowed under TA §21-106. However, officers in vehicle pursuits are not relieved from the duty to drive with due regard for the safety of all persons, per TA §21-106.
- F. If the fleeing vehicle leaves the roadway, the pursuing officer will try to contain the vehicle and will not pursue the vehicle off the roadway, unless the seriousness of the offense outweighs the existing potential hazards (to the officer, police vehicle, and property) of continuing the pursuit.
- G. Officers shall keep their vehicle under control at all times.
- H. HCC Police Officers will not initiate or continue a pursuit off the Main Campus of the Hagerstown Community College unless exigent circumstances exist as it relates to previous policy and procedures. HCC Police Officers will relay all necessary information regarding the pursuit to the ECC.



- I. HCC Police Officers will terminate all pursuits once any allied agency assumes primary responsibilities of the pursuit and sufficient resources exist to mitigate the circumstances.

#### .5 SECONDARY UNIT RESPONSIBILITIES

- A. During vehicle pursuits, no more than two authorized emergency vehicles should be operated in close proximity to the pursuit. The second unit is responsible for radio transmissions regarding the pursuit.
- B. Officers not involved in the vehicle pursuit shall curtail non-emergency radio transmissions. Such transmissions shall be made on a secondary channel.
- C. During the vehicle pursuit, officers are prohibited from passing another unit also in pursuit unless the driver of the primary unit is aware and moves out of the way of the secondary unit.

#### .6 PURSUIT VEHICLE RADIO COMMUNICATIONS

- A. If the vehicle pursuit is anticipated to leave the range capabilities of the radio system, the ECC shall be notified and pursuing vehicles will switch radio transmissions to a designated WCSO talk around channel to communicate with each other.
- B. All officers operating sirens should keep the cruiser windows rolled up to keep background noise to a minimum.
- C. If two officers are assigned to a unit, the passenger officer has the responsibility to operate the radio and siren.

#### .7 DISPATCHER RESPONSIBILITIES

- A. The ECC dispatcher will ascertain which units are available to assist as secondary and back-up units.
- B. The ECC dispatcher will clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions.
- C. The ECC dispatcher must always attempt to maintain radio contact with the officers involved in the vehicle pursuit. The ECC dispatcher MUST NOT tie up the radio with unnecessary transmissions.
- D. If the vehicle pursuit appears to be leaving the college campus, the ECC dispatcher shall notify the affected jurisdiction as soon as possible.
- E. Upon notification of an accident occurring as a result of a pursuit, the ECC dispatcher shall assign a unit to stop and investigate according to Chapter 14 Section.11 Pursuit Accidents
- F. The ECC dispatcher will ensure that a HCC PD supervisor is made aware any time a pursuit is initiated. In the event that a HCC PD supervisor is unavailable, a WCSO patrol supervisor shall be notified immediately.

#### .9 SUPERVISOR RESPONSIBILITIES

- A. When made aware of a vehicle pursuit, the appropriate supervisor shall monitor incoming information, coordinate and direct activities as needed to ensure that proper procedures are used, and shall have the discretion to terminate the pursuit, as well as the duty to



terminate any pursuit in violation of Department Policies and Procedures. If the pursuit originated in another jurisdiction and does not meet HCC PD guidelines, the supervisor shall have the ECC dispatcher contact the originating jurisdiction and request that the pursuit be terminated.

- B. Where possible, a supervisory officer shall respond to the location where a suspect vehicle has been stopped following a vehicle pursuit.

#### .10 FORCIBLE STOPPING

- A. Because of the potential dangers involved, pursuing officers are not to pull alongside of a fleeing vehicle in an attempt to force the subject into a ditch, curb, parked car, or any other obstacle, unless lethal force is justified and no other reasonable options are available. Additionally, relevant information regarding the use of forcible stopping techniques will be included in annual EVOC training.
- B. The use of any roadblocks, fixed or moving, is limited to only those incidents where lethal force is justified, and only with the authority of a supervisor who will personally monitor and supervise such action. The decision to use a roadblock will be made considering several factors that would include;
  - Number of officers available.
  - Seriousness of the known crime.
  - Danger to the public safety and the College Campus Community.
  - Sufficient information on the vehicle involved.
- C. Because of the extreme and obvious dangers inherent in using roadblocks in vehicle pursuit situations, road blocks will not be used to apprehend wanted subjects when it is apparent that innocent persons could be endangered.
- D. Fixed roadblocks are never to be set on the crest of a hill or on a curve, or where an innocent citizen could be involved in a collision.
- E. If a fixed roadblock has been ordered and a department vehicle has been stationed as part of the roadblock, NO ONE will remain in or behind the vehicle, and the emergency lights will be left on.
- F. Moving roadblocks are used to slow, then stop a fleeing vehicle when the police vehicle can be stationed in front of the fleeing, and only when the suspects are not thought to be armed with firearms.
- G. During a moving roadblock, officers in the blocking vehicle(s) should pull out in front of the fleeing vehicle far enough ahead as to be able to get up to the pursuit speed. Once up to speed, the blocking officer(s) should gradually slow down and stop.
- H. A Use of Force Report is to be completed at any time roadblocks (fixed or moving), or forcible stopping is utilized (pursuant to Chapter 09 Use of Force).

#### .11 PURSUIT ACCIDENTS

- A. If the suspect vehicle becomes involved in an accident, the unit handling the radio communications shall notify Dispatch immediately. All units involved in the pursuit and supervisors monitoring it shall immediately evaluate the advisability of continuing the



pursuit (pursuant to Chapter 14 section 12 Termination of Vehicle Pursuit) and act accordingly.

- If the accident involves the suspect vehicle and unattended property, the ECC dispatcher shall assign a unit not involved in the pursuit to investigate.
  - If the accident involves the suspect person and another person (e.g. a vehicle in transport, pedestrian, etc.), the ECC dispatcher shall assign one secondary unit to investigate. If only one unit is involved in the pursuit, that unit will discontinue the pursuit and investigate the accident.
- B. If a police unit is involved in an accident while participating in a pursuit, the involved officer shall notify Dispatch immediately. All units involved in the pursuit and supervisor monitoring it shall immediately evaluate the advisability of continuing the pursuit (pursuant to Chapter 14 section 12 Termination of Vehicle Pursuit) and act accordingly.
- The involved unit may continue the pursuit if (1) the continued pursuit is justified, (2) no other unit is available to assume the pursuit, and (3) damage to the unit is minor and it can still be operated without danger.
  - If the accident involves a police unit and another person (e.g. a vehicle in transport, pedestrian, etc.), the police unit shall stop and, if able, the officers shall check for injuries and render necessary aid.
  - In any pursuit related accident involving a police unit, the ECC dispatcher shall, as soon as is practical, ensure that a supervisor is aware of the accident. The supervisor will determine who will investigate it.

#### .12 TERMINATION OF VEHICLE PURSUIT

- A. The pursuing officer must use the best judgement in evaluating a vehicle pursuit and should make a continuous appraisal in deciding if the pursuit should be continued. The decision to continue shall be based on the same factors used in the decision to initiate the vehicle pursuit. The element of personal challenge to the officer should never enter into the decision to terminate a vehicle pursuit.
- B. A vehicle pursuit may be terminated by the primary pursuit officer, or the supervisor
- C. The fact that the vehicle pursuit is leaving the College Campus does not by itself require that it must be terminated.
- D. The vehicle pursuit shall be terminated if the suspect's identity has been determined, immediate apprehension is not necessary to protect the public or officers, and apprehension at a later time is feasible.
- E. The vehicle pursuit shall be terminated if the suspect has outdistanced the officer or its location is not known.
- F. Once the vehicle pursuit is terminated, the officer(s) involved will notify a supervisor as Soon as possible.

**.13 INTER-JURISDICTIONAL VEHICLE PURSUITS ENTERING COLLEGE CAMPUS**

- A. When a vehicle pursuit is originated by another law enforcement agency and enters the College Campus, the HCC PD Lieutenant or Chief of Police will determine if HCC PD officers are to join the pursuit.
- B. HCC PD officers may be authorized to join the pursuit only if:
  - The pursuing jurisdiction notifies HCC PD of the offense for which the suspect is wanted, and
  - The offense meets the criteria for vehicle pursuits authorized by HCC PD Policy and Procedure.
- C. HCC PD officers will not fall in line and continue the vehicle pursuit outside the College Campus unless authorized by a supervisor.
- D. If the suspect is apprehended, the driver will be charged with all violations occurring on Campus.

**.14 INTER-JURISDICTIONAL VEHICLE PURSUITS OUTSIDE THE COLLEGE CAMPUS**

- A. When a vehicle pursuit leaves the college campus, HCC PD personnel shall follow all policies and procedures in this section, as well as all other applicable Policies and Procedures as well as State laws.
- B. When a vehicle pursuit leaves the college campus, HCC PD personnel shall terminate the pursuit if requested by the law enforcement agency having jurisdiction.
- C. If a pursued vehicle is stopped, and the suspect is apprehended outside the State of Maryland, the primary officer shall request assistance from the law enforcement agency representing the jurisdiction where the apprehension occurs. If the other jurisdiction has no charges for the suspect, the suspect is to be released after the primary officer obtains all identifying information. The primary officer shall return to Maryland and obtain the appropriate charging documents. The suspect may not be transported back across the state line until the charging documents have been issued and extradition has been authorized by the State's Attorney's Office.
- D. In the case of persons suspected of serious offenses who are apprehended in another state following a pursuit, the primary officer will notify Dispatch to have a teletype sent to the jurisdiction's representative law enforcement agency requesting that the suspect be held. The officer will then return to Maryland, obtain the appropriate charging documents, and check with the State's Attorney's Office for extradition authorization.

**.15 USE OF FIREARMS DURING VEHICLE PURSUIT**

- A. Department policy regarding the use of deadly force shall be strictly followed. Regulations regarding firing at or from a moving vehicle are found in Chapter 09 Use of Force of these Policies and Procedures.
- B. Firing to disable a vehicle shall be a last resort measure and done only when failure to do so will, with a high degree of probability, result in injury or death to an innocent person.
- C. Officers must consider the location, the vehicular and pedestrian traffic, and the hazard to innocent persons.



### **.16 REVIEW OF VEHICLE PURSUIT INCIDENTS**

- A. Each officer involved in a vehicle pursuit will complete a Police Pursuit Report as soon after the termination of the pursuit as is practical. The officer's immediate supervisor shall review the report to ensure accuracy and completeness, and critique the vehicle pursuit with the officer to ensure that the officer complied with all laws as well as departmental policy. The supervisor will then forward the report to the Lieutenant/Training Officer and Chief of Police for further review.
- B. Upon receipt, the Lieutenant/Training Officer will review the pursuit report to ensure accuracy and completeness, and to assess if the pursuit complied with Departmental Policies and Procedures. The Lieutenant/Training Officer will prepare a memo to the Chief of Police with the Training Officer's assessment as to compliance with HCC PD policy and procedures. Included with the memo will be the pursuit report and all related correspondence.
- C. The Chief of Police will make the final assessment regarding compliance with HCC PD policy and procedure. If further action is needed, the Chief will direct same to the appropriate supervisor/personnel.
- D. Annual Analysis: Each year, the Lieutenant/Training Officer will analyze the previous year's pursuit reports for patterns or trends that indicate training needs and/or policy modifications. The findings will be reported in writing to the Chief of Police.

### **MOTOR VEHICLE STOPS 14.07**

.1 Officers must use extreme caution on each motor vehicle stop. The procedures outlined in this section shall be followed when a vehicle is stopped for any reason. After an officer has determined to stop a motor vehicle, he shall first notify the ECC of the following information, and if practical, before initiating the stop.

- Make, model, and color of vehicle.
- Registration information (tag and state).
- Number of occupants in vehicle.
- Direction of travel.
- Location of stop.

.2 The officer shall alert the operator using the below listed equipment in the listed sequence:

- Emergency lighting system
- Air horn
- Siren and/or P.A. system
- Spotlight, when needed

.3 When choosing a location to stop the vehicle, if practical, the officer shall consider the following:

- A location which affords maximum visibility of the stopped vehicle as well as pedestrian and vehicular travel.



- A location that affords ambient/artificial light sources when conducting a night time stop.
- .4 A location that allows the officer available space as follows;
- Officer's vehicle should be stopped 21-30 feet behind the violator's vehicle.
  - Offset the vehicle 3 feet to the left of the violator's vehicle. The right front corner of the vehicle should be pointing towards the left rear corner of the violator vehicle to establish a walking/survival lane.
  - Officer's front wheels should be turned to the left. This will allow the vehicle, if struck from behind, to move to the left and lessen the chance of injury to the officer and the violator/vehicle.
  - This position will also provide the officer with multiple points of cover in the event of a sudden attack from gunfire.
- .5 The following steps shall be performed when approaching the vehicle.
- Approach as soon as possible in an effort to maintain tactical superiority.
  - Attempt to keep the operator in the vehicle for their safety and the safety of the officer.
  - For those stops conducted in the night time, stay outside of the veil of light until reaching the rear corner of the stopped vehicle.
  - Remain behind the B pillar for driver or passenger side approaches until the occupant's hands are clearly visible and controlled. In the event of occupants in the rear seat as well, officers should evaluate the circumstances and utilize the C pillar, if necessary, maintaining a tactical advantage.
  - Keep your weapon hand free.
  - Have the portable radio in your possession.
- .6 When conversing with the operator, when practical, officers will at minimum perform the following:
- Provide your name, rank and Department.
  - Advise the stopped party that the encounter is being recorded, both audio and video.
  - Obtain driver's license, registration and proof of insurance.
  - Inform the operator as to the reason for the stop.
  - Check for signs of physical impairment, emotional distress, alcohol/drug impairment, and take appropriate action.
- .7 BE COURTEOUS, BUT FIRM. Maintain a professional attitude and appearance, avoiding arguments with the violator.
- .8 Explain whatever paperwork that is presented to the operator. Have the operator sign when issuing paper citations; verify identification when issuing ETIX. Give the operator the appropriately marked copies





.9 When completing the stop, assist the operator back into the travel lane and clear radio transmission with the ECC.

.10 All traffic stops are unknown risk stops. Tactics in and out are paramount to the officer and occupant's safety.

### **STOPPING HIGH RISK SUSPECTS 14.08**

.1 Officers, when stopping known high-risk suspects, should request assistance from other available HCC PD officers or the WCSO. Prior to stopping a high-risk suspect, the officer will notify the ECC dispatcher of their intention to do so and request a radio channel restriction.

.2 Officers will await, when practical, confirmation from the ECC dispatcher before taking any action. The officer should follow the suspect(s) UNTIL ASSISTANCE ARRIVES, or the officer is sure assistance is immediately available. When the officer is sure of assistance, he/she should select the stopping site. Officer should consider areas with open lines of sight, minimal vehicular and pedestrian traffic, limited escape routes and traffic hazards such as curves/hills. If the stop is made either day or night, the advantage is with the officer if he/she is able to stop the suspect at a known address or location. This makes it much easier for the assisting units to locate you. If the stop is made at night, the officer should attempt to make it in a well-lighted area where he/she will have a tactical advantage. Additionally, during night time stops, officers should use the spot light aiming it directly on the rearview mirror or driver side mirror to eliminate the night vision of the occupants(s). When the officer has selected his/her stop location, he/she should signal the suspect vehicle to stop and position the police car as outlined previously in this section, 14.07.03.

.3 Officer will treat all occupants as if they are armed and critical tasks will be divided among several officers. The following procedures are recommended when conducting a high-risk traffic stop.

- Occupants are removed one at a time
- Occupants are not approached until placed at a disadvantage
- Officers will maintain distance and maximize the use of cover
- The pace at which tasks are performed is slowed

It is recommended that the primary officer use the following commands for the driver of the vehicle, in order to remove them from the vehicle and afford the secondary officers the window of opportunity to secure those involved from a tactical position of cover.

- "Driver, roll down all windows in the vehicle."
- "Driver, unlock all doors and stay in the vehicle"
- "Driver, turn off the ignition."
- "Driver, remove the ignition key and keep it in your hand."
- "Driver, put your hands out the window and throw the keys away from the vehicle."
- "Driver, open the door from the outside, but do not get out."





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- “Driver, put your hands in the air; extend your fingers.”
- “Driver, step away from the vehicle and keep your hands in the air.” “Leave the driver’s door open”
- “Driver, do not turn around. Do not face me.”
- “Driver, walk backwards towards the sound of my voice. Keep your hands where I can see them.” “Do not look back.” (in the event of a four-door vehicle, stop the driver and have him/her open the driver’s rear passenger door as well, if it appears no other occupants are in the vehicle)
- When the driver is within close proximity to the police vehicles, the primary officer will relinquish control to the secondary officer.
- The secondary officer will command the driver to him/her, placing them in a position that is advantageous to the officer and allows for handcuffing and searching from a position of cover.
- The driver will be placed within a police vehicle, if practical, away from the immediate area of the stop.
- The secondary officer will announce “clear” once the driver is secured and the officer has assumed a position of cover.

The Primary officer will continue commands to the other occupants of the vehicle, repeating the process as outlined above and applicable.

### **BURGLARY IN PROGRESS 14.09**

.1 Officers shall notify the ECC dispatcher of their current location and expected time of arrival to the scene, requesting additional officers from HCC PD if available or mutual-aid assistance from the WCSO. Officers will request a radio channel restriction.

.2 Officers should make every effort to be as quiet as possible upon approach to the scene, utilizing a code-3 response. Officers will use sound judgement as to the activation of emergency equipment, weighing the safety of the public against the possibility of alerting the suspects as to the officer’s approach to the scene. Officers are reminded of their duties and responsibilities as to classification of an emergency vehicle and the rights afforded by the Maryland Transportation Article as it relates to same. If credible information exist that the premise is occupied by uninvolved parties, a code-2 response is recommended unless articulable facts are known to the officer that would dictate a code-3 response.

.3 Officers will not approach and stop directly in front of the premise in question and will assume a tactical position which allows observation of the building, potential look-outs and possible escape routes.

.4 Officers will await assistance prior to assuming a search of the building in question keeping the following tactical considerations in mind:

- Do not search alone: Coordinate with a K-9 unit, when available.
- Plan the search. Assign those arriving to assist in covering any exits.



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- Use a coordinated search method, covering 360 degrees of the area you are in, as though you know the suspect is still in the building.

Use particular care upon initial entrance to the building, as well as all doorways, as this is the time officers are usually exposed with a less tactical advantage.

.5 Tactical considerations should be made when using a flashlight as it relates to identifying patterns of movement or properly identifying a threat.

.6 Maintain radio communications with all officers on scene as to current and anticipated movements from one location to the next.

.7 Once the scene is deemed secure, due to apprehension of a suspect(s) or the inability to locate a suspect, a representative will be notified to respond in order to assess loss of or damage to property.

### **ROBBERY IN PROGRESS 14.10**

.1 Officers shall notify the ECC dispatcher of their current location and expected time of arrival to the scene, requesting additional officers from HCC PD if available or mutual-aid assistance from the WCSO. Officers will request a radio channel restriction.

.2 Officers will use sound judgement as to the activation of emergency equipment, weighing the safety of the public against the possibility of alerting the suspects as to the officer's approach to the scene. Officers are reminded of their duties and responsibilities as to classification of an emergency vehicle and the rights afforded by the Maryland Transportation Article as it relates to same. If credible information exist that the premise is occupied by uninvolved parties, a code-2 response is recommended unless articulable facts are known to the officer that would dictate a code-3 response.

.3 Officers will not approach and stop directly in front of the premise in question and will assume a tactical position which allows observation of the building, potential look-outs and possible escape routes.

.4 Officers will await assistance and establish a perimeter prior to assuming a search of the premise/location in question, keeping the following tactical considerations in mind:

- Do not search alone: Coordinate with a K-9 unit, when available.
- Plan the search. Assign those arriving to assist in covering any exits.
- Use a coordinated search method, covering 360 degrees of the area you are in, as though you know the suspect is still in the building.

Use particular care upon initial entrance to the building, as well as all doorways, as this is the time officers are usually exposed with a less tactical advantage.

.5 Tactical considerations should be made when using a flashlight as it relates to identifying patterns of movement or properly identifying a threat.



.6 Maintain radio communications with all officers on scene as to current and anticipated movements from one location to the next.

.7 If credible information exist that the premise is occupied by anyone other than the suspect(s), officers should allow the suspects to leave the premise before attempting to make an arrest so as to protect against potential injuries to innocent parties involved or the possibility of a hostage situation.

#### **RESPONDING TO SILENT HOLD-UP ALARMS DURING BUSINESS HOURS 14.11 (Mutual Aid)**

.1 DISPATCHERS: Upon receiving a silent alarm from a financial institution during NORMAL LOBBY HOURS, the ECC dispatcher shall assign at least two police units to the location of the alarm.

.2 OFFICERS: Responding police units shall turn off emergency lights and siren, if used, a safe distance from the area, as not to be detected by persons inside the institution.

.3 OFFICERS: Responding police units shall deploy at the location of the alarm so they have full view coverage of the institution between them by using the radio to coordinate their response and shall remain as invisible to personnel inside the bank as possible.

.4 OFFICERS: Shall observe the institution from a position of cover for any suspects leaving the institution or positioned outside the building either on foot or in a vehicle.

.5 OFFICERS: Shall notify the ECC dispatcher of any suspicious circumstances, such as people going in but not coming out, and request the ECC dispatcher to verify the status of the alarm.

.6 OFFICERS: Shall remain at their position OF cover and not attempt to enter the institution.

.7 DISPATCHERS: If the response received from the institution indicates that it is secure, the ECC dispatcher shall request that a representative come out to the officers.

.8 DISPATCHERS: The ECC dispatcher shall obtain a physical and clothing description of the individual and request the subject to exit the bank and meet the officer.

.9 The DISPATCHER shall then advise the responding police units of the identity and description of the individual exiting the bank.

.10 The officer(s) closest to the door which the individual will exit shall observe the subject exiting the building to insure he/she matches the description given and observe for any weapons.



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.11 The officer shall then identify the subject, ensuring that he/she is a representative (I.D., business card, prior knowledge, etc.). The officer shall ascertain the circumstances inside and, if safe, accompany the employee back inside the institution to investigate.

.12 If any suspicious response, or no response, is received from inside the institution by the ECC dispatcher while attempting to make contact, the ECC dispatcher will alert the police units at the scene and assign additional units, including a supervisor, to assist. Until otherwise directed by the supervisor, the incident shall be handled as if an actual armed robbery is occurring.

.13 If, after an alarm is received, the financial institution or alarm company calls and states a malfunction has occurred, the ECC dispatcher will:

- Dispatch two units to the location.
- Obtain full identification of the individual calling and attempt to verify his/her identity on the employee roster for the institution.
- Obtain full information on status of the alarm, cause of accidental or malfunction activation.
- Get full physical and clothing description of the individual and advise him/her to stay on the line.
- Advise responding units of status.
- After units have positioned themselves, advise bank employee to exit the bank and meet the officers.
- Advise officers of the employees exit and full description.
- Officer's response will be the same as outlined in previous section.

### **RESPONDING TO BURGLAR ALARMS: 14.12**

.1 Officers shall notify the ECC dispatcher of their current location and expected time of arrival to the scene, requesting additional officers from HCC PD if available or mutual-aid assistance from the WCSO. Officers will request a radio channel restriction.

.2 Officers should make every effort to be as quiet as possible upon approach to the scene, utilizing a code-3 response. Officers will use sound judgement as to the activation of emergency equipment, weighing the safety of the public against the possibility of alerting the suspects as to the officer's approach to the scene. Officers are reminded of their duties and responsibilities as to classification of an emergency vehicle and the rights afforded by the Maryland Transportation Article as it relates to same. If credible information exist that the premise is occupied by uninvolved parties, a code-2 response is recommended unless articulable facts are known to the officer that would dictate a code-3 response.

.3 Officers will not approach and stop directly in front of the premise in question and will assume a tactical position which allows observation of the building, potential look-outs and possible escape routes.



.4 Officers will await assistance prior to assuming a search of the building in question keeping the following tactical considerations in mind:

- Do not search alone: Coordinate with a K-9 unit, when available.
- Plan the search. Assign those arriving to assist in covering any exits.
- Use a coordinated search method, covering 360 degrees of the area you are in, as though you know the suspect is still in the building.

Use particular care upon initial entrance to the building, as well as all doorways, as this is the time officers are usually exposed with a less tactical advantage.

.5 Tactical considerations should be made when using a flashlight as it relates to identifying patterns of movement or properly identifying a threat.

.6 Maintain radio communications with all officers on scene as to current and anticipated movements from one location to the next.

.7 Once the scene is deemed secure, due to apprehension of a suspect(s) or the inability to locate a suspect, a representative will be notified to respond in order to assess loss of or damage to property.

### **TOWED VEHICLES 14.13**

.1 Vehicles will be towed at the direction of an officer when the following circumstances exist:

- When the operator is arrested and no other immediate disposition is available for the vehicle (e.g. a competent person with a valid license authorized by the operator to take the vehicle).
- Abandoned vehicles.
- Recovered stolen vehicles (unless the officer is going to release the vehicle to the owner at the scene).
- When the vehicle is not in proper condition to be driven (unsafe vehicle).
- Vehicles bearing stolen, altered, expired or no registration.
- Confiscated vehicles.
- When removal is necessary in the interest of public safety because of fire, flood, storm, snow, or other emergency reasons.
- Illegally parked vehicles in fire zones, tow-away zones, and handicap zones, or hindering traffic or creating a hazard.
- When the driver is arrested for DWI and a valid owner or co-owner competent to drive is unavailable.
- When the driver is found to be driving without a valid driver's license or their privilege has been suspended, revoked or cancelled and another valid driver is unavailable.
- Under any other reasonable circumstance to accomplish lawful objectives. An example would be an abandoned hit and run suspect vehicle, towed to verify ownership and proof of insurance.



## .2 PROCEDURES FOR TOWING MOTOR VEHICLES:

- A. Vehicles towed and impounded at the direction of an officer shall be taken by the tow service to a designated impound lot (established by Washington County Tow Policy) shall be inventoried, and all items within the vehicle shall be listed in the narrative of the Offense/Incident Report. Inventories shall extend to closed containers when such containers are accessible and can be opened without undue damage to the container; i.e. zipped but not locked garment bags, closed but not locked suitcases, etc. In addition to identifying the property to be inventoried the narrative must include:
- The registration plate (if one is present on the vehicle at the time of tow);
  - The mileage of the vehicle being towed;
  - Any visible interior or exterior damage to the vehicle being towed.
  - The name of the Tow company and the representative taking custody of the vehicle
- B. An officer shall remain with the vehicle until it has been released to the towing company.
- C. If the vehicle is towed to a location requested by the driver/owner, provided that location would not be in violation of any law or ordinance, and the vehicle is not to be impounded at the direction of the officer, an Offense/Incident report and vehicle inventory need not be completed.
- D. If the vehicle is to remain impounded at the direction of an officer, a Hold Card shall be prepared by the officer and attached to the Offense/Incident report. (See section .4, Holding Towed Vehicles, below).
- E. When requesting tow services, officers shall notify the ECC dispatcher to contact next in line contractual towing service when the owner has no special preference, or when the tow is requested by the officer. A list of contracted tow companies will be maintained at the ECC, and they will be utilized on a rotating basis. If the officer finds it necessary to cancel a tow service request and the driver cannot be recalled, the officer will provide the vehicle and owner information to the tow truck driver for billing purposes. The officer will not attempt to collect fees for the tow. If the driver cannot be recalled, that service will go to the bottom of the call order. If the driver can be recalled, the tow service remains at the top of the call order.

## .3 TOWING AND SECURING VEHICLES AT WCSO FOR IMPOUNDMENT:

- A. Vehicles towed for the following reasons will be impounded and secured at the Washington County Sheriff's Office designated impound lot:
- CDS Violations when possible forfeiture exists
  - Any vehicle an officer feels should be impounded for investigative purposes.

Prior to storing the vehicle, the on-duty Campus Police Officer will request permission to have the vehicle stored at WCSO. Vehicles impounded at the WCSO will be stored according to WCSO policy.

## .4 HOLDING TOWED VEHICLES



- A. Under certain circumstances, vehicles towed at the direction of an officer **will** be ordered held until specific conditions are satisfied. Those circumstances and conditions are:
  - 1. VEHICLE OWNERSHIP IN QUESTION: Vehicle may be released when question of ownership is satisfied.
  - 2. STOLEN VEHICLE: Vehicle may be released upon proof of ownership and when it is no longer needed for the investigative purposes.
  - 3. VEHICLE USED AS EVIDENCE: Vehicle may be released upon proof of ownership and when it is no longer needed for the investigative purposes.
  - 4. VEHICLE SEIZED FOR CDS VIOLATION: Vehicle may not be released unless the Department cannot or will not obtain ownership.
  - 5. IMPROPER REGISTRATION VIOLATIONS: Vehicle may be released only if the owner/operator has valid registration or is going to have the vehicle towed from the tow company impound lot.
  - 6. DRIVERS LICENSE VIOLATIONS (no other valid driver available at time of offense): Vehicle may only be released if a valid driver is there to drive the vehicle or if the owner/operator is going to have the vehicle towed from the tow company impound lot.
- B. When a towed vehicle is to be held, the officer ordering the hold will complete a Departmental Hold Card and attach same to the report.

#### .5 PROCEDURES FOR RELEASING TOWED MOTOR VEHICLES

- A. Vehicles that have been ordered held by the Department shall only be released with the authority of the officer who originally had the vehicle towed or a Supervisor, when the conditions of the Hold Card have been satisfied.
- B. The owner, or valid operator at the time the vehicle was towed, will be permitted to take the vehicle upon satisfaction of the conditions of the Hold Card. Owners/operators must come to CPD in person and present documentation to an officer, supervisor, or staff member. A copy of the signed hold card shall be provided to the owner/operator to present to the tow facility as proof of release authorization.
- C. For any vehicle impounded at the WCSO, all applicable tow and storage fees must be paid per WCSO policy prior to the vehicles release.

#### .6 TOWING RECOVERED STOLEN VEHICLES

- A. Upon recovery of a stolen vehicle, the officer will determine the reporting agency, and if that agency wishes the vehicle be held for evidentiary purposes.
- B. If the owner of the vehicle is unknown or unable to respond immediately, the vehicle will be towed by the next in line tow service. The vehicle owner is responsible for the cost of the tow.
- C. Whenever possible, the vehicle should be processed at the scene and the owner notified to claim it there.

#### .7 TOWING ABANDONED VEHICLES

- A. Abandoned vehicles are defined in the Maryland Transportation Article, section 25-201.





- B. Vehicles found in violation will be issued the appropriate citations. The officer will attempt to locate the owner to have the vehicle moved. If the owner cannot be located, the vehicle should be towed according to the above procedures. Within 7 days of towing, the towing officer will send a notice to the last known owner in accordance with TA 25-204(a).
- C. Once the vehicle is removed to the tow company's storage facility, the tow company shall have the responsibility for contacting the owner (TA sec. 25-201 (b) (4) and (6), and TA sec 208). If the tow company cannot contact the owner, or if the owner refuses to claim the vehicle, the tow company shall apply to the Department for authority to transfer the vehicle to an automotive dismantler, recycler, or scrap processor pursuant to TA sec. 25-209. The Department shall respond to the application as provided for in TA sec. 25-209.

#### **.8 PROCEDURES FOR VEHICLES SEIZED FOR CDS VIOLATIONS**

- A. Vehicles will be seized and forfeiture proceedings begun for any vehicle which can be linked to illegal drug activity (sold drugs from, possessed drugs in, bought with drug proceeds, etc.), and when the owner can be shown to have known about the activity. In ALL such cases, whether or not the defendant is convicted in court, the arresting officer will, in addition all other applicable procedures, complete the Department's receipt form for asset forfeitures, provide a copy to the person, and submit a copy for the case file. When a vehicle is seized/impounded for asset forfeiture, the officer will ensure the seizure and forfeiture process is executed according to state law. Internally, the supervisor will:
  - 1. Coordinate the legal procedural requirements with the County Attorney and State's Attorney;
  - 2. File an interdepartmental memo to the Chief of Police detailing the circumstances of the seizure and forfeiture request;
  - 3. Obtain lien and title information on the vehicle through the MVA. When -lien information is obtained, contact all lien holders to determine how much is owed on the vehicle and to whom;
  - 4. Upon receiving all title and lien information, forward same to the Chief of Police so forfeiture proceedings may begin. This must be done within 45 days of impoundment, so the information must be requested as soon after impoundment as possible.
  - 5. When a decision is made not to pursue forfeiture or if forfeiture is denied by the court, ensure owners are notified as to the process for retrieving their vehicles.

#### **PRELIMINARY AND FOLLOW UP INVESTIGATIONS BY PATROL OFFICERS & NON-SWORN PERSONNEL: 14.14**

.1 Many times the most important factor in solving a crime is the information supplied by a victim or witnesses to the first responding officer. In most cases, unless unusual circumstances present themselves, patrol officers will respond and conduct the preliminary investigation as well as all follow up investigations. However, some categories of crimes will require specially trained investigators to conduct the follow up investigation and therefore, should be notified early in the preliminary investigation stage. In the event that a specially trained investigator is likely to be





involved, Officers of the HCC PD will notify the ECC and request mutual aid assistance from the Washington County Sheriff's Office.

.2 Preliminary Investigations begin when the officer arrives at the scene of an incident, first contacts the complainant, or becomes aware that a crime has been or is being committed. This preliminary investigation continues until such time as the postponement of the investigation, or transfer of responsibility. The preliminary investigation may include the following:

1. Providing for immediate medical attention to persons believed to be injured.
2. Protecting the scene to prevent evidence from being lost or contaminated.
3. Determining whether a crime has been committed and, if so, the exact nature of the offense.
4. Determining the identity of the suspects and arresting them when appropriate.
5. Providing information to the ECC and to other units regarding description, method and direction of travel, and any other relevant information concerning suspects and/or suspect vehicles.
6. Identifying all witnesses.
7. Interviewing victims, witnesses and suspects to determine in detail the exact circumstances of the offense.
8. In more serious or complex cases requiring the likely involvement of a specially trained investigator, the ECC will be notified and a request for mutual aid assistance will be requested from the Washington County Sheriff's Office.
9. Arranging for crime scene processing.
10. Taking written statements when possible and appropriate, from victims, witnesses, and suspects.
11. Accurately and completely recording all pertinent information in proper form.
12. Referring the complainant to the District Court Commissioner when charges will be sought and responsibility for pursuing prosecution rests with the complainant.
13. Any other action which may aid in resolving the situation, solving the crime, or as directed by supervision.

.3 Follow-up investigations may include interviews with victims and witnesses, interrogation of suspects, determining the exact circumstances of the crime, recovery of stolen property, identification and apprehension of the offender, determining if other crimes may have been committed by the suspect, consulting with the State's Attorney's Office regarding charges to be brought, and preparing the case for prosecution.

### **TRAFFIC DIRECTION AND CONTROL 14.15**

.1 GENERAL POLICY Traffic direction and control is a joint function between the Police Department and the Washington County Engineering Department to ensure the safe and efficient movement of vehicles and pedestrians throughout the college campus. The majority of the traffic control and direction is carried out through the use of unmanned mechanical devices, signals, and signs. Police officers and members of the Hagerstown Community College Police shall be assigned to carry out identified traffic direction and control functions only at those times and places where



law enforcement authority and/or human intervention is required to ensure traffic safety and efficiency. Such human intervention shall continue only until the problem is either resolved, or traffic control apparatus can be installed.

**.2 TRAFFIC CONTROL SURVEYS** As a part of their normal function, patrol officers shall be alert for those locations where additional, new, or corrected traffic and parking control is needed. They shall notify the patrol Lieutenant of these conditions who will report the information to the Chief of Police. The Chief of Police or designee will notify the Engineering Department either directly, or through the Washington County Traffic Advisory Committee. Officers may also be assigned as needed to survey areas for traffic control and parking requirements in response to citizen complaints and statistical information. Statistical information shall also be passed on to the Engineering Department.

**.3 MANUAL TRAFFIC DIRECTION LOCATIONS** Manual direction will be utilized in situations where traffic control signals or devices are needed but are not present or adequate. Emergency conditions may dictate the manual control of traffic. These include but are not limited to accidents, out of service signals, road construction, and special functions.

**.4 MANUAL TRAFFIC DIRECTION PROCEDURES** Manual direction of traffic by an officer or member of the HCCPD will be handled in a manner that would enable drivers and pedestrians to recognize and respond to audible and verbal instructions. While directing traffic members should remain calm and professional at all times. If a driver or pedestrian does not understand or refuses to obey an instruction, members will take the appropriate action with courtesy and professionalism. The following are basic procedures for manual traffic direction:

- A. To Stop Traffic: Member extends his arm outward with the palm toward the vehicle or person to be stopped. The member should use verbal and/or whistle commands to enhance the physical gesture.
- B. To Start Traffic: Member swings the arm up at the elbow toward the direction in which the traffic is to flow. The Member should use verbal and/or whistle commands to enhance the physical gesture.
- C. Turns: Member gestures the driver wishing to turn by extending the arm toward the direction the turn is to be made. The Member should use verbal and/or whistle commands to enhance the physical gesture. Members should only give directions for turns when such a movement can be done safely.
- D. Members may utilize flashlights, traffic wands, road flares, etc. while directing traffic to enhance their visibility.

**.5 REFLECTIVE OUTERWEAR** All members are issued a high visibility vest. Reflective vests or other reflective clothing such as the high-visibility side of the raincoat, must be used by personnel directing traffic, or in the roadway controlling traffic.

**.6 TEMPORARY TRAFFIC CONTROL DEVICES** As a general policy, temporary traffic control devices will be used only during pre-scheduled special events or in emergency situations such as



accidents, natural disasters, etc. The devices will normally be placed and removed by members of the Police Department or qualified designee.

**.7 SPECIAL EVENTS** Special events are any activities that may involve large amounts of vehicular and/or pedestrian traffic outside the normal scope of campus activity. Officers will assist in the control of movement in the area to ensure no unusual problems occur.

- A. The Chief of Police or designee will assist in planning for any special event that would require officers to control traffic. The Chief of Police or designee will coordinate with necessary departments outside the HCC PD in planning the traffic movement based on anticipated attendance, location, and time. Additionally, the Chief of Police or designee will plan for additional police resources by requesting mutual aid assistance from allied agencies as needed.
- B. The route will be carefully planned to allow for normal and emergency activities to continue with a minimal amount of disruption.
- C. Side streets/parking areas will be used to their maximum potential by eliminating parking to assist in a smooth flow of traffic. Officers may be assigned key areas to assist with this.
- D. Emergency services (fire, police, and ambulance) will be provided unrestricted access from at least one direction.
- E. Information will be provided through the Public Information Office (PIO) at the earliest possible time to the media addressing changes or alterations of the event, parking, etc.
- F. The Police Department will be provided a list of authorized personnel permitted to cross police lines. These may include press, promoters, vendors, or VIP's.
- G. Officers will be allotted adequate scheduled breaks during the course of the event.

**.9 CRITICAL INCIDENT SCENES** The following are guidelines for handling traffic control at scenes:

- A. Officers on the scene will assess the hazards present and act to minimize further damage to property or life. These may include directing traffic and/or evacuating the immediate area.
- B. Officers will assist in making sure the scene is clear for emergency vehicles and emergency response personnel to enter but restrict entry to unauthorized vehicular traffic.
- C. Officers will provide perimeter services to allow unrestricted access to the scene by fire and emergency vehicles/personnel.
- D. All volunteers arriving on the scene in private vehicles will be allowed to park at the edge of the police perimeter but not near the actual emergency scene unless conditions so permit or necessitate.

**.10 ADVERSE WEATHER AND ROAD CONDITIONS** Adverse road conditions may arise out of many situations. These include accidental hazards such as downed power lines and debris or natural causes such as fog, ice, and snow. Officers will be cognizant of changing weather conditions so emergency measures (e.g. calling out salt or snow plow crews) can be taken if warranted. Officers will notify their supervisor of such problems so a determination can be made to call out the appropriate agency. An officer may provide on scene traffic direction if warranted.



**.11 EMERGENCY ESCORTS** The following guidelines will be followed with regard to emergency escorts:

- A. Officers will not initiate emergency escorts without first notifying the ECC dispatcher and receiving clearance by a supervisor.
- B. No emergency escort will be provided unless the officer receiving the request has reasonable ground to believe a very real emergency exists. If such an emergency exists, the patient should be transferred to an ambulance or, in the event that an ambulance is unavailable, if practical, to the cruiser for the emergency transport. The driver of the civilian vehicle should be directed to proceed to the emergency medical facility at a normal speed in compliance with all traffic regulations. If in the opinion of the officer, however, delay or transfer would jeopardize the patient's life, the officer may escort the civilian vehicle to the Meritus medical facility. During such an escort, all emergency equipment will be utilized and the officer will not proceed through traffic control devices without first stopping and ensuring that both vehicles can safely proceed.

**.12 MONEY ESCORTS** The following guidelines will be followed with regard to money escorts:

- A. On a daily basis HCC PD officers will make contact with the finance department to receive daily bank deposits/empty deposit bags. Daily deposits will be taken to HCC designated banking institutions.
- B. Empty deposit bags will be escorted to the Hilltop Café, Campus Book store and Dental Department. New deposits will be taken from these locations and escorted to the finance department where HCC PD Officers will verify contents with the receiving clerk.

### **ACCIDENT INVESTIGATION 14.16**

**.1 INVESTIGATIVE RESPONSIBILITY**—HCCPD Officers have the primary responsibility for carrying out accident investigations. Trained accident reconstructionist may be requested through mutual aid from the WCSO to assist with accident investigations as needed. The Hagerstown Community College Police shall respond to and take appropriate action at all accidents which occur on Campus Property and are brought to the attention of the Department.

**.2 ACCIDENTS REQUIRING POLICE RESPONSE AND/OR INVESTIGATION** Officers shall respond

to, investigate, and report on the State of Maryland Motor Vehicle Crash Report accidents occurring on private or public property involving following circumstances:

- Vehicles are disabled as a result of the accident, even if only temporarily.
- Hit and run accidents where the vehicle has been disabled or investigative leads are readily apparent. A Motor Vehicle Crash Report will also be required if investigative leads are developed at a later time.
- Fatal or Personal Injury accidents.
- DWI involved accident.
- Accidents involving hazardous materials.
- Accidents involving vehicles or property owned by the Hagerstown Community College or other government entity.



- One of the parties is arrested for an offense related to the accident.
- Under any other circumstances when the officer feels a report is appropriate.

For detailed instruction about the Motor Vehicle Crash Report, refer to the Automated Crash Reporting System (ACRS) instructional PowerPoint in the training folder on the shared X drive.

.3 If the circumstances indicate a crash report is not required, the responding officer should provide the parties with the event number, and should facilitate the exchange of insurance information. In such circumstances, officers still have the discretion to issue citations for appropriate offenses without being obligated to complete a crash report.

#### .4 FIRST RESPONDING OFFICER'S RESPONSIBILITIES

- A. Immediately upon arrival, the first officer at the scene will check for injuries, fire hazards, hazardous materials, and/or hot wires down, and will summon appropriate fire/medical/utility service. The officer will provide emergency medical aid and fire suppression services until fire/medical personnel arrive. Injured persons will not be transported in department vehicles unless authorized by a supervisor.
- B. In the case of hazardous material incidents, the officer will isolate the hazard area, evacuate non-essential personnel, and identify the vehicle and container placards (See 14.16.14).
- C. The officer will park his/her vehicle in such a manner as to protect the scene, preserve evidence, and protect the public, but not in such a manner that would create an additional hazard. Emergency lights will be activated while the police vehicle is on the roadway.
- D. If damage to the vehicles will require them to be towed, a tow truck should be summoned as quickly as possible so normal traffic flow can be resumed, and the tow truck operator can remove the debris from the roadway (as required by law).
- E. AT SCENE INFORMATION COLLECTION~ When investigating accidents, officers will ensure that a State of Maryland Motor Vehicle Crash Report is filled out completely and accurately when appropriate. It will include interviewing principals and witnesses, obtaining the necessary witness statements, listing all occupants of the vehicles, and examining and recording damage to vehicles, roadways, or other public or private property. Officers will assist drivers involved with exchanging information. The officer will collect items of evidentiary nature, and take photos or measurements as needed. The Officer may request the assistance of technical personnel through mutual aid assistance from the WCSO, such as a certified crash reconstructionist or general assistance if needed.

#### .6 ACCIDENT RECONSTRUCTION

- A. In the event an accident involves one of the following situations, mutual aid assistance will be requested through the ECC dispatcher, for an accident reconstructionist to respond to the scene:
  - All fatal or potentially fatal accidents.
  - Serious or multiple personal injury accidents.
  - Serious departmental accidents.
  - Serious accidents involving college employees or substantial property damage.



- Substantial property damage accidents where speed was a definite factor and a minimum speed needs to be determined.
- B. The initial officer assigned to the accident will complete the crash report. The reconstructionist will complete other necessary forms unless investigative responsibility is yielded.
- C. Once the reconstructionist arrives on the scene, they will be in charge of the scene and will cooperate with the other officers' present to complete their work as soon as possible.
- D. The reconstructionist will interview all drivers, victims, and witnesses in the presence of the initial officer on the scene when practical and necessary.
- E. In the event the reconstructionist is requested to assist in any departmental accident, they need not question the officer involved personally; however, they will be present when the investigating supervisor conducts his interview. The reconstructionist may then ask necessary questions through the investigating supervisor.
- F. It will be at the discretion of the investigating supervisor if the reconstructionist will be the primary interviewer of witnesses or other persons involved. However, the reconstructionist will be present when the investigating supervisor interviews witnesses or other persons involved so necessary questions may be asked.

.7 FOLLOW-UP INVESTIGATION As needed, accident investigation follow-up is the responsibility of the investigating officer. If an accident needs further investigation, the following will be arranged on an as-needed basis:

- Collecting off scene data.
- Vehicle safety inspection.
- Obtaining recorded formal witness statements.
- Reconstruction of accidents (may be assisted by reconstructionist).
- Preparation of formal reports to support criminal charges arising from the investigation.

#### .8 SUPPLEMENTAL INFORMATION AND REPORTS

- A. Any continuation of the narrative section of the Motor Vehicle Crash Report shall be completed on a Departmental supplement report.
- B. Any information developed after the original report has been filed shall be submitted on a Departmental supplement report.
- C. When investigating an accident involving a bus, the officer shall use the Department's "Accident Report Supplement - Bus Passenger Register". This form is used for passengers only.
- D. When accident reconstructionist are needed, they will complete those forms mandated by the Maryland Association of Traffic Accident Investigators.
- E. Officers who investigate fatal motor vehicle accidents shall complete the Maryland Inter-Agency Law Enforcement System Fatal Accident Form. The contents of the form will be sent to the Maryland State Police Headquarters in Pikesville via teletype
- F. All officers investigating accidents shall assist the involved drivers with exchanging insurance information. Officers may utilize the Police Courtesy Accident Information



Insurance Exchange Card (which also has information on how to obtain copies of crash reports), ETIX, or any other reasonable method.

**.9 EXPERT AND TECHNICAL ASSISTANCE** When the need for additional technical assistance beyond the capabilities of departmental personnel is identified, the Chief of Police will assess the level and type of assistance needed, and arrange for and coordinate same. Such technical assistance may include but not be limited to the following sources:

- Surveyors/ Attorneys
- Mechanics/ Photographers
- Physicians /Medical Examiner
- Fire Department/ HazMat Personnel
- Engineers/ Accident Reconstructionist

**.10 AT SCENE TRAFFIC CONTROL** At accident scenes, officers will use the patrol vehicle's emergency lights, flares, and other appropriate warning devices as necessary to protect the scene and alert approaching traffic. Since flashing lights, flares, etc. can create traffic problems of their own, their unnecessary use will be curtailed. Once the scene has been cleared of vehicles and debris, the officer will arrange for the prompt removal of flares and other warning devices that may have been used to protect the scene. If circumstances require the roadway to be closed for an extended period of time, barricades, traffic cones, or other appropriate traffic control devices shall be used to detour vehicular movement.

**.11 PROPERTY CONTROL SAFEGUARDS**

- A. The officer at the scene of an accident should ensure that property belonging to the accident victims is protected from theft and is removed to a place of safe keeping until the victim can claim it.
- B. When an accident victim is removed from an accident scene and cannot care for his/her property, it may be released to a co-owner, or, with the permission of the victim, another person. In obtaining permission, the officer will list the property on a property report which the victim must sign. If this cannot be done, the investigating officer will inventory the vehicle and list the contents on a property report.
- C. Cash, firearms, and other valuable items found in the vehicle will be removed from the vehicle and placed into the property room with a separate property report (investigating officer will notify the victim of this. Property removed from the vehicle may be left with the victim at the hospital only if the victim can sign for it on the property report, and not in violation of hospital policy or procedure.

**.12 ACCIDENTS INVOLVING INJURIES** Officers assigned to accidents involving injuries, or accidents where injuries are unknown, when conditions permit, shall use Code 2 response. Upon arrival at the scene, the responding officer(s) will notify the ECC dispatcher of the existing situation, including type of injuries and the type of emergency assistance needed. Responding officer(s) will administer first aid until relieved by ambulance or other medical personnel.





**.13 ACCIDENTS INVOLVING FIRE HAZARDS** Officers responding to accidents involving fire hazards, when conditions permit, shall use a Code 2 response. Upon arrival at scenes involving fire hazards, officers will notify the ECC dispatcher of the existing situation and the type of equipment and personnel needed. Officers shall take appropriate action to stabilize the scene by providing scene protection, isolating the immediate area, removing persons from the immediate vicinity of the hazard, and, if possible, extinguishing the fire hazard with available fire suppression equipment. Officers shall provide for the safe movement of vehicles within the vicinity of the fire or potential fire hazard, detouring traffic if necessary.

**.14 ACCIDENTS INVOLVING HAZARDOUS MATERIALS** Officers responding to accidents known to involve hazardous materials, when conditions permit, shall use a Code 2 response. Upon arrival at any accident scene where hazardous materials are present or suspected, officers will take the following precautions:

- A. Immediately notify the ECC dispatcher of the fact that a possible hazardous materials accident has occurred. Provide the following minimum information:
  - The exact location.
  - Type of vehicle involved
  - Initial presence of hazardous materials (placards, panels, etc.)
  - Presence of fire, spilled liquids, or vapor leaks.
  - Known injuries
- B. DO NOT ATTEMPT TO RESCUE INJURED OR RETRIEVE DOCUMENTATION UNTIL SITUATION IS ASSESSED.
- C. Note the type of placards and numbers present. If possible, look for rectangular orange panels and note number. These numbers are UN/NA numbers and will aid in the identification of the contents.
- D. Carefully observe the incident before approaching. Be alert for signs of leakage such as sounds of escaping gas, evidence of liquid leaks, odd smells, or vapor clouds.
- E. Approach scene from the upwind side. Do not park in the potential path of leaking materials. Do not drive into vapor clouds or liquid leaks. REMEMBER, VEHICLES ARE AN IGNITION SOURCE.
- F. Initially isolate the scene for a radius of 250 feet to allow room for response personnel. If cargo is involved in fire, or if fire is probable, evacuate to a radius of 500 feet to allow firefighters additional working clearance. Adjust distance as conditions warrant.
- G. DO NOT USE FLARES in the vicinity of the incident as flammable vapors may be present.
- H. Prohibit traffic from passing through the incident. Do not allow bystanders to congregate around the incident.
- I. Note wind direction. Note if material is leaking into sewers, waterways, or ditches. If possible, estimate the quantity of the materials leaking. Pass all this information to the ECC dispatcher for relay to responding fire units.





## Chapter 14

## Patrol Operations

- J. When isolating the scene, give priority to removing persons from oncoming smoke or vapor.
- K. Do not step in pools of liquid or any unfamiliar material. Avoid contact with any chemical material.
- L. Do not open trailers of hazardous cargo. Trailers may contain hazardous vapors or loose cargo which may cause death or injury.
- M. The fire department and Hazardous Incident Response Team will direct the control and cleanup of the hazardous material. **NOTE: Liquid oxygen may mix with asphalt to create a highly shock-sensitive explosive. Do not contact asphalt contaminated with liquid oxygen under any circumstances as it may detonate, even under foot. Completely isolate contaminated asphalt.**

**.15 ENFORCEMENT ACTION** Whenever the investigating officer detects a violation of a traffic law, and when evidence exists to satisfy all the elements of the particular violation, enforcement actions should be taken. This will not preclude the investigating officer from exercising discretion during extenuating circumstances.

**.16 TIMELY REPORTING** All officers shall see that crash reports are completed and submitted promptly. Once filed, crash reports may be amended up to 90 days after the accident date.

### TRAFFIC ENFORCEMENT 14.17

**.1 GENERAL POLICY~** Traffic law enforcement is the responsibility of all uniformed officers. The ultimate goal of traffic law enforcement action is the voluntary compliance by the public of all traffic laws. This is accomplished by the detection of traffic law violations and deterrence through the use of physical arrest, citations, and/or warnings.

**.2 WARNINGS** Traffic law enforcement through the use of warnings may be in verbal or written form. Written warnings shall be issued via ETIX (see 14.17.20). A warning is usually issued when the officer believes that a violation was unintentional and of a minor nature where life or property was not threatened and no interference with the rights of other motorists occurred.

**.3 ISSUANCE OF CITATIONS** Traffic law enforcement through the issuance of Maryland Uniform Complaint and Citations to traffic violators shall be in accordance with Maryland Transportation Article. Instructions for completing hand written Maryland Uniform Complaint and Citations are found in the fine/penalty deposit schedule (DC/CR 90). All hand-written citations shall be neatly and legibly printed using a black ballpoint pen. With the exception of the officer's and driver's copies, all copies of each citation will be submitted to the Patrol Lieutenant for review. The Lieutenant will then forward the copies to the Records Office. Electronic tickets shall be completed according to the user training provided by MSP. A summary of the procedures is listed in section 14.17.21.



**.4 PHYSICAL ARREST** Traffic law enforcement through the physical arrest of violators shall be in accordance with the Maryland Transportation Article. If the offender is arrested, the officer shall complete the following:

- Appropriate citations;
- Arrest report;
- Statement of Probable Cause (if taken to Dist. Court Commissioner).
- Continuation (if necessary); and
- Other reports as required by the arrest.

All adults arrested and charged with traffic violations will be transported to Central Booking for processing, except as noted in Chapters 21(Arrests) and 22(legal process), otherwise the offender shall be taken (with the citations and Statement of Probable Cause) before a District Court Commissioner without unnecessary delay, and in any case within 24 hours. If a Commissioner is not available, the provisions in Transportation Article 26-402 will be followed. All remaining paperwork will then be forwarded to the Records Office.

**.5 OUT OF STATE RESIDENTS** Officers may arrest and take before a District Court Commissioner all out of state residents charged with those violations enumerated in Transportation Article section 26-202 for which arrest is authorized. For all other traffic violations involving out of state residents, officers may use appropriate discretion in accordance with Maryland Law.

**.6 ENFORCEMENT PRACTICES** Based on the principal that the most effective deterrent to traffic law violations is visible patrol in a marked vehicle and in the interest of maintaining a posture of prevention as opposed to apprehension, traffic law enforcement activities shall be conducted accordingly.

- A. Officers shall drive patrol vehicles in accordance with existing laws and in such a manner as to demonstrate exemplary driving behavior. Extreme emergency conditions will be the only exceptions to this practice.
- B. In those areas where fixed post observation is necessary to maximize effectiveness of a selective enforcement effort, officers shall park in a conspicuous location and in such a manner that traffic flow is not impeded.
- C. Although officers should make every effort not to suggest the appearance of a "speed trap" or "duck pond" situation, off-street observation and/or the use of unmarked vehicles may be used for the enforcement of traffic laws where necessary. Unmarked vehicles used for traffic enforcement must be equipped with emergency red and/or blue lights and siren.

**.7 SPEED LAW VIOLATIONS** Officers should exercise good judgement and discretion when deciding to issue a speeding citation or warning. Even though there are no legal excuses for speeding, officers should treat each stop for speeding as an individual incident. Officers should listen to any reason that may be an excuse for exceeding the limit. A "hard-nosed", citation-oriented police officer leaves a citizen with a bad opinion of all police officers. A warning in minor cases



helps with the Department's public image. Officers should remember that excessive speeding with no excuse leaves the officer with no other alternative than to issue a citation for the violation.

**.8 HAZARDOUS VIOLATIONS** Hazardous traffic violations are defined as those violations which pose a direct hazard to the safe and efficient flow of traffic. In addition, these violations contribute substantially to accidents. Upon viewing or detecting hazardous violations, officers are to take immediate enforcement action based on sound judgement. For the purposes of this section, hazardous violations fall into the following categories:

- A. Unsafe behavior: Driver actions in direct violation of statutes found in Title 21 of the Maryland Transportation Article (i.e. those related to moving violations such as violating traffic control devices, laws on use of the roadway, right of way, etc.,) and other accident related violations.
- B. Unsafe conditions: Vehicular violations of those statutes found in Titles 22 and 24 of the Maryland Transportation Article (i.e. those related to vehicular equipment and vehicle size, weight and load) which render a vehicle unsafe.

**.9 NON-HAZARDOUS VIOLATIONS** Enforcement efforts for non-hazardous traffic violations will be guided by officer discretion. Officers are reminded that voluntary compliance is the goal of enforcement actions for minor violations.

**.10 EQUIPMENT VIOLATIONS** If an officer observes that a vehicle registered in this state is being operated with any equipment violating the state's safety equipment laws (found in Titles 22, 23, and 24 of the Maryland Transportation Article), the officer may issue a Safety Equipment Repair Order (SERO) to the owner of the vehicle. The booklet "Guidelines for the Issuance of Safety Equipment Repair Orders" published by the Maryland State Police and Title 23 of the Maryland Transportation Article give officers guidelines for the issuance of SERO's. An officer may also write a citation for any vehicular equipment in need of repair.

**.11 MULTIPLE VIOLATIONS** In cases of multiple traffic violations resulting from one incident, officers should remember not to duplicate one citation into another. For example, a reckless driving citation should not be followed by several minor citations which are included in the reckless driving citation. Furthermore, a second citation should not be issued when one citation is all inclusive, or when elements of one violation are closely related to the elements of a second. Officers should note that in all cases of multiple violations, the enforcement action taken shall be sufficient to support a comprehensive and complete prosecutorial effort.

**.12 NEWLY ENACTED LAWS AND/OR REGULATIONS** Enforcement action on newly enacted state traffic laws/regulations shall take effect the same date the law goes into effect. Each year the Motor Vehicle Administration publishes and distributes an up to date Maryland Vehicle Law. Each officer is issued a copy and upon receipt is responsible for the enforcement of the statutes contained therein.



**.13 PUBLIC CARRIER/COMMERCIAL VEHICLE VIOLATIONS** Public/commercial carriers who violate traffic laws will be treated in the same manner as the general public. Uniform enforcement policies and the procedures outlined in this section are applicable.

**.14 OFFENSES INVOLVING LICENSE SUSPENSIONS/REVOCATIONS**

- A. On occasion officers may come into contact with drivers who are unable to produce a valid license. This could be the result of various actions of the driver, court, and/or Motor Vehicle Administration. Officers may check a license status via MDT or by having the ECC check the driver's name and date of birth, or license number through METERS.
- B. If the violator's license or driving privileges are suspended/revoked, the violator will be issued a citation for the appropriate charge. If the violator has no supporting identification or is an out of state resident, he/she should be physically arrested and the citation issued. A statement of probable cause will be completed and the violator taken before the District Court Commissioner.
- C. In either case, the driver should not be allowed to drive from the location of the traffic stop, and other arrangements should be made (e.g. another licensed driver in the vehicle, or someone who can come and take the vehicle). If the driver is incarcerated and he/she cannot find someone to secure the vehicle, it will be towed according to Departmental procedures.
- D. If there is a doubt about the driver's license status and verification cannot be obtained within a short period of time, the officer should release the driver until the verification by teletype is confirmed. A citation can then be issued or a traffic warrant obtained if necessary.
- E. NOTE: In the April 1991 case *Benbow v. State of MD*, the Maryland Court of Appeals stated the following: "We do not construe the laws of Maryland as prohibiting a person from driving on Maryland's roads under color of a valid Maryland license because a license in another state had been refused, canceled, suspended, or revoked." According to the court's ruling, a person with a valid Maryland license is authorized to drive on Maryland roads regardless of the person's license status in another state. Officers discovering such a situation (valid in Maryland but suspended in another state) should notify the MVA in writing. The address is MVA, Driver Control and Records; 6601 Ritchie Highway, Room 211; Glen Burnie, MD 21062. Include a copy of the persons driving records.

**.15 PEDESTRIAN TRAFFIC LAW ENFORCEMENT** Officers shall take appropriate enforcement action whenever and wherever pedestrian and bicycle traffic law violations are observed. Officers should remember the enforcement of traffic laws pertaining to pedestrians requires broad discretion. Prior to any substantial increase directed toward pedestrian traffic violators, a sufficient public and community awareness program should be conducted by the Department.

**.16 BICYCLE TRAFFIC LAW ENFORCEMENT** The use of bicycles as a means of transportation for both business and recreational purposes has resulted in an increase in traffic accidents and



personal injuries. It is inherent in the police role to enforce those laws relating to safe operation of bicycles. Officers should be guided by the following:

- A. The safe operation of bicycles requires the operator to follow the same basic rules of the road as a motorist as defined by the Maryland Transportation Article.
- B. Those areas where the frequency of accidents involving bicycles are prevalent shall be patrolled, and any violation of the Maryland Motor Vehicle Laws should be properly enforced.
- C. Officers should use discretion when these violations do not result in accidents or cause any major traffic problem. All younger operators should be informed of any violations that they might commit and be advised of the importance of safe operation of the bicycle.

**.17 OFF-ROAD VEHICLES** Off road vehicles shall include but are not limited to the following:

- Dirt bikes/Mopeds
  - Mini bikes/Go-carts
  - Snowmobiles
  - Three- or four-wheel all-terrain vehicles (ATV's)
  - Other vehicles modified for off-road use
- A. Any serious motor vehicle violations (i.e. DWI, reckless driving, hit and run accidents, etc.) or any type of criminal activity performed by use of the vehicle, shall be enforced under Maryland State Law.
  - B. Any off-road vehicle driven on a public thoroughfare shall be governed by Maryland statutes pertaining to vehicle registration and operation.
  - C. Any death or serious personal injury caused by the use of an off-road vehicle shall be investigated as any other incident.

**.18 REQUESTS FOR RE-EXAMINATION OF DRIVER** On occasion, officers may come into contact with drivers who have suspected incompetency through physical or mental disability, disease, or other condition which might prevent the person from exercising reasonable and ordinary care over a motor vehicle. Officers detecting such a person will complete the MVA form (Request for Re-examination of Driver), or submit the request via ETIX. It should be noted that the physical defects must be described in detail. Also, the summary must be written in such detail that reasonable grounds for the re-examination are conclusively established. The MVA form must be accompanied by copies of all other related reports and forwarded to the HCC Campus Police Lieutenant who will send it to MVA.

**.19 RESPONSIBILITY FOR TRAFFIC FUNCTION** The Chief of Police is responsible for the planning, analysis, monitoring, and coordination of the Department's traffic function.

**.20 ELECTRONIC TICKETING (ETIX)** The use of ETIX is the preferred method of issuing citations, warnings, and SEROs. Authorization to use the ETIX function is controlled by the Maryland State Police. Personnel must complete the required training class and conduct 50 stops with warnings issued in order to be granted access. Once an officer completes the requirements,



the College IT department will coordinate with MSP to activate the officer's user account. The following is a summary of the procedures for the use of ETIX:

1. Log into Delta Plus from any MDT, laptop, or desktop on which the program has been installed.
2. Click the ETIX button and select Traffic Enforcement.
3. Enter the information in to all required fields. Information can also be entered by scanning the driver's license with the in-car scanner.
4. Select the enforcement activity (citation, warning, or SERO).
5. Select all the violations being charged. All will be included on the same ETIX printout; however, each violation will be assigned a unique number.
6. Use the appropriate buttons to add witnesses, notes, etc.
7. After the follow-up questions regarding photo ID and reportable stops are answered, the entry screen closes and the citation, warning, or SERO will be printed automatically (in-car only)
8. If there is a problem with the printer, the officer can request another unit with the ETIX equipment, log onto that MDT, access the stop information and print it from that unit's printer. Alternatively, the issuing officer can print the citation to any network printer and have someone bring it to the traffic stop location. A hand-written citation, warning, or SERO **may not** be issued once the stop has been entered into ETIX.

## .21 PARKING ENFORCEMENT ACTIVITY

- A. GENERAL POLICIES The enforcement of parking violations is the responsibility of all officers and security personnel. All existing parking regulations will be enforced with reasonableness and impartiality in all areas of the College. Parking violations covered by State law (see Transportation Article) are to be written using the Maryland Uniform Complaint and Citation. Appropriate copies of citations will be left on the vehicle windshield or in another conspicuous place on the vehicle.
- B. FIRE HYDRANTS AND FIRE STATIONS Vehicles found parked at fire hydrants or in fire zones will be issued citations and removed immediately, either by the owner, or by towing according to departmental procedures.
- C. IMPROPER REGISTRATION
  1. It is unlawful to park or leave standing any vehicle requiring a license plate on any public street unless said vehicle shall have affixed or attached thereto license plates or markers displayed conspicuously on the front and rear of said vehicle in accordance with the provisions of the Annotated Code of Maryland or, in the case of a nonresident, the state, county, or territory where such vehicle is registered. This includes unregistered vehicles, vehicles with expired registration, and vehicles with license plates issued to another.
  2. Vehicles in violation of the above section shall be issued the appropriate citation(s) and removed from the street or public property.
  3. Officers will attempt to locate the owner, to have the vehicle moved. If unable to locate an owner, officers shall have the vehicle towed according to department procedure. The officer will order a hold on the vehicle to ensure the vehicle is not driven from



impound without proof of ownership and proper registration. NOTE: The vehicle may also be released if ownership is proved and the vehicle is to be towed from impound.

## .22 SPEED MEASURING DEVICES

- A. The law enforcement community believes that traffic radar and laser devices are effective tools for speed control, and that their role in traffic safety and speed control is of vital importance. Radar, LIDAR (laser), and calibrated speedometers are the only departmentally approved speed measuring devices.
- B. The effective use of speed measuring devices and their acceptance is dependent upon the operator's understanding and knowledge of the equipment, initial training and certification, along with retraining and updating when required.
- C. The department will use speed measuring devices in high or potentially high accident locations where speed is a factor, where speed limit violations are prevalent, and/or in response to citizen complaints.
- D. **SPECIFICATIONS OF SPEED MEASURING DEVICES** Current Departmental radar and laser equipment is the type manufactured to meet National Highway Traffic Safety Administration specifications. Additionally, laser equipment is manufactured to meet National Institute of Standards and Technology specifications.
- E. **OPERATIONAL PROCEDURE**
  - 1. Speed measuring devices will be operated at times and locations related to high incidents of speed related traffic accidents and/or speed violations. Officers will exercise discretion when operating the devices at selected locations, remaining mindful of the traffic volume present and the positioning of their patrol units so as not to impede the orderly flow of traffic.
  - 2. The units must be properly installed and connected to the power source.
  - 3. The speed measuring devices shall be checked for accuracy both prior to and at the conclusion of use. For radar, this shall be done using the tuning forks supplied for the unit, having another vehicle run through the beam of influence, and through the internal check. For the laser unit, the accuracy checks shall include scope alignment, self-test, delta distance velocity test, and checking the actual speed of a vehicle moving at a known speed.
- F. **PROPER CARE AND UPKEEP** When not in use, all speed measuring devices are kept in the Police Department Office. When an officer takes one of the units for use, he/she will check the overall appearance of the unit for any damage or malfunction as well as the current certification certificate.
- G. **SCHEDULED MAINTENANCE**
  - 1. Departmental radar or laser units shall be inspected and certified annually or when repairs are required. Laser units only need to be certified if the accuracy checks show they are not accurate or any other time they require repairs. The Chief of Police shall designate a patrol officer or supervisor to be responsible for having the units inspected and/or re-certified, and to maintain all records pertaining to the speed measuring devices.





2. All Departmental speed measuring devices are calibrated according to the National Highway Traffic Safety Administration specifications. Additionally, the laser units are calibrated according to National Institute of Standards and Technology specifications.

H. OPERATOR TRAINING AND CERTIFICATION Prior to using speed measuring devices for enforcement activities, officers must successfully complete a training course for each type of device being used. The content of such training courses shall meet or exceed those established or recommended by NHTSA, and shall be presented by instructors certified to teach each device.

### **TRAFFIC ANCILLARY SERVICES 14.18**

.1 GENERAL ASSISTANCE TO MOTORISTS Because of the overall danger to the stranded motorist and to other motorists he/she effects on the roadway, officers will offer reasonable assistance at all times to the motorist who appears to need aid. This will apply at all hours of the day, but particularly during the nighttime hours when the hazards are higher. Officers should be constantly alert for roadway users who appear to need assistance. Officers will freely provide information and directions upon request.

#### **.2 STRANDED MOTORISTS—**

- A. Officers may, with supervisor's approval, transport stranded motorists to the nearest convenient location where assistance may be obtained. However, officers should be certain that assistance is available before leaving the motorist. When transporting stranded motorists, officers will give the ECC dispatcher their starting and ending mileage.
- B. Stranded motorists should not be abandoned when exposed to a hazardous situation. Consideration should be given to traffic hazards, location, time of day, weather conditions, and priority of calls for service. This does not preclude placing devices to warn oncoming traffic and clearing the scene if conditions are such that this can be done safely. Officers should periodically check to ensure the condition does not deteriorate.
- C. Officers who assist stranded motorists should remain alert to the following possibilities:
  - The vehicle in the possession of the motorist has not been authorized for his/her use;
  - The vehicle is in unsafe operating condition;
  - The motorist is not licensed to drive;
  - The motorist is incapable of safely operating the vehicle; and/or
  - The vehicle's occupants have engaged in criminal activity.
- D. Officers may aid motorists in obtaining tow services, if needed, in accordance with Departmental procedures.

#### **.3 EMERGENCY ASSISTANCE**

- A. Officers will render all practical assistance to users of the roadway who are involved in emergency situations.





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- B. Upon discovery of a vehicle fire, officers will immediately give the ECC dispatcher the location, type of vehicle, location of the fire, and cargo (if applicable) for fire department response.
- C. Upon discovery of a medical emergency, officers will give the ECC dispatcher the location, type of emergency, condition of patient, and any other information for an emergency medical response. After notifying the ECC dispatcher of the nature of the emergency, officers will render first aid assistance as practical.

**.4 HAZARDOUS HIGHWAY CONDITIONS** During normal patrol activities, officers must remain alert for unsafe or hazardous conditions on the roadways. Officers shall immediately notify the ECC dispatcher when a hazard is identified. The ECC dispatcher will notify the proper authorities to correct the problem. Hazardous roadway conditions that may be encountered by officers may include:

- debris on the roadway;
- defects in the roadway itself;
- lack of, or defects in, highway safety features;
- lack of, improper, visually obstructed, damaged, or non-working mechanical traffic control devices or information signs;
- lack of or defective roadway lighting systems; and/or
- disabled or abandoned vehicles.

When observed, roadway hazards remain within the operational purview of the Department, officers shall initiate appropriate corrective action whenever practical to remove the hazard.

### **POLICE HAZARDS: COLLECTION AND DISSEMINATION OF INFORMATION 14.19**

**.1** A police hazard is any situation, person, property, or place that may create or contribute to an incident calling for some police or law enforcement action.

**.2** Information regarding current and ongoing hazards may be received by the Police Department from various sources. However, received, any information considered of interest or value to patrol units in the field will generally be passed on to them over the police radio or by telephone contact as appropriate. The information may also be posted on the roll call board to be read at roll call to oncoming patrol watches while the information is current.

**.3** Severe weather bulletins by communications from the U. S. Weather Bureau will be broadcast over the police radio for information of patrol units in the field. Patrol officers may also be responsible for advising the ECC of severe road and weather-related conditions which they encounter during patrol.

### **COOPERATION OF PATROL DIVISION WITH OTHER COMPONENTS 14.20**

**.1 INTERDEPARTMENTAL COORDINATION** Interdepartmental cooperation by HCC Police Officers is manifested through encouraging support and exchanging information with other



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entities and departments throughout the Hagerstown Community College Campus. Although not limited to, Cooperation may be obtained by the following methods/procedures:

- Staff meetings
- Labor management meetings
- Utilization of both formal and informal memos and correspondence
- Other meetings as designated

**.2 COORDINATION WITH LEGAL ADVISORS** Many incidents occur where having a legal advisor (College Attorney, Washington County Attorney or State's Attorney) present or available for consultation would be advantageous. The following is a list of those instances when an advisor will be notified because of the legal and liability considerations:

- Homicides
- Civil disorders
- Any accident involving any college property which results in injury or death to any person
- Any use of force by or against a member of the department that results in death or serious bodily injury to any person
- Anytime an on-duty supervisor requests legal assistance at a crime scene or elsewhere

### INCIDENTS REQUIRING SUPERVISORY RESPONSE 14.21

Incidents of a serious nature often arise that require the presence of a supervisor who possesses the authority necessary to deal with the problem. Accordingly, a supervisor will respond to the following types of incidents for the purpose of taking command:

1. Homicides (suspected or attempted).
2. Suicides (actual or threatened).
3. Other incidents involving serious bodily injury (except PI accidents).
4. Fatal accidents.
5. Natural Disaster.
6. Hostage or barricade suspect.
7. Departmental accidents where injury is indicated or the member may be at fault.
8. Officer involved use of firearms.
9. Incidents involving armed suspects.
10. Unattended deaths.
11. Civil disorders.
12. Any other incident as directed, dispatched, requested, or at the discretion of the patrol supervisor or Chief of Police.

### FIELD INTERVIEWS 14.22

**.1** During the course of their duties, officers often encounter persons in suspicious or unusual circumstances that may not rise to the level of an investigative detention as defined in Terry v. Ohio. Recording these persons' identities, descriptions, vehicles, times and places found, and



circumstances of the situations may be beneficial to other officers and allied agencies for various reasons including follow-up investigations and intelligence gathering. Such information will be recorded by the officer in the FI Module of Police Mobile. A Field Interview (FI) Card may be used to collect such information prior to entry into the FI Module. (See Report Writing Chapter, 25 Section 20 for instructions on filling out the FI Card).

.2 When determining suspicious or unusual circumstances, officers shall keep in mind the time of day, location, the actions of the person, and the officer's knowledge of crimes in the area. Some examples of such circumstances may include:

- Persons loitering on campus property beyond normal established hours of operation.
- Persons seen in areas where their mode of attire does not fit the function or event that is occurring.
- Persons found in and around buildings or structures inconsistent with campus activity or outside normal established hours of operation.
- Persons seen pushing motor vehicles, bicycles, or walking and carrying large objects inconsistent with the environment, when their actions are not appropriate with the time or place.

.3 A field interview may be conducted on any property on which a police officer has a right to be. The suspicious subject may be a pedestrian or the occupant of a vehicle.

.4 If a person refuses to answer any or all questions and the officer has no legal justification to arrest or detain the person, the officer will complete an FI Card using as much information as he/she is able to obtain. Additionally, an officer may not detain a suspicious subject against his/her will unless the officer has probable cause to arrest the person, or reasonable articulable suspicion of the subject's involvement in criminal activity.

.5 In addition to the descriptive information, the officer must also record the person's actions or behavior, or the circumstances that led to the field contact, such as the above examples of possible suspicious or unusual circumstances.

.6 Officers shall, when possible, take a digital photograph (or photographs) of the person and upload it to Police Mobile in the FI Module. In a non-investigative detention or arrest situation, the person's attempt to prevent the officer from taking the photograph by walking away, covering his/her face, or similar method is not illegal, but the officer should still make a reasonable attempt to photograph the person.

### **REFERRALS TO PUBLIC AND PRIVATE SOCIAL SERVICE ORGANIZATIONS 14.23**

.1 Law enforcement officers, in the course of performing their duties, often encounter people in need of help that can best be provided by another criminal justice or social service agency. Exercising sound discretion based on one or more of the following criteria should guide those in need of help to an appropriate agency:



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- Assessment of the subject's need through discussion or observation.
- Request by the subject or relatives for specific assistance.
- The necessity of immediate aid.

.2 Referrals may be used in addition to, but not in lieu of, criminal prosecution.

.3 HCC PD personnel can find a listing of Washington County Agencies available, to assist individuals whose needs may be beyond the scope of the Department, in the *Community Resource Guide* posted on the HCC PD shared drive. Additionally, HCC PD personnel can advise individuals to call 211 to search for appropriate resources.

### SEARCH AND RESCUE OPERATIONS 14.24

.1 Search and rescue operations refer to those incidents where a person is missing on or near the College Campus (mutual aid requested if outside the Campus) and circumstance indicate that action should be taken immediately to find the person. Such incidents may include, but are not limited to the following:

- Missing person with suspicious circumstances or criminal activity involved.
- Missing person where the welfare of the individual is at risk.
- Collapsed structure with the possibility of people trapped.
- Persons missing as a result of natural or man-made disasters.
- Suspected drownings.

.2 All search and rescue operations will be coordinated by the Chief of Police with the assistance of Patrol and applicable allied agency supervisors.

.3 The main responsibilities of HCC PD officers in search and rescue operations are to conduct basic searches such as house to house, open field, vacant buildings, construction sites, etc.

.4 If the Chief of Police determines that a search and rescue operation will require more resources than this Department has available, mutual aid assistance will be requested through the ECC. If other agencies are requested, the Chief of Police will coordinate between those agencies and personnel from this Department.

### SPECIAL EVENTS 14.25

.1 For the purposes of this section, the term "special event" refers to an activity, such as a college sanctioned affair, athletic contest, or public demonstration, which results in the need for control of traffic, crowds, or crimes.

.2 For each special event, the Chief of Police or his designee will coordinate and supervise all activities.



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.3 For each special event, the Chief of Police will prepare written estimates of expected traffic, crowd-control, and crime problems. From those estimates, he/she will identify and plan for logistics requirements (i.e. manpower, equipment, street control, assistance from other college departments, etc.).

.4 For large special events or as otherwise needed, the Chief of Police will coordinate with allied law enforcement agencies or applicable Washington County public service departments to ensure that any anticipated special problems are effectively handled.

### **POLICE BICYCLES 14.26**

.1 Police bicycles are used as a tool to provide an alternative means of law enforcement patrol with an emphasis on those areas un-accessible in a patrol car. Police bicycles may be assigned as primary transportation for specific assignments, functions or to support specific assignments.

.2 The Police Lieutenant or designee shall be the coordinator for all aspects of the use of police bicycles including, but not limited to acquisition, maintenance, training, and equipment.

.3 Only personnel who have successfully completed the HCC PD Police Bicycle training program, or similar Police Bicycle training program as determined by the Chief of Police or designee, may operate police bicycles. Training shall include classroom and practical instruction, as well as written and practical skills testing. Police bicycles shall be used in a manner consistent with applicable training and state law.

.4 Each police bicycle used for patrol operations shall be conspicuously marked as a police bicycle. In addition to standard stock items, they shall have the following minimum equipment:

- An audible device designed for bicycle use.
- A powered front headlight
- A powered rear tail light.
- An equipment bag/storage container.
- A water bottle cage.

### **BIASED BASED POLICING 14.27**

.1 The purpose of this policy is to establish guidelines for conducting constitutionally valid applications of police authority and to prohibit biased based policing. Biased based policing is the application of police authority based solely on a common trait of a group, such as race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable characteristics. Some examples of applications of police authority are investigative and enforcement stops, any other enforcement action, asset seizure, or forfeiture efforts.

.2 The use of biased based policing is prohibited.



.3 All officers have the duty and authority to investigate suspicious activities that may be associated with the violation of criminal and motor vehicle laws. This duty does not include pursuing hunches or stereotyping, and is limited to reasonable articulable factors which would likely lead any knowledgeable, reasonable officer to the conclusion that the person contacted has been, is, or is about to commit a crime, or is currently presenting a threat to the safety of himself/herself or others.

.4 The prohibition against biased based policing does not preclude the use of one or more characteristics that are part of a specific suspect description; nor may it be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.

.5 The Hagerstown Community College Police Department will collect data on all traffic stops and criminal citations according to the requirements of Maryland Law. Reporting to State agencies will also be completed according to Maryland Law.

.6 Annually the Chief of Police or designee will conduct a review of Department practices in an effort to identify potential indicators of biased based policing. The review and findings will be provided in writing to the Lieutenant/Training Officer and may be used to assess policy and training needs. The review will be based on the following elements from the previous year:

- Traffic stop data
- Citizen complaint's related to biased based policing
- Asset seizures and forfeitures.
- The annual report submitted by the Maryland Statistical Analysis Center regarding race-based traffic stop data.
- Corrective measures taken.

.7 All officers will receive entry level training (academy or field training) and annual in-service training in bias based policing issues. At a minimum the training will include:

- Department Policy.
- Legal aspects of biased based policing issues.
- Department and State requirements for documenting vehicle stops.

### **SEX ASSAULT DELAYED REPORTING: 14.28**

.1 Pursuant to the Violence Against Women Act, victims of sexual assault are not required to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical examination. This protocol is referred to as "delayed reporting." The purpose of delayed reporting is to preserve forensic evidence contemporaneously with the crime, thus preserving its value should the victim later opt to have the case investigated and prosecuted.

.2 A sex assault victim may opt for delayed reporting before or after contact with the police. If this decision is made after contact with the police, the responding officer will ensure the victim receives



assistance getting to the hospital and that a sexual assault forensic examination (SAFE) nurse is notified. The officer's contact with the victim will end at that point.

.3 Once a victim of sexual assault wishes to utilize the delayed reporting option and has been contacted by a SAFE nurse, the following will occur:

- A. The SAFE nurse and a SAFE Program advocate will contact the victim at the hospital and collect basic information for a forensic medical history. The SAFE nurse will advise the victim that the nurse is not an investigator and will recommend law enforcement intervention.
- B. If the victim continues to opt for delayed reporting, the forensic exam will continue. The SAFE nurse will provide the victim with a Delayed Anonymous Report Program Consent Form to sign, verifying how they wish to proceed. The form notifies the victim of the 90-day delayed reporting option. The SAFE nurse will seal the form inside the SAFE evidence collection kit. The SAFE nurse will provide the victim with a Delayed Anonymous Report Discharge Instruction Form which contains information for this agency if they wish to report the incident within the 90 days. After all evidence is collected and the victim has left, the SAFE nurse will notify HCC PD.
- C. The responding officer will contact the SAFE nurse and collect the SAFE Kit. The officer will submit it for evidence per department procedures (see Chapter 16, Evidence Collection and Preservation). The officer will obtain the SAFE nurse's information for the Offense/Incident report, and will ensure the SAFE nurse is provided with the HCC PD report number.
- D. The SAFE nurse will provide the officer an identifying code associated with the name of the victim for reporting purposes. If possible, the SAFE nurse will obtain the date, time and location of the incident from the victim to provide the officer. The officer will not have any contact with the victim under these circumstances. The officer will gather only that information the SAFE nurse provides regarding the identity of the victim and circumstances of the incident gathered prior to the officer's arrival.
- E. The officer will file an Offense/Incident report using "Sexual Assault (Delayed Reporting)" as the Crime/Incident title. A standard supplement template for this report type will be used for the narrative.
- F. The hospital advocate or SAFE Coordinator will contact the patient/victim before the end of the 90 days to again recommend law enforcement intervention.
- G. If the victim requests law enforcement investigation within 90 days, the Patrol Sergeant will assign the case for follow-up investigation. The investigator will file a supplement report reclassifying the crime/incident to the appropriate type based on the investigation.
- H. If the victim has not requested law enforcement investigation within 90 days, the case will be forwarded to the Patrol Sergeant for review and final disposition of evidence and investigation. If the Patrol Sergeant determines no investigation will be required, the evidence may be destroyed. The Patrol Sergeant will submit a supplement report describing the actions taken.



**VIDEO RECORDING OF POLICE ACTIVITY 14.29**

.1 There may be occasions when police officers find in the course of their duties that their actions are being photographed or recorded by a video device. The act of photographing and/or video recording (with or without a simultaneous audio recording) police activity by uninvolved bystanders is, in and of itself, not a criminal offense. Any bystander has an absolute right to photograph or video record the actions of any police officer so long as the bystander's actions do not:

- Place the safety of the bystander, or any police officer(s), witness(es), victim(s), or suspects(s) in jeopardy;
- Hinder the execution of performance of an officer's official duties;
- Interfere with or violate any section of any law, ordinance or code of the State of Maryland (criminal or traffic article);
- Involve an intrusion into any crime scene, private property, or other location under lawful police control and/or not normally accessible to the general public;
- Threaten, by words or actions, other persons; or
- Attempt to incite an immediate breach of the peace or incite others to commit a violation of the law.

.2 If a police officer believes a bystander possesses any material (including a photographic or video recording) that is, or could reasonably be considered, evidence related to a crime and/or the identification of a person involved in a crime, the officer may request that the bystander voluntarily surrender the recording device into police custody. If the bystander consents, the officer shall complete a property record and provide a copy to the person, and document the request and person's response in the narrative of the Offense/Incident or supplement report. If the bystander refuses the officer's request, the officer may seize the property if probable cause exists that the device contains evidence that is in immediate jeopardy of being tampered with, altered, deleted, or destroyed. Such a seizure may only be temporary for the purpose of safekeeping and preservation if the evidence while the appropriate application for a search and seizure warrant is made. If exigent circumstances do not exist, a search and seizure warrant must be obtained before the device can be seized.

.3 In either of the above circumstances (consensual or non-consensual seizure), the officer is not to make any attempt to view, download, or otherwise access any material contained on the device. Officers should either remove the device's battery or turn it off. Cellphones should be placed in airplane mode in order to remove the device from any networks. This will aid in preventing any remote access to or deletion of the data or other material stored within it.

.4 Once the officer has possession of the device, the officer shall exercise due care and caution to protect the device from damage. The device is to be treated as evidence per department policies and procedures (see Chapter 16 Evidence Collection and Preservation). For consensual seizures, a lab request is to be prepared immediately. For non-consensual seizures, a lab request is to be completed after a search and seizure warrant has been approved and signed by an authorized judicial officer.





## SEARCH AND SEIZURE

**GENERAL POLICY 15.01.1** It is the policy of the Hagerstown Community College Police Department that searches and seizures shall be conducted in accordance with all state and federal laws, and with the requirements of the United States Constitution and Maryland Declaration of Rights, as interpreted from time to time by state and federal courts. The HCC Police Department recognizes that judicial analysis and interpretation of the United States and Maryland Constitutions is dynamic. If any Department policies or procedures are found to be in conflict with constitutional requirements or restrictions, said requirements or restrictions shall prevail.

.2 Unless permitted by one of the judicially recognized exceptions, searches and seizures must be conducted pursuant to a search and seizure warrant issued by an authorized judicial officer.

.3 Search and seizure must be based on probable cause. While no "bright line" definition exists, U. S. Supreme Court has described it as a flexible, common sense standard, requiring only that facts be available to the officers which would "warrant a man of reasonable caution" to believe that certain items may be contraband or evidence of a crime, and that those items are located in a certain place. A practical, nontechnical probability that incriminating evidence is involved is all that is required to establish probable cause.

.4 In establishing probable cause, the experience and special knowledge of the affiant may be considered. Additionally, the facts need not be within the personal knowledge of the affiant, but may be verified by this oath on information and belief.

### SEARCH AND SEIZURE WARRANTS 15.02

.1 Search and Seizure Warrants are issued for the seizure of contraband and the fruits and instrumentalities of crime, or evidence of where and by whom a crime was committed. Some examples include:

- a weapon used in a robbery or violent crime
- clothing worn during commission of the offense
- records, documents, photographs, and papers
- computers, drives, storage media, etc.
- stolen property
- narcotics
- biological material (i.e. DNA, blood, hair, etc.)

.2 In all cases, before a search warrant may be applied for by a member of this department, the request must be reviewed by his/her supervisor.

.3 Before being presented to a judge, all applications for search warrants are to be reviewed by the State's Attorney's Office for approval.



.4 Securing property pending issuance of a search warrant: Property may be secured or seized pending the issuance of a search warrant provided there exists both probable cause (discussed above in 15.1.3) and exigent circumstances (discussed below in 15.3.11).

.5 State law regarding the application for and execution of search warrants can be found in the Criminal Procedure Article, §1-203, and Maryland Rules, Rule 4-601. The following are relevant portions of those laws.

### CP §1-203

#### ***“No-knock search warrant” defined; grounds and application for search warrant***

***(a)(1) In this subsection, “no-knock search warrant” means a search warrant that authorizes the executing law enforcement officer to enter a building, apartment, premises, place, or thing to be searched without giving notice of the officer’s authority or purpose.***

***(2) A circuit court judge or District Court judge may issue forthwith a search warrant whenever it is made to appear to the judge, by application as described in paragraph (3) of this subsection, that there is probable cause to believe that:***

- (i) a misdemeanor or felony is being committed by a person or in a building, apartment, premises, place, or thing within the territorial jurisdiction of the judge; or*
- (ii) property subject to seizure under the criminal laws of the State is on the person or in or on the building, apartment, premises, place, or thing.*

#### ***(3)(i) An application for a search warrant shall be:***

- 1. in writing;*
- 2. signed, dated, and sworn to by the applicant; and*
- 3. accompanied by an affidavit that:*
  - A. sets forth the basis for probable cause as described in paragraph (1) of this subsection; and*
  - B. contains facts within the personal knowledge of the affiant that there is probable cause.*

***(ii) An application for a search warrant may be submitted to a judge:***

- 1. by in-person delivery of the application, the affidavit, and a proposed search warrant;*
- 2. by secure fax, if a complete and printable image of the application, the affidavit, and a proposed search warrant are submitted; or*
- 3. by secure electronic mail, if a complete and printable image of the application, the affidavit, and a proposed search warrant are submitted.*

***(iii) The applicant and the judge may converse about the search warrant application:***

- 1. in person;*
- 2. via telephone; or*
- 3. via video.*

***(iv) The judge may issue the search warrant:***

- 1. by signing the search warrant, indicating the date and time of issuance on the search warrant, and physically delivering the signed and dated search warrant, the application, and the affidavit to the applicant;*
- 2. by signing the search warrant, writing the date and time of issuance on the search warrant, and sending complete and printable images of the signed and dated search warrant, the application, and the affidavit to the applicant by secure fax; or*



3. by signing the search warrant, either electronically or in writing, indicating the date and time of issuance on the search warrant, and sending complete and printable images of the signed and dated search warrant, the application, and the affidavit to the applicant by secure electronic mail.
- (v) The judge shall file a copy of the signed and dated search warrant, the application, and the affidavit with the court.
- (vi) 1. If approved in writing by a police supervisor and the State's Attorney, an application for a search warrant may contain a request that the search warrant be a no-knock search warrant, on the ground that there is reasonable suspicion to believe that, without the authorization the life or safety of the executing officer or another person may be endangered.
  2. An application for a no-knock search warrant under this subparagraph shall contain:
    - A. a description of the evidence in support of the application;
    - B. an explanation of the investigative activities that have been undertaken and the information that has been gathered to support the request for a no-knock search warrant;
    - C. an explanation of why the affiant is unable to detain the suspect or search the premises using other, less invasive methods;
    - D. acknowledgment that any police officers who will execute the search warrant have successfully completed the same training in breach and call-out entry procedures as SWAT team members;
    - E. a statement as to whether the search warrant can effectively be executed during daylight hours and, if not, what facts or circumstances preclude effective execution in daylight hours; and
    - F. a list of any additional occupants of the premises by age and gender, as well as an indication as to whether any individuals with cognitive or physical disabilities or pets reside at the premises, if known.
  3. A no-knock search warrant shall be executed between 8:00 a.m. and 7:00 p.m., absent exigent circumstances.

***(4) The search warrant shall:***

- (i) be directed to a duly constituted police officer, the State Fire Marshal, or a full-time investigative and inspection assistant of the Office of the State Fire Marshal and authorize the police officer, the State Fire Marshal, or a full-time investigative and inspection assistant of the Office of the State Fire Marshal to search the suspected person, building, apartment, premises, place, or thing and to seize any property found subject to seizure under the criminal laws of the State;
- (ii) name or describe, with reasonable particularity:
  1. the person, building, apartment, premises, place, or thing to be searched;
  2. the grounds for the search; and
  3. the name of the applicant on whose application the search warrant was issued; and
- (iii) if warranted by application as described in paragraph (3) of this subsection, authorize the executing law enforcement officer to enter the building, apartment, premises, place, or thing to be searched without giving notice of the officer's authority or purpose.

***(5)(i) The search and seizure under the authority of a search warrant shall be made within 10 calendar days after the day that the search warrant is issued.***

- (ii) After the expiration of the 10-day period, the search warrant is void.



***(6) The executing law enforcement officer shall give a copy of the search warrant, the application, and the affidavit to an authorized occupant of the premises searched or leave a copy of the search warrant, the application, and the affidavit at the premises searched.***

***(7)(i) The executing law enforcement officer shall prepare a detailed search warrant return which shall include the date and time of the execution of the search warrant.***

(ii) The executing law enforcement officer shall:

1. give a copy of the search warrant return to an authorized occupant of the premises searched or leave a copy of the return at the premises searched; and
2. file a copy of the search warrant return with the court in person, by secure fax, or by secure electronic mail.

***(8)(i) In this paragraph, “exigent circumstances” retains its judicially determined meaning.***

(ii) While executing a search warrant, a police officer shall be clearly recognizable and identifiable as a police officer, wearing a uniform, badge, and tag bearing the name and identification number of the police officer.

(iii) 1. This subparagraph applies to a police officer whose law enforcement agency requires the use of body-worn cameras.

2. A police officer executing a search warrant shall use a body-worn camera during the course of the search in accordance with the policies established by the police officer's law enforcement agency.

(iv) Unless executing a no-knock search warrant, a police officer shall allow a minimum of 20 seconds for the occupants of a residence to respond and open the door before the police officer attempts to enter the residence, absent exigent circumstances.

(v) A police officer may not use flashbang, stun, distraction, or other similar military-style devices when executing a search warrant, absent exigent circumstances

### **Rule 4-601 - Search Warrants**

***(a) Authority to Issue; Title 5 Inapplicable.*** A search warrant may issue only as authorized by law. Title 5 of these Rules does not apply to the issuance of a search warrant.

***(b) Submission of Application.***

(1)Method of Submission. An applicant may submit an application for a search warrant by (A) delivery of three copies of (i) the application, (ii) a supporting affidavit, and (iii) a proposed search warrant in person or by secure facsimile; or (B) transmission of those documents to the judge by secure and reliable electronic mail that permits the judge to print the complete text of the documents. If the documents are transmitted electronically the proposed warrant shall be sent in an electronic text format specified by the State Court Administrator, and the judge shall print and retain a copy of the documents.

(2)Request for Sealing Affidavit. The application may include a request that the affidavit be sealed pursuant to Code, Criminal Procedure Article, § 1-203(e).

(3)Discussion about Application. Upon receipt of an application, the judge may discuss it with the applicant in person or by telephone, video conferencing, or other electronic means.

***(c) Issuance of Search Warrant.*** The judge may issue a search warrant by (1) signing the warrant and recording on it the date and time of issuance, and (2) delivering the signed and dated warrant, along with a copy of the application and affidavit, to the applicant in person, by secure facsimile, or by transmission of those documents by secure and reliable electronic mail that permits the applicant to print the complete text of the documents.

***(d) Retention of Application and Affidavits-Secrecy.***

- (1) A search warrant shall be issued with all practicable secrecy. The judge may seal a supporting affidavit for up to 30 days, subject to one 30-day extension as provided in Code, Criminal Procedure Article, § 1-203(e).
- (2) A judge who issues a search warrant shall retain a copy of the application, affidavit, and warrant until the warrant is returned, executed or unexecuted, pursuant to section (g) or (h) of this Rule. Upon return of an executed warrant, the judge shall comply with section (g). If the signed and dated warrant was transmitted to the applicant by electronic Cross reference: See Code, Criminal Procedure Article, § 1 - 203(a)(2)(vi) regarding requirements for no-knock search warrants.

***(e) Executed Warrant-Inventory; Copy.***

- (1) An officer shall make, verify, and sign a written inventory of all property seized under a search warrant, including a general description of electronically stored information received pursuant to the warrant in electronic, disk, paper, or other form.
- (2) At the time the warrant is executed, the officer executing the warrant shall leave with the person from whom the property was taken or, if that person is not present, an authorized occupant of the premises from which the property was taken (A) a copy of the search warrant and application, (B) a copy of the supporting affidavit, except an affidavit that has been sealed pursuant to section (d) of this Rule, and (C) a copy of the inventory.
- (3) Subject to subsections (e)(2) and (e)(4) of this Rule, if the person from whom the property was taken and an authorized occupant of the premises from which the property was taken are not present at the time the search warrant is executed, the copies shall be left in a conspicuous place at the premises from which the property was taken.
- (4) If a copy of the supporting affidavit was not left because it was under seal, a copy shall be delivered to the person from whom the property was taken or, if that person is not present, to an authorized occupant of the premises from which the property was taken within 15 days after the affidavit is unsealed.

***(f) Executed Warrant-Return.***

- (1) An officer who executes a search warrant shall prepare a detailed search warrant return, which shall include the date and time of the execution of the warrant and a verified inventory.
- (2) The officer shall deliver the return to the judge who issued the warrant or, if that judge is not immediately available, to another judge of the same circuit, if the warrant was issued by a circuit court judge, or of the same district, if the warrant was issued by a District Court judge, as promptly as possible and, in any event, (A) within ten days after the warrant was executed, or (B) within any earlier time set forth in the warrant. The return shall be accompanied by the executed warrant and the verified inventory.
- (3) Delivery of the return, warrant, and verified inventory may be in person, by secure facsimile, or by secure electronic mail that permits the judge to print the complete text of the documents.
- (4) If the return is made to a judge other than the judge who issued the warrant, the officer shall notify the issuing judge of when and to whom the return was made, unless it is impracticable to give such notice.
- (5) The officer shall deliver a copy of the return to an authorized occupant of the premises searched or, if such a person is not present, leave a copy of the return at the premises searched.



**(g) Executed Warrant-Filing With Clerk.** The judge to whom an executed search warrant is returned shall attach to the warrant the return, the verified inventory, and all other papers in connection with the issuance, execution, and return, including the copies retained by the issuing judge, and shall file them with the clerk of the court for the county from which the warrant was issued. The papers filed with the clerk shall be sealed and shall be opened for inspection only upon order of the court. The clerk shall maintain a confidential index of the search warrants.

**(h) Unexecuted Warrants.**

- (1) A search warrant is valid for ten days from the date it was issued and may be served only within that time. After the expiration of ten days, the warrant is void.
- (2) A search warrant that becomes void under subsection (h)(1) of this Rule shall be returned to the judge who issued it. The judge may destroy the warrant and related papers or make any other disposition the judge deems proper.

**(i) Inspection of Warrant, Inventory, and Other Papers.**

- (1) The following persons may file an application under this section:
  - (A) a person from whom or from whose premises property is taken under a search warrant;
  - (B) a person having an interest in the property taken; and
  - (C) a person aggrieved by the search or seizure.
- (2) Upon the filing of the application, the clerk shall send a copy of the application to the State's Attorney.
- (3) Except for papers then under seal or subject to a protective order, upon an application filed under subsection (i)(1) of this Rule, the court shall order that the warrant, inventory, and other related papers filed with the clerk be made available to the person or that person's attorney for inspection and copying.

**(j) Prohibited Disclosures; Contempt.**

- (1) Except for disclosures required for the execution of a search warrant or directed by this Rule or by order of court issued pursuant to this Rule:
  - (A) a person may not disclose that a search warrant has been applied for or issued prior to execution of the warrant, and
  - (B) a public officer or employee, may not disclose the contents of a search warrant or the contents of any other paper filed with it, even after execution of the warrant, except as authorized by a judge.
- (2) Any person who violates this section may be prosecuted for criminal contempt of court.

**.6 Physical extent of search** ~ for a building, the extent would include the building specified in the warrant, including all premises reasonably and logically a part of that building, and everything therein which could hide the things lawfully sought.

**.7 Extent of seizure** ~ only the things "particularly described" in the warrant, plus such other instrumentalities, fruits or contraband as happen to be seen openly while searching for the things particularly described, may be seized. If, during the search, probable cause is developed that other contraband or fruits or instrumentalities of crime are present, the officer must obtain a search warrant specific for those in order to search beyond the scope of the original warrant. For example, an officer is searching for stolen jewelry. He/she finds the jewelry, and also sees marijuana in plain





## Chapter 15

## Search and Seizure

sight. The officer may seize the marijuana, but must obtain another warrant to continue searching for other drugs.

**.8 Time consumed by the search** ~ whatever is reasonable under the circumstances.

**.9 Inventory of Property Taken:**

- A. Inventories shall be completed in detail on the HCCPD Search Warrant Return/Inventory form.
- B. Abbreviations and generalizations shall not be used in descriptions of articles.
- C. The officer executing the Search and Seizure Warrant will sign the completed inventories in the presence of the person from whom the property was taken, unless the person is not present.
- D. The officer executing the Search and Seizure Warrant will leave one copy of the inventory with person from whom the property was taken (or at the scene if the person is not present), retain one copy for the case file, and return the original to the judge at the same time the executed search warrant is returned.

**.10 Use of force or deception** ~ the officer may break both outer and inner doors if, after giving notice of his authority and purpose and demanding entrance, and after a reasonable amount of time, the officers is refused admittance. The determination of what is a reasonable amount of time is based on the individual circumstances. Peaceful entry by misrepresentation has been allowed.

**.11 Arrest of persons on the premises** ~ a search warrant is not authority for an arrest, but an arrest may be made on probable cause developed during execution of the search warrant.

**.12 Search of persons on the premises** ~ a search warrant for premises is not authority for searching persons found on the premises unless the search warrant so commands, or if officers develop probable cause independent of the search warrant. Officers may frisk persons on the premises if reasonable suspicion exists that the persons may be armed, however the suspicion must be articulable for each individual to be frisked.

**.13 Detention of persons on the premises** ~ during the execution of a search warrant, persons found on the premises may be detained to ensure officer safety, prevent destruction of or tampering with evidence, or as is reasonably needed to determine the person's involvement in the crime under investigation.

**.14 Return of the Search Warrant** ~ the life of a State Search Warrant is fifteen (10) days. The Search Warrant and Search Warrant Return shall be made in each instance to the issuing Judge, no later than five (10) days after execution.

**.15 Tactics** – the tactics and personnel used in the execution of each search warrant are decided on a case by case basis. Known and reasonably anticipated risks need to be considered when planning the execution of a search warrant. For example, if a search warrant does not contain a “no knock”



provision, officers may still enter the building, apartment, premises, place, or thing to be searched without giving notice of the officer's authority or purpose, on the grounds that there is reasonable suspicion to believe that, without the authorization, the life or safety of the executing officer or another person may be endangered.

### EXCEPTIONS TO SEARCH WARRANT REQUIREMENT 15.03

Courts have recognized certain exceptions to the search warrant requirement. Below are some of the exceptions more commonly encountered by police officers, and a brief summary of each.

.1 Arrest Warrant Exception - An arrest warrant is not a warrant to search. However, an officer can search a defendant's home for the defendant if;

- there is a valid arrest warrant, and
- there is probable cause to believe that the defendant is home.

NOTE: Such a search is limited to only places where a person could be found (i.e., a closet, not a dresser drawer)

.2 **Stop and frisk** - Included in this exception are two separate components; the warrantless seizure of the person during an investigative detention, and the warrantless search, or frisk, of the person's outer clothing. This exception was originally established in *Terry v. Ohio*, 392 U.S. 1, 20 (1968) and is commonly referred to as a "Terry" stop.

Regarding the first component (seizure of the person), if a police officer observes unusual conduct which leads him/her to reasonably conclude in light of his/her experience that criminal activity may be afoot, the officer may briefly stop the suspicious person and make reasonable inquiries aimed at confirming or dispelling his suspicions.

Regarding the second component (search of the person), if the police officer has reasonable suspicion that the person may be armed, the officer may conduct a pat down, or frisk, of the person. Because the object of the frisk is the discovery of dangerous weapons, it must therefore be confined in scope to an intrusion reasonably designed to discover guns, knives, clubs, or other hidden instruments for the assault of the police officer. Specifically, it must be confined to the outer clothing. Once the officer identifies by touch what he believes is a weapon, the officer may seize the object. If, in the course of a weapons frisk, "plain touch" reveals presence of an object that the officer has probable cause to believe is contraband, the officer may seize that object. This situation is analogous to that covered by the "plain view" doctrine: obvious contraband may be seized, but a search may not be expanded to determine whether an object is contraband.

In determining whether there is such reasonable suspicion as to authorize a frisk of the person, the following factors may be considered by the officer.

For both components, the officer's suspicion must be reasonable and articulable. This is an objective standard, focusing not on the police officer's actual state-of-mind, but on whether a reasonable person, having the information available to and known by the police, would have had





that level of suspicion. Based on the totality of circumstances, the detaining officers must have a particularized and objective basis for suspecting the particular person stopped.

Maryland Annotated Code, Criminal Law Article §4-206, contains the specific Maryland law on limited search, seizure, and arrest involving handguns. In addition to statutory authority and limitations of police officer, it also requires that every law enforcement officer who has conducted a "stop and frisk" of any person for a handgun shall, within 24 hours thereafter, file a written report on a form prescribed by the Secretary of Public Safety and Correctional Services, i.e. Firearms Report Form 97A.

**Use of Force During Investigative Stop.** The use of force during an investigative stop does not automatically convert the investigative stop into an arrest. An officer can use reasonable force during an investigative stop including the use of handcuffs) to protect himself/herself, other officers, and/or bystanders or to prevent the suspect from fleeing where the suspect has shown a willingness to flee.

**.3 Search Incident to Arrest** - Any person legally arrested can be searched for contraband, weapons and fruits of the crime. When an arrest is made, it is reasonable for the arresting officer to search the person arrested in order to remove any weapons that the latter might seek to use in order to resist arrest or affect his/her escape. In addition, it is entirely reasonable for the arresting officer to search for and seize any evidence on the arrestee's person in order to prevent its concealment or destruction.

The area into which an arrestee might reach in order to grab a weapon or evidentiary items is governed by a like rule which permits a warrantless search of the arrestee's person and the area within his immediate control-construing that phrase to mean the area from within which he/she might gain possession of a weapon or destructible evidence.

An extension of the search incident to arrest exception was created in the case of *Maryland v Buie* , 494 U.S. 325 (1990). Not only may officers search areas within the arrestee's immediate control in order to alleviate any threat posed by the arrestee, but they may extend that search if there may be a threat posed by "unseen third parties in the house." A "protective sweep" of the entire premises (including an arrestee's home) may be undertaken on less than probable cause if officers have a "reasonable belief," based on "articulable facts," that the area to be swept may harbor an individual posing a danger to those on the arrest scene.

If a person is arrested outside his house, office, or other premises protected by the Fourth Amendment, he cannot be taken to those premises for a search of them incidental to arrest. If the officer deliberately delays an arrest until the person is in his house or other premises, for the purpose of making an incidental search of those premises, the search is unreasonable, but not if the purpose of the delay is to make the arrest more securely and safely. If the officers find the person to be arrested outside the premises, and by fraud or deceit lure him into the premises and make the arrest there, so that a search of the premises can be made, the search is unreasonable.



**.4 Automobile Exception** - On the existence of probable cause, a vehicle can be searched without a warrant.

Once police have probable cause to believe there is contraband in a vehicle, they may remove it from the scene to the station house in order to conduct a search, without thereby being required to obtain a warrant. "[T]he justification to conduct such a warrantless search does not vanish once the car has been immobilized; nor does it depend upon a reviewing court's assessment of the likelihood in each particular case that the car would have been driven away, or that its contents would have been tampered with, during the period required for the police to obtain a warrant." (Michigan v. Thomas, 458 U.S. 259, 261, 1982)

In addition to a warrantless vehicle search based on probable cause, a vehicle can be "frisked", that is a limited search can be made of areas readily accessible to the occupants, if reasonable suspicion exists that weapons are present.

In *Arizona v. Gant*, the Supreme Court discussed both the automobile exception and the search incident to arrest exception. In that case the court concluded there is no entitlement to search the passenger compartment incident to every arrest. The search of the passenger compartment of a car can be justified only if the arrest is for the type of crime for which an officer could reasonably expect to find evidence in the car, or the arrestee is unsecured and actually within reaching distance of the passenger compartment when the search is made.

**.5 Vehicle Inventory:** Because of the lessened expectation of privacy, inventory searches of impounded automobiles are justifiable in order to protect public safety and the owner's property. Accordingly, any evidence of criminal activity discovered in the course of an inventory is admissible in court, provided Departmental policies for conducting an inventory search are followed (refer to section 14.13.2).

**.6 Consent** - A person with apparent control or authority gives voluntary consent. The person either must be legally stopped or legally in custody, or the person must be in a situation where a reasonable person would feel free to leave or refuse to consent. The person must also possess a level of maturity and mental ability to understand the nature and consequences of giving consent.

Consent can be given verbally, without any documentation or recording. The use of a Consent to Search form is recommended, however, as it assists the prosecution in its burden to prove the consent is voluntary, and it can help protect against allegations of violation of rights. If used, mark the consent form with an incident number and include with the incident report.

Once consent is obtained, conduct the search as you would with a search warrant. However, if during the search the person removes the consent, it must stop immediately. Also, the person may not be deliberately detained or removed to keep him from objecting to the consent.



If contraband, evidence, or fruits or instrumentalities of the crime are found before the consent is removed, probable cause is now established and the officer may proceed in accordance with current legal procedures (i.e. continue search based on any of the exceptions to the warrant requirement, or obtain a warrant to further search). Any contraband, evidence, or fruits or instrumentalities of a crime may be seized and held for disposition.

Factors Which Could Result in a Ruling that the consent was not voluntary:

- More officers than reasonably required for the situation.
- Exceeding the scope of the original contact without allowing the subject the opportunity to leave. For example, holding a subject's license longer than is reasonably necessary to complete a traffic stop and/or asking for consent during a traffic stop when no probable cause or reasonable suspicion of criminal activity exists; or holding a subject's identification or not allowing the subject the opportunity to leave once the reason for the stop has been satisfied.
- Threatening the subject with false statements or other action in return for the consent, such as, "If you do not consent I will get a search warrant anyway," or, "If you do not consent, I will charge you with the traffic violation I stopped you for."

The following are a few specific situations where consent may and may not be given:

- Owner or Landlord: an owner or landlord cannot authorize a consent search of leased premises that is valid against the tenant. The Fourth Amendment protects the right of possession, not legal title.
- Tenant, subtenant or roomer: a consent search directed against a tenant of any kind must be authorized by the tenant, not the landlord.
- Joint tenants and common occupants: there are inconclusive authority indicating that one joint tenant or common occupant can authorize a consent search valid against the others.
- Partners: a partner in a business enterprise may give a consent to search that is valid against both himself and the other partners.
- Spouse: there are sufficient decisions to tentatively conclude that one spouse may authorize a consent search of the family dwelling, excepting only those things within the dwelling which are completely under the control of the other spouse. Additionally, one spouse may not give consent to search any part of the family dwelling over the other spouse's objection.
- Agent: an employee or other person to whom the lawful possessor of the premises has given full agency powers over the premises may authorize a consent search valid against his employer.
- Employer: an employer may authorize a consent search of office or plant premises, valid against an employee, including any locker, desk drawer or similar place where the employee has no reasonable expectation of privacy.
- Employee: an ordinary employee, lacking agency status, has no authority to authorize a consent search of the employer's premises that is good against the employer.
- Custodian or personal property: a custodian to whom the owner has surrendered complete control may authorize a consent search valid against the owner. This may not, however,



authorize opening luggage, safes, or other personal storage items. If the custodian was to hold the object until the owner's return, then a search warrant would be required.

- Parent, relative, and children: in the absence of adequate authority on the point, it may be assumed that a parent can authorize a consent search against his minor child, but not the reverse, and that a parent or other relative living in the home of an adult child cannot authorize a consent search against the household. An adult child who maintains a bedroom in parent's house has a right to privacy, even if he/she does not pay rent, if the parent would not enter the room without permission. In that situation, a search warrant would be required.
- Guest or visitor: the person possessing the premises may authorize a consent search against a visitor or temporary non-paying guest, but not the reverse.

**.7 Plain View** - As long as the officer is legitimately on the premises or at the location, any item he/she observes and has probable cause to believe is contraband or evidence may be seized. Police can use spotlights and binoculars to enhance their ability to observe evidence (US v. Lee, US v. Dunn). There is also no Fourth Amendment violation to observe something that is visible to the naked eye while traveling in an airplane or helicopter in public airways. Police are further allowed to use vision enhancement equipment as long as it is accessible to the public. An officer may not manipulate an item where the object of the search could not reasonably be hidden.

The plain view doctrine has 3 requirements: (1) the officer must already have lawful presence in an area protected by the 4th Amendment; (2) the officer must observe an item in plain view; and (3) the officer must immediately recognize the item as evidence or contraband without making a further intrusion.

**.8 Abandoned Property** - Abandoned property is any property in which the owner relinquishes possession. When the property is abandoned, the owner no longer has any expectation of privacy over that property as protected by the Fourth Amendment. This is constructively done when the owner leaves the property unsecured in a public place, or takes any other measures to surrender ownership. Abandoned property that is rendered accessible to other members of the public is equally accessible to the police. When a suspect flees from the police and throws down a bag of illegal drugs, the drugs were abandoned. When a person leaves a satchel on a park bench, it is abandoned. A resident that removes trash from the curtilage of the residence and places it by the curb no longer has a privacy interest in it.

**.9 Open Fields** - Open fields encompass any open, undeveloped property that is not intimately used for dwelling (including curtilage) or business. Open fields are not protected under the Fourth Amendment, as they are not "persons, houses, papers and effects." The status of an open field does not change even if a fence secures the property and "no trespassing" signs are erected.

**.10 Inventories and custodial searches** - These types of searches are administrative in nature, done for the purpose of inventorying and securing the personal effects for safekeeping. The most common are inventories of vehicle contents when a vehicle is towed or impounded at the direction



of an officer, and searches of person's property after he has been arrested and submitted for detention. Although evidence may be found during a custodial search, this is not the primary reason for it. The goal is to protect the officer and the employer, as well as the owner of the property in case theft or damage occurs or false allegations are made.

**.11 Exigent Circumstances** - this can be described as those circumstances that would cause a reasonable person to believe that entry (or other relevant prompt action) was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts. The practical application of exigent circumstances allows an officer to enter a home or business, or seize property without a warrant. The officer is limited to taking steps in ending the exigency. The officer can retrieve and secure any evidence found in plain view, but cannot conduct a full search. Once the situation is stabilized, the officer is required to obtain a search warrant to continue searching for evidence.

### **STRIP SEARCHES AND BODY CAVITY SEARCHES 15.04**

**.1** This Department recognizes that the use of strip searches and body cavity searches may, under certain conditions, be necessary to protect the safety of officers, civilians and other prisoners; to detect and secure evidence of criminal activity and to safeguard the security, safety and related interests of the Washington County Central Booking Facility. Recognizing the intrusiveness of these searches on individual privacy, however, it is the policy of this Department that such searches shall be conducted only with proper authority and justification, with due recognition and deference for the human dignity of those being searched and in accordance with the procedural guidelines for conducting such searches as set forth in this policy.

#### **.2 STRIP SEARCHES**

- A.** A *strip search* is defined as any search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of the skin surfaces of the genital areas, breasts, and/or buttocks.
- B.** Individuals arrested shall not be subject to strip searches unless the arresting officer has articulable, reasonable suspicion to believe that the individual is concealing contraband or weapons. Reasonable suspicion may be based upon, but is not limited to:
  - The nature of the offense charged.
  - The arrestee's appearance and demeanor.
  - The circumstances surrounding the arrest.
  - The arrestee's criminal record, particularly past crimes of violence and narcotics offenses.
  - The discovery of evidence of a major offense in plain view or in the course of a search incident to the arrest.
  - Detection of suspicious objects beneath the suspect's clothing during a field search incident to arrest.



- C. Where articulable, reasonable suspicion exists to conduct a strip search on an adult or juvenile the officer shall request permission from a supervisor. When making such a request, the officer requesting such action will clearly define the basis for suspicion.
- D. When authorized by a supervisor, strip searches may be conducted only:
- at Central Booking or other location that provides privacy from all but those authorized to conduct the search (except as provided in section 15.4.2.5);
  - in conformance with approved hygienic procedures or professional practices;
  - by at least two officers (if additional officers are needed, the least number needed will be used), and only by those of the same sex as the person searched and
  - under conditions that provide privacy from all but those authorized to conduct the search.
- E. Field strip searches of prisoners shall be conducted only in the rarest of circumstances under exigent circumstances where the life of officers or others may be placed at risk, and only in private.
- F. If during a strip search the officer observes that suspected weapons or contraband are being concealed only partially in a body cavity such as the anus or vagina, the officer may retrieve the item as long as doing so will not require an intrusion inside the body cavity, and it is reasonable to believe that the person being searched will not be injured by the retrieval. If reasonably necessary for the safety of the suspect/or officers, the officer may immediately remove the weapons/contraband.
- G. All strip searches shall be documented in the investigative report (or supplement report) by the officer performing the search. Included in the report shall be the following information:
- Location of the search.
  - Identity of the officer conducting the search.
  - Identity of the individual searched.
  - Those present during the search.
  - Name of supervisor authorizing the search.
  - The justification for the search.
  - A detailed description of the nature and extent of the search.
  - Any weapons, evidence or contraband found during the search.
- H. If a strip search of a transgender individual is required, the officers conducting the search will be of the same gender as the arrestee as determined in the Gender Identification section of this policy.



.3 BODY CAVITY SEARCH – These types of searches will only be conducted in extreme circumstances and require permission from the Chief of Police. Those extreme circumstances are instances that would place the lives of the arrestee or anyone involved in danger. If a subject under arrest leads an HCC Police Officer to believe he/she has swallowed something or hidden a weapon and/or contraband inside their body, the Chief of Police is to be notified immediately. If the officer believes the subject's life is in danger, the officer will immediately transport that person to Meritus Medical Center. The policy below outlines best practices for body cavity searches.

- A. A *body cavity search* is defined as any search involving not only visual inspection of skin surfaces, but the internal physical examination of body cavities (excluding the mouth) and, in some instances, organs such as the stomach cavity.
- B. Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that the suspect is concealing a weapon, evidence or contraband within a body cavity, the procedures in this section (15.4.3) shall be followed.
- C. The suspect shall be kept under constant visual surveillance until a body cavity search is conducted or an alternative course of action taken.
- D. The officer shall consult with his/her immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search. The decision to seek a search warrant shall recognize that a body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature and/or poses a threat to the safety officers or others, and/or the security of detention operations.
- E. If probable cause exists for a body cavity search, an affidavit for search warrant shall be prepared that clearly defines the nature of the alleged offense and the basis for the officer's probable cause.
  - If the body cavity search is for a juvenile, that information (i.e., subject is a juvenile) must be included in the affidavit for the search warrant.
- F. On the basis of a search warrant, a body cavity search shall be performed only by a physician or by other medically trained personnel at the physician's direction.
- G. The search shall be conducted at a medical facility under conditions that provide privacy from all but those authorized to conduct the search, and with enough police personnel in place to provide adequate security. Police personnel who will be observing the search must be of the same sex as the person being searched.
- H. Body cavity searches shall be performed with due recognition of privacy and hygienic concerns previously addressed in this policy.
- I. All body cavity searches shall be documented in the investigative report (or supplement report) by the officer requesting the search. Included in the report shall be the following information:
  - Location of the search.
  - Identity of the medical personnel conducting the search.
  - Identity of the individual searched.
  - Those present during the search.
  - The identity of the judge who authorized the search warrant.
  - A detailed description of the nature and extent of the search.
  - Any weapons, evidence or contraband found during the search.





- J. If a strip and body cavity search of a transgender individual is required, the officers conducting the search will be of the same gender as the arrestee as determined in the Gender Identification section of this policy.

#### **4. Searches Involving Transgender Person(s):**

##### **Definitions:**

- 1) Transgender – Any person whose gender identity or expression differs from one which corresponds to a person’s anatomical sex at birth.
- 2) Gender Identity/Expression – The actual or perceived identity or behavior of a person as being male or female.
- 3) Sexual Orientation – An individual’s enduring romantic, emotional, and/or sexual attraction to individual(s) of a particular gender.

##### **Searches**

- 1) Searches will be conducted by an officer who is the same gender as the arrestee as determined in the policy and is in accordance with both warrantless search and seizure and the search of prisoners. The exception to this policy will be those person(s) who have undertaken operative procedures for gender reassignment.
  - Male to female person(s) will be processed as a female.
  - Female to male person(s) will be processed as a male.
- 2) A person may request an officer of the same gender identity or expression is present while the search takes place. When reasonable, an officer of the same gender expression as the arrestee will be requested to respond to the incident scene to be present for the field search.
- 3) If an arrestee objects to being searched by a female or male officer, the office will inquire the nature of the objection. The officer will consult with their supervisor and document the objection in a supplemental report attached to the arrest, specifically indicating the person’s stated preference.
- 4) Transgender persons will not be subject to more invasive search or pat down procedures than non-transgender persons.
- 5) Identify related items such as clothing, wigs and other cosmetic items may be temporarily seized:
  - Only as necessary to ensure officer safety;
  - Consistent with procedures while processing non-transgender persons; and
  - In accordance with this policy.





## COLLECTION AND PRESERVATION OF EVIDENCE

### RESPONSIBILITIES FOR SECURING AND PROTECTING AN INCIDENT SCENE 16.01

It is the responsibility of the first officer present at the scene of a crime to secure that scene from all nonessential personnel. The scene of a crime must be secured as soon as possible to prevent contamination and/or loss of evidence. The officer securing the scene should initiate a log or a Supplement Report listing the time, name, and reason for all personnel who enter the crime scene. All personnel at the scene will not disturb, touch, or handle physical evidence prior to processing.

### RESPONSIBILITIES FOR PROCESSING CRIME SCENES/COLLECTING EVIDENCE 16.02

.1 Depending on the type of crime, crime scenes may be processed by Sworn Officers, Criminal Investigators (Detectives) through mutual aid request or personnel from the Western Maryland Regional Crime Lab (WMRCL) through mutual aid request. The following guidelines will determine crime scene processing responsibilities:

#### A. PROCESSING TO BE CONDUCTED BY PATROL

- Malicious destruction of property (including motor vehicles).
- Theft from motor vehicles.
- Misdemeanor theft (persons, vehicles, businesses)
- Burglaries (except those that are part of a more serious crime requiring processing by a CIU or lab personnel).
- All items which can be processed for latent prints by use of a standard finger printing kit.

#### B. PROCESSING TO BE CONDUCTED BY CIU AND/OR THE WMRCL

- Homicides.
- Rapes and/or serious sex assault cases.
- Serious assaults (first degree, shootings, stabbings, etc.).
- Crime scenes which require an expertise in collection due to the nature of the evidence.

.2 If an officer is not sure who should be responsible for processing a specific crime scene, he/she is to consult with a supervisor, who will make the determination.

.3 The personnel processing the scene (Patrol Officer(s), Detective(s) or Crime Lab Personnel) have the responsibility to direct and supervise those assisting the scene.

.4 Personnel processing a crime scene or incident will be responsible for photographing, collecting, preserving, transporting, and submitting all evidence to the evidence control function.

.5 On any other occasion when evidence is collected (arrests, stop and frisk, etc.), the evidence will be marked, sealed, tagged, and submitted to the evidence control function by the collecting officer.



.6 Digital storage media collected as evidence will be properly marked, sealed, tagged and submitted to the evidence control function by the collecting officer with a completed Property Record and chain- of-custody documentation. Digital storage media may contain video recordings; audio recordings; individual images; etc.

.7 Any person who processes a crime scene or otherwise collects evidence, whether alone or in conjunction with other personnel in an investigation, shall submit a Supplement Report detailing his/her action at the scene. If the person processing the scene is conducting the preliminary investigation and prepares the initial Investigative Report, his/her actions regarding crime scene processing may be included in that report in lieu of a Supplement Report.

.8 Accident scenes requiring the services of an accident reconstructionist will be processed and evidence collected by the reconstructionist. Other accidents shall be processed and evidence collected by the investigating officer. Assistance from a CIU or lab personnel may be requested.

.9 The use of personally owned electronic devices is strongly discouraged for Official Departmental business, except under exigent circumstances where evidentiary value may be compromised or the effectiveness of a criminal investigation may be impacted. Officers will utilize college issued cell phones to photograph crime scenes and/or document an incident. The images and/or video can then be downloaded to Axon Evidence using the Axon Capture application. The evidence management system in Axon can then store the images under the appropriate case number. Axon's evidence management system can be used to house all types of digital evidence in one location.

.10 Due caution and appropriate safety measures should be taken whenever collecting evidence which could pose a risk of danger to the officer or others.

.11 Personnel may only collect those types of evidence they have been trained to collect. Training may be received from a variety of sources, including, but not limited to:

- entry level (e.g. academy)
- in-service (internal or external)
- pre-service (technical training, college, etc.).

### **REQUIREMENT FOR CRIME/ACCIDENT SCENE PROCESSING AVAILABILITY 16.03**

.1 Response to calls for service where a crime has been committed that may involve physical evidence processing and further analysis. In such instances, evidence will be collected promptly and submitted to the Western Maryland Crime Laboratory without delay.

.2 In cases requiring an accident reconstruction, the accident reconstructionist will be requested through mutual aid assistance without delay.



.3 In many cases, the implementation or continuation of the investigative process must await the completion of certain aspects of crime scene processing. Therefore, in cases requiring the immediate services of a Detective, Crime Lab Personnel, or Accident Reconstructionist to process a scene, mutual aid assistance will be requested as soon as possible. The initial responding officers shall secure and protect the scene until the arrival of applicable personnel.

### **SEALING, MARKING, AND LABELING PHYSICAL EVIDENCE 16.04**

.1 Physical evidence collected by investigating officers or laboratory personnel shall be marked as soon as practical. The mark shall consist of the collector's initials (or any unique mark chosen) and the date scribed or marked with indelible pen (or scratched on if pen does not work) in a location that will not mutilate or destroy the value of the item itself or the item's value as a piece of evidence. If the recovered item displays a serial number, that number may be recorded and used for purposes of identification to prevent marking of the item. If the nature of the evidence prevents the officer from marking it directly, or if the value of the evidence would be adversely affected by marking, the officer will mark the container in which the evidence is sealed.

.2 Certain types of evidence need to be collected in some type of container or packaging to protect it. Evidence which is susceptible to change, contamination, or tampering (CDS, documents, items which need to be processed or analyzed, small items, etc.) or items which would be hazardous (razors, knives with exposed blades, etc.) will need to be packaged for protection. The person recovering the evidence will place such evidence in a proper container; seal the container in a tamper-proof manner, and place his/her mark on the seal. Approved methods of tamper-proof sealing include:

1. Evidence integrity tape.
2. Self-sealing tamper-proof evidence bags.
3. Heat sealing of plastic bags.

.3 All evidence packages must be labeled or tagged. The label or tag must contain the following information:

1. Report number.
2. Date of collection.
3. Recovering/packaging individuals name.
4. Description of exhibits including make, model, and serial number, if any.

.4 In the event that a sealed evidence container has to be opened prior to presentation at trial (e.g. for lab analysis, examination by attorneys, etc.), the person breaking the seal will indicate possession of the evidence on the chain of custody log(s). When the evidence is replaced in the container, the same person will reseal it and place his/her mark and date on the seal. If the evidence is opened at trial or by the prosecutor just before the trial, the officer who signed it out will reseal it after it is returned to him/her.

.5 Each person who takes custody of evidence sealed in a container or package will inspect the container or package to ensure that it is secured and properly sealed. If it is not, the person will



return the evidence to the last person who had custody. That person will inspect the package and evidence to ensure that it is in the same condition as when he/she last had possession of it. Once this is confirmed, that person will properly seal the container or package before it is received by anyone else. Any discrepancies discovered through this inspection process will be reported to the HCC Lieutenant. By taking custody of evidence sealed in a container (and signing to chain of custody log), each individual is certifying that the package or container is secured and properly sealed.

### **COLLECTION OF BLOOD AND/OR OTHER BODY FLUIDS 16.05**

.1 Appropriate safety measures as set forth in the Policies and Procedures of this Department will be followed when collecting, handling and transporting evidence containing (or possibly containing) human body fluids. Protective gloves will be worn, and depending on the nature of the evidence and the collection scene, protective clothing, face masks, eye-wear, etc. will be worn.

.2 Fresh (wet) blood will be collected either on sterile swabs or on sterile gauze and must be air dried before packaging. Wet swabs or gauze may be transported to the HCC PD office in a plastic, non-sealed container, prior to air drying.

.3 After thoroughly drying, the item will be packaged in brown wrapping paper, paper bags, or similar packaging. Packaging will be marked, sealed, and tagged or labeled. Multiple items must be packaged individually to avoid contamination.

.4 When collecting dry blood not on fabrics, the entire object that contains the blood stain should be submitted whenever possible.

.5 When the blood stain is located on a wall, floor, or other object that cannot be submitted, one of the following procedures should be utilized:

- A. When a large amount of stained material is present, the easiest technique is to scrape several large flakes into a plastic vial. Evidence containers must be marked, sealed, and tagged or labeled.
- B. When the stain is small, collect the stain on 2-4 sterile cotton tip swabs. Moisten the swabs with sterile distilled water then swab the blood stains. Allow to completely air dry before packaging in a swab carton. Label and mark the carton and package it in a manila envelope or paper bag. Dried blood stains do not require refrigeration. Mark, seal, and label the envelope or bag as previously described.

.6 Other types of stains can be collected using the same procedures as previously described for wet and dry blood.

.7 Body tissue must be collected and placed in a sterile vial containing sterile, distilled water. The vial must be capped, sealed, marked, labeled and transported to the Western Maryland Crime Lab to be placed in the bio-hazard evidence room refrigerator. In the event of evidence requiring such storage is seized outside the normal operating hours of the WMRCL, the evidence will be



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transported to the Hagerstown Police Department and placed in one of the temporary evidence refrigerators.

.8 Any bio-hazardous material (e.g., blood-soaked clothing) that needs to be dried will be transported to the WMRCL and placed in a bio-hazard drying chamber, located at the Hagerstown Police Department. The biohazard drying chamber door must be secured. It is the responsibility of the officer placing evidence in the biohazard chamber to remove and package the evidence after drying. The biohazard chamber must be cleaned before AND after each use. Evidence must be taken directly to the Evidence Custodian or placed in a temporary evidence locker once removed from the biohazard drying chamber. Instructions for the proper care and security of the biohazard drying chamber are displayed outside the chamber.

### COLLECTION OF LATENT PRINTS 16.06

.1 Latent impressions developed with fingerprint powder may be photographed on the original object. After being photographed, they should be lifted.

.2 The lifted print is to be placed on a Latent Fingerprint Investigation card and the following information listed:

- Report number
- Date and time processed
- Processed by (print name) and initial
- Location processed

.3 Visible prints subject to destruction during the course of processing should first be photographed before extraordinary measures are taken to further develop and collect them.

.4 If an item contains latent fingerprints of potential evidentiary value but the processing employee does not believe he/she will be able to lift the print successfully, the item may be removed from the scene and submitted to the Western Maryland Regional Crime Laboratory for processing.

.5 When requesting a comparison of latent prints with fingerprints of a known suspect, the requesting officer will include inked finger and palm prints and/or provide the appropriate local, SID, or FBI identification number (if available) of the suspect.

.6 When possible, collect exemplar samples from victims or other persons who had access to the relevant item or area, and submit the samples with the latent print evidence.

### COLLECTION OF CONTROLLED DANGEROUS SUBSTANCES 16.07

.1 All CDS evidence will be sealed in tamper proof evidence packaging.

.2 The evidence package or property tag will list all exhibits contained within.



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.3 When hypodermic syringes are submitted as evidence, the submitting officer will package the needle/syringe in a specialized syringe safety container. These containers are located in the evidence packaging storage area in the Patrol office. The containers consist of a plastic cylinder with a Styrofoam bottom. The needle of the syringe is embedded into the Styrofoam, and the container is sealed before submission to the Evidence Room.

.4 Items which can be counted (pills, capsules, individual baggies, marijuana cigarettes, etc.) will be counted before packaging, and the exact number will be recorded on the Property Record and laboratory analysis request. The quantity will also be noted in the Investigative-Report.

### COLLECTION OF CLOTHING 16.08

.1 Wet clothing collected as evidence should be dried in a bio-hazard drying chamber as described in section 16.05.

.2 If more than one piece of clothing is collected in conjunction with an incident, each piece of clothing will be marked, packaged, and tagged individually to prevent contamination.

.3 Wet clothing collected from different sources should be dried separately to prevent cross contamination.

### COLLECTION OF MONEY AND DOCUMENTS 16.09

.1 Documents that are wet will be handled in the same manner as wet clothing.

.2 An accurate count of money is the responsibility of the submitting officer.

.3 Before being placed into evidence, currency will be counted and packaged as follows:

- A. The submitting officer will create a photocopy or printed photograph of every bill in a manner that displays the denomination and serial number of each. The recommended method is to overlap the bills.
- B. The submitting officer and a sworn supervisor will count the currency to verify the amount, and that each bill has been included in the photocopy or photograph. Both will place their signatures on the photocopy or photograph.
- C. Immediately after the above verification and while still in the presence of the sworn supervisor, the submitting officer will package the currency, and seal and mark the packaging. The sworn supervisor will also place his/her mark on the seal.

.4 Coins will be counted and packaged in the same manner as paper currency, with the following exceptions/variations:

- A. Large amounts of coins may be packaged in bulk without a count.
- B. Photocopying or photographing coins will be at the discretion of the submitting officer or the sworn supervisor.



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.5 The submitting officer will include in the investigative or supplement report the following information:

- A. The amount submitted, or for coins submitted in bulk, a detailed description.
- B. The name of the sworn supervisor verifying the count or description.

.6 If the verifying supervisor is not the one who approves the officer's report, the verifying supervisor will prepare a supplement report with the above information. If the verifying supervisor is the one who approves the report, the supervisor will not need to prepare a supplement.

.7 At any time a sealed package containing currency is opened, the person opening it will do so in the presence of a sworn supervisor. Both will verify that the contents match the amount and/or description on the packaging and reports. Discrepancies are to be reported to the Chief of Police through official channels. Re-sealing will be done according to the same procedures described above.

### COLLECTION OF FIREARMS 16.10

.1 All firearms submitted to the property room must be unloaded.

.2 All handguns submitted as evidence must be packaged in a protective gun box.

.3 Long arms submitted as evidence must be appropriately marked and/or tagged. Long arms must be packaged in a protective gun box in cases where a laboratory examination is requested and submitted to the WMRCL.

.4 Ammunition, magazines and/or accessories present with firearm evidence should be packaged separately.

.5 Separately packaged ammunition and magazine(s) associated with a particular firearm should be placed inside the gun box with the firearm.

.6 Officers seizing firearms shall complete a Firearms Inventory and leave it with the person, or at the place where the firearms were seized. The form will include information describing the firearm, the identity of the officer and person from whom it was received from and the HCC PD Report Number. Completion of this form is not required in the following circumstances;

- A. Service of a search warrant intended to recover the firearms as evidence which already involves or requires the provision of a search inventory
- B. In cases where the firearm is simply found by an officer or person who is not the owner
- C. In the event that a firearm is seized as evidence relative to an individual who is carrying or possessing it in violation of the law.





### COLLECTION OF VOLATILE/HAZARDOUS MATERIALS 16.11

- .1 Volatile fluid of evidentiary value will be stored in the evidence room in metal containers. A maximum of one pint will be stored. Excess volatile fluid will be disposed of in accordance with EPA and Fire Department procedures for hazardous waste materials.
- .2 Fireworks, road flares, fuses, or ammunition less than .50 caliber may be submitted. All other explosives will be considered unsafe. Such material will be photographed and safely disposed of according to applicable local, state, and federal law.
- .3 Other hazardous materials such as chemicals, nuclear material or other unsafe matter will be photographed and disposed of according to applicable local, state, and federal law.
- .4 No explosives, dangerous chemicals, nuclear material or ammunition greater than .50 caliber will be submitted to the evidence room. The recovering officer will contact the Fire Department, Hazardous Materials Team, Fire Marshall's Office or other specialized agency when such material is recovered. All such items are to be photographed and disposed of according to procedures in the codified ordinance. Handling of the items will be accomplished by requesting the specialized agency at the scene.

### PROCEDURES FOR PROCESSING STOLEN VEHICLES 16.12

- .1 Vehicles that are reported stolen from the Campus will generally be examined by the investigating officer upon recovery. This examination may be conducted by the jurisdiction where the vehicle is recovered if it is outside of Washington County. This department may process another jurisdiction's stolen vehicle(s), if requested.
- .2 The recovered vehicle should be processed for evidence at the recovery scene. If this is not practical, the recovered vehicle shall be towed to the Washington County Sheriff's Office and placed in the impound lot. If adverse weather exists or environmental conditions are not suitable for vehicle processing within the impound lot, the vehicle may be towed to an enclosed area for processing provided approval is received from a supervisor.
- .3 Any evidence collected from the recovered vehicle will be marked, sealed, labeled/tagged, and placed in the Evidence Room to maintain a chain-of-custody.
  - A. The assigned case officer will complete an Investigative Report for recovered stolen property on any vehicle recovered on campus that was reported stolen by another jurisdiction. The vehicle will be held as long as needed by this Department for evidence. It will then be released to the reporting agency if that agency needs it for evidence. If the vehicle is not needed for evidence, it will be released to the owner after the tow fee is satisfied. If the owner does not respond for the vehicle within a reasonable period of time, applicable WCSO impound policies will apply.
  - B. Recovered vehicles reported stolen to HCC PD require only a supplemental report to be added to the original report.





C. It shall be the responsibility of the assigned Case Officer recovering the stolen vehicle to notify the Dispatcher operating the teletype with the following information:

- Time and date of recovery
- Name and I.D. number of recovering officer.
- Vehicle location, condition, and name of towing company.
- Vehicle VIN number and registration.
- Time and date owner was notified or notification was attempted.

### DNA EVIDENCE 16.13

.1 Biological evidence, which contains DNA, is not always visible to the naked eye. DNA testing has expanded the types of useful biological evidence. All biological evidence found at crime scenes can be subjected to DNA testing.

.2 Since only a few cells can be sufficient to obtain useful DNA information to help your case, the list below identifies some common items of evidence that you may need to collect, the possible location of the DNA on the evidence, and the biological source containing the cells. Remember that just because you cannot see a stain does not mean there are not enough cells for DNA typing. Further, DNA does more than just identify the source of the sample; it can place a known individual at a crime scene, in a home, or in a room where the suspect claimed not to have been. It can refute a claim of self-defense and put a weapon in the suspect's hand. It can change a story from an alibi to one of consent. The more officers know how to use DNA, the more powerful a tool it becomes.

.3 Contamination: The risk of contamination of any crime scene can be reduced by limiting incidental activity. In addition to the collection procedures described in this chapter, it is important for all law enforcement personnel at the crime scene to make a conscious effort to refrain from smoking, eating, drinking, littering or any other actions which could compromise the crime scene. Because DNA evidence is more sensitive than other types of evidence, law enforcement personnel should be especially aware of their actions at the scene to prevent inadvertent contamination of evidence.

.4 The following are some examples of physical evidence and their potential as sources of DNA.

Evidence	Possible Location of DNA on the Evidence	Source of DNA
Baseball bat or similar weapon	handle, end	sweat, skin, blood, tissue
Hat, bandanna, or mask	inside	sweat, hair, dandruff
Eyeglasses	nose or ear pieces, lens	sweat, skin
Facial tissue, cotton swab	surface area	mucus, blood, sweat, semen, ear wax
Dirty laundry	surface area	blood, sweat, semen
Toothpick	tips	saliva
Used cigarette	cigarette butt	saliva
Stamp or envelope	licked area	saliva
Tape or ligature	inside/outside surface	skin, sweat
Bottle, can, or glass	sides, mouthpiece	saliva, sweat
Used condom	inside/outside surface	semen, vaginal or rectal cells
Blanket, pillow, sheet	surface area	sweat, hair, semen, urine, saliva



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"Through and through" bullet	outside surface	blood, tissue
Bite mark	person's skin or clothing	saliva
Fingernail, partial fingernail	scrapings	blood, sweat, tissue

Source: <http://nij.gov/topics/forensics/evidence/dna/basics/pages/identifying-to-transporting.aspx>

### CRIME SCENE SKETCHES 16.14

.1 When crime scene sketches are drawn pursuant to the collection and preservation of evidence, they will contain the following information:

- Dimensions.
- Relation of the crime scene to other buildings, geographical features, or roads.
- Address, floor or room number as appropriate.
- Location of significant features of the scene, including bodies.
- Date and time of preparation.
- Name(s) of person(s) preparing the sketch.
- Compass direction.
- Location of items of physical evidence recovered.

.2 Generally, the processor of the scene will make rough sketches and measurements, including sufficient additional information so a final representative drawing to scale can be made at a later time. These rough sketches may be considered evidence and should be kept with the original report or documents.

### CRIME SCENE/EVIDENCE PHOTOGRAPHY 16.15

.1 While photographs are not evidence in and of themselves, they provide visual documentation of incident scenes, the location and condition of evidence within the scene, victims, suspects, etc. Photographs allow investigators to recreate that scene for later analysis or for use in the courtroom. The following are examples of situations that may require photography:

- Homicide
- Suicide
- Accidental death
- Rape, abduction or kidnaping
- Burglary
- Aggravated or felonious assaults
- Any crime scene upon request of the reporting or investigating officer
- Fatal or serious injury traffic accidents
- Accidents, damage or injury involving City property
- Any injury to a Department employee sustained on duty
- Injuries to a police officer or citizen during an arrest
- Investigation of excessive force
- Serious property damage accidents.



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- .2 The method of crime scene/evidence photography for HCC PD personnel shall be digital. Conventional photography will not be utilized.
- .3 Officers shall ensure the electronic version either is attached to the investigative report via uploading, or is provided for inclusion in the electronic case file. If the latter method is used, the photos may be emailed or provided on electronic media such as CD, DVD, thumb drive, etc.
- .4 Digital photographs taken by WMRCL personnel will be processed and stored according to laboratory protocols developed in accordance with accreditation and regulatory requirements.
- .5 When the exact size of an item being photographed is required, a scale will be placed next to the item to add dimension and aid in development for life-size prints. A second photograph of the item will be taken using the same camera settings, position and lighting in the event the court desires photographs of evidence in which nothing has been introduced into the field of view.
- .6 If the evidence to be photographed includes a fixed object, the dimensions of that object can be used to provide a scale reference within the photograph(s).
- .7 A Supplement Report shall be submitted by the photographer if he/she is not preparing the initial Investigative Report. When describing the photographic evidence, officers preparing reports shall include the date, time, and location of the photos.
- .8 Videography and imaging may supplement, but should not replace still photography.
- .9 Evidence belonging to crime victims which is considered to be a personal or business necessity may be photographed and returned to victims without being submitted to the evidence room. Other evidence belonging to crime victims must be submitted to the evidence room per standard procedures and may only be photographed and released before trial with the consent of the Washington County State's Attorney. NOTE: SAO consent is not required in each case if the officer or a supervisor determines the release is reasonable based on his/her experience in other similar cases. The photographs will be included in the electronic case file as described in this section.

### **SUBMISSION OF EVIDENCE TO THE EVIDENCE CONTROL FUNCTION 16.16**

- .1 Each department member responsible for submitting evidence shall do so with the required property reports before the end of the member's tour of duty.
- .2 An HCC Property Record Form will be completed and signed by the submitting officer. The white and yellow copies of the Property Record will be submitted to the evidence room with the item(s). The officer will keep the pink copy of the Property Record in their case file. The same information on the evidence label or tag will be listed on the Property Record. The Property Record form must accompany all evidence submitted to the evidence room. A separate Property



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Record shall be completed for each of the following types of evidence (when more than one of these types of evidence are collected together):

- Guns and ammunition (may be included together on the same property record)
- Money confiscated for forfeiture
- CDS and CDS Paraphernalia
- Evidence (other than CDS) likely to be submitted for laboratory analysis
- All other evidence (maybe included together on the same Property Record)

.3 With the exception of blood, urine, semen and other body fluids or tissue (see next section), all evidence will be placed in the designated evidence safe/room. Additionally, the evidence custodian or approved designee may be called in to secure items in the evidence room or custodian's office if the nature of the evidence, case, or particular situation would suggest that would be appropriate.

.4 Blood, urine, semen and other body fluids or tissue collected in liquid form should be submitted to the WMRCL and placed in the refrigerator or freezer, depending on the sample, in the Departments bio-hazard evidence room. If the Evidence Custodian is not available at the time the specimen is collected, the specimen is to be placed in one of the temporary evidence refrigerators located at the Hagerstown Police Department. The refrigerator is to be padlocked (lock and key are kept with the refrigerator) and the key placed in the evidence drop box with the property record/chain of custody. The Hagerstown Police Department Evidence Custodian shall remove the evidence to the bio-hazard evidence room as soon as possible.

.5 Evidence Room Drop Box – There is a secure, drop box attached to the HCC Evidence Room. This drop box allows officers to deposit evidence/property into the evidence room without the assistance of the Evidence Custodian or designee. Items that can fit through the slot, should be packaged accordingly and accompanied with the HCC Property Form. The chain of custody should note the time/date the item was dropped into the evidence room.

.6 Temporary Evidence Safe – The temporary evidence safe should be utilized for items that are too large to pass through the evidence room drop box or when a custodian is not available. If an officer recovers a laptop after hours he/she should secure that item inside the temporary evidence safe. That item should be packaged accordingly and be accompanied with an HCC Property Form. The chain of custody should note the time/date the evidence was secured in the ***Temporary Evidence Safe***. The officer will then take the key to the Temporary Evidence Safe and deposit it into the Evidence Room drop box. This will insure the integrity of the item stored inside the Temporary Evidence Safe. The Evidence Custodian, or designee, will have the ability to remove the item from the Temporary Evidence Safe and log it into the HCC Evidence Room. This transfer will be documented in the chain of custody portion of the Property Held Form. The key to the Temporary Evidence Safe will then be removed and placed back in the Patrol Room.

### REQUESTS FOR LABORATORY EXAMINATION 16.17

.1 The Western Maryland Regional Crime Laboratory is capable of conducting but is not necessarily limited to the following laboratory testing:



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- Analysis of Controlled Dangerous Substances
- Processing items for latent fingerprints
- Physical evidence examinations
- Specialized photographic requests
- Firearms test firing.

.2 Analyses not performed by the Western Maryland Regional Crime Laboratory will be submitted to a designated facility. Requests for analysis and arrangements for transportation of evidence will be made by the Patrol Sergeant or WMRCL laboratory personnel.

- A. Property to be submitted to the MSP Laboratory must have the MSP laboratory request form completed.
- B. A record of all evidence sent to the MSP Laboratory or other designated facility shall be maintained in the WMRCL department's evidence room and with the original WMRCL casefile.
- C. Property submitted to the MSP Laboratory must be hand-carried by departmental personnel, or other authorized personnel.
- D. Property submitted to other designated facilities may either be hand carried by department personnel or other authorized persons, or sent via a trackable shipping service.
- E. The MSP Laboratory or other designated facility evidence receipt shall be retained in the original investigative case file.
- F. The CPD member coordinating the submission of evidence for laboratory analysis is responsible for ensuring compliance with that facility's submission procedures. Contact with laboratory staff or other designated personnel may be required prior to submission.

.3 The responsibility for requesting laboratory examinations lies primarily with the assigned Case Officer. This does not, however, preclude WMRCL personnel or the assigned case officer's supervisor from initiating a lab examination request when they recognize the investigative or probative value of the examination.

.4 Any evidence requiring laboratory analysis will be accompanied by a laboratory analysis request form. All evidence requiring analysis will be listed on this form, and all pertinent information completed.

.5 It is the responsibility of the submitting case officer to review laboratory reports prior to submission and after lab processing. If additional laboratory services are necessary, or new or additional evidence becomes available, the assigned case officer must submit a new laboratory analysis request.

.6 Upon receipt of evidence for analysis, a Forensic Scientist will follow established laboratory protocols for processing/analyzing the evidence. The results of the analysis will be recorded on the appropriate Department forms. Copies will be forwarded to the HCC Lieutenant for inclusion in the case file. The original laboratory report will be maintained in the Lab. Any discrepancies found in numbers, amount, or type of CDS submitted will be brought to the attention of the



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submitting officer and officer's supervisor by the person finding the discrepancy. If the discrepancy cannot be satisfactorily explained, the Chief of Police will be notified and will initiate an investigation if warranted.

.7 For cases in which potential DNA evidence is to be analyzed and/or entered into a DNA database, the evidence may only be submitted to an accredited law enforcement laboratory or other accredited facility approved by the Maryland Department of Health and Mental Hygiene (DHMH).

.8 Nonperishable evidence will be secured in the evidence room until it is transferred to the Crime Laboratory.

.9 Perishable evidence such as blood, urine, and semen collected in liquid form will be submitted to the WMRCL as previously described. Perishable evidence that needs to be transferred to another lab for analysis may only be transferred to labs capable of refrigerated storage.

.10 The Western Maryland Regional Crime Laboratory and the MSP Laboratory, or other designated facility, will provide a written report of laboratory analysis results as standard procedure for requests for laboratory analysis.

.11 Written reports of laboratory findings received from the Western Maryland Regional Crime Laboratory or other designated facility, will be added to the investigative file.

### COLLECTION OF KNOWN STANDARDS FOR COMPARISON 16.18

.1 When physical evidence/trace evidence is collected from a crime scene, a known standard sample must be collected for comparison whenever possible. This includes, but is not limited to:

- Blood
- Hair
- Fibers
- Paint
- Glass
- Wood
- Metal
- Soil
- Tools (for tool mark comparison)
- Footwear
- Tire tread

.2 The location from which the samples are taken is critical for the Crime Laboratory and should be documented on the laboratory request form. Some examples of sources of known standard samples include the victim, the suspect, vehicles, and the crime scene and surrounding area.



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.3 In minor or non-serious cases where a known standard for comparison is not immediately recovered, the collected evidence will remain stored in the department evidence room until such a standard is received or for at least one year. After one year, the Evidence Custodian shall request that the submitting officer make a recommendation for disposition of the evidence. The submitting officer shall decide whether or not the evidence needs to be retained.

.4 In major or serious cases where a known standard for comparison is not recovered, the collected evidence shall remain in the department evidence room permanently, or until such a time when the lead investigator and Chief of Police determine the evidence is no longer of value.

### INVENTORY PROCEDURES FOR COLLECTED EVIDENCE 16.19

.1 Evidence submitted to the evidence room will be assigned a property number and evidence room location by the Evidence Custodian or approved designee.

.2 Only the Evidence Custodian, or approved designee, is authorized to remove evidence from the Evidence Room. When this is done, the Evidence Custodian, or approved designee, will sign the chain of custody log(s), log the evidence in, and place it in the appropriate bin(s).

.3 Designated back-up personnel may release evidence from the Evidence Room for court, investigative purposes, or laboratory analysis. Back-up personnel shall consist of one designated department member.

.4 The Evidence Custodian shall keep the original property record in the evidence room files, and provide a copy to be added to the casefile.

.5 The Evidence Custodian shall log all submitted property into the computer evidence tracking system.

### MAINTAINING THE CHAIN OF CUSTODY 16.20

.1 The chain of custody begins when possession of an item of evidence by HCC PD personnel first occurs.

.2 No item is to be released from the evidence property room other than for court, lab processing, investigative purposes, or training purposes without the notification and approval of the Chief of Police.

.3 Evidence released from the evidence room to the owner will be made only after release documentation has been completed by the Evidence Custodian or designated back-up personnel.

.4 From the time evidence comes into the custody of department personnel, and each time the custody changes, the chain of custody section of the Property Record must be completed to document each person who had custody of the evidence.





.5 The chain of custody section on the Property Record will be used to record the transfer of custody of physical evidence from the time it is first collected until final disposition. It will include the following information:

- Date, time, and from whom the evidence was received
- Receiving person's name
- Date, time, and to whom the evidence was released

.6 The Evidence Custodian maintains the Property Record with original signatures in the chain of custody section. Anytime evidence is removed from the custody of the Evidence control function, the Evidence Custodian or designee will ensure the chain of custody sections of the Property Record are signed indicating that the property was removed and by whom. The Evidence Custodian or designee will sign the chain of custody sections when the evidence is returned to the evidence room. After final disposition, the Property Record with all original signatures is to be placed in the original case file. The yellow copy of the Property Form will remain in the Evidence Room and the white copy will stay with the item(s).

.7 Evidence transferred to the WMRCL, MSP Laboratory, or other designated facility, for analysis/processing shall be signed out of the Evidence Room by the transporting personnel. The Evidence Custodian (or other approved person) will ensure the chain of custody sections of the Property Record are signed indicating that the property was removed and by whom. The chain of custody will continue to be recorded on the laboratory's forms.

.8 If evidence is mailed via Certified or Registered mail to the FBI Laboratory or other facility deemed qualified by the WMRCL, the postal receipt is to be kept with the WMRCL case record. The postal receipt for evidence transferred to the MSP Laboratory or other designated facility via courier shall added to the case file by the investigating officer. Only sworn personnel, WMRCL Forensic Scientists, the Evidence Custodian, or other person(s) authorized by the Evidence Custodian, may transport evidence to the MSP Laboratory or other designated facility. When the evidence is received back from the MSP, or other designated facility, it shall be returned to the Evidence Room and the chain of custody sections of the Property Record and laboratory request form completed as required.

.9 Any time evidence is taken to court; the transporting personnel will take the (white) Property Record with original signatures to court. The Evidence Custodian will keep the yellow copy until the original is returned. If the court retains any item, the transporting personnel will ensure the court clerk signs for receipt on the Property Record chain of custody or provides a receipt. If the evidence is not retained by the court, the transporting personnel will place the case disposition at the bottom of the property record and return the evidence to a temporary evidence locker or Evidence Custodian. If the court keeps the Property Record, or if it becomes lost or damaged, the copy being held by the Evidence Custodian will take its place and be used from that point on to record original signatures. In such cases, the Evidence Custodian shall note same on the Property Record.





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.10 Other than lab analysis, any changes in an item from the time it is released from the evidence room to the time it is returned will be documented on the property record or in a supplemental report by the person with custody of the item. Some examples include, but are not limited to:

- Items opened and/or altered in court during trial.
- Items accidentally damaged or altered.
- Items altered while being handled in the course of an investigation.

.11 Until it is returned to the evidence room, the security and control of evidence released from the evidence room is the responsibility of the last person assuming custody of it.

### SECURITY OF EVIDENCE ROOM 16.21

.1 Unless occupied by authorized personnel, the Evidence Room doors shall be kept closed and locked at all times.

.2 Access to the Evidence Room is limited to the following personnel:

- Evidence Custodian
- Designated back-up personnel
- Person(s) designated to conduct audits and/or inspections in the presence of the Evidence Custodian.
- Other persons who have legitimate business there, but only while conducting said business.

.3 Access to the HCC Police Department Evidence Room will be restricted using an electronic door locking system. The door to the Evidence Room is to remain shut and locked at all times. The electronic door locking system can be used to track proximity card entries into the Evidence Room.

.4 Persons having business with the Evidence Custodian are not to enter the Evidence Room. They are to advise the Evidence Custodian of what they need and it will be handed out to them. Persons may enter the Evidence Room as needed to work with or assist the Evidence Custodian.

.5 Items of property requiring added protection, to include money, precious metals, jewelry, gemstones, weapons, narcotics, and dangerous drugs are to be stored in the secured area located within the evidence room. This includes evidentiary and non-evidentiary property.

### EVIDENCE DISPOSAL 16.22

.1 Evidence (except Controlled Dangerous Substances, weapons and money) no longer needed in connection with a prosecution or no longer relevant to the Department, and with a known owner, will be disposed of according to procedures that are consistent with PS§3-505.

.2 If the owner of evidence described above is unknown, the item will be appraised for value and disposed of in a manner consistent with the Policies and Procedures established by the Hagerstown Community College Police or Hagerstown Community College Policy.



### .3 CONTROLLED DANGEROUS SUBSTANCES

- A. The amount of the CDS will be verified by actual counting and comparing the count as recorded on the property record. The count will be conducted by the Evidence Custodian, and the Chief of Police or designee.
- B. If verification of count of the CDS is established, the Chief and/or his designee will authorize the destruction of same. The authorization and signature will be noted on the Property Record. If there is a variance in count, the CDS will not be destroyed until the difference is accounted for to the satisfaction of the Chief of Police.
- C. All CDS will be transported to the Hagerstown Police Department and turned over for destruction to the Evidence Custodian.
- D. After destruction of the CDS is completed, the disposition will be recorded on the Property Record.
- E. Found/Confiscated CDS:
  - 1. Those officers finding or confiscating CDS materials, when there are no arrests made for the possession or alleged use of same, will be responsible for providing the required information on CDS Disposition Form. The type and a count of each item will be included on the form.
  - 2. Upon receipt of the material by the Evidence Custodian, the amount will be verified by counting.
  - 3. Found or confiscated CDS will be stored for a period of 30 days. If, after 30 days, there are no legal reasons to keep same, the Chief of Police, or his designee shall sign the CDS Disposition form authorizing destruction.
- F. Found/Non-evidentiary medical paraphernalia - Any time an officer comes in contact with needles, syringes or any medical items used to puncture or cut skin that has no evidentiary value the item shall be placed in an approved sharp collection box. A CDS disposition form need not be completed. Documentation shall be entered in the notes section of the CAD sheet.

### .4 COINS AND CURRENCY

- A. When no longer needed in connection with a prosecution or no longer relevant to the Department, coins and currency will be disposed of according to procedures that are consistent with PSS3-505.
- B. Currency/coins WILL NOT be returned when confiscated as a result of illegal gambling or drug violations and forfeiture proceedings are, or will be, initiated by the Department, under the provisions of Title 12 or Title 13 of the Criminal Procedure Article.
- C. If the owner is unknown, the currency/coins will be held in evidence and disposed of according to the HCC CPD Policy.

### .5 FIREARMS

- .1 Prior to adjudication, all firearms taken into custody by this Department are checked through NCIC to determine whether they are stolen and an ATF trace form mailed to verify ownership.



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.2 Once ownership is established, or not established as the case may be, the firearm is placed into evidence for use at subsequent trial unless this Department is otherwise directed by the State's Attorney's Office.

.3 Firearms seized by this department for any reason (evidence, confiscation, found property, as a result of Family Law Article §4-506 referencing Ex Parte Orders and Family Law and Article §4-511 regarding Domestic Violence) will not be released to any person until the following conditions are satisfied, or pursuant to a court order or other provision of law.

- a) All firearms seized by this department will be held for three months;
- b) Owners wishing to have firearms returned must complete a written request and submit it to the Chief of Police;
  - 1) The written request shall contain a section capturing the date it was completed and the applicant's full name, address, home phone, work phone, and date of birth.
  - 2) The form shall contain an applicant questionnaire. The questions will be designed to determine if the applicant is prohibited from lawfully receiving firearms back from this department pursuant to 18 USC §922 (refer to provisions below). If the applicant's responses indicate that he/she is prohibited by law from receiving firearms, the request shall be denied and the firearms will be disposed of according to departmental procedure.

.4 Absent a court order, firearms will not be returned to any person who this department knows or has reasonable cause to believe;

- A. is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
- B. is a fugitive from justice;
- C. is an unlawful user of or addicted to any controlled substance;
- D. has been adjudicated as a mental defective or has been committed to any mental institution;
- E. is an illegal alien;
- F. has been discharged from the Armed Forces under dishonorable conditions;
- G. having been a citizen of the United States, has renounced his citizenship; or
- H. is subject to a court order that restrains such a person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall apply to a court order that:
  - I. was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and (1) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (2) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force



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against such intimate partner of child that would reasonably be expected to cause bodily injury. (18 USC 922(d)).

J. has stalked, threatened, or menaced another person.

.5 Before returning a firearm to any person, a background check on the applicant will be conducted by the Chief of Police or designee. The investigator shall complete the Firearms Return Checklist. The checklist will be designed to uncover information indicative of an applicant's ineligibility to receive a firearm pursuant to 18 USC §922. Although the investigator shall cover all the items on the checklist, he/she is not limited by it. An investigator may utilize any other resources available to determine firearms release eligibility.

.6 If the background investigation reveals, or creates reasonable cause to believe, that the applicant is prohibited by law from receiving firearms, the request shall be denied and the firearms will be disposed of according to state and local law.

.7 If the department receives a court order to return a firearm to a person who is otherwise prohibited by law from receiving it, the Chief of Police may notify the College or County Attorney for advice on how to proceed and will determine the appropriate disposition.

.8 If, after the background investigation, a determination is made to return the firearm to the applicant, the Chief of Police shall sign the application indicating approval. The Chief or the Chief's designee shall notify the owner who may then receive the firearm. Normal procedures for release of property shall be followed at that time.

.9 Nothing in this section shall be construed as permitting the release of any illegal weapon to any person.

.10 Firearms that are acquired by HCC PD and are precluded by law from being released to the owner, have been abandoned by the owner, or whose owner is unknown may be disposed of in any manner permitted by state and local law. Procedures for disposition shall be established by the Chief of Police.

.11 Short barreled rifles or shotguns (as defined in CL §4-201), or unsafe or unserviceable firearms will be cut up as scrap and destroyed or sold to a licensed firearms dealer.

.12 Final disposition of all evidence will be recorded on the property record. Property owners (or owner's properly identified designee) will sign on the property record for receipt of any property returned.

### COMPUTER EVIDENCE RECOVERY 16.23

The purpose of this policy is to facilitate evidence data recovery from computer system components and to stress proper evidence handling so that essential data is not lost. The Hagerstown Community College Police Department shall, to the fullest extent possible, identify,



investigate, and prosecute persons who use computers in the furtherance of criminal activity. During agency investigations, **only personnel trained in computer seizure and data recovery shall seize (or instruct in the seizure of) computers, recording devices or recording media for the purpose(s) of collecting the devices and/or data contained therein as evidence.**

**HCC PD officers will request mutual aid assistance in such investigations from the Washington County Sheriff's Office, Hagerstown Police Department, or the Maryland State Police, who have personnel specifically trained in computer seizure and data recovery.**

The following guidelines are established to assist HCC PD personnel in the handling of such equipment in order to assist those experts and protect the loss of evidence.

### .1 Definitions

- A. Digital Forensics Examiner - An investigator specifically trained in computer seizures and with forensic software to conduct analysis of computer data for the purpose of investigating criminal violations of law where computer systems are used as instruments in the commission of crimes, or the subject of a crime.
- B. Digital Evidence - Digital evidence, also known as electronic evidence, is any probative information stored, in binary form, or transmitted in digital form that a party to a court case may use at trial.
  - Examples of digital evidence include, but are not limited to, e-mails, digital photographs, ATM transaction logs, word processing documents, instant message histories, files saved from accounting programs, spreadsheets, internet browser histories, databases, the contents of computer memory, computer backups, computer printouts, Global Positioning System tracks, logs from a hotel's electronic door locks, and digital video or audio files.
  - Examples of where digital evidence is found include, but are not limited to, hard drives, floppy drives, Zip disks, Jaz disks, Flash Memory cards, magnetic tapes, cellular telephones, Personal Data Assistants (PDA) and any memory developed for the storage of electronic data or information.

### .2 Responsibilities

- A. The Criminal Investigation Units of allied agencies have specially trained examiners to conduct forensic examination and evidence recovery from collected items that contain digital evidence.
- B. The investigating officer, or on scene supervisor is responsible for determining probable cause if the item or computer is subject to seizure. All rules of search and seizure apply to seizures of computer and digital evidence. Digital evidence can easily be destroyed so the application of the "exigent circumstances" exception may apply in some cases to secure computers and digital evidence to prevent destruction of said evidence. If there are any questions related to the seizure of computer or other digital evidence, the State's Attorney's Office should be consulted.



- C. **IMPORTANT NOTE:** As it is likely to cause damage or modify stored data, **under no circumstances** shall an officer access or review data on a seized computer system or review data on media to be seized. Only digital forensic examiners shall conduct physical examinations on computer systems and/or storage media.

### .3 Collection Methods for Computers

- A. A digital forensics examiner should be consulted prior to the seizure of a computer. It is preferable that a digital forensics examiner be present for the seizure.
- B. Officers should not rely on suspects, even when cooperative, for any computer-related assistance. Suspects may have access to technology that could allow the suspect to remotely access the system and delete data.
- C. Utilize the On/Off Rule. If the device is 'on' do not turn it off. If the device is 'off' do not turn it on. When in doubt, just pull the plug out. Pull the plug out from the rear of the device – not the wall. Collect the power adapters.
- D. Photograph and diagram the computer and associated devices from various angles, including any connections between devices
- E. Place evidence tape over the drive slots of a computer, as well as the power cord connection. Place evidence tape on the computer case where the parts of the case connect together. For laptops, place in a paper bag and seal the bag with evidence tape. An alternative method for securing laptops is to place evidence tape over the power connection and battery compartment (with battery removed).
- F. Some types of removable media, such as zip drives and external hard drives, may be rendered useless by exposure to static electricity and physical force. Package smaller media in antistatic packaging or paper bags.
- G. Store electronic evidence in designated evidence safe to protect from magnetic sources, moisture, dust and other harmful particles and contaminants

### .4 Collection of Cell Phones and Digital Video

- A. Cell Phones - If the device is turned off, do not turn it on. If the device is powered on, place it in "airplane mode". If you are unable to locate and safely remove the device from the network, place it in a protective radio interference bag ("Faraday Bag"). Transport the device to the Hagerstown Department of Police and place it in a mobile device evidence lock box outside the Criminal Investigative Unit. Plug the device into a Lightning USB cable if the device is not contained inside a Faraday Bag. If the device is inside a Faraday Bag, do not plug it into the Lightning USB cable. Deposit the key in the mobile device evidence drop box along with a copy of the investigative report and property record
- B. HCC Digital Video Surveillance Systems - Ensure evidence is on the video by viewing same prior to download. Copy the video files to a thumb drive with viewing software. The preferred file format is AVI or MPEG. If assistance is needed exporting video from the HCC digital video surveillance system, contact the Lieutenant, Chief of Police, or designee.
- C. Video from Witness Cell phone – HCC Police Officers can utilize the Axon Capture application on their departmentally issued cellphones. This application allows the officer to send an invite to a witness on their cellphone. The witness can then attach videos or



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photos to this invite and share those with the officer. The videos/photos from the witness can then be uploaded to Axon under the agency's case number. The videos will then be stored under the police department's Evidence.com account through Axon.

### RAPE/SEXUAL ASSAULT KITS 16.24

.1 This regulation is established as a statewide mandate under House Bill 255/Chapter 159 (2017), which expanded the state's victim notification and sexual assault evidence kit ("SAEK") retention requirements. The new regulations, entitled *Sexual Assault Victims Rights – Disposal of Rape Kit Evidence and Notification*, are codified under COMAR02.08.01.01.05

.2 Notification of kit status and results - Within 30 days of a victim's request for information about their rape kit, HCC PD must provide: (COMAR02.08.01.03)

- Information about the status of the kit analysis, and
- All available results of the kit analysis, and
- If said information would impede or compromise an ongoing investigation, HCC PD is still required to notify the victim of the decision to decline.

.3 Destruction of SAEKs (COMAR02.08.01.04)

- A. HCCPD may not destroy or dispose of a SAEK within 20 years of the evidence collection
- B. HCCPD must also retain other crime scene evidence related to a sexual assault that has been identified by the State's Attorney as relevant to prosecution
- C. The 20-year retention requirement does not apply if;
  - The case has resulted in a conviction and the defendant has completed the sentence; or
  - All suspects are deceased
  - HCCPD must notify the victim, "no later than 60 days before the date of the intended destruction or disposal of the evidence" if the victim has requested notification.
  - The victim may also request that HCC PD retain the sexual assault evidence for an additional 12 months or a time period agreed upon by the victim and HCC PD.

.4 Reporting Requirements (COMAR02.08.01.05)

- A. HCC PD Evidence Custodians or designee shall be responsible for reporting and maintaining compliance with reporting requirements.
- B. HCC PD must submit a copy of our written policies demonstrating compliance with the regulation identified in the above chapter to the Office of the Attorney General (OAG) no later than January 6, 2019.
- C. Starting September 1, 2019, and every 2 years thereafter, HCC PD shall submitted to the OAG the following;
  1. The number of sexual assault evidence collection kits in its possession as of June 30th of that calendar year;
  2. The date each sexual assault evidence collection kit in its possession was received;
  3. The number of sexual assault evidence collection kits tested within the prior 2 years as of June 30th of that calendar year; and



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4. The number of sexual assault evidence collection kits destroyed during the prior 2 years as of June 30th of that calendar year.
5. The number of written requests received pursuant to this chapter during the prior 2 years as of June 30th of that calendar year.
6. All required correspondence must be emailed to the OAG via the following email address [SAEKReporting@oag.state.md.us](mailto:SAEKReporting@oag.state.md.us)





## PROPERTY

### RESPONSIBILITY OF THE PROPERTY FUNCTION 17.01

.1 The Chief of Police has the ultimate responsibility for the Department's property management functions. Specific property management functions are delegated as follows:

- A. Patrol Lieutenant/Sergeant~ Responsible for control, distribution, and issuance of office supplies, report forms, and records.
- B. Evidence Custodian~Responsible for control of non-evidentiary found, recovered, and confiscated property (NOTE: Responsibilities relative to evidentiary property are discussed in Chapter 16.).
- C. Lieutenant ~ Responsible for control, distribution, and issuance of uniforms, uniform equipment, and uniform accessories (excluding items delegated to other personnel). radio and communications equipment, less lethal equipment (OC spray, batons, Tasers, etc.). Responsible for control, distribution, and issuance of firearms and ammunition, relevant publications such as MD Vehicle Law books, Criminal Digests, fine schedules, HAZMAT handbooks, etc., and training equipment and supplies.
- D. HCC Facilities – Responsible for control, distribution, and issuance of vehicle equipment.
- E. IT Personnel – Responsible for control, distribution, and issuance of IT related hardware, software, and infrastructure.

.2 The Chief of Police is ultimately accountable for all department-owned property inclusive of expendable items, installed property, uninstalled property, equipment, vehicles, munitions and personal wear items, and is responsible for the physical items under his/her inventory control. All other positions to which property management functions are delegated are accountable to the Lieutenant for the physical items under their control.

.3 The responsibility for the distribution and issuance of Department owned property to authorized users is the responsibility of the Chief of Police. The authority to distribute and issue agency-owned property is delegated as described above.

.4 Maintaining stored items in a state of operational readiness is a responsibility of the property management function. Those positions to whom control of Department-owned property is delegated are responsible for maintaining items stored under their control in a state of operational readiness.

.5 Personnel shall be issued all required uniforms and equipment as soon as feasible after hiring. Personnel may request replacements as needed. Personnel needing a replacement shall request same from the Lieutenant who shall confirm the need before issuing or coordinating the issuance of the replacement. Previously issued uniforms/equipment that is still acceptable for use may be reissued. The Lieutenant shall ensure records on issuance/re-issuance are updated.



### SECURITY OF STORED PROPERTY 17.02

The following are secure areas used to store property held by this Department:

- .1 Property Room ~ This shall be used to store non-evidentiary found or recovered property and non-evidentiary confiscated property, except firearms. Access to this area is limited to the Evidence Custodian.
- .2 Evidence Room ~ This is used to store all non-bio-hazardous evidence. Procedures regarding the evidence room are found in Chapter 16.

### INVENTORIES 17.03

- .1 Whenever a new Evidence Custodian is appointed, an inventory of the property room and evidence room will be conducted to assure the records are complete and all property is accounted for. The inventory will be conducted jointly by the new Evidence Custodian, the outgoing Evidence Custodian, and a designee of the Chief of Police. The results shall be submitted to the Chief of Police in writing.
- .2 Annually the Chief of Police or designee will conduct an audit of all property held by this Department. The inventory will be conducted in the form of a random sampling, by comparing records with property actually held by the Department. The Chief of Police or designee will in no way be associated with the control of the property. The audit shall include agency owned property, evidence, and found or recovered property. The results shall be submitted to the Chief of Police in writing.
- .3 Annually, a designee of the Chief of Police will conduct an unannounced inspection of the property room and evidence room. These are to be spot inspections in which property accountability and security procedures should receive primary attention. A random comparison of records with physical property should consume most of the time allotted to the inspections. The same operations and procedures performed in the property storage areas need not be examined each time a spot inspection is conducted, rather a variety of activities should receive attention during successive spot inspections. The results shall be submitted to the Chief of Police in writing.
- .4 At least twice a year, or at the discretion of the Chief of Police depending on the amount of acquired property since the previous inspection, the Evidence Custodian shall conduct inspections of the property room and evidence room to ensure adherence to procedures relative to the control of evidentiary and non-evidentiary property. The results shall be submitted to the Chief of Police in writing.
- .5 Whenever a new Lieutenant is selected, an inventory of departmental firearms and ammunition will be conducted to assure the records are complete and all departmental property is accounted for. The inventory will be conducted jointly by the new command officer, the outgoing lieutenant, and a designee of the Chief of Police. The results shall be submitted to the Chief of Police in writing.

**HANDLING FOUND OR RECOVERED PROPERTY 17.04**

.1 Officers coming into possession of any found or recovered property shall first try to locate the owner. If the owner cannot be immediately located, the property shall be taken to Headquarters where the officer shall check for any identifying numbers and have the property checked through NCIC, METERS, and the HCC PD records management system.

.2 FOUND PROPERTY: A property report shall be prepared describing the property and the circumstances of the recovery. The property report shall contain the date of recovery, property number, recovering officer, and a description of the item. If the owner is known but cannot be personally contacted, the officer will send the owner a found property form letter. A copy of the letter will be placed with the property and with the Property Report. The item and Property Report shall be submitted to the property room before the end of the officer's tour of duty.

\*exception- firearms, CDS and valuables as defined shall be placed into evidence.

**.3 RECOVERED STOLEN PROPERTY:**

- A. If recovered property is found to have been reported stolen, it shall be treated as evidence. If this Department is not the original reporting agency, the recovering officer conducting the follow-up is responsible for ensuring that the original agency is notified and that the property is processed if requested. An Investigative Report is to be completed.
- B. If the property was reported stolen to this Department, the recovering officer is responsible for ensuring it is processed (if necessary) and that the owner is notified to verify the identification. A Supplement Report is to be completed.

.4 FIREARMS: Officers coming into possession of a firearm shall complete a MSP Firearms Report Form 97 in addition to other required reports. All recovered firearms shall be treated as evidence and WILL NOT be placed in the property room.

.5 VALUABLES: All found or recovered valuables such as money, precious metals, jewelry, gemstones, etc., shall be secured in the evidence room and NOT in the property room. Such items will be processed using the same procedures outlined in Chapter 16.

**SPECIAL TYPES OF PROPERTY 17.05**

.1 All perishable property, the owner of which is unknown or cannot be located, shall, if possible, be placed promptly in refrigeration or otherwise cared for.

.2 Explosives and/or highly inflammable material coming into the possession of an officer shall be disposed in accordance with all applicable laws. Contact will be made with the Fire Department for storage in a bunker until proper identification and disposal can be made. Contact shall be made with the State Fire Marshal and/or Fire Department before transporting any explosive or highly inflammable material

**DISPOSITION OF HELD PROPERTY 17.06**

- .1 Any property that has no evidentiary value shall be returned to the owner if:
  - the ownership can be verified; and
  - the owner is not prohibited by law from receiving the property
- .2 Unclaimed property held by this Department shall be disposed of according to any applicable State law or HCC Policy.
- .3 Before final disposition is made of firearms, the Evidence Custodian will complete a METERS/NCIC check. If an item is found to be reported lost or stolen, or is suspected of having been so reported, the Evidence Custodian will notify the investigating officer via official channels.
- .4 Unclaimed property turned in to HCC PD by a private citizen must be returned to that citizen upon request after all required time limits and procedural steps have been met. ***NOTE: If the property finder asks an HCC PD member how long they must wait before becoming the “true” owner, or if he/she otherwise seeks a legal opinion, the member must decline to answer as this would constitute legal advice. The member may tell the finder our internal policy is to hold the property for a minimum of 30 days before disposing of same.***
- .5 CLAIMING AND RETURNING PROPERTY: Persons desiring to claim found or recovered property shall first describe the property prior to viewing same and exhibiting adequate personal identification. A receipt for the property is desirable. If ownership is determined, the Evidence Custodian or the officer making the determination shall have the claimant sign the Property Report and then shall return the item. No firearm or weapon shall be returned without the permission of the Chief of Police.



## EXPLOSIVES, BOMBS, IED AND SUSPICIOUS PACKAGES

### PROCEDURES 18.01

.1 Any notice received by this Department concerning bombs, or the possible presence of a bomb, shall be acted upon immediately, as time may be critical. The ECC will be notified immediately of the nature/facts surrounding the incident. Officers responding to the scene of such incidents shall assist the person in charge of the property in organizing a search for any possible bombs and in evacuating the building.

.2 Any member of the Department receiving notice of a possible bomb or bomb threat shall attempt to get as much information as possible from the reporting person with regard to the following and shall caution the complainant NOT to handle the suspected bomb or let anyone near it. An attempt shall be made to obtain the following information:

- Name, address, and telephone number of the caller.
- Present location and telephone number of the caller.
- How the caller found out about the suspected bomb.
- EXACTLY where the bomb is supposedly located.
- The time the bomb is supposed to detonate.
- What will cause the bomb to detonate.
- The type of bomb, description, and, if known, the type of explosive used.
- Motive for placing the bomb.
- If information is received by phone, background noises, voice description of caller (accent, sex, nationality, emotions,) etc., should be noted.

.3 Any member outside the Communication Center receiving a bomb threat shall immediately notify the Communication Center, supplying pertinent information regarding the threat

.4 Units responding to the scene shall cease radio transmissions. Telephone communication shall be established with Headquarters.

.5 The first unit on the scene shall contact and interview the person in charge of the premises and consult with him in reference to the situation.

.6 The officer should also locate and interview the person who received the telephone warning of the bomb or who saw the suspected device to determine what transpired.

### COMMUNICATION CENTER DUTIES 18.02

.1 If suspected explosive device has been found, the dispatcher shall direct a patrol unit CODE 2 to the scene.

.2 If no explosive device has been found, the dispatcher shall direct a patrol unit CODE 3 to the scene.



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## Explosives, Bombs, IED and Suspicious Packages

.3 After a patrol unit is dispatched to the scene, central alarm shall be notified to stand by in case of detonation.

.4 If the discovery of a suspected explosive device is confirmed by an officer, call the Maryland State Police Telecommunications Duty Officer at 301-653-4200. He/she will then notify the State Fire Marshal's Office Duty Explosive Technician who shall assume total responsibility for the response of the proper personnel to handle the specific request.

.5 In the event that a military device is located, the 28th Ordinance Detachment (EOD) at Letterkenny Army Depot, Chambersburg, Pa., shall also be notified. Pertinent information, such as size, shape, color, and number should be noted.

.6 The dispatcher shall notify the Shift Supervisor and also direct a supervisor to the scene.  
NOTE: The Maryland State Police (MSP) and Hagerstown Fire Department/ Fire Marshalls Office have bomb dogs and shall be requested if available.

### EVACUATION OF PREMISES 18.03

.1 The decision of whether or not to search and/or evacuate the building or property shall rest with the person responsible for the site. However, where the property owner or person in charge cannot be located, the situation requires immediate action, the senior ranking officer will direct the search and/or evacuation.

.2 If further information exists that would indicate the presence of an explosive device, the senior ranking officer may direct the evacuation regardless of the decision of the person in charge of the building.

.3 When evacuation is necessary, the following procedure shall be adhered to:

- Announcing the reason for the evacuation shall be done as discretely as possible, making sure that the word "bomb" is not announced.
- A fire drill should NOT be held, as this would result in windows and doors being closed. Open windows and doors will dissipate any blast.
- Persons should be evacuated as quickly and orderly as possible and moved a safe distance from the premises, taking with them their personal handbags and briefcases, etc.
- Request that the building engineer or janitor stand by with the master keys.

### SEARCH OF PREMISES 18.04

.1 In the event that a search is to be conducted, the senior ranking officer shall take command of the scene and insure that the search team consists of persons familiar with the premises.

.2 The search team shall be briefed by the officer in charge concerning the layout of the building, high voltage areas, and other hazards within and around the building.



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## Explosives, Bombs, IED and Suspicious Packages

.3 The search shall begin from the outside of the premises by searching the exterior of buildings, surroundings, including trash containers, shrubbery, and motor vehicles parked next to the building.

.4 The inside search shall be conducted from the basement, working upward, after thoroughly checking each floor. The search team shall advance systematically from floor to floor.

.5 Areas of search shall include public areas such as hallways, lobbies, stairways, restrooms, elevators, and other readily accessible areas.

.6 If a suspicious article is located and suspected to be an explosive device, the following procedure shall be performed:

- The device SHALL NOT BE HANDLED in any manner.
- Evacuate the premises of all other search team members.
- Communications shall be notified to dispatch the required fire or ambulance equipment. Caution: do not use radio.
- The State Fire Marshal's Office shall be directed to this location.
- The exterior of the building shall be secured, moving all personnel and vehicles to a safe distance and establishing police safety lines.
- All traffic shall be directed clear of the area.

### MOTOR VEHICLES 18.05

.1 Gather the same information for a bomb reported in a building and the following:

- When was the car last used?
- Was the car locked?
- Where is the car parked and for how long?
- What type of security was provided?
- When last used, where was car parked or left unattended?

.2 Report the incident to the proper authorities per 18.2.4 and 18.2.5.

.3 Check the exterior of the vehicle ONLY and evacuate the vicinity and secure the scene until the arrival of the State Fire Marshal.

### INVESTIGATIVE GUIDELINES 18.06

.1 Post explosion scenes shall be handled the same as any major crime scene.

.2 Mutual Aid assistance shall be requested of the WCSO Criminal Investigation Unit who shall be responsible for follow up investigation of bomb threats. This shall include the collection of physical evidence. Actual detonations will be investigated by the Fire Marshal's Office.

.3 Should the circumstances indicate that the investigation of the incident falls under the jurisdiction of another agency or agencies (ATF, FBI, State Fire Marshall, Postal Inspectors, etc.),



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those agencies shall be notified. HCC PD and CIU personnel from WCSO shall provide the agencies with any required assistance.





## HOSTAGE/BARRICADE/ACTIVE THREAT SITUATION PROCEDURES

### INITIAL RESPONSE BY PATROL 19.01

When the situation exists where an armed fugitive or an armed demented person has barricaded themselves, with or without a hostage, or where the need exists for the capture, incapacitation or elimination of a sniper(s), the below procedures will be followed.

### CHAIN OF COMMAND 19.02

- .1 The initial responding officer shall be the on-scene commander of barricade, hostage, or sniper situations, and will be in charge of such situations until relieved by a supervisor or the incident commander.
- .2 Once the SRT Commander arrives on the scene, he shall assume control of the inner perimeter. He will also have the overall responsibility for tactical operations, including the decision to employ the use of force to resolve the situation.
- .3 The incident commander will have the overall responsibility of maintaining the outer perimeter. He/she will supervise traffic control and coordinate with other agencies (Fire Dept., CRS, Light Dept., etc.) on the scene, and he/she will establish a central command post near the scene in a safe location.

### VERIFY ACTIVITY, SNIPER OR OTHERWISE 19.03

- .1 Locate wounded persons or victims, if any. (See following information regarding wounded persons).
- .2 Attempt to determine the direction of fire.
- .3 Locate an eyewitness, if possible; police officer or citizen.

### SECURE THE AREA 19.04

- .1 All officers on scene should take advantage of any and all available cover and should position themselves so that person(s) cannot escape the area. Mutual aid from allied agencies shall be requested if not initially dispatched by the ECC.
- .2 ESTABLISH INNER AND OUTER PERIMETERS around the encounter area and keep the inside area clear of any unauthorized personnel. The outer perimeter should provide a safe zone for access to the inner perimeter as well as defining the limit of access by unauthorized personnel. The inner perimeter is the immediate area of containment as designated by the incident commander. It is manned by the initial responding patrol units until relieved by SRT personnel.



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.3 Use other units or personnel available to re-route both motor vehicle and pedestrian traffic. No unauthorized vehicles or persons are to be permitted inside the outer perimeter. Evacuate bystanders when safe to do. If this cannot be done safely, direct bystanders to stay out of the kill zone.

.4 SECURE THE ENCOUNTER AREA COMPLETELY BEFORE ANY ATTEMPT IS MADE TO AID THE WOUNDED. MAKE NO ATTEMPT TO AID OR REMOVE THE WOUNDED IF DOING SO WILL JEOPARDIZE THE SAFETY OF RESCUE PERSONNEL.

.5 If wounded person(s) is able have him seek additional cover.

.6 If wounded person(s) is incapacitated, have him remain perfectly still to possibly escape the attention and observation of the armed person.

*NOTE: THE MOST CRITICAL DECISION TO BE MADE DURING AN ATTACK IS WHETHER AND HOW TO GO TO THE AID OF THE WOUNDED. REMEMBER: "EMOTIONS COULD PREVAIL OVER COMMON SENSE". MAKE SURE THIS DOESN'T HAPPEN!*

### PROCEDURES AFTER VERIFICATION OF ACTIVITY 19.05

- Once verification is made of activity, the following actions should be taken:

.1 MAKE NO ATTEMPT TO ENTER BUILDING OR STRUCTURE OR TO MAKE CAPTURE UNLESS PERSON(S) ATTEMPTS ESCAPE. If the subject is willing to give himself up, have him expose himself, by coming out into the open. DO NOT GO IN AFTER HIM FOR ANY REASON.

.2 Conceal yourself, and all other personnel from suspect, for your protection and so that suspect is not aware of your position.

.3 Attempt to locate exact floor, window, room, doorway, rooftop, etc., where person(s) is located.

.4 Notify the ECC and request additional units via mutual aid assistance.

.5 Give exact location.

.6 Determine type of weapon, i.e., rifle, shotgun, handgun.

.7 Determine direction shots coming from and height of location of armed person.

.8 Determine number of persons involved.

.9 Determine innocent persons (possibly hostages) if involved.



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.10 Keep self and others outside kill area.

### ON SCENE COMMANDER RESPONSIBILITIES 19.06

The on-scene commander shall notify the SRT Commander and the incident commander immediately by phone or other available means and relay the following information:

- .1 Advise of exact situation and its involvements.
- .2 Location of encounter
- .3 Name and any other available information of person(s).
- .4 Command officer on scene should suggest or designate a rendezvous location near, BUT OUT OF SIGHT, of scene of encounter.
- .5 Advise if any SRT member is on duty, if known.
- .6 Notify the Communications Center to initiate the procedures for calling out SRT personnel and hostage negotiators.
- .7 Ensure that the WCSO Patrol Supervisor, the HCC PD Lieutenant and the Chief of Police are notified.

### COMMUNICATIONS PERSONNEL DUTIES 19.07

The Communications Personnel shall initiate call-out of SRT and Hostage Negotiators when directed in accordance with approved call-out procedures.

### ISOLATE THE PERSON 19.08

- .1 Determine exact location of person(s) and make sure of identity of wanted person. (See special notation below). Take your time and be sure:
  - ~ which building      ~ which doorway
  - ~ which floor        ~ which hallway
  - ~ which room         ~ exact location on rooftop
  - ~ which window      ~ any other possible location
- .2 Consider extinguishing street lights, car lights, or other lighting that does or could illuminate the officers on the scene.
- .3 Position of person(s) should somehow be illuminated.
- .4 Establish observation posts at highest possible elevations.



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- .5 Citizens in area around the person(s) should be evacuated whenever tactical conditions permit.
- .6 If not practical to evacuate due to heavy population, warn all occupants to stay indoors behind locked doors.
- .7 All evacuees should be contacted and identifications made to facilitate future investigations
- .8 MAKE SURE PERSON(S) IS ISOLATED AND STAYS ISOLATED. ABOVE ALL, DO NOT ALLOW ANY UNAUTHORIZED PERSONNEL WITHIN THE PERIMETER OF YOUR SECURED AREA.
- .9 Only those officers trained in hostage negotiations should attempt contact with suspect(s).
- .10 DO NOT ALLOW ANYONE OTHER THAN NEGOTIATING OFFICERS TO COMMUNICATE WITH THE SUSPECT. The decision to allow the suspect to speak to anyone other than police personnel rests with the trained hostage negotiators.
- .11 Locate and identify any eyewitnesses to any activities that took place prior to your arrival. FURTHER INTERROGATION OF THESE PERSONS CAN BE MADE LATER.

### NOTIFICATION TO RESCUE AND FIRE UNITS 19.09

Have reliable personnel contact these units and explain the circumstances and ask that they take the following action in accordance to their respective departmental regulations:

- .1 Ready their personnel for immediate duty if needed.
- .2 If these units are dispatched to scene of encounter, have them report to the designated command post until definitely needed. Their route will be determined by the officer in command.
- .3 Caution these units as to unnecessary use of audible equipment so as not to create tenser atmosphere than is already present.
- .4 Rescue personnel could be readied near the scene until the proper conditions exist for safe rescue and or treatment of injuries to anyone involved.

### NEWS MEDIA 19.10

- .1 Use these persons to our advantage and not to theirs.
- .2 Secure their help in keeping unauthorized persons from the scene.
- .3 Possibly, use to notify persons that you may want to evacuate if contact cannot be made otherwise (by TV or radio broadcast).



- .4 Do not allow these persons within the secured perimeter.
- .5 Assure them that they will get the details
- .6 The Incident Commander will assign a liaison between the department and the media.

**SPECIAL NOTATION - SEVERAL VERY IMPORTANT FACTORS TO BE REMEMBERED BY ALL POLICE PERSONNEL 19.11**

.1 In determining the exact location of person(s), it MUST be remembered that it will be quite easy to make a mistake and not make the proper identification of wanted person(s). By this it is meant that you could possibly identify a certain person as a sniper or armed person, and this person could very easily be an innocent bystander whom you are unaware of and is just curious to see what the commotion is all about. It could be a janitor or a maid, or a gardener, or other type servant, carrying a broom, shovel, rake, vacuum cleaner, or any other tool of the trade that, under the extreme pressure of the situation and the limited visibility that you mistake this person as someone carrying a weapon of some type. (This has happened to other police agencies in the past).

- .2 Be extra alert for the safety of all authorized personnel.
- .3 Make all possible attempts to keep the wanted person(s) in visual contact.
- .4 REMEMBER: Once a person(s) is isolated and encounter area is PROPERLY secured, there is no need to hurry.

**CONTROLLING MOBILE SITUATIONS 19.12**

.1 During hostage situations, the primary concern is containment. Allowing the suspect(s) to leave the containment area multiplies the problem and safety concerns of the incident to unmanageable degrees.

.2 The only time suspect(s) shall be allowed to leave the area of containment will be when the on-scene commander decides it is absolutely justifiable under the facts and circumstances known.

.3 Although devising a workable plan for a mobile situation is extremely difficult due to the myriad factors and outside influences that accompany this decision, the following considerations and activities shall be employed by the on-scene commander:

- Determine the route that will be used.
- Advise other jurisdictions where necessary.
- Arrange for maximum security along the route.
- Command the hostage transportation convoy and determine its size. The convoy should have a minimum of four vehicles:
- Escape Vehicle - consideration should be given to use a member of the hostage negotiating



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## Hostage/Barricade/Active Threat Situation Procedures

team as the driver.

- Three Chase Vehicles occupied by SRT Commander, on scene commander, hostage negotiators, and other SRT members.

.4 A secondary convoy should be established to control other vehicles and preclude them from rushing to join the primary convoy.

.5 Communications as to the progress and exact location of the convoy must be maintained.

.6 When the convoy arrives at new location, the on-scene commander should institute containment procedures and coordinate new efforts with the law enforcement agency in the new jurisdiction.

### HOSTAGE NEGOTIATION TEAM 19.13

.1 The Hostage Negotiation Team shall report to the incident commander to aid and direct the activities of the Hostage Negotiation Team.

.2 The Negotiating Team will coordinate all communications between the suspect and police. Except in emergencies, no one should begin communications with any suspects until the Negotiation Team arrives.

.3 The Negotiating Team shall provide trained primary and secondary negotiators. In addition, it shall obtain all pertinent information about the hostage taker, the hostages, hostage site and barricaded subjects.

.4 During negotiations with a barricaded person or hostage taker, the negotiator will not have the authority to provide or trade weapons, ammunition, law enforcement personnel, drugs, or additional or substitute hostages of any kind.

.5 The provision of trading food, alcohol, cigarettes, water, or clothing shall be within the discretion of the incident commander.

.6 The provision for the trading of money, transportation, or items which may pose a danger or threat to law enforcement personnel or the public will be within the discretion of the incident commander.

### ACTIVE THREATS 19.14

.1 For the purposes of this policy, an active threat is defined as any deliberate incident that poses an immediate or imminent danger to others. Although these events often involve the use of firearms by perpetrators, they may also involve the use of other types of weapons or implements with the intent to cause harm.



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.2 Situations involving active threats are serious in nature and can occur in any environment. This may include such settings as educational campuses, malls, businesses, special events, and the general workplace. The Hagerstown Community College Police Department is committed to responding to active threats and to eliminating them as quickly as possible. These are situations that require immediate deployment and rapid intervention of patrol personnel prior to the arrival of any secondary units.

### .3 Response to threats when lives are in immediate danger

- A. Response will be immediate to an active threat when an event is on-going and the suspect(s) are actively engaged in causing death or serious bodily injury. These situations include, but are not limited to:
  - An active shooter;
  - An attack with edged weapon(s).
- B. Responding officers should quickly assess and respond to the situation as follows:
  - Gather information as rapidly as possible utilizing dispatched information, working with other observers, and from personal observation;
  - The first responding officers should form a contact team and immediately move towards any known suspects and
    - continue past victim(s) to confront any active suspect(s);
    - continue past an unexploded device(s);
    - Communicate progress to other responders;
    - contain, control, and arrest.
- C. After the contact team deploys, the next arriving personnel should establish a stationary command post, if possible, in order to work with other personnel:
  - Begin directing information to establish public notifications to establish containment;
  - Begin establishing and deploying rescue teams.
- D. Public Notifications for awareness and safety:
  - During an active threat, supervisors shall determine if public notification in the form of an emergency message is required for the awareness and safety of the public. An emergency message may be directed during an active threat by any sworn supervisor.
  - Supervisors may initiate an emergency notification to the public in person, by utilizing the news media, by requesting the ECC activate the Everbridge public notification system, or any combination of these methods.
- E. Notification of additional public safety departments and other resources:
  - During an active threat, supervisors shall determine what notifications need to be made to additional public safety departments and other resources. All information for additional notifications should be channeled through the ECC, who maintains emergency contact lists for a variety of additional resources. Depending on the need, the following are examples of resources that could be needed:



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- EMS;
  - Fire Department(s);
  - Fire Marshall(s)
  - Washington County Special Response Team:
  - HCC PIO;
  - WCSO Criminal Investigation Unit
  - Washington County Emergency Manager;
  - HAZMAT Units;
  - Allied police agencies;
- F. Containment of the Incident
1. As the incident permits, sworn supervisors will ensure containment of the incident to prevent anyone from leaving or entering the perimeter.
  2. Supervisors will ensure officers are assigned positions of observation where they can control the entrance(s) and exit(s).
  3. Officers positioned to maintain the perimeter should focus on the following:
    - Preventing suspects from leaving;
    - Prevention of additional suspects or bystanders from entering the perimeter;
    - Providing cover for incident personnel;
    - Diverting vehicle traffic from the perimeter;
    - Reporting observations that are key to terminating the active threat and for the investigation.
- G. Public Sheltering
1. Sheltering needs have the potential to arise during an active threat. When persons affected by the incident need sheltering away from the incident, a supervisor will notify the ECC and request activation of the Washington County Emergency Operations Plan.
  2. Persons in the immediate vicinity of the threat will, to the extent possible, be alerted to shelter in place. This may be accomplished via direct notification by on-scene personnel and/or the above described public notification procedure.

### ANNUAL PROCEDURE REVIEW 19.15

At least annually, the Lieutenant/Training Officer will review policies, procedures, and training needs pertaining to hostage/barricade situations and active threats. The review and findings will be submitted to the Chief of Police in writing.





## RELEASE OF INFORMATION TO NEWS MEDIA

### POLICY AND PURPOSE 20.01

.1 It shall be the policy of the Hagerstown Community College Police Department to inform the public and news media of events that affect the lives of citizens in this community. The purpose of the public information function is to develop and maintain a relationship of mutual trust, cooperation, and respect by providing the news media and the community with accurate information on agency administration and operation. The primary objectives of this function are:

- To make public safety notifications;
- To provide information regarding notable events, investigations, arrests, and reported incidents;
- To request assistance from the public; and
- To provide a coordinated and managed response to media requests for information that has not yet been disseminated.

.2 To accomplish the above objectives, the department has established an overall public information function which is structured to accommodate the news media in covering situations that are news worthy. The public information function will include but is not limited to the following:

- Assisting news personnel in covering routine news stories at the scenes of incidents when so required.
- Maintaining availability for on call responses to the news media.
- Preparing and distributing departmental news releases.
- Arranging for and assisting in news conferences or television broadcasts.
- Coordinating and authorizing the release of information about victims, witnesses, and suspects in accordance with departmental policy.
- Assisting in crisis situations that affect the department.
- Coordinating and authorizing the release of information concerning confidential investigations and operations in accordance with departmental policy.

.3 Preferential treatment will not be extended to any representative of the news media.

### RESPONSIBILITY FOR DISSEMINATION OF NEW INFORMATION 20.02

It will be the responsibility of the Patrol Supervisor, Chief of Police or designee to ensure that appropriate news releases are made. All media releases will be forwarded to the HCC Public Information Officer for dissemination.

The PIO will be the primary liaison between the Department and the news media. In the absence of the PIO, the Chief of Police or designee will act as liaison until the PIO is available.

After consulting with relevant Department personnel (e.g. investigating officer, officer's supervisor, Chief of Police, etc.), the PIO will prepare and disseminate news releases. The PIO will provide updated releases as appropriate. Follow-up questions from the media are to be directed to the PIO.



### PROCEDURES FOR PRESS RELEASE 20.03

.1 SUBJECT MATTER ~ As a regular course of business, news media personnel WILL NOT be permitted to review any criminal or traffic reports, nor will they have any greater access to reports than any other citizen. The HCC Police Department recognizes the importance of open channels of communication with the news media and the community. However, we also recognize a legal obligation as a law enforcement agency to protect the constitutional guarantee of privacy rights to its citizens. Information will be provided to the media through news releases and interviews, or as permitted according to laws regarding freedom of information.

### .2 FREQUENCY OF PRESS RELEASES

- A. Supervisors are to arrange for news releases relative to incidents that are unusual/extraordinary and which will clearly generate public interest or attention. Incidents that mandate a news release include:
  - Homicides
  - Traffic accidents w/serious injury/death
  - Armed Robberies
  - Arrests of high-level public officials (elected officials, department managers, etc.) from any jurisdiction
  - Arrests of law enforcement or corrections personnel from any jurisdiction.
  - Incidents where public safety is at risk.
- B. Supervisors are not precluded from providing news releases on other incidents, nor are they precluded from providing other information to the media when asked, provided such news releases or information are not otherwise prohibited by law or HCC PD Policy and Procedure. Examples of incidents where a news release may be appropriate include:
  - Sexual assaults
  - Assaults on police officers
  - Drug arrest when the charge is CDS distribution
  - 1st degree assault
  - Felony thefts
  - Robberies
  - Burglaries significant loss
  - Accidents or incidents involving government owned vehicles.

.3 When releasing information on crimes or incidents, the Departmental News Release will be issued by the PIO, as outlined above, in a written format as needed, but they must include the same information. Relevant information from news releases will also be posted on applicable social media pages or the HCC website as deemed appropriate by the PIO. News releases will be provided to any other media person requesting same.



### SCOPE AND CONTENT OF INFORMATION TO BE RELEASED 20.04

.1 Information which is not legally privileged, will not prejudice the rights of the suspect, will not jeopardize public safety, or will not interfere with an investigation or prosecution is to be released. However, the scope and content of information released must be determined according to the facts and circumstances of each incident. Such determination will be made by the PIO or other personnel responsible for information dissemination.

.2 On pending cases, i.e. those which have not reached a formal and final conclusion in the criminal justice system, only the following information shall be made available to the news media concerning an accused:

- A. Accused's name (if adult or juvenile charged as an adult per MD law), address, age, sex, and charge or arrest status. If juvenile not charged as an adult, then age, and sex only.
- B. Originating source of information for the action (i.e. citizen complaint, officer initiated, warrant, or indictment).
- C. The status of the investigation (i.e. closed, open, or suspended)
- D. The immediate circumstances of the arrest including the time, location, acts of resistance if any, and description of items seized if any.

.3 On non-pending cases, the same information listed above may be provided to the media if the request is narrowly defined on a chronological basis. For example, the media could ask, "Was Smith arrested by HCC PD on or about Christmas time, 2020?" If the arrest could be confirmed by looking at the original record of entry, the information may be released. However, if the media asks, "Has Smith ever been arrested for burglary?", or "Has Smith ever been convicted of assault?" for example, the request for that information must be denied.

.4 The following information **MAY NOT** be released to the news media as part of a news release (either written or verbal):

- Prior criminal record, character, or reputation of an accused.
- Information concerning any confessions, statements, or admissions made or not made by the accused.
- Results of any tests or examinations conducted or refusal by the accused to submit to any examinations or tests.
- Identification of informants.
- Any opinion concerning the guilt or innocence of the accused, or any opinion on the merits of the case or quality of evidence gathered.
- Information from other law enforcement agencies without their concurrence in releasing that information.
- Names of victims in sex crimes.
- Names of juvenile defendants unless charged as an adult.
- The identity or credibility of any prospective witness.
- Any reference to the possibility of a plea agreement.
- Names of deceased persons prior to next of kin notification.



### **RESTRICTIONS ON RELEASING INFORMATION ON VICTIMS, COMPLAINANTS, AND WITNESSES 20.05**

.1 Although each case should be examined in relation to its particular impact and effect on individual citizens or the community, victim, complainant, and witness personal identifiers such as social security numbers, dates of birth, phone numbers, driver's license numbers, etc., shall not be included in any news release.

.2 When a victim, complainant, or witness specifically asks that the department not disclose the person's name or other information, the Department will withhold that information from news releases.

.3 Irrespective of the restrictions referenced in this section or elsewhere in this chapter, employees are still required to comply with all applicable laws pertaining to the disclosure of public records.

### **OTHER RESTRICTIONS 20.06**

.1 Officers and employees of the department, while acting as representatives of the department, shall not use the news media as a means of publicity, or for any personal reasons. Responsibility for publicity for the department is delegated and regulated by the Chief of Police.

.2 HCC PD personnel receiving requests for news information will not disclose whether or not news is available. They will instead refer those requests to the PIO

### **AUTHORITY TO RELEASE INFORMATION TO THE MEDIA 20.07**

.1 AT THE SCENE OF AN INCIDENT, only a person specifically assigned as the PIO or a sworn supervisor on the scene is authorized to release information to the media.

.2 FROM AGENCY FILES, only the Chief of Police or designee may release information to the media.

.3 CONCERNING ON-GOING CRIMINAL INVESTIGATIONS, only the Chief of Police or designee may release information to the media.

### **PRESS CREDENTIALS 20.08**

.1 The HCC Police Department does not issue press credentials. However, the department will limit any media representative's access to the scene of an incident or access to department files if the representative;

- interferes in an investigation while at the scene of an on-going incident;
- interferes with the effective operations of the Department;
- obtains and publishes restricted information; or
- otherwise violates established procedure.



## Chapter 20

## Release of Information to News Media

.2 All members of the news media must present positive identification as a representative of a public news service before gaining admittance to the department for the purpose of obtaining information

### **NEWS MEDIA ACCESS TO SCENES 20.09**

.1 Requests for information/access at the scene of an incident shall be referred to the media representative in charge of the scene. Police lines may be established to prevent persons from entering the area of a serious police incident or crime scene. Dependent on the circumstances of the incident and the likelihood of jeopardizing police operations, members of the media may be allowed access. If possible, a specific area for this purpose will be established in order to provide a cooperative flow of information concerning the incident. The assigned PIO or on scene supervisor will make these arrangements. He/she may coordinate with Fire Department personnel for this purpose when the Fire Department is involved.

.2 In the event of a major fire, natural disaster, or other catastrophic event for which HCC PD is responsible for establishing scene security, members of the media will initially be restricted to the outer perimeter. Once the situation has stabilized, and all emergency and investigative requirements have been satisfied, members of the media may be permitted inside the outer perimeter at the discretion of the incident commander.

### **INFORMATION RELEASE DURING MULTI-AGENCY INCIDENTS 20.10**

During incidents involving the mutual efforts of multiple public service agencies, the agency having primary jurisdiction will be responsible for coordinating the release of information

### **EMERGENCY NOTIFICATIONS 20.11**

When quickly notifying the public of existing conditions or emergencies is necessary (e.g. traffic detours due to accidents or fires, sudden roadway closings, notifications of evacuation, etc.), the PIO or Chief of Police shall ensure that the news media is contacted and notified of the condition or emergency, as well as any action which the public needs to take.



## ARRESTS

### GENERAL GUIDELINES 21.01

.1 The law and procedures governing arrest are of major importance to the officer and to the community which he/she serves. There is no branch of the law which concerns both groups more directly. A police officer, having the power of arrest, should make a thorough study of this phase of law enforcement for two reasons: first, to insure himself/herself against criminal or civil liability for any improper action on his/her part; second, to enable him/her to properly perform the duties of the office to which he/she has been appointed. The former concerns the officer, the latter, the community to which the officer is responsible as a public servant.

.2 An arrest must never be made by an officer because the officer feels that his/her dignity was impaired by derogatory remarks made by a citizen. The officer should feel immune to attempts to belittle his/her office; he/she should so conduct themselves as to earn the approval, assistance, and cooperation of citizens by being courteous and polite under all circumstances. When an arrest is made, the provocation must be sufficiently grave to justify the action; arrests made simply to show authority or to vent personal feelings will not be tolerated.

.3 Whenever an officer has occasion to call to the attention of a citizen a violation of any law, he/she should do so in a manner which will not cause resentment, and, if practical, should explain the reason for his/her action, whether or not prosecution may follow. The officer should bear in mind that, frequently, a polite warning to persons guilty of very minor offenses will be sufficient, and that arrest in such cases should not be made unless the violations are willful and repeated.

.4 Discretionary power is the power of free decision, or latitude of choice within certain legal bounds. When this power is poorly exercised, discretionary power may be viewed by the public as favoritism, bias, or corruption. Therefore, it is imperative that officers take into consideration when exercising discretionary power, the goals and objectives of the department, the best interests of the public they serve, any mitigating circumstances, and the volatility of the situation at hand.

.5 Every person arrested has the right to inquire of the officer the reason for which the action is based, and the officer has the duty of informing the subject of the offense, but it is not necessary to explain the nature of the charges in detail, at the time of arrest. Every person shall be advised of their rights as outlined in *Miranda v. Arizona*.

.6 After an officer has made an arrest, he must not undertake to adjudicate the case, as this is the duty of others so designated by law for that purpose.

### PRECAUTIONARY MEASURES 21.02

.1 The provisions of the law which define the circumstances under which a police officer may arrest must be strictly observed. No person may be arrested or detained by any police officer except



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under the authority of law. An arrest is authorized either by warrant, issued by competent authority (refer to MD Rules Title 4, Chapter 12, Rule 4-212), or without a warrant, under certain circumstances (refer to Criminal Procedure Article §2-201 through §2-210).

.2 In making an arrest, the officer must use discretion regarding his/her own safety and the security of the detainee; always remembering that the officer is responsible for delivering the prisoner/detainee safely. The following general rules should always be kept in mind whenever an arrest is made:

- A. Guard against carelessness and routine when making an arrest; watch the detainee's every move. Be alert; treat every case individually. Assume every detainee is awaiting his chance to escape.
- B. Never underestimate the person arrested. The apparently harmless may be the most dangerous.
- C. Keep the detainee before you. Never allow him to stand behind you, or at your side where he may seize your weapons.
- D. Avoid unnecessary conversation with a detainee. Give orders with authority, briefly and clearly.
- E. Prevent the detainee from putting his hands in his pocket at any time. He should be warned against doing this immediately upon his arrest. Even the most innocent object may be used as an offensive weapon by the detainee.
- F. Always consider the possibility of the accused being armed. Take no chances what so ever, even after the detainee has been carefully searched.
- G. Always obtain assistance to effect the arrest of an armed or dangerous criminal.
- H. Command the situation. Don't antagonize or handle the detainee with unnecessary roughness.
- I. The proper departmental code shall be given prior to transporting detainees; i.e., starting mileage, location, ending mileage.
- H. When assisting other officers in transporting detainees, the assisting officer shall not converse with the detainee regarding circumstances of the case, etc.
- I. In the event that an arrested subject becomes ill or injured before transporting to Central Booking or other designated facility, he/she shall be taken first to the hospital for medical treatment, and a report shall be filed regarding the cause of such injury or illness.

### SEARCHING ARRESTED PERSONS 21.03

.1 At the time of arrest, all arrested subjects shall be thoroughly searched for weapons, fruits and instrumentalities of crimes, evidence, and contraband, prior to transporting. The only exception to this would be if immediate removal of the detainee is required due to a volatile situation. The search shall be conducted AFTER the detainee is handcuffed. Upon arrival at Central Booking or other designated facility, the detainee shall be thoroughly searched again.

.2 Be systematic; searching thoroughly, in quadrants, tactically and systematically every time. When searching the head and neck area, remove any hats, scarves, wigs or clothing piece of any kind in



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order to gain access to the hair. In addition to the hair and neck area, all items removed from the head shall be searched thoroughly as well.

.3 Loose clothing should be searched by crushing and squeezing it with the hands. Pay careful attention to seams and areas such as collars and cuffs where the material is folded or sewn in two or more layers as razor blades, keys, and narcotics may be hidden there. Turn folded cuffs inside out to ensure they are empty.

.4 Search the area between the belt and the body (the belt will be removed during booking). Hips and legs can be checked by patting and squeezing clothing. Search all pockets thoroughly by turning them inside out to ensure they are empty. Remove all shoes, gloves and large accessories such as watches, wristbands, large jewelry, etc. which may be used to conceal weapons and contraband.

.5 Handbags, backpacks, suitcases, or other similar containers deserve careful inspection. Wadded paper, Kleenex, matchbooks, cigarette packs, lipstick tubes, and the like often conceal weapons and contraband.

.6 Bras are often used as storage and hiding places for contraband. In the event a female officer is unavailable to assist with a search, have the detainee pull the bra away from the body as far as possible and lean forward. This will allow concealed items to fall to the waistband where they can be felt without removing the clothing. Ensure that a cover officer is present as handcuffs will need to be removed in order to accomplish this. This should only be done after a full search has been accomplished and the officer is reasonably assured that contraband or weapons are not being concealed anywhere else on the detainee's person.

.7 When it is apparent that a complete strip search is necessary in order to determine the suspected location of contraband or evidence, an officer of the same gender will be used. Mutual aid assistance may be requested. In all cases, complete strip searches should be conducted in such a manner as to protect the right and dignity of the arrestee. Refer to Chapter 15.04

.8 When it is necessary to conduct searches of detainees of the opposite gender, officers should use the back of the hand or an object such as an ink pen or baton to feel for objects. Clothing can be held tight against the body to reveal outlines of objects. Normally, only male officers will search the crotch area of male detainees, and female officers will search the crotch and breast area of females. However, in the event an officer has a specific and articulable belief that the detainee has a weapon, the officer may secure that weapon regardless of the detainee's gender. An officer's safety will supersede a detainee's potential embarrassment.

### **CHARGING DOCUMENTS FOR WARRANTLESS ARRESTS: 21.04**

.1 The Maryland Uniform Criminal Citation (DC/CR 45) is used as the charging document for warrantless arrests of adults for specific criminal offenses under circumstances defined in the Criminal Procedure Article §4-101. The content of CP §4-101 is summarized in this section. For





all other circumstances involving warrantless criminal arrests, the Statement of Charges (DC/CR 2) and accompanying Statement of Probable Cause (DC/CR 4) are the charging documents.

## .2

Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer shall charge by citation for:

1. any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;
2. any other misdemeanor or local ordinance violation not involving serious injury or an immediate health risk for which the maximum penalty of imprisonment is 90 days or less, except:
  - A. failure to comply with a peace order under § 3–1508 of the Courts Article;
  - B. failure to comply with a protective order under § 4–509 of the Family Law Article;
  - C. violation of a condition of pretrial or posttrial release under § 5–213.1 of this article;
  - D. possession of an electronic control device after conviction of a drug felony or crime of violence under § 4–109(b) of the Criminal Law Article;
  - E. violation of an out-of-state domestic violence order under § 4–508.1 of the Family Law Article; or
  - F. abuse or neglect of an animal under § 10–604 of the Criminal Law Article; or
3. possession of cannabis under § 5–601 of the Criminal Law Article.

(ii) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer may charge by citation for:

1. sale of an alcoholic beverage to an underage drinker or intoxicated person under § 6–304, § 6–307, § 6–308, or § 6–309 of the Alcoholic Beverages and Cannabis Article;
2. malicious destruction of property under § 6–301 of the Criminal Law Article, if the amount of damage to the property is less than \$500;
3. misdemeanor theft under § 7–104(g)(2) of the Criminal Law Article.
4. possession of a controlled dangerous substance other than cannabis under § 5–601 of the Criminal Law Article;
5. possession with intent to distribute cannabis under § 5–602(b)(1) of the Criminal Law Article; or
6. growing or manufacturing cannabis or a cannabis product under § 5–603(b) of the Criminal Law Article.

(2) A police officer may charge a defendant by citation only if:

- (i) the officer is satisfied with the defendant's evidence of identity;
- (ii) the officer reasonably believes that the defendant will comply with the citation;
- (iii) the officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety;
- (iv) the defendant is not subject to arrest:

(1) for an alleged misdemeanor involving serious or immediate health risk or an alleged felony arising out of the same incident; or

(2) based on an outstanding arrest warrant; and

(v) the defendant complies with all lawful orders by the officer.

(3) A police officer who has grounds to make a warrant less arrest for an offense that may be charged by citation under this subsection may:

(i) issue a citation in lieu of making the arrest; or

(ii) make the arrest and subsequently issue a citation in lieu of continued custody.

.4 If any of the above criteria are not met, or one of the offenses is not chargeable on a citation, the defendant will be charged on a statement of charges (DC/CR 2). The accompanying statement of probable cause (DC/CR 4) must state the reason the defendant was not charged on a criminal citation. This is to clarify for the court commissioner and State's Attorney's Office why a citation was not issued.

.5 Officers charging a defendant by citation shall arrest the defendant and either:

- transport the defendant to Central Booking for processing by Central Booking personnel (photographing, fingerprinting, validating identity, checking for active warrants, etc.); and
- issue the citation, after which at which point the defendant shall be released; or
- issue the citation, at which point the defendant shall be released without going to Central Booking; and
- complete an investigative report (regardless of the offense).



.6 While either option is available to the arresting officer, on occasion it may be more advisable to opt for the latter procedure, or to release the defendant and obtain a criminal summons at a later time. Some examples of situations where these options should be considered include:

- The actual or anticipated call for service load is exceptionally high compared to available staffing.
- The defendant requires medical treatment which will excessively delay transport to Central Booking.
- The defendant has voluntarily met with the officer to provide a statement.
- The officer believes the subject will comply with the law and will not continue the behavior for which they are being cited.

.7 If a defendant is released without being taken to Central Booking (to be charged by citation or criminal summons), the officer shall photograph the defendant and upload the photo through the Keystone Report Writer.

### **SPECIAL ARREST PROCEDURES 21.05**

#### **.1 Mail Carrier, Bus Lines and Trains:**

Whenever any person, engaged in the delivery of United States Mail, or any person in charge of a public bus line vehicle, railroad engine, or train, shall be guilty of a minor misdemeanor, while so engaged, no arrest shall be made at the time. The officer will note the name of the defendant, the name of his employer, the number of the vehicle, and the defendant's badge number. The officer will notify the defendant to appear at Headquarters at such time as will permit him to be charged. The officer will also notify the defendant's employer of the facts and make a written report of the circumstances to his/her commanding officer.

If the crime charged is a felony, or other serious offense, an arrest will be made immediately. In such case, the arresting officer shall permit the detainee to turn the mail and/or vehicle over to an authorized person, then take the detainee to Central Booking. If, for any reason, the defendant must be removed from the scene immediately; a guard must be placed at the vehicle until he can be relieved of his responsibility by an authorized person.

#### **.2 Military Personnel:**

In all cases in which a member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard is arrested, the arresting officer will notify the Military Police of the arrest, and note same on the Arrest/Transport Report.

#### **.3 Personal Family Arrests:**

Members of the Department shall not (except in emergency) make arrests in their own quarrels or in those involving close relatives, associates, or neighbors. In such cases another unit should be summoned to take whatever action is necessary. The complaining officer should be available as a witness, or to assist, if needed, in event an arrest is made. An emergency is deemed to exist in cases



in which an officer must make an immediate arrest to prevent injury to him/herself or another person, to prevent destruction of property, to prevent the commission of a felony or serious crime, or to prevent the escape of the guilty person.

#### **.4 Emergency Evaluations:**

As pertains to law enforcement personnel, procedures for handling emergency evaluations may be found in the Health Articles-General, sections 10-620 to 10-624, and section 10-626. When serving a petition for emergency evaluation, the officer will obtain an incident number from the dispatcher and write it on the petition. After serving the petition, the officer will forward the HCC PD copies with the investigative report. The serving officer will complete an investigative report anytime a Petition for Emergency Evaluation is served, regardless of origin.

#### **.5 Arrest Upon Telegram or Teletype:**

In such cases the officer requesting the arrest should be required to give definite and specific information as to the character of the offense and description of the party charged. If the crime alleged to have been committed is a felony, an officer is justified in making the arrest upon such telegraphic or teletypewriter information, upon the theory that he/she may arrest whenever he/she has reasonable grounds to suspect that a felony has been committed. Felony - Misdemeanor offense - the officer will detain suspect and immediately notify Communication Center and have them confirm wanted status. If interstate, ascertain if extradition is authorized. When wanted status is confirmed, require certified copy of the warrant be relayed as soon as possible.

### **EXEMPTIONS FROM ARREST 21.06**

.1 Law enforcement authorities of the United States must always treat foreign diplomatic and consular personnel with respect and with due regard for the privileges and immunities to which they are entitled under international law. However, appropriate caution on the part of law enforcement authorities should never escalate into a total "hands off" attitude in connection with criminal law enforcement actions involving diplomats. Diplomatic immunity precludes arrest or detention, prosecution, entering of residences, or subpoena. However, reasonable constraints may be applied in emergency circumstances involving self-defense, public safety, or prevention of serious criminal acts. Further, allegations of serious crimes should be fully investigated to the maximum permissible extent. Diplomatic immunity applies only to diplomatic agents, members of their administrative and technical staff, and to recognized family members. Members of a diplomat's service staff, consular employees, and other lower level employees do not enjoy diplomatic immunity. When doubt exists regarding an individual's immunity, the Department of State Diplomatic Security Command Center can provide verification at 866-217-2089 Additional information can be found in the publication *Diplomatic and Consular Immunity: Guidance for Law Enforcement and Judicial Authorities*, located on the shared drive.

.2 No person belonging to the organized militia, shall be arrested on any process except such as may be issued by military authority, while going to, remaining at, or returning from any place at which he may be required to attend for military duty.



.3 Article I, Section 6 of the United States Constitution states that United States senators and representatives shall, in all cases except treason, felony and breach of peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

OFFICERS SHOULD NOTE that the United States Supreme Court has construed the words "treason, felony, and breach of peace" to remove from the operation of the privilege all criminal offenses. Therefore, the immunity applies only to arrest in civil cases, which was a common procedure at the time of the Constitutional Convention. Senators and representatives are not immune from criminal arrest, including traffic citations. (Deschler's Precedents of the United States House of Representatives, Volume 2.)

.4 This protection to members of Congress is given by the Constitution of the United States, and that of all members of the State Legislatures is generally secured to them by the Constitutions of the various states, or by the common law. (Voorhees, Paragraph 271.)

.5 While the Constitution of the State of Maryland makes no provision to exempt the State Legislators from arrest, the common law prevails, which privileges them from arrest in civil cases while attending, going to, or returning from a session of their respective Houses. Article 3, Section 18 of the Constitution of Maryland does say that no Senator or Delegate shall be liable in any civil action, or criminal prosecution, for words spoken in debate.

## **SHOPLIFTING POLICY: 21.07**

### **.1 FELONIES**

Adults will be physically arrested and brought to Central Booking. Juveniles will be physically arrested and brought to Headquarters. Officers will complete charging documents and summons in all witnesses. Adults will be taken before a District Court Commissioner. The Department of Juvenile Services (DJS) will be called for detention authorization. Those juveniles not authorized for detention will be released to parent or guardian.

### **.2 MISDEMEANORS**

- A. All suspects should be released at the location of offense after their identity has been verified and the suspect no longer possesses any stolen property. If identification cannot be verified, the suspect is to be taken into custody and charged by the responding officer.
- B. For adult suspects not taken into custody, the responding officer will be responsible for obtaining charges through the District Court. Discretion may be used based on HCC policy and desire to prosecute the offender. For juveniles not taken into custody, the responding officer will complete a juvenile Arrest/Transport Report (i.e. "paper arrest") and take a digital photo of the suspect.



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- C. If the juvenile is not present at the scene and the officer has reasonable grounds to believe that the juvenile committed the crime, the officer can contact the juvenile at a later date and still charge the juvenile.
- D. In the event of expected prosecution, all recovered property will be treated as evidence and applicable procedures followed. In the event that prosecution is not desired, all recovered property will be kept by the store and noted on the theft report.
- E. In all cases where the officer physically arrests the suspect, and all juvenile paper arrests, a theft report will be completed as well as a property report for chain of custody purposes. In cases involving adults and juveniles not arrested by the officer, a theft report will be completed in order to document the incident.
- F. All adults not physically arrested are to be photographed and properly identified through a field interview report. Refer to Chapter 14.22

### ALTERNATIVES TO ARREST 21.08

Officers may exercise discretion to the extent that an alternative to an arrest may be employed to resolve certain situations. Warnings, referrals, informal resolutions, and citations shall be considered the only departmentally approved alternatives to arrest. Alternatives to arrest must respect the rights of the parties involved, must accomplish a police purpose, and must follow departmental policy.

- .1 Referrals may be made to other departmental components, to other police or governmental agencies, to social services, or to other organizations better suited to address and to resolve the problem(s) identified in the field investigation.
- .2 An officer, at his/her discretion may offer informal resolutions to situations and conflicts when, in the officer's judgement, the informal resolutions can adequately solve such situations. Examples include informing the proper agency or organization, or advising parents of juvenile activity.
- .3 A warning may be issued by an officer when, in his/her discretionary judgement, it is the most reasonable alternative for the offender and violation.
- .4 The use of citations and warnings in cases of traffic violations is discussed in Chapter 14.
- .5 CRIMINAL CITATIONS: As noted in section 21.4, officers may issue criminal citations in lieu of arrest or continued custody.

### POSSESSION OF MARIJUANA/CANNABIS 21.09

- .1 CIVIL AMOUNT - As of July 1, 2023, the possession of cannabis that qualifies as a "Civil Amount" is defined in this State (CL §5-601 (c)(2)(ii)). The fine is punishable by a fine not to exceed \$250.00.
  - A. An amount of usable cannabis that exceeds 1.5 ounces, but does not exceed 2.5 ounces;
  - B. An amount of concentrated cannabis that exceeds 12 grams but does not exceed 20 grams; or



- C. An amount of cannabis products containing delta-9-tetrahydrocannabinol that exceeds 750 mg but does not exceed 1,250mg.

**.2 PERSONAL AMOUNT** - CR § 5-60(c)(2)(ii)(1) – A finding of guilt for use or possession of the personal use amount of cannabis is a civil offense punishable by a fine not exceeding \$100.00

“Personal Use Amount” means:

- A. An amount of usable cannabis that does not exceed 1.5 ounces;
- B. An amount of concentrated cannabis that does not exceed 12 grams; or
- C. An amount of cannabis products containing delta-9-tetrahydrocannabinol that does not exceed 750 mg

**.3 SMOKING CANNABIS IN PUBLIC** - CR § 5-601(c)(4) – The smoking of cannabis in a public place is a CIVIL OFFENSE punishable by a fine not exceeding \$250.00 (first offense) or a fine not exceeding \$500.00 (subsequent offense).

**.4 CITATION INFORMATION** - A police officer must issue a citation for the use or possession of personal use amount of cannabis or the civil use amount of cannabis, both civil offenses, under CR § 5-601.1(b). If a citation is issued to a person younger than age 21 for these civil offenses, the court must summon the person for trial. The court may (1) order the person to attend a drug education program approved by MDH; (2) refer the person to an assessment for substance abuse disorder; and (3) refer the person to substance abuse treatment, if necessary.

A police officer must charge by citation for the possession with intent to distribute cannabis under CR § 5-602 (criminal); or growing or manufacturing cannabis or a cannabis product under CR § 5-603(b) (criminal) if requirements under CP § 4-101(c)(2) are satisfied.

**.5 CIVIL PREPAID SCHEDULE AMOUNT AND COST – USE OR POSSESSION OF THE PERSONAL USE/CIVIL AMOUNT OF CANNABIS** - A person who receives a payable citation pursuant to that section may pay the specified penalty or request a trial date in writing within 30 days of receipt of the citation. The amount which may be paid without appearing in the District Court of Maryland shall be \$50.00 for the use or possession of the personal amount of cannabis; and \$125.00 for the use or possession of the civil use amount of cannabis. The court costs in any case in which costs are imposed are \$5.00, in addition to any fine imposed by a judge.

**.6 CIVIL PREPAID SCHEDULE, AMOUNT AND COSTS – SMOKING CANNABIS IN A PUBLIC PLACE** - A person who receives a payable citation for a violation of Criminal Law Section 5-601 may pay the specified penalty or request a trial date in writing within 30 days of receipt of the citation. The amount may be paid without appearing in the District Court of Maryland shall be \$125.00 for a first offense; and \$250.00 for a second offense. The court costs are \$22.50, in addition to any fine imposed by a judge.



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.7 Officers are reminded that failure to sign a civil citation is not a crime and may **not** be cause to arrest the person. Rather, the officer will write “Refused to sign” on the signature line.

.8 Regardless of weight, all marijuana will still be seized and submitted as evidence per Chapter 16 of HCC PD Policies and Procedures.

.10 Searches:

- A. Positive K-9 alerts will continue to be sufficient probable cause to search vehicles for the presence of CDS.
- B. Probable cause searches for marijuana involving vehicles will be done in accordance with
  - ▶ Chapter 15 of HCC PD Rules and Regulations and the Carroll Doctrine. Such searches may extend to both the vehicle and its occupants. Under HB-1071-CP 1-211
  - ▶ May not initiate a stop or a search of a person, a motor vehicle or vessel based on the odor of burnt or unburnt Cannabis, the possession or suspicion of possession of cannabis that does not exceed the personal use amount
  - ▶ If LE is investigating a person solely for DUI/DWI may not conduct a search of MV or Vessel that is not readily accessible to driver or operator or reasonably likely to contain evidence relevant to the condition of the driver or operator

.4 When conducting probable cause searches for marijuana, officers should always articulate the reasons they believe the vehicle contains contraband or the fruits, instrumentalities or evidence of criminal activity.

.5 The search incident to arrest exception to the warrant requirement does not apply to the issuance of a Civil Citation as noted in *Lewis v. State*.

### PROCESSING ADULT CRIMINAL VIOLATORS 21.10

All adults arrested and charged for criminal violations are processed by Central Booking Personnel when they arrive at Central Booking. Temporary detentions for investigative purposes shall be recorded and detailed on the Arrest/Transport Report. The arresting officer shall prepare the required charging documents.

### PROCESSING ADULT TRAFFIC VIOLATORS 21.11

.1 Adults arrested for alcohol-related traffic violations will be transported to the Washington County Sheriff's Office or the Hagerstown Police Department for processing and evidentiary testing. Exceptions may be made for detainees who are being too unruly for a breath test, in which case the detainee will be brought directly to Central Booking. Once all required procedures are complete, those who are not eligible to be released (as described in Chapter 23) will be transported to Central Booking for processing by Central Booking personnel.

.2 If an adult is arrested for a non-alcohol related traffic offense and criminal offenses, he/she will be transported directly to Central Booking for processing by Central Booking personnel.



**PROCESSING JUVENILE VIOLATORS 21.12**

.1 All juveniles taken into custody by officers of this Department for the commission of a crime or a delinquent act, which would be a crime if committed by an adult, shall be transported to the Washington County Sheriff's Office for processing and fingerprinted. Processing of all juveniles arrested, including those not taken into custody, will include photographs.

.2 The processing officer will complete the following procedures when processing juvenile arrests: Complete a local and state fingerprint card only. The areas to be completed are the officer's signature, the juvenile's (suspect's) signature, and the current date. Take a front view photo of the arrestee. After the juvenile is fingerprinted and photographed, the processing officer will hand carry the completed Arrest/Transport Report and the fingerprint cards to the Records Custodian. This is to be done as soon as possible so they may be submitted to the state within 72 hours of the arrest. If the Arrest/Transport Report cannot be completed due to insufficient information, the processing officer will hand carry a copy of the Arrest/Transport Report with the available information to the Records Custodian as soon as possible. The original will be forwarded when it is completed.

.3 Juvenile arrestees shall be processed in the location(s) specifically designated for juvenile detainee processing. Officers are reminded that juvenile detainees are to be separated from adult detainees by sight and sound, even during the booking process.

- .4 Under Senate Bill 53 officer must immediately notify or cause to be notified the child's parents, guardian or custodian in a manner reasonably calculated to give actual notice of the action. The notice must include the child's location, provide the reason for the child being taken into custody, and instruct the parent, guardian or custodian on how to make immediate in-person contact with the child.
- The act prohibits the custodial interrogation of a child by a law enforcement officer until the child has consulted with an attorney who is retained by the child's parent, guardian or custodian or [provided by the public defender and the officer has made notice to the child's parent, guardian or custodian that the child will be interrogated.
- An exception to this would be a lawful custodial interrogation if information sought is necessary to protect against the threat to public safety. Unless impossible, impracticable or unsafe, the interrogation must be recorded and the child informed of same.

**EXTRA JURISDICTIONAL AUTHORITY 21.13**

.1 Pursuant to Annotated Code of Maryland, Criminal Procedure Article §2-102 (related to extra jurisdictional arrests), sworn officers of this Department are authorized to make arrests, conduct investigations, and otherwise enforce the laws of this State throughout the State without limitations as to jurisdiction under the following conditions:

- The Officer is participating in a joint investigation with officials from any other state, federal, or local law enforcement agency, at least one of which shall have local jurisdiction;





- The Officer is rendering assistance to a police officer;
- The Officer is acting at the request of a local police officer or a state police officer; or
- An emergency exists. Emergency is defined as a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect the health, safety, welfare, or property of an individual from actual or threatened harm from an unlawful act.

NOTE: This section does not authorize a police officer who acts under the authority granted by this section to enforce the Maryland Vehicle Law beyond the police officer's sworn jurisdiction, unless the officer is acting under a mutual aid agreement authorized under CP §2-105 of the Annotated Code.

.2 When acting under the authority granted in CP §2-102, the following notifications of an investigation or enforcement action shall be made:

- the chief of police, if any, or chief's designee, when in a municipal corporation; ,
- the Police Commissioner or Police Commissioner's designee, when in Baltimore City;
- the chief of police or chief's designee, when in a county with a county police department, except Baltimore City;
- the sheriff or sheriff's designee, when in a county without a county police department;
- the Secretary of Natural Resources or Secretary's designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources;
- the Secretary of Natural Resources or Secretary's designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources;
- the chief of police of the Maryland Transportation Authority or chief's designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, or Maryland Port Administration;
- the chief of police of the Department of General Services or the chief's designee, when on property owned, leased, operated, managed, patrolled by, or under the control of the Department of General Services;
- the chief of police of the Maryland-National Capital Park and Planning Commission for the county in which the property is located, when on property owned, leased, or operated by or under the control of the Maryland-National Capital Park and Planning Commission;
- the Department of State Police barrack commander or commander's designee in all cases, unless there is an agreement otherwise with the Department of State Police.

.3 When participating in a joint investigation with officials from any other state, federal, or local law enforcement agency, with at least one having local jurisdiction, the Officer shall make the notification indicated above within a reasonable time in advance.

.4 Officers acting under the authority granted in CP §2-102 shall have all the immunities for liability and exemptions as that of a state police officer in addition to any other immunities and exemptions to which the police officer may otherwise be entitled.



.5 Officers acting under the authority granted in CP §2-102 shall at all times or for all purposes remain an employee of this Department.

.6 Officers acting under the authority granted in CP §2-102 shall notify his/her supervisor as soon as is practical, and shall report the facts on an Investigative Report.

#### **REQUIREMENTS PERTAINING TO DETENTION OF FOREIGN NATIONALS 21.14**

.1 When foreign nationals are arrested or detained, they must be advised of the right to have their consular officials notified. In some cases, the nearest consular officials must be notified of the arrest or detention of a foreign national, regardless of the national's wishes. Consular officials are entitled to access to their nationals in detention, and are entitled to provide consular assistance.

.2. Steps to Follow When a Foreign National is Arrested or Detained determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel document the foreign national travels. Go online and access the Consular Notification and Access page at the following web address:

<http://travel.state.gov/content/travel/en/consularnotification.html>. There you will find several relevant links, including:

- Countries and jurisdictions with mandatory notifications.
- Consular notification statements and forms, with various language translations, for arrestee/detainee notifications.
- Suggested fax sheets for notifying consular officers of arrest, detention, death, or serious injuries.
- Phone numbers for foreign consular offices.
- Department of State contact information.

.3 If the foreign national's country **is not** on the mandatory notification list, offer, without delay, to notify the foreign national's consular officials of the arrest/detention. Use the Consular Notification Statement for persons whose countries are exempt from mandatory notification. The statement can be found in a variety of languages on the above listed website. Print the form and have the person sign it. If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay.

.4 If the foreign national's country is on the list of mandatory notification countries, notify that country's nearest consular officials, without delay, of the arrest/detention. Tell the foreign national that you are making this notification. Use the relevant Consular Notification Statement for persons from mandatory notification countries. Print the form and have the person sign it.

.5 Document the notification and actions taken in the investigative report. Forward the signed Consular Notification Statements to the Records Unit to be added to the case file.



## LEGAL PROCESS

### RECEIVING AND RECORDING LEGAL PROCESS 22.01

All legal service for Washington County is assigned to the Washington County Sheriff's Office

### ARREST ON WARRANT OR OTHER LEGAL PROCESS REQUIRING ARREST 22.02

When a member of this department locates a person, who is reported to be wanted on a warrant or other legal process requiring arrest, regardless of the origin of the legal process, the following procedures shall be followed:

- .1 Have the 911 dispatcher verify the existence of the legal process with the originating agency. The person may be secured with restraints while awaiting confirmation.
- .2 Once the legal process is confirmed, take the person into custody. If the process cannot be confirmed or has been served, or if extradition is not authorized (for process originating outside Maryland), the person shall be released unless other legal justification exists to detain or arrest.
- .3 If no additional charges are being placed against the person, check to see if members of the County Warrant Task Force are on duty. If so, notify them of the arrest. If available, they will respond to take custody of the person. An Arrest Report will be completed detailing the officer's actions up and to the point that custody is relinquished and to whom.
- .4 If the Warrant Task Force is not available, or if additional charges are being placed on the person, transport the person to Central Booking and follow the facility's booking procedures.
- .5 If Maryland legal process can be forwarded to and served at Central Booking (many Maryland warrants permit this via facsimile copy), serve the process on the person. If the legal process has to be served in the originating county, obtain a copy of the teletype detainer (from the 911 Center), a copy of the first page of the legal process (from the originating agency), and leave both with the Central Booking personnel who will coordinate transport and/or extradition.  
*NOTE: With supervisory approval, officers may meet other Maryland agencies at or near the Washington County line to turn over defendants who cannot be served at Central Booking. This should only be approved if it can be done expeditiously, i.e. more quickly than the Central Booking process.*
- .6 If the legal process is from another state, obtain a copy of the teletype detainer with extradition authorization (from the 911 Center) and a copy of the first page of the legal process (from the originating agency). Complete a "Charge Against Fugitive" form, and serve it on the defendant. At that point, Central Booking staff will take custody of the defendant.

**LEGAL PROCESS WITH INACCURATE DESCRIPTIVE INFORMATION 22.03**

.1 If, while attempting to serve a *felony* warrant on an individual, the officer discovers that the name or other descriptive information on the warrant is incorrect, the officer may still serve the warrant if he/she has probable cause to believe that the individual is the person contemplated in the warrant. If this occurs, the officer will note same on the arrest report and the department's copy of the warrant. The officer will attach a note to the court copy indicating the same. The State's Attorney will make the necessary amendments.

.2 If, while attempting to serve a *misdemeanor* warrant or criminal summons on an individual, the officer discovers that the name or other descriptive information on the warrant is incorrect, the officer may still serve the warrant if the individual agrees that he is the person contemplated in the warrant. If this occurs, the officer will note same on the arrest report and the Department's copy of the warrant. The officer will attach a note to the court copy indicating the same. The State's Attorney will make the necessary amendments.

.3 If a misdemeanor warrant or criminal summons has incorrect identifying information and the person denies that he/she is the same person contemplated in the warrant, the officer may not serve the warrant, and the warrant must be forwarded by the warrant squad to the State's Attorney to be nol-prossed. A new warrant with the proper information will have to be obtained by the complainant. The officer who attempted the service will notify the warrant squad who will attempt to contact the complainant and advise him/her of the situation.

.4 If any of the descriptive information on any other served legal process is incorrect, the officer serving the process will attach a note to the court copy indicating the correct information. The correct information will be added directly to the Department's copy.

**WITNESS SUMMONSES/OFFICER CASE LOAD NOTIFICATIONS 22.04**

.1 Witness summons/officer caseload notifications are to be served via email by the Patrol Lieutenant when they are received.

.2 Personnel are responsible for checking their HCC emails for summonses and caseload notifications at least once during each of their regular workdays. Deviations from this requirement will be allowed if caused by emergencies, unusually high workload, or other reasonable conditions.

.3 The Patrol Lieutenant is responsible for delivering hard copies of summonses and caseload notifications to the HCC PD employees under their supervision. The supervisor shall obtain written verification of receipt from the employee, and maintain the verification for one year.

**PROTECTIVE ORDERS 22.05**

.1 Although typically served by WCSO or the Warrant Task Force officers, HCC PD personnel may

occasionally be called upon to serve an interim or temporary or protective order on the College Campus. WCSO may request this if the respondent is requesting service, or service is otherwise urgent, and no WCSO or Warrant Task Force officers are available.

.2 If such a request is made, the officer will be notified where the order is located (either be at the District Court Commissioner's Office or at the WCSO Patrol Office). The officer will then:

- take the order to the respondent;
- explain the conditions of the order;
- have the respondent sign, or write "refused" if the respondent refuses to sign;
- give the "respondent" copy to the respondent.
- If the WCSO forms are with the order, have the respondent sign them and provide the respondent a copy.

.3 If the officer is serving a Temporary Protective Order, the officer is to take the following actions regarding firearms:

- Notify the respondent that he/she must surrender any firearm he/she owns or possesses. If the respondent is or will be staying with another person, any firearms accessible to respondent that are owned or possessed by that person must also be surrendered. Firearms owned or possessed by another person do not have to be surrendered if they are reasonably secured in a manner to prevent access by the respondent.
- If the respondent refuses to surrender firearms, or if firearms owned by the respondent are at another location, notify the WCSO Duty Officer. WCSO will follow-up.
- Although unlikely that a person being served on the college campus would have possession of firearms, in the event the officer will use the Washington County Sheriff's Officer Firearms Surrender Report to list all firearms being surrendered. Have the person sign where indicated and provide the him/her the copy.
- If applicable, take all firearms surrendered and the Firearms Surrender Report to the WCSO Duty Officer.

.4 If the respondent is at a location prohibited by the protective order, the officer is to ensure the respondent leaves after service is complete. If the respondent refuses, he/she is in violation of the order and the officer shall arrest the respondent.

.5 When service is complete, the officer is to return the court copy to the District Court civil clerk during normal court hours, or to the District Court Commissioner's Office if the court is closed. The Law Enforcement copy and the WCSO forms are to be returned to the WCSO Duty Officer.



## IMPAIRED DRIVING ENFORCEMENT

### GENERAL GUIDELINES 23.01

.1 The procedures described in this chapter shall be followed when a police officer stops or detains any person who the officer has reasonable grounds to believe is or has been:

- In violation Section 21-902 of Transportation Article (DWI/DUI);
- In violation of Section 16-113 of the Transportation Article (alcohol restrictions); or
- In violation of Section 16-813 of the Transportation Article (alcohol use with commercial motor vehicles).

.2 With regard to alcohol restriction violations, the following points should be noted:

- A. In addition to MVA or court-imposed alcohol restrictions, an automatic alcohol restriction applies to all licensed Maryland drivers under the age of 21. The restriction on Maryland drivers under 21 appears on the reverse side of licenses issued after July 1, 1989. For those persons under 21 with licenses issued prior to that date, the restriction still applies.
- B. The odor of alcoholic beverage on the person's breath is sufficient reasonable grounds that the person is or has been driving or attempting to drive in violation of the restriction. The person may be taken into custody and transported to the WCSO or HPD headquarters for processing and testing at that point. An arrest report will be completed in such cases.

.3 A blood alcohol concentration of 0.02 or higher constitutes a violation of the restriction.

.4 If the reading is below 0.02, the person is not to be charged with violating the alcohol restriction. If the reading is 0.02 or higher, they should be charged and not permitted to drive.

.5 If the chemical test for alcohol reveals a reading of 0.07 or higher, the person is to be charged with DUI or DWI, whichever is appropriate for the reading.

.6 If the subject is being charged with a violation of an alcohol restriction but not DWI/DUI, an entry in the "comments" section of the MSP form 36B (Log of Tests for Alcohol Influence Arrests) should state "administrative test-alcohol restriction". If he is being charged with DWI or DUI due to the test results, the log will be completed the same as any standard chemical test.

.7 A refusal to submit to a test will be handled the same as any DWI or DUI refusal.

.8 When a suspected violator is stopped for suspicion of driving while impaired, or under the influence of alcohol or drugs, any violations committed by the suspect prior to the stop should be noted. After the suspect is stopped, if suspicion of driving while impaired or driving while under the influence of alcohol or drugs still exists, the suspect shall be requested to perform field sobriety tests when possible. The standardized sobriety tests, including the Horizontal Gaze Nystagmus, "Walk and Turn", and "One Leg Stand" will be used when possible. When utilized, the standardized field sobriety tests will be administered according the NHTSA standards. Officers



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should also note all other observations that, based on their training and experience, would be indicative of a person who is intoxicated or impaired.

.9 Officers are not required to give Miranda warnings prior to administering field sobriety tests. Inquiries as to how much the subject had to drink, where he/she was drinking, what he/she was drinking, etc. are permitted prior to taking the subject into custody. Miranda warnings also do not have to be given prior to the administration of the chemical test unless the officer asks incriminating questions after the subject is in custody. In fact, if Miranda warnings are given and the subject refuses to answer whether or not he will submit to the chemical test, his refusal to answer cannot be deemed a refusal. He is merely exercising those rights he was just given. Therefore, officers should not give Miranda warnings or ask incriminating questions prior to the completion of the chemical test (McAvoy v. State, 1989).

.10 The procedures set forth in the "Administrative Per Se" manual will be followed whenever an officer stops or detains any person who the officer has reasonable grounds to believe is or has been:

- In violation Section 21-902 of Transportation Article (DWI/DUI);
- In violation of Section 16-113 of the Transportation Article (alcohol restrictions); or
- In violation of Section 16-813 of the Transportation Article (alcohol use with commercial motor vehicles).

.11 When a suspect is arrested for DWI/DUI, the vehicle operated by the suspect will be towed, unless it is removed by an owner or co-owner, who is competent to drive. If towed, the property contained in the suspect's vehicle will be inventoried in the narrative of the Offense/Incident (Towed Vehicle) Report. A Towed Vehicle Report will be completed unless the vehicle is towed as a result of a traffic accident. When this is the case, note same on arrest report: "Vehicle towed as a result of the accident."

.12 In all cases involving violations requiring that a chemical test be offered (see section 23.1.5), the Log of Tests (MSP form 36B) is to be completed by a certified breath test operator when available. If a certified breath test operator is not working, the shift supervisor shall ensure that a certified breath test operator completes the log.

.13 In all cases where a suspect is charged with DWI or DUI, the following forms must be completed (in addition to required administrative forms):

- Arrest/Transport Report - Include a summary of offenses with which the person is being charged. Also list any related criminal charges on the arrest report.
- Alcohol Influence Report Form (MSP Form 32)
- Citations - Either handwritten or ETIX.
- Witness Summonses - as needed.

.14 Statement of Probable Cause - If the suspect is to be seen by the Court Commissioner (e.g. not released to a competent sober adult, charged with additional criminal offenses, etc.).





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.15 Maryland residents charged with DWI or DUI may be released from custody to a competent, sober individual under the following conditions:

- The defendant is not charged with a criminal offense.
- The defendant is not disorderly or unruly.
- The defendant signs the required citations.
- The defendant does not give the officer any other reason to believe he/she will not appear for trial.

.16 The competent sober adult is informed that the defendant is not to drive, and it is their responsibility to ensure that, for at least 12 hours, the defendant will not drive. The sober person must print his/her name, address and phone number and sign for the defendant at the bottom of the arrest report.

.17 The person charged will be responsible for contacting someone regarding his/her release. If a sober/competent individual cannot be located the person charged will be transported to Central Booking. The defendant may not be released to a transport service, i.e.; Taxi, Uber, Lyft, etc.

.18 All out of state individuals charged with DWI/DUI may be released from custody under the same conditions as Maryland residents, however the officer should also take into consideration the probability of the person returning for court based on the proximity of the person's residence to this state, how routinely the person is in the state, or any other relevant factors.

.19 In the event a person is charged pursuant to any of the provisions of this chapter and had been operating a commercial motor vehicle, the officers should also notify the Maryland State Police Commercial Vehicle Enforcement Division or one of the Washington County Sheriff's Office Commercial Vehicle Enforcement deputies.

### ADMINISTERING CHEMICAL TEST FOR ALCOHOL—GENERAL GUIDELINES 23.02

.1 Procedures for administering a chemical test for alcohol require that a test be administered within 2 hours after the officer makes the determination that the defendant is in violation of one of the pertinent laws. As long as the defendant agrees to take the test, it must be administered. Maryland appeals court rulings allow the defendant to change his mind as often as he wants as long as this does not interfere with the timely administration of the test. However, if the defendant is able to make a decision but does not, he may be deemed as having refused. Once the defendant is released from the custody of the arresting officer and has left the building, he may not come back to agree to take the test.

.2 Tests administered after the 2-hour limit will not necessarily be excluded if the time limit has expired unintentionally. An example would be if the officer determines that the subject is impaired, but the incident involved a complex accident, and the officer's duties prevented him from having the test administered within the 2-hour limit. (Brice vs. State)





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.3 Maryland law pertaining to the administration of chemical tests for alcohol can be found in the Courts and Judicial Proceedings Article (CJ), §10-301.1 through §10-309. Officers should also maintain awareness of current relevant court cases.

### BREATH TESTS 23.03

.1 If a breath test is given, it may only be administered by a certified operator.

.2 If the defendant is going to take a breath test, he should not be permitted to smoke, drink, eat or put anything in his mouth until after a test is given (breath test procedures require that nothing may be in the defendant's mouth for 20 minutes prior to administration of the test).

.3 The suspect has the right to consult with an attorney prior to taking a breath test, providing that such consultation does not unduly interfere with the testing procedure. Also, the defendant's attorney has the right to administer his/her own PBT, using his/her own equipment, to the defendant as long as this does not interfere with the test time limit (*Brosan v. Cochran*). Remember that a 20-minute waiting period will be required after the attorney administers the PBT, and this may not be allowed to cause the expiration of the 2-hour limit.

**NOTE:** If an attorney is going to consult with a defendant in person, or if he/she is going to administer his own PBT, he/she is to be searched prior to contacting the defendant.

.4 In cases where no breath test equipment is available or injuries to the suspect require removal to a medical facility, the police officer will escort the accused to the Meritus Medical Center Emergency Department for a blood test (see 23.4, below). Such tests will be done at the request of the police officer with consent of the patient, or as outlined in the Maryland Transportation Code, 16-205.1, inclusive.

**NOTE:** Breath test operators are not considered breath test equipment. Therefore, the lack of an on-duty breath test operator cannot be included in the definition of "equipment not available."

### BLOOD TESTS 23.04

.1 If a blood test is to be administered, the police officer will escort the accused to the Emergency Department. An approved blood alcohol collection kit must be used for all alcohol withdrawals (to include alcohol free swabs and needle). Kits are maintained by WCSO, HPD and MSP, and are kept at Police Headquarters. When needed, arrangements will be made by the arresting officer to have one delivered to the hospital.

.2 Withdrawal service are available seven (7) days a week, twenty-four (24) hours a day at Meritus Medical Center.

.3 A phlebotomist, technician, or nurse will draw the blood specimen in the presence of the escorting police officer.



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.4 The police officer will obtain the written consent of the patient to draw the blood specimen on the Consent Form provided with the kit. The Consent Form will be signed by the officer as witness to the patient's consent. The original signed Consent Form is to be filed by the officer with his other paperwork. If the suspect is unconscious, no consent is needed under implied consent.

.5 Once the blood alcohol specimen has been collected, using approved equipment, the filled tubes will be given to the police officer and the officer will follow the packaging instructions included with the kit. He/she is responsible for making sure all necessary forms are signed by the phlebotomist, technician, or nurse (seals, form 34, chain of custody, etc.), and for receiving the tubes, sealing them and mailing them to the Maryland State Police. The address to be placed on the box is:

Chemical Test for Alcohol Unit  
Maryland State Police Headquarters  
1201 Reisterstown Road  
Pikesville, MD 21208

.6 The accused will not be registered as an Emergency Room patient, unless additional services are indicated. When additional medical services are needed by the patient, meeting those needs will be the first priority of the Emergency Department.

### DWI/DUI ENFORCEMENT COUNTERMEASURES PROGRAM 23.05

.1 Driving under the influence of alcohol and/or drugs present a serious threat to the lives and safety of the citizens of Washington County and the Hagerstown Community College Campus. For this reason, an ongoing program involving enforcement, education, adjudication, and public support and awareness is essential in combating this serious problem.

.2 Enforcement is one of the major elements of the DWI/DUI countermeasure program. Some key points to be considered in enforcement action include the following:

- Officers must always be alert for the driver under the influence.
- Through training and experience, officers shall be familiar with the signs that indicate a possible driver under the influence.
- Officers shall pay particular attention to those locations where analyses have shown a significant number of alcohol/drug related violations or accidents.

### INTOXIMETER 23.06

The Intoximeter issued to Allied Law Enforcement Agencies by the Maryland State Police Chemical Test for Alcohol Unit is the only instrument used by the Department for administering evidentiary breath tests for alcohol. Intoximeter operators will follow the procedures set forth by the CTAU, the State Toxicologist, and applicable State law.

### SUSPECTED IMPAIRMENT BY DRUGS 23.07

.1 An officer who determines there is probable cause to believe a driver is impaired by drugs may request the assistance of a certified drug recognition expert (DRE) to conduct a systematic and



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standardized 12 step IACP/NHTSA approved evaluation of the person for the purpose of forming an expert opinion

.2 Before an officer requests the assistance of a DRE, the following conditions must be present:

- The subject must be administered an Intoximeter breath test. If on-duty the DRE may conduct the Intoximeter test prior to the DRE Evaluation.
- The breath test result must be below 0.06 breath alcohol concentration (BrAC)
- The subject's apparent impairment, as assessed by the arresting officer, is not consistent with the BrAC.

.3 If a suspect refuses a DRE evaluation or a blood draw, the DRE should be consulted and will interview the arresting officer, then the DRE may fill out, sign, and provide a DR-23(either hard copy or electronic) to the arresting officer. The arresting officer then will fill out a DR15A and confiscate the suspect's driver's license.

.4 The arresting officer or one other officer shall be present during the DRE evaluation due to unknown and violent behavior that can be exhibited by persons under the influence of various substances.

.5 The arresting officer shall note in the narrative section of his/her report the following:

- the fact that a DRE evaluation was conducted,
- the DRE's name and agency
- the DRE opinion as to the driver's condition relative to drug-related impairment.

.6 The arresting officer will then continue the remainder of the process the same as if conducting an alcohol violation, to include citations, documentation, and arrest procedures if indicated.



## DETAINEE TRANSPORT PROCEDURES

### DETAINEE TRANSPORTATION 24.01

.1 DETAINEE SEARCH ~ Transporting officers will search each detainee for weapons, fruits and instrumentalities of crimes, evidence, and contraband prior to detainee transport. All such items will be removed from the detainee. Transporting officers should not assume that someone else has searched the detainee(s). They should, however, always assume that the detainee(s) may have had an opportunity to obtain contraband or a weapon prior to the time he or she is accepted for transport by the officer. **ONLY SWORN PERSONNEL WILL SEARCH DETAINEES. NO EXCEPTIONS TO THIS ARE ALLOWED.** If needed, officers from other agencies may be used for this.

.2 VEHICLE SEARCH ~ Vehicles used in the transportation of detainees will be searched by the transporting officer prior to and after transporting detainees or other non-HCC PD personnel. This is to ensure that no contraband or similar items are present. Since patrol vehicles are normally used for transporting detainees, they will be checked by the officer(s) assigned to them at the beginning of each shift for weapons and contraband, and to ensure that the vehicle is safe and properly equipped.

.3 TRANSPORT POSITIONS ~ The positions of officers and detainees during transport will vary with each type of transport. Officers should use the following guidelines:

- A. Single officer/single detainee: The detainee should be seated to the right rear.
- B. Single officer/multiple detainees: This should be avoided. When circumstances require this type of transport, the transport officer should be followed by another officer. All detainees should be seated in the rear.
- C. Multiple officers: Officers should be seated in the front with detainees in the rear.
- D. When practical, officers should place detainees in seat belts.

.4 RESTRAINING DEVICES ~ The following procedures shall apply whenever a person is or has been placed under physical arrest and/or is being transported for any reason:

- A. The person shall be handcuffed with his/her hands behind his/her back except under situations noted below.
- B. If an arrestee is physically incapable of placing hands behind the back (i.e. elderly, handicapped, sick or injured, etc.), he/she may be handcuffed to the front. The waist chain handcuffs must be used if the person is to be handcuffed to the front.
- C. Officers may use their own discretion in determining if handcuffing is necessary when individuals such as seriously injured, ill, or handicapped persons are being transported (either in the police vehicle or other transport vehicle such as an ambulance).
- D. On extended trips, waist-chain handcuffs and leg restraints will be used. In such instances, mutual aid assistance shall be requested from the WCSO.
- E. Detainees are not to be handcuffed to any part of the transport vehicle.



.5 OBSERVATION OF DETAINEES~ Transporting officers will be able to visually observe detainees in their custody at all times.

.6 RENDERING ASSISTANCE TO OTHERS DURING TRANSPORT ~ The primary duty of the transporting officer is the safe delivery of the detainee in his care. The officer should not stop to render law enforcement assistance to third parties along the route except under extreme emergency conditions where the risk to the third parties is clear and grave, and when the risk to the detainee is minimal. The transporting officer should only consider stopping when arriving first on the scene, and will remain only until another emergency assistance unit has arrived. The transporting officer will not become involved in a pursuit, roadblock, or other situation which might create a risk of harm to the detainee.

Should the officer decide to stop during a transport in another jurisdiction, local authorities should immediately be notified of the following:

- The officer's identity.
- The officer's status (detainee transportation, etc.)
- The nature of the incident.

.7 TRANSPORTING DETAINEES TO HOSPITALS ~ When a detainee is transported to a local hospital for any reason, the following will apply:

- A. Extreme caution will be taken to ensure the detainee is isolated from other patients and is not left unattended or to escape the immediate control of the transporting officer.
- B. Should the detainee need to be admitted, the transporting officer will notify the patrol Sergeant of the circumstances.
- C. The transporting officer will not leave the medical facility until he/she is relieved by another officer or is instructed by a supervisor to do otherwise.
- D. The transporting officer will remove the restraints only when it is deemed necessary and he/she is requested to do so by the medical staff.
- E. Upon the admission of a detainee into the hospital, the decision whether a patrol officer will guard the detainee will initially be made by the Patrol Sergeant. The final decision on long term security rests with the Chief of Police.

.8 TRANSPORTING SECURITY RISKS TO COURT ~When a detainee considered a high security risk is to be transported to any court (District Court Commissioner's office not included), the transporting officer will notify the presiding judge of such condition and request additional safeguards. In such cases, the judge may allow or direct the use of restraining devices in the court and/or may request the assistance of additional personnel. Each employee has the responsibility to properly document all information received regarding a high security risk detainee on the Arrest/Transport Report.

.9 TRANSPORTING DETAINEES OF THE OPPOSITE SEX ~ When possible, detainees will be transported by officers of the same sex. When necessary, detainees may be transported by officers



of the opposite sex. In any case, at the beginning of detainee transportation, the officer will advise the communications center of the starting location, mileage, and destination. At the conclusion of the transport, the officer will advise the ending mileage and location.

**.10 PHYSICALLY AND MENTALLY HANDICAPPED DETAINEES~** Physically and mentally handicapped detainees present conditions for their transportation that dictate special care and attention. For example, the type of vehicle used would be a consideration when transporting non-ambulatory detainees or those requiring wheelchairs, crutches, or prosthetic appliances. When transporting handicapped detainees, the degree of physical restraint will be applied within reason at the discretion of the transporting officer. The safety of the detainee and the transporting officer requires due care when devices are not required on handicapped detainees. A detainee in a wheelchair or one who uses walking aids may not require the use of restraining devices in all instances. However, every precaution should be taken to ensure the safety of the officer and the handicapped detainee. If the detainee is confined to a wheelchair, several officers may be required to maneuver the detainee into a cruiser. If the detainee's condition requires, an ambulance may be needed to conduct the transport. The Washington County Sheriff's Department also may be contacted for assistance. A handicapped person should not be transported uncuffed.

**.11 SICK OR INJURED DETAINEES~** If an arrested subject becomes sick or injured prior to, or during an arrest, or while he/she is in custody, he/she will be transported to the hospital for medical treatment according to the procedures outlined in sections 24.03. While being transported, a sick or injured detainee will be handcuffed. The only exception would be if the handcuffs would further compound the injuries. When this is the case, the officer will notify dispatch and request a second officer.

**.12 DOCUMENTATION OF SECURITY CONSIDERATIONS ~** Any special security considerations pertaining to a detainee shall be clearly indicated on the Arrest/Transport Report and shall accompany the detainee during transport. Such security considerations include escape risk, combative, suicidal, etc. This information will be communicated to the person(s) to whom is released.

**.13 TRANSPORTING DETAINEES TO OTHER AGENCIES ~**When transporting detainees to other agencies officers shall follow the following guidelines upon arrival:

- A. Comply with the rules and regulations of other jurisdictions while at those facilities.
- B. Adhere to the receiving agency's rules regarding firearms safekeeping and the use and removal of restraining devices. If no such rules exist, officers will secure their weapons in their vehicle trunk or other location inaccessible to others.
- C. Deliver all pertinent documents to the receiving officer.
- D. Ensure that the detainee's property is properly transferred and the detainee has signed for it, noting date and time released on the Arrest/Transport Report. If the detainee fails to sign for the property, have the receiving officer inventory the property in the presence of the detainee and transporting officer, record same on the Arrest/Transport Report, and affix signature, date and time



#### 14. DOCUMENTATION TO ACCOMPANY DETAINEES TRANSPORTED BETWEEN FACILITIES

- A. When a detainee is to be transported by HCC PD personnel between HCC PD and another agency, holding facility, detention facility, or prison, the following documentation shall accompany the detainee:
  - All charging documents, writs, or other legal process authorizing the detainee's custody.
  - The HCC PD Arrest/Transport Report when the situation dictates that one is required.
- B. When a juvenile is transported to a juvenile detention facility, the transporting officer will have the Arrest/Transport Report signed by juvenile detention personnel. The transporting officer will notify the Juvenile Detention personnel of the charge.
- C. When a person is taken to the Meritus Medical Center or any mental health facility for an emergency evaluation, a copy of the Petition for Emergency Evaluation shall accompany the person. A copy shall be left at the facility, and a copy brought back to headquarters.
- D. Transporting personnel will document transfer of custody of adults to another facility by noting, in the designated space on the Arrest/Transport Report, the name of the person accepting custody.

**.15 DETAINEE COMMUNICATION DURING TRANSPORT** ~ Due to the difficulty in providing security and safety to the public, the detainee, and transporting officer, a detainee being transported to, from, or between custodial facilities will not be allowed to communicate with others. All requests for such communication shall be denied by the transporting officer. The transporting officer may explain to the persons requesting such communication the following:

- destination of the detainee
- any information pertinent to the availability of the detainee for communication at the destination (telephones, visitor facilities, etc.)

**.16 DETAINEE ESCAPE DURING TRANSPORT WITHIN LOCAL JURISDICTION** ~ In the event a detainee escapes while being transported within Washington County, the transporting officer shall:

- A. Immediately notify ECC Dispatchers of such occurrence, and provide at least the following information:
  - 1) The location of the escape and the detainee's last direction of travel;
  - 2) What the detainee is in custody for, and if the detainee is a danger to the public, himself, or other officers;
  - 3) A complete physical description of the detainee.
- B. Make every attempt to immediately return the detainee to custody, if it is safe and practical to do so.
- C. Ensure that the Patrol Lieutenant or Chief of Police is notified.





- D. Prepare an incident report on the escape.
- E. Prepare charges for escape if appropriate.
- F. Ensure that notification is made to other agencies and appropriate teletypes are sent.

.17 DETAINEE ESCAPE DURING TRANSPORT IN A FOREIGN JURISDICTION ~ In the event a detainee is required to be transported outside of Washington County, mutual aid shall be requested from the WCSO. However, should HCC PD personnel be in such position for any reason the following shall apply for escapes in a foreign jurisdiction:

- Immediately notify ECC Dispatchers if within radio range.
- Notify the local jurisdiction, requesting assistance from them.
- Make every effort to immediately return the detainee to custody if it is safe and practical to do so.
- Ensure that the Patrol Lieutenant or Chief of Police is notified as soon as practical.
- Assist the foreign jurisdiction by providing all information concerning the escapee (including description, reason for confinement, possible destinations, etc.), and preparing any reports requested by the jurisdiction.
- Prepare an incident report on the escape.

If the escaped detainee is apprehended in a foreign jurisdiction, that jurisdiction shall have priority in arresting and charging the detainee. If that jurisdiction declines to process the detainee or proceed with charges, the original transporting officer shall take custody of the detainee and proceed with preparing charges for escape if appropriate.

#### .18 TRANSPORT VEHICLES ~

As a general rule, only those vehicles modified to minimize the opportunities for detainee escape (i.e. rear window and door operation rendered inoperable from the back seat) may be used for detainee transportation. Generally, all patrol vehicles are so modified. When an officer not assigned to such a vehicle makes an arrest or needs to transport a detainee for other reasons, he/she will have the detainee transported in one of these patrol vehicles.

#### .19 TRANSPORTATION OF DETAINEE PROPERTY TO CENTRAL BOOKING OR WASHINGTON COUNTY DETENTION CENTER

- A. When transporting detainees to Central Booking or WDCDC, only personal property in the physical possession of the detainee will be transported. Any item that can be readily available as a weapon or large storage devices such as book bags, large gym bags, etc. will not be transported.
- B. Should a detainee have a large amount of personal property, i.e. suitcase, duffel bags, work tools, etc., the transporting officer will complete a **Prisoner's Personal Property Release Form** and have the detainee sign same. The form will be attached to the Arrest/Transport Report.
- C. If within seven days arrangements are not made by the detainee to have the property picked up, it will be disposed of according to Department policy.





## Chapter 24

## Detainee Transport Procedures

- D. If there are perishable items in the detainee's property, disposition of such items must be made before transport. Neither the Detention Center nor Central Booking have facilities to handle such items, nor does the HCC PD. If suitable disposition cannot be made, such items must be disposed.

**.20 MALE/FEMALE SEPARATION:** Central Booking personnel are able to process one gender of detainee at a time. When possible, male and female detainees should be transported separately. In the event males and females are transported in the same vehicle to the Central Booking facility, the transport officer is to notify the Central Booking staff who will take control of the first detainee while the transport officer remains with the other detainee in the cruiser. Central Booking personnel will let the officer know when they are ready to accept the other detainee.

### SPIT PROTECTION 24.02

**.1** Personnel may protect themselves from arrestees spitting on them by utilizing the Stearns Wear Spit Sock. It is a mesh hood applied over on the arrestee's head to prevent him/her from spitting on others.

**.2** The Spit Sock is to be used when an arrestee:

- has spit on others;
- has attempted to spit on others;
- has indicated, either verbally or non-verbally, an intent to spit on others;
- is being hostile and has a documented history of spitting or trying to spit on others; or

**.3** The Spit Sock shall not be used on anyone who is unconscious, vomiting, having difficulty breathing, or is otherwise in need of medical attention where a layperson would reasonably conclude the use of the Spit Sock would compound the problem.

**.4** The procedures for using the Spit Sock are as follows:

- The person must be closely monitored while the Spit Sock is in place.
- Before applying the Spit Sock, remove all jewelry and eyewear from the arrestee.
- Although the hood is a one-size, discontinue use if there is difficulty applying it to a large head.

**.5** The officer applying the Spit Sock shall ensure the ECC Dispatchers are notified as well as Central Booking Personnel that it has been applied. Central Booking Personnel shall ensure the Spit Sock is removed before the arrestee is left unattended, or when the detainee's behavior indicates spitting is no longer a threat.

### MEDICAL AND HEALTH CARE OF DETAINEES 24.03

**.1** Any detainee found to need medical attention by the arresting officer's observations, information and/or experience will not be detained until he/she has received the necessary medical attention. Transportation will be made by ambulance whenever possible. If medical



treatment is given, a copy of any medical reports should be attached to the Arrest/Transport Report, and the following information recorded on the Arrest/Transport Report:

- The nature of injury or illness.
- The name of the doctor who rendered treatment.
- When an ambulance is used, the date and times the ambulance was called and arrived.
- When another mode of transportation is used (i.e. cruiser) the date and time transported and arrived at the hospital.

.2 If a detainee is found to need medical attention after he/she has been booked, it shall be the responsibility of Central Booking Personnel to summon an ambulance for initial treatment and transport to the Hospital. HCC PD Officers will render appropriate first aid to any detainee they find in need of medical attention. The same information required in section 24.3.1 (above) regarding transportation and treatment will be listed on the Arrest/Transport Report. A copy of any medical records should be attached to the Arrest/Transport Report.

.3 Whenever it becomes necessary for a detainee to be admitted to the hospital due to sickness or injury, it shall be the Patrol Lieutenants responsibility to determine if an officer shall be placed on guard at the detainee's room.

.4 If an officer is assigned to guard a detainee at the hospital, he shall see that no one has communication or contact with the detainee without the permission of the Patrol Lieutenant. (Exceptions to this are the attending physician and members of the hospital staff treating the detainee).

.5 In the event of serious illness, injury or death, the Patrol Lieutenant shall immediately notify or cause to be notified the Chief of Police. The Lieutenant or Chief of Police shall request mutual aid assistance from the WCSO as appropriate. In the event of death, the procedures in Chapter 9 Investigation of Deadly Force and In Custody Deaths will be followed.

.6 The only medications permitted to be taken by a detainee are those prescribed to him/her. These may include those in the detainee's possession at the time of arrest. Officers should exercise extreme caution in the event that a detainee request prescribed medication (in a proper container bearing a legitimate label showing that the medication was prescribed to the detainee) before administering same. Unless the withholding of the medication is life threatening, the officer should wait until the arrival at the holding facility or Central Booking where qualified medical personnel are on staff. Detainees will not be permitted to keep any medications on his/her person. Medication distribution will be noted on the arrest register. Upon arrival at the holding facility or Central Booking, applicable procedures established by said facility shall apply.



## REPORT WRITING

### GENERAL GUIDELINES. 25.01

- .1 The central purpose of reports is to assist the receiver of the report in reaching a decision by providing facts and information which he/she does not already possess. Reports are important in the administration, supervisory, investigative, and prosecution aspects of law enforcement.
- .2 This policy is designed to provide officers of the Department with a concise set of instructions concerning the proper report forms to be used under a given set of circumstances, as well as instructions as to the execution of each report form.
- .3 Reports are necessary to serve as the official memory of the Department, but beyond this, they serve to ensure that the report of an investigation is available for other members of the Department who may be called upon to investigate the matter further; even more important, supervising officers must give supervision and guidance to their subordinates in individual investigations.
- .4 In addition to documenting police action and investigatory information, data compiled from individual reports provides a basis for analyzing crime, determining manpower needs, assignments and aids in budget preparations.
- .5 Information concerning all matters requiring police response is documented through the Washington County Emergency Communications Center (ECC) when ECC personnel enter the information into the Computer Aided Dispatch (CAD) Program. Each such documented matter is automatically assigned an EVENT number by the CAD. The purpose of this procedure is to ensure that a record is made of every complaint and that appropriate police response is taken in each case. If any type of report or other document relating to the incident is required, the dispatcher will enter the command for the CAD to automatically assign an INCIDENT number.
- .6 Reports shall be complete and accurate. Every written report submitted by an employee will be reviewed for grammatical correctness, completeness, and accuracy by a supervisor to which the employee is assigned. Handwritten reports will also be reviewed for neatness and legibility. Reports not approved will be returned to the writer for necessary corrections. Upon approval, indicated by the supervisor's signature or electronic approval, the report will be forwarded to the Records Custodian.
- .7 All reports of serious nature shall be completed by the end of the officer's tour of duty. All reports will be completed before the officer goes on regular relief days or leave. All other reports must be complete by the end of the officer's tour of duty unless otherwise authorized by a supervisor.



.8 Active cases will be monitored through Police Mobile and the Keystone Report Management Systems (RMS). For all active cases, the officer/investigator will file supplement reports as developments in the case occur. If a case is to be closed or suspended, the officer/investigator will indicate same in the narrative of the last report filed and the reviewing supervisor will check the appropriate status block. This is intended to ensure accountability for all reports.

.9 Officers shall prepare and file reports electronically when that option exists. Reports may be filed in paper form if an electronic version does not exist or when the system for preparing electronic reports will be out of service for extended period of time. The latter circumstance will also require supervisory approval.

### **REPORT PREPARATION 25.02**

.1 Incidents brought to the attention of the Department for investigation are ordinarily first answered by a uniformed patrol officer. The officer conducts the preliminary investigation and prepares the relevant initial reports on the matter. Other personnel contributing to or taking part in the investigation or response may also be required to prepare additional reports, depending on their involvement.

.2 The following are the types of field reports used by HCC PD that are produced by the Police Mobile Report Writer:

- Offense/Incident Report
- Supplement Report
- Property Record
- Missing Person Report (State Form and Departmental Documentation Form)
- Request for Laboratory Examination-Chain of Custody Log
- Field Interview Report
- Domestic Violence Assault/Referral Form

.3 The following are the types of field reports used by HCC PD that are paper reports and are completed manually.

- Maryland Police Animal Bite Report
- Arrest/Transport Report
- Firearms Report (MSP Form 97A)
- CDS Disposition Form
- Motor Vehicle Hold Card
- Police Pursuit Report

The instructions for completing manual reports are in described in this chapter.

.4 The Motor Vehicle Accident Report (State Form) is completed via the ETIX system.



.5 Properly prepared reports shall contain the following:

- A. **LEGIBILITY:** Manually prepared reports are to be printed in black ink or typed, and without exception are to be completely legible. Illegible reports must be corrected before the report is to be approved by a supervisor.
- B. **INCIDENT NUMBERS:** The incident number assigned by the CAD system needs to appear on each page of every report, form, and attachment. Electronically produced reports and forms will have the incident number automatically applied. For all others, the reporting officer is responsible for ensuring the incident number is included.
- C. **NAMES:** All proper names, including names of businesses, must be spelled out in full. In recording proper names, print in the following manner: LAST, First Middle (Example: SMITH, John William). The complete name of all businesses shall be fully capitalized. NOTE: Correct spelling should be verified by asking the person to spell their name. The most common names could be spelled differently, i.e., Smith/Smyth. When using the Police Mobile Report Writer, officers should check the Keystone Records Management System (RMS) master name index to see if the person or business is already there. If so, the name can be selected and the relevant information will automatically populate the data fields. Any new information, such as phone numbers, addresses, employers, etc. is to be updated in the Report Writer by the officer.
- D. **ADDRESSES:** The apartment, suite or room number is an integral part of an address. Military personnel must be identified by unit number and the name of the ship, station, or military installation. Indicate each address by street number, or box or route number. Addresses recorded in the blocks provided should represent the permanent residence address. If the individual is temporarily staying in one location, this temporary address should be indicated under the narrative section of the report if sufficient space is not found in the block for address.
- E. **TELEPHONE:** Telephone numbers shall include the home and business number, area code and extensions. If unknown, print "Unk" or "Unknown". The officer should make every effort to identify the number through various internet search engines prior to listing as "unknown"
- F. **DATES:** Dates will be indicated by using numbers for month/day/year: example 6/1/88. All dates with multiple days will be listed as such: 6/1-3/88. All dates with multiple months will be listed as such: 6/30/88-7/10/88
- G. **TIMES:** Each indication of time must clearly be stated in military time. Multiple time frames will be listed as such: 0930-1330
- H. **DAYS OF THEWEEK:** Days of the week will be abbreviated as follows SUN, MON, TUE, WED, THU, FRI, SAT. Multiple day spreads will be listed as such: MON/TUE More than a seven-day spread will be listed as N/A. This will be explained in the narrative.
- I. **WITNESSES:** Obtain as complete information as possible keeping in mind the instructions above as to names and addresses and telephone numbers. Record sex, race,



and age, using standard abbreviations found in this section. This general descriptive information as to witnesses is often pertinent when it is later necessary to locate a witness for interview or to testify in court.

- J. SEX, RACE AND AGE: The sex, race and age of suspects and witnesses should be obtained as accurately as possible, as this can be accomplished through observation, interview, or questioning persons who might be able to provide this information. With reference to victims, this information should be obtained TACTFULLY, by interview, or if refused, by observation. In recording these data, the following standard abbreviations will be used:

- Sex: M - Male / F- Female
- Race Code:
  - 1) A - Asian/Pacific Islander
  - 2) B - Black Non-Hispanic
  - 3) I - Amer Indian/Alaskan
  - 4) W - White Non-Hispanic
  - 5) X - White Hispanic
  - 6) Y - Black Hispanic
  - 7) O - Other/Unknown

Age: This is the age of the individual on his last birthday. A spread of years may be used when age must be estimated. For example, 25-30. SHOW THE DATE OF BIRTH WHEN THIS CAN BE OBTAINED.

- K. OCCUPATION: Record the general line of work by means of which the person ordinarily earns his livelihood. For example: a bricklayer, even if currently unemployed, would be shown as "bricklayer". An officer in a bank would be shown as "banker", while a bookkeeper in a bank would be shown as "bookkeeper". If the individual is unemployed by reason of retirement, the word "retired" would be indicated.
- L. VALUE: Indicate the total fair market value for articles subject to depreciation. Use cost to merchant (retail price) in thefts from retail stores. In case of stolen vehicles, enter the current Blue Book value based on make, model, year, options, etc. (this information can be obtained via internet search from Kelly Blue Book (KBB.com) or the National Automotive Dealers Association (NADA.com). Concerning checks, securities and non-negotiable instruments, the value is the cost of the paper only (usually five or ten cents per item). If the check is filled out, that value becomes the amount on the face of the check. The face amount, or dollars and cents sum for which drawn, is indicated in the narrative (or in proper item of Offense/Incident Report is required).

### POLICE MOBILE FIELD REPORT WRITER PROCESS 25.03

.1 To produce an Offense/Incident Report:

- A. Log into Police Mobile using departmental username and password.



- B. Click on the "Reports" button and locate your report in the queue.
  - C. From the list of reports in the queue, highlight your report and double-click to open and prepare.
  - D. Go through the "Incident", "Dispatch", "Offense", "Person", "Vehicle", "Property", "Narrative", "MO", and "Images" tabs and complete data fields.
  - E. Click the "ADD" button to include the record that will be populated in the report (Note: The information entered will be listed in the tabs respective queue ~ located at the bottom half of the screen.)
  - F. To clear the record from the tab's queue without deleting the entire report, highlight the record and click the "DELETE" button.
  - G. To clear information before being made a record, click the "CLEAR" button.
  - H. To delete the report and all its contents, click on the "CANCEL" button. (Note: This will also delete the report from the "Reports" queue.)
  - I. To save an unfinished report without sending for approval, click the "Save" button. To reopen, highlight report and double-click.
  - J. Once the appropriate fields and tabs have been completed, click on the "Complete" button for the report to be approved. (Note: No additions or corrections can be made after the report has been submitted for approval. A supervisor will have to reject the report in order for additions or corrections to be made.)
  - K. If a report is returned for corrections, the report will be listed as "Rejected" in the "Reports" queue. Double-click the report to open, then click the "Rejected" tab (located at the bottom of the screen) to view supervisor comments. Make the corrections and go through the same steps to submit for approval.
- .2 To produce one of the other field interview:
- A. Log into Police Mobile using departmental username and password.
  - B. Click on the Reports button located on the right-side of the screen. An Offense/Incident or Supplemental report must be started, and pertinent information (i.e. names, property, etc.) must be entered in the report before the form can be completed.
  - C. Select the appropriate form(s) based on the nature of the incident.
  - D. Enter the RMS case number and complete applicable fields by selecting the appropriate information from the drop boxes.
  - E. Related fields that do not have drop boxes will either need to be entered manually or checked depending on its relevancy.
  - F. Complete secondary pages by clicking "PG 2" ~ top left corner of the page.
  - G. If additional pages of the same form are needed, click on the "ADD" button ~ top left corner of page.
  - H. To save an unfinished form without sending for approval, click the "Save" button. To reopen, highlight form and double-click.



- I. To delete a form and its contents, click the "Delete" button. (Note: This will also delete the report from the queue.)
- J. To submit form for approval, click the "Complete" button.

.3 To produce a supplement report:

- A. Log into Police Mobile using departmental username and password.
- B. Click on the "Reports" tab.
- C. Click on the "New Supp" tab - left side of screen.
- D. Enter the RMS case number and follow the same steps as producing an Offense/Incident report.
- E. Narratives are to be written in the box designated "Narrative" ~ located in the "Incident" tab section.

.4 Uploading photo: Photos should be attached to reports when relevant. Examples of situations where they might be attached include:

- Evidence
- Accident scenes
- Graffiti
- Damaged property
- Persons being FI'd
- Juvenile arrests
- Suspects not arrested
- Persons being issued criminal citations
- Assault victims

.5 To attach a photo:

- A. Click the "Image" tab
- B. Find a select the image file (e.g. from a digital camera connected to the computer, a memory card, or another file accessible via the computer or network).
- C. Open the file and click the "Add" image button.
- D. To a remove file, highlight the picture and click "Remove Image" button.
- E. Once the file has been uploaded, there is no need to click the "Save" button; the file has been made part of the report.

.6 Printing reports to the ECC for METERS entries: In order for ECC personnel to enter missing persons or stolen property into NCIC, they need a copy of the police report. This is accomplished by printing an unfinished copy of the report directly to the ECC printer from the officer's computer. To print a copy of the unfinished report of the ECC:

- A. After the identifying information for the incident is entered (person or property), click the "Form" button at the top of the screen.





- B. Click the print command and when the print window opens, select the ECC - Dispatch Printer on COMM, then click the print button.
- C. Let the ECC personnel know the report has been printed to the printer.
- D. Once the person or property has been entered into NCIC, get the NCIC number from the ECC and add it to the report before submitting for approval.

## **POLICE MOBILE FIELD REPORT REVIEW AND APPROVAL PROCESS**

### **(SUPERVISORS) 25.04**

.1 Report Review and Approval Process: The Patrol Lieutenant or Chief of Police will periodically check the approval queue for submitted reports requiring action. The action required ("Review" or "Approve") will be listed with each report in the queue.

.2 Once a report is reviewed, the supervisor will either designate it as reviewed or will reject it (for correction or additional action by the submitting personnel). If rejected, it will go back to the reporting officer to be corrected and re-submitted. If not rejected, the action required will be listed as "Approved".

.3 To approve a report:

- A. Select the report in the supervisor's queue and view same.
- B. Click the "Approve" button to bring up the Report Approval / Case Assignment box.
- C. Select the officer's name from the "Osn" drop box.
- D. Select the officer's division from the "Section" drop box.
- E. Assign a complete date in the "Priority" drop box.
- F. Assign the status of the report in the "Case Status" drop box.
- G. Add additional comments in the "Comments" field if necessary.
- H. Click the "OK" box to approve.

.4 To reject a report:

- A. Select the report in the supervisor's queue and view same.
- B. Click the "Reject" button to bring up the reject report box.
- C. Provide reason for rejection and click "OK".
- D. To review notes from previous rejections, click the "History" button and repeat process.

### **COMPLETION OF BLOCKS 25.05**

.1 General instructions for completing item blocks are presented herein for all manual report forms. The basic rule in reporting is that all blocks must be completed, if possible. However, there are instances where boxes by their very nature do not apply to the particular case being reported. Under these circumstances it is impossible to fill in the boxes, and they should be marked "N/A" to indicate the box was considered but was "not applicable".



.2 Except in those instances where the nature of the report or circumstances clearly indicate otherwise, all blocks must be completed with either the information required or one of the following terms: (1) "N/A", (2) Refused, (3) Unknown (or Unk.), (4) None. In cases where the word "unknown" (or unk.) is entered, the reason therefore should be explained in the body of the report.

.3 If any block provides inadequate space in a particular case, note in the block the words "see below" and record or continue the details on a Supplement Report at the very beginning of the "narrative" section, before any other information is recorded in the narrative. Continue such blocks in the order in which they appear on the report form. First list the block number, then the information required. This will allow the officer, reviewer, follow-up investigator, State's Attorney, etc. to immediately locate the information referred to in the block and not have to search for it in the narrative.

.4 Signatures: An investigating officer completing a manual report should sign it and indicate his number in the space provided. If the report is a joint investigation by two or more officers, only the officer preparing the report needs to sign it. Other officers will be referred to in the report. If supplement reports are filed by other officers in the same case, each officer will sign the report he/she prepares.

### DESCRIPTIONS 25.06

Descriptions of people and things are essential to the police investigation. The officer should attempt to obtain as much descriptive information as possible and include same in the report. The more detailed the description, the easier it will be to identify property, locate persons, and conduct follow-up investigations. The following are guidelines for obtaining descriptions. In Police Mobile, the report writer will designate many of the specific descriptors to be used. Where descriptors are not specifically designated, the reporting officer is to use the descriptors in this section.

.1 Persons: For the purpose of report writing, it is essential that the description of any persons, who is the subject of police attention, be detailed and complete. Emergency descriptions, identifying a fleeing suspect obtained for immediate broadcast, should be supplemented by further questioning of complainant or witnesses, before the officer submits his report. In addition to names, addresses, occupations, etc., the description must, if possible, include the following:

- Sex: Male or Female
- Race: Use common abbreviations, such as: A, B, I, W, X, Y, O (see section 25.2)
- Age: A span of ages may be used if the exact age is unknown: such as, 25-30
- Complexion: Use positive terms, such as: light, brown, olive, ruddy, etc.
- Height: Obtain by comparison with yourself or others present. Sample entry: 5'11".
- Weight: Obtain by comparison with yourself or others present. Sample entry: 165 pounds.
- Build: Use explanatory terms, such as slim, husky, etc.



- Hair: Include here the type, such as straight, curly, kinky, etc. Include the condition of baldness, such as frontal, total, crown. Note the type of haircut and possibility of a wig. Give color.
- Eyes: Describe the shape and color. Note suspects use of glasses.
- Clean Shaven: Yes or no. If no, describe.
- Peculiarities: What is unusual about subject. For example, amputations, nervous tic, particular mannerisms or movement, gold teeth, prominent scars, deformities, speech oddities, tattoos, etc.
- Clothing of the subject should always be described in order, from hat to shoes. In addition to identifying the articles by name, such as "hat, coat, dress, slacks", be sure to include:
  - 1) Style: Single-breasted sport coat, fingertip mink stole, etc. Include hat style and color.
  - 2) Color: Brown and white tweed, dark green satin, flowered print, red on green, etc.
  - 3) Identifiable Defects: Ripped left sleeve, grease spot on back, etc.
  - 4) Jewelry: Lodge pins, emblems, rings, bracelets, etc.

### .2 Clothing Descriptions -Generally:

Give name of article to be described. In describing man's, women's or children's or infant's clothing, always indicate size, color, maker's label, laundry or cleaner's marks, and kinds of materials.

- A. Men's Suits: State whether double or single-breasted, number of buttons, whether two or three- piece (coat, vest, and pants; or coat and two pair of pants) state kind of lining. If any, plain or pleated trousers, if known, etc.
- B. Men's Coats: State whether overcoat, short jacket, raincoat, single or double breasted; indicate type of trimming, lining, also, if belted.
- C. Men's Miscellaneous Clothing: Include shorts, shirts, socks, sweaters, ties, shoes, scarves, pajamas, dressing gown, etc. Describe completely.
- D. Women's Dresses: State whether evening, street, house, or suit; kind of trimming, if any, (such as: fur, lace, metallic, contrasting or self-trim); one- or two-piece style.
- E. Women's Coats: State whether full length or short; princess type, box type swagger; whether evening, sport or dress type; give full description of trimming, buttons, etc., indicate color and kind of lining. Give complete and full description of fur coats, kind of fur, lining, etc.
- F. Women's Miscellaneous Clothing: Include lingerie, underwear, pajamas, stockings, shoes, socks, sweaters, scarves, shawls, waists, shirts, kimonos, housecoats, play-suits, slacks, etc.
- G. Children's and Infant's Clothing: Follow general descriptions as given for men's and women's clothing.

### .3 Jewelry Descriptions:

After giving the name of the article to be described, include the following when it is part of the description:



- Color(s) and kind(s) of metal(s).
  - Number, kind, color, and size of stone.
  - Type of mounting: filigree, plain, engraved, etc.
  - Type of setting: basket, Tiffany, sunken, box, etc.
  - Inscriptions: dates, engravings, initials, serial numbers and jeweler's marking.
- A. RINGS: State kind of metal, kind, size, and number of stones (diamond, ruby, etc.), whether plain, engraved or filigree, and any jeweler's marks, inscriptions or initials.
- B. WATCHES: State make (Elgin, Hamilton, Waltham, etc.), movement, case and jewel numbers; size of watch, type of case (open-faced or hunting), number of adjustments, if known; whether plain or engraved or set with stones. If it has chain or wrist band attached, describe, giving color, material, length, etc.
- C. NECKLACES: State length, whether 1, 2, 3, 4, 5, or 6 strands; whether matched or graduated stones or beads; whether strung on thread or chain (giving kind and color); describe clasp.
- D. PENDANTS: State size, and shape, whether strung on chain, ribbon, cord, or thread; give color and type, describe clasp.
- E. BROOCHES AND BAR PINS: State size and shape, whether plain, engraved or filigree; also, whether pin has safety clasp attached.
- F. STICK PINS: State size and shape; kind of stones; state whether safety clasp attached.
- G. BRACELETS: State width; whether link, filigree, solid, flexible or half-clasp type; whether plain, engraved, or stone set; whether safety chain attached and type of clasp.
- H. EARRINGS: State type and length; whether screw, clasp or pierce type; describe stones, color, etc.
- I. EMBLEMS, CHARMS, LODGE PINS, ETC.: State size and shape; name of lodge, fraternity or club; (Masonic, Elks, Eagles, etc.; Phi Beta Kappa, Sigma Chi, etc.: Nurse's or military service pins; American Legion, etc.).
- J. BUCKLES AND OTHER MISCELLANEOUS ARTICLES OF JEWELRY: State size, color, shape, stones, etc.

**NOTE:** If any of the above are matched sets (rings, pin, necklaces, earrings, bracelet, etc.) so state. State whether custom, antique, or modern-type jewelry.

**CAUTION:** When officers are personally describing items of recovered jewelry in Offense/Incident, indicate colors rather than materials. Example: "Brooch, yellow colored metal, red and white stones." Not "Gold pin with rubies and diamonds."

**.4 Household Articles:** Give the name of the article being described.

- A. RUGS: State size; color or combination of colors; plain or design; whether domestic or oriental; type (Axminster, Wilton, Broadloom, etc.); give maker's name, when known;



- whether fringed or bordered; cleaner's marks; also, all other marks, such as, stains, tears, mends, etc.
- B. **BEDDING:** Includes sheets, pillowcases, blankets, spreads, quilts, comforters, mattress covers, etc. State what article is, then give a complete description of size, color, material, cleaner or laundry marks, and monograms, if any.
  - C. **DISHES AND GLASSWARE:** State whether complete sets, giving pattern and number of pieces (both china and glass); state whether porcelain, pottery, cut glass, blown glass, or just ordinary china or glass. Give maker's label or mark, monograms or other marks.
  - D. **SILVERWARE:** Includes flatware (table silver, knives, forks, spoons, etc.), as well as hollow ware (coffee, tea and chocolate sets, and complete silver services). Give maker's label, kind of silver, (sterling, plated or pewter); owner's initials or other inscriptions, type of pattern, and number of pieces to set.
  - E. **CLOCKS:** State kind, color, size, movement and case numbers if known; whether china, porcelain, bronze, iron, wood, plastic, glass, leather, etc. State whether mantel, kitchen, boudoir, grandfather, traveling, etc.; give maker's label; state whether 8-day type; and if chime clock, kind of chimes, (Westminster, etc.)
  - F. **FURNITURE:** State what article is; then give complete description, stating what kind of wood or metal, color, kind of material covering, and trimming. In case of matched sets, such as bed room, dining or living room furniture, give number of pieces in set, and state number of pieces stolen.
  - G. **PIANOS, RADIOS AND TELEVISIONS:** Pianos: state maker's label and serial number, if any. State if upright, baby grand, spinet, etc. Radios and televisions: show maker's label, serial number, number of tubes; whether console, table model, midget transceiver, portable, low or high-boy type, size of screen, etc. Give kind of wood or metal; show color and kind of trim, if any.
  - H. **LAMPS:** State kind, i.e., floor, bridge, table or boudoir; give kind of wood or metal; number of globes, whether reflector type; if it has a base light; kind, color and size of shade. In case of table and boudoir lamps, state whether statuary, glass, china, pottery or metal base.
  - I. **MISCELLANEOUS:** Includes ornaments, pictures, statues, bric-a-brac. Describe in detail, stating particularly any labels, serial numbers, or other identifying marks.
- .5 Other Property: Give name of article to be described.
- A. **FIREARMS:** State maker's name; caliber or gauge; color of metal; serial numbers, type of handles or stocks; any marks, inscriptions or initials. State whether revolver, automatic pistol, pump-gun, rifle or shotgun.
  - B. **TIRES:** State size, maker's name, color, tread and serial numbers, if available, and state whether mounted on rim with wheel and tube or alone.
  - C. **DRUGS:** State amount, kind, manufacturer, container, size, valuation and any other descriptions available.



- D. CASH REGISTERS, ADDING MACHINES, TYPEWRITERS, BOOKKEEPING MACHINES, CALCULATORS, CHECK PROTECTORS AND OTHER OFFICE MACHINES: State maker's name, size, model and serial numbers, color, etc. Also, any other marks, labels or inscriptions.
- E. CAMERAS AND EQUIPMENT - PROJECTORS AND CASES: State maker's name, model, number, serial number, lens numbers and names, and shutter numbers. Type of camera (movie, Cine, Graphlex, box folding, etc.) State kind of material (wood, metal or leather) of both camera, projector and case.
- F. ELECTRICAL EQUIPMENT: Includes, toasters, irons, curling irons, bulbs, sockets, generators, motors, waffle irons, percolators, portable water heaters, bottle warmer, refrigerators, etc. State maker's name, kind of material, color, size, model and serial numbers, wattage, voltage and any initials or other marks or inscriptions.
- G. BUILDING EQUIPMENT: Includes lath, wire, plaster, bricks, stucco, glass, marble, lumber, roofing material, paint, nails, cement, etc. Give size, color, maker's name, number or number of articles lost or stolen, as well as any lot or serial numbers available.
- H. OPTICAL GOODS: Includes spectacles and cases, opera glasses, binoculars, telescopes and cases, etc. State maker's name, color, material of article, as well as case; serial and model numbers, (power number or size in case of binoculars, telescopes, etc.). Initials or other marks of identification.
- I. BOOKS: State name of book, author, publisher's name if known, color and kind of material of binding, also approximate size of book, as well as any writer's inscriptions, such as owner's name, bookplates, or author's signature (first editions).
- J. DOCTOR'S AND DENTIST'S INSTRUMENTS: Includes stethoscopes, blood-testing apparatus, hypo- needle outfits, etc. State maker's name, size, serial numbers, model numbers, material, color and marks of identification. Also show case size and color.
- K. MUSICAL INSTRUMENTS: Includes banjos, saxophones, guitars, trombones, trumpets, violins, clarinets, piccolos, flutes, etc. State maker's name, color, material, number or other marks of identification. Also describe carrying case.
- L. KNIVES: (OTHER THAN TABLE) such as hunting, pocket, butcher, etc. State color, kind of material of handles, numbers, maker's name, inscriptions, etc., also describe carrying case, if any.
- M. PENS AND PENCILS: Include fountain pens, pen and pencil desk sets, etc. Give maker's name, color, size, whether man's or woman's, numbers, initials, or other marks of identification.
- N. SMOKING MATERIAL: Includes pipes, tobacco, cigarettes, cigars, lighters, cases, etc. State color and size of pipes, amount of tobacco, number of cigars or cigarettes (box or package or humidor jar), maker's name, etc.
- O. SEWING MACHINES: State maker's name, brand name, serial number of both machine and motor (if electric); whether wood or metal, table, desk, or portable type (or old-fashioned treadle type) and any other marks or inscriptions.



- P. SPORTING GOODS: Includes fishing poles, tackle, lines, tents, awnings, skis, snow shoes, toboggans, etc. State maker's name, numbers, color, kind of material, initials, or other inscriptions.
- Q. GROCERIES: State kind of article, brand label, number of each lost or stolen, and any other general description available.
- R. TOILETARTICLES&COSMETICS: Includes brushes, combs, mirrors, perfume bottles, manicure sets, powder, perfume, cold cream, shampoo, toothpaste, lipstick, hair oil, soap, etc. State size, color, material, maker's or brand name, initials, numbers or other marks of identification.
- S. TOOLS: Include carpenter, plumbing, electrician, machinist, mechanic, etc. State kind of tool, serial number, maker or brand name, initials or other marks of identification. State number of tools lost or stolen, and size.
- T. ANIMALS, BIRDS & FISH: Include dogs, cats, horses, pigs, cows, poultry, birds, goldfish, etc. State kind of animal, bird or fish, size, color, name, age, license number, if any, and other description available.
- U. AUTOMOBILE SUPPLIES &EQUIPMENT: (Other than tires). Includes spotlights, wheels, tubes, carburetors, spark plugs, bumpers, etc. State size, color, maker's name, serial numbers, number of articles, and other marks of identification.
- V. LEATHER GOODS: Includes trunks, suitcases, purses, briefcases, sample cases, belts, suspenders, Gladstone and Boston bags, saddles, billfolds, etc. State size, color, maker's name, serial numbers, initials, or other marks of identification.
- W. BICYCLES: State name, size, color, boy's/girl's, kind of seat, brake, tires, baskets, horns, lights, serial number and license number if known, and initials and other identifying marks.

**IMPORTANT:** On all articles listed, no matter what they may be, always show the maker's or brand name; serial and model number; size and color, and valuation. Show any initials or other marks of identification which may have been added after purchase of articles. If owner is not sure of valuation, give approximate valuation, in line with Department policy regarding value of property lost or stolen.

#### **OFFENSE/INCIDENT REPORT 25.07**

.1 Purpose of the Report: The Offense/Incident Report, when completed by the investigating officer and approved by a supervisor, will complete the police record of the incident in most cases.

.2 When to Prepare the Offense/Incident Report: The Offense/Incident Report will be used by members of the Department to record all written investigations, with the exception of Traffic Accidents, Missing Persons, Domestic Assaults, and Animal Bites. The Offense/Incident Report will also be filed in addition to the Arrest/Transport Report when an officer makes an on-view arrest (including a juvenile arrest).





.3 The Offense/Incident Report is produced in PDF format by Police Mobile.

.4 **NARRATIVE SECTION OF THE REPORT:** This is where the reporting officer describes all the pertinent facts as to what happened. Included in every narrative should be what the officer was told, what the officer observed, what the officer did, and what the officer knows about the case. Officers must not leave out any relevant information when writing the narrative as it is often important to follow-up investigators, prosecutors, and even the reporting officer at later times.

#### **OFFENSE/INCIDENT REPORTS: SPECIAL INSTRUCTIONS 25.08**

##### **.1 STOLEN VEHICLES/UNAUTHORIZED USE:**

If the officer reasonably concludes the vehicle was taken with intent to temporarily deprive the owner, the investigation will be classified as an Unauthorized Use of Motor Vehicle, and the vehicle will not be entered into NCIC. Examples of situations which would indicate the vehicle was taken with intent to temporarily deprive the owner include:

- Vehicle taken without the victim's permission by a family member or other person known by the victim, and the victim believes or circumstances indicate the person will eventually return with the vehicle.
- Vehicle lent to another person by the victim and not returned at the agreed upon time.
- Vehicle taken without the victim's permission by a person to whom the victim has lent the vehicle before and the victim believes or circumstances indicate the person will eventually return with the vehicle.

.2 If the officer cannot reasonably conclude the vehicle was taken temporarily, the investigation shall be classified as a theft of motor vehicle and the vehicle will be entered into NCIC.

.3 Investigations shall be classified as Unauthorized Use of Motor Vehicle for no more than 24 hours. After that, an officer (preferably the original officer) shall re-contact the owner to confirm the vehicle is still missing. If the vehicle is still missing, the officer shall file a supplement report indicating so and reclassifying the investigation as a Theft of Motor Vehicle. The vehicle shall be entered into NCIC at that time. At the officer's discretion, an attempt to locate request may be made for the vehicle.

.4 If the vehicle is recovered and a suspect is present, the recovering officer shall be responsible for placing appropriate charges. If the suspect is not present, the officer assigned to the investigation shall obtain charges of any suspects. If the elements of unauthorized use rather than theft are present, officers have the discretion of charging under Transportation Article §14- 102 or Article 27, §349.





.5 Victims wishing to report thefts or unauthorized uses of motor vehicles should be informed that if a report is filed, suspects will be charged accordingly and that the person will have to appear in court as a witness. If reporting persons are not willing to appear in court, no police action will be taken.

.6 All items stolen with the vehicle which are not part of the vehicle are to be listed separately in the narrative section according to the procedures in 25.06. Examples of such items could include wallets, tools (excluding jacks, tire irons, etc.), clothing, jewelry, etc.

.2 TOWED VEHICLES: Fill out hold card, if needed (refer to Chapter 14.13). If the vehicle owner is UNKNOWN, indicate same in the "Owner" field. Record the vehicle inventory in the narrative of the Offense/Incident Report. Describe in the report any damage to the M/V, either in the miscellaneous description area or in the narrative. If the M/V is towed because of a parking violation, show the Citation Number on the Report, if one is issued, and state the violation. If towed because of a moving violation, list the State citation number(s) and violation. If the M/V is towed as a result of an incident for which an Offense/Incident report is already being written, the circumstances of the tow can be included as part of that report, and a separate Offense/Incident report is not required

.3 POSSIBLE SUSPECTS: If the reporting person thinks they have a suspect, but NO REAL FACTS relating the suspect to the crime, enter the person's information in the person tab, and then explain in the narrative why this person may be related to your investigation.

.4 SICK/INJURED PERSONS: Document the following in the report:

- How the person got to the hospital; i.e., CARS or by him/herself.
- Who treated the subject at the hospital?
- First aid administered, if any, before the subject got to the hospital, and by whom.
- Treatment status at the hospital, i.e. treated and released or held for further treatment.

.5 MULTIPLE CRIMES OF SIMILAR NATURE AND TIME FRAMES: When reports are taken on multiple crimes of similar nature and time frames, a separate report and incident number must be filed for each victim. For example, if 5 vehicles along the same street have their tires slashed, and each vehicle has a different owner, 5 reports with 5 separate incident numbers will be filed. One report could be used to cover more than one vehicle if they were owned by the same victim. If several thefts or breaking and entering's occur and all property is owned by the College, only one report needs to be filed. However, if an employee's personal effects are stolen as a result of the Breaking and Entering, separate reports will be filed as two different victims exist.

NOTE: This procedure is required to keep accurate records of the number of offenses occurring, as well as the number of offenses we are investigating.



**.6 UNIDENTIFIED PERSONS (LOCATED):** Federal law prohibits a law enforcement agency from having a mandatory waiting period before accepting an unidentified person report. For the purposes of this section, an unidentified person is one who's identity is unknown, and who is unable to communicate his/her identity. Examples include infants, unconscious persons, mentally disabled persons, etc. The law requires that all necessary and available information be entered immediately into METERS and NCIC. Furthermore, the Criminal Justice Information System (CJIS) rules require that such information must be entered directly from the report. Therefore, if an unidentified person is located by this Department, the investigating officer is required to complete a report containing as much descriptive and investigative information as possible and provide the report to the ECC for immediate data entry.

**.7 STOLEN PROPERTY:** The investigating officer is responsible for ensuring that stolen property with a full serial number (partial serial numbers are not permitted) or an owner applied number is entered into NCIC. Entry is done by ECC personnel when directed by the investigating officer. The investigating officer will note on the report that the stolen items were entered into NCIC, and will include the numbers the computer assigns to each item. The investigating officer will attach a hard copy of the entry to the Offense/Incident report.

**.8 LOST PROPERTY:** Officers receiving a report of lost property will complete an Offense/Incident report. The only exception will be reports of lost keys.

### **PROPERTY RECORD 25.09**

**.1 Purpose of the Report:** To provide a formal procedure for recording continuity of possession of property from the time it comes into police custody to final disposition.

**.2 When to Prepare the Property Record:** The Property Record is prepared by any personnel taking custody of evidence or any other property. All Property Records shall be printed in hard copy form and signed by the recovering officer. Subsequent transfer and final disposition of the property will be noted on the hard copy form.

**.3** The recovering officer explains the circumstances involving the recovery of the property on the appropriate field report. The officer then delivers the property to the designated property custodian per established Department procedures, along with a hard copy of the completed Property Record.

**.4** If retaining the property is not required, the officer may release the property directly to the owner. When returning or releasing property ALWAYS have the owner, or the person to whom you are releasing the property, sign for it on the Property Record, indicating the date and time received.



.5 For found property, if you have the owner's name/address, make sure you contact the owner by letter, if unable to contact in person, and show on the property report that the letter was sent. Attach a copy of the letter to the property report. If you have a phone number, call the subject and show same on report.

### **ARREST/TRANSPORT REPORT 25.10**

.1 Purpose of the Report: The Arrest/Transport Report is designed to provide the Department with a record of the arrest, charge, description, arresting and transporting officers, transport information, etc.

.2 When to prepare the report: The Arrest/Transport Report is to be completed in the following situations:

- When a person is custodially arrested or served with charging documents in non-custodial situations (e.g. criminal summons).
- When officers take control of juveniles who are not under arrest or otherwise in custody (see Chapter 35, Juvenile Procedures and Operations).
- When an officer has probable cause to believe a juvenile has committed a crime, but the elements required to make a warrantless arrest are not present.
- Each time a detainee is transported by an CPD member from one location to another. A single Arrest/Transport report may be used for multiple transports of the same person if those transports are associated with the same incident.

.3 Front side:

- A. The un-shaded areas are for all arrests and Criminal Summons, and all transport situations such as:
  - Persons arrested and taken directly to Central Booking.
  - Persons arrested on a warrant from another Maryland jurisdiction and transported to the County line to transfer custody.
  - Persons already committed to custody (jail, correctional facility, etc.) and transported to WCSO or HPD for an interview by a HCC PD Officer.
- B. The shaded areas are for detainees who are not processed at Washington County Central Booking, since that information will be recorded there.
- C. Make sure to include in the Detainee Transportation Information section the information specific to each location, particularly if the detainee is taken to multiple locations. For example, A person arrested for disorderly conduct is transported to MMC for treatment of minor injuries, then to Central Booking. Information unique to each location (location name, persons to whom medical/security risks are communicated, person accepting custody, etc.) is to be entered on the report.
- D. Reverse side:



- 1 The brief medical assessment applies to all detainees taken into custody and/or transported.
- List in the personal property section all money and personal property removed by CPD personnel. Have the detainee sign when property is removed and when it is returned. If the detainee refuses, write "refused" on the line.
- For DUI arrests being released, complete the DUI release section. This section is intended to help officers follow the requirements for release. If the person to whom the detainee is being released refuses to sign, the detainee may not be released.

### ARREST/TRANSPORT REPORTS – SPECIAL INSTRUCTIONS 25.11

.1 Anytime an officer assumes control of a juvenile who is not in custody (Chapter 35, Juvenile Operations), the officer will document same on an Arrest/Transport Report. In the Narrative section, the officer will write “non-arrest/Juvenile Custody”. The report will be completed as described above, with the following additional guidelines:

- Incident Number: If one does not already exist for an associated incident, an incident complaint number must be assigned by the ECC.
- Defendant/Detainee Name: Although the juvenile is not a defendant, this is where his/her name will be captured.
- Narrative: Describe why control of the juvenile was assumed. The officer may refer to an Offense/Incident report or other report where this information is included.

.2 If probable cause exists that a juvenile committed a violation of the law and the juvenile is not being charged as an adult, the officer submitting the report will use the following verbiage to indicate same: “The defendant is deemed to be a delinquent by reason of .....(*law being violated, by statute and language and section numbers*).

- Example: ...by reason of 2nd degree assault, CL 3-203.
- Example: ...by reason of reckless endangerment, CL 3-204; wonton trespass on private property, CL6-403.

.3 In cases involving juveniles, the arresting officer or officer taking custody shall attempt to notify (or have another officer notify) a parent or guardian. The notification and the person’s information will be recorded in the appropriate blocks under “Juvenile Arrests”. This will be done for all juvenile cases, whether or not the juvenile is taken into custody. If no parent or guardian could be notified, the officer will note same and provide the details in the comments/narrative section.

.4 When a juvenile who has been taken into custody by HPD personnel is released, the officer will record the name, date and time, and obtain the signature of the parent or guardian who takes custody. If detention has been authorized, the detention personnel shall sign for custody.

**.5 NARRATIVE:**

- Continue information from previous blocks as needed.
- For on view arrest the officer may refer the reader to the statement of charges and Offense/Incident Report for details of the incident. The narrative need not be repeated in such cases.
- When warrants and criminal summonses are served, show the Warrant Number, issuing court, and date issued.
- Record any other information pertinent to the arrest/transport

**MISSING PERSON REPORT 25.12**

**.1** All missing person reports will be accepted immediately. (MD Annotated Code PS 3-601)

**.2** Missing person reports will be accepted in person, by telephone, via computer, or other correspondence.

**.3** The Hagerstown Community College Police Department will use the standardized Maryland State Police Missing Person Report MSP Form 79 when taking a report and forward the information to the Emergency Communications Center (ECC) and request entry into METERS/NCIC. Agencies must have a missing person report (electronic or hard copy) on file to support a missing person entry into the NCIC. A record for a missing person who is the age of 21 and over may be entered in the Missing Person File provided the entering agency has signed documentation in its possession supporting the stated conditions under which the person is declared missing. This documentation (electronic or hard copy) will aid in the protection of the individual's right to privacy. In the absence of documentation from a parent, legal guardian, next of kin, physician, or other authoritative source, including friend or neighbor in unusual circumstances, or when such documentation is not reasonably attainable, a signed report by the investigating officer will suffice. In accordance with Title 42, United States Code (U.S.C.), Section 5779(a), agencies are required to enter records into the NCIC Missing Person File for missing individuals under the age of 21.

**.4** Purpose of Report: This report was designed to record preliminary data about any incident involving missing person.

**.5** When to Prepare Missing Person Report: This form is to be used to report all missing juveniles and runaways, and to report adults who are missing under circumstances not consistent with their ordinary established habits and behavior and who may need police assistance or attention. (This will include the senile, mentally or physically handicapped, the epileptic, those with suicidal tendencies, etc.) It shall be the policy of this agency to thoroughly investigate all reports of missing or unidentified persons. All reports of missing or unidentified persons will be investigated when



they are first received. No waiting period for investigating a missing or unidentified person shall be observed.

Jurisdictional conflicts are to be avoided when a missing person is reported. If a missing person either resides in, or was last seen in this jurisdiction, this agency will immediately initiate the required investigative and reporting process. Questions concerning parental custody occasionally arise in relation to missing child reports. It shall be the policy of this agency to accept the report of a missing child even if custody has not been formally established.

.6 Completion of blocks: Most of the blocks are self-explanatory. The electronic version will auto-populate many of the fields. All other fields are to be completed to the extent the information is available to the CPD member completing the report. Additionally, the following instructions apply:

A. CLASSIFICATION CODE: From the drop-down list, select the code that best describes the circumstances of the incident.

B. NIC#: NCIC entry will be completed by the ECC if the circumstances meet NCIC requirements. The corresponding NIC number is to be entered into this block or noted in the narrative. Once a determination is made that the person is no longer missing, the officer will ensure the person is removed from NCIC and document same on a Supplement Report.

C. DESCRIPTIVE INFORMATION: Most of the fields relate to descriptive information. Gather as much available descriptive information as can be ascertained and insert into the relevant fields. Additional information should be included in the narrative section.

D. GENERAL BROADCAST: If suspicious, unusual, or critical circumstances exist, the officer should request that the ECC make a general radio broadcast regarding the missing person. If circumstances suggest the person may be outside the College, the broadcast should be on both City and County channels. The date and time of the broadcast are to be entered in this section.

E. COMPLAINANT SIGNATURE: Per CJIS regulations, the complainant signature box must be filled out when entering an adult over the age of 18 into NCIC. The investigating officer has three options to consider when completing this box that are accepted by CJIS:

1. Digitized signatures (similar to method used by the United States Postal Service which is unavailable to CPD).

2. Manual signatures scanned into the Electronic Records Management System (ERMS). (Officer may print report, have complainant sign, officer may then turn in a hard copy to be scanned into ERMS).



3. The case officer's typed name into the report in the ERMS. (HCC PD's form has been modified to allow officers to type their name in this box).

.7 NARRATIVE: Additional narrative and follow-up pages should be included when additional information is obtained, and to describe all known circumstances of the disappearance not already identified in the form's data fields. If suspicious, unusual, or critical circumstances exist, the information is to be shared with other appropriate agencies (county, state, national) as soon as practical, and those notifications, if not already documented on the CAD report, are to be noted in the narrative.

.8 REPORT DISTRIBUTION: In addition to the normal report review and approval process, a copy is to be printed to the ECC printer if the person is to be entered into NCIC. If requested, CPD will provide a copy to the complainant at no charge.

.9 STATUTORY PROVISIONS FOR MISSING PERSONS REPORTING: Both federal and state law prohibit a law enforcement agency from establishing a mandatory waiting period before beginning an investigation to locate a missing child. Also, the vital descriptive and investigative information must be entered into METERS and NCIC immediately. Since the Criminal Justice Information System (CJIS) regulations require that such data entry must be done directly from the report, officers of this Department who conduct the initial investigation of missing children are required to complete the Missing Person Report immediately and provide the report to the ECC so that immediate entry can be made.

### **SUPPLEMENT REPORT: 25.13**

.1 Purpose of Report:

A. To record additional information when the narrative space is insufficient on the Offense/Incident Report, Arrest/Transport Report, Missing Person Reports, or Accident Report.

B. To record information or action taken on a case subsequent to the submission of any field report. The form may be used by an officer to report additional information concerning a case previously investigated or to record the activities of follow-up or continuing investigations.

### **MOTOR VEHICLE ACCIDENT REPORTS 25.14**

Officers investigating vehicular accidents will complete the State of Maryland Automated Crash Reporting System (ACRS) report form according to departmental policy and training. PowerPoint presentations for ACRS and the associated Delta Plus Report Manager are available for reference on the shared drive.

### **ANIMAL CONTACT REPORT AND RABIES QUARANTINE AGREEMENT 25.15**

.1 Purpose of the report: The report collects information regarding exposure to animal bites/scratches/saliva into an open wound or mucous membrane, to verify the condition of biting





animals, ensures that persons who may have been exposed to rabies are notified, and records incidents of such bites and exposures.

.2 When to prepare Animal Contact Report: The report shall be prepared/used to record any exposures to animal bites/scratches/saliva into an open wound or mucous membranes occurring upon the College Campus which come to the attention of the Department.

.3 Instructions for completing Animal Contact Reports

- A. Officers investigating animal bite/scratch cases shall complete the Animal Contact Report and Rabies Quarantine Agreement following the instructions noted on the form.
- B. A Departmental Incident number shall be assigned to the report.
- C. The Quarantine Agreement section applies to dog/cat/ferret bites/scratches/saliva exposures. The Health Dept. will follow-up all other reports filed involving bites/scratches/exposures by any other animal.

.4 The animal owner will be given the green a copy of the Animal Contact Report and Rabies Quarantine Agreement. A copy will be sent to the Health Department by the Records Unit. A copy will be maintained by the Records Unit.

.5 If the animal is to be quarantined at a Health Department approved facility for one of the reasons identified on the report, the Humane Society of Washington County will be notified to take possession of the animal. A copy will be given to the Humane Society of Washington County.

### **FIREARMS REPORT – FORM 97A 25.16**

.1 Purpose: The main purpose of the report is three pronged. FIRST, to appraise the Maryland State Police, Handgun Permit Section, State Central repository of "Stop & Frisk" Statistics, that a stop and frisk has been performed and the reasons that instituted the search; as well as the findings. SECONDLY, when a firearm is found incidental to an arrest, either motor vehicle and/or criminal, it will be utilized to determine ownership of the weapon and/or that the individual is within the parameters of the permit law. THIRD, to provide law enforcement personnel with a means to trace weapons and/or persons in regards to ownership of firearms.

.2 When to prepare Firearms Report: This form will be utilized-

- Whenever a "Stop & Frisk" is performed specifically for a handgun or for weapons in general. It does not have to be completed when the frisk is specifically for a weapon that is not a handgun.
- Whenever a firearm is seized for any reason.
- A trace of an individual or weapon is needed.





.3 Form 97A should be completed by the investigating officer, signed by supervisory personnel, and forwarded to the Records Custodian. The Records Custodian will send the form to:

MSP Firearms Registration Section  
1201 Reisterstown Rd.  
Pikesville, MD 21208.

Records Custodian will forward a copy to the Department of Forensic Scientists (with a copy of the property report). No matter if information has been previously requested through other means; other than the mail, the Handgun Permit Section in all cases will respond back to the requester with a completed form 97A.

#### **.4 Instructions for completion of Firearms Report Form 97A:**

LINE/BLOCK NUMBER OR TITLE -

Reason(s) for Report:

Stop & Frisk ( )

Firearms Incidental to arrest ( )

Trace Report ( )

Requester shall mark (X) appropriate block or blocks. (NOTE: More than one selection may be checked).

Information Requested Via: Requester shall circle how the original information was transmitted.  
Example: If requester phoned in the information, he/she would circle phone when he/she submits Form 97A.

.1 - Insert subject's driver's license number and Social Security Number.

.2 - Insert last name, maiden name (if any), first name, middle name (indicate (I.O.) if initial only. Indicate (NMN) if no middle name).

.3 - DOB: Use number, month-day-year (Ex.: 1-15-84)

Height: Use feet and inches (Ex.: 5'11")

Weight: Use number of pounds. (example: 175) Sex: Male or female

Race: Use same code number used for traffic citations:

- (1) - Black, Colored, American Negro
- (2) - White, Caucasian, Asiatic Indian, and Arab
- (3) - Mongoloid, Oriental Asiatic
- (4) - Mongoloid, American Indian
- (5) - Unknown

.4 - Indicate the type of weapon recovered, hunting knife, club, knuckles, B.B. gun, etc.

- Make: Indicate manufacturer's name of firearms. (If known)
- Model: Indicate model number or name.
- Caliber: If firearm located, indicate caliber. (Ex.: 38 cal.)



- Serial Number: Indicate numerical number and letters. (Ex.: A21141) Finish: Indicate blue, stainless, chrome, etc.
  - Barrel length: Indicate in inches. (Ex.: 4")
  - Country of origin: Country manufactured (Ex.: France)
- .5 - Insert Numerical permit number if any (Ex.: 30303A). Indicate if subject was arrested by circling appropriate response.
- .6 - Indicate all traffic citations and criminal arrest report numbers.
- .7 - Indicate any related reports such as Offense/Incident Report, Property Record, etc.
- .8 - Brief summary as to why a search/seizure/trace was or is being conducted.
- .9 - Investigating officer must sign.
- .10 - Investigating officer's supervisor must sign.
- .11 - Indicate numerical Installation number or agency name.
- .12 - Indicate telephone number of requesters.
- .13 - Indicate numerical number of date report submitted.
- .14 - Indicate military time of when report submitted.

### **REQUEST FOR LABORATORY ANALYSIS 25.17**

- .1 Purpose of the Request for Lab Examination-Chain of Custody Log: To provide an official request for laboratory examination of evidence and to maintain a record of the chain of custody of evidence submitted for examination. NOTE: A Property Record(s) is still required for all evidence submitted for analysis.
- .2 When to complete the form: Anytime evidence requires laboratory examination, or processing not practical at a crime scene. All Property Records shall be printed in hard copy form and signed by the recovering officer. Subsequent transfer and final disposition of the property will be noted on the hard copy form.

### **CDS DISPOSITION FORM (Green Card) 25.18**

- .1 Purpose of the CDS (Green Card) Form: To maintain a record of all CDS (or suspected CDS) found, confiscated, or turned into this Department.
- .2 When to complete the CDS Disposition Form: In all cases where CDS (or suspected CDS) or CDS paraphernalia is found, confiscated, or turned into this Department and an arrest is not made or contemplated.
- .3 Completion of the CDS Disposition Form:
- A. Place CDS in a paper bag with the event and incident number, date, your name and I.D. number.



- B. Fill out CDS green card, with the EVENT AND INCIDENT NUMBERS on the card.  
Have a Supervisor sign the card.
- C. Place the paper bag with the green card stapled to it in the CDS Evidence drop box,  
located at the Hagerstown Police Department.

.4 After the CDS (or suspected CDS) is received by the lab/evidence personnel, it will be destroyed. The person authorizing the disposal will sign the card and the person destroying it will date and sign the card.

.5 The form will be returned to the Records Custodian for data entry and placed with the case report for filing.

.6 Anytime an officer comes in contact with needles, syringes or any medical items used to puncture or cut skin that has no evidentiary value the item shall be placed in an approved sharp collection box. A CDS disposition form need not be completed. Documentation shall be entered in the notes section of the CAD sheet.

### **MOTOR VEHICLE HOLD CARD 25.19**

.1 Purpose of the Motor Vehicle Hold Card: To record orders by officers to hold impounded vehicles until certain conditions are met. Those conditions are enumerated on the card.

.2 When to complete the card: Anytime a vehicle towed at the direction of an officer is to be held until specific conditions are satisfied. The situations and conditions under which vehicles may be held and subsequently released are described in section 14.13 of these Policies and Procedures.

.3 Completion of Motor Vehicle Hold Card: Most of the card is self-explanatory; however, some notations should be made with regard to certain sections. They are as follows:

#### **LINE/SECTION TITLE:**

Reason for Storage/Criteria for Release: These must follow the guidelines of section 14.13

Release Authorized by: The officer who authorizes the release signs here. Unless specifically stated in the Criteria for Release, this does not have to be the same officer as the one who ordered the hold. However, the releasing officer is responsible for ensuring the criteria for release have been met.

- Vehicle Released to: PRINT the name of the person to whom the vehicle is released.
- Vehicle Released by: If the vehicle is being held at a tow company storage facility, the tow company representative signs here. Include the name of the company.
- Vehicle Released to: Have the person sign here and write the date and time.

**FIELD INTERVIEW (FI) FORM 25.20**

.1 Purpose of the FI form: The FI Form is an electronic form completed in Police Mobile. The purpose is to record information on suspicious persons' identities, descriptions, vehicles, times and places found, and circumstances of the situations found.

.2 When to complete the form: Anytime and officer encounters persons in suspicious or unusual circumstances where an arrest would not be made.

.3 Completion of Field Interview form: Most of the form is self-explanatory. Refer to the Police Mobile Field Report Writer Guide on the shared drive for further guidance. Whenever possible, a photo of the person is to be attached and uploaded with the form. Once completed it is entered directly into the RMS system using the "Submit" button.

**POLICE PURSUIT REPORT 25.21**

.1 Purpose of the Police Pursuit Report: To collect data for analysis of pursuits involving Departmental police vehicles, and to provide a review process to ensure that proper policies and procedures are being followed.

.2 When to Complete the Report: Anytime and officer becomes involved in a vehicular pursuit. If multiple units are involved, each officer needs to complete a report reflecting his actions in the pursuit. See Chapter 14.6 - Pursuit Driving.

**INTER-DEPARTMENT COMMUNICATIONS 25.22**

All written inter-department communications shall be typed and such communications shall be prepared as follows:

.1 The date shall be written in the top center.

.2 Heading of: "TO" and "FROM" and "SUBJECT" shall be used.

.3 Following the words "TO" and "FROM" - heading titles designating positions and names of individuals shall be used.

.4 In the heading following the word "SUBJECT", the subject matter of the communication shall be stated briefly.

.5 No salutation is required, but the complimentary close "Respectfully" shall be used when directing correspondence to a superior, or to an officer of equal rank.

.6 The body of the letter shall be business-like in tone, and the information contained therein clearly stated and pertinent to the subject.



- .7 The communication shall be limited to a single subject, when possible.
- .8 Signatures, in ink, shall include name and rank.
- .9 Communication of a confidential nature may be sent in a standard white envelope plainly marked "Personal".
- .10 Any official written correspondence, directed to outside agencies or individuals shall be typed on Department letterhead, only with the authorization of the Chief of Police.

### **DOMESTIC VIOLENCE ASSAULT REPORT/REFERRAL FORM 25.23**

- .1 Purpose of the form: To serve as a data collection tool for HCC PD's domestic violence response partners.
- .2 When to prepare the form: Officers will complete the Hagerstown Community College Police Department Violence Assault Referral Form:
  - The officer prepares an Offense/Incident report for an assault involving intimate partners (married whether they are living together; or other persons who have had a sexual relationship **and** resided together for a period of at least 90 days within the most recent 12-month period); or
  - The officer makes an arrest or otherwise completes an Offense/Incident report for a violation of a protective order.
- .3 The reporting officer is to complete ALL applicable portions of the DV form. Use N/A for those sections that do not apply.
- .4 Lethality Assessment.
  - A. Page 2 of the form is the "Lethality Assessment" section. This section was created because of research by Dr. Jacquelyn Campbell of The Johns Hopkins University School of Nursing. It is intended to identify victims with a much higher risk of domestic-related homicide than those of another intimate partner violence.
  - B. Officers are to ask or attempt to ask the questions in this section. As described on the form, answers to certain questions indicate the higher risk level and thus trigger the referral protocol.
  - C. If the referral protocol is triggered, officers will advise the victim of the high danger assessment and recommend the victim immediately speak with a hotline counselor. If the victim does not speak to a counselor, the officer will check the relevant box and describe the reason in the narrative of the Offense/Incident report. Additionally, the officer will contact the hotline counselor and advise that person of the situation.



- D. After having spoken to a hotline counselor, the victim may or may not seek further assistance. If indicated by the circumstances and the conversation between the victim and counselor, the officer may participate in coordinated safety planning with the victim and the counselor (e.g. transporting to a shelter or other safe environment).
- E. The Not Ans. boxes are only to be checked when the victim refuses to answer. If this occurs, the officer will state same in the narrative of the Offense/Incident report.

.5 Once a supervisor has reviewed and approved the Offense/Incident report and DV form, the supervisor shall email a copy of both to CASA.

Note; The guidelines established in this section refer to specific DV reporting and do not apply to warrantless arrest exceptions for Domestic Violence as outlined in MD Criminal Law.



## DEPARTMENT PROCEDURES FOR ENSURING SECURITY OF CRIMINAL HISTORY RECORD INFORMATION (CHR)

### PRIVACY AND SECURITY ACTS 26.01

Federal laws pertaining to criminal history record information (CHRI) are found in Title 28 Code of Federal Regulations Part 20. State laws pertaining to CHRI are found in Criminal Procedures Article, Title 10 and COMAR Title 12, Subtitle 15. The following Hagerstown Community College Police Department policies and procedures have been adopted from those laws.

### DEFINITIONS 26.02

.1 CRIMINAL HISTORY RECORD INFORMATION (CHRI): Data initiated or collected by a criminal justice agency on a person pertaining to a reportable event. The term *does not* mean:

- Data contained in intelligence or investigatory files or police work-product records used solely for police investigation purposes.
- Data pertaining to a proceeding under Title 3, subtitle 8 of the Courts and Judicial Proceedings Article (Juvenile Causes) of the Annotated Code of Maryland, but it does include data pertaining to a person following waiver of jurisdiction by a juvenile court.
- Wanted posters, police blotter entries, court records of public judicial proceedings, or published court opinions.
- Data pertaining to violations of the traffic laws of the State or any other traffic law, ordinance, or regulation, or violation of local ordinances, or State or local regulations, or violations of the Natural Resources Article, unless the individual is arrested on a bench warrant issued for failure to appear in court or obey a court order for any of these violations, or unless the individual is committed to a correctional facility upon conviction for any of these violations.
- Data concerning the point system established by the Motor Vehicle administration in accordance with the provisions of Title 16, Subtitle 4, of the Transportation Article of the Annotated Code of Maryland.
- Pre-sentence investigation and other reports prepared by a probation department for use by a court in the exercise of criminal jurisdiction or by the Governor in the exercise of his power of pardon, reprieve, commutation, or nolle prosequi.
- Data contained in current case-in-progress systems or records pertinent to public judicial proceedings which are reasonably contemporaneous to the event to which the information relates.

.2 CRIMINAL JUSTICE UNIT: A government unit or subunit that allocates a substantial part of its annual budget to any of the following functions and that by law:

- May arrest, detain, prosecute, or adjudicate persons suspected of or charged with a crime;
- Is responsible for the custodial treatment or confinement under Title 3 of the CP article of persons charged or convicted of a crime or relieved of criminal punishment by reason of a verdict of not criminally responsible;



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- Is responsible for the correctional supervision, rehabilitation, or release of persons convicted of a crime; or
- Is responsible for criminal identification activities and the collection, storage, and dissemination of criminal history record information. Criminal Justice Unit includes, when exercising jurisdiction over criminal matters, alternative dispositions of criminal matters, or criminal history record information:
- A State, county, or municipal police unit, sheriff's office, or correctional facility;
- A unit required to report to the Central Repository under § 3-107 or § 3-112 of the CP article;
- The offices of the Attorney General, State's Attorneys, and any other person or unit that by law may prosecute persons accused of a crime; and
- The Administrative Office of the Courts, the Court of Appeals, the Court of Special Appeals, the circuit courts, the District Court of Maryland, and the offices of the clerks of these courts.

Except as provided in CP §§ 10-215(a)(20) and (21), 10-216(d), and 10-220 (specified violent crimes), criminal justice unit does not include the Department of Juvenile Services or a juvenile court.

.3 DISSEMINATE: With respect to records, this means to transmit criminal history record information in any form. The term *does not* include:

- Transmitting criminal history record information within a criminal justice unit;
- Reporting criminal history record information as required under § 10-214 of this subtitle; or
- Transmitting criminal history record information between criminal justice units to allow the initiation of subsequent criminal justice proceedings against a person relating to the same crime.

.4 EXPUNGEMENT: With respect to a court record or a police record means removal from public inspection:

- By obliteration;
- By removal to a separate secure area to which persons who do not have a legitimate reason for access are denied access; or
- If access to a court record or police record can be obtained only by reference to another court record or police record, by the expungement of it or the part of it that provides access.

.5 POLICE RECORD: An official record that a law enforcement unit, booking facility, or the Central Repository maintains about the arrest and detention of, or further proceeding against, a person for

- A criminal charge;
- A suspected violation of a criminal law;





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- A violation of the Transportation Article for which a term of imprisonment may be imposed; or
- A civil offense or infraction, except a juvenile offense, enacted under State or local law as a substitute for a criminal charge.

.6 CRIMINAL HISTORY RECORD INFORMATION (CHRI): Data that are developed or collected by a criminal justice unit about a person and that pertain to a reportable event specified or provided for in CP §10-215.

A. Criminal history record information includes:

- data from a unit that is required to report to the Central Repository under Title 3 of this article;
- data about a person following waiver of jurisdiction by a juvenile court; and
- data described under §§ 10-215(a)(20) and (21) and 10-216 of this subtitle.

B. Criminal history record information does not include:

- data contained in intelligence or investigatory files or police work product records used only for police investigations;
- wanted posters, police blotter entries, court records of public judicial proceedings, or published court opinions;
- data about a violation of a traffic law of this State or any other traffic law, ordinance, or regulation; or
- data about a violation of a local ordinance or a State or local regulation.

### AUTHORIZATION TO RELEASE CRIMINAL HISTORY RECORDS INFORMATION 26.03

Except for those procedures described in Chapter 20 of these Policies and Procedures, only the Records Custodian may authorize the release of CHRI.

### AUTHORITY TO RECEIVE/REVIEW CHRI 26.04

.1 MEDIA: The only information which this department will release to the media is that which is detailed in Chapter 20 of these Policies and Procedures. Any other requests for information concerning a person's CHRI will be referred to the CJIS Central Repository.

.2 OTHER CRIMINAL JUSTICE AGENCIES: Other CJAs may be given CHRI by this department from this department's own records. Requests may be taken by phone, in person, or in writing. The identity of each person requesting CHRI from this department must be verified before the information is provided.

- A. All requests in writing must be on official letterhead. If you are not sure if the agency is entitled to CHRI, contact the CJIS Central Repository.
- B. For in person requests, ask to see the identification of the requester for proof he/she is from a criminal justice agency. If you are not sure if the agency is entitled to CHRI, contact the CJIS Central Repository. To confirm the person's identity, you can call his/her agency.



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- C. For telephone requests, get the requester's name, ID number, telephone number, and agency. Get the name and information of the person whose record is being requested. Advise the requester that you will call back with the information. After you are satisfied that the request is authorized, call the agency and provide the information to the requester. Make sure you are calling the actual agency, not just the number provided by the requester.

**.3 MEMBERS OF THE GENERAL PUBLIC:** The general public is entitled to the same information as the media.

**.4 INSURANCE COMPANIES:** Insurance companies are entitled to the same information as the media.

**.5 ATTORNEYS:** Only the CJIS Central Repository may disseminate CHRI to attorneys requesting records on behalf of a client. Attorneys wishing to review a client's criminal history should will be directed to contact the CJIS Central Repository.

**.6 ELECTED OFFICIALS OR HIGH ADMINISTRATIVE PERSONNEL (NOT HCC PD EMPLOYEES):** Elected Officials are only entitled to the same information as the media or general public.

**.7 PRIVATE EMPLOYERS:** Only the CJIS Central Repository may disseminate CHRI to private employers. All requests from private employers should be directed to the CJIS Central Repository.

**.8 LICENSING AGENCIES:** Only the CJIS Central Repository may disseminate CHRI to licensing agencies. All requests from licensing agencies should be directed to the CJIS Central Repository.

**.9 MILITARY RECRUITERS:** Only the CJIS Central Repository may disseminate CHRI to military recruiters. All requests from military recruiters should be directed to the CJIS Central Repository.

**.10 PERSONS WISHING TO REVIEW THEIR OWN RECORDS:** An individual may file a request to review the portion of the individual's CHRI collected and maintained by HCC PD that has not been filed with the CJIS Central Repository, unless the information or any part of it is relevant to a pending criminal proceeding. This latter restriction does not affect any right of inspection and discovery permitted by rule of court or by statute. To obtain or review such CHRI, an individual must appear in person with a valid government issued photo identification.



### **POLICE INTELLIGENCE FILES 26.05**

Because these are not considered CHRI, they are not subject to the same limits placed on dissemination. However, they often contain CHRI. Any CHRI located in such a file must be treated the same as CHRI located elsewhere. Therefore, such CHRI is subject to the same privacy and security regulations that govern all other CHRI. Also, intelligence files are protected from disclosure under Maryland Annotated Code, Title 4 of General Provisions Article.

### **IDENTIFICATION INFORMATION 26.06**

Identification information such as fingerprint records or photographs would not be considered CHRI provided they did not indicate the individual was involved in a reportable event. If notations of criminal justice transactions involving reportable events appear on a fingerprint card or photograph, that card or picture becomes CHRI.

### **RECORDING DISSEMINATION OF CHRI 26.07**

Each file from which information is disseminated shall have a dissemination form placed in the file the first time a written application is received. For each subsequent application, the information shall be recorded the same Dissemination Form with additional forms added as needed. Dissemination forms will remain in the file.

### **VERIFICATION OF ACCURACY OF DISSEMINATED CHRI 26.08**

.1 After disseminating information to an authorized CJA, the person disseminating the information will check with the CJIS Central Repository to ensure the accuracy of the information disseminated. Should any inaccuracies be found through the check with the CJIS Central Repository, the disseminator shall then contact the agency to which the CHRI was given and the corrections shall be made and noted on the Dissemination Log.

.2 Before disseminating information to authorized non-CJA's, a check shall be made with the CJIS Central Repository to ensure the accuracy of the disseminated materials.

### **RECORDS RETENTION 26.09**

All CHRI information collected by this department will be kept on file permanently unless ordered expunged by a court of competent jurisdiction.

### **EXPUNGEMENTS 26.10**

.1 Court and police records shall be expunged upon an order from a court of competent jurisdiction. The Records Custodian shall have 60 days to ensure the order is complied with and that the person and the court are informed of the compliance. The Records Unit Supervisor will contact other agencies to whom the supervisor believes the records have been disseminated, and notify them of the court order.

.2 Location of expunged records: All expunged records shall be sealed and removed to a separate file kept by the Records Unit Supervisor. All sealed files shall be destroyed after 3 years. The Records Custodian will coordinate with IT personnel to have the required data expunged from the



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automated records management system and images expunged from in the electronic document management system. Written verification of the expungement of electronic data and files will be included in the sealed expungement file.

.3 When determining which records must be expunged, refer to the definitions of CHRI and police records

### DEPARTMENTAL PERSONNEL ACCESS TO CHRI 26.11

.1 Background Investigation for Departmental Personnel:

- A. No person will be considered for employment by this Department unless he/she has satisfactorily supplied all information, documents and materials requested on the employment application and/or personal history statement.
- B. No person who will have access to Criminal History Record Information will be hired by this Department if that person has been convicted for any violation of the criminal code of the United States, any State or any political subdivision of any State.
- C. Civilian employees having direct access to criminal history record information must successfully (i.e., no convictions for serious misdemeanors or felonies) complete a pre-employment background investigation.
- D. Sworn personnel having direct access to criminal history record information must successfully complete a pre-employment background investigation. (Standard procedure for all personnel).

.2 Limitations on Personnel Having Direct Access to Criminal History Record Information.

Only those personnel whose responsibilities REQUIRE direct access to CHRI shall be cleared to access CHRI files. Anyone (departmental or non-departmental personnel) desiring access to CHRI will consult with the following authorized personnel in sequential order as listed below:

- 1. Chief of Police (on duty)
- 2. Patrol Lieutenant

.3 Disciplinary Action: Any person violating federal or state statutes relating to the collection, storage and dissemination of criminal history record information, or any departmental procedure regarding the collection, storage and dissemination of CHRI, shall be immediately removed from their position (requiring direct access to CHRI) and shall be subjected to disciplinary procedures as specified in the Policies and Procedures of the Department, and Title 28, Section 20.21 (45) (B) of the United States Code.

### SECURITY OF RECORDS UNIT 26.13

.1 Physical Security:

- A. The Records Unit shall be maintained in a physically segregated area, isolated to the extent feasible from other line and staff areas.
- B. The Records Unit will be locked during non-working hours unless the area is attended by other authorized Department personnel.



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- C. Any unauthorized entry, theft, sabotage, fire or other damage occurring in the Records Unit, or the files and records in the Records Unit, will be reported immediately to the Chief of Police.

### .2 Access:

- A. Only sworn and authorized civilian personnel will be permitted access to the Records Unit.
- B. All other individuals seeking information or having business in the Records Unit must be accompanied by authorized personnel.
- C. Under no circumstances will any unauthorized individual be left unattended in the Records Unit.
- D. All authorized personnel having access to the Records Unit should be aware of packages, briefcases, etc. being carried into the Records Unit by unauthorized personnel. This is to be on the alert for any theft, destruction, and/or sabotage to the Records Unit and/or CHRI.
- E. All computers designated as CJIS terminals shall be secured via password protection and kept out of public view and access. Access to the Terminal shall be restricted to those persons authorized by CJIS and NCIC.
- F. CHRI shall not be emailed to anyone.

### JUVENILE CHRI FILES 26.14

.1 Criminal history records concerning juveniles are confidential. Juvenile's entered in the Records Management System are designated with a "J" in the master name index. Juvenile arrest reports are designated by checking the appropriate box at the top. The Records Unit is responsible for the collection, dissemination, and retention of juvenile criminal history records. These records may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown. This does not prohibit access to and confidential use of the record by the Department of Juvenile Services, or in the investigation and prosecution of the juvenile by any law enforcement agency. Parole and Probation, when acting as an agent for a court of competent jurisdiction and exercising its statutory duties, may also access this information. Federal agencies and military recruiters may not access these records to conduct security clearances. If a juvenile court has waived jurisdiction over an individual, the data pertaining to that person is treated as adult CHRI since the individual will be tried as an adult.

.2 When a juvenile reaches the age of 18 all copies of fingerprints, photographs, arrest reports, and criminal history information associated with the person while he/she was a juvenile will continue to be stored in the Department's records and document management systems unless ordered expunged or sealed by the court. Such records shall continue to be regulated by relevant law pertaining to juvenile records.



## DEPARTMENT PROCEDURES FOR VIP SECURITY

### NEED FOR VIP SECURITY PLAN 27.01

The great mobility of politicians, business executives, celebrities, and foreign diplomats in this area indicates that VIP's could make visits to the Hagerstown Community College at any time. This creates a legitimate requirement to provide police protection and security. The Washington County Sheriff's Office will need notified as any VIP visiting the College will need to traverse county roads/air space prior to arrival.

### REQUESTS FOR AND COORDINATION OF VIP SECURITY 27.02

- .1 All requests for police security service for VIP visitors will be directed to the Chief of Police who will decide the level and nature of services to be provided.
- .2 The Chief of Police may request the assistance of the Washington County Special Response Team Commander as coordinator of any given VIP security detail through mutual aid assistance.
- .3 In such instances, The Chief of Police and the SRT Commander will meet with the advance party/VIP security representatives and prepare the necessary plan for providing security services.

### PREPARATION OF VIP SECURITY PLAN 27.03

Security plans for VIP visits will include provisions for the following:

- .1 VIP Itinerary Schedule: The VIP's itinerary should be reviewed to ensure adequate manpower deployment and coordination with the VIP's security representatives.
- .2 Travel Routes: Main and alternate travel routes will be considered. All possible travel route will be reconnoitered to identify possible hazardous locations or road constructions which could impede movement over the route.
- .3 Advanced Inspection of Sites and Facilities: This is to ensure familiarity with layouts, emergency exits, stairways, etc.
- .4 Intelligence Gathering: Information concerning possible trouble spots or individuals who may cause problems should be sought, collected, and evaluated.
- .5 Coordination with Allied Agencies: Obtain information on travel routes into and out of the College and check for manpower availability.
- .6 Emergency First Aid and Medical Facilities: If appropriate, have Community Rescue Service and Meritus Medical Center on standby alert.
- .7 Equipment Requirements: This will be based on need. Some possible equipment considerations include vehicles, body armor, weapons, identification systems for personnel involved in the operations, etc.



.8 Communications: All personnel assigned to the security detail will have a radio and maintain communications with dispatch or command post. Key VIP security representatives may be furnished with department radios as necessary.



## DEPARTMENT PROCEDURES FOR INTERNAL AFFAIRS INVESTIGATIONS

### AUTHORITY TO DISCIPLINE, RECOMMEND PUNITIVE ACTION, SUSPEND, AND DISMISS 28.01

- .1 The Chief of Police and delegated subordinates have the authority to take disciplinary actions against members of the Department.
- .2 The authority to initiate disciplinary action is delegated by the Chief of Police to all supervisors in accordance with procedures set forth in the Policies and procedures of the Department, the Law Enforcement Officer's Bill of Rights, and the Hagerstown Community College Personnel Manual.
- .3 All supervisory officers shall have the authority to make recommendations of disciplinary actions to the Chief of Police. However, any member who observes a violation committed by another member/ employee regardless of the rank, shall report the violation to the observing member/employee's commanding officer for proper dissemination or action. Such reporting shall follow the procedures described in section 28.5
- .4 Only the Chief of Police has the authority to dismiss from the Department any sworn member.
- .5 All members should note that discipline is not limited to punishment. It is any method used to guide people to behave in accordance with rules of conduct or procedures. Such methods may include training, counseling, rewards, commendations, and punitive action.
6. The Maryland Police Accountability Act of 2021 (Public Safety Article, 3-105, Annotated Code of Maryland) requires a Statewide Matrix for all law enforcement agencies. The Statewide Disciplinary Matrix is the required framework through which all matters of discipline will be imposed as a result of a sustained disposition from an administrative investigation into an officer's misconduct. The purpose of this Disciplinary Matrix is to apply disciplinary standards in a fair, equitable and consistent manner statewide. The Disciplinary Matrix is attached to this chapter and included in the policy manual. The HCC Police Department will follow the Disciplinary Matrix for all matters of discipline on sworn police officers.





### INTERNAL AFFAIRS FUNCTION 28.02

.1 For the purpose of creating a process to ensure the integrity of the agency, an internal affairs function is established within the Hagerstown Community College Police Department. Through this function, police officers and civilian members are provided an environment wherein they can exercise their legal and professional responsibilities without fear of reprisal or harassment. Furthermore, citizens are provided an environment within which they are not subjected to law enforcement misconduct or abuse. To ensure meeting these desired ends, the HCC Police Department has adopted formal complaint procedures. All complaints received will be investigated.

.2 A citizens Commendations & Complaint Procedure form will be available to persons inquiring about the proper procedure to commend or file a complaint against an officer. This form will also be made available to the general public.

Additionally, the HCC Police currently have a citizen commendations and complaint form that is located on the HCC website, <https://www.hagerstowncc.edu/docs/hcc-policies-complaintcompliment-form> . This form allows citizens to commend or file complaints against an HCC Police Officer online. The HCC Police Lieutenant will review these forms to determine if there is need for an early intervention. There is also a link on this webpage to the Washington County Police Accountability Board.

.3 Chapter 59 of the 2021 Acts of the General Assembly – Maryland Police Accountability Act of 2021 – Police Discipline and Law Enforcement Programs and Procedures requires each county of the State of Maryland, to establish a Police Accountability Board (PAB) and an Administrative Charging Committee (ACC). Washington County government established the Police Accountability Board under Ordinance No. ORD-2022-10. The effective date of this act is on incidents occurring on or after July 1, 2022. A copy of this ordinance is attached to this chapter and considered a part of the HCC Police Policies and Procedures Manual.

.4 “Police Misconduct” for the purpose of the PAB is defined as a pattern, practice, or conduct by a Police Officer or Law Enforcement Agency that includes:

- 1) Depriving persons of rights protected by the Constitution or laws of the United States;
- 2) A violation of a criminal statute; and
- 3) A violation of Law Enforcement Agency standards and policies.



.5 Investigations involving an officer and NO citizen complaint or interaction with a citizen, will be handled in accordance with agency guidelines. When determining discipline, there must first be an agency policy violation or other police misconduct. Once a violation has been identified, the investigator will review the violation examples found in the matrix. The investigator will then select the appropriate offense category. If the specific policy/procedure violation is not listed, review the violation category definition, along with similar example violations and select the most appropriate category.

.6 Complaints against officers by members of the community will be investigated in accordance with standards listed in this chapter. However, once the investigation has been completed it will be turned over to the PAB and the ACC for further review. The ACC can determine if additional investigation is needed. The ACC will also determine if the violations are sustained and if there are any additional violations noted. The ACC will also use the Statewide Matrix to apply discipline to the officer(s). Those findings will be sent to the Chief of Police. At that time, the Chief of Police can choose to increase the violations but cannot lower them for the officer. If the officer chooses to NOT accept the charges, then a trial board can be requested. Procedures for how to request a trial board are contained within this chapter.

### **INVESTIGATIVE RESPONSIBILITIES 28.03**

.1 The Patrol Lieutenant shall be responsible for investigating complaints in the following areas:

- Alleged rudeness on the part of any member of the HCC PD.
- Tardiness
- Insubordination
- Uniform or equipment violations
- Citizen disputes over parking or moving violations
- Traffic accidents involving officers on duty
- Violations of Rules and Regulations witnessed by the Patrol Lieutenant
- Any investigation as assigned by the Chief of Police
- Other complaints not specifically enumerated but considered minor in nature

.2 The Lieutenant or Chief of Police will be responsible for investigating complaints in the following areas:

- A. Formal complaints alleging serious misconduct against a member of the department.
- B. Allegations or suspicions of criminal activity or conduct by a member of the department.



- C. Allegations of police brutality/excessive force when a department supervisor is not the one formalizing the complaint.
- D. Any allegation or act not specifically enumerated that is considered serious in nature.

.3 At Hagerstown Community College, internal affairs complaints will be handled by the Lieutenant or the Chief of Police. The HCC Police Department will work in conjunction and cooperation with The Washington County Sheriff's Office CIU investigations through mutual aid request. In such cases, the primary consideration of the HCC Lieutenant and Chief of Police is to determine if officers' actions follow the department's policies and procedures.

- A. Discharging a firearm by a member of the department, except during training, recreation, or when authorized by a supervisor to shoot a wounded animal to relieve its suffering.
- B. Any action that causes death or serious injury to any individual as a direct result of an action taken by a member of the Hagerstown Community College Police Department in the performance of his/her duty, as well as the circumstances surrounding the serious injury or death of any member of the HCC Police Department. This type of case will involve investigators from the Maryland Attorney General's Office.
- C. Any time an officer is the subject of an investigation of domestic violence.
- D. Any other circumstances as determined by the Chief of Police.

.4 Departmental Accidents: The Patrol Lieutenant is responsible for investigating accidents involving departmental vehicles. Copies of the State Report are to be forwarded to Executive Assistant to the Vice President of Administration and Finance (for college insurance processing) on all departmental accidents and are to be included in the investigative file. An internal affairs investigation is not necessary when the officer/employee driving is determined not to be at fault. If the officer/employee is determined to be at fault or is believed to have violated departmental policy or the law and an accident resulted, an internal affairs investigation will be initiated.

For the purpose of this Chapter, the term Investigator shall be used synonymously with the HCC Lieutenant, the Chief of Police or designated allied law enforcement agency Investigator in the event of a mutual aid request.

#### **RECEIVING COMPLAINTS 28.04**

.1 Any information presented to or learned by any member of this department which if true, would be a violation of Department Policies and Procedures is considered a complaint for the purpose of this chapter. If there is any doubt as to the classification of such information, it will be



handled as a complaint. NOTE: If a supervisor has specific information that, absent an investigation, sufficiently disproves or dispels an allegation of violations of HCC PD Policies and Procedures, the allegation need not be considered a complaint.

.2 Any person involved in a complaint against any member will be treated in a courteous and professional manner. No person registering a complaint shall be harassed or hindered in any manner.

.3 Anonymous complaints shall be directed to and analyzed by Patrol Lieutenant. Anonymous complaints or allegations shall be screened for validity. If such a complaint is determined to be valid, it will be investigated according to Department procedures and will be referred to the WCPAB if it meets standards.

.4 All members of the HCC Police department are authorized and directed to receive any complaint that may be lodged against the department or any member thereof any time of the day or night.

.5 Any member of this department registering a complaint against another member of this department of equal or greater rank, or a member of lesser rank not under the registering member's command, shall do so in writing to the Internal Affairs Administrator/Chief of Police. The standard "TO, FROM, SUBJECT" format will be used. The complaint will then be investigated according to Department procedure.

.6 Should an investigator suspect a complaint or allegation will turn into a criminal violation, the investigator will:

- Notify the Lieutenant or Chief of Police.
- Contact the State's Attorney's Office for advice and direction.

.7 To the extent that the allegations of misconduct against any member may also involve a violation of the criminal law, the procedure outlined in this chapter must be administered consistent with established constitutional rights guaranteed to all individuals charged with, or suspected of, criminal offenses.

.8 Complaints of a serious nature will be immediately brought to the attention of the Lieutenant and Chief of Police by the investigator. Other complaints may be brought to the Chief's attention by the investigator in his/her internal investigation report.



.9 Complaints against the HCC Lieutenant or Chief of Police will be forwarded to HCC Executive Director of Human Resources. Complaints against the Patrol Lieutenant will be forwarded to the Chief of Police. The Chief of Police may investigate the complaint or request the assistance of the WCSO to investigate, depending on the nature of the complaint.

.10 In order to adequately investigate all complaints against members of the department, complaints have been separated into two categories: inquiries and internal affair investigations (IA investigations).

- A. The purpose of an inquiry is to provide a means to address issues without the need for a formal internal affairs investigation, while providing full documentation, and addressing any need for improvement, training or policy enhancements. One might think of an inquiry as an issue that may be easily addressed by a supervisor verbally but has been put in writing for documentation. Verbal counseling, training and/or a counseling statement are typical of the resolutions at this level when substandard employee performance or minor employee behavior issues have been identified. Additionally, if the need for a formal IA investigation is identified, then the inquiry may be closed out indicating that a formal IA investigation will be conducted. If discipline is determined, the department will follow the Statewide Matrix.
- B. An internal affairs investigation (IA investigation) is a formal investigation completed of which a sustained finding may result in formal punitive discipline.

.11 Complaints of police misconduct received by the Washington County Police Accountability Board (WCPAB) shall be forwarded within three (3) days of receipt by the WCPAB to the appropriate law enforcement agency. If no meeting of the WCPAB is scheduled within that timeframe, the chairperson of the WCPAB shall ensure that such complaint is forwarded and shall report the transfer of such report to the WCPAB at its next meeting.

- A. The WCPAB chairperson shall make and retain a copy of the complaint before forwarding the complaint to the appropriate law enforcement agency.
- B. The law enforcement agency receiving the complaint from the WCPAB shall promptly investigate the complaint and provide its investigatory files to the Administrative Charging Committee (ACC). This type of investigation will follow the rules outlined in this chapter.

**STATUTORY PROVISIONS 28.05**

.1 All internal investigations involving non-sworn personnel will be conducted in accordance with the Hagerstown Community College Personnel Manual. The HCC Police Department will work with Human Resources and follow the HCC Employee guidebook.

**ADMINISTRATIVE PROCEDURES FOR COMPLAINT INVESTIGATIONS 28.06**

.1 When a complaint comes to the attention of the Patrol Lieutenant, a COMPLAINT AGAINST PERSONNEL REPORT will be completed (Form IA01).

- A. The "IA Case No." can be filled out by the Lieutenant or Chief of Police.
- B. If the complaint cannot be resolved at the time it is received, the Patrol Lieutenant WILL NOT complete "Assigned for Investigation" and "Investigative Disposition" sections.
- C. Additional witnesses will be listed in the beginning of the Description of Allegation Section. If more room is needed for additional Witnesses, Description of Allegation, or Investigative Disposition then is provided on the form, additional blank pages will be used.
- D. After the Lieutenant fills out the form, he/she will forward same to the Chief of Police.
- E. The Chief of Police, upon receipt of the form, will assign an Internal Affairs Case Number. If the complaint has not been resolved at the time it was received, Chief of Police will return the form to the Patrol Lieutenant and the complaint will be investigated.
- F. The actual investigating officer shall sign the form in the "Investigated By" section.
- G. Any supervisor registering a complaint against a member under his/her command will complete the COMPLAINT AGAINST PERSONNEL REPORT (Form IA 01). The supervisor need not wait for the Internal Affairs Administrator/Chief of Police to return the form before he/she begins the investigation, provided the violation is one described in section 28.4.1.

.2 COMPLAINTS OF BRUTALITY: In the event that a person wishes to file a complaint alleging brutality against a sworn member and the complainant has not submitted a written complaint, which has been signed and sworn to under penalty of perjury, the Patrol Lieutenant taking the complaint will provide the complainant with a COMPLAINT OF BRUTALITY form (Form IA 04) and advise the complainant that the form must be signed, sworn to under penalty of perjury, and returned to the Department within 366 days of the alleged incident. Once received back from the complainant, Form IA 04 will go into the investigative file. Form IA 01 will still be completed at the time the complaint is first brought to the attention of the Department.

- A. When a qualified complainant (as defined in PS '3-104) files a sworn brutality complaint within the statutory period, the Department has a duty to proceed with an investigation. If that same complainant files a sworn complaint later than the statutorily prescribed time



after the incident of alleged brutality, there is no duty to investigate, but, if the Department decides on its own to proceed with the investigation (and with the placing of charges if the investigation so indicates), Public Safety Article, Title 3 does not prevent it from doing so. (Baltimore City Police Dept. v. Andrew, 318 Md. 3, 566 A.2d 755(1989)).

- B. In such cases where a brutality complaint is sworn to by a qualified complainant later than the statutorily prescribed time period, the Patrol Lieutenant will forward same to the Chief of Police who will make the determination as to whether or not the complaint will be investigated.

**.3 VERIFICATION TO COMPLAINANT:** Once an investigation is assigned, the investigator will contact the complainant, either by phone, in writing, or in person, to advise them that they have been assigned to their complaint. For a complaint that becomes an IA investigation, the investigator will document the contact in the appropriate area on the IA01. For a complaint handled as an inquiry, the investigator will document contact with a copy of the written correspondence or by noting it in the inquiry file. The HCC Lieutenant or Chief of Police will notify the complainant as to the status of any open investigation every 30 days after the complaint is received. Notifications may be made by any reasonable method (e.g., in person, telephone, email, letter, etc.) A record of status notifications will be included in the case file.

**.4 NOTIFYING MEMBER UNDER INVESTIGATION:** When a member is the subject of a complaint investigation, the investigator will complete a NOTIFICATION OF COMPLAINT / INVESTIGATION (Form IA 06 for sworn members and Form IA 37 for civilian members) and present same to the member under investigation after the investigation begins. The original will go into the investigative file and a copy will go to the member under investigation. The exact date that the form is presented to the member will be at the discretion of the investigator, however this should be done preferably as soon as possible so that the member is aware of the complaint and does not learn about it through unofficial sources. The investigator may find it necessary to wait due to the nature of the investigation. IN ALL CASES the form will be completed and presented to the member before any interrogation of the member, or before the member is ordered, as part of the complaint investigation, to make oral statements or written reports on the incident, or to submit to a blood alcohol test, blood, breath, or urine test CDS, or polygraph examination.

**.5 INVESTIGATOR RESPONSIBILITY:** The investigator has the responsibility of fully investigating the complaint. This includes interviewing all complainants and witnesses, and collecting all evidence.



- A. The investigator will keep all reports, forms, notes, correspondence, etc. in an investigative file. The file will be kept by the investigator in a secure location.
- B. Any evidence which, due to size, type, etc., cannot be kept in the investigative case file will be logged into the evidence room according to the same procedures used to log in criminal evidence. The IA Case Number will be entered on the property report as the complaint number.

.6 OBTAINING MEDICAL RECORDS: If the medical records of anyone involved in the investigation are needed as part of the investigation, the investigator will request the person to sign a release of medical records form letter (form IA 07). The original will be sent to the addressee and a copy will be placed in the investigative file. NOTE: Some persons, including complainants, might refuse to allow the release of medical records. This does not necessarily mean that the investigation should end, nor will it preclude the investigator from using other legal means to obtain the records (e.g. a court order).

.7 LABORATORY TESTS:

- A. If, pursuant to Public Safety Article, Title 3, an officer under investigation is ordered to submit to a blood alcohol test, blood, breath, or urine test for controlled dangerous substances, the investigator shall complete an ORDER TO SUBMIT TO LAB TEST (Form IA 08) and serve same on the officer. If a polygraph examination is to be ordered, an ORDER TO SUBMIT TO POLYGRAPH EXAMINATION (Form IA 09) will be completed and served on the officer. The originals will be placed in the investigative file and a copy will be given to the officer under investigation.

.8 COMPLAINANT/WITNESS STATEMENTS:

- A. Statements taken from complainants and witnesses will be recorded. Statements do not have to be transcribed unless a hearing board is scheduled. Recorded statements will be kept with the investigative file in the Office of the Chief of Police. If a transcription is not made, the investigator will summarize the statement on Form IA40 (Report of Interview) or in the findings section of the investigative report to the Chief. If taping is not possible, the statements shall be dictated by the complainant/witness and recorded in writing verbatim.
- B. All statements, once transcribed, shall be submitted to the complainant/witness by the investigator for any corrections the individuals may wish to make. Each page of the statement will be initialed by the complainant/witness at the beginning and end of the





print. The final page will be signed by the individual and witnessed by at least one witness in addition to the investigator.

- C. At the beginning of the statement from each employee, the investigator will read from IA41 (Non-HCC PD Employee Witness Preamble) into the record. At the beginning of each statement from HCC PD Employee, the investigator will read from form IA42 (HCC PD Employee Witness Preamble) into the record.

#### .9 STATEMENT OF OFFICER UNDER INVESTIGATION:

- A. Before an officer under investigation is interrogated or ordered to file any reports relative to the complaint investigation, the investigator will give the officer an INTERNAL INVESTIGATION ADVICE OF RIGHTS FORM (Form IA 10) to read and complete. The original will be put in the investigative file and a copy will be given to the officer. Every statement from every officer under investigation requires a separate Form IA 10. At least one witness in addition to the investigator shall witness the officer signing the form. NOTE: Reports relative to the complaint investigation do not include those reports normally required as a part of normal police duties.
- B. If the officer indicates that the interrogation is not being conducted during a reasonable hour and at a place agreeable to him/her, the investigator shall decide as to whether or not the officer is correct. If the investigator feels that the interrogation is being conducted during a reasonable hour and at a reasonable place as described in Public Safety Article, Title 3, he/she may proceed. If the interrogation is to be postponed at this point, a new Form IA 10 will be filled out before any interrogation begins.
- C. If the officer indicates he/she is not willing to make a statement without representation, he/ she will be allowed up to 5 business days (if necessary for the officer) to obtain same. If after 5 business days the officer still does not have representation, he/she may be required to proceed. A new Form IA 10 will be filled out before any interrogation begins.
- D. If the officer indicates he/she is not prepared to proceed with the interrogation with his/her chosen representation present, the investigator will decide if the interrogation will proceed. The investigator may postpone the interrogation for just cause (e.g. officer or representative is ill). A new Form IA 10 will be filled out before any interrogation begins.
- E. All interrogations of officers under investigation will be recorded. When the investigator is ready to begin taking the officer's statement, he shall complete, and read into the record, the STATEMENT OF MEMBER UNDER INVESTIGATION form (Form IA11).
- F. All interrogations of officers under investigation, once transcribed, shall be submitted to the officer by the investigator for any corrections the officer may wish to make. Each page of the statement will be initialed by the officer at the beginning and end of the print. The



final page will be signed by the officer and witnessed by at least one witness in addition to the investigator. The officer's statement will be placed in the investigative file only.

**NOTE:** the officer may correct transcription errors only; he MAY NOT change the content of the statement. If the officer wishes to make a change in the content of his statement, the investigator may take a new statement.

- G. Statements of sworn members under investigation do not have to be transcribed unless a hearing board is scheduled. Recorded statements will be kept with the investigative file in the Office of the Chief of Police. If a transcription is not made, the investigator will summarize the statement on Form IA41 or in the findings section of the investigative report to the Chief.

**.10 STATEMENT OF CIVILIAN UNDER INVESTIGATION:** Civilians under investigation may be ordered to give statements which specifically relate to the subject matter of the investigation. There is no requirement to advise civilians of their right to be represented. However, if a civilian requests representation, he/she will be given up to 10 days to obtain same. The same procedure listed above pertaining to taking statements from officers also apply to taking statements from civilians.

**.11 INTERNAL INVESTIGATION REPORT/STATEMENT OF CHARGES:** Once the investigator completes the complaint investigation, he/she will file a formal internal investigation report with his/her findings in writing to the Chief of Police on the IA01 (and IA01a if additional pages are needed or supplemental information is being reported).

- A. The findings will include the following:
- A summary of the investigation.
  - The investigator's finding of fact. This will be a brief statement as to what the investigator believes occurred based on the investigation. It should address those facts that are specific to the policies or procedures which are alleged to have been violated. If the investigator is unable to reach a finding of fact, he/she shall state so in the report.
  - The investigator's findings as to guilt or innocence of the member under investigation. For each alleged violation, one of the following dispositions shall be used:
    - 1) **UNFOUNDED:** The investigation indicates that the act or acts complained of did not occur or failed to involve police personnel.
    - 2) **EXONERATED:** Acts did occur but were justified, lawful and proper.
    - 3) **NOT SUSTAINED:** Investigation fails to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.



- 4) **SUSTAINED:** The investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint.
  - 5) **UNREPORTED MISCONDUCT:** The investigation indicated the discovery of sustained acts of misconduct that were not alleged in the original complaint.
  - 6) **POLICY FAILURE:** The investigation revealed that improper conduct occurred due to policy failure, that is the rule or policy violated was either statutorily outdated, ambiguously worded or not clear, or inconsistent with practical department operation. In the event this is the finding by the investigator, he shall include recommendations for correcting the impropriety.
- B. If the investigator finds that any of the alleged violations are **SUSTAINED**, he/she will also prepare an Internal Affairs **STATEMENT OF CHARGES** form (Form IA 12, pages (a) and (b) and Form IA13 for additional charges) **UNLESS**:
- the officer is on probation and the allegation is not charging brutality, or
  - the investigator is recommending a non-punitive form of discipline.
- C. Once completed, the investigator will forward the report and **STATEMENT OF CHARGES**, if any, with the entire case file to the Chief of Police. There the report and **STATEMENT OF CHARGES** will be reviewed to ensure proper content and form are in accordance with Departmental policies and procedures. If any corrections need to be made, the Chief of Police will confer with the investigator.
- D. After the review is completed and any necessary corrections are made, Chief of Police will forward a copy the report to the Executive Director of Human Resources for review.

#### .12 CHIEF'S REVIEW OF INTERNAL INVESTIGATION

**(NON-Washington County Police Accountability Case):** Once the Chief of Police receives the investigator's report, he will review it and make his decision as to the findings. At this point the Chief may agree or disagree with the investigator's determination of guilt or innocence, and the investigator's recommended penalty (if a recommendation is made). All discipline will fall under the Statewide Matrix.

The Lieutenant and Chief of Police must determine if this case involves the WCPAB. If the case **DOES** involve the WCPAB the case file and the Chief's recommendation regarding the imposition of administrative charges, in accordance with chapter 9 of the Police Accountability Act (12.04.09), will be forwarded to the Washington County Administrative Charging Committee (ACC). The ACC will follow the Uniform State Disciplinary Matrix to review and determine the most appropriate violation category. The State Disciplinary Matrix, has been included in this chapter and considered part of the Policies and Procedures manual.



If the violation does **NOT** apply to the WCPAB, the process listed below will apply.

- A. If the Chief finds that the charge is other than sustained, or is sustained, with non-punitive discipline, the Chief may record his decision on the investigative report (IA39).
- B. If the Chief finds the charge is sustained with punitive discipline, the Chief shall record his decision on the appropriate CHIEF'S DECISION ON INVESTIGATIVE FINDINGS form (Form IA 14 for sworn personnel and form IA 30 for civilian personnel). The member under investigation will be ordered to report to the Chief of Police at which time the Chief's decision will be explained to the member and he/she will be given the copy of Form IA 14 or IA 30. A copy of the form will be forwarded to the investigator, and the original will be placed in the investigative file. NOTE: If more than three charges were filed, the Chief's decision on the additional charges will be continued on Form IA 14A or Form IA 30A. The Statewide Matrix will be used when determining punitive discipline.
- C. If the Chief's finding is other than sustained, no penalty is to be imposed and the case is concluded at that point.
- D. If a penalty is to be imposed on a probationary officer and the allegation is not brutality, the Chief will complete a PROBATIONARY OFFICER RECORD OF DISCIPLINARY ACTION form (Form IA 15) in lieu of the Form IA 14. The officer will receive a copy, one copy will be forwarded to the investigator, one will be placed in the officer's personnel file, and the original will be placed in the investigative file. The case is concluded at that point. NOTE: If more than three charges were filed, the Chief's decision on the additional charges will be continued on Form IA15A.
- E. If a penalty is to be imposed on a probationary civilian, the Chief will confer with the Human Resources Office at HCC for punishment.
- F. If a penalty is to be imposed on a non-probationary officer, the officer may waive a hearing and accept the penalty.
- G. If the penalty to be imposed on a non-probationary officer falls within the definition of summary punishment (i.e. not exceeding 3 days suspension without pay or \$150 fine), the officer may elect not to accept the punishment without disputing the facts. If this is the case, the officer will check the appropriate block on the Form IA 13 and the subsequent **hearing board** shall only have the authority to recommend the sanctions for summary punishment.
- H. If a penalty is to be imposed on a non-probationary civilian member, the member will have to follow the appropriate HCC College grievance procedure to appeal the decision.



**.13 WITHDRAWAL OF COMPLAINT:** If at any point in the investigation the complainant wishes to withdraw the complaint, the investigator will have the complainant complete the **WITHDRAWAL OF COMPLAINT AGAINST DEPARTMENT PERSONNEL** form (Form IA 22). If the complainant cannot or will not come in to complete the form, the investigator will complete the appropriate section on the form. The investigator will have to determine at that time, based on the facts at hand, if the investigation should continue.

**.14 UNCOOPERATIVE COMPLAINANT:** If a complainant fails to keep an appointment which is necessary to continue the investigation, the investigator will send the complainant form letter Form IA 23. This letter gives the complainant 7 working days from the date of the letter to contact the investigator. If the complainant does not make contact, the investigation is concluded.

**.15 CONCLUSION OF INVESTIGATION:** At any point where the investigation or case is concluded, the following steps will be taken:

- A. The Internal Affairs Administrator/Chief of Police will contact the complainant via letter advising them of the findings and a copy of this letter is to be placed in the investigative file.
- B. The final disposition will be entered on the **COMPLAINT AGAINST PERSONNEL REPORT** (Form IA 01) either by the Internal Affairs Administrator/Chief of Police or the investigator, depending on who has the form at that point in the investigation.
- C. The Internal Affairs Administrator/Chief of Police will enter the final disposition on the **MASTER COMPLAINT LOG** (Form IA 02) and the **INDIVIDUAL OFFICER'S COMPLAINT LOG** (Form IA 03).
- D. The entire investigative file will be secured in a locked filing cabinet in the Office of the Chief of Police.

### **PLEA BARGAINING 28.07**

**.1** Plea bargaining between the Department and accused officer may occur at any time after the Chief receives the investigator's report and makes his decision as to findings and penalty. Limits on plea bargaining will be set by the Chief of Police prior to discussion with the accused officer or his representative. Guidelines for discussing and accepting plea agreements are found in the **ADMINISTRATION OF DISCIPLINE HEARING MANUAL**.

**INVESTIGATIVE PROCEDURES FOR ALCOHOL VIOLATIONS 28.08**

If a member has been accused of violating any Departmental Policy or Procedure relating to the use of alcoholic beverages or substances while on duty, and a discernible presence of indulgence in alcoholic beverages or substances exists, the following procedure shall apply:

- .1 The investigating officer will note the appearance and demeanor of the accused and record same in the internal investigation report.
- .2 The accused will be required to submit to a visual test, the results of which will be reported on an Alcohol Influence Report form.
- .3 The accused will be required to submit to a breath test to determine the alcohol content of his blood.
- .4 The lapse of time expressed in minutes between the initial report or observation of the member's condition and the breath test will be accurately recorded. Breath tests will be administered by a certified breath test operator as soon as feasible after initiation of the allegation. The two- hour limit as outlined in the Transportation Article of the Annotated Code of Maryland is not applicable.
- .5 The accused will be placed on an emergency suspension following Department procedure.

**INVESTIGATIVE PROCEDURES FOR CDS VIOLATIONS 28.09**

If reasonable suspicion exists that an employee has used Controlled Dangerous Substances as defined in the CDS Act, the following procedure shall be followed;

- .1 The investigating officer will note the appearance and demeanor of the employee and record same in the internal investigation report.
- .2 The employee will be accompanied by the investigating officer to the hospital where an examination will be conducted by competent medical personnel to determine the presence or absence of physical evidence of abuse.
- .3 The accused will be immediately taken to Health@Work (first choice during their business hours) or Meritus Medical Center Emergency Department (second choice when Health@Work is closed) and ordered to submit to the collection of two (2) urine samples.
  - A. Two samples will be collected in sterile sample collection cups. Enough will be collected to fill each cup at least halfway. This will be done in the presence of the medical person



collecting the samples and a police supervisor. If the employee is of the opposite sex of the police supervisor witnessing the collection an officer of the same sex (police supervisor preferred) will be requested from an allied agency.

- B. The police supervisor witnessing the collecting of the samples will label the cups with the name of the employee, the date and time collected and the name of the person collecting the samples. The cups will also be labeled 1 and 2.
- C. The police supervisor will seal each sample with evidence tape and initial and date the tape.
- D. Both samples will be sealed in a tamper proof evidence bag and labeled appropriately. A Property Record will be completed at that time.
- E. All results, positive or negative, are reported to a qualified Medical Review Officer (MRO) by the testing laboratory. The MRO reports the results to the Chief of Police or his/her designee. When the results are received, the Chief or his/her designee will see that they are given to the investigating officer. CALEA26.3.6
- F. The employee will be placed on an emergency suspension according to Department procedures.

## REQUIRED EMPLOYEE COOPERATION WITH INVESTIGATIONS 28.10

### .1 LAB TESTS:

- A. Any sworn officer may be required to submit to laboratory testing to resolve an allegation against said employee when such testing is specifically, directly, and narrowly related to a particular internal affairs investigation being conducted by the department. Laboratory testing can include chemical/quantitative analysis of the employee's blood, breath, urine, and/or other body fluids as deemed appropriate within the context of said investigation. Results of all laboratory tests will be included in the final investigative report. Examples of allegations which may require laboratory testing may include, but are not limited to:
  - Suspected on duty intoxication through the use of alcohol or drugs.
  - Suspected on duty impairment from use of prescribed medication.
  - Suspected use of illicit drugs.
  - Suspected sexual misconduct relative to the exchange of body fluids.
- B. Civilian members may be required to submit to laboratory testing pursuant to the provisions in Hagerstown Community College Personnel Manual.

.2 PHOTOGRAPHS AND LINEUPS: Employees may be required to submit to being photographed as deemed necessary, for identification purposes during an internal affairs



investigation. Department employee photographs may be maintained for the purpose of identification by citizens of an employee accused of misconduct. Photographs of employees for identification will be required by the department and will be used as it narrowly relates to the employee's job. Photographs or video recordings of employees may be taken for the purpose of internal investigations when it relates to the employee's job and the employee is suspected of misconduct. If eyewitness identification is a component of a complaint investigation, the procedures described in Chapter 37, Eyewitness Identification of the Policy and Procedures Manual will be utilized. Furthermore, an employee may be required to stand in a lineup for viewing by citizens for the purpose of identifying an employee accused of misconduct.

.3 The employee may be required to provide an audio and/or video exemplar as part of the internal investigation.

.4 FINANCIAL DISCLOSURE: Employees may be required to submit financial disclosure statements as part of an internal investigation when such disclosure may be relevant to the investigation.

.5 POLYGRAPHS/CVSA:

- A. Employees may be required to submit to polygraph/CVSA examinations. On these occasions, the results of the examinations cannot be used as evidence in any administrative hearing unless the officer and the Department agree.
- B. Employees may voluntarily submit to polygraph/CVSA examinations. Results of voluntary exams are admissible in administrative hearings.
- C. The results of polygraph/CVSA examinations are not admissible in criminal proceedings, even by stipulation.
- D. The law enforcement officer's representative needs not be present during the actual administration of a polygraph/CVSA examination by a certified polygraph examiner, if:
  - The questions to be asked are reviewed with the law enforcement officer or his representative prior to the administration of the examination;
  - The representative is allowed to observe the administration of the polygraph/CVSA examination;
  - And, a copy of the final report of the examination by the certified polygraph operator is made available to the law enforcement officer or his representative within ten days after the completion of the examination Public Safety Article, Title 3 or;
  - The officer or representative waives the right to have the representative present.





- E. Polygraph examinations will be conducted by a qualified examiner in accordance with the standards and rules of the American Polygraph Association and Federal and State Laws. CVSA's will be conducted by a certified examiner with a law enforcement agency.

**.6 STATEMENTS AND REPORTS:** During a complaint investigation, any member, regardless of rank, may be required by the investigator to submit written reports and/or answer all questions which relate to the subject matter of the investigation.

**.7 FAILURE TO COOPERATE:** In event a member being questioned as a witness refuses to give a statement, answer a question, or submit a written report, or a member under investigation refuses to cooperate with the investigation as required above, the investigator will direct the member to do so under a direct order. If the member refuses to obey the order, he/she is subject to being charged with a violation of policy and procedure with insubordination and failure to obey a lawful order, and he/she will be advised of this fact

### **FORMS OF PUNITIVE ACTION 28.11**

**.1** Punitive action may fall into one or more of the following categories:

- Reduction of leave
- Monetary fine
- Suspension without pay
- Demotion
- Dismissal

**.2** Department standards of conduct and performance will be enforced in a uniform and consistent manner. Disciplinary measures taken will be based upon the seriousness of the charge and the total circumstances involved.

**.3** Disciplinary action taken against civilians must be within the limits enumerated in the HCC Personnel Manual.

### **SUSPENSIONS FROM DUTY 28.12**

**.1** The authority to suspend in emergency situations is delegated to the rank of Lieutenant or above, and/or personnel acting in this capacity, except as described in the next section.



.2 The Chief of Police or Executive Director of Human Resources may suspend any member, notwithstanding emergency situations. Only the Executive Director of Human resources may suspend the Chief of Police.

**.3 EMERGENCY SUSPENSIONS:**

- A. A member who reports for work intoxicated or otherwise unfit or unprepared for work, or whose conduct on the job is detrimental to the service may be suspended immediately with or without pay for a period not to exceed three (3) days.
- B. The supervisor imposing the emergency suspension will complete an EMERGENCY SUSPENSION FROM DUTY NOTIFICATION form (Form IA 26 for sworn personnel and Form IA 32 for civilian personnel) and furnish a copy to the affected member immediately. The original will be filed with the subsequent investigative file.
- C. A member receiving an emergency suspension shall be required to report to the Chief of Police for a suspension review on the next business day as directed. The Patrol Lieutenant imposing the suspension shall also report to the Chief of Police at the same time. The Chief shall decide as to the duration of the emergency suspension pending final disposition of the charge(s), and whether other employment or leave status alternatives should be considered. At this suspension review, the member may:
  - be accompanied by counsel; however, only matters dealing directly with the determination of the suspension will be heard;
  - rebut the reason(s) given for the suspension;
  - present mitigating testimony; and
  - suggest alternatives to the suspension.

Sworn members may be suspended with or without pay pursuant to Public Safety Article, Title 3.

- D. When the emergency suspension is withdrawn, the Chief of Police will complete the WITHDRAWAL OF EMERGENCY SUSPENSION FROM DUTY form (Form IA 27 for sworn personnel and Form IA 33 for civilian personnel) and furnish a copy to the member. The original will be placed in the investigative file.

**.4 PUNITIVE SUSPENSIONS:** If a member is to suffer a suspension as a punitive measure resulting from a complaint investigation, the Chief of Police will complete a SUSPENSION FROM DUTY NOTIFICATION form (Form IA 28 for sworn personnel and Form IA 34 for civilian personnel) and furnish a copy to the suspended member. The original will be placed in the investigative file. NOTE: The Chief will consult with the member's commanding officer to determine the most feasible dates and times for the suspension.



### **DISMISSAL FROM EMPLOYMENT 28.13**

If an investigation of officer misconduct results in dismissal, the following information will be provided to the member:

- 1) A statement citing the reason for dismissal.
- 2) The effective date of the dismissal.
- 3) A statement of the status of fringe and retirement benefits after dismissal.
- 4) A statement as to the content of the member's employment record relating to the dismissal.

### **FORMS OF NON-PUNITIVE ACTION 28.14**

Non-punitive action may fall into one or more of the following categories:

- 1) Written reprimand
- 2) Counseling statement
- 3) Training
- 4) Verbal reprimand or verbal warning

### **WRITTEN REPRIMAND - LETTER IN I.A. FILE 28.15**

A written reprimand can only be used when formal charges (Form I.A. 12) are placed.

### **COUNSELING AS A FUNCTION OF DISCIPLINE 28.16**

.1 Counseling is assisting employees in the process of problem-solving. It may be corrective or preventative in nature.

.2 Counseling may focus on the necessity for a person to change his/her present behavior, or work methods.

.3 Counseling may focus on a disciplinary problem which may be handled in a positive manner by itself, or with other disciplinary measures.

.4 Counseling may focus on the necessity for a person to behave differently in preparation for responsibilities and challenges that lie ahead.

.5 Should circumstances dictate that counseling shall be used as a step to correct an employee's deficiencies as determined by a supervisor, the Department COUNSELING STATEMENT (Form IA 29) will be utilized. The purpose of the Counseling Statement is to notify an employee of



his/her deficiency in conduct or performance, give the employee an appropriate amount of time to improve the conduct or performance, and to document both. The Counseling Statement is not a punitive action.

- .6 The counseling statement provides for the following:
  - A. Allows supervisors to give constructive criticism to employees whose conduct/performance is not up to Departmental standards (Step One).
  - B. Sets a time limit for improvement.
  - C. Provides historical documentation for any future punitive action resulting from subsequent deficiencies of the same nature (Step Two). In such cases, the punitive action would not be taken as a result of deficiencies noted in the previous Counseling Statements. Instead, those Counseling Statements would only be used to show that the member was made aware of his/her deficiencies.
- .7 The counseling statement can only be used when no formal charges (Form IA 12) have been placed.

#### **TRAINING AS A FUNCTION OF DISCIPLINE 28.17**

- .1 A member's acts which are committed because he/she either misunderstood procedures or was never made aware of the correct action are indicators of training needs. These needs may be corrected by remedial training programs.
- .2 Remedial training is personalized training to correct a specific deficiency which is usually identified either by testing, evaluations during training, or by a supervisor evaluating an employee during routine job performance, or by acts requiring disciplinary actions.
- .3 Internal investigations should analyze information to determine training needs in identifying undesirable behavior trends of those individuals in need of retraining.
- .4 Training may be used as part of the department's disciplinary system by itself, or with other disciplinary procedure determined by the Chief of Police.
- .5 An employee may be assigned to remedial training upon recommendation from an internal affairs investigator to the Chief of Police during a disciplinary investigation, or by the Chief of Police as a positive measure to correct a deficiency.



.6 In a non-punitive action, an employee may be assigned to remedial training if his/her supervisor recommends the process to correct a lack of skill, knowledge, or abilities to perform his assigned tasks. Such recommendations shall be recorded on an employee COUNSELING STATEMENT (Form IA 29).

.7 Upon completion of any remedial training program, participants shall be evaluated to determine whether or not existing deficiencies were alleviated. Results of the evaluation shall be forwarded through the chain of command to the Chief of Police.

### INVESTIGATIVE TIME LIMITS 28.18

.1 Internal investigations will be conducted as thoroughly and promptly as is possible. All investigations will be completed within 30 days after the formal notification of an investigation is served on the violator. An investigation is considered complete at the time the violator is formally charged or, in the event no charges will be filed, when the investigative report is submitted to the Chief of Police. Since extensions beyond the 30-day restriction may be necessary under certain conditions (waiting for laboratory results, inaccessibility of important documents within the 30-day limit, new violations are uncovered during the investigation, etc.), an extension may be granted by the Chief of Police. The general rule for granting extensions is that the request must be reasonable and the extension will prove important in determining the officer's guilt or innocence.

.2 Request for extensions will be made in writing to the Chief of Police. Approval for extensions will be made in writing to the investigator and the officer under investigation. **NOTE:** The 30-day restriction applies to the investigating officer. If the investigation is not completed in 30 days and no extension has been requested, the investigating officer may be subject to disciplinary action under this section. This does not in any way affect or dismiss the charges of the original investigation.

### CONFIDENTIALITY OF INTERNAL INVESTIGATIONS 28.19

Confidentiality of internal investigations is paramount. For this reason, the following guidelines will be strictly followed:

.1 All internal affairs records are confidential and as such will be kept secured in the office of the Chief of Police. Internal investigations are considered personnel matters and therefore are not subject to public review in general.



.2 Investigators are authorized to maintain copies of documentation from investigations they conduct. The investigator will treat all information and documentation as confidential materials and as such keep same in a secure location not readily available to other persons.

.3 With the exception of the Chief of Police, the Executive Director of Human Resources, College Attorney, and the investigating officer, no one shall have access to internal investigation files unless authority is granted from the Chief of Police or Executive Director of Human Resources.

.4 Once the investigation is complete and the findings and recommendations approved by the Chief of Police, sworn members may access those portions of the file to which they are entitled under the provisions of the Law Enforcement Officer's Bill of Rights.

.5 Any department member interviewed as a violator or witness in any internal investigation will consider his/her testimony confidential and will not reveal its contents to anyone other than the investigator assigned to the case.

**NOTE:** For clarification purposes, once an internal investigation is concluded, and a final recommendation has been given by the Investigator to the Chief of Police, any Departmental witnesses may, in their discretion, speak to a departmentally alleged violator or an alleged violator's representative regarding the witnesses' knowledge of the facts of the investigation. Departmental witnesses may refuse to discuss the case or facts with the alleged violator or his/her representative if they so desire. This clarification is not meant to authorize a breach of the confidentiality that surrounds internal investigations. The sole purpose is to clarify an alleged violator's right to question Departmental personnel at the conclusion of internal investigations, and provide guidelines to Departmental witnesses to provide answers if they so desire.

#### **INTERNAL INVESTIGATION STATISTICAL SUMMARIES 28.20**

Annually, the Internal Affairs Administrator/Chief of Police will compile statistical data based on the records of internal investigations and supply same to the Executive Director of Human Resources.

#### **MAINTENANCE OF RECORDS OF DISCIPLINARY ACTION 28.21**

All records of disciplinary actions shall be kept on file permanently except under the following conditions:



- .1 Records of unfounded, un-sustained or exonerated complaints against an officer, or those resulting in acquittal, dismissal, or finding of not guilty by a hearing board, will automatically be expunged from all files three years after such disposition is made. \* This will include official internal investigation paper files, investigator's personal notes, recorded statements, computer records, and any other documentation of the complaint.
- .2 Records of non-punitive actions resulting from sustained complaints against an officer will automatically be expunged from employee personnel files one year after such disposition is made. Internal Affairs files will not be expunged. Counseling statements will remain with the employee's annual performance evaluation. Training records will remain with the training files.

### **DISSEMINATION OF INTERNAL INVESTIGATIONS FILES 28.22**

- .1 The Chief of Police, the College Attorney and any Investigator routinely assigned to internal investigation duties may have complete access to all internal investigation files.
- .2 Other officers conducting internal investigations and other persons acting as prosecutor for the Hagerstown Community College may have complete access to those internal investigation files with which they are involved.
- .3 Upon completion of an internal investigation, sworn members may have access to those portions of internal investigations files. In such cases the officer will sign the CONFIDENTIALITY AGREEMENT AND RECEIPT (Form IA 35). The original will go into the investigative file, and a copy will be given to the officer.
- .4 Any requests by officers under investigation to view internal investigation material will be submitted in writing by the requesting party to the Internal Affairs Administrator/Chief of Police. After the request is approved by the Internal Affairs Administrator/Chief of Police, and he/she determines which material may be disseminated to the officer, any Investigator routinely assigned to internal investigation duties may disseminate the material.
- .5 Any other person not specifically enumerated above wishing access to an internal investigation file must request same by filing a freedom of information request through the office of the Chief of Police.



.6 Anytime an internal investigation file or information from such a file is disseminated, the person authorizing the dissemination will ensure that a DISSEMINATION LOG (Form IA 36) is completed. The person receiving the information and the person authorizing the dissemination will sign in the appropriate places on the log. The original will be kept in the Office of the Chief of Police in a Dissemination Log file. A copy will go into the investigative file.

## TRIAL BOARD PROCEDURES 28.23

### I. Statutory Provisions:

A. Authority—Pursuant to Md. Code Ann., Public Safety Art. (“PS”), § 3-106, the Hagerstown Community College Police Department establishes the following Trial Board Process for disciplinary matters against a Police Officer, initiated by a Complaint filed by an individual member of the public, pursuant to PS § 3-101, *et seq.*

B. A Trial Board shall be composed of:

(1) an actively serving or retired administrative law judge or a retired judge of the District Court or a circuit court, appointed by the Board of County Commissioners of Washington County, Maryland, who shall serve as Chair of the Trial Board; shall be responsible for ruling on all motions before the Trial Board; and shall prepare the written decision of the Trial Board, including the findings, conclusions and recommendations of the Trial Board;

(2) a civilian who is not a member of an administrative charging committee, appointed by the Washington County Police Accountability Board; and

(3) a police officer of equal rank to the police officer who is accused of misconduct, appointed by the Sheriff, or if the accused is a municipal police officer, by the head of the law enforcement agency employing said officer. The police officer of equal rank will preferably be a member of another law enforcement agency.

C. The Chief of Police shall notify the County Attorney or his designee of the need for appointment of an administrative law judge or retired judge, and of the need for appointment of a civilian by the Police Accountability Board. The HCC Lieutenant or Chief of Police shall prepare and file such requests and forms with the Office of Administrative Hearings or such other means as are necessary to initiate the appointment of a Chair of the Trial Board.

D. Before serving as a member of a Trial Board, each member must receive training on matters





relating to police procedures from the Maryland Police Training and Standards Commission.

E. Proceedings of a Trial Board shall be open to the public, except to protect:

- (1) a victim's identity;
- (2) the personal privacy of an individual;
- (3) a child witness;
- (4) medical records;
- (5) the identity of a confidential source;
- (6) an investigative technique or procedure; or
- (7) the life or physical safety of an individual.

F. A Trial Board may administer oaths as necessary to complete its work.

G. A Trial Board may issue subpoenas as necessary to complete its work.

H. A complainant has the right to be notified of a Trial Board hearing. Except as provided in subsection (D) of this section, a complainant has the right to attend a Trial Board hearing.

I. Except as otherwise provided in this subtitle, a law enforcement agency has the burden of proof by a preponderance of the evidence in any proceeding under this procedure.

J. A Police Officer may be disciplined only for cause.

## **II. Definitions**

Calculation of time~ Unless otherwise stated, all references to "days" in this procedure refer to calendar days, and include Saturday, Sunday, and holidays. In computing a period of time, day of the act or event after which the designated period of time begins to run shall not be included, however the last day shall be included. If the last day falls on a Saturday, Sunday, or a County Holiday on which the Circuit Court for Washington County is closed to the public, the period runs until the end of the next day on which said court is open to the public.

## **III. Pre-Hearing Procedures**

A. The date and location of each hearing shall be determined by the Chief of Police in consultation with the Chair and the members of the Trial Board. The hearing shall occur within Washington County, Maryland, and the Chief of Police shall provide notice of the



date and location to the parties and to the members of the Trial Board, prior to the hearing.

B. The accused officer will provide the name and contact information of the attorney, if any, who will represent him or her at the hearing to the Chief of Police and to the Chair. If possible, this should occur within 10 days after the officer receives notice of the hearing date. Said attorney must be admitted to practice law in the State of Maryland. At all times while a matter is pending before a Trial Board, the accused officer and his or her attorney(ies) will notify the Chief of Police and the Chair of any change in address or contact information.

C. At least 30 days before the Trial Board proceeding begins, the police officer shall be

- (1) provided a copy of the investigatory record, if the police officer executes a confidentiality agreement not to disclose any contents of the investigatory record for any purpose other than to defend the police officer;
- (2) notified of the charges against the police officer;
- (3) notified of the disciplinary action being recommended; and
- (4) provided a copy of this Trial Board procedure.

D. The members of the trial board will be presented with the Administrative Charging Committee's or Agency's charging document in advance of the hearing.

#### **IV. Issuance of Subpoenas/Discovery**

A. A request for the issuance of a subpoena to require the attendance of witnesses or the production of documents shall be made in writing no later than 15 days before the hearing, and shall contain:

- (1) The name and complete mailing address of the Police Officer;
- (2) The badge number of the Police Officer;
- (3) The date of the scheduled hearing, if known;
- (4) The name, address, and telephone number of the attorney making the request, if applicable;
- (5) A proffer of the expected testimony or evidence and its relevance to the proceeding; and
- (6) The name and address of the requested witness.

B. The decision to issue a subpoena shall be in the discretion of the Trial Board Chair.

C. A request for subpoena may be refused if the testimony or evidence to be offered:



- (1) Is immaterial, irrelevant, or unduly repetitious; or
- (2) Does not pertain to a genuine issue in the contested case.

D. Cost of and proof of service by certified mail or affidavit of personal delivery is the responsibility of the person requesting the subpoena.

E. The party requesting the subpoena is responsible for notifying the person subpoenaed if the hearing is cancelled or postponed. Subpoenas shall remain in effect until the conclusion of the hearing.

F. The parties shall, 15 days before the hearing, exchange the names of witnesses whom they intend to testify at the hearing. If additional witnesses are identified as necessary witnesses, the party calling the witness shall notify the opposing party as soon as possible.

G. The Victim's Rights Advocate will notify the complainant of the date of the hearing and the complainant's right to attend the hearing. PS § 3-106(g).

H. Except as provided in this subsection, no other discovery shall be obtained between the parties.

#### **V. Postponements**

A. The Chair shall grant a postponement of the hearing if both parties agree to a postponement.

B. If the parties do not agree, postponements will only be granted for good cause as determined by the Chair. Failure to obtain representation within a reasonable amount of time shall not constitute good cause.

C. In the event of a postponement, a new hearing date will be scheduled by the Chief of Police in consultation with the Chair and the other members of the Trial Board.

#### **VI. Conduct of Trial Board Hearing.**

A. The accused Police Officer may be represented by legal counsel of his or her choosing. Such legal counsel must be an attorney admitted to practice law in the State of Maryland. The personal appearance of the Police Officer at the Trial Board is mandatory.

B. There shall be no weapons permitted at the proceedings of the Trial Board.



C. The entirety of the hearing will be recorded by an official recorder appointed by the Chief of Police. Unless expressly authorized by the Chief of Police, the use of audio, video, or photographic recording devices by parties, their representatives, witnesses, or other persons in attendance of the hearing is strictly prohibited.

D. On request by a party, the Chair may exclude witnesses expected to testify, other than parties, from the hearing, except when testifying. In the event that witnesses are excluded, no person present in the hearing may disclose to an excluded witness the substance, nature, or purpose of any testimony, exhibits, other evidence, or arguments introduced during that witness's absence. The law enforcement agency may designate an employee or officer (in addition to the agency's attorney) as its representative to remain in the hearing room, even though the employee or officer may be a witness. An expert witness who is to render an opinion based on testimony given at the hearing may remain during the testimony. In the discretion of the Chair, a witness who has been excluded from the hearing who receives information in violation of this rule may be prohibited from testifying.

E. The conduct of the Trial Board hearing itself shall be as follows:

1. Brief opening statements will be given first by the law enforcement agency, and then by the defense.
2. The law enforcement agency will present its case, which shall consist of introducing evidence and/or testimony from witnesses. The defense may cross-examine witnesses. Trial Board members may also ask questions of witnesses.
3. After the law enforcement agency has rested its case, the defense will present its case. The law enforcement agency may cross-examine witnesses.
4. Rebuttal evidence may then be presented by the law enforcement agency.
5. Summation is made by the law enforcement agency, then by the defense, and then any rebuttal summation by the law enforcement agency.
6. Any witness who testifies must do so under oath or affirmation, consistent with the Maryland Rules of Civil Procedure.



7. Although live testimony is strongly preferred to other methods, in the case of an extraordinary hardship shown by a party and found by the Chair, the Chair may allow a witness to testify by video or telephonically, provided that both parties are able to hear and examine and/or cross examine the witness.
8. Any direct examination or cross-examination by a law enforcement agency or defense shall be conducted by a single attorney or party only.
9. The law enforcement agency has the burden of proof by a preponderance of the evidence.
10. At the conclusion of the evidence and summation, the Trial Board will go directly into closed session for deliberations. Any decision of the Trial Board as to verdict, or, if applicable, as to any penalty under section 11 below, must be by a majority of the Trial Board. Upon reaching its finding as to each charge, the Trial Board will return to open session at which the Chair will announce the Trial Board's findings of GUILTY or NOT GUILTY. As to any GUILTY finding, the Trial Board shall also make a finding of which Violation Category and Level of the Disciplinary Matrix is applicable.
11. If a GUILTY verdict is reached on any charge, the Trial Board shall reconvene the hearing to consider the appropriate application of the Discipline Matrix. Either party may offer argument and/or evidence regarding aggravating and/or mitigating factors, which may include any factors outlined in the Disciplinary Matrix. The Board will then go directly into closed session for deliberations, and upon reaching its determination regarding penalty, within the Disciplinary Matrix. The Trial Board may consider, but is not bound by, any recommendation by the Administrative Charging Committee. Upon reaching its determination, the Trial Board will return to open session at which the Chair will announce the Trial Board's recommendation as to penalty.
12. All the Trial Board's findings shall be later confirmed by a written decision as provided in Section E, below.

#### F. Trial Board Findings and Recommendations



1. Within 45 days after the conclusion of the final hearing, the Trial Board shall issue a written decision reflecting the findings, conclusions, and recommendations of a majority of the Trial Board. Said findings shall include a verdict of guilty or not guilty as follows:

a. **GUILTY (Charges Sustained):** Sufficient evidence has been presented to establish a prima facie case that the law enforcement officer committed the actions as charged.

b. **NOT GUILTY:** A “Not Guilty” verdict will conclude the administrative action on the charges. A not guilty verdict shall be accompanied by one of the following findings:

1. **NOT GUILTY (Unfounded):** The allegations against the police officer are not supported by facts or sufficient evidence.

2. **NOT GUILTY (Exonerated):** The police officer acted in accordance with law and agency policy.

2. Any decision, order, or action taken as a result of the hearing will be accompanied by a finding of fact. The finding shall consist of a statement upon each issue of the case. If the Trial Board finds the employee “not guilty,” the action is concluded.

3. A copy of the Trial Board’s written decision shall be delivered to the the Sheriff or chief of the law enforcement agency, the Police Officer, and the complainant. Delivery may occur by e-mail. Delivery to the Police Officer’s attorney shall be considered delivery to the officer. The date the e-mail is sent is deemed to be the date the decision has been issued.

4. An official written and taped record will be kept of the hearing, along with all evidence and exhibits.

5. Within 30 days after the date of issuance of a decision of a Trial Board, the decision may be appealed by the Police Officer to the Circuit Court for Washington County, Maryland. An appeal taken under this subsection shall be on the record. Unless ordered by the Court, or otherwise provided by applicable law, the filing of an appeal shall not stay



imposition of the Trial Board's decision.

6. A Police Officer who appeals the decision of the Trial Board shall request in writing that a transcript of the proceedings be prepared and shall pay the estimated cost of preparation of the transcript of proceedings before any transcription shall occur.

7. A Trial Board decision that is not appealed by the Police Officer is final.

8. The victims' right advocate will provide a case summary to the complainant within 30 days after final disposition of the case.

**Maryland Police Standards Training Commission Statewide Police Disciplinary Matrix 28.24**  
See attached document labeled 28-1 Chapter.



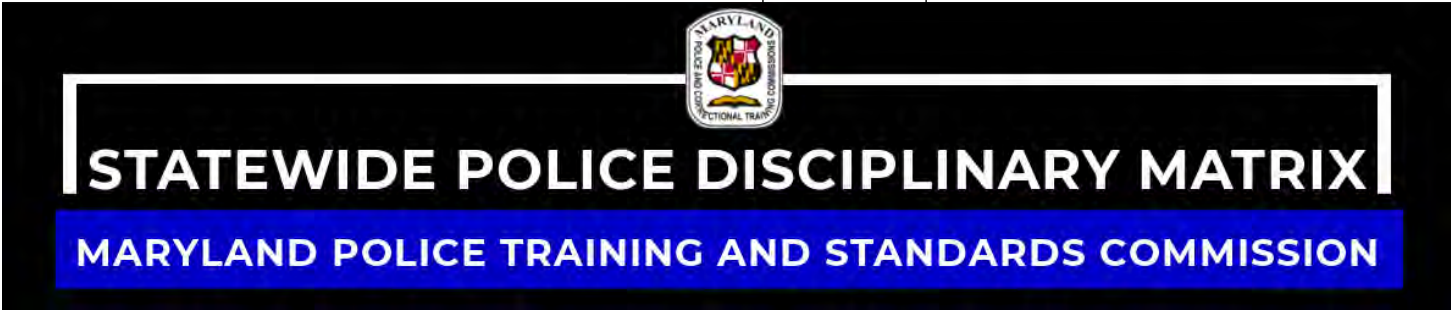
# STATEWIDE POLICE DISCIPLINARY MATRIX RESOURCE GUIDE

June 9, 2022

Final Edited Document – PTSC APPROVED

(Updated Version 3/9/23)





PURPOSE

Contained in this document is the Maryland Statewide Model Disciplinary Matrix required by the Maryland Police Accountability Act of 2021 (Public Safety Article, 3-105, Annotated Code of Maryland). The Statewide Model Disciplinary Matrix is the required framework through which all matters of discipline will be imposed as a result of a sustained disposition from an administrative investigation into an officer’s misconduct. The purpose of this Disciplinary Matrix is to apply disciplinary standards in a fair, equitable and consistent manner statewide.

GENERAL PROVISIONS

In order to protect the collective integrity of a law enforcement agency, all matters that may result in discipline shall be imposed pursuant to the Disciplinary Matrix as responsive measures to an officer’s sustained violation of an agency’s policy or other police misconduct. Generally, each sustained misconduct violation shall be considered separately for the purpose of recommending and imposing discipline. However, when multiple violations arise from the same incident, a determination may be made that the most effective manner to address discipline in the case is to consolidate violations into one form of discipline.

Discipline is imposed for first violations and may follow a progressive course for repeat or increasingly serious offenses. This Disciplinary Matrix, and the imposition of discipline, shall not be based on the member’s race, religion, gender expression, gender identity, sex assigned at birth, sexual orientation, national origin, age, ethnicity, or familial relationships. Furthermore, the imposition of discipline shall not be influenced by the high or low profile nature of the incident.

The Matrix includes a breakdown of six (6) different categories of violations, labeled A through F, with A as the lowest level of discipline and F as the highest. Each category is defined, along with example violations. Three penalty levels are included in each category which are based on the number of similar violations in a specified period of time. A disciplinary range is then used for assessing the recommended discipline. Based on aggravating and/or mitigating factors the disciplinary range can increase or decrease upon review of the totality of the circumstances surrounding the sustained violation.

## DEFINITIONS

**Aggravating Factors** – Conditions or events related to the violation that increase the seriousness of the violation and may increase the degree of penalty as specified in the Matrix below. Examples of aggravating factors include, but are not limited to, the following:

- The officer's prior disciplinary history
- The officer's prior negative work history, including non-disciplinary corrective action
- The officer's rank
- The violation was committed willfully or for personal gain
- The officer's efforts to conceal the violation, or to be untruthful or dishonest
- The officer's failure to cooperate with the investigation into the alleged misconduct
- The violation was retaliatory in nature
- The violation or behavior was motivated by bias against a member or group of a protected class under the State's hate crimes law, (Public Safety Article, §10-304, Annotated Code of Maryland).
- The officer's expressed unwillingness to comply with policy, tactics, or performance standards
- The impact of the violation on the community or the department's ability to carry out its mission
- The degree to which the violation caused or could have caused the loss of life or injury, and
- The degree to which the violation caused loss or damage to public or private property.

**Note:** Some aggravating factors may in themselves constitute additional violations of policy associated with separate, higher, ranges of discipline. For example, "efforts to conceal" even a minor violation may themselves constitute separate ethics/honesty violations subject to a higher range of discipline (e.g., lying or destroying/falsifying evidence to conceal a minor violation).

**Disciplinary Matrix** – a written, consistent, progressive, and transparent tool or rubric that provides ranges of disciplinary actions for different types of misconduct. (Public Safety Article, §3-101, Annotated Code of Maryland).

**Formal Written Counseling (FWC)** – A form of counseling given to employees who have violated an agency's policy. Formal Written Counseling, the least severe form of disciplinary action, serves as a warning for violations. Further violations of same or similar conduct may result in more severe discipline. A copy of the formal written counseling shall be placed in the officer's disciplinary file.

**Letter of Reprimand (LOR)** – A formal letter to an officer from the agency which details the officer's wrongful actions and states their actions have been deemed inappropriate or unacceptable. Further violations of same or similar conduct may result in more severe discipline. A copy of this letter shall be placed in the officer's disciplinary file.

**Loss of Leave (LOL)** – Removal of leave from officer's accrued leave total (vacation, personal). Loss of leave shall be determined in hours.

**Loss of Pay (LOP)** – Suspension from duty without pay.

**Level (One)** – Penalty level for first offense violation.

**Level (Two)** – Penalty level for second offense of similar conduct.



**Level (Three)** – Penalty level for third offense or more of similar conduct.

**Mediation** – A process in which parties in a dispute work with one or more impartial mediators who assist the parties in reaching a voluntary agreement for the resolution of a minor dispute or conflict.

**Mitigating Factors** – Conditions or events that relate to the violation, but do not excuse or justify the violation, that are considered in deciding the degree of penalty. Examples of mitigating factors include, but are not limited to, the following:

- The officer's actions are attributable to selfless concern for the well-being of others
- The officer's lack of disciplinary history
- The officer's complimentary work history
- The officer's prior positive work history
- The violation was the inadvertent result of reasonable, otherwise compliant performance
- The officer's prompt acceptance of responsibility for the conduct and willingness to be held accountable
- The officer's commission of the violation at the direction of a superior (who might also be subject to separate discipline)
- Unusually serious workplace tensions / stressors, and
- The violation is attributable to limitations beyond the control of the officer that are caused by legally protected physical or mental disabilities and/or conditions.

**Penalty Days** – The forfeiture of vacation days and/or the imposition of suspension without pay for a specified period of time. The decision to suspend, deduct vacation days, or impose a combination of both, is based upon the severity of the misconduct along with any relevant aggravating and mitigating factors. The local ACC and/or Agency Head shall define a "day" as a specified number of hours depending on the officer's schedule and/or unit within the agency.

**Police Misconduct** – Refer to Public Safety Article, §3-101, Annotated Code of Maryland.

**Remedial Training** – Training designed to correct the behavior of officers who have failed to perform their duties with the skill, knowledge and/or ability expected and/or required of them, or have otherwise demonstrated a need for additional training.

## PROCEDURES

**Violation Categories** – The Matrix includes six (6) categories. Each offense is categorized by a letter (A-F) that represents the severity of the offenses in that category. Category A is the lowest level of discipline and Category F is the highest level. Each category is defined along with a list of example misconduct violations that fit into that category.

**Special Circumstance Categories** – Special circumstance categories are specific violations with their own disciplinary ranges.

**Factors Influencing Discipline** – Mitigating and aggravating factors surrounding a violation may increase or decrease the discipline. Those factors will be considered within the disciplinary range for a specific category.

**Multiple Count Adjustments** – Generally, each sustained misconduct violation shall be considered separately for the purpose of recommending and imposing discipline. However, when multiple violations arise from the same incident, a determination may be made that the most effective manner to address discipline in the case is to consolidate violations into one form of discipline. The most serious offense is used as a starting point within a violation category. The other offenses determine whether and how much to increase the discipline within the selected violation category.

**Prior Disciplinary Record - Same Category** – The Matrix incorporates an officer's prior sustained disciplinary record in determining discipline for a new violation. In each category, there are three penalty levels based on the number of misconduct violations within a specified period of time. Three or more sustained violations in the same category and specified time period will progress to the next higher offense category noted in the Matrix. Prior sustained disciplinary action may also be considered as an aggravating factor.

**Determining Discipline** – In determining discipline, there must first be an agency policy violation or other police misconduct. Once a violation has been identified, first review the violation category definitions, along with similar example violations and select the most appropriate category. Next, determine if the offense is a first offense or repeat offense and select the appropriate level. The disciplinary section is located to the right of the category definition and level. Each chart includes an acceptable disciplinary range for applicable violations. In addition to the severity of the conduct, mitigating or aggravating factors should be considered prior to making a final determination of discipline. The range of discipline includes formal written counseling (least severe), reprimands, penalty days, demotion and termination (most severe). Demotion may only be considered as a discipline penalty if the misconduct is determined to be a Category D or E violation. Demotion may be the sole penalty or in addition to a penalty within the disciplinary range.

**Additional Corrective Measures** – Notwithstanding the penalties in the Matrix, an officer may be referred to counseling, an employee assistance program, and/or remedial training. Additionally, suspension or removal from a take-home car program and suspension or removal from secondary employment are also options for an ACC to consider. These options may also be imposed by police management, independent of the Local Administrative Charging Committee, consistent with management rights and/or agency policy.

**Violations that Fall into Multiple Violation Categories** – Some violations can fall into multiple categories depending on the severity of the violation. For example, penalties for body-worn camera related violations, insubordination, and harassment may carry more or less severe penalties, depending on which category most accurately fits the member's actions.

#### **Notes:**

- *PAB/ACCs and Agencies may only deviate from the use of the Matrix when required to do so by court order, consent decree or any other superseding legal authority. The Matrix does not impact police management rights to maintain the order and manage the affairs of an agency in all aspects including, but not limited to, establishing standards of service, transfer or assignment of employees, establishing standards for performance and conduct, and maintaining control and regulation of the use of government equipment and/or property.*
- *Agencies that operate a formal mediation program are not impacted by this process since it occurs prior to an investigation and is mutually agreed to by the agency, complainant and officer.*



# STATEWIDE POLICE DISCIPLINARY MATRIX

## MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

**Note: An agency policy violation or other misconduct must first be identified prior to selecting a Violation Category. If the specific policy/procedure violation is not listed in the examples, review the violation category definition, along with similar violations and select the most appropriate category.**

### VIOLATION CATEGORY – A

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors → Aggravating Factors	
<b>Category A: Conduct that has or may have a minimal negative impact on operations or professional image of the law enforcement agency.</b>	<b>ONE: 1<sup>st</sup></b> Violation	Formal Written Counseling	→ Letter of Reprimand
	<b>TWO: 2<sup>nd</sup></b> Violation in 24 Months	Formal Written Counseling	→ Up to 1 Day Loss of Leave or Loss of Pay
	<b>THREE: 3<sup>rd</sup></b> Violation in 24 Months	GO TO CATEGORY B LEVEL 1	

### Policy Violation Examples for Category A

**Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.**

Violation associated with improper attire and grooming (uniformed/non-uniformed)
Late for duty assignment
Failure to properly care for agency vehicle, including but not limited to vehicle inspection and maintenance care
Failure of officer to provide identification when required
Failure to comply with traffic stop procedures
Loss of agency property (excluding weapon and radio)
Parking Violations

## VIOLATION CATEGORY – B

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors → Aggravating Factors	
<b>Category B: Conduct that has or may have a negative impact on the operations or professional image of law enforcement agency; or that negatively impacts relationships with other officers, agencies, or the public.</b>	<b>ONE: 1<sup>st</sup></b> Violation	<b>Letter of Reprimand</b> →	<b>Up to 2 Days Loss of Leave or Loss of Pay</b>
	<b>TWO: 2<sup>nd</sup></b> Violation in 36 Months	<b>1 Day Loss of Leave or Loss of Pay</b> →	<b>Up to 3 Days Loss of Leave or Loss of Pay</b>
	<b>THREE: 3<sup>rd</sup></b> Violation in 36 Months	<b>GO TO CATEGORY C LEVEL 1</b>	

### Violation Examples for Category B

**Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.**

Rude, discourteous actions towards the public or other employees to include profanity and/or obscene gestures.
Failure to furnish name, ID number, and assignment
Officer using their official status, name, or photograph to endorse any product or service connected with law enforcement for personal gain without permission from agency
Failure to remain alert and awake on duty
Failure to notify supervisor of the suspension, revocation, or cancellation of driver's license
Unauthorized use or wearing agency issued equipment (or use of agency insignia) while working secondary employment
Failure to make required inspection of agency vehicle for weapons/contraband prior to and after transporting a prisoner
Operating an agency vehicle beyond jurisdictional boundaries without authorization
Altering or modifying agency equipment without approval
Operating an agency vehicle while on sick leave, light duty status, or suspension without authorization
Failure to submit required report
Failure to conduct preliminary and follow-up investigation/reporting
Improper use of Internet or other communications equipment
Working secondary employment without approval
Violation of social media policy
Failure to accept a complaint against an officer
Failure to obey traffic laws –minor, while operating an agency vehicle

## VIOLATION CATEGORY – C

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors → Aggravating Factors	
<b>Category C: Conduct that involves a risk to safety or that has or may have a pronounced negative impact on the operations or professional image of the law enforcement agency or a member, or on relationships with other officers, agencies, or the public.</b>	<b>ONE: 1<sup>st</sup></b> Violation	2 Days Loss of Leave or Loss of Pay →	Up to 4 Days Loss of Pay
	<b>TWO: 2<sup>nd</sup></b> Violation in 48 Months	3 Days Loss of Pay or 3 Days Loss of Leave →	Up to 5 Days Loss of pay
	<b>THREE: 3<sup>rd</sup></b> Violation in 48 Months	GO TO CATEGORY D LEVEL 1	

Violation Examples for Category C	
<b>Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.</b>	
Failure to notify or report to duty assignment – Absent without leave (AWOL)	
Failure to notify agency that officer has become subject of a criminal investigation	
Failure to properly secure a firearm	
Unauthorized/careless use/handling/display of a weapon	
Carrying an unauthorized firearm, ECD or other weapon in a vehicle or on the officer's person, on or off duty	
Discharging of firearm in violation of policy – no injury	
Failure to properly search a prisoner incident to arrest	
Improper release/escape of a prisoner (no criminal intent)	
Unnecessary force/excessive force resulting in unknown injury or minor injury	
Failure to document or investigate a physical use of force	
Engaged in secondary employment while on sick leave	
Unauthorized vehicle pursuit– no injury	
Dissemination of confidential information related to a criminal investigation, Criminal Justice Information System (CJIS) or Motor Vehicle Administration (MVA) to unauthorized persons	



## VIOLATION CATEGORY – D

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors →	Aggravating Factors
<b>Category D: Conduct substantially contrary to the values of the law enforcement agency or that substantially interferes with its mission, operations, or professional image, or that involves a serious risk to officer or public safety, or intentionally violates law enforcement agency policy.</b>	<b>ONE: 1<sup>st</sup></b> Violation	5 Days Loss of Pay or 5 Days Loss of Leave →	Up to 15 Days Loss of Pay
	<b>TWO: 2<sup>nd</sup></b> Violation in 60 Months	10 Days Loss of Pay →	Up to 20 Days Loss of Pay
	<b>THREE: 3<sup>rd</sup></b> Violation in 60 Months	GO TO CATEGORY E LEVEL 1	

*Note: Demotion and/or reduction in rank can also be considered as an independent sanction or in addition to another disciplinary penalty for Category D*

Violation Examples for Category D	
<i>Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.</i>	
Reporting to work with a measurable amount of alcohol in system, (no requirement to be legally intoxicated)	
Failure to provide and/or request needed medical assistance (includes individuals not in custody)	
Failure to notify agency that officer has been charged with a civil or criminal violation, whether by arrest or criminal summons.	
Unauthorized vehicle pursuit– with injury	
Failure to report a firearm or less lethal weapon discharge (includes accidental discharges)	
Failure to report an agency collision	





## VIOLATION CATEGORY – E

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors →	Aggravating Factors
<b>Category E: Conduct that involves misuse of authority, unethical behavior (not involving false reporting or false statements), or an act that could result in an adverse impact on an officer or public safety or to the professionalism of the law enforcement agency or a violation of any misdemeanor.</b>	<b>ONE: 1<sup>st</sup></b> Violation	15 Days Loss of Pay →	25 Days Loss of Pay up to TERMINATION
	<b>TWO: 2<sup>nd</sup></b> Violation in 60 Months	15 Days Loss of Pay →	30 Days Loss of Pay up to TERMINATION
	<b>THREE: 3<sup>rd</sup></b> Violation in 60 Months	GO TO CATEGORY F LEVEL 1	

*Note: Demotion and/or reduction in rank can also be considered as an independent sanction or in addition to another disciplinary penalty for Category E*

Violation Examples for Category E	
<i>Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.</i>	
Using official position to avoid consequences of criminal laws and/or incarcerable traffic violations.	
Unnecessary force/excessive force resulting in serious injury	
Failure to report a use of force	
Engaging in acts of retaliation	
Discharging of firearm resulting in injury or death, non-criminal intent	
Obstructing or hindering a criminal investigation	
Obstructing or hindering internal affairs or an administrative investigation	
Affiliation with any person or organization known to be involved in criminal activity	

## VIOLATION CATEGORY – F

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
<b>Category F: Any violation of law, policy, rule or regulation which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of the law enforcement agency's mission, vision and values; or involves any act or omission which demonstrates a serious lack of the integrity, ethics or character related to an employee's fitness to hold their position; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected, to include those whose sworn duty is to uphold the law; or involves conduct which constitutes the failure to adhere to any condition of employment required or mandated by law, including any 18 U.S.C. § 922(g) (Lautenberg) violations.</b>	<b>ONE: ANY VIOLATION</b>	<b>TERMINATION</b>

<b>Violation Examples for Category F</b> <b>Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.</b>	
Truthfulness: Intentionally making any verbal or written false statement during an official investigation or on any official agency document.	Enforcement and/or detention of individuals based on discriminatory practices
Engaging in sexual behavior on duty	Engaging in sexual behavior in an agency vehicle or facility, on or off duty
Intentional malicious and unjustified use of force resulting in serious bodily injury or death	Intentional erasing video footage and/or audio transmissions from digital video camera equipment (BWC/In-Car Camera)
Converting property/evidence for personal use	Performing secondary employment while on-duty
Improper use of controlled dangerous substance (CDS), narcotic, or hallucinogen	Tampering or manufacturing of evidence
Knowingly participating or joining an organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious, ethnic, or other groups or classes of individuals protected by law.	





# STATEWIDE POLICE DISCIPLINARY MATRIX

## MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

### SPECIAL CIRCUMSTANCE VIOLATIONS

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors →	Aggravating Factors
<b>DRIVING UNDER THE INFLUENCE</b>  <b>Category 1: Any <u>off-duty</u> driving under the influence of alcohol and/or drugs which would constitute a violation of law.</b>	<b>ONE: 1<sup>st</sup></b> Violation	15 Days Loss of Pay	→ TERMINATION*
	<b>TWO: 2<sup>nd</sup></b> Violation	30 Days Loss of Pay	→ TERMINATION*
	<b>THREE: 3<sup>rd</sup></b> Violation	TERMINATION*	
<b>Category 1a: Any <u>on-duty</u> or off-duty in a departmental vehicle driving under the influence of alcohol and/or drugs which would constitute a violation of law.</b>	<b>ONE: 1<sup>st</sup></b> Violation	TERMINATION*	

*\*Unless prohibited by Executive Order or Government Policy*

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors →	Aggravating Factors
<b>FAILURE TO APPEAR FOR COURT/MVA HEARINGS</b>  <b>Category 2: Intentional or purposeful failure to appear for any properly summoned court appearance which is the result of action taken as a law enforcement officer. This category also includes MVA hearings.</b>  *Resets 1 calendar year from the date of the first violation.	<b>ONE:</b> 2 violations in 1 year	Formal Written Counseling	→ Formal Written Counseling
	<b>TWO:</b> 2 additional violations in 2 years	Formal Written Counseling	→ Up to 2 Days Loss of Leave or Loss of Pay

## DEPARTMENTAL COLLISIONS

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors →	Aggravating Factors
<b>DEPARTMENTAL COLLISIONS</b>  <b>Category 1: Minor Damage<sup>1</sup> to Police Vehicle and/or Other Property or Vehicle</b>  <sup>1</sup> Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major).  <sup>2</sup> Driver Re-training can be imposed at any level but is mandatory for three or more at-fault departmental collisions.	<b>ONE:</b> 1 <sup>st</sup> Violation up to 12 months	Formal Written Counseling →	Letter of Reprimand
	<b>TWO:</b> 2 <sup>nd</sup> Violation within 0-24 months	Formal Written Counseling →	Up to 2 Days Loss of Leave or Loss of Pay
	<b>THREE<sup>2</sup>:</b> 3 <sup>rd</sup> or more Violation within 0-36 months	Letter of Reprimand →	Up to 5 Days Loss of Leave or Loss of Pay
<b>Category 2: Major Damage to Police Vehicle and/or Other Property or Vehicle</b>  <sup>1</sup> Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major).  <sup>2</sup> Driver Re-training can be imposed at any level but is mandatory for three or more at-fault departmental collisions.	<b>ONE:</b> 1 <sup>st</sup> Violation up to 12 months	Formal Written Counseling →	Up to 1 Day Loss of Leave or Loss of Pay
	<b>TWO:</b> 2 <sup>nd</sup> Violation within 0-24 months	Letter of Reprimand →	Up to 3 Days Loss of Leave or Loss of Pay
	<b>THREE<sup>2</sup>:</b> 3 <sup>rd</sup> or more Violation within 0-36 months	Letter of Reprimand →	Up to 10 Days Loss of Leave or Loss of Pay
<b>Category 3: Injury to Law Enforcement Personnel and/or Civilian</b>  If gross negligence or reckless operation of a police vehicle is involved in any collision that results in serious injury or death the disciplinary range will increase up to and including termination.	<b>ONE:</b> 1 <sup>st</sup> Violation up to 12 months	Formal Written Counseling →	Up to 2 Days Loss of Leave or Loss of Pay
	<b>TWO:</b> 2 <sup>nd</sup> Violation within 0-24 months	Letter of Reprimand →	Up to 5 Days Loss of Leave or Loss of Pay
	<b>THREE<sup>2</sup>:</b> 3 <sup>rd</sup> or more Violation within 0-36 months	Letter of Reprimand →	Up to 14 Days Loss of Leave or Loss of Pay



# STATEWIDE POLICE DISCIPLINARY MATRIX

## MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

### **VIOLATION EXAMPLES THAT MAY FALL INTO MULTIPLE VIOLATION CATEGORIES DEPENDING ON THE FACTS OF A CASE**

The policy violation examples set forth in this document are not intended to serve as an exhaustive list of prohibitions on officer conduct and activities. Rather, they are intended to be a sampling of policy violations that exist in the majority of law enforcement agencies. Examples of misconduct have been provided in each policy violation category to serve as a guide in determining discipline for officers found to have violated an agency's policy or general orders/procedures. However, while policy examples outlining acceptable and unacceptable conduct for officers is necessary, not every situation can or will be covered explicitly. Below is a listing of policy conduct violations commonly found in law enforcement policies that may not fall into one specific violation category, but may warrant a higher or lower level of discipline based on the severity of the misconduct.

**ABUSE OF POSITION:** Officers conduct, whether on or off duty, where their authority or position is used for financial gain, obtain or grant privileges or favors, avoid consequences of illegal acts for themselves or others, or to barter, solicit or accept any good or services, such as gratuities, gifts, discounts, rewards, loans, or fees, whether for themselves or others.

#### **BWC/IN CAR VIDEO/VIDEO RECORDED EQUIPMENT VIOLATIONS**

**CONDUCT UNBECOMING:** Officer conduct, whether on or off duty, that casts doubt on their integrity, honesty, moral judgment, or character; brings discredit to an agency; or impairs the agency's efficient and effective operation.

#### **CUSTODIAL RELATED VIOLATIONS (ABUSE, SECURING, TRANSPORTATION, MEDICAL CARE)**

#### **DISCRIMINATION AND/OR HARASSMENT TOWARD AN INDIVIDUAL BASED ON RACIAL, RELIGIOUS, ETHNIC, OR OTHER GROUPS OR CLASSES OF INDIVIDUALS PROTECTED BY LAW**

#### **DUTY TO INTERVENE/FAILURE TO DEESCALATE**

#### **FAILURE OF SUPERVISOR TO PROPERLY MANAGE PERSONNEL AND/OR FOLLOW SUPERVISORY POLICY RESPONSIBILITIES**

**INSUBORDINATION:** Willful failure of an officer to obey a supervisor's lawful orders.

#### **VIOLATIONS OF FEDERAL, STATE OR LOCAL LAW**

**WORKPLACE VIOLENCE:** Any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs in the workplace or arises out of the employment relationship.



## DEPARTMENT PROCEDURES FOR BUILDING SECURITY

### PURPOSE 29.01

The policies and procedures in this chapter are intended to provide measures for safety and security for personnel, records, equipment and other vital resources necessary for the operations of the HCC Police Department. Because no set of policies or procedures can contemplate all situations or scenarios, physical security of HCC PD facilities also depends on vigilance and the exercise of common sense by all HCC PD personnel.

### BUILDING ACCESS CONTROL SYSTEM 29.02

- .1 Exterior entry doors and selected interior doors are equipped with electronic locking mechanisms activated by proximity card readers. All readers are connected to a central access control system which is managed by a supervisory or administrative employee designated by the Chief of Police (i.e. the system manager).
- .2 The access control system provides the ability to customize the access permissions for each access card, fob, or other device. Access devices shall be issued and permissions shall be assigned according to each user's position or association with the Department.
- .3 Access control devices (cards, fobs, etc.) shall be deactivated in the following situations:
  - When a device is lost or stolen.
  - Upon separation from employment or association with the Department.
  - When deactivation is appropriate due to disciplinary actions.
  - Any other situation where deactivation is reasonable for security reasons.
- .4 Issued access control devices are the property of HCC PD. Upon separation from employment or association with the Department, they are to be returned to the system manager for reassignment/reissue.
- .5 In the event of system malfunction, notification is to be made immediately or as soon as reasonably possible to the Chief of Police or designee.

### SECURITY MEASURES 29.03

- .1 All outside entrances to Police Offices and designated storage/evidence rooms will be kept locked at all times.
- .2 Employees are to report any unlocked or malfunctioning lock immediately to the Chief of Police or designee to insure exterior security.
- .3 Keys, identification cards, and access devices may not be duplicated or distributed without the approval of the Chief of Police.



## Chapter 29

## Building Security

.4 Reproduction of blueprints, documents, charts, maps, floor plans, layouts or other data which would reveal vital information concerning equipment, operations or functions within police headquarters is only permitted when an operational need exists, and then only with permission from the Chief of Police. Reproductions may be provided to contractors or vendors as needed to ensure the efficient maintenance and/or operation of the Department.

.5 No employee or other person will enter into any room or rooms where he/she has not been given specific authority to enter or use.

.6 No employee will lend a key, card key, identification card, or reveal any entry code issued to him to another person (sworn or civilian) for use in gaining access to the CPD building, its equipment or facilities, or any specified or restricted area.

.7 No employee who is authorized to enter restricted areas will allow unauthorized employees or civilians to enter or remain in said areas unaccompanied.

.8 Employees who are issued keys, card keys, identification cards or numbers will be held solely responsible for the safety, security and care of these devices.

.9 Employees, volunteers, interns, or other persons separating from the Department will immediately surrender to the Chief of Police or designee all keys, access devices, identification cards and/or numbers issued to him for use at Headquarters.

.10 Based on the particular circumstances, an employee suspended from active duty may be required to immediately surrender to the Chief of Police or designee all keys, access devices, identification cards and other equipment as directed.

.11 The Police Headquarters Office will be considered a high security area and will be given limited access by the general public.

### IDENTIFICATION BADGES 29.04

.1 Each sworn employee will be issued an identification card which will be of a design approved by the Chief of Police. Said identification cards are produced by the Student Services Department and shall contain the following information:

- The Department's name
- The employee's name and rank.
- The employee's photograph.
- A statement identifying the employee as a law enforcement officer as defined by relevant Maryland law.
- MPCTC Certification number



.2 Sworn and civilian HCC PD employees, HCC PD interns, and HCC PD volunteers shall be issued a standard Hagerstown Community College identification card designed by the Student Services Department. During the first 30 days of employment, all new non-uniformed employees, when in the HCC PD building, are required to wear these ID cards on an outer garment visible to other persons. HCC PD shall coordinate the issuance of these ID cards with Student Services.

.3 Loss of an ID card must be reported immediately to the Patrol Lieutenant.

.4 At separation from employment with HCC PD, all ID cards are to be returned to the Police Department.





## DEPARTMENT PROCEDURES FOR BIOHAZARDS EXPOSURE CONTROL

### Purpose 30.01

Hagerstown Community College is committed to providing a safe and healthful work environment for our entire staff. In pursuit of this goal, the following Exposure Control Program (ECP) is provided to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with OSHA standard 29 CFR 1910.1030, "Occupational Exposure to Bloodborne Pathogens."

The ECP is a key document to assist our College in implementing and ensuring compliance with the standard, thereby protecting our employees. This ECP includes:

1. Determination of employee exposure
2. Implementation of various methods of exposure control, including:
  - Universal precautions
  - Engineering and work practice controls*
  - Personal protective equipment (PPE)*
  - Housekeeping*
3. Hepatitis B vaccination
4. Post-exposure evaluation and follow-up
5. Communication of hazards to employees and training
6. Recordkeeping
7. Procedures for evaluating circumstances surrounding exposure incidents

Implementation methods for these elements of the standard is discussed in the subsequent pages of this ECP.

### PROGRAM ADMINISTRATION 30.02

The Director of Public Safety (Chief of Police) is responsible for the management of the ECP. The Director of Public Safety will maintain, review, and update the ECP at least annually, and whenever necessary to include new or modified tasks and procedures. Contact location/phone number: Administration Building ASA-902 Office Phone 240-500-2501. Those employees who are determined to have occupational exposure to blood or other potentially infectious materials (OPIM) must comply with the procedures and work practices outlined in this ECP.

The Director of Public Safety will collaborate with department supervisors/directors in a hazard assessment and identify and provide oversight of any appropriate Personal Protective Equipment (PPE), engineering controls (e.g., sharps containers), labels, and red bio hazard bags as required by the standard. Operations will ensure that adequate supplies of the aforementioned equipment are available in the appropriate sizes. Contact location/phone number: ASA 902 office phone 240-500-2501 or [logistics@hagerstowncc.edu](mailto:logistics@hagerstowncc.edu).



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## Bloodborne Pathogens Exposure Plan

Human Resources will be responsible for ensuring that all medical actions required by the standard are performed and that appropriate employee health and OSHA records are maintained. Contact location/phone number: Administration Building (ASA) 700 main extension 240-500-2589.

The Director of Public Safety will be responsible for training, documentation of training, and making the written ECP available to employees, OSHA, and NIOSH representatives. Contact location/phone number: Administration Building (ASA) 902 phone number 240-500-2501.

### EMPLOYEE EXPOSURE DETERMINATION 30.03

The following is a list of all job classifications at our institution in which all employees have occupational exposure:

<u>Job Title</u>	<u>Department/Location</u>
Technician, Custodians	Facilities Management
Lab Technicians	Nursing/Science Department
Athletics Staff/Coaches	Student Affairs/Athletics
Faculty/Adjuncts	Academic Affairs/Science Department
Faculty/Adjuncts	Academic Affairs/Continuing Education
Campus Police	Public Safety/Human Resources
Security officers	Public Safety/Human Resources
Administrators	Operations

The following is a list of job classifications in which some employees at our establishment have occupational exposure. Included is a list of tasks and procedures, or groups of closely related tasks and procedures, in which occupational exposure may occur for these individuals:

#### Job Title Department/Location Task/Procedure

Custodians/Campus/Handling trash and spills, other potentially infectious materials

Maintenance Technicians/Campus/work related accidents dealing with mechanical and electrical tools.

Campus Police & Security officers/Campus /responding to medical and police emergencies

Lab Technicians/Career Programs Building & STEM Building/Setting up and working in the labs



Athletics Staff & Coaches/ARCC and athletic fields (on and off campus)/ potentially infectious materials exposure from injured athletes

Faculty & Adjunct Faculty/Campus/potentially infectious materials or contacts from sick students

NOTE: Part-time, temporary, contract and per diem employees are covered by the blood borne pathogens standard. The ECP should describe how the standard would be met for these employees.

#### METHODS OF IMPLEMENTATION AND CONTROL 30.04

**Universal Precautions** will be observed by **All** employees and students in order to prevent contact with blood or other potentially infectious materials. All blood or other potentially infectious materials will be considered infectious regardless of the perceived status of the source individual.

**Exposure Control Plan** Employees covered by the blood borne pathogens standard receive an explanation of this ECP during their initial training session. It will also be reviewed in their annual refresher training. All employees can review this plan at any time during their work shifts by contacting the Director of Public Safety. If requested, we will provide an employee with a copy of the ECP free of charge and within 15 days of the request.

The Director of Public Safety in collaboration with Supervisors/Directors of various departments are responsible for reviewing and updating the ECP annually or more frequently if necessary to reflect any new or modified tasks and procedures that affect occupational exposure and to reflect new or revised employee positions with occupational exposure.

**Engineering Controls and Work Practices** Engineering controls and work practice controls will be used to prevent or minimize exposure to blood borne pathogens. The specific engineering controls and work practice controls used are listed below:

- Employees and HCC students must wash their hands or other skin with soap and water, or flush mucous membranes with water, as soon as possible following an exposure incident (such as a splash of blood to the eyes or an accidental needle sticks). Students and employees should familiarize themselves with the nearest hand washing facilities for the building in which they work or take classes.
- Sharps containers are purchased and maintained by the Nursing, Allied Health and Continuing Education staff responsible for the specific programs that utilize syringes/needles. Sharps disposal containers are removed by the Nursing Lab Coordinator 240-500-2355/2614 whenever necessary to prevent overfilling. Breaking or shearing of needles is prohibited. Needles should never be recapped or moved without using a mechanical device (broom and dustpan, pliers or forceps)



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## Bloodborne Pathogens Exposure Plan

- No eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses is allowed in a work area where there is a reasonable likelihood of occupational exposure.
- No food or drinks shall be kept in refrigerators, freezers, shelves, cabinets, or counter tops or bench tops where blood or other potentially infectious materials are present.
- Employees and HCC Students must perform all procedures involving blood or other potentially infectious materials in such a manner as to minimize splashing, splattering, and generation of droplets of these substances.

This College identifies the need for changes in engineering controls and work practices through (Examples: Review of OSHA records, employee interviews, regular inspections, and committee activities, etc.)

The College will evaluate new procedures and new products regularly by assessing Safety Data Sheets, providing training on new products used, during committee meetings, safety briefings or toolbox talks, and from employees who perform the tasks.

Both front-line workers and management officials are involved in this process by constantly reviewing and assessing industry standards and best practices. Hagerstown Community College has implemented the Shared Governance model as a fundamental aspect of decision making. HCC has created a Campus Safety Committee as part of Shared Governance. This committee is composed of faculty and staff from various departments on campus. This committee is charged with reviewing and assessing safety and security policies and procedures on campus. The Director of Public Safety is the Co-Chair of the Safety Committee and is responsible for ensuring that these recommendations are presented to Shared Governance for consideration.

**Personal Protective Equipment (PPE)** PPE is provided to our employees at no cost to them. Training in the use of the appropriate PPE for specific tasks or procedures is provided by their supervisor/director in their respective department.

The types of PPE available to employees are as follows: (gloves, eye/face protection, etc.)

PPE is located in various work spaces, some offices, custodial closets, specified classrooms, and emergency medical boxes (AED boxes and Stop the Bleed boxes located in all student use buildings), and may be obtained by individual employees or through their respective supervisor/director in their assigned department.

Supervisors/Directors are responsible for maintaining an adequate supply of PPE for their staff.

All employees using PPE must observe the following precautions:

- ✓ Wash hands immediately or as soon as feasible after removing gloves or other PPE.



- ✓ Remove PPE after it becomes contaminated and before leaving the work area.
- ✓ Used PPE may be disposed of in red Bio Hazard containers located in the ARCC, Allied Health/Nursing areas in the Career Programs Building (CPB), or by using red Bio Hazard bags that are located in all the Stop the Bleed boxes.
- ✓ Wear appropriate gloves when it is reasonably anticipated that there may be hand contact with blood or OPIM, and when handling or touching contaminated items or surfaces; replace gloves if torn, punctured or contaminated, or if their ability to function as a barrier is compromised.
- ✓ Utility gloves may be decontaminated for reuse if their integrity is not compromised; discard utility gloves if they show signs of cracking, peeling, tearing, puncturing, or deterioration.
- ✓ Never wash or decontaminate disposable gloves for reuse.
- ✓ Wear appropriate face and eye protection when splashes, sprays, spatters, or droplets of blood or OPIM pose a hazard to the eye, nose, or mouth.
- ✓ Remove immediately or as soon as feasible any garment contaminated by blood or OPIM, in such a way as to avoid contact with the outer surface.

**The procedure for handling USED PPE is as follows:**

Regulated waste is placed in containers which are closable, constructed to contain all contents and prevent leakage, appropriately labeled or color-coded (see the following section "Labels"), and closed prior to removal to prevent spillage or protrusion of contents during handling.

The procedure for handling sharps disposal containers is: Contaminated sharps are discarded immediately or as soon as possible in containers that are closable, puncture-resistant, tip-proof, leak proof on sides and bottoms, and appropriately labeled or color-coded. Sharps disposal containers are available with the respective program manager, supervisor or director. Sharpe's must be easily accessible and as close as feasible to the immediate area where sharps are used.

The procedure for handling other regulated waste is: The Nursing Lab Coordinator regularly removes, packages and prepares regulated waste for pick up by a contracted vendor. Regulated waste is kept in the storage room 174A in the Career Programs Building.

Bins and pails (e.g., wash or emesis basins) are cleaned and decontaminated as soon as



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## Bloodborne Pathogens Exposure Plan

feasible after visible contamination.

Broken glassware that may be contaminated is only picked up using mechanical means, such as a brush and dustpan and should only be disposed of in an appropriate container.

### Housekeeping 30.05

Decontamination will be accomplished by utilizing the following materials:

- Depending on the circumstances at a minimum, gloves and/or any other form of PPE (goggles, gown or foot coverings) should be worn at all times.
- Fresh 10% (minimum) solution of chlorine bleach and water or EPA- registered disinfectant, ECO Lab Peroxide sanitizer. HCC Has 3 Eco Lab mixing stations on campus for the peroxide-based sanitizing solution.
- All contaminated work surfaces, tools, objects, etc. will be decontaminated immediately or as soon as feasible after any spill of blood or other potentially infections materials. The bleach solution or sanitizing solution must be left in contact with the contaminated work surfaces, tools, objects or potentially infections' materials for at least 10 minutes. Follow recommended dwell times for the ECO Lab sanitizing solutions.
- Equipment that may become contaminated with blood or other potentially infections materials will be examined and decontaminated before servicing or use.
- Broken glassware will not be picked up directly with hands. Sweep or brush material into a dustpan.

### Regulated Waste 30.06

Any waste that is contaminated or suspected of being contaminated by bloodborne pathogens shall be placed in containers that are closeable, constructed to contain all contents and prevent leakage of fluids during handling, storage, transportation or shipping. The waste must be labeled or color-coded and closed before removal to prevent spillage or protrusion of contents during handling, storage, or transport. Bio Hazard waste is stored in the Career Programs Building in Room ###.

Biohazard bags and labels are located in all the Stop the Bleed boxes on campus and within various divisions on campus (Nursing, Allied Health and science department). Biohazard bags containing contaminated waste should be placed in the storage room located in the Career Programs Building. The Nursing Lab Coordinator is responsible for working with the contracted company for removal of biohazard waste.

**Laundry** The following contaminated articles will be laundered by the Facilities Department current contracted vendor who will perform laundering off-site per code or regulation. If the articles are completely saturated or pose a significant health risk, the items should be



discarded. Facilities can make proper notification to the contracted vendor.

**Labels** The following labeling methods are used in this facility:

Globally Harmonized Labels (GHS)

Placards Pictograms

The Director of Public Safety, lab technicians, and supervisors of identified exposure positions are responsible for ensuring that warning labels are affixed or red bags are used as required if regulated waste or contaminated equipment is brought into the facility.

Employees are to immediately notify their supervisor or the Director of Public Safety if they discover regulated waste containers, refrigerators containing blood or OPIM, contaminated equipment, etc., without proper labels.

### HEPATITIS B VACCINATION 30.07

Human Resources will provide training to employees on hepatitis B vaccinations, addressing safety, benefits, efficacy, methods of administration, and availability.

The hepatitis B vaccination series is available at no cost after initial employee training and within 10 days of initial assignment to all employees identified in the exposure determination section of this plan. Vaccination is encouraged unless: 1) documentation exists that the employee has previously received the series; 2) antibody testing reveals that the employee is immune; or 3) medical evaluation shows that vaccination is contraindicated.

However, if an employee declines the vaccination, the employee must sign a declination form. Employees who decline may request and obtain the vaccination at a later date at no cost. Documentation of refusal of the vaccination is kept in personnel files with Human Resources – Administration Building.

Vaccinations will be managed and coordinated through HCC Human Resources using a contracted health care facility.

Following the medical evaluation, a copy of the health care professional's written opinion will be obtained and provided to the employee within 15 days of the completion of the evaluation. It will be limited to whether the employee requires the hepatitis vaccine and whether the vaccine was administered.

### POST-EXPOSURE EVALUATION AND FOLLOW-UP 30.08

Should an exposure incident occur, contact your supervisor/division director and when appropriate, Campus Police/Security. The employee and/or supervisor/director should, as soon as practical, file a report of an injury/exposure per the HCC Handbook. Human Resources will be notified by the employee or his/her supervisor and will follow up with



coordinating medical treatment. Human Resources can be reached at: 240-500-2589.

An immediately available confidential medical evaluation and follow-up will be conducted by the college's contracted medical provider. Following initial first aid (clean the wound, flush eyes or other mucous membrane, etc.), the following activities will be performed:

1. Document the routes of exposure and how the exposure occurred.
2. Identify and document the source individual (unless the employer can establish that identification is infeasible or prohibited by state or local law).
3. Obtain consent and make arrangements to have the source individual tested as soon as possible to determine HIV, HCV, and HBV infectivity; document that the source individual's test results were conveyed to the employee's health care provider.
4. If the source individual is already known to be HIV, HCV and/or HBV positive, new testing need not be performed.
5. Assure that the exposed employee is provided with the source individual's test results and with information about applicable disclosure laws and regulations concerning the identity and infectious status of the source individual (e.g., laws protecting confidentiality).
6. After obtaining consent, collect exposed employee's blood as soon as feasible after exposure incident, and test blood for HBV and HIV serological status
7. If the employee does not give consent for HIV serological testing during collection of blood for baseline testing, preserve the baseline blood sample for at least 90 days; if the exposed employee elects to have the baseline sample tested during this waiting period, perform testing as soon as feasible.
8. Contact the Washington County Health Department for assistance or referrals, as necessary.
9. Post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service.

## ADMINISTRATION OF POST-EXPOSURE EVALUATION AND FOLLOW-UP

Human Resources will ensure that health care professional(s) responsible for employee's Hepatitis B vaccination and post-exposure evaluation and follow-up are given a copy of OSHA's blood borne pathogens standard.

Human Resources will ensure that the health care professional evaluating an employee after an exposure incident receives the following:

1. a description of the employee's job duties relevant to the exposure incident
2. route(s) of exposure
3. circumstances of exposure
4. if possible, results of the source individual's blood test
5. relevant employee medical records, including vaccination status





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Human Resources will provide the employee with a copy of the evaluating health care professional's written opinion within 15 days after completion of the evaluation.

### PROCEDURES FOR EVALUATING THE CIRCUMSTANCES SURROUNDING AN EXPOSURE INCIDENT 30.09

Human Resources will ensure the Director of Public Safety is notified of an exposure. The Director of Public Safety will review the circumstances of all exposure incidents to determine:

1. engineering controls in use at the time
2. work practices followed
3. a description of the device being used (including type and brand)
4. protective equipment or clothing that was used at the time of the exposure incident (gloves, eye shields, etc.)
5. location of the incident (what building and exact room.)
6. procedure being performed when the incident occurred
7. employee's training

The supervisor or director of that employee will record all percutaneous (effected through the skin) injuries from contaminated sharps in a Sharps Injury Log.

If revisions to this ECP are necessary, the Director of Public Safety will ensure that appropriate changes are made. (Changes may include an evaluation of safer devices, adding employees to the exposure determination list, etc.)

### EMPLOYEE TRAINING 30.10

All employees who have occupational exposure to blood borne pathogens receive initial and annual training conducted by their supervisor or director in collaboration with the Director of Public Safety, or designee.

All employees who have occupational exposure to bloodborne pathogens receive training on the epidemiology, symptoms, and transmission of bloodborne pathogen diseases. In addition, the training program covers, at a minimum, the following elements:

1. a copy and explanation of the OSHA bloodborne pathogen standard;
2. an explanation of our ECP and how to obtain a copy;
3. an explanation of methods to recognize tasks and other activities that may involve exposure to blood and OPIM, including what constitutes an exposure incident;
4. an explanation of the use and limitations of engineering controls, work practices, and PPE;
5. an explanation of the types, uses, location, removal, handling, decontamination, and disposal of PPE;
6. an explanation of the basis for PPE selection;
7. information on the hepatitis B vaccine, including information on its efficacy, safety,



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method of administration, the benefits of being vaccinated, and that the vaccine will be offered free of charge;

8. information on the appropriate actions to take and persons to contact in an emergency involving blood or OPIM;
9. an explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;
10. information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident;
11. an explanation of the signs and labels and/or color coding required by the standard and used at this facility;
12. an opportunity for interactive questions and answers with the person conducting the training session.

Training materials for this facility are available with the employee's supervisor or the Director of Public Safety – Administration Building (ASA) 902.

### RECORDKEEPING 30.11

Training records are completed for each employee upon completion of training. These documents will be kept for at least three years by the Human Resources personnel files for each respective employee.

The training records include:

1. the dates of the training sessions
2. the contents or a summary of the training sessions
3. the names and qualifications of persons conducting the training
4. the names and job titles of all persons attending the training sessions

Employee training records are provided upon request to the employee or the employee's authorized representative within 15 working days. Such requests should be addressed to the Executive Director of Human Resources.

### Medical Records

Medical records are maintained for each employee with occupational exposure in accordance with 29 CFR 1910.1020, "Access to Employee Exposure and Medical Records."

The Executive Director for Human Resources is responsible for maintenance of the required medical records. These confidential records are kept in personnel files for at least the **duration of employment plus 30 years**.

Employee medical records are provided upon request of the employee or to anyone having



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## Bloodborne Pathogens Exposure Plan

written consent of the employee within 15 working days. Such requests should be sent to the Executive Director of Human Resources – Administration Building (ASA) 700 – 11400 Robinwood Drive, Hagerstown, Maryland 21742.

### OSHA Recordkeeping

An exposure incident is evaluated to determine if the case meets OSHA's Recordkeeping Requirements (29 CFR 1904). This determination and the recording activities are done by Human Resources.

### Sharps Injury Log

In addition to the 1904 Recordkeeping Requirements, all percutaneous injuries from contaminated sharps are also recorded in a Sharps Injury Log. All incidences must include at least:

1. date of the injury
2. type and brand of the device involved (syringe, suture needle)
3. department or work area where the incident occurred
4. explanation of how the incident occurred.

This log is reviewed as part of the annual program evaluation and maintained for at least **five years** following the end of the calendar year covered. If a copy is requested by anyone, it must have any personal identifiers removed from the report.

### HEPATITIS B VACCINE DECLINATION (MANDATORY)

*I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.*

Signed: (Employee Name) \_\_\_\_\_ Date: \_\_\_\_\_



## DEPARTMENT PROCEDURES FOR CHAIN OF COMMAND

### ORDER OF RANK 31.01

.1 The order of rank for sworn personnel is as follows:

1. Chief of Police
2. Patrol Lieutenant
3. RESERVED Patrol Sergeant
4. Patrol Officer

.2 In the event of the long-term absence or disability of the Chief of Police, the Chief of Police or Executive Director of Human resources shall appoint a sworn member to assume the duties and responsibilities of the Chief of Police. Such appointment shall be made at the discretion of the Chief. If the Chief of Police is not available to make this designation, the appointment shall be made by the Executive Director of Human Resources.

### CHAIN OF COMMAND 31.02

.1 The chain of command is the direct line of delegated authority and communication between the Chief of Police and Police Department personnel, in descendent and ascendant precedence of rank/position.

.2 Except for unforeseen or emergency circumstances, the command structure shall be adhered to, and internal departmental communications shall follow the chain of command.

.3 Whenever the department engages in a pre-planned operation involving more than one law enforcement agency, the overall command of the operation will be assigned to a supervisor initiating the event, unless otherwise designated by the Chief of Police.

.4 At the scene of serious crimes requiring specialized investigative efforts, or at an unusual occurrence involving multiple agencies, HCCPD personnel shall follow Incident Command System protocols for chain of command.

### UNITY OF COMMAND 31.03

.1 To ensure that employees are aware of what is expected of them, and to promote efficiency and responsibility, employees will only be accountable to one supervisor at any given time. There may be times when a supervisor has to provide direction or give a command to an employee who is outside the chain of command. At other times a supervisor may assume supervision of an employee in the absence of the employee's regular supervisor. In ordinary circumstances, however, each employee should be able to identify one, and only one, supervisor to whom the employee is accountable. This does not relieve any employee from the responsibility of following the orders of supervisors other than those to whom they are accountable, nor will it interfere with a supervisor's authority and responsibility for taking appropriate disciplinary actions.



## Chapter 31

## Chain of Command

### **DELEGATED AUTHORITY AND RESPONSIBILITY 31.04**

All responsibility delegated to department personnel shall be accompanied by commensurate authority to carry out the responsibility. Any employee to whom such responsibility and authority are delegated shall be held accountable for the use of the delegated authority.



## DEPARTMENT PROCEDURES FOR RECORDS REQUEST

### PUBLIC RECORDS 32.01

All state laws relating to public records are found in Title 4 of General Provisions Article, Annotated Code of MD. The following Hagerstown Community College Police Department policies and procedures have been adopted from those laws.

### DEFINITIONS 32.02

.1 PUBLIC RECORD: The original or any copy of any documentary material that:

- A. Is made by a unit or instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and
- B. Is in any form, including
  - a card;
  - a computerized record;
  - correspondence;
  - a drawing;
  - film or microfilm;
  - a form;
  - a map;
  - a photograph or photostat;
  - a recording; or
  - a tape.
- C. "Public record" includes a document that lists the salary of an employee of a unit or instrumentality of the State government or of a political subdivision.
- D. "Public record" does not include a digital photographic image or signature of an individual, or the actual stored data of the image or signature, recorded by the Motor Vehicle Administration.

.2 OFFICIAL CUSTODIAN: An officer or employee of the state or of a political subdivision who, whether or not the officer or employee has physical control of a public record, is responsible for keeping the public record. This would be any supervisor who has physical custody of records pertaining to the police department. Examples would be the Training Officer (training records), Internal Affairs Administrator/Chief of Police (Internal Investigation Files), Evidence and Property Custodian (evidence and property records, Police Reports), etc.

.3 CUSTODIAN: (1) The official custodian; or (2) any other authorized individual who has physical custody and control of a public record.

.4 PERSON IN INTEREST: (1) A person or governmental unit that is the subject of a public record or a designee of the person or governmental unit; or (2) if the person has a legal disability, the parent or legal representative of the person.



.5 APPLICANT: A person or governmental unit that asks to inspect a public record.

### REQUESTS TO INSPECT PUBLIC RECORDS 32.03

.1 All requests for inspection of public record shall be submitted by written application to the custodian of the record requested. The custodian may be named or referred to by title, such as “custodian of records”, “records custodian”, “official custodian”, etc. Other than requests for specific police reports as described in section 32.04, no records from this department will be made available for inspection without such written request.

.2 Written requests for inspection of records are to be forwarded to the Patrol Lieutenant immediately upon receipt. The person receiving the request or the Patrol Lieutenant will ensure the date received is noted on the request. The envelope, if any, should be collected and attached to the request. The Patrol Lieutenant may scan the document(s) into PDF or similar format and destroy the originals.

.3 The Patrol Lieutenant will forward a copy of the request to the HCC Public Information Officer or designated party, and will assist and coordinate with the PIO or designated party regarding the appropriate response based on legal requirements. This may include a review of such factors as costs and allowable fees, prepayments, and information that may or must be denied/redacted.

.4 The HCC Public Information Officer prepares and sends official correspondence to requestors. The Patrol Lieutenant may communicate directly with the requestor for clarifications on the request and to provide relevant information regarding progress toward filling the request.

.5 The Patrol Lieutenant will coordinate with appropriate HCCPD personnel to review, gather, and redact as appropriate documents that meet the request. This may include preparing an estimate of the amount of time and number copies required to fulfill the request. If a request is expected to require a large use of resources (e.g. time to prepare or number of pages to copy), the Patrol Lieutenant will notify the PIO so that reasonable costs can be prepaid before resources are committed.

.6 For requests of documents, the Patrol Lieutenant will coordinate the delivery of the documents, after required and/or allowed redactions, to the PIO. The Patrol Lieutenant will communicate to the PIO a summary of those items in the request that will not or cannot be fulfilled.

.7 If a request involves records that CPD does not have, the Patrol Lieutenant will, as soon as possible provide the PIO the name of the actual custodian and the location of the record, if known.

**INSPECTION DENIALS 32.04**

The General Provisions Article, Title 4, Subtitle 3 contains state law pertaining to those public records and parts of public records that must be denied and that may be denied. When responding to requests for inspection of public records, this Department will attempt to identify records and parts of records described in that law. The Patrol Lieutenant will alert the PIO of same, so that a determination can be made as to what will be denied. As needed, the PIO and the Patrol Lieutenant may seek guidance from the College Attorney.

**DISSEMINATION OF POLICE REPORTS 32.05**

.1 Copies of police reports may be disseminated by the investigating officer or the officer's supervisor provided the dissemination is related to HCCPD business with the receiving person or agency, and is limited to the following:

- Other criminal justice agencies.
- Other agencies or individuals participating in the investigation or prosecution of an CPD case.

.2 Except as described above, persons requesting copies of police reports must complete the Public Records Request form and submit same to the Records Custodian with the required fee, payable by check or money order only. Only the official custodians (Chief of Police and Patrol Lieutenant) may disseminate copies of police reports pursuant to this paragraph.

.3 Except as required by law, disseminating copies of any part of an investigative report or missing person report (e.g. initial report, supplements, notes, photos, statements, etc.) requires the authorization of the Chief of Police. Such requests may be denied as authorized by law. Portions of reports may also be redacted prior to dissemination as authorized by law.

.4 Requests for records other than police reports are to be forwarded to the Patrol Lieutenant for review, approval, and dissemination upon authority from the Chief of Police.





## DEPARTMENT PROCEDURES FOR RECORDS

### RECORDS CUSTODIAN FUNCTIONS 33.01

- .1 The Records Custodian, under the command of the Chief of Police, is charged with the responsibility for the centralization, control, and maintenance of all criminal and traffic records.
- .2 The functional responsibilities assigned to the Records Custodian include the following:
  - A. Report Review ~ This review is made to ensure completeness and accuracy of all reports submitted and that all required reports are submitted to the Records Office. The Chief of Police or designee will conduct a secondary review of reports to ensure completeness and accuracy prior to filing, importing, and coding for the Uniform Crime Reporting process.
  - B. Report Control ~ The Records Office/Custodian will control the availability and confidentiality of all reports and records.
  - C. Records Maintenance ~ The Records Office/Custodian will maintain all reports and records (except confidential and/or intelligence records) and distribute copies to authorized persons and agencies.
  - D. Records Retrieval ~ Filing and retrieval of reports will be by the incident number.
  - E. Legal Process ~ The Records Office/Custodian will maintain records of legal process. This will include maintaining case files on served process and computer records reflecting process status.

### ACCESS TO RECORDS UNIT FILES 33.02

- .1 Access to Records Unit files will be gained through the Records Custodian. However, during times when the Records Custodian is unavailable or the Records Office is closed, the Chief of Police may access the files when necessary, in the performance of HCC PD duties.

### DISTRIBUTION OF REPORTS AND RECORDS 33.03

- .1 Copies of reports on towed vehicles that are impounded, and hold cards completed, will be kept in the patrol office until release of the vehicle or until the file is purged. At that time the hold cards will be sent to Records Custodian to be attached to the original report for filing in the records office. The report copies may be destroyed.
- .2 Once approved, all other reports are to be routed directly to Records Custodian for processing. Copies will be sent to the appropriate state agencies as required by law.
- .3 Copies of reports involving damage to any college property (accidents, malicious destruction, etc.) are to be forwarded to the Office of the Vice President of Administration and Finance by the Records Custodian/Patrol Lieutenant.
- .4 The originals of all reports relating to the internal investigation of Departmental personnel are to be sent to the Internal Affairs Administrator/Chief of Police for review, final approval and



## Chapter 33

## Department Procedures for Records

disposition. Once a disposition is made, the originals will be secured in the office of the Chief of Police for filing.

.5 Copies of reports/records may be distributed to persons or agencies outside the Department only in accordance with federal and state laws concerning Criminal History Record Information security, and with Departmental policy listed in Chapters 26 and 33 of these Policies and Procedures.

### MASTER NAME INDEX 33.04

.1 Entry of names in the master name index occurs as part of the data entry procedures for offenses (investigations), accidents, arrests, legal process, FI's, and Pawns. Persons falling into any of the following categories will be entered into the computer systems:

- A. Driver, owner, or pedestrian involved in motor vehicle accidents
- B. Wanted persons
- C. Missing persons
- D. Arrested persons
- E. Persons listed in any reports as complainants, victims, witnesses, reporting persons, or persons involved
- F. Suspects
- G. Persons on whom FI cards are filed

.2 Maintenance of the master name index file is the responsibility of the Records Custodian.

### TRAFFIC RECORDS SYSTEM 33.05

.1 The Hagerstown Community College Police Department Records Custodian is responsible for the storage and maintenance of departmental correspondence to include all accident reports filed by officers of the Department.

.2 The ACRS reports and files in Delta Plus are permanent unless manually deleted.

.3 All officers are responsible for completing and transmitting reports via ACRS promptly.

.4 Copies of Accident reports and accident information may be released within the guidelines of the Freedom of Information Act and state and federal laws as they relate to the dissemination of information. The Department may charge a reasonable fee, as determined by the Chief of Police, for providing copies of accident reports.

### ACCOUNTABILITY FOR TRAFFIC CITATIONS 33.06

.1 Traffic citation books are stored in a secure area within the Records Office. As the books are received from the state, the Records Custodian will record each box on the Maryland Uniform Complaint and Citation Issuance Log.



.2 Traffic citation books may only be issued to sworn personnel by the Records Custodian. When doing so, the issuing employee will have the officer sign for the book on the Uniform Complaint and Citation Issuance Log. This will include the receiving officer's signature, the date and time issued, and the citation number sequence. Each issuance log will be maintained on file for the same retention period as citations.

.3 Each citation book also contains a tally ledger which can be used by the officer for reference purposes. This allows for recording:

- 1) Police department receiving the book.
- 2) Date of issuance.
- 3) Serial number of first and last citation.
- 4) A space to record each citation number, date of issuance, court date, date closed, and remarks.

.4 Except for the officer's and driver's copies, all copies of completed citations are turned into the Patrol Lieutenant for review, and the Lieutenant will forward them to the Records Office. The Records Custodian forwards the court copies to the District Court for adjudication procedures. One copy is retained by the issuing officer and one by the Records Office. NOTE: If the violator is arrested, the one court copy is collected by the court commissioner.

.5 In case of a lost or stolen citation or citation book, a letter will be forwarded by the officer to the Chief of Police through the chain of command. The traffic clerk will notify the Motor Vehicle Administration and note same on the tally sheet.

.6 If an error is made while preparing the citation and the defendant's copy has been given to the defendant, the citation must follow normal procedure and be disposed of in open court. It may not be voided. The State's Attorney, on the day of trial in open court, may amend or may nolle prosequi. The officer may then write a new citation with the correct charge.

.7 If an officer makes an error while writing a citation and the defendant has not been given his/her copy (the defendant may have signed it), the citation may be administratively voided. The procedure for forwarding voided citations is as follows:

- The citation must contain the void date in the violation date area and all officer information must be entered. The officer must sign, and "VOID" must be written across the citation. The citation is forwarded to Records Custodian after supervisory review.
- The citation number must be entered on the transmittal and the original copy, and the #4 copy must be forwarded to the Judicial Information Systems.

.8 If an officer does not show a charge on the citation, it is not a charging document and the defendant will be notified that the citation is null and the fine shown should not be paid. These will not be scheduled for trial.



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## Department Procedures for Records

.9 After review, the HCC Lieutenant will prepare transmittals for all citations received from officers and will forward the original citation and two copies of the transmittal to the Annapolis District Court office.

### ACCIDENT REPORT REVIEW PROCESS 33.07

.1 The Patrol Lieutenant will conduct an initial review of traffic accident reports to ensure the reports are being submitted in a timely manner and contain complete and accurate information.

.2 In submitting reports, officers should be aware that accident reports can be amended up to 90 days after the accident date.

.3 It shall be the responsibility of the Chief of Police to be the final reviewer after the initial supervisor approval.

### UNIFORM CRIME REPORTING PROGRAM 33.08

This Department will participate in the National Incident Based Reporting System through the state program administered by the Maryland State Police. The procedures for collecting and submitting crime data outlined in the NIBRS Manuals published by the FBI and Maryland State Police will be followed.

### RECORD RETENTION PERIOD 33.09

Administrative Reports and Forms	
General Orders/Special Orders Updates or changes to policies and procedures of the Police Department	1 year from issuance Retention
General Order/Special Order issuance record Shows receipt by signature of above orders	Permanent Retention
Memoranda Information that does not warrant a formal order - inter-agency/inter-departmental level	1-year Retention
Status Reports Used to complete the annual report and/or review of departmental efficiency	2 years Retention
Disaster Plans Emergency plans for disasters county wide	Permanent Retention
Statistical Surveys/Reports	2 years Retention



## Chapter 33

## Department Procedures for Records

Reports or surveys compiled for justification as well as reports from outside agencies used in compiling these statistics	
Daily Attendance Records Attendance/Sign-in sheets documenting attendance	1-year Retention
MILES/NCIC RECORD LOGS Log of daily/monthly messages transmitted on these systems from the dispatch computers	3 years Retention
MILES/NCIC MESSAGES - OPEN Active Miles/NCIC entries	Permanent Retention or until purged by MILES
Staff/Line Inspection Forms Personnel and vehicle inspection forms	1-year Retention
Application/Letter - Request for Inspection of Public Record - Approved	For period attached to the record viewed
Application/Letter - Request for Inspection of Public Record - Denied	For period attached to the record requested
MILES/NCIC Audit Reports MILES Bi-Annual Inspection Report	2 years Retention
MILES/NCIC Training Correspondence Certification and Non-Certification correspondence dealing with dispatchers and other certified operators	3 years Retention
General Agency Correspondence Administrative reports or documents not otherwise categorized in this section	1-year Retention
<b>Operations Forms and Records</b>	
MVA Form 39 - Request for Driver's Retesting Applicant Investigation Log	1-year Retention
Warrants/Court Documents Paperwork issued by a court requiring service by a police agency	Until service or recall
Firearms Reports MSP Form 36 (Stop & Frisk) and Firearms Trace Reports	MSP 36- 1 year all others life of supporting document or 15 years retention



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## Department Procedures for Records

Officer's Court Log Log of court summons by individual officer outlining court date and defendant name	1-year Retention
Criminal Complaint Ledger - Run Sheets Tracks daily calls for service in time sequence and location	1-year Retention
Incident Reports Reports of police activities on non-criminal matters	15 years Retention
Offense reports Reports of police activity on criminal matters. <b>NOTE:</b> Both categories include all supporting documentation relevant to the report.	15 years Retention
State of Maryland Accident Report	5 years Retention
Juvenile - Criminal/Civil Citations Citations for alcohol / curfew violations.	3 years Retention
Criminal/Civil Citations Citations for persons 18 - 21 years of age for certain alcohol violations. Citations for criminal or municipal violations.	3 years Retention
Citation Book Issuance Control Ledger Record of issuance of State Motor Vehicle Citation Booklets	3 years Retention
Traffic Citation Transmittal Form and Law Enforcement HQ Copy Record of citations forwarded to District Court	1-year Retention
Vehicle Pursuit Form/Review Forms outlining pursuit actions and critiques	7 years Retention
Speed Computing Repair Documents Documentation outlining repairs and maintenance to Speed Computing Equipment.	1 year beyond disposal of equipment
State of Maryland Traffic Citation Moving and non-moving citations	3 years Retention
DR 15A Receipts Receipts for issued, numbered DR-15A forms from MSP	1-year Retention
Juvenile Arrest Report	



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## Department Procedures for Records

Juvenile Detention Log	15 years Retention
Record of juveniles detained at CPD	5 years Retention
Monthly UCR Report	2 years Retention
Property/Evidence Control Log	Life of Property/evidence held
List of property/evidence held in sequential number order	
Property/Evidence Random Check Inventory Report done as internal audit device/method	Until previous report updated and replaced with new report
Polygraph Reports - Criminal & Non-criminal	5 years Retention
Audio/Visual Recordings	Until outdated or intended purpose is served
General Operational Correspondence	3 years or until outdated or intended purpose is served
Correspondence not specifically enumerated dealing with the department's operational function.	
College Parking Tickets - Paid	Current and One prior year
College Parking Tickets - Unpaid	3 years or until written off by accounting
College Parking Tickets - Warning	1-year Retention
<b>Legal Correspondence/Files/Documents</b>	
U. S. Laws/State Laws/ County Ordinances/City Ordinances	Permanent unless updated or repealed
These files contain miscellaneous correspondence with other governmental agencies which does not relate to any subject matter or categories specified in this retention schedule.	
Federal Correspondence	3 years or until updated
Uncategorized material from the FBI, Bureau of Census, Secret Service, etc.	
State Correspondence	
Correspondence from Department of Transportation, Health and Mental Hygiene, State Fire Marshal, State Highway Administration, MSP, etc.	
State Court Correspondence Self Explanatory	
County/Municipal Government Correspondence	
Uncategorized	
Supply and Requisition Forms/Purchase Orders	3 years or until updated
Motor Vehicle Histories	



## Chapter 33

## Department Procedures for Records

Records on individual departmental vehicles	1-year Retention
Material Safety Data Sheets (MSDS Forms) Lists hazardous and toxic substances used by the Police Department. Lists proper handling and emergency contact procedures for each.	Life of vehicle plus 1 year  37 years after product's use is discontinued
<b>Public Relations Files and Documents</b>	
Press Releases - Written Authorized releases for public dissemination.	
Reference Files - Listings of names, addresses, phone numbers, titles of public officials, names of business/agencies representatives used in carrying out the police function.	1-year Retention  Update as necessary or when outdated
Public Inquiries and Requests - (Not related to any enumerated specific subject in this guide.)	
<b>Training Files and Documents</b>	3 years Retention
Notification of outside training (posted opportunities). Requests for outside training consideration.	
Weapon Qualifications All paperwork on individual officer's weapons qualifications.	1 year from award of training
In-Service Training Records Files dealing with individual officers mandated bi-yearly certification. Original tests and scores. Maryland Police and Training Commission Approvals.	3 years after termination of employment then destroyed  Scores- Permanent Retention  Tests- 4 years for individual student files MPCTC approvals- permanent Retention
<b>MEDICAL RECORDS</b>	
All documents containing information about a medical condition (past or present), details sick leave usage, medication, etc., on individual police department employees.	Permanent Retention
<i>END POLICE RETENTION SCHEDULE</i>	





## DEPARTMENT SELECTION PROCEDURES FOR POLICE OFFICERS

### PURPOSE 34.01

.1 In order to comply with professional and legal requirements, the Hagerstown Community College Police Department has established the following selection procedures for sworn personnel. Unless otherwise stated, these procedures apply only to entrance level positions.

.2 The Police Department's role in the selection process will be managed by the Lieutenant, Chief of Police or Designee.

.3 Selection processes will be conducted as needed to fill known or forecasted vacancies.

.4 Applicants may be dropped from consideration at any point in the selection process if the Department reasonably concludes that:

- 1) the applicant has failed to meet the minimum requirements of a specific component;
- 2) the applicant is ineligible to be certified as a police officer per the Code of Maryland Regulations (COMAR);
- 3) the applicant is otherwise unsuitable for employment as a police officer with the HCC Campus Police; or,
- 4) the applicant has been deceptive.

.5 Whenever possible, representatives of race, sex, and ethnic groups will be included in administering, scoring, evaluating and interpreting the steps in the selection process. All elements of the selection process will be administered, scored, evaluated, and interpreted in a uniform manner.

.6 The information contained within selection materials is considered classified. Only those personnel involved in the selection process shall have access to them and the information therein shall not be disclosed to others. All selection materials will be stored in a secured area when not being used. If they are to be disposed of, selection materials shall be shredded.

### APPLICATION 34.02

.1 In order to apply for a police officer position, interested persons register via the Hagerstown Community College website. Written test dates will be posted as soon as they are scheduled.

.2 The following information is posted on the website:

- A. A description of the duties, responsibilities, and requisite skills, educational level, and physical requirements of the job.
- B. A listing of all elements of the selection process.
- C. The expected duration of the selection process.
- D. The policy on reapplication.



## Chapter 34

## Selection Procedures for Police Officers

.3 Applicants meeting eligibility for **lateral** entry or comparative compliance may apply anytime. The degree to which such applicants are processed and the timing of each component will depend on the number and timing of known and forecasted vacancies.

.4 Screening and Formal Application: Formal application is made when the applicant returns the Personal History Questionnaire. This form is provided to those being considered for a background investigation. The components of the selection process that occur prior to formal application are used to pre-screen qualified applicants.

.5 Applicants who have submitted the Personal History Questionnaire and are not selected for positions will be informed in writing within 30 days of such a decision. The applicant may be informed of the reason for the decision if:

- 1) the applicant has truthfully disclosed information that makes him/her ineligible to be certified as a police officer per COMAR regulations;
- 2) the applicant has truthfully disclosed information that makes him/her otherwise unsuitable for employment as a police officer with the HCC Campus Police, either temporarily or permanently; or
- 3) all current vacancies have been filled.

.6 Applicants will not be told the reason for non-selection if:

- 1) the Department has reasonably concluded the applicant has been deceptive;
- 2) disqualifying information comes from a source other than the candidate; or
- 3) information from a source other than the applicant indicates the applicant is otherwise unsuitable for employment as a police officer with the HCC Campus Police.

.7 Applicants deemed to have been deceptive shall be permanently disqualified from employment in any capacity with the HCC Campus Police Department. This designation will be included in the applicant's application record.

### WRITTEN TEST 34.03

.1 All New applicants (Non-Lateral Candidates) are required to take a written test which is administered by the Police Department. The Human Resources Department will be notified of all test dates and, when practical, will assist with the administration of test. The tests used are developed by private sector vendors (e.g. International Personnel Management Association). Only those tests documented as having validity (i.e. job related), will be used. The documentation must be supplied by the vendor. Tests are to be administered according to the instructions from the vendor.

.2 Depending on the number of applicants, the written test may be given either before or after the physical qualification test. This will be at the discretion of the Police Department. In order to continue to other components of the selection process, applicants must pass the written test with a score of 70.



.3 In order to make testing convenient for out of town applicants, the Police Department may elect to travel to out of town locations to administer the written test.

#### **PHYSICAL FITNESS TEST 34.04**

.1 All applicants must pass a physical fitness test. The fitness areas tested are cardiovascular-respiratory endurance and muscular strength and endurance.

.2 All New applicants (Non-Lateral Candidates) must pass the designated physical fitness test. Applicants who do not pass but may be able to pass within a reasonable time frame of the initial failure, may continue into the selection process at the discretion of the Chief of Police.

#### **ORAL INTERVIEW(S) 34.05**

.1 All applicants shall undergo at least one oral interview. An oral interview is required by the Maryland Police Training Commission as part of the selection process. Applicants who pass the written test and fitness test will be offered the opportunity to be interviewed. Interview questions shall be designed to reasonably attempt to measure or identify important aspects of the work behavior related to the position of police officer as identified in the job description. Questions shall also be designed to identify details of the applicant's background that would disqualify the applicant due to COMAR regulations, or would otherwise make the applicant unsuitable for employment with HCCPD.

.2 When large numbers of entry level applicants are eligible for an interview, they may be required to undergo two oral interviews. Small numbers of entry level applicants may only be required to undergo one interview with command staff personnel.

.3 When two oral interviews are employed, the first will be conducted by a panel of at least three sworn personnel. When possible, women and minorities will be included on the panel. Applicants will be scored according to a predetermined scale for each question area. The applicants who participate in the first oral interview are ranked according to their scores. Applicant scores will be grouped into three "bands". These will be designated "Outstanding", "Acceptable", and "Unacceptable".

.4 After the first oral interview, all applicants in the "Outstanding" band will be offered the opportunity for the second oral interview. The purpose of the second oral interview is to give the Chief of Police a basis for deciding which candidate(s) should continue on through the selection process. The second oral interview may be conducted by the Patrol Lieutenant or the Chief of Police in addition to a representative from Human Resources.

.5 All applicants in the same selection process will be asked the same questions.



### **BACKGROUND INVESTIGATION 34.06**

.1 The background investigation is an in-depth process in which all aspects of the applicant's personal life may be explored. The purpose is to ensure that the applicant is of good moral character and reputation, is emotionally stable, and displays the behavior necessary to perform the duties of a police officer (COMAR 12.04.01.05 A). In addition, completing the COMAR requirements for background investigations, this component will also include the COMAR requirements for criminal records checks and fingerprints (COMAR 12.04.01.05 B) as well as driving record checks (COMAR 12.04.01.04 H).

.2 The background investigation may be conducted by Department personnel, individuals contracted by the Department, or a combination of the two. A standardized format is used to ensure compliance with COMAR requirements.

.3 The number of applicants selected for background investigation will be determined by the Chief of Police. The Chief of Police may consider any of the following factors when deciding how many and who will be selected for the background investigation:

- Known or forecasted vacancies
- Agency demographics and recruitment goals
- Written test score
- Educational background
- Work history
- Military service
- Criminal and driving records
- Admissions regarding undetected crimes
- Communications skills

### **DRUG SCREENING 34.07**

.1 Applicants selected for a background investigation will be required to submit to a drug screening.

.2 The drug screening is conducted by a qualified facility and shall consist of the pre-employment protocols and measures specified in COMAR 12.04.01.18. Applicants who fail the drug screen shall be disqualified from further consideration.

### **DECEPTION DETECTION EXAMINATION 34.08**

.1 Each applicant is given a deception detection examination scheduled by the Police Department. This is a continuation of the background investigation process. It is used to verify the information from the background investigation and to test the applicant's honesty, a necessary quality required of police officers according to the tasks identified in the job description. It is also required by COMAR regulations to verify the veracity of the applicant's statements, responses to questions, or any other information provided by the applicant related to the use of a controlled dangerous substance, narcotic drug, or marijuana (COMAR 12.04.01.19 F(2)). The deception detection



examination is administered using either the polygraph or the Computer Voice Stress Analyzer (CVSA), and is administered by personnel trained and certified in the use of the specific instrument used.

.2 Except as required by COMAR, the results of deception detection examinations may not be used as the single determinant of employment status, but shall be used as an investigative aid. An admission during pretest, test, or post-test interviews, together with other information may be sufficient to support decisions relevant to employment status.

### **CONDITIONAL OFFER OF EMPLOYMENT FOR KNOWN VACANCIES 34.09**

.1 Approval to fill a vacant position occurs when the Chief of Police or his designee submits a Personnel Requisition form to the Human Resources Department for each vacancy, and the requisition is approved by the Executive Director of Human Resources.

.2 Applicants who the Chief of Police select to fill known vacancies, but who have not yet had the physical and psychological examinations, are extended a conditional offer of employment from HR. Generally, the conditional offer is extended after the applicant has passed the written test, fitness test, oral interview, and background investigation, however it may be extended earlier at the Chief's discretion.

.3 The conditional offer of employment requires the applicant to successfully complete all remaining components of the selection process.

.4 The Human Resources Office is responsible for both conditional offers of employment and all final offers of employment.

.5 The Chief of Police may consider any of the following factors when deciding which applicants will receive a conditional offer of employment.

- Agency demographics and recruitment goals
- Written test score
- Educational background
- Work history
- Military service
- Criminal and driving records
- Admissions regarding undetected crimes

### **PHYSICAL EXAMINATION 34.10**

.1 The physical examination is conducted by the Designated Physician from Health at Work and is required of all applicants prior to hiring (COMAR 12.04.01.04 E). The physical examination is intended to identify any medical problems that might inhibit work performance, shorten a career, or contribute to work-related disabilities



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## Selection Procedures for Police Officers

.2 The physical examination shall be based on the tasks and work conditions identified by the job description. The Police Department will supply the information from the job description to the Designated Physician.

.3 Applicants who do not pass the physical examination are disqualified from further consideration.

Disabilities will be addressed in accordance with the Americans With Disabilities Act.

### PSYCHOLOGICAL EXAMINATION 34.11

.1 The psychological examination is conducted by a qualified psychologist and is required of all applicants prior to hiring (COMAR 12.04.01.04 E). The purpose of the psychological examination is to determine if the applicant has the emotional stability and psychological fitness required to perform the tasks and work in the conditions identified by the job description.

.2 Applicants who are not unconditionally recommended (or similarly rated) for employment may be rejected from further consideration.

.3 If hired, applicants who, within the 6 months period prior to their hire date, have been deployed to military combat operations or been directly involved in fatal incidents involving use of deadly force will be scheduled for a debriefing with the mental health care professional the Department uses for fitness for duty evaluations. The purpose for this is to identify signs of post-traumatic stress disorder which can surface months after an incident, and to identify appropriate assistance for affected employees.

### FINAL OFFER OF EMPLOYMENT 34.12

.1 When an applicant to whom a conditional offer has been extended successfully completes all the conditions of the offer, the Chief of Police extends the final offer of employment.

.2 Each entry level applicant hired will first be classified as a Police Officer Trainee, pending successful completion of an MPTC approved entry level training program (i.e. police academy). After successful completion the Trainee will be reclassified to Police Officer.

.3 Each lateral or comparative compliance eligible applicant will be classified as Police Officer as of the first date of employment.

.4 For each applicant selected for employment, the Police Department coordinates the applicant's start date and administrative processing with the Human Resources and Finance Departments.

### FORECASTED VACANCIES (ELIGIBILITY LISTS) 34.13

.1 The Chief of Police may opt to establish eligibility lists for forecasted vacancies. The reason for establishing such lists is to have applicants ready for selection at the same time a vacancy occurs, or as soon thereafter as possible.



.2 Applicants may be placed on an eligibility list after they have successfully completed the components of the selection process that can occur before the conditional offer of employment.

.3 The applicant will remain on the eligibility list for one year from the date of completing the pre-conditional offer components, provided that the applicant has not committed any act that would otherwise make him/her unsuitable for employment as a police officer with the Campus Police Department.

.4 All applicants will be notified of their placement on the eligibility list, and the date the list expires.

#### **RE-APPLICATION 34.14**

Applicants who are not hired during any selection process may reapply for the position and go through the next process except under the following conditions:

- the applicant is ineligible to be certified as a police officer per the Code of Maryland Regulations (COMAR);
- the applicant is otherwise unsuitable for employment as a police officer with the Campus Police Department; or,
- the applicant was rejected for deception.

#### **APPLICANT RECORDS 34.15**

.1 For those who are hired, all records compiled throughout the selection process will be stored securely in the Office of the Chief of Police. After employment ends, the files are moved for secured storage in the Records Office, or scanned into secure-access electronic files and the originals shredded. For those not hired, the records shall be scanned into a secure-access electronic file and the originals shredded.

.2 Selection process records stored in the Human Resources Office will be filed separately from the employee personnel files. Selection process records shall be separated and filed as follows:

- Physical examination
- Psychological examination
- All other selection process files

.3 No employee shall be permitted to view his or her own selection process records. Only those persons with a business necessity and who are legally entitled to review personnel files may review another employee's selection process file.



## DEPARTMENT JUVENILE PROCEDURES AND OPERATIONS

### POLICY 35.01

- .1 The Hagerstown Community College Police Department is committed to the development, implementation, and maintenance of programs designed to prevent and control juvenile delinquency. The policies regarding juveniles do not apply to those who have been waived as an adult pursuant to court order or automatic waiver crimes.
- .2 It shall be department policy to refer juveniles to other criminal justice and public and private social service agencies within the parameters of the Juvenile Court in order to divert non-serious and/or social problems from formal juvenile justice system. This will assist in solving individual and community problems using community and regional resources.
- .3 The juvenile operations and delinquency prevention efforts of an agency should not be limited to activities of any single juvenile component. In particular, patrol officers are to be familiar with handling juvenile problems, both criminal and noncriminal. The responsibility for participating in or supporting the agency's juvenile operations function is shared by all agency components and personnel.

### TAKING JUVENILES INTO CUSTODY 35.02

- .1 Officers may take a juvenile into custody by any of the following methods:
  - A. Pursuant to an order of the court.
  - B. Pursuant to a lawful arrest for criminal violations.
  - C. When the officer has reasonable grounds to believe that the juvenile is in immediate danger from his surroundings and that his/her removal is necessary for his protection.
  - D. When the officer has reasonable grounds to believe that the juvenile has committed a status offense.
- .2 Depending on the reason, an officer who takes a juvenile into custody will deliver the juvenile to one of the following without delay:
  - A. HCC Campus Police Department office, if charges are being placed by the officer.
  - B. The court or a place of detention identified in the court order.
  - C. Shelter care designated by the court.
- .3 When a juvenile is taken into custody, the arresting officer will notify the juvenile's parent(s) or guardian(s) as soon as possible.
- .4 If emergency medical treatment is necessary, the juvenile will first be brought to the hospital. If the child's parents, guardian, or custodian are not available or, without good cause, refuse to consent to treatment, the court may order emergency medical, dental, or surgical treatment of a child alleged to be suffering from a condition or illness which, in the opinion of a licensed physician or dentist, requires immediate treatment.





### ARREST WITHOUT CUSTODY 35.03

Anytime an officer has probable cause to believe a juvenile has committed a delinquent act, but the elements required to make a warrantless arrest are not present, the officer will document same on an Arrest/Transport report. This will be referred to as a “paper arrest” and the officer will make that notation in the narrative section.

### JUVENILE ARREST REPORTS 35.04

.1 An Arrest/Transport Report shall be prepared anytime a juvenile is charged as a delinquent offender or detained as a status offender, whether or not the juvenile is taken into custody.

.2 If probable cause exists that a juvenile committed a violation of the law and the juvenile is not being charged as an adult, the officer submitting the report will use the following verbiage to indicate same: “The defendant is deemed to be a delinquent by reason of.....”(law being violated, by statute and language and section numbers).

Example: ...by reason of 2nd degree assault, CL 3-203.

Example: ...by reason of reckless endangerment, CL 3-204; wonton trespass on private property, CL 6-403.

.3 When the juvenile is released from custody, the time, date and the person to whom released shall be noted on the report.

.4 The Arrest/Transport Report (and related Investigative Report) serves as the charging document for the Police Department. Upon completion, it is forwarded to the Records Custodian who will forward the report to the appropriate agency.

.5 All information regarding the involvement or personal history of a juvenile shall be considered confidential. All requests for such information shall be directed to the Chief of Police or his designee.

.6 All juvenile Arrest/Transport Reports will be forwarded to the Department of Juvenile Services (DJS).

.7 An officer designated by the Chief of Police shall review all juvenile Arrest/Transport Reports with the following objectives:

- Examine patterns of delinquent behavior by juvenile offenders for similarities with other crimes.
- Identify offenders with violent histories who are arrested for non-violent offenses. This information will be provided to DJS and the State’s Attorney’s Office for consideration for enhanced prosecution.
- Identify each offender’s previous non-arrest involvements with police. This information will be provided to DJS to assist them with determining appropriate dispositions.

**INTAKE 35.05**

.1 Intake is the point at which a juvenile offender enters the juvenile justice system, i.e. the point at which the case is turned over to the Department of Juvenile Services. This is a function of DJS and occurs after the case is forwarded to that agency.

**DIVERSION AND RELEASE ALTERNATIVES 35.06**

.1 Some cases involving juvenile offenders would not be appropriate for legal proceedings and the use of other resources would be more effective. In such cases, DJS may determine that diversion should be used. Diversion uses a variety of alternatives such as community-based rehabilitation programs, prolonged treatment or counseling, involvement of social service agencies or supervision on a voluntary basis by parents in its broadest sense. Diversion refers to any procedure that:

- 1) Substitutes non-entry for official entry into the justice process.
- 2) Substitutes the suspension of criminal or juvenile proceedings for continuation of those proceedings.
- 3) Substitutes lesser supervision or referral to a non-justice agency or no supervision for conventional supervision.
- 4) Substitutes any kind of non-confinement status for confinement.

.2 The decision to allow a juvenile offender to participate in diversion is a collaborative one involving DJS, the victim, the offender, and the offender's parent(s). As with intake, diversion is a function of DJS and is utilized according to that agency's established protocols.

.3 Most juvenile offenders should be referred to DJS to ensure they have access to the most appropriate resources and receive the most appropriate dispositions. Such referral is accomplished through physical arrest or arrest without custody. In keeping with the philosophy that the state should always act as a responsible parent toward a child, initial contact officers dealing with juvenile offenders will use the least coercive among reasonable legal alternatives, consistent with preserving public safety, order, and individual liberty. In keeping with this philosophy, officers may utilize the following alternatives to physical arrest:

- 1) Release with no further action, noted on FI card.
- 2) Issuance of juvenile civil citations (for civil offenses).
- 3) Consulting with and releasing to parents for corrective action.

**DETENTION AND RELEASE DISPOSITIONS 35.08**

.1 When a juvenile is arrested by this Department, they are either released pending case review by DJS or they are placed in Juvenile Detention. Juveniles can only be placed in Juvenile Detention upon the authority of the Department of Juvenile Services or court of jurisdiction.

.2 In many cases, the arresting officer or supervisor may decide to release the juvenile offender to a parent or guardian after arrest. However, in some circumstances immediate detention is more appropriate. DJS will be contacted for a detention decision under the following circumstances:

- 1) The officer feels the juvenile is a danger to himself or others.



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## Juvenile Procedures and Operations

- 2) The juvenile has committed a felony or serious misdemeanor or motor vehicle offense that prescribes a penalty of incarceration.
  - 3) The parents or guardian cannot be located or will not respond.
  - 4) The juvenile is a known previous offender.
  - 5) Anytime the offense is serious or the officer feels immediate detention is desirable.
- .3 When DJS is to be contacted for a detention decision, the following procedures shall apply:
- A. The arresting officer will ensure the on call DJS representative is notified.
  - B. The arresting officer or other officer familiar with the case will speak with the DJS representative. The DJS representative will make the detention decision.
  - C. If the DJS representative authorizes detention, he/she shall issue a Detention Authorization form and provide it, by fax or other appropriate means, to the arresting officer or other officer designated by a HCCPD supervisor.
    - Males with regional detention authorization: HCCPD will transport juvenile males to the Western Maryland Children's Center.
    - Males with non-regional detention authorization: HCCPD will hold juvenile males until transport personnel authorized by DJS arrive and take custody of the juvenile. The exception to this will be in circumstances where transport will be delayed beyond 6 hours. If this occurs, the arresting officer or supervisor will contact the DJS and the Western Maryland Children's Center to arrange for holding and pickup at that facility.
    - Females: Detention authorization for all females is non-regional. During normal business hours, HCCPD will hold juvenile females until DJS authorized transport personnel arrive and take custody. During non-normal business hours or as otherwise determined by DJS, CPD will be directed to transport juvenile females to the Western Maryland Children's Center for holding and pickup at that facility.
- .4 If the decision is made not to detain the juvenile, either by the officer or by DJS the juvenile will be released to a parent or a guardian. The juvenile may be released to a responsible adult. In such cases, the officer will contact the parent or guardian as soon as practical. This information shall be included in the Arrest/Transport Report.

### CUSTODIAL INTERROGATION 35.09

1. Under Senate Bill 53 officer must immediately notify or cause to be notified the child's parents, guardian or custodian in a manner reasonably calculated to give actual notice of the action. The notice must include the child's location, provide the reason for the child being taken into custody, and instruct the parent, guardian or custodian on how to make immediate in-person contact with the child.
2. The act prohibits the custodial interrogation of a child by a law enforcement officer until the child has consulted with an attorney who is retained by the child's parent, guardian or



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custodian or [provided by the public defender and the officer has made notice to the child's parent, guardian or custodian that the child will be interrogated.

3. An exception to this would be a lawful custodial interrogation if information sought is necessary to protect against the threat to public safety. Unless impossible, impracticable or unsafe, the interrogation must be recorded and the child informed of same.
- 4.

.4 In addition to the above procedures, officers will explain agency and juvenile justice system procedures to juveniles being interrogated.

### .4 NON-CUSTODIAL INTERVIEW

If a juvenile is to be interviewed at headquarters, the following procedures will be followed:

- A. The juvenile will be advised that he/she has the right to have a parent or guardian present.
- B. The juvenile will be advised that he/she is not in custody and is free to leave at any time.
- C. The officer/s will consider the juvenile's age, mental capacity/state, and other factors/influences affecting the juvenile at the time of the interview in determining if the juvenile's parent or guardian needs to be present. If the juvenile, is not capable of understanding the interview process, or if the officer is not sure, the juvenile may not be questioned without the presence and/or permission of a parent, guardian, or counsel.
- D. The number of officers involved in the interview should be limited to two.
- E. The interview should be limited to a reasonable amount of time and should not be of such length and constructed in such a manner as to cause undue stress for the juvenile.
- F. If there is any reason to believe that the interview could turn into a custodial interrogation, the juvenile will be advised of his/her rights per Miranda, and the procedures for a custodial interrogation shall be followed.

### JUVENILE ARRESTS FOR MOTOR VEHICLE VIOLATIONS: 35.10

.1 If a juvenile is under the age of 16 years, the juvenile is subject to the jurisdiction of the Juvenile Court and ALL VIOLATIONS must be listed on an Arrest/Transport Report. If the offense is one for which the penalty for adult violators could include incarceration, the juvenile will be taken into custody. Otherwise the officer may affect a paper arrest (see Arrest Without Custody, section 35.3). NO CITATIONS ARE ISSUED.

.2 If the juvenile is 16 or 17 years and he is not charged with a violation of any provision of the Transportation Article or other traffic law or ordinance that prescribes a possible penalty of incarceration for adults, he/she is subject to the jurisdiction of the District Court and is to be issued a Maryland CITATION.

.3 If a juvenile is 16 or 17 years and he is charged with any violation of any provision of the Transportation Article or other traffic law or ordinance that prescribes a possible penalty of incarceration for adults, **he/she is subject to the jurisdiction of the District Court and is to be issued a Maryland CITATION** and an Arrest/Transport Report are to be filed. NOTE: Some subsequent motor vehicle violations carry jail sentences.



### TAKING CONTROL OF JUVENILES NOT IN CUSTODY 35.11

.1 Officers occasionally take control of juveniles who are not under arrest or otherwise in custody. These are situations where an officer assumes temporary control over the movements of the juvenile for a variety of reasons. Some examples of such situations include, but are not limited to:

- Transporting a juvenile who is a victim or witness.
- Transporting a lost juvenile.
- Having a juvenile in an interview room for an interview.

.2 Anytime an officer assumes control of a juvenile who is not arrested, the officer will notify the juvenile's parent or guardian as soon as possible, informing the parent or guardian of the situation.

.3 Anytime an officer assumes control of a juvenile who is not in custody, the officer will document same on an Arrest/Transport Report according to the instructions in Section 25.11.

### House Bill 814 Custody Requirements and Under 13 Motor Vehicle Theft 35.12

1. **Custody Requirements- If a child is taken into custody, pursuant to the law, the law enforcement officer shall complete and forward a written complaint or citation to DJS by;**
  - a. In person at the local DJS office where the alleged incident occurred or sent electronically to the local DJS office delegated intake inbox.
  - b. After hours police reports should be sent to Centralized Intake at [DJS.Centralizedintake@maryland.gov](mailto:DJS.Centralizedintake@maryland.gov) for processing if an officer wants to request detention
  - c. Complete and forward a written report to DJS at [djs.diversion@maryland.gov](mailto:djs.diversion@maryland.gov) indicating no further action was taken.
  - d. If a child was referred to a diversion program, the officer shall complete and forward a written report including the identified diversion program to DJS at [djs.diversion@maryland.gov](mailto:djs.diversion@maryland.gov)

**2. Under 13 Motor Vehicle Theft- Law Enforcement officers are now required to forward a complaint to DJS to file a CINS petition if the officer alleges that a child under 13 committed a motor vehicle theft. Officers shall utilize their region-specific instructions laid out on the Children in Need of Supervision Complaint Process Fact Sheet.**

- a. Ensure all police reports include necessary identifying information for;
  - juvenile involved
  - juvenile's parents, guardian or custodian information
  - victim
  - referring law enforcement officer



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- necessary identifying information includes name, date of birth, address, phone number, email address



## DEPARTMENT PROCEDURES FOR TRAINING

### PURPOSE 36.01

Training has often been cited as one of most important functions in any law enforcement agency. Training serves three broad purposes. First, well trained officers are generally better prepared to act decisively and correctly in a broad spectrum of situations. Second, training results in greater performance and effectiveness. Third, training fosters cooperation and unity of purpose. Furthermore, agencies may be held legally accountable for the actions of their personnel and for failure to provide entrance level, in-service and remedial training. The Hagerstown Community College Police Department recognizes the importance of training and is committed to providing the best training available to all personnel.

### JOB RELATEDNESS 36.02

In order to be useful and practical, training must be job related. Training programs are based on a relationship to job task analyses. This method of curricula development will be used in all Departmental training.

### TRAINING FUNCTION 36.03

- .1 The Department's training function includes the following:
  - 1) Training of both sworn and civilian personnel.
  - 2) Planning and developing training programs.
  - 3) Notifying personnel of required training, and training that is available to agency personnel.
  - 4) Maintaining training records.
  - 5) Ensuring that departmental personnel have attended required and assigned training programs.
  - 6) Implementing training programs.
  - 7) Selecting instructors.
  - 8) Evaluating training programs and instructors.
  - 9) Coordinating training programs within the department, or outside law enforcement agencies.
  - 10) Ensuring training activities are consistent with department training goals.
  - 11) Maintaining OSHA and MOSHA training requirements.
  - 12) Identifying potential resources in the public and private sector, available to enhance training programs.
- .2 The Lieutenant/Training Officer is responsible for the department's training function. All training provided to members of this Department shall be arranged through the Lieutenant/Training Officer.

### DEFINITIONS 36.04

For the purposes of this chapter, the following terms have the following meanings.



**.1 ADVANCED TRAINING:** Training often held outside the agency and designed to impart higher level supervisory and management skills to participants. Participants who are most often chosen for such training possess above average leadership skills. Examples of advanced training programs are those provided by the FBI National Academy, the Southern Police Institute, and the Northwestern University Traffic Institute.

**.2 FIELD TRAINING:** A structured and closely supervised program provided to recruit officers to facilitate the application of skills and knowledge obtained in the academy/classroom to actual performance in on-the-job situations.

**.3 IN-SERVICE TRAINING:** Training in addition to recruit training, which may include periodic retraining or refresher training, specialized training, career development, promotional training, advanced training, and roll-call training.

**.4 ON-THE-JOB TRAINING:** Instruction or training provided to an employee by another employee or employees on a tutorial basis during a tour of duty while the trainee performs normal activities of employment.

**.5 REMEDIAL TRAINING:** Personalized training to correct a specific deficiency, which is usually identified by either (1) testing or other evaluation during training or (2) supervisory evaluation during routine job performance.

**.6 ROLL-CALL TRAINING:** Training or informational sessions of short duration administered to law enforcement officers just prior to, during, or after, their tour of duty.

**.7 SPECIALIZED TRAINING:** Training to enhance skills, knowledge, and abilities taught in either recruit or other in-service programs. Specialized training may address supervisory, management, and/or executive development training, or it may include technical and job-specific subjects (e.g., homicide investigation, fingerprint examination, juvenile investigation, etc.).

**.8 ASSESSMENT TRAINING:** The purpose of a training needs assessment is to identify performance requirements and the knowledge, skills, and abilities needed by an agency's workforce to achieve the requirements set forth by the Maryland Police Training Commission.

### **Roll Call Training 36.05**

**.1** The department will transmit information to members through the use of roll-call training to supplement, but not replace, in-service training.

**.2** The Patrol Lieutenant or Training Officer will be responsible for planning roll call training, which will generally consist of a brief synopsis of information, including updates on policy and procedure or recent court decisions and criminal justice opinions.





- .3 Roll-call training may include a wide variety of techniques, including, but not limited to lecture, CDs, DVDs, audio tapes, discussions and/or written documentation distributed to members.
  - A. The Patrol Lieutenant or Training Officer will be responsible for documenting the attendance of members during roll-call training, ensuring that all officers have been exposed to the training materials.
  - B. The Patrol Lieutenant or Training Officer will document the subject of the training, and the training method (lecture, video, demonstration, etc.) employed.
  - C. All attendance rosters will be forwarded to the CPD Lieutenant upon completion.
- .4 The training will attempt to utilize materials, when practical, prepared by various training academies that the agency selects to review and retrain on basic or advanced topics.
- .5 While roll-call training will be the responsibility of the Patrol Lieutenant or Training Officer, the training function may utilize members who have received up-dated and/or specialized materials to prepare and/or present roll-call segments.
- .6 Periodic evaluations, which may include testing and critiques, shall be conducted to aid in the development or revision of roll-call training and to measure its effectiveness.
- .7 Roll-call training will vary in frequency and duration and will be scheduled on an “as-needed” basis, relying on recommendations from any member, to include the Chief of Police, who will identify suggested training topics based on identified need.
- .8 The Patrol Lieutenant will be expected to take a prominent role in presenting materials at roll call and will be expected to take an active role in recommending topics and methods of instruction. Members will be encouraged to suggest topics and to participate in the development and presentation of materials.

#### **TRAINING ATTENDANCE 36.06**

- .1 Members of the Hagerstown Community College Police Department are expected to attend all training programs assigned.
- .2 Members must notify the Patrol Lieutenant if unable to attend scheduled non-mandated training (court, sick, emergency, etc.).
- .3 Members must notify in writing, in advance, if he/she is unable to attend their scheduled in-service day. The Patrol Lieutenant will notify the member if he/she is excused from attending that training date.
- .4 For training programs sponsored by sources other than this Department, members are required to complete and submit documentation of attendance/completion to the Patrol Lieutenant.



.5 Any mandatory training missed will be rescheduled. Non-mandatory training will be rescheduled, substituted or cancelled as determined by the Patrol Lieutenant.

.6 All instructors conducting in-service training sponsored by the Department will have all students sign a roster. The roster will be turned over to the Patrol Lieutenant. The Patrol Lieutenant will maintain records of all student rosters.

#### **NEW EMPLOYEE TRAINING 36.07**

.1 Entrance Level Minimum Standards Training ~ All personnel hired to fill a sworn position and who are required by MPCTC regulations to attend entry level training, will attend and successfully complete a MPCTC certified entry level training program prior to being sworn in or assigned to any routine assignment in any capacity in which the member is allowed to carry a firearm or is in a position to make an arrest. In that capacity, the Patrol Lieutenant will ensure application requirements are completed, agreements between the HCCPD and the Academy are executed, and HCCPD trainees are equipped as required by the academy. The Patrol Lieutenant will maintain frequent contact with each academy in which HCCPD personnel are enrolled, and will, as appropriate, provide input to the academy regarding its training program. The Patrol Lieutenant will arrange for instructors and other reasonable assistance to the academy when requested and as such resources are available. Recruit officers will receive an orientation handbook prior to or at the beginning of entry level training. (CALEA)

.2 Personnel hired to fill a sworn position who are deemed eligible for comparative compliance by MPCTC shall complete the entry level firearms course prior to being sworn in or assigned to any routine assignment in any capacity in which the member is allowed to carry a firearm or is in a position to make an arrest. Within one year of hire, such employees are required to attend a MPCTC certified comparative compliance program. The Patrol Lieutenant's responsibilities shall be the same as those for entry level police academy programs.

.3 Before being authorized to carry any weapon, Department personnel must be trained in and receive copies of the Department policies and procedures regarding use of force and each weapon to be carried. Additionally, before being authorized to carry any weapon, personnel must demonstrate proficiency in the use of the weapons.

.4 New employee orientation ~ The Police Department and/or the Personnel Department will provide a new employee with the following training:

- 1) A Campus tour to include all buildings owned and maintained by HCC.
- 2) OSHA/MOSHA entrance level requirements.
- 3) Department role, purpose, goals, policies and procedures.
- 4) Working conditions.
- 5) Employee responsibilities and rights.
- 6) Interaction with persons suspected of suffering from mental illness.

(Any of the above topics may be taught to sworn personnel either in the academy, or in field training.)

**IN-SERVICE TRAINING 36.08**

.1 Annually, each sworn member below the rank of Chief of Police will complete a minimum of 18 hours of MPCTC approved in-service training. In addition to topics required by the MPCTC, the Department may mandate other topics which, at a minimum, will include:

- 1) Legal Updates
- 2)
- 3) All less lethal weapons for which the member is authorized to carry, including proficiency certification by a qualified instructor.
- 4) Defensive Tactics
- 5) Use of force policies (all agency personnel authorized to carry weapons are REQUIRED to receive documented in-service training on Use of Force policies and demonstrate proficiency annually).
- 6)
- 7)
- 8)
- 9)

.2 The Chief of Police may also complete 18 hours of annual training, however, MPCTC approval for each topic is not required.

.3 All civilian personnel shall receive in-service training as described:

- 
- Interaction with persons suspected of Intellectual Developmental Disabilities
- CPR/AED/Stop the bleed training (biennially)

**FIREARMS 36.09**

Each sworn member will complete the required state qualifications for each weapon he/she is authorized to carry as outlined in COMAR Title 12. Additionally, each sworn member will also complete all Departmental firearms training as outlined in the Policies and Procedures or indicated by the Chief of Police.

**EXTERNAL TRAINING 36.10**

.1 Many other sources of training exist outside this Department and include both public and private organizations, as well as other law enforcement agencies. Such training is generally specialized or advanced training.

.2 All external training will be posted for letters of interest. This letter will include any pre-requisite.



.3 The Chief of Police will make the final approval as to selecting personnel to attend external training. Personnel will be selected for training based on their career development goals and the needs of the agency.

### **SPECIALIZED TRAINING 36.11**

.1 The following functions/assignments require specialized training:

- Internal Affairs Administrator
- Training Officer
- Police Administrator (Patrol Lieutenant)
- First Line Supervisor (Sergeant)
- Records Custodian
- Evidence Custodian
- 
- 
- RADAR Operator
- LIDAR Operator
- 
- Certified Instructor for various disciplines as required by MPCTC

.2 Specialized training for the above functions will include the following:

- 1) Development and/or enhancement of the skills knowledge, and abilities particular to the specialization.
- 2) Supervised on-the-job training (when practical, or when required as a component of a training and certification program).

.3 Some assignments and specialties have retraining requirements dictated by State law. Others have retraining requirements dictated by training providers and equipment manufacturers that must be met in order to maintain certifications. Personnel in those assignments and specialties must successfully complete all such requirements in order to remain in the assignment or perform the specialty.

### **ADVANCED TRAINING 36.12**

.1 The Chief of Police will nominate sworn members for attendance. Nominations will be based on work performance, possession of leadership skills, and seniority. The Chief of Police may decide to nominate other personnel if such nomination would better serve the Department.

.2 Upon completion of Advanced Training, the graduate may be assigned to duties which ensure the maximum use of the training received.



.3 With advance approval from the Maryland Police and Correctional Training Commission, such training may be accepted in part or in full toward completion of mandated in-service training or first line supervisory level training.

### **INSTRUCTORS 36.13**

.1 Instructors are the foundation of all information given to personnel or recruits which directs their future actions in the performance of their duties.

.2 Instructors will be selected based on their knowledge, demonstrated ability, methods, or practices. Also required for selection will be a positive recommendation from the candidate's current supervisor.

.3 Instructors for any training program recognized by the Maryland Police and Correctional Training Commission as a part of mandated entrance level or in-service training must fulfill the requirements for instructors specified in Title 12 of COMAR. These requirements include attendance at an instructor training program, certification of instructors and evaluation of instructors.

.4 MPCTC approved instructors are required to maintain the skills, knowledge, and abilities taught in the instructor program. The Patrol Lieutenant will complete an evaluation of MPCTC approved instructors as required by MPCTC standards.

.5 In their capacity as instructors, personnel will be under the direction of the Patrol Lieutenant. Department instructors will be required to teach for a minimum of two years on completion of the instructor program. Department instructors will be required to teach any topic for which their Instructor Type allows them. If an instructor wishes to no longer instruct, he/she will file a request for removal with the Patrol Lieutenant. The Patrol Lieutenant will review the request and upon discussion with the Chief of Police, a written response to the request will be issued. The instructor will be required to continue to instruct until otherwise notified.

.6 Re-training of instructors is important to keep their training information current. The Patrol Lieutenant will schedule retraining for those Instructors who are required to receive mandated retraining and/or certification. Other instructor retraining will be determined by the Patrol Lieutenant based on instructional topic matter.

.7 Failure to meet retraining standards will remove the instructor from future instruction in the particular topic matter.

.8 Instructors who are not members of the agency will be approved to instruct based on their proven knowledge of the proposed topic matter and their ability to satisfy MPCTC requirements.

.9 Non-departmental instructors will submit to the Patrol Lieutenant a lesson plan prior to instruction for approval.

**LESSON PLANS 36.14**

.1 Lesson plans are the foundation for instructors to present training information in a clear, objective, task oriented and evaluated manner. They are intended to ensure that the subject to be covered in training is addressed completely, accurately and is properly sequenced with other training materials.

.2 Each instructor shall ensure that the Patrol Lieutenant is provided with a lesson plan for each program the instructor teaches. The Patrol Lieutenant will provide all instructors with guidelines and a format for lesson plan development and ensure a current format example is available on the HCCPD shared drive. Regardless of final format, lesson plans will include the following at a minimum:

- 1) A statement of the performance objectives, all of which must be job related.
- 2) The content of the training and specifications of the appropriate instructional techniques.
- 3) The identification of any tests (either written or teacher observable) used in the training.
- 4) The list of resources used in the development of the curriculum.
- 5) The list of resources required in the delivery of the course.
- 6) Certification of approval by the Patrol Lieutenant.

.3 In order to be used in any training program, lesson plans must be reviewed and approved by the Patrol Lieutenant. The Patrol Lieutenant will review each lesson plan to ensure the content is current, relevant, and in an acceptable format. The Patrol Lieutenant may utilize appropriate resources to aid in the review process. Upon approval, the Patrol Lieutenant will sign the lesson plan indicating approval. The Patrol Lieutenant will maintain copies of all lesson plans used for HCCPD in-service training.

.4 The Patrol Lieutenant will apply for MPCTC program approval for the following:

- 1) Each training course presented by HCCPD as part of MPCTC required annual in-service training, including each firearms qualification course.
- 2) When possible, other training courses presented to or by CPD personnel which would meet the requirements for MPCTC approval.

.5 The Patrol Lieutenant will maintain a file for all MPCTC approved programs. Once MPCTC approval for a program expires, a new approval application will need to be submitted if the program will continue to be presented.

**TESTING CRITERIA 36.15**

All MPCTC approved in-service training shall include competency-based testing which uses performance objectives and measures knowledge of and ability to use job related skills. Testing may be written, oral, or demonstrative. Written and oral testing shall require a passing score of 70%. Demonstrative testing shall require the student to successfully demonstrate a skill or ability. All testing shall be documented and the Patrol Lieutenant shall keep on file the results of the testing. (COMAR Title 12) (33.1.17)

**REMEDIAL TRAINING 36.16**

.1 Remedial training is used to assist personnel who have demonstrated an inability to perform a certain job task within acceptable standards.

.2 When a supervisor, instructor, or FTO recognizes a remedial training need, that individual shall provide whatever remedial training her/she can provide within his/her qualifications and capabilities or shall coordinate with those who are qualified to address the specific need(s). Should the remedial training be beyond the qualifications or capabilities of the supervisor, instructor, or FTO, that individual shall notify the Patrol Lieutenant in writing, with the following information:

- How the need for remedial training was determined.
- Suggestions for improvement in the non-performance area(s)

.3 Upon receipt of the above information, the Patrol Lieutenant shall coordinate appropriate remedial training.

.4 Remedial training will be completed as soon as possible after determination of non-performance (except firearms-see Chapter 10 of Policies and Procedures). A remedial training plan will be completed by the instructor conducting the training. All remedial training conducted shall be documented with the completed documentation forwarded to the Patrol Lieutenant.

.5 Personnel who unsuccessfully complete remedial training may be reassigned to non-police duties until a determination by the Chief of Police as to their continued status.

**TRAINING RECORDS 36.17**

.1 The Patrol Lieutenant will maintain all training records involving all Departmental personnel. This includes:

- 1) Date of training
- 2) Type of training received
- 3) Any Certificate received
- 4) Attendance
- 5) Test scores

.2 Training class records will be maintained on each program given. These records will include:

- 1) Lesson Plan
- 2) Daily Roster of attendance
- 3) Copy of test given
- 4) Passing requirements.

.3 Training records will only be released under the following circumstances:

- 1) To any department supervisor with a reasonable need to review the record (e.g. counseling, training needs assessment, internal investigations, research, etc.)
- 2) To the student upon request.



- 3) To the Maryland Police Training Commission.
- 4) To the College Attorney.
- 5) To any person authorized by court order.
- 6) To any outside police agency after a release has been received from the student.

### **FIELD TRAINING & EVALUATION PROGRAM 36.18**

.1 The Hagerstown Community College Police Department Field Training and Evaluation program is the final segment of recruit training in which the probationary officer applies what he/she has learned in the police academy to actual situations requiring police response. Proper procedures, tactics, and techniques are demonstrated to, and by, the recruit who is closely monitored and evaluated by a Field Patrol Lieutenant. Throughout the program, the recruit is given increased responsibility for carrying out patrol activities with reduced direct instruction by the FTO. The result is a well-rounded officer who is prepared to assume the duties of Patrol Officer without direct supervision.

.2 The Hagerstown Community College Police Department Field Training and Evaluation program is described in the Field Training and Evaluation program manual and is coordinated by the Chief of Police or his designee.

### **TRAINING FOR CIVILIANS 36.19**

The department will provide training to civilian personnel for any mandated certification or re-certification. Other training will be provided to civilian personnel as needed to update job skills, knowledge, and abilities. Training will be scheduled by or through the Patrol Lieutenant and/or the Chief of Police.

### **INTERAGENCY TRAINING 36.20**

This department encourages the exchange of training opportunities between its personnel and personnel of other criminal justice agencies. Through such exchange, the department can expect to increase effectiveness, improve coordination, and promote better understanding among criminal justice system agencies.

### **ASSESSMENT TRAINING 36.21**

The HCC Police Department will require certified police officers to participate in Assessment Training to maintain police certification with the Maryland Police & Corrections Training Commission. Effective 07/01/2022 the Maryland Police Training Act, Public Safety Article, Title 3-Subtitle 209(a)(5)(ii)(e) requires, as a condition of certification, a police officer shall submit to a mental health assessment to establish continuing fitness to carry out the officer's assigned duties as a police officer. In order to facilitate this mandate, the MPCTC Certifications Unit has created two unique non-numeric universal "P" Codes. Those codes are Annual Physical Agility Assessment – Code#PPHYSAG and the Bi-Annual Mental Health Assessment – Code#PMENTALH. These assessments will be tracked and submitted as In-Service training.





Chapter 7 of the HCC Policy and Procedures Manual, Departmental Physicals, outlines the requirements and process for the Physical Agility Assessment.

The HCC Police Department is committed to the highest set of standards, regarding training, and has worked with a local practice, Frederick Psychology Center, to establish a biennial psychological assessment for sworn police officers.

The biennial mental health assessment will differ from other formats used for pre-employment evaluations. This mental health assessment will focus on “Continuing Fitness,” rather than screening an applicant. The mental health assessment will include the following:

- A brief screening information form completed by the employee’s supervisor
- Review of the employee’s job description
- Consent form signed by the employee
- Structured psychological testing assessing psychological functioning (completed remotely at the police department)
- An interview with the employee (may be completed in-person or through telehealth)
- A written certification statement provided to the department.

The written statement of certification will be sent to the Chief of Police. The letter will indicate the officer’s continuing fitness to carry out the assigned duties and responsibilities as defined and provided by the department. The letter can also indicate a “Cannot Certify” the officers continuing psychological fitness to carry out the duties and responsibilities by the department. If an officer is not able to be certified, the Maryland Police & Corrections Training Commission will be notified. The officer will be placed on administrative suspension, pending a full review of the assessment. The officer’s weapon, police ID, badge, and Blue Card will be turned over to the Lieutenant or Chief of Police.

In the event an officer cannot be certified, as a police officer, by the Maryland Police & Corrections Training Commission he/she will be referred to the Hagerstown Community College Human Resource Office.



## DEPARTMENT PROCEDURES FOR EYEWITNESS IDENTIFICATION

### PURPOSE 37.01

.1 The procedures outlined in this chapter are based on scientific research into psychological factors that can cause well-meaning eyewitnesses to make mistakes. These procedures are intended to address such factors, reduce error, and ensure that the highest quality evidence possible is obtained from eyewitnesses.

.2 The approved methods to be used by HCC PD personnel for eyewitness identification are:

- 1) Photo Array (preferred method)
- 2) Show-up
- 3) Live Line-up

The procedures for each are described in this chapter.

.3 While these procedures are intended to provide information regarding legal requirements and best practices surrounding collection and preservation of eyewitness evidence, they may not address all the circumstances and/or exigencies that are encountered in the field. In such circumstances, they should be used as guidelines when encountering circumstances and factors not specifically covered.

### OBTAINING INFORMATION FROM THE WITNESS(ES) 37.02

.1 Principle: The manner in which the preliminary investigating officer obtains information from a witness has a direct impact on the amount and accuracy of that information.

.2 Policy: The preliminary investigating officer shall obtain and accurately document and preserve information from the witness(es).

.3 Procedure: When interviewing a witness, the preliminary investigating officer should:

- 1) Establish rapport with the witness.
- 2) Inquire about the witness' condition.
- 3) Use open-ended questions (e.g., "What can you tell me about the car?"); augment with closed-ended questions (e.g., "What color was the car?"). Avoid leading questions (e.g., "Was the car red?").
- 4) Clarify the information received with the witness.
- 5) Document information obtained from the witness, including the witness' identity, in a written report.
- 6) Encourage the witness to contact the investigating officer with any further information.
- 7) Encourage the witness to avoid contact with the media or exposure to media accounts concerning the incident.
- 8) Instruct the witness to avoid discussing details of the incident with other potential witnesses.



### CONDUCTING PHOTO ARRAYS 37.03

.1 Gather Photographs. This step should be conducted by the investigating officer. In total, gather one suspect's photo, a minimum of five filler (non-suspect) photos, and at least two blank photos (blank pages consistent in size to the printed photos).

- A. **Suspect's Photo - Multiple Suspects.** If there are multiple suspects, include only one suspect's photo in the array. **Multiple Photos of the Suspect.** If multiple photos of the suspect are available, choose the photo that most resembles the suspect's appearance at the time of the crime. If you do not know what the suspect looked like at the time of the crime, choose the photo that most resembles the description of the perpetrator.
- B. **Filler Photos - Number of Fillers.** Whenever possible, include a minimum of five fillers in each array. Since increasing the number of fillers tends to increase the reliability of the procedure, include as many above the minimum as desired. **Resemblance of Fillers to Suspect.** In general, fillers should resemble the witness's description of the perpetrator in significant features (such as face, profile, height, weight, age, build, posture, hair and facial hair, specific articles of clothing, etc., to the extent applicable to the photos being used) or, in cases where a composite was used, fillers should resemble the composite. If a person who has never seen the perpetrator would be able to pick out the suspect from the array based on knowing only the description of the perpetrator given by the eyewitness, then the fillers may not sufficiently resemble the description of the perpetrator. For instance, if the perpetrator was described as having an unusual identifying mark, all fillers should have similar markings or all photos should include similar coverings over the described area.

.2 Prepare the Folders.

- A. **Gather Folders.** Gather folders, each large enough to hold and fully conceal one photograph.
- B. **Set Aside Lead Filler.** Place a filler's photograph in one folder and set that folder aside.
- C. **Set Aside Two Empty Folders.** Take two of the empty folders and set them aside, separate from the filler folder that you have set aside.
- D. **Place the Other Photos in Folders.** Randomly place the other photos (of the suspect and remaining fillers) into the remaining empty folders, one photograph per folder.
- E. **Shuffle the Folders.** Shuffle the folders you are holding, so that you no longer know which folder contains the suspect's photo. *Explanation: This ensures that you will not be in a position to unintentionally influence the witness's selection.*
- F. **Lead with Filler Photo.** Place the single photo containing a filler~ the one you set aside earlier~ on the top of your pile.  
*Explanation: Witnesses are reluctant to identify someone in the first position and, if that person is the suspect, a failure to identify the perpetrator or a misidentification may result.*
- G. **End with Empty Folders.** Place the empty folders~ the ones you set aside earlier~ at the bottom of your pile. *Explanation: You do not want the witness to know when he/she is viewing the last photo. Witnesses who believe they are viewing the last photo may feel a heightened need to make an identification.*



## H. Number the Folders.

### .3 Conduct the Array.

- A. **Record the Identification Procedure.** If practical, record to video, audio, CD or DVD the entire photo identification procedure. Video is preferable.
- B. **Restrict Availability of other results to witness.** Ensure that no writings or information concerning previous identification results are visible to the witness.
- C. **Bring in the Witness.** Seat the witness at a desk or table or otherwise provide a comfortable environment.
- D. **Position Yourself.** Position yourself close enough to the witness to verbally communicate with him/her but in a place where the witness will be able to open a folder and look at the photo without your being able to see the photo. *Explanation: This will make it impossible for you to unintentionally communicate information to the witness about which folder contains the suspect's photo.*
- E. **Instruct the Witness.** Give the witness a written copy of the ***Sequential Photo Array*** instruction sheet and read the instruction aloud, including the acknowledgment section. Have the witness sign and date below. (Some witnesses may decline to sign. When a witness declines to sign, it is sufficient for the investigating officer to document that the witness was appropriately instructed.)
- F. **Give the Witness the Folders.** Hand the witness the folders one at a time.
- G. **Question the Witness.** After a witness has looked at a photo and handed the folder back to you, ask: "Is this the person you saw [insert description of act here]?" If the witness answers "Yes," ask the witness, "In your own words, can you describe how certain you are?"
- H. **Document the Witness's Responses.** As previously stated, recording to video, audio, CD or DVD the entire identification procedure is recommended. Whether or not this is possible, document the witness's response using the witness's own words when possible. After identification, a follow-up interview should assess any relevant factors that support the identification, such as: special facial features, hair, marks, etc.
- I. **Show Every Folder.** Even if the witness makes an identification, hand the witness the next folder until you have gone through all the folders containing photographs. If a witness asks why he/she must view the rest of the photos despite already making an identification; tell the witness the procedure requires the officer to show the rest of the photos. *Explanation: Showing all photos in the series ensures that the photo array procedure will reveal as much information as possible. For instance, a witness may make an identification of an early photo, but then change his/her mind after viewing a later photo. This change supplies important information about both the suspect and the witness.*
- J. **Commenting on Selection and Outcome.** Do not give the witness any feedback regarding the individual selected or comment on the outcome of the identification procedure in any way. Be aware that witnesses may perceive such things as unintentional voice inflection or prolonged eye contact, in addition to off-handed words or phrases, as messages regarding their selection. Avoid casual conversation comments such as "very good." Be polite but purposeful when you speak.



- K. **Request for Additional Viewing.** Only upon request of the witness, the witness may view one or more of the photos again after the first photo procedure has been completed. If this occurs, it must be thoroughly documented. The administrator should never suggest an additional viewing to the witness. *Explanation: Allowing a witness to view an array a second time converts the procedure from a sequential to a quasi-simultaneous array, thereby risking the benefits of the sequential procedure. In the interest of facilitating an identification, a witness who asks to see the array a second time may be permitted to do so, but because this may diminish the value of the identification it should not be offered without request.*
- L. **Alteration of Materials by Witness.** Ensure that if the witness writes on, marks, or in any way alters identification materials, those items are not used in subsequent procedures.

4. Document Procedures and Results.

- A. **Have the Witness Sign and Date the Results.** Once the procedure is completed, show the witness the written record of the results, and ask the witness to sign and date that record.
- B. **Preserve the Photos.** Preserve the photos and the order in which they were presented to the witness.
- C. **Document the Procedure.** The administrator should document:
- the administrator's name
  - the procedure employed
  - date, time, and location of the procedure
  - the total number of filler photos and blank photos
  - names of persons present during the array
  - if additional viewing occurred

5. Procedures for Multiple Suspects or Multiple Witnesses

- A. **No Communication between Witnesses.** To the extent possible, prevent witnesses from conferring with each other before, during, and after the photo array procedure.
- B. **Separate Instructions.** Each witness should be instructed outside the presence of the other witnesses.
- C. **Showing the Same Suspect to a New Witness.** If you need to show the same suspect to a new witness, re-shuffle all but the lead filler and the two blank photos and renumber them accordingly. *Explanation: Placement in this way reduces any possibility that a subsequent witness identifies someone based on the position number communicated to them by a previous witness.*
- D. **Showing a Different Suspect to the Same Witness.** When showing a different suspect to the same witness, do not reuse the same fillers from a previous array shown to that witness.
- E. **Multiple Arrays with Same Suspect and Same Witness.** Avoid multiple identification procedures in which the same witness views the same suspect more than once. Should you decide to do more than one identification procedure you are likely to be called upon to clarify and/or justify the action.

*Explanation: Showing a witness the same suspect in more than one photo array can be highly suggestive and can influence the witness to pick out that suspect based on remembering the suspect from the first identification procedure, rather than from the crime. Also, two*



*identification procedures (show up, followed by a live lineup or photo array) are not better than just one. A witness viewing a second procedure with the same suspect may believe that presence in both procedures suggests that authorities believe the suspect is the actual perpetrator.*

### SHOW-UPS (ONE-ON-ONE IDENTIFICATION) 37.04

.1 A show-up occurs when law enforcement officials show one suspect to one witness for the purpose of eyewitness identification.

.2 Show-ups can have benefits for both public safety and innocent suspects, however they can also have risks, as well.

Benefits: First, in situations in which police lack probable cause to arrest but have temporarily detained a suspect who matches a general eyewitness description, show-ups allow police to conduct an eyewitness identification procedure rather than simply releasing a potentially guilty perpetrator. Second, show-ups benefit innocent suspects because they have the potential to immediately clear an innocent person from suspicion without suffering the indignity of arrest or further investigation.

Risks: First, show-ups can be suggestive, in the sense that they are likely to convey the impression to witnesses that the police think they have caught the perpetrator and want confirmation. In addition, research shows that show-ups produce a greater risk for innocent suspects than properly conducted photo arrays and lineups. While eyewitnesses make identifications at an equal or lesser rate for show-ups than for photo arrays, show-ups are riskier for innocent suspects because some eyewitness errors made during photo arrays are harmless identifications of fillers known to be innocent, while all false identifications during show-ups result in false evidence against innocent suspects.

.3 LIMITATIONS ON THE USE OF SHOW-UPS: Because of the benefits and risk factors, the use of show-ups needs to strike a delicate balance. Accordingly, show-ups will only be used if the following factors exist:

- the police lacked probable cause to make an arrest, or;
- as a result of other exigent circumstances, the police cannot conduct a lineup or photo array.

It is not possible to list all the factors that figure in to the decision to use show-ups, nor is it possible to devise a precise formula for when show-ups are appropriate. However, certain factors are clearly relevant. For instance, law enforcement officers should consider the proximity- both geographic and temporal-of the suspect to the crime. Show-ups should generally be avoided if they cannot be conducted close in time and place to the crime. In any case, *if officers plan to make an arrest with or without a show-up, they should consider conducting a photo array or lineup after the arrest instead of a show-up.* Finally, officers should consider exigent circumstances such as the future availability of witnesses. If a witness will be unavailable in the future, a show-up may be necessary.



Otherwise a proper lineup or photo array will ordinarily be more appropriate as it avoids the inherent suggestiveness of the show-up.

### SHOW-UP PROCEDURES 37.05

#### .1 Prepare for the Show-up.

- A. **Document the Witness's Description.** Before the show-up is conducted, it is important the witness be asked to give a detailed description of the perpetrator, and this description should be carefully documented.
- B. **Location of Suspect.** Whenever practical, transport the witness to the location of the detained suspect (as opposed to transporting the suspect to the witness) to limit the potential legal impact of the suspect's detention and to minimize the influence on the witness of seeing the suspect transported under custody. Show-ups should not be conducted at a police station or other law enforcement building.
- C. **Record the Identification Procedure.** If practical, record to video, audio, CD or DVD the entire photo identification procedure. Video is preferable.

#### 2. Conduct the Show-up.

- A. **Instruct the Witness.** Give the witness a written copy of the *Show-up (One on One)* instruction sheet and read the instruction aloud, including the acknowledgment section. Have the witness sign and date below. (Some witnesses may decline to sign. When a witness declines to sign, it is sufficient for the investigating officer to document that the witness was appropriately instructed.)
- B. **Present the Suspect.** If possible and safe, have the witness view the suspect while the suspect is not restrained by handcuffs or by the officer, and while the suspect is not seated in a squad car. When circumstances dictate that the suspect must be controlled and/or separated from the witness then take practical steps to minimize the suggestiveness of the procedure.
- C. **Avoid Suggestive Words or Conduct.** Words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator must be carefully avoided.
- D. **Question the Witness.** After the witness views the suspect, ask the witness, "Is this the person you saw [insert description of act]?" If the witness answers "Yes," ask the witness, "In your own words, can you describe how certain you are?"
- E. **Document the Witness's Responses.** Record the witness's responses to each question. Whether or not video or audio recording is possible, document the witness's response using the witness's own words when possible.
- F. After identification, a follow-up interview should assess any relevant factors that support the identification, such as; special facial features, hair, marks, etc.

#### 3. Document Procedures and Results.

- A. **Have the Witness Sign and Date the Results.** Once the procedure is completed, show the witness the written record of the results, and ask the witness to sign and date that record.





- B. **Photograph the Suspect.** Whenever possible, photograph the suspect at the time of the show-up.
- C. **Document the Procedure.** The administrator should document:
  - the administrator's name
  - the procedure employed
  - date, time, and location of the procedure
  - names of persons present during the show-up
- D. **Multiple Witnesses.** Show-ups should not be conducted with more than one witness present at a time. If there are multiple witnesses and one witness makes an identification during a show-up, that identification should provide probable cause for an arrest, and the remaining witnesses should ordinarily be shown a photo array or lineup rather than a show-up.
- E. **Multiple Show-ups with Same Suspect and Same Witness.** Avoid multiple identification procedures in which the same witness views the same suspect more than once. Should you decide to do more than one identification procedure you are likely to be called upon to clarify and/or justify the action.
- F. **4. Multiple Suspects.** If there are two suspects, the witness should view two separate show-ups, each conducted in accordance with these procedures. Two or more suspects should not be shown to the witness at the same time.

### CONDUCTING LIVE LINEUPS 37.06

In those rare situations in which a live lineup is necessary, live lineups are to be conducted by an independent administrator, i.e. someone who does not know which person in the lineup is the suspect. Investigators may utilize another sworn HCCPD member or a sworn member of another agency for this purpose.

#### .1 Compose the Lineup.

- A. **Number of Suspects.** Include only one suspect at a time in each lineup.
- B. **Number of Fillers.** Whenever possible, include a minimum of four fillers (non-suspects) per lineup. Since increasing the number of fillers tends to increase the reliability of the procedure, include as many above the minimum as desired.
- C. **Resemblance of Fillers to Suspect.** In general, fillers should resemble the witness's *description* of the perpetrator in significant features (such as face, profile, height, weight, age, build, posture, hair and facial hair, specific articles of clothing, etc., to the extent applicable to the photos being used) or, in cases where a composite was used, fillers should resemble the composite. If a person who has never seen the perpetrator would be able to pick out the suspect from the lineup based on knowing only the description given by the eyewitness, then the fillers may not sufficiently resemble the description of the perpetrator. For instance, if the perpetrator was described as having an unusual identifying mark, all fillers should have similar markings or similar coverings over the described area. When there is an inadequate description of the perpetrator, or when there is a suspect whose appearance differs from the description of the perpetrator, fillers should resemble





the suspect in significant features.

- D. **Assess the Lineup.** Make sure that no person stands out from the rest.
- E. **Filler as Lead Subject.** Always lead lineups with a filler.  
*Explanation: Research suggests witnesses are reluctant to identify someone in the first position and, if that person is the suspect, a misidentification may result.*
- F. **Limit Contact between Witnesses and Fillers.** Take precautions to ensure that witnesses do not encounter suspects or fillers at any time before or after the identification procedure.

.2 Conduct the Lineup (*This must be done by an independent administrator.*)

- A. **Record the Identification Procedure.** If practical, record to video, audio, CD or DVD the entire photo identification procedure. Video is preferable.
- B. **Availability of Other Results to Witness.** Ensure that no writings or information concerning previous identification results are visible to the witness.
- C. **No Persons Present Who Know the Suspect's Identity.** To the extent possible, ensure that no one who knows the suspect's identity is present during the lineup procedure except defense counsel (if present).
- D. **Witness's Knowledge of Number of Suspects.** The witness should not know how many individuals will be shown.
- E. **Instruct the Witness.** Give the witness a written copy of the *Live Lineup* instruction sheet and read the instruction aloud, including the acknowledgment section. Have the witness sign and date below. (Some witnesses may decline to sign. When a witness declines to sign, it is sufficient for the investigating officer to document that the witness was appropriately instructed.)
- F. **Present Subjects One at a Time.** Begin with all lineup participants out of the view of the witness. Present each individual to the witness separately, in a previously determined order, removing those previously shown from the field of view.
- G. **Question the Witness.** After each individual is shown, ask the witness: "Is this the person you saw [insert description of act]?" If the witness answers "Yes," ask the witness, "In your own words, can you describe how certain you are?" Whether or not this is possible, document the witness's response using the witness's own words when possible.
- H. After identification, a follow-up interview should assess any relevant factors that support the identification, such as: special facial features, hair, marks, etc.
- I. **Show Every Subject.** Even if the witness makes an identification, show the witness the next subject until all subjects have been shown. If a witness asks why he/she must view the rest of the subjects despite already making an identification; simply tell the witness that the procedure requires the officer to show all the subjects.

*Explanation: Showing all subjects in the series ensures that the lineup will reveal as much information as possible. For instance, a witness may make an identification of an early subject, but then change his/her mind after viewing a later subject. This change supplies important information about both the suspect and the witness.*

- J. **Actions of Lineup Members.** Ensure that any identification actions (e.g., speaking, moving, etc.) are performed by all members of the lineup.



- K. **Commenting on Selection and Outcome.** Do not give the witness any feedback regarding the individual selected or comment on the outcome of the identification procedure in any way. Be aware that witnesses may perceive such things as unintentional voice inflection or prolonged eye contact, in addition to off-handed words or phrases, as messages regarding their selection. Avoid casual comments such as “very good.” Be polite but purposeful when you speak.
- L. **Request for Additional Viewing.** Only upon request of the witness, the witness may view one or more of the subjects again after the lineup has been completed. If this occurs, it must be thoroughly documented. The lineup administrator should never suggest additional viewing.

*Explanation: Allowing a witness to view a lineup a second time converts the procedure from a sequential to a quasi-simultaneous lineup, thereby risking the benefits of the sequential procedure. In the interest of facilitating an identification, a witness who asks to see the lineup a second time may be permitted to do so, but because this diminishes the value of the identification it should not be offered without request.*

.3 Document Procedures and Results.

- A. **Have the Witness Sign and Date the Results.** Once the procedure is completed, show the witness the written record of the results, and ask the witness to sign and date that record.
- B. **Photograph the Lineup Subjects.** As stated above, video or audio recording the entire identification procedure is recommended. Whether or not this is possible, photo documentation of the suspect and fillers should be taken. Photo documentation can be of either the group or each individual, but should preserve the appearances of the suspect and fillers and the order of the lineup.
- C. **Document the Procedure.** The administrator should document:
  - the administrator’s name
  - the procedure employed
  - date, time, and location of the procedure
  - the number of fillers
  - names of persons present during the lineup
  - if additional viewing occurred

.4 Procedures for Multiple Suspects or Multiple Witnesses.

- A. **No Communication between Witnesses.** To the extent possible, prevent witnesses from conferring with each other before, during, and after the lineup procedure.
- B. **Separate Instructions.** Each witness should be instructed outside the presence of the other witnesses.
- C. **Showing the Same Suspect to a New Witness.** Place the suspect in different positions in each lineup. Position all other members of the lineup randomly.

*Explanation: Placement in this way reduces the possibility that a second or third witness will identify someone based on the position number communicated to them by the first witness.*



- D. **Multiple Lineups with Same Suspect and Same Witness.** Avoid multiple identification procedures in which the same witness views the same suspect more than once. Should you decide to do more than one identification procedure you are likely to be called upon to clarify and/or justify the action.

*Explanation: Showing a witness the same suspect in more than one identification procedure can be highly suggestive and can influence the witness to pick out that suspect based on remembering the suspect from the first identification procedure, rather than from the crime.*

- E. **Showing a Different Suspect to the Same Witness.** When showing a different suspect to the same witness, do not reuse the same fillers from a previous lineup shown to that witness.



HAGERSTOWN COMMUNITY COLLEGE  
POLICE DEPARTMENT  
EYEWITNESS IDENTIFICATION INSTRUCTIONS  
SEQUENTIAL PHOTO ARRAY

Case Number: \_\_\_\_\_

Witness Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Address: \_\_\_\_\_

*To be read to the eyewitness by the officer conducting the sequential photo array:*

The folders in front of you contain photos. In a moment, I am going to ask you to look at the photos. The suspect who committed the crime may or may not be included in the photos. Although I placed the photos into the folders, I have shuffled the folders so that right now I do not know which folder contains a particular photo. Even if you identify someone during this procedure, I will continue to show you all photos in the series. Keep in mind that things like hair styles, beards, and mustaches can be easily changed and that complexion colors may look slightly different in photographs. You should not feel you have to make an identification. It is as important to exclude innocent persons as it is to identify the perpetrator.

You will look at the photos one at a time and, since I have shuffled them, they are not in any particular order. When you open a folder, please open it in a manner that does not allow me to see the photo inside the folder. Take as much time as you need to look at each one. When you have finished looking at a photo, close the folder and hand it to me. I will then ask you, "Is this the person you saw (*enter description of act here*) \_\_\_\_\_?" Take your time answering the question. If you answer "Yes," I will ask you, "In your own words, can you describe how certain you are?"

Because you are involved in an ongoing investigation, in order to prevent compromising, the investigation, you should avoid discussing this identification procedure or its results.

Do you understand the way the photo array procedure will be conducted and the other instructions I have given you?

*Eyewitness acknowledgment of instructions (to be read to the eyewitness):*

I have read these instructions, or they have been read to me, and I understand the instructions. I am prepared to review the photographs, and I will follow the instructions provided on this form.

Signed: \_\_\_\_\_

Date and Time: \_\_\_\_\_



HAGERSTOWN COMMUNITY COLLEGE  
POLICE DEPARTMENT  
EYEWITNESS IDENTIFICATION INSTRUCTIONS  
**SHOW-UP (ONE-ON-ONE)**

Case Number: \_\_\_\_\_

Witness Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Address: \_\_\_\_\_

*To be read to the eyewitness by the officer conducting the show-up:*

In a moment, I am going to show you an individual. That person may or may not be the true perpetrator. I do not know if the person is the true perpetrator.

You should not feel you have to make an identification. It is as important to exclude innocent persons as it is to identify the perpetrator.

After you have observed the individual, I will ask you, "Is this the person you saw (enter description of act here) \_\_\_\_\_

?" Take your time answering the question. If you answer "Yes," I will then ask you, "In your own words, can you describe how certain you are?"

Because you are involved in an ongoing investigation, in order to prevent compromising, the investigation, you should avoid discussing this identification procedure or its results.

Do you understand the way this procedure will be conducted and the other instructions I have given you?

*Eyewitness acknowledgment of instructions (to be read to the eyewitness):*

I have read these instructions, or they have been read to me, and I understand the instructions. I am prepared to observe the individual who will be presented to me, and I will follow the instructions provided on this form.

Signed: \_\_\_\_\_

Date and Time: \_\_\_\_\_



HAGERSTOWN COMMUNITY COLLEGE  
POLICE DEPARTMENT  
EYEWITNESS IDENTIFICATION INSTRUCTIONS  
**LIVE LINEUP**

Case Number: \_\_\_\_\_

Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Address: \_\_\_\_\_

*To be read to the eyewitness by the officer conducting the live lineup:*

In a moment, I am going to show you a series individual. The person who committed the crime may or may not be included.

I do not know whether the person being investigated is included. Even if you identify someone during this procedure, I will continue to show you all individuals in the series.

Keep in mind that things like hair styles, beards, and mustaches can be easily changed.

You should not feel you have to make an identification. It is as important to exclude innocent persons as it is to identify the perpetrator.

The individuals will be shown to you one at a time and are not in any particular order. Take as much time as you need to look at each one. After each individual, I will ask you, "Is this the person you saw (enter description of act here) \_\_\_\_\_?" Take your time answering the question. If you answer "Yes," I will then ask you, "In your own words, can you describe how certain you are?"

Because you are involved in an ongoing investigation, in order to prevent compromising, the investigation, you should avoid discussing this identification procedure or its results.

Do you understand the way the lineup procedure will be conducted and the other instructions I have given you?

*Eyewitness acknowledgment of instructions (to be read to the eyewitness):*

I have read these instructions, or they have been read to me, and I understand the instructions. I am prepared to review the individuals who will be presented to me, and I will follow the instructions provided on this form.

Signed: \_\_\_\_\_

Date and Time: \_\_\_\_\_



## DEPARTMENT PROCEDURES FOR USE OF COMPUTERS AND INFORMATION TECHNOLOGY

### PURPOSE 38.01

.1 The purpose of this chapter is to establish policy relative to the use of Departmental computers and information technology including, but not limited to, electronic mail, the Internet, Departmental and HCC local area networks, information exchange networks, paging systems, electronic bulletin boards, voice mail systems, mobile data terminals/computers, facsimile machines, and other electronic messaging devices or systems.

.2 Transmission of electronic messages and information on communications media provided for members of this Department shall be treated with the same degree of propriety, professionalism, and confidentiality as written correspondence or public records.

### RESPONSIBILITY FOR MANAGEMENT, SECURITY, AND ACCESS 38.02

.1 The responsibility to monitor and manage the use of such technology falls within each member's responsibilities. Overall management of Departmental systems is assigned to the Chief of Police who shall work with the College IT Staff to establish procedures for the management and inspections of such systems.

.2 Employees are advised that they do not maintain privacy in Departmental information technology equipment or its contents to include personally owned software. All forms of Departmental information technology and their contents or transmissions are the property of this Department. Any such file shall be subject to review and inspection by appropriate Department supervisors.

- A. All electronic messages should be considered in the public domain. Employees should have no expectation of privacy regarding electronic messages. All transactions on the MDT are electronically logged. Short personal messages are allowed as long as they are not offensive, degrading or embarrassing in any way to the Department or any individual. Under no circumstances will an employee use the MDT system to broadcast jokes, sexual comments or innuendos of a provocative or suggestive nature, or language that creates an intimidating, hostile or offensive working environment of any kind. To ensure proper procedures are being followed, the Patrol Lieutenant will periodically review message logs. CALEA 41.3.7
- B. At least once during each calendar year, the Chief of Police and or designee will randomly select two (2) days of MDT "chat logs" for review to ensure that messages or conversations are consistent with Departmental and HCC Technology policies. Any discovered inconsistencies with current policy will be reported immediately to the Chief of Police for additional training, guidance or corrective action.
- C. Any electronic message that is sent through the MDT system may later be retrieved by authorized personnel, even though it may have been deleted from the assigned employee's



## Chapter 38

## Use of Computers and Information Technology

MDT. Electronic messages are not a protected form of communication and could be subject to a Maryland Public Information Act request, a discovery motion in a criminal case, civil case, or internal investigation.

- D. Broadcast messages to all system users must involve operational law enforcement matters.
- E. Personnel status notifications, e.g., in service and/or out of service, will not be communicated by electronic messaging on Mobile Data Terminals since acknowledgment of such transactions may not occur in a timely fashion.

.3 All Departmental files, records, or communications shall be accessible to the Patrol Lieutenant and Chief of Police.

.4 Confidential, proprietary, or sensitive information may be disseminated (or made available through shared directories or networked systems) only to individuals with a need and a right to know, and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes but is not limited to:

- Transmittal of personnel information, such as salary, performance reviews, complaints, grievances, misconduct, disciplinary information, medical records or related employee information.
- Criminal history information and confidential informant master files, identification files, or related information.
- Intelligence files and information containing sensitive tactical and undercover information.

.5 Employees are prohibited from intentionally accessing, importing, loading, or downloading materials (other than required for police business) that involves the use of obscene language, images, jokes, sexually explicit materials, or messages that disparage any person, group, or classification of individuals. Transmitting, sending, uploading, or otherwise using such material whether or not a recipient has consented to or requested it, is also prohibited unless required for police business.

.6 No employee shall access or allow others to access or use any file, database, or other component of Department information technology unless that person has a need and a right to such information. Additionally, no employee shall reveal personal identification and access codes to any unauthorized source. CALEA

.7 To avoid breaches of security, members shall, whenever they leave a work station, log off or lock any personal computer or network terminal they had been using that has access to the Department's computer network, electronic mail system, the Internet, or sensitive information. **Employees shall not access or otherwise use network computers, files, programs, applications, etc., under another employee's login access, except as necessary in the performance of their duties.**





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## Use of Computers and Information Technology

.8 The Department reserves the right to access any information contained in any information technology equipment and may require members to provide passwords to files that have been encrypted or password protected.

.9 The Department reserves the right to access, for quality control purposes and/or for violation of policy and procedures, electronic and voice transmissions of members using Department equipment.

.10 Any police department or HCC employee whose job responsibilities require access to CPD controlled technology capable of accessing METERS/NCIC/CJIS shall be subject to a NCIC/CJIS fingerprint check for criminal history records. HCCPD employees who have already had such a check as part of the pre-employment background investigation will be required to have a separate fingerprint check completed in order to obtain a METERS/NCIC/CJIS login.

### PERSONAL USE OF DEPARTMENT INFORMATION TECHNOLOGY 38.03

.1 Personal Uses - Electronic communications via Departmental information technology shall be limited to minimal and infrequent personal use. Excessive personal and/or inappropriate use is prohibited. Personal use of Departmental information technology may not be connected with a profit-making business enterprise or the promotion of any product, service, or cause that has not received prior approval by the Chief of Police. Additionally, personal use may not interfere with the operations of this Department or its employees, nor may it cause additional expense to the Department.

.2 Content or Subject - Employees are prohibited from personal use of information technology that involves any content or subject matter which would in any way be considered inappropriate for general public and open discussion, or which is inappropriate for the work place. Unacceptable uses of information technology includes, but is not limited to, the following:

A. Access to websites with the following:

- 1) Sexually explicit material
- 2) Gambling
- 3) Music and radio (sites using streaming technology)
- 4) Auction sites
- 5) Chat rooms (unless access is work related)
- 6) Clandestine, terroristic, or otherwise subversive material
- 7) On-line games.

B. Any use that is a violation of laws, HCC policy, or department policy.

C. Use of profanity or obscenity that maybe offensive to another user.

D. Copying or distributing commercial software in violation of copyright law.



## Chapter 38

## Use of Computers and Information Technology

.3 Personnel may make off-duty use of Department computers for professional and career development purposes when in keeping with other provisions of Department Rules and Regulations, and with prior knowledge of an appropriate supervisor.

### IMPORTING/DOWNLOADING INFORMATION AND SOFTWARE 38.04

.1 The HCC IT Department has installed firewalls, antivirus software, internet screening programs, and other security systems to assure the safety and security of the College's network systems. Irrespective of those protections, employees are expected to use caution when importing/downloading documents and files, and when opening electronic attachments. Information on protecting information systems from security breaches can easily be found on the internet or obtained from the HCC IT Department. Some basic precautions include the following measures:

- Only open links and downloads you trust or are familiar to you. Be particularly aware of unsolicited e-mail attachments.
- Beware of phishing and social engineering attacks, i.e. email or other notifications that appear to come from legitimate sources asking for personal information. These frequently take the form of some type of scare tactic, or maybe asking for information for an update.
- Scan (for viruses) external drives you connect to your computer.
- Do not auto save passwords.
- If you think you may have downloaded malware or a virus, or have accessed a harmful website, notify the HCC IT Department immediately.

.2 Employees shall also observe the copyright restrictions of any documents, images, or sounds sent through or stored on electronic-mail.

### INSTALLATION OF SOFTWARE AND HARDWARE ON DEPARTMENTAL COMPUTER SYSTEMS 38.05

.1 Only software which is necessary to facilitate Departmental purposes shall be installed or loaded onto Departmental computers. No personal, "trial," or other software shall be installed without written authorization. All software to be installed on a Departmental computer shall be reviewed by the HCC IT staff for compatibility with Departmental computers.

.2 Any manipulation or alteration of software running on Department-owned equipment must be approved and authorized by the HCC IT staff. CALEA 41.3.7(d)

.3 Any software for which proof of licensing (original disks, original manuals and/or license) cannot be provided is subject to removal by authorized agency personnel.

.4 Any hardware enhancements or additions to Department-owned equipment, or any configurations changes (user settings excluded), must be approved and authorized by the HCC IT staff. The HCC IT staff is responsible for determining proper installation procedures.



## **DISTRIBUTION AND USE OF DEPARTMENTAL ELECTRONIC MAIL ADDRESSES**

### **38.06**

.1 Departmental e-mail addresses are issued for Departmental purposes. Their distribution and publication should be limited to those persons or entities who/which may have appropriate use for such addresses. Employees are discouraged from using and distributing such addresses for personal purposes and/or to sources which may engage in nuisance and multiple and/or “bulk “mailings to CPD.

.2 Employees shall not permit others to utilize the Department’s electronic mail system.

## **FACSIMILE MACHINES AND USE OF DEPARTMENTAL COMPUTER MODEMS 38.07**

.1 All facsimile machines, computer modems, voice mail, and other electronic communications systems fall within and are governed by the above parameters and restrictions.

.2 Departmental Pagers - Alphanumeric and telephone tone driven pager systems are generally subject to the parameters of this chapter. However, employees are not prohibited or precluded from utilizing these paging systems for personal purposes as long as they are in no way utilized in a manner that would be illegal, abusive of the service system or which is counter-productive to the Departmental mission and purpose. They shall not be utilized in any manner which may cause additional expense to the Department.

## **SYSTEM SECURITY 38.08**

Computer security is necessary to safeguard information stored in agency computers from being accessed by unauthorized individuals.

.1 Physical Security: The network servers, network wiring patch panels, and switches are located in the College IT closets. Those rooms are located in the various buildings on campus. Access to the IT closets shall be limited to personnel working on the system or working with the system administrator.

.2 Network Security: Access to network computers shall be controlled through a central security system by the system administrator. Each user shall be assigned a unique login name. This login identity allows the system administrator to establish access rights and limitations on an individual user basis.

Each user is required to select and maintain a password. The password must be a minimum of 8 characters in length. To meet password complexity requirements, passwords must contain at least three (3) of the following: upper case letters, lower case letters, numerals and special symbols.

### **CALEA**

User passwords are required to be changed when prompted by the College IT department. Users are provided a warning when they logon within several days of the expiration of their existing



password. The user may change the password at a time convenient to them. If they fail to change to a new password within the prescribed time frame, their existing password will expire and they will be unable to access the network. User passwords are confidential and shall be treated as such. If a user maintains a written record of their password, this written record must be secured and not openly displayed.

**.3 Addition and Removal of Users:** The system administrator will be responsible for creating new user accounts and assigning each new user with a unique login name.

Upon notification of the termination of an employee, the system administrator will promptly remove or disable access by this user. The system administrator may modify access privileges to the user's home folder to allow access by the users' supervisor if requested. The supervisor will be responsible for reviewing any data files remaining in the user's home folder. These files will then be purged or moved to another active folder in the system. The user's home folder will then be deleted by the system administrator.

**.4 System Security Audits:** At least annually, the Director of IT will review all user accounts to assure access is being granted only to authorized users. Any access violations discovered will be reported immediately to the Chief of Police.

### SYSTEM BACK UP POLICY 38.09

**.1** The purpose of a system backup is to provide a source of redundant data which can be used to restore that data which has been lost, destroyed, corrupted, or deleted either by accident or through malicious acts.

**.2** The College IT department has implemented a backup procedure to provide a multi-tier set of redundancy. While the methods described herein are not fail-safe, they provide a reasonable expectation of data redundancy and safety.

**.3** The HCC IT staff is responsible for establishing the routine backup configurations, and monitoring of these backups. Throughout this policy this individual will be referred to as the operator.

**.4 The Backup Process:** The process of a system backup is performed automatically. Network backup software has been installed and configured to perform backups to an on-premise storage appliance. Backups occur on at least a daily basis, usually overnight. Some files, such as user files are backed up multiple times throughout the day. The system is designed to run in an automated, unattended state. The operator shall regularly monitor the status of the backup software and scheduled jobs.

**.5 What is Backed-Up:** The backup process performs backups of data files on each of the servers on the network, excluding surveillance video. This includes shared folders, user home folders, user



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profiles, and user mailboxes. Critical servers are backed up in entirety to allow complete server recovery in the event of a catastrophic failure.

**.6 Retention:** Backup retention policies are based on the type of data backup and system. These policies are maintained within the software and applied automatically.

### USE OF HCC/DEPT. ISSUED CELLPHONES 38.10

**.1** Specific members of the HCC Police Department are issued cellphones by the College. Those cellphones are necessary for everyday use and contact for after hour emergencies. Employees occupying positions requiring issued cellular telephones may elect to use their own cellular telephones in lieu of issued ones. Such employees are not bound by the policies regarding issued cellular telephones. They must, however, provide the Department with the number of their personal cellular telephones and be available for contact via the personal cell phone as if it were Department issued.

### SECURITY OF PHYSICAL AND ELECTRONIC MEDIA 38.11

**.1** For the purposes of this section, physical media refers to the physical materials used to transmit information in data communications. Examples include network interface cards, network hubs, network switches, routers, and cabling. Electronic media refers to any type of device that stores and allows distribution or use of electronic information, Examples include hard drives, flash drives, thumb drives, CD ROMs, and DVDs, and magnetic tapes, as well as mobile data devices such as smart phones or tablets, which include integrated data storage.

**.2** The security of physical media and electronic media is necessary to minimize the risk of sensitive information (CJIS or NCIC information) being compromised by becoming accessible to unauthorized persons.

**.3** Regarding media used to store, access, or distribute sensitive or restricted information (such as CJIS or NCIC information), the person in control of a particular media has the responsibility to ensure it is handled, transported, and stored in a manner that minimizes the risk of access by unauthorized persons. Methods may include data electronic controls such as encryption or password protection. They may also include physical controls such as maintaining physical possession, placing in locked container, placing in locked storage, or keeping in an already restricted area.

**.4** Electronic media used to store criminal justice information content is to be sanitized, that is, overwritten at least three times or degaussed prior to disposal or release for reuse. Inoperable or other forms of electronic media used to store criminal justice information shall be destroyed (cut up, shredded, etc.). The IT staff will oversee or conduct the sanitization or destruction of agency owned electronic media, or contract with a third-party vendor who has signed the CJIS security addendum. The overwriting or destruction of personally owned electronic media is the responsibility of the person in control of it. The IT staff can assist if needed.



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.5 Physical media components capable of retaining accessible data that could result in unauthorized access to CJIS or NCIC information is to be destroyed. The IT staff will oversee or conduct the destruction of agency owned physical media, or contract with a third-party vendor who has signed the CJIS security addendum. The destruction of personally owned electronic media is the responsibility of the person in control of it. The IT staff can assist if needed.



## DEPARTMENT PROCEDURES FOR PERSONNEL EARLY WARNING SYSTEM

### PURPOSE 39.01

The purpose of this chapter is to provide the Department with a system for the early identification of sworn personnel who may need some type of corrective action and a procedure for collecting and evaluating materials for implementing such corrective action. This system is intended to increase Department accountability and offer sworn personnel a better opportunity to meet the Department's values and mission statement.

### POLICY 39.02

It is the policy of the Hagerstown Community College Police Department to initiate employee reviews based on current patterns of specific collected materials that is approved by the Chief of Police or designee, which indicate a sworn member may require Department intervention efforts. Through the use of a Personnel Early Warning System, the Department seeks to identify escalating patterns of less serious misconduct and abate them through intervention before they result in more serious cases of misconduct. The HCC Police Department recognizes that the nature of police work calls for the exercise of a greater degree of diligence in early intervention than would be required for other occupations. CALEA

### EMPLOYEE ASSISTANCE PROGRAM (EAP) REFERRALS 39.03

.1 Referrals to the EAP are done primarily by first line supervisors. The basis of a referral to the EAP is appropriate when:

- An on-going employee problem shows no reasonable improvement, particularly when other supervisory attempts have failed.
- An employee has told the supervisor of personal problems the employee is experiencing, even when there is no deterioration in work performance.

.2 The Supervisor's responsibility when considering an EAP referral is observing/ documenting job performance and recognizing signs of potential problems. The supervisor is not expected to play the role of a counselor—the EAP provides that service. Signs of potential problems that may prompt an EAP referral include:

1) Absenteeism

- Excessive use of or abuse of sick leave.
- Excessive tardiness.
- AWOL violations.
- Frequently missing court or other assignments.

2) Attention and Concentration

- Repeated reasonably preventable accidents on or off the job that cause reduced performance level or loss of time on the job.



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## Personnel Early Warning System

- Alternating periods of high and low productivity.
  - Increased difficulty in handling complex assignments.
  - A pattern of missed deadlines.
  - Failure to follow instructions.
  - Errors in judgement.
- 3) Interpersonal Relationships
- Frequent conflicts with co-workers or supervisors.
  - A pattern of overreaction to criticism.
  - Frequent loss of temper or withdrawal from others.
  - Unreasonable resentments
  - Frequent conflicts with the public.
- 4) Mood and Behavior
- “Sloppy” personal appearance, or extreme changes in appearance.
  - Withdrawn or extreme changes in behavior.
  - Memory loss, poor judgement, confusion.
  - Preoccupation with personal problems that may or may not be discussed openly.

.3 The fact that a supervisor is making an EAP referral does not relieve him/her of the responsibility to take other appropriate corrective action when appropriate. Recognizing the above signs and making an EAP referral is an additional tool that may be used to assist employees in reaching their full potential as a member of this Department.

.4 Supervisors should refer to the EAP training/reference materials (made available by the Human Resources Department) for information on making employee referrals to the EAP.

.5 Referrals to EAP by supervisory personnel do not obligate employees to attend any program. Such referrals are intended to encourage employees to take advantage of external resources which may help them with problems that affect work performance. Only the Chief of Police can mandate that an employee attend EAP programs.

.6 Any member who notices that another employee is displaying the types of problems described in this section should report same to the other employee’s immediate supervisor. Such a report may be kept confidential if desired by the reporting employee.

### **FITNESS FOR DUTY EXAMINATIONS 39.04**

.1 Some patterns of behavior may be too severe for a referral to the EAP. In such cases, a fitness for duty examination would be indicated.

.2 Indicators that a fitness for duty examination may be appropriate include:

- 1) A sworn employee in acute crisis where the employee’s actions or statements indicate he/she may cause harm to him/herself or others.





- 2) On-duty use of alcoholic beverage or reporting to work while under the influence of alcohol.
- 3) Any other behavior that would lead the supervisor to believe that allowing the sworn employee to continue to exercise the duties of a police officer would be unsafe for the employee or others.
- 4) A sworn employee whose performance and behavior support reasonable concerns about long term fitness for duty, but who does not appear to pose an immediate danger to him/herself or others (e.g. suspected alcoholism, a recommendation for fitness for duty exam pursuant to section 12.9).

.3 All personnel have the affirmative duty to report any of the above indicators which they believe are occurring or have occurred with another employee, to that employee's immediate supervisor, regardless of rank.

.4 Supervisory personnel observing or receiving information that would lead them to believe a fitness for duty examination is appropriate will report same in writing to the Chief of Police. The Chief will review the report and may discuss the situation with the supervisor and other appropriate staff. If the Chief determines a fitness for duty examination is in order, it shall be arranged by the Department at no cost to the employee, and conducted by a mental health professional selected by the Department.

.5 The purpose for the fitness for duty evaluation will be to arrive at one of the following conclusions:

- 1) The officer is fit for duty with no further action necessary ~ The officer will return to duty with no restrictions.
- 2) The officer is currently unfit for full duty.
- 3) The officer is fit for duty with additional counseling required ~ The officer will return to duty and will be required to attend additional counseling as recommended by the health care professional. The source of the counseling may be selected by the officer. The officer will provide to the Department's mental health professional proof of attendance at, and completion of, the counseling. Failure to do so shall be considered unsatisfactory performance.

.6 All communications between the officer and the mental health professional are confidential. **The only information that will be provided to the Police Department will be the mental health professional's conclusions as to fitness for duty, and notification of compliance with additional counseling requirements.** The same information may be provided to the Human Resources Department when an adverse employment action is being contemplated.

.7 No psychological/psychiatric information will be transmitted to the Police Department or the Human Resources Department, and the notifications described in 39.4.6 will be securely maintained in the Office of the Chief of Police, separate from other personnel records.



## Chapter 39

## Personnel Early Warning System

.8 The Department's sole interest with regard to the above procedure is protecting the well-being of its employees, and the public it serves. It is also recognition of the stressful nature of police work.

### EMERGENCY SUSPENSION FROM DUTY 39.05

.1 If, in the supervisor's judgement, a sworn employee's behavior fits any of the first three indicators listed above in 39.4.2, the supervisor will immediately contact the Chief of Police and report his/her observations. Based on the supervisor's information, the Chief of Police will decide as to whether or not emergency suspension from duty is authorized. If the Chief of Police cannot be contacted, the supervisor shall order the emergency suspension.

.2 If the suspension is authorized, the supervisor will immediately notify the sworn employee in writing that his/her enforcement authority is suspended pending a review and determination of fitness for duty examination. The supervisor will take and secure the employee's department issued firearm(s), ammunition, and identification. The supervisor will report his observations and actions in writing to the Chief of Police. The procedures in 39.4 will then be followed. CALEA

### PERSONNEL REVIEW OF EXCESSIVE FORCE COMPLAINTS 39.06

Each time an excessive force complaint, or a complaint of misconduct relating to the use of force, is received by this Department on one of its sworn members, the Internal Affairs Administrator shall review the employee's disciplinary record for prior complaints. For every two complaints received within any twelve-month period the following procedures shall be initiated.

.1 The officer's entire employment record, including all disciplinary files, will be reviewed by a mental health professional selected by the Department. Based on his/her review of the employment records, the mental health professional will make a recommendation as to whether or not further evaluation of the officer is indicated.

.2 If further evaluation is indicated, the officer will be scheduled for a fitness for duty evaluation. The procedures in 39.4 will then be followed. CALEA

### ANNUAL EVALUATION 39.07

.1 Annually, the Patrol Lieutenant shall conduct a written evaluation of the Personnel Early Warning System to include:

- 1) Number of personnel referred to EAP by supervisors.
- 2) Number of personnel referred for fitness for duty as a result of the indicators in this chapter.
- 3) Number of excessive force referrals.
- 4) An assessment of the system's overall effectiveness in the early identification of potential problem employees.

.2 The annual evaluation will be submitted to the Chief of Police or designee for approval. CALEA

**TRAUMATIC INCIDENT DEBRIEFING 39.08**

.1 All officers involved in traumatic incidents shall attend a debriefing with a psychologist or other qualified mental health care professional. The Department will attempt to have an appointment for the debriefing scheduled before the end of the next business day following the incident. If this is not possible, the Department will have the appointment scheduled as soon as possible. The appointment date itself will depend on the mental health care professional's availability. The debriefing is mandatory and will be provided at the department's expense. Normally, the College's EAP provider will be utilized. The mental health care professional shall not be one the Department uses for fitness for duty evaluations. All communications between the officer and the health care professional are confidential and are not subject to review by the Department. Only the officer's initial attendance will be verified by the Department.

.2 Examples of situations that would qualify as traumatic incidents include, but are not limited to;

- a serious assault on the officer.
- a fatal traffic crash witnessed by the officer.
- a suicide witnessed by or occurring in the presence of an officer.
- an incident which the officer identifies as having been traumatic.
- an incident involving the death of a child under violent circumstances.
- an incident involving the death or near death of a fellow officer.

.3 Because it is impossible to list all possible scenarios which would meet the definition of a traumatic incident, it will be the responsibility of each employee's supervisor to make such a determination. Supervisors should use the above examples and/or observations of the officer as guides.

.4 The employee's supervisor is responsible for making the Chief of Police aware of the need for a traumatic incident debriefing. The Chief of Police will ensure a debriefing is scheduled.

.5 In addition to the debriefing described above, six months after an incident, officers will be scheduled for a debriefing with the mental health care professional the Department uses for fitness for duty evaluations. The purpose for this is to identify signs of post-traumatic stress disorder which can surface months after an incident, and to identify appropriate assistance for affected employees.

**REMOVAL FROM ASSIGNMENT 39.09**

.1 In addition to the above requirements for traumatic incident debriefing, any employee whose action(s) or use of force in an official capacity results in death or serious physical injury shall be removed from line-duty assignments and be reassigned to a non-line-duty assignment with pay (after completing all investigative requirements).

.2 The employee will remain on administrative reassignment pending the completion of an administrative review by the Chief of Police as to the appropriate disposition.



## Chapter 39

## Personnel Early Warning System

### Mandated Bi-Annual Mental health Assessment 39.10

.1 All sworn officers must participate in a Bi-Annual assessment on a revolving 2-year cycle.

Reporting requirements are captured via annual in-service training records in Skills Manager under course ID-PMENTALH. Completion of this requirement is reported to the Maryland Police and Correctional Training Commission

.2 Bi-Annual assessments will be conducted by the Frederick Psychology Center unless otherwise designated by the Chief of Police.



## DEPARTMENT PROCEDURES FOR MISSING CHILDREN

### PURPOSE 40.01

The purpose of this policy is to establish guidelines and responsibilities regarding this agency's response to reports of missing children, including runaway, abandonment, abductions, or other missing status.

### POLICY 40.02

- .1 It shall be the policy of this agency to thoroughly investigate all reports of missing or unidentified children. All children reported missing will be considered at risk until significant information to the contrary is confirmed. All reports of missing or unidentified children will be investigated when they are first received. No waiting period for investigating a missing or unidentified child shall be observed.
- .2 Jurisdictional conflicts are to be avoided when a child is reported missing. If a missing child was last seen in this jurisdiction, this agency will immediately initiate the required investigative and reporting process.
- .3 Questions concerning parental custody occasionally arise in relation to missing child reports. It shall be the policy of this agency to accept the report of a missing child even if custody has not been formally established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing child(ren) is paramount, members of this agency will open a case when it can be shown that the child has been removed, without explanation, from this jurisdiction.

### DEFINITIONS 40.03

Missing child: Any person under 18 years of age whose whereabouts are unknown to his/her parent, guardian, or responsible party.

Missing child at risk: A missing child with one or more of the unusual circumstances noted below.

Unusual Circumstances: Applies to a missing child who is any of the following:

- 1) 13 years of age or younger;
- 2) Out of the zone of safety for his or her age, developmental stage, and/or physical condition (The zone of safety will vary depending on the age of the child and his or her developmental stage. In the case of an infant, for example, the zone of safety will include the immediate presence of an adult custodian or the crib, stroller, or carriage in which the infant was placed. For a school-aged child the zone of safety might be the immediate neighborhood or the route taken between home and school.);



- 3) Mentally diminished; (If the child is developmentally disabled or emotionally disturbed, he or she may have difficulty communicating with others about needs, identity, or address. The disability places the child in danger of exploitation or other harm.);
- 4) Drug dependent, including both prescription and illicit substances; (Any drug dependency puts the missing child substantially at risk. The diabetic or epileptic child requires regular medication or his or her condition may become critical. The illicit drug abuser, on the other hand, may resort to crime or become the victim of exploitation.);
- 5) A potential victim of foul play or sexual exploitation (Significant risk to the child can be assumed if investigation indicates a possible abduction, violence at the scene of an abduction, or signs of sexual abuse.);
- 6) In a life-threatening situation; (The environment in which the child is missing may be particularly hazardous. Examples of a dangerous environment could be a busy highway for a toddler, an all-night truck stop for a teenager, or an outdoor environment in inclement weather for a child of any age.);
- 7) Absent from home for more than 24 hours before being reported to law enforcement as missing (While some parents may incorrectly assume that 24 hours must pass before law enforcement will accept a missing-person case, a delay in reporting might also indicate the existence of neglect or abuse within the family.);
- 8) Believed to be with others who could endanger his or her welfare (A missing child in such circumstances is in danger not only of sexual exploitation, but also of involvement in criminal activity such as burglary, shoplifting, and robbery.);
- 9) Absent under circumstances inconsistent with established patterns of behavior (Most children have an established routine that is reasonably predictable. Significant, unexplained deviations from that routine increase the probability of risk to the child); or
- 10) Whose disappearance involves circumstances that would cause a reasonable person to conclude that the child should be considered at risk.

#### **ECC RESPONSIBILITIES 40.04**

Upon receiving a report of a missing juvenile, ECC personnel will complete the following:

- .1 Determine if the call meets the criteria of a missing child (as defined above in 40.3).
- .2 Obtain sufficient information from the reporting party to broadcast a radio message that alerts responding officers about the description and circumstances of the missing child. Include any known or suspected information on a possible abductor (e.g. vehicle description, direction of travel, description of possible abductor, etc.).
- .3 Promptly dispatch an officer to the scene of the report. NOTE: If the report involves a suspected abduction that just occurred, officers are to be dispatched immediately, and additional information is to be broadcast as it is collected from the caller.
- .4 Broadcast additional lookouts as directed by the responding officer.



.5 Enter the data concerning the missing child into the MILES and NCIC systems when the data is available.

#### **FIRST RESPONDING OFFICER RESPONSIBILITIES 40.05**

.1 Respond without delay to the scene. If the report involves a suspected abduction that just occurred, respond Code 2. While proceeding to the scene, be on the lookout for the child or suspects as descriptions are provided by the ECC. However, do not delay response to conduct a random search as these activities can be handled by other patrol units.

.2 Upon arrival on the scene, interview the parent(s) or person who made the initial report

.3 Obtain a description of the missing child including photograph(s) and videos.

.4 Verify that the child is in fact missing. Make a check of the buildings and grounds even if the reporting person says it has already been done, and even if the child is reported missing from another location. Pay special attention to enclosures and the interior of parked vehicles where air may be limited.

.5 Confirm the child's custody status. Ascertain whether a dispute over the child's custody might have played a role in the disappearance.

.6 Identify the circumstances of the disappearance. If unusual circumstances exist, notify a patrol supervisor or the Chief of Police immediately. If the circumstances are not clear, officers should consider the missing child's safety and act accordingly.

.7 Determine when, where, and by whom the missing child was last seen.

.8 Interview the individual(s) who last had contact with the missing child. Seek information about the child's appearance, demeanor, and actions. Also, be alert to contradictions or evasiveness by the witness, especially if these statements cannot be readily substantiated.

.9 Identify the missing child's zone of safety for his or her age, developmental stage, and physical and mental state. Attempt to determine how far the child could travel from the location where last seen before he or she would most likely be at risk of injury or exploitation. This perimeter should, under many circumstances, define the first search zone.

.10 Make an initial determination of the type of incident and the need for additional resources.

.11 Obtain a description of the suspected abductor(s) and other pertinent information. Immediately record witnesses' information and statements. Review video from security cameras within proximity of the reported location of abduction. In suspected family abductions, try to obtain photographs of the abductor.



.12 Provide detailed descriptive information to the ECC for broadcast updates. As information becomes available regarding the missing child's physical appearance, circumstances of the case, or description of the potential abductor, the initial officer shall ensure that other officers and agencies are provided with up-to-date facts.

.13 Identify and interview everyone at the scene. The name, address, home and work telephone numbers of everyone present at the scene, along with his or her relationship to the missing child, should be recorded. If possible, include them in photographs and/or videos of the incident scene. By interviewing each person privately, officers may be able to uncover information that will be instrumental in resolution of the case.

.14 If an abduction is suspected, secure and safeguard the area as a potential crime scene until evidence and identification material such as hair, fingerprints, and bite marks are collected.

.15 Identify and isolate any computers, cellular telephones, or electronic communication/media devices the child has used. They may contain information on possible abductors or persons with whom the child may be.

.16 Complete a Missing Person's Report. Have ECC notify other law enforcement agencies if information suggests the missing child may be in route to another jurisdiction. Ensure the child is entered into NCIC.

#### **PATROL SUPERVISOR RESPONSIBILITIES 40.06**

.1 Obtain a briefing from the first responder(s) and other agency personnel at the scene, away from others.

.2 Determine if additional personnel and resources are needed to assist in the investigation and activate same.

.3 Consider activation of the **AMBER Alert** system. The Amber Alert criteria is as follows:

- 1) The Child is 14 years of age or younger or 15-17 years old giving weight to the child's mental capacity or behavior as contributing factors to the abduction.
- 2) The responding officer verifies the child has been abducted.
- 3) The responding officer believes that circumstances surrounding the abduction indicate the child is in serious danger of bodily harm or death.
- 4) There is enough descriptive information about the child, abductor and/or the suspect's vehicle to believe an immediate broadcast alert would help.
- 5) The suspect and/or child are likely to still be in the general area; and there is a likelihood that someone, provided the description of the child and/or suspect, would observe and report their whereabouts to the police.





## Chapter 40

## Missing Children

If the supervisor believes the criteria are present, the supervisor shall contact the Maryland State Police Headquarters Duty Officer and request that the Maryland AMBER Plan be activated.

Contact may be made by:

Telephone 410-486-3101 or 800-525-5555

Fax 410-653-4269

MILES Teletype Terminal ID LPH1

*NOTE: If the Amber Alert system criteria do not exist, but circumstances indicate the chances for the child's safe recovery would be increased by immediate public awareness, a supervisor should promptly issue media releases.*

.4 If unusual circumstances exist, establish a command post. As a general rule the command post should be close enough to the center of activity to facilitate control and coordination, but sufficiently apart to allow a free exchange of ideas among responders.

.5 Organize and coordinate search efforts.

.6 Ensure that all required notifications have been made (e.g. all officers, other agencies, and all investigative networks).

.7 For all missing children where unusual circumstance do not exist, assign a patrol officer for a 12-hour re-check. This will consist of the officer contacting the original complainant to see if the missing child has returned, completing a supplement report, and providing the data for the dispatcher to enter into the MILES and NCIC data bases.

### **FOLLOW-UP INVESTIGATIVE RESPONSIBILITIES 40.07**

.1 Verify the accuracy of all descriptive information. The investigating officer should be alert to facts or statements that conflict with those initially gathered.

.2 Obtain a brief history of recent family dynamics from family members, neighbors, teachers, classmates, employers, coworkers, friends, and witnesses. Check records of family contact maintained by law-enforcement agencies, social-service departments, schools, and other organizations.

.3 If not already done, consider activation of the **AMBER Alert** system. The Amber Alert criteria is described above in 40.6.3.

.4 Determine if additional personnel and resources are needed to assist in the investigation and activate same. Available resources include the FBI; NCIC; and National Center for Missing & Exploited Children and the Washington County Sheriff's Office.



.5 Update descriptive information as appropriate, especially information entered into the NCIC Missing Person File, to include dental characteristics, scars, marks, tattoos, and fingerprints along with additional articles of clothing, jewelry, or unique possessions.

.6 Monitor media relations. While information gained through effective media relations is often of significant value in a missing-child case, investigators should review all notices prior to release to ensure that investigative objectives are not unintentionally compromised.

#### **SUPERVISOR RESPONSIBILITIES 40.08**

In addition to standard supervisory case management, the supervisors shall

.1 Manage media relations. Supervisors shall review media releases with the investigator to ensure they complement, rather than conflict with the investigation, and that investigative objectives are not unintentionally compromised.

.2 The Supervisor, will review all requests for Amber Alerts. If all conditions are met, the supervisor will contact the Maryland State Police Headquarters Duty Officer and request that the Maryland AMBER Plan be activated. Contact may be made by:

Telephone 410-486-3101 or 800-525-5555

Fax 410-653-4269

MILES Teletype Terminal ID LPH1

.3 If not already done, consider activation of the **AMBER Alert** system. The Amber Alert criteria is described above in 40.6.3.

#### **REPORTS OF UNIDENTIFIED PERSONS 40.09**

An officer assigned to the report of an unidentified person, whether living or deceased, who appears to be a child, shall

.1 Obtain a complete description. Officers who are assigned to this task should utilize standardized information gathering forms such as the NCIC Unidentified Person File Worksheet.

.2 Enter the unidentified child's description into the NCIC Unidentified Person File. This file is compared daily with the contents of the NCIC Missing Person File. Entries with common characteristics are flagged and both agencies are informed.

.3 Utilize all available resources to aid in identification of the child. The National Center for Missing & Exploited Children; state missing children's clearinghouses; and other organizations, such as state medical examiners, may be of assistance in the identification.

.4 Cancel all notifications after identification is confirmed.

**MISSING CHILD RECOVERY 40.10**

An officer assigned to the recovery or return of a missing child shall

- .1 Verify that the located child is, in fact, the reported missing child.
- .2 Secure intervention services, if indicated. These services may include mental and/or physical health examinations and arrangements for family counseling.
- .3 Arrange the return of the child to his or her legal guardian or an appropriate children's shelter, depending on the child's classification (e.g. missing, runaway, delinquent, defendant named in an arrest warrant, etc.)
- .4 Complete the appropriate supplemental reports and cancel all outstanding notifications.

**ABANDONED INFANTS SAFE HAVEN LAW 40.11**

.1 The State of Maryland enacted legislation titled "Safe Haven." The purpose of the law is to allow those persons unwilling to care for their newborn child to drop their child off at various agencies with ***no questions asked***. In the past such incidents would be investigated as child abandonment, but no longer will that necessarily be the case. Police departments are one of the designated places to which a child can be brought. The following locations are designated as Safe Have locations within Washington County.

**Meritus Medical Center**

11116 Medical Campus Road

Hagerstown, MD 21742

**Washington Co. Sheriff's Department**

500 Western Maryland Parkway

Hagerstown, MD 21740

**Boonsboro Police Department**

241 Potomac Street

Boonsboro, MD 21713

**Hagerstown Police Department**

50 N. Burhans Blvd.

Hagerstown, MD 21740

**Hancock Police Department**

126 W. Main Street

Hancock, MD 21750

**Smithsburg Police Department**

21 W. Water Street

Smithsburg, MD 21783

**MD State Police**

18345 Col. Henry K. Douglas Drive

Hagerstown, MD 21740



## DEPARTMENT PROCEDURES FOR PERSONS WITH SUSPECTED MENTAL ILLNESS, AUTISM and DOWN SYNDROME

### PURPOSE 41.01

The purpose of this chapter is to provide guidance to the law enforcement officers of this Department when responding to and resolving situations that involve persons suspected of having mental illness.

### POLICY 41.02

It is the policy of the HCC Police Department to recognize that in enforcement and related contexts, dealing with individuals who are known or suspected of having mental illness, and who are potentially a danger to themselves or other, requires officers to make difficult judgments about the mental state and intent of the individual. Given the unpredictable and sometimes violent nature of the mentally ill, officers are never expected to compromise or jeopardize their safety or the safety of others when dealing with individuals displaying symptoms of mental illness. In the context of enforcement and related activities, officers shall be guided by state law regarding the detention of those with behavioral or developmental disabilities. Officers shall use this policy to assist them in deciding whether a person's behavior is indicative of mental illness, and in determining appropriate assistance and referral options in a constructive and humane manner.

### DEFINITIONS 41.03

*Mental Illness:* Any of various conditions characterized by impairment of an individual's normal cognitive, emotional, or behavioral functioning, and caused by social, psychological, biochemical, genetic, or other factors such as infection or head trauma.

### RECOGNIZING SYMPTOMS OF MENTAL ILLNESS AND ABNORMAL BEHAVIOR 41.04

.1 The information in this section is intended to assist officers with formulating appropriate strategies for gaining the individual's compliance, determining whether medical or other assistance is required, determining whether detention is appropriate-or required, and, if the suspect is to be questioned or interrogated, deciding whether the individual is competent to waive his/her constitutional rights and submit to questioning in a rational manner. Officers are not expected to make diagnosis of mental illness, rather they need to recognize behavior that is potentially destructive and/or dangerous to self or others.

.2 A subject may suffer from mental illness if he/she displays an inability to think rationally, exercise adequate control over behavior or impulses (e. g. aggressive, suicidal, homicidal, sexual), and/or take reasonable care of his/her welfare with regard to basic provisions for clothing, food, shelter, or safety. Officers should not rule out other potential causes such as reactions to narcotics



or alcohol, or temporary emotional disturbances that are situationally motivated. Officers should evaluate the following and related symptomatic behavior in the total context of the situation when making judgments about an individual's mental state and need for intervention absent the commission of a crime:

- 1) ***Degree of Reactions.*** People with mental illness may show signs of strong and unrelenting fear of persons, places or things. The fear of people or crowds, for example, may make the individual extremely reclusive or aggressive without provocation.
- 2) ***Appropriateness of Behavior.*** An individual who demonstrates extremely inappropriate behavior for a given content may have mental illness. For example, a motorist who vents his frustration in a traffic jam by physically attacking a motorist may be emotionally unstable.
- 3) ***Extreme rigidity of Inflexibility.*** People with emotional instability may be easily frustrated at new or unforeseen circumstances and may demonstrate inappropriate or aggressive behavior when dealing with the situation.
- 4) ***Abnormal mental loss.*** This could include common facts such as name or home address. In some cases, however, such memory loss may be the product of other physical ailments. With older persons, in particular, one should not overlook the possibility of Alzheimer's disease.
- 5) ***Delusions.*** This includes belief in thoughts or ideas that are false, such as delusions of grandeur ("I am Christ") or paranoid delusions ("Everyone is out to get me"). Delusional persons may also have generalized fears or beliefs such as unrealistic fears that they are being constantly watched; that their conversations or even their thoughts are being overheard, recorded, or monitored; or, that they we being talked about, followed, or otherwise persecuted.
- 6) ***Hallucinations.*** This may affect any of the five senses (e.g., hearing voices commanding the person to act, feeling one's skin to crawl, smelling strange odors, etc.). However, hallucinations may also be induced by drugs or alcohol.

.3 Mental Illness can also be evident when individuals display sudden changes in lifestyle, which include but are not limited to an unwillingness to live up to commonly accepted roles and responsibilities, sudden and drastic mood swings, serious lack of judgment regarding money, job, family, and property; or marked and extreme departures in dress and sexual behavior. The person with mental illness may also be obsessed with recurrent and uncontrolled thoughts, ideas, or images, or may appear highly confused, frightened or depressed. Extreme fright or depression.

#### OTHER CAUSES OF ABNORMAL BEHAVIOR 41.05

Officers should not confuse mental illness with abnormal behavior that is the product of other physical disabilities. This includes intellectual disability or other developmental disabilities that may include some of the characteristics of a person with mental illness. There are important differences between individuals suffering from these other medical conditions and the mentally ill. These conditions include the following:



- 1) **Intellectual Developmental Disability**, Intellectual developmental disability is a disability characterized by significant limitations in both intellectual functioning and in adaptive behavior, which covers many everyday social and practical skills.
- 1) **Cerebral palsy**. Persons suffering from cerebral palsy exhibit motor dysfunctions that may, at first glance, be confused with some characteristics of either the intellectually disabled or those with mental illness. These include awkwardness in walking, involuntary and uncontrollable movements, or seizures and problems in speech and communication.
- 2) **Autism**. The characteristics of a person with autism may also be confused with those with an intellectual disability or with mental illness. People with autism may engage in compulsive behavior, or repetitive and peculiar body movements, and may become very distressed over minor changes to their environment. They may also display unusual reactions to objects or people they see around them; appear insensitive to pain; and may, be hyperactive, passive, or susceptible to tantrums. Such persons may also appear delayed in some areas, but highly capable or even gifted in others.

#### DETERMINING DANGER 41.06

Not all people with intellectual disabilities or mental illness are dangerous, while some may represent danger only under certain circumstances or conditions. Officers may use several indicators to determine whether a person with intellectual disability or mental illness represents an immediate or potential danger to himself, the officer or others. These include the following:

- 1) The availability of any weapons to the suspect.
- 2) Statements by the person that suggest to the officer that the individual is prepared to commit a violent or dangerous act. Such comments may range from subtle innuendos to direct threats that, when taken in conjunction with other information, paint a more complete picture of the potential for violence.
- 3) A personal history that reflects prior violence under similar or related circumstances, the person's history may be known to the officer, or family, friends or neighbors may be able to provide such information.
- 4) Failure to act prior to arrival of the officer does not guarantee that there is no danger, but it does in itself tend to diminish the potential for danger.
- 5) The amount of control that the person demonstrates is significant particularly the amount of physical control over emotions of rage, anger, fright, or agitation. Signs of a lack of control include extreme agitation, inability to sit still or communicate effectively, wide eyes, and rambling thoughts and speech. Clutching one's self or other objects to maintain control, begging to be left alone, or offering frantic assurances that one is all right may also suggest that the individual is close to losing control.
- 6) The volatility of the environment is a particularly relevant factor that officers must evaluate. Agitators that may affect the person or a particularly combustible environment that may incite violence should be considered.



### **POLICE RESPONSE TO THE MENTALLY ILL 41.07**

- .1 For the officer who must deal with a person acting in a bizarre or abnormal manner, the immediate issue is one of determining the intent and capabilities of the individual and taking those steps to ensure the safety of the officer and others.
- .2 Officers must always be aware of the unpredictable nature of those with mental illness.
- .3 The more information obtained on the individual, the better the officer will be in making responsive decisions. Sources of information may include dispatchers, concerned citizens, court documents, family members, or other individuals. Important information includes the person's present or past use of prescription drugs. Many persons who suffer from mental illness fail to use medication that has been prescribed for their diagnosed mental illness. In addition, people with mental illness may attempt to alleviate their anxieties and related mental disturbances through self-medication with drugs, alcohol, or a combination of these substances. The use of these drugs can exacerbate existing mental problems.
- .4 Unless a crime of violence has been committed and/or a dangerous weapon is involved, officers should normally respond to the incident or approach a person with known mental illness in a low-profile manner. If used, emergency lights and siren should be turned off as soon as possible upon arrival.
- .5 Where there is reason to believe that the subject is in a crisis situation, such as threatening suicide or involved in a hostage and/or barricade, a supervisor shall be notified to respond to the scene. In the event of a hostage and/or barricade situation, mutual aid assistance shall be requested through the ECC. The supervisor shall request additional notification of the SRT Commander or assistant team leader who shall assess the need for SRT and Hostage Negotiators.
- .6 At the scene, take time, if possible, to survey the situation. Before approaching the suspected person with mental illness try to bring the immediate situation under control. Control (preferable disperse) crowds, bystanders, or family members who create disruption.
- .7 Once the immediate surroundings are under control, attention should be directed toward determining whether the individual represents a danger to himself or others. The following are examples of characteristics indicative of such danger:
  - 1) Threatening statements made by the subject where the capacity or capability to commit violence exists. Such statements may range from subtle innuendoes to direct threats.
  - 2) Personal history.
  - 3) Observed actions, both on the scene and prior to the officer's arrival.
  - 4) The amount of control that an individual demonstrates.
  - 5) Volatility of the environment.
- .8 When contacting a suspected person with a disability, officers should attempt the following:





- Move slowly toward the person and assume a physically defensive posture in relationship to the individual.
- Attempting to build rapport by speaking in a calm, relaxed, non-judgmental manner.
- When speaking with the individual, the officer should exhibit a take-charge attitude but without becoming overbearing, condescending, or intimidating.
- Demonstrate empathy for the individual's problems, no matter how trivial or bizarre they may appear.
- Avoiding issues and topics that may serve to agitate the individual.
- Guide the conversation toward subjects that help bring the subject back to reality.
- Reassure the individual that the officers are there to help and that an appropriate resolution of the problem can be reached.
- Allow the person to ventilate in order to determine what is bothering them.
- Be truthful. If the person becomes aware that officers are deceiving him/her, he/she may withdraw from contact in distrust and may become hypersensitive or retaliate in anger.
- Do not threaten with arrest or other enforcement action as this will only add to the subject's fright and stress and may potentially spark aggression.
- Consider the assistance of a professional, if available and appropriate to communicate with and/or calm the person.

#### **TAKING CUSTODY 41.08**

.1 Persons suspected of mental illness may be taken into custody pursuant to a lawful arrest, a Petition for Emergency Evaluation, or both. Once a decision has been made to take a person with suspected mental illness into custody, it should be done as soon as possible to avoid prolonging a potentially violent situation. Department policy pertaining to the use of force, restraints, and prisoner transportation shall be followed (refer to HCCPD Policies and Procedures Chapters 09, 21, and 24).

.2 If an officer anticipates a violent or potentially violent person will be taken into custody, the officer shall attempt to have less lethal weapons present before custody is attempted. Such weapons will be deployed according to training and Department policy and procedures.

#### **.3 Petition for Emergency Evaluation (form CC/DC13)**

- A. The Health General Article, §10-620 to 10-626, provides the circumstances under which an individual suspected of mental illness is to be taken into custody pursuant to a Petition for Emergency Evaluation (CC-DC 13).
- B. If the petition presented to HCCPD for service has been endorsed by the court within the last 5 days, or if it is accompanied by the certification page (CC-DC 14) signed by one of the qualified persons listed on the form, HCCPD officers shall take the person into custody.
- C. If the officer is the petitioner, he/she shall complete the petition and the Certification by Peace Officer section of the CC-DC 14. This may be done after the officer has taken the person into custody, but as soon after arrival at the Hospital as possible. It must be completed before the person can be examined.





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- D. Once a person is in custody pursuant to a Petition for Emergency Evaluation, the officer(s) shall transport the person to the Meritus Medical Center for evaluation. The person and the Petition shall be presented to the appropriate medical personnel.
- E. After an officer takes the emergency evaluatee to MMC, the officer need not stay unless, the emergency evaluatee is violent or a physician asks the officer's supervisor to have the officer stay. The officer shall stay until the supervisor responds to the request for assistance. If the emergency evaluatee is violent, the supervisor shall allow the officer to stay. If a physician asks that an officer stay, a physician shall examine the emergency evaluatee as promptly as possible.
- F. The serving officer will complete an investigative report anytime a Petition for Emergency Evaluation is served, regardless of origin.

### .4 Arrest

- A. Should an officer determine that a person known or suspected of having mental illness has committed a violation of law, the officer will take the same appropriate action (e.g. arrest, apply for charging document, issue citations, advise warrants) as with persons not known or suspected of having mental illness.
- B. If an arrested person meets the conditions for an Emergency Petition, the person will be handled as described in the above procedures for Petition for Emergency Evaluation. If the person is to be admitted, an officer or officers will remain with the person until the person is turned over to the facility or appropriate transport personnel. The arresting officer will ensure that the facility is notified of the charges against the person and requested notification of the release date prior to the persons release. Upon notification from the facility that the person is to be released, the patrol supervisor will arrange for transportation to Central Booking, or warrant service by another agency if feasible.

.5 Detention - If a person known or suspected to have mental illness is arrested, the arresting officer shall follow the procedures in Chapter 24 of the HCCPD Policies and Procedures Manual.

## INTERVIEWS AND INTERROGATIONS 41.09

.1 If the officer ascertained that a crime or other incident has occurred and an investigation is necessary, and mental health issues have been identified in relation to a witness, victim or suspect, these must be documented in the resulting reports. Investigative techniques may deviate from standard procedures in light of the needs of the subject, but also in light of prosecutorial needs.

.2 Victims/Witnesses with special mental health needs. Those with mental illness are frequently victims or witnesses of crimes and incidents. Recognizing the condition and reacting appropriately may be the key to an effective investigation. Investigating officers should be aware of the following when a victim/witness with special mental health needs is to be interviewed:

- If the victim/witness appears to the officer to require treatment or counseling prior to an effective questioning, ensure this is obtained as soon as possible and before any questioning. Refer to the section below on referrals.



- If it appears the victim/witness requires special techniques of a more experienced investigator, questioning should be conducted by experienced personnel.
- Establish the victim/witness understands the investigative procedure. Initial questioning should ask simple questions about the day of the week, the date, knowledge of well-known current events – these questions may help determine the strength of the subject’s memory and perception.
- Establish whether or not the victim/witness has a history of problems with perception of time and distance (very common in the mentally deficient due to retardation or age)? If so, take special note of the answers and compare distances and time frames to points of reference known to the victim/witness instead of units of measure or days of the week.
- When possible, record the statement of the victim/witness. A variety of issues may prevent the victim/witness from testifying effectively, such as lapse of memory, change in mental condition, change in relationship with the suspect, etc.

.3 Suspects with special mental health needs. Those with mental illness present additional issues, as these issues will play into issues of proof for the State, may play into an insanity defense, and certainly will affect the leniency or “treatment” meted out by a sentencing court. Identifying malingering or “faking it” is less important than establishing the degree of mental illness or mental deficiency. Issues regarding the defendant’s ability to control his/her behavior and understanding right and wrong frequently will be analyzed in light of his or her initial statement (perhaps the only opportunity to get a statement). Most crucial will become a determination of whether or not the suspect gave his or her statement knowingly and voluntarily. Documentation is crucial.

- Audio recording or video recording of the defendant is crucial.
- Photograph the suspect.
- In an important case, consult with the prosecution staff early; if possible, while the initial interview is underway.
- If the suspect brings up the issue of his or her “condition”, follow up with additional questions as this may be a sign that the Defendant is exaggerating his or her condition.
- When possible, develop probable cause and search the suspect’s person or property documenting specifically the medicines found, and any writings of the suspect, as these are very helpful in identifying a potential mental condition.

#### **MAKING REFERRALS 41.10**

.1 When the criteria for taking the person into custody does not exist, officers can make mental health referrals and provide some basic guidance for the individual. Officers may also provide the person’s friends, family, or other support systems in the community with information on mental health facilities. A list of referral sources may be found at the end of this chapter.

.2 Officers may, based on the nature of the situation, request assistance by either direct intervention by a mental health professional, either at the scene, by telephone, or by transporting the subject to a centralized location where professional treatment can be obtained. Refusal to submit to voluntary examinations or professional assistance can be expected in many instances. If appropriate, officers may explain that without professional assistance, the persons action may



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eventually result in his/her being arrested or subject to involuntary examination in a mental health facility where legal grounds exist. Many people with mental illness, recognizing that they are not fully in control of their actions and/or thoughts and aware of stories of confinement related by other mentally ill acquaintances, fear mental health professionals and examinations. Officers can dispel some of that fear by explaining that an examination does not mean incarceration or confinement in a mental health facility but may provide them with much-needed assistance and possibly allow them to avoid future confrontations with others, including the police.

.3 In cases where the individual is extremely agitated, it is generally inadvisable to leave the person unattended as the person may resort to the same behavior that was the basis for police intervention in the first place. In such cases, officers may, with supervisory permission, provide transportation for a willing individual to a facility that can provide shelter, counseling, or related mental health services, or to the home of a friend, family member, or acquaintance who may be willing to provide aid.

### REPORTING INCIDENTS 41.11

.1 If an incident involving a person suspected of being mentally ill results in an arrest, emergency evaluation, an/or other report being filed, the report needs to be as explicit as possible concerning the circumstances of the incident and the observed behavior. Terms such as “out of control” or “psychologically disturbed” should be replaced with descriptions of the specific behaviors involved. The reasons why the subject was taken into custody or referred to other agencies should be reported in detail.

.2 Additional information that should be documented may include:

- Officer’s initial observations and the steps taken immediately after getting the situation assessed and under control.
- Appearance and demeanor.
- History known to you, or given to you by subject or others.
- Doctor’s name, if any.
- Drugs, prescribed and unprescribed.
- Steps taken to make the situation safe and obtain immediate treatment.
- Statements of subject.

.3 **LEGAL CAUTIONS:** Mental health records are highly sensitive. Do not ask for such records from any source. If obtained unintentionally, immediately contact a supervisor. The supervisor shall contact the college attorney or States Attorney for further guidance.

### TRAINING 41.12

.1 All members shall receive entry-level training regarding interaction with persons suspected of suffering from mental illness. Additionally, these personnel shall receive refresher training



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annually. Entry level and refresher training shall be coordinated by the Training Officer who shall also document same. CALEA

.2 Tri-Annually all members shall receive training regarding interaction with persons believed to have Autism or Down Syndrome.

### **DEALING WITH PERSONS BELIEVED TO HAVE AUTISM 41.13**

.1 Autism is defined as a neurodevelopmental disability. Autism and its related disorders affect the normal development of the brain in the areas of social interaction, communication, repetitive behaviors and difficulty adjusting to change.

.2 Autism is NOT a mental or psychological disorder.

.3 People with developmental disabilities are seven times more likely to come in contact with police than a member of the general public

.4 Recognition: While law enforcement officers are not expected to diagnose Autism, they may observe some common signs in a field situation.

#### Social Interaction:

- Avoids eye contact.
- Prefers to be alone.
- Does not notice other people.
- Does not respond to name (may appear deaf, cover their ears and look away).
- Lacks empathy.
- Is unable to see another person's perspective.
- Has unrealistic fears (bugs, dogs, dentist, etc.).
- Has difficulty making transitions.

#### Communication:

- Is non-verbal (about 50%), or have limited speech.
- Has limited vocabulary.
- Has problem with speech volume (loud whisper, and/or monotone sounding, like a computer talking).
- Talks to themselves or no one in particular.
- Uses echolalic speech (echoes, or repeats everything you say).
- Does not point to objects or use gestures.
- Does not respond to other people's words or gestures.
- Laughs, giggles or other inappropriate response to questions (May say "No" or "Why" to everything).
- Unable to process nonverbal cues like facial expressions or body language.



Behavior:

- Has unusual repetitive behaviors such as rocking back and forth, spinning, hand flapping, finger flicking or twirling an object.
- Has tantrums (i.e., screaming, hitting, biting, hair pulling) if anything disrupts the daily routine or the obsessive behaviors.
- Has an obsessive need for order and routine.
- Has unusual reactions to pain; either unresponsive or over reacting.
- Has unusual responses to light, sound or other sensory input.
- Seeks sensory stimulation, including heavy pressure.
- Has no fear or sense of danger.
- Avoids touch.
- Displays unusual gait. May appear clumsy, walk pigeon-toed, use double footing on stairs or run with a “duck-waddle” motion.
- Has attraction to water, lights, reflections and shiny objects.

Identification:

People with autism may wear a medical alert bracelet, a shoe tag or carry an autism information card with their name, address, phone number and contact numbers for parents/caregivers and doctors. If a vehicle is involved, look for an autism alert decal, puzzle ribbon, or bumper sticker. There may be an Autism Emergency Contact Form in the glove compartment. A high functioning person with autism may verbally tell you that he/she has autism and carry an information card.

Sensory Overload:

A person with autism may react differently to what we perceive as normal levels of light, sound, touch, odor and taste (the five senses). A person with autism may run from or toward lights, sirens, two-way radios, canine partners, aromas, or a light touch on his/her body. They cannot handle stimuli from more than one sense at a time. Sensory overload results in the person starting a self-stimulating, or “*stimming*” behavior. He/she will be so fixated on what he/she is doing that you cannot get his/her attention. If the person is also hypersensitive to touch, he/she may suddenly pull away, run or scream when touched. ***Be very aware of and manage the sensory environment during any situation with a person possibly having autism.*** Assess the scene for sensory influences. If safe to do so, turn off sirens and flashing lights, remove canine partners, and move the person to a quiet area. The key here is that “Calm creates calm”. If the behavior escalates, use geographic containment and maintain a safe distance until behavior improves. Be patient. Give the person space and time to calm down. Speak in simple “bullet point” language and reassure the person that he/she is OK.

.5 Potential Autism-Related 911 Calls: Most autism-related calls for assistance will involve a person that is either exhibiting self-stimulating or aggressive behavior toward others, or has run or wandered away. Self-stimulating behaviors may escalate into Serious Injurious Behaviors (SIBs) due to things in the environment.



**Examples of Self-Stimulating or Aggressive Behavior calls:**

- Parent/caregiver actions are misunderstood. A parent refuses to buy his autistic son a toy at the mall and the child has a “melt down” by lying on his back on the floor, kicking and crying. The parent picks the child up and carries him out of the store still kicking and crying and bystanders call the police.
- The person is “acting weird” in a place where he/she is unknown. You receive a call from a store clerk because a man is opening food/drink packages, eating without paying and acting suspicious. When you arrive, he ignores your orders to put the packages down—gets belligerent and says that “these are MY chips” and seems aggressive and defensive.
- People with autism like to pick up random items and put them back down, or rearrange store displays. You receive a call from a music store because a teenager is randomly picking up CDs and putting them back into the display in different places—looking around the store, but never making eye contact with the employees.
- A high functioning person with autism may follow a customer around a store, even watching them from around corners of the displays trying to be helpful.

**Response:** Your best response is to stay calm and focused. Use simple language and speak slowly. Be very patient—a person with autism has trouble sending and receiving messages. They will respond inconsistently depending on emotional state, familiarity with the people involved in the situation and their sensory environment.

**Running or Wandering Away Behavior:**

- May wander or run into traffic
- May look in windows or attempt to enter nearby homes
- May wander into wooded areas, onto train tracks and onto elevated places such as rooftops and towers.
- May hide in alleys or under things such as a mattress or box
- May be found wearing a tee shirt and shorts in freezing rain or snow and not be cold
- May be found running naked in the neighborhood
- Keep in mind that a person with autism does not know that he/she is lost and probably will not ask for help. Also, be aware that a person with autism may not respond to you calling his/her name and may hide from a stranger.

**Response:** The best response for these calls is *to call for backup* while getting as much information as possible from the person making the call. Quite often this will be the parent or caregiver. Many parents/caregivers have their child’s information in a local 911 Call Center database and/or an Autism Emergency Contact Form with a photo and detailed information about their child’s characteristics, favorite places, and likes/dislikes including how to approach and de-escalate behaviors. Check nearby water sources (pools, lakes, rivers and fountains). Drowning is a leading cause of death for people with autism.



***Check with the Emergency Communications Center to see if the person is a Project Lifesaver participant.*** If the person is a Project Lifesaver participant, he/she will have an electronic tracking device which will greatly enhance first responders' location and rescue efforts. This information will likely be gathered by the ECC call taker, however the responding officer should verify it. If the person is a Project Lifesaver participant, the ECC will begin the notification procedures for an Electronic Search Specialist (ESS) who will assist in the search using the electronic tracking equipment.

.6 During a field encounter, a person with autism may:

- Inappropriately approach, invade your personal space or stand too far away
- Be nonverbal (around 50%)
- Attempt to re-enter a dangerous environment (burning house, run into traffic, etc.). [They are a "bolt risk".]
- Be upset about minor changes in daily routine
- Have a problem recognizing police uniforms or vehicle
- Not understand command presence, body language or nonverbal communication (eye rolling, shrugs, hand signals, etc.

.7 Safety and Communication Tips:

- Approach in a quiet, non-threatening manner.
- Make sure person is unarmed and keep a safe distance.
- Model calming body language (slow breathing and keeping hands down low).
- Avoid rapid movements like pointing or waving.
- Use low gestures and keep your hands down around waist level.
- Talk calmly—talking louder does not help understanding.
- Talk in direct, short phrases; i.e., Stand up now, Go to the car, etc.
- Allow for delayed responses to questions or commands. Allow 10-15 seconds at a minimum.
- Avoid literal expressions including "That's the way the cookie crumbles", Are you waiving your rights? etc.
- Consider using a communication board that displays Yes/No, alphabet, simple phrases, or pictures. Some can communicate using a computer or tablet.
- Avoid positional asphyxia—turn person on side often if restrained
- Person may have seizures if senses are overloaded.

.8 De-escalating Behavior:

- Emergency situations require an immediate response. If you determine that the person is unarmed and not in immediate danger, allow time, space and management of the environment to help let the person de-escalate without your intervention.
- Do not interpret the person's failure to respond to your orders or questions as a lack of cooperation or a reason for increased force.
- Ask a parent/caregiver how to communicate with the person.





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- If the person is fixated on an inanimate object—let him/her hold the object if officer safety is not compromised
- Avoid stopping repetitive behavior unless individual or officer safety is an issue.

### .9 Restraining a Person with Autism:

- Avoid positional asphyxia. People with autism may have under-developed trunk muscles and may be unable to support their airway.
- After takedown, turn the person on his/her side often
- Monitor the person's condition frequently
- Up to 40% have some sort of seizure disorder. Asthma and heart conditions are also common.
- The person may not recognize the futility of resistance and continue to struggle. Use communication, de-escalation and calming response techniques.
- Avoid standing too near or behind the person as he/she may suddenly lurch backward.

### .10 Custody and Arrest Considerations:

- Document autism in your initial report
- Consider a medical evaluation at the hospital, particularly if force is used to gain compliance.
- Alert detention facility and suggest a segregation placement
- Contact parents or caregivers for information regarding care of and communication with, the person.

### .11 Interviewing a Person with Autism: Remember that autism has a social interaction deficit, which means that many of the things individuals with autism do appear to be rude or disrespectful. Keep these techniques in mind:

- Speak in a calm voice using simple and direct questions.
- Use casual conversation to assess the person's ability to communicate before an interview
- Allow for delayed responses to questions, directions and commands
- Understand the need to repeat and rephrase questions
- Make sure your words and his/her words mean the same thing to both of you
- Explain that you might have to ask questions more than one time
- Let the person know it is OK to say "No" to your questions
- Avoid asking "What time did it happen"? Instead, learn the person's schedule and determine events from that context
- Do not interpret limited eye contact as deceit or disrespect. It is very hard for an autistic person to concentrate and understand what someone is saying when they are looking directly at the person. One autistic young man said "I keep telling you. I'm looking at you. I'm looking at you. I don't understand a word you are saying, but I'm looking at you. It is your choice. You can have me look at you or you can have me understand what you're saying, but I can't do both".





### DEALING WITH PERSONS BELIEVED TO HAVE DOWN SYNDROME 41.14

.1 Down syndrome is a genetic condition that occurs in one in every 691 births. It is the most frequently occurring chromosomal condition and is found in people of all races and economic levels.

.2 A few of the common physical traits of Down syndrome are low muscle tone, small stature, an upward slant to the eyes, and a single deep crease across the center of the palm. Every person with Down syndrome is a unique individual and may possess these characteristics to different degrees or not at all.

.3 People with Down syndrome have an increased risk for certain medical conditions such as congenital heart defects, respiratory and hearing problems, Alzheimer's disease, childhood leukemia, and thyroid conditions. Although many of these conditions are now treatable, officers should be aware of them, and should consider a medical evaluation at the hospital, particularly if force is used to gain compliance.

.4 People with Down syndrome experience cognitive delays, but the effect is usually mild to moderate and is not indicative of the many strengths and talents that each individual possesses. Children with Down syndrome learn to sit, walk, talk, play, and do most other activities, only somewhat later than their peers without Down syndrome.

#### .5 Common Behavior Concerns

- Wandering/running off.
- Stubborn/oppositional behavior. At times the oppositional behavior may be the individual's way of communicating frustration or lack of understanding due to their communication/language problems. Children with Down syndrome become very good at distracting parents or teachers when they are challenged with a difficult task.
- Attention problems: Individuals with Down syndrome can have ADHD but they should be evaluated for attention span and impulsivity based on developmental age and not strictly chronological age. The use of parent and teacher rating scales such as the Vanderbilt and the Connors Parent and Teacher Rating Scales can be helpful in diagnosis. Anxiety disorders, language processing problems and hearing loss can also present as problems with attention.
- Obsessive/compulsive behaviors: These can be as simple as always wanting the same chair at the table to repetitive behaviors such as dangling beads or belts when not engaged directly in an activity. This type of behavior is seen more commonly in younger children with Down syndrome and while the number of compulsive behaviors is no different than those in typical children at the same mental age, the frequency and intensity of the behavior is often more in children with Down syndrome. Increased level of restlessness and worry may lead the child or adult to behave in a very rigid manner.
- Autism Spectrum Disorder: Autism is seen in approximately 5-7% of people with Down syndrome.



## Chapter 41

## Persons with Suspected Mental Illness, Autism and Down Syndrome

.6 Interventions strategies: While Down Syndrome is not the same condition as autism, the officers should employ the same intervention strategies identified in the previous section regarding persons believed to have autism.

### RESOURCES FOR DEALING WITH PERSONS WITH SUSPECTED MENTAL ILLNESSES

Agency	Location	Phone	Services Available
Behavioral Health Services	11116 Medical Campus Rd. Suite 2989	301-766-7600	Offers individual and group outpatient counselling to couples and individuals.
Brook Lane Health Services	13218 Brook lane Dr.	301-733-0330	Private, not-for-profit psychiatric facility providing outpatient treatment and short-term hospitalization for all ages; for children and adolescents - Laurel Hall School, partial hospital program, and residential care
CASA, Inc.	116 W. Baltimore St.	301-739-4990	Sexual Assault abuse and Domestic Violence related services, including legal advocacy. Hotline: 301-739-8975 available 24 hrs
Catholic Charities Villa Maria	229 N. Potomac St.	301-733-5858	Offers counselling and psychiatric services to individuals and families in need, regardless of faith or belief. It serves people with Medicaid, Pharmacy Assistance, and Maryland Children's Health Program (MCHP)
Health Department of Washington County	1302 Pennsylvania Ave.	Addictions & Mental Health: 240-313-3310	Offers services for those of all ages with all types of health issues.
Hospice of Washington County	747 Northern Ave.	301-791-6360	Provides community education and comprehensive care for the terminally ill person and his/her family as they face medical, emotional, social, and spiritual needs. Support is provided before and after the death of a loved one. Crisis counselling is available to all residents of Washington County. Sessions pertaining to assisting children can be arranged and can be held during the school day, with parent's permission.
Mental Health Center	1180 Professional Court	301-791-3045	Offers a comprehensive and coordinated menu of outpatient treatment and rehabilitation services to children, adolescents, adults, and their families



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## Persons with Suspected Mental Illness, Autism and Down Syndrome

QCI Behavioral Health	201 North Burhans Blvd	301-791-2660	Provides mental health outpatient and mobile treatment services to children, adolescents and adults. Only those with medical assistance or the ability to self-pay are served.
Washington County Mental Health Authority	339 East Antietam Street, Suite 5	301-739-2490	Provides information and referrals to persons with mental illness who are looking for assistance.



## DEPARTMENT PROCEDURES FOR EMPLOYEE DRUG TESTING PROGRAM

### PURPOSE AND POLICY 42.01

- .1 The purpose of this policy is to provide all employees with notice of the provisions of the department drug-testing program.
- .2 It is the policy of this department that the critical mission of law enforcement justifies maintenance of a drug-free work environment through the use of a reasonable employee drug-testing program.

### PROHIBITED ACTIVITIES 42.02

- .1 No employee shall illegally possess any controlled substance.
- .2 No employee shall introduce into his/her body any controlled or other dangerous substance, unless prescribed by a licensed medical practitioner.
- .3 No employee shall introduce into his/her body any prescribed or over-the-counter medication in amounts beyond the recommended dosage, or otherwise use a legal drug in an illegal manner.
- .4 Any employee having a reasonable basis to believe that another employee is illegally using, or in possession of any controlled dangerous substance shall immediately report the facts and circumstances to his/her supervisor or the watch commander.
- .5 No employee or applicant may refuse to fail to cooperate with established drug testing policies or procedures.
- .6 Alleged violations of this section shall be handled in accordance with the procedures outlined in Chapter 28 as well as in the Hagerstown Community College Human Resources Manual.

### APPLICANT DRUG TESTING REQUIREMENTS 42.03

- .1 Police applicants shall be required to take a drug screening test as a condition of employment during the pre-employment phase of the background investigation.
- .2 Applicants (both sworn and civilian) shall be disqualified from further consideration for employment under the following circumstances:
  - Refusal to submit to the required drug test.
  - A confirmed positive drug-test indicating drug use prohibited by this policy.
  - Failure to follow collection procedures.



#### **EMPLOYEE DRUG TEST REQUIREMENTS 42.04**

- .1 A supervisor may order an employee to take a drug test upon documented reasonable suspicion that the employee is or has been using illegal drugs, or has been using legal drugs illegally. This shall be done in accordance with established procedures as outlined in Chapter 28
- .2 All sworn employees will be subject to random drug testing as outlined in HR Policy #5-04
- .3 If any personnel refuse to submit to the required test or follow the required procedures, it shall be considered a violation of a direct order and disciplinary procedures may be instituted for violating said direct order.
- .4 Whenever there is reason to believe that the employee may have altered or substituted the specimen to be provided, a second specimen shall be obtained immediately, under direct observation of the testing personnel. The collection personnel will report the alleged alteration to the Chief of Police.

#### **COLLECTION AND ANALYSIS PROCEDURES 42.05**

- .1 The collection, analysis, and determination of results will be conducted according to Department of Transportation procedures in effect at that time of the drug test. (*See Sample Instructions at the end of this chapter*). The descriptions in this chapter are only intended to summarize those procedures, and where DOT procedures conflict with any provision of this chapter, DOT procedures shall apply.
- .2 DOT collection procedures provide for a split urine specimen where the urine collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B). Employees will provide one sample per visit.
- .3 Specimens will be collected at a facility with staff trained in DOT collection procedures. Normally, this will consist of the following facility:
  - Health@Work (first choice during their business hours).
  - Meritus Medical Center Emergency Department (second choice when Health@Work is closed; employee is to bring authorization form found at the end of this chapter).
- .4 Specimens will be sent for analyses to NIDA certified labs only.
- .5 The drug panel will be used for employees as is required for police applicants. If the illegal use of a specific drug not included in those requirements is suspected, the screen will include that drug also.

#### **TEST RESULTS 42.06**



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## Drug Testing Program

- .1 All results, positive or negative, are reported to a qualified Medical Review Officer (MRO) by the testing laboratory. The MRO reports the results to the Chief of Police or his/her designee. Requirements for MRO's are described in the DOT collection procedures.
- .2 If the MRO receives a positive result from the testing laboratory, the MRO will contact the employee to discuss the test results and to provide the employee an opportunity to submit information demonstrating authorized use of the drug(s) in question.
- .3 Should the department receive a positive test result report from the MRO, the employee will be notified prior to his next scheduled work shift in writing by the Chief of Police or his designee as to the positive test results. The employee will be suspended with pay following the guidelines outlined in Chapter 28 of the CPD Policies and Procedures Manual, or in accordance with any applicable rules as set forth in the Hagerstown Community College Human Resources Manual.
- .4 The Internal Affairs Administrator shall begin an investigation into the matter in order to determine whether the employee has violated the Department's or College's policies and procedures.
- .5 In the event of a positive test result the employee may request testing of the split specimen. The employee must make the request, either verbally or in writing, to the MRO within 72 hours of being notified by the MRO of a verified positive drug test (and/or refusal to test because of adulteration or substitution). The MRO will notify the initial testing laboratory who will send the split sample to another NIDA certified laboratory for testing.
- .6 Because the split specimen exists to provide the employee with "due process" in the event that he or she desires to challenge the primary specimen's results, only the employee can request that the split specimen be tested.

### *Sample Instructions for Collection of Urine for Drug Testing*

#### **WHAT TO EXPECT**

The collection of your urine will be conducted under procedures mandated by the Department of Transportation. The DOT regulations provide for your individual privacy unless there is reason to believe that you may have altered or substituted the urine specimen.

- You will be required to present photo identification to the collector. If you do not have a photo ID, an employer representative will be asked to identify you.
- You may ask the collector to show his/her identification.
- Remove any unnecessary outer garments, e.g., coat jacket. Empty pockets. All personal belongings must remain with the outer garment(s).
- The collector will have you wash and dry your hands. You will not be able to use soap at this time.
- You will be provided a sealed specimen bottle or collection container. The collector will unseal it in your presence.



## Chapter 42

## Drug Testing Program

- You will then provide the specimen in the privacy of a stall that allows for individual privacy. The toilet water will have bluing in it.
- You should observe the entire collection procedure. The collector will check the specimen, volume, temperature and color. The collector will then pour the specimen into bottle (a) and bottle (b). The collector will then seal the bottles.
- You will then be asked to initial the labels on each bottle to certify that it is your specimen.
- You will then be asked to complete copy 2 step 5 of the chain of custody form. If you are doing a dot collection. You should not list any medications or prescriptions on any other copy of the form except the copy you are given for your records.

The results of the laboratory analysis will be forwarded to the medical review officer. **If the results are negative**, the medical review officer will forward the results to the employer. **If the results are positive**, the medical review officer will contact you at the phone number you provided to give you the opportunity to discuss the test results and to submit information demonstrating authorized use of the drug(s) in question.

AUTHORIZATION FOR DRUG AND ALCOHOL TESTING  
DONE AT



~~ MERITUS MEDICAL CENTER ~~

\* \* \* PLEASE HAVE PICTURE I.D. WITH YOU \* \* \*

\*\*\*\*\*

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

EMPLOYER: HAGERSTOWN COMMUNITY COLLEGE CAMPUS POLICE  
DEPARTMENT

EMPLOYEE'S NAME: \_\_\_\_\_

Post-Accident \_\_\_\_\_ Random \_\_\_\_\_

Reasonable Suspicion/Just Cause \_\_\_\_\_

=====

NON -DOT PANEL 10 DRUG SCREEN  
(PLEASE USE HEALTH@WORK ATN NON DOT FORMS)

=====

USE THE FOLLOWING LOCATIONS:

Take this to the MERITUS MEDICAL CENTER ER.

\*\*\* PLEASE BILL **L952** - HEALTH@WORK \*\*\*





## DEPARTMENT PROCEDURES FOR SOCIAL MEDIA

### PURPOSE AND POLICY 43.01

.1 The HCC Police Department endorses the use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes this Department's position on the use and management of social media and provides guidance on its management, administration, and oversight. This policy is meant to address social media in general, with the understanding that advances in technology will occur and new tools will emerge.

.2 Social media provides a potentially valuable means of assisting the Department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded as deemed reasonable. The Department also recognizes the role that these tools play in the personal lives of some Department personnel. The personal use of social media can have bearing on Departmental personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by Department personnel.

### DEFINITIONS 43.02

.1 Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."

.2 Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

.3 Post: Content an individual shares on a social media site or the act of publishing content on a site.

.4 Profile: Information that a user provides about himself or herself on a social networking site.

.5 Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (e.g. Facebook, My Space), microblogging sites (e.g. Twitter, Nixle), photo- and video-sharing sites (e.g. Flickr, YouTube), wikis (e.g. Wikipedia), blogs, and news sites (e.g. Digg, Reddit).

.6 Social Networks: Online platforms (e.g. LinkedIn) where users can create profiles, share information, and socialize with others using a range of technologies.

.7 Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.



## Chapter 43

## Social Media

.8 Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

.9 Wiki: Web page(s) that can be edited collaboratively.

### DEPARTMENT PRESENCE ON AND USE OF SOCIAL MEDIA 43.03

.1 All Department social media sites or pages shall be approved by the Chief of Police or his or her designee and shall be administered only by designated personnel referred to as the Social Media Team.

.2 Where possible, each social media page shall include the following:

- An introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
- A link to the Department's official website.
- A clear indication that they are maintained by the Department and shall have Department contact information prominently displayed.
- A statement that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Department.
- A clear indication that posted comments will be monitored and that the Department reserves the right to remove obscenities, off-topic comments, and personal attacks.
- A clear indication that any content posted or submitted for posting is subject to public disclosure.

.3 Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.

.4 Content is subject to public records laws. Relevant records retention schedules apply to social media content. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.

.5 Department personnel representing the Department via social media outlets shall:

- Conduct themselves at all times as representatives of the Department and, accordingly, shall adhere to all Department standards of conduct.
- Have the option to either identify themselves as a member of the Department or to post content as an official Departmental spokesperson.
- Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to Department training, activities, or work-related assignments without express written permission from the Chief of Police or his or her designee.
- Not conduct political activities or private business.



.6 Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

#### **POTENTIAL USES FOR SOCIAL MEDIA 43.04**

.1 Social media is a valuable investigative tool when seeking evidence or information about

- missing persons;
- wanted persons;
- gang participation;
- crimes perpetrated online (i.e., cyberbullying, cyberstalking); and
- photos or videos of a crime posted by a participant or observer.

.2 Social media can be used for community outreach and engagement by

- providing crime prevention tips;
- offering online-reporting opportunities;
- sharing crime maps and data; and
- soliciting tips about unsolved crimes (i.e., Crime stoppers, text-a-tip).

.3 Social media can be used to make time-sensitive notifications related to

- road closures,
- special events,
- weather emergencies, and
- missing or endangered persons.

.4 Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.

#### **PERSONAL USE OF SOCIAL MEDIA BY DEPARTMENT PERSONNEL 43.05**

Barring state law or binding employment contracts to the contrary, Department personnel shall abide by the following when using social media:

.1 Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this Department for which loyalty and confidentiality are important; impede the performance of duties; impair discipline and harmony among coworkers; or negatively affect the public perception of the Department.

.2 As public employees, Department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties-that is, that owes its existence to the employee's professional duties and responsibilities-is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this Department.



.3 Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Chief of Police or his or her designee.

.4 For safety and security reasons, Department personnel should be aware that information related to their employment with this Department is not secure once posted on social media sites. Privacy settings on social media sites are constantly in flux. Members should never assume that personal information posted on such sites is protected. They should be cautious when posting information pertaining to any other member's employment with the Department without their permission. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification. Some examples of information that members should consider include:

- Display of Department logos, uniforms, or similar identifying items on personal web pages.
- Personal photographs or similar means of personal recognition that may cause them to be identified as a police officer of this Department.

.5 When using social media, Department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the Department's code of conduct is required in the personal use of social media. In particular, Department personnel are prohibited from the following:

- 1) Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
- 2) Speech involving themselves or other Department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.

.6 Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.

.7 Unless they have express authorization from the Chief of Police, Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this Department.

.8 Department personnel should be aware that they may be subject to civil litigation for

- publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
- publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;



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- using someone else's name, likeness, or other personal attributes for an exploitative purpose without that person's permission; or
- publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

.9 Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Department at any time without prior notice.

.10 Reporting violations–Any employee becoming aware of or having knowledge of any posting, website, or web page that violates the provision of this policy shall notify his or her supervisor immediately for follow-up action.



## DEPARTMENT PROCEDURES FOR OPIATE OVERDOSE RESPONSE PLAN

### PURPOSE 44.01

The purpose of this policy is to reduce the number of fatalities which occur as a result of opiate overdose emergencies, by the proper pre-hospital administration of naloxone; and to establish guidelines and regulations governing the utilization of the naloxone administered by officers of the Hagerstown Community College Police Department.

### POLICY 44.02

It is the policy of the HCC Police Department to have sworn personnel appropriately trained in the use of the naloxone so they may be prepared to intervene and provide appropriate emergency first aid to opiate overdose victims.

### DEFINITIONS 44.03

.1 Opiate: A medication or drug that is derived from the opium poppy or that mimics the effect of an opiate (a synthetic opiate). Opiate drugs are narcotic sedatives that depress activity of the central nervous system, reduce pain, and induce sleep. Commonly encountered opiates include: morphine, methadone, codeine, heroin fentanyl, oxycodone (OxyContin, Percocet, and Percodan) and hydrocodone (Vicodin).

.2 Naloxone: An opioid antagonist that can be used to counter the effects of opiate overdose. Specifically, it can displace opioids from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks such as "Narcan".

### OVERDOSE RESPONSE PROGRAM COORDINATOR 44.04

The Training Officer shall serve as the Overdose Response Coordinator and shall administer the program. The Coordinator responsibilities include the following:

- Facilitate the proper and efficient issuance of naloxone to HCD personnel.
- Ensure that HCCPD personnel are adequately trained according to COMAR requirements.
- Review all investigative reports on naloxone administrations to ensure required details are included.  
Ensure each individual prescription written to authorized officers for the possession of naloxone is maintained on file.  
Prepare and submit to state or federal agencies (as required by law) reports of naloxone administrations by HCCPD personnel; prepare and submit reports to other entities as directed.
- Serve as liaison to the Medical Control Physician.

**MEDICAL CONTROL PHYSICIAN 44.05**

In order to implement a safe and responsible naloxone plan, the HCC Police Department will establish and maintain a professional affiliation with a Medical Control Physician (MCP) through the Washington County Health Department. The MCP will provide medical oversight for naloxone use and administration. The Medical Control Physician shall be licensed to practice medicine in the State of Maryland. The Medical Control Physician shall be consulted regarding policy, oversight, and administration of the HCCPD naloxone program.

**TRAINING 44.06**

- .1 In order to be authorized to possess and administer naloxone, personnel must successfully complete training that complies with the requirements of COMAR 10.47.08.
- .2 Training providers shall provide HCCPD with certification of their qualifications to provide training per COMAR 10.47.08. Copies of certifications shall be maintained by the ORPC.

**PROCEDURES 44.07**

- .1 Because of the availability of naloxone-trained officers, the Emergency Communication Center will broadcast ECHO calls for possible opiate overdoses.
- .2 Officers responding to ECHO calls or otherwise discovering suspected opiate overdoses will notify the Emergency Communication Center of the officer's current location and response to call.
- .3 Upon arrival, officers will take standard precautions in assessing the scene for hazards, take reasonable action to stabilize the scene in order to minimize risks to the safety of the officer and others, take universal precautions against pathogens, and provide other appropriate first-aid.
- .4 If the officer believes, based on the officer's training, that an opiate overdose has occurred, the officer will follow the protocols as described in the approved naloxone training.
- .5 Officers should keep the ECC updated with the patient's condition and ensure that EMS has been dispatched to the scene.
- .6 Officers will help ensure the patient is transported to the hospital. The emergency evaluation process is to be applied when the required criteria are present. If an emergency evaluation is not indicated, the patient may legally refuse further medical assistance.
- .7 The officer will complete an Investigative Report detailing the nature of the incident, the care the patient received, including whether or not naloxone was administered and the effect on the person. The officer will, when indicated, conduct a criminal investigation and take enforcement action as appropriate.



.8 The officer will notify the Patrol Lieutenant of the incident and the related investigative report number by the end of the reporting officer's duty day.

### **EQUIPMENT ISSUANCE, MAINTENANCE AND REPLACEMENT 44.08**

.1 Officers who successfully complete the approved training may be issued naloxone kits. The initial kit will be issued by the Medical Control Physician/Designee at the conclusion of training, or will be issued following the same procedures for replacing kits (next section).

.2 The procedure for replacing lost, used, damaged, or expired naloxone kits is as follows:

- The officer notifies his/her immediate supervisor.
- The supervisor notifies the Training Officer.
- The Training Officer contacts the Medical Control Physician or designee.
- The MCP writes the prescription for the naloxone and releases same to the Training Officer.
- The Training Officer will issue the replacement directly to the officer.

.3 Officers who are issued naloxone kits are responsible for inspection of the kit prior to each shift. Missing or damaged kits will be reported through already established procedures for reporting missing or damaged issued equipment. Additionally, by the end of the officer's duty day the officer will initiate the above replacement procedures.

.4 Naloxone has a shelf life of two years. Officers are encouraged to initiate the above replacement procedures when an issued kit is nearing the expiration date so it can be replaced before it expires.

.5 Officers shall immediately dispose of expired kits by depositing them in a medical disposal box (located in the HPD and WCSO lobby). Used kits shall be disposed in the same manner, or may be turned over to ambulance personnel at the scene.





## DEPARTMENT PROCEDURES FOR BODY WORN CAMERAS

### PURPOSE 45.01

The Hagerstown Community College Police Department is dedicated to providing transparency while building and maintaining trust and legitimacy with the community. Therefore, the Department has engaged in the use of body worn cameras (BWCs) to enhance its ability to meet the aforementioned goals. This policy is intended to provide sworn personnel with instructions on the use of BWCs in the furtherance of these pursuits. This policy shall be made available to the public upon request.

### POLICY 45.02

It is the policy of this department that sworn personnel shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, when in uniform or prominently displaying a badge or departmental insignia, when sworn personnel are a party to the communication recorded, and where the recordings are consistent with this policy and Maryland law. When not otherwise prohibited by this policy, sworn personnel may utilize the BWC in circumstances that they determine would be beneficial to the public interest. This policy does not govern the use of surreptitious recording devices used in undercover operations.

### PROCEDURES 45.03

1. This agency has adopted the use of the BWC to accomplish several primary objectives as follows:

- A. BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of sworn personnel's reports and testimony in court.
- B. Audio and video recordings enhance this agency's ability to review probable cause for arrest, sworn personnel and suspect interaction, evidence for investigative and prosecutorial purposes, and provide additional information for sworn personnel evaluation and training.
- C. The BWC provides documentation for crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

2. Except for when emergency or exigent circumstances do not permit, sworn personnel shall activate the BWC to record;

- 1) At the initiation of a call for service, to include while travelling to the call, or
- 2) other activity that is investigative or enforcement in nature, or
- 3) an encounter between the officer and a member of the public that is investigative or enforcement in nature; and
- 4) Any encounter that becomes confrontational after the initial contact



## Chapter 45

## Police Body Worn Cameras

*(Note: This section covers Senate Bill 71 which states: "A law enforcement officer employed by a law enforcement agency who regularly interacts with members of the public as part of the law enforcement officer's official duties.)*

3. Sworn personnel executing a search warrant shall use a BWC during the course of the search. (Senate Bill 178; Page 7)
4. Unless it is unsafe, impractical or impossible, sworn personnel should inform individuals that they are being recorded, including individuals who join the communication after the initial notice is given. In locations where individuals have a reasonable expectation of privacy, as defined in 45.5, they may decline to be recorded unless the recording is being made pursuant to a legal arrest or search. The BWC shall remain activated until: the event is completed, such time as is necessary to ensure the integrity of the recording, the sworn personnel leave the scene, the contact moves into an area restricted by this policy or when restricted by section 45.5 of this policy.
5. If sworn personnel fail to activate the BWC, fail to record the entire contact, or interrupts the recording, they shall document why a recording was not made, was interrupted, or was terminated. Documentation shall be made either on camera or in a report.
6. Civilians shall not be allowed to review the recordings at the scene.
7. BWC equipment is issued primarily to uniformed sworn personnel as authorized by this agency. Sworn personnel who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
8. Sworn personnel shall use only BWCs issued by this department. The BWC equipment and all data. Images video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the HCC Police Department.
9. Sworn personnel who are assigned a BWC must complete an agency approved training program to ensure proper use and operations. Annual in-service training may be required to ensure the continued effective use and operation of the equipment, and to incorporate changes, updates, or other revisions in policy and equipment.
10. BWC equipment will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of a supervisor as soon as possible so that a replacement unit may be procured.
11. Body Worn Cameras shall be inspected and tested prior to each shift in order to verify proper functioning and shall notify a supervisor of any problems. Sworn personnel shall wear the BWC on their person in accordance with their training, unless safety or prudence demands otherwise.



12. Sworn personnel shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or his or her designee.
13. Sworn personnel are encouraged to review their own recordings in order to enhance recall and accurately describe events in reports and other documentation.
14. Sworn personnel may include in their reports or statements relevant information they obtain from reviewing video recordings of an incident. Any such information that is not independently recalled should be noted accordingly.
15. Sworn personnel are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
16. If any sworn personnel are suspected of wrongdoing, is the subject of an internal investigation, or is charged with a crime, the department reserves the right to limit or restrict any privileges for viewing the video file, to the extent permitted by law.
17. Requests for deletion of portions of the recordings (e.g., in the event of an accidental personal recording) must be submitted in writing and approved by the Chief of Police or his or her designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.
18. Sworn personnel shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.
19. Sworn personnel shall tag/label all BWC files. This shall be done in a timely manner by connecting to the designated computer and downloading the file to the Department's AXON BWC evidence management system. When tagging BWC files officers will enter one of the following into the "ID" section:
  - 1) Report/Incident Number: Always utilized if a report number is issued.
  - 2) Event Number: Utilized if a report/incident number will not be issued.
  - 3) Primary Citation Number: Utilized if one or more citations have been issued, but no report/incident number or event number is issued.
20. When tagging/labeling BWC files, the incident/event location is to be entered into the "Title" section.
21. When tagging/labeling BWC files, the most appropriate category/categories are to be entered into the "Category" section.



#### **SPECIALIZED UNITS CRITERIA FOR USE AS REQUIRED BY LAW 45.04**

1. The BWC will be utilized anytime sworn personnel operating in plain clothes capacity, specialized unit or SRT are performing the following specific law enforcement functions;

- Executing arrest warrants
- Executing search and seizure warrants

2. Unless it is unsafe, impractical or impossible, sworn personnel in specialized units shall inform individuals that they are being recorded, including individuals who join the communication after the initial notice is given (see 45.3.4). In locations where individuals have a reasonable expectation of privacy, as defined in 45.5, they may decline to be recorded unless the recording is being made pursuant to a legal arrest or search. The BWC shall remain activated until: the event is completed, such time as is necessary to ensure the integrity of the recording, the sworn personnel leave the scene, the contact moves into an area restricted by this policy or when restricted by section 45.5 of this policy.

#### **RESTRICTION ON USING THE BODY WORN CAMERA 45.05**

1. BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

- 1) Communications (such as but not limited to: private conversations, meetings, evaluations, roll call and internal affairs interviews and interrogations) with other police personnel without the permission of the Chief or his/her designee;
- 2) Encounters with undercover officers or confidential informants;
- 3) Conversations with crime witnesses and members of the community who wish to report or discuss criminal activity in their neighborhood;
- 4) Victims, witnesses or other individuals that wish to make a statement or share information, but refuse to do so while being recorded or request that the camera be turned off. Officers may temporarily activate the BWC to document such refusals and requests;
- 5) When on break or otherwise engaged in personal activities; or
- 6) Any situation wherein individuals have a reasonable expectation of privacy under the Fourth Amendment of the U.S. Constitution such as: a residence, treatment facility, restroom, or locker room.

#### **STORAGE 45.06**

1. Sworn personnel shall download all files from their assigned BWC to the Department's AXON evidence management system no later than the end of each shift using the docking station or the approved evidence management software. Sworn personnel are also encouraged to download files periodically throughout their shift. Each file shall contain information related to the date, BWC identifier, and assigned personnel.

2. BWC files will be retained for a minimum of 120 days. Files not retained for training or



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## Police Body Worn Cameras

investigative purposes, saved to a case file, or retained as evidence may be purged after 120 days.

3. All images and sounds recorded by the BWC are the exclusive property of this department. Subject to the requirements of the Public Information Act, accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
4. Files shall be securely stored in accordance with applicable records retention laws or Policies, and no longer than useful for purposes of training, or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.
5. Requests for BWC recordings must comply with and are subject to the requirements of the Freedom of Information Act/Maryland Public Information Act and will be released after approval from the Chief of Police or the BWC Administrator, as custodian of the records.
6. If the files are required to be produced under the Public Information Act, they are subject to being inspected and copied for any purpose thereof.
7. A BWC recording of a constitutionally protected activity may not be used to identify persons present at such an activity, except those persons suspected of, or witness to illegal activity, or in need of assistance, or a witness thereof.
  - A. BWC recordings of a constitutionally protected activity may not be used to create a database or pool of mug shots.
  - B. BWC recordings of a constitutionally protected activity may not be used as fillers in a photo array.

### **SUPERVISORY RESPONSIBILITIES 45.07**

Supervisory personnel shall ensure that sworn personnel equipped with BWC devices utilize them in accordance with policy defined herein.

### **BWC ADMINISTRATOR 45.08**

1. The Chief of Police may designate an Administrator for the BWC program.
2. At least once during each calendar quarter the BWC Administrator will randomly review BWC recordings and equipment to ensure that the equipment is properly calibrated and operating performance is consistent with manufacturer's standards. Additionally, The BWC Administrator will ensure the devices are appropriately used in accordance with policy and to identify any areas in which additional training or guidance is required. Based on the number of BWC videos generated each quarter a minimum of 10% of all videos per quarter will be reviewed.



**COORDINATION WITH THE STATE'S ATTORNEY 45.09**

1. BWC files are used in criminal court cases as determined by the State's Attorney's Office.
2. As needed, the SAO will notify the BWC administrator which files are needed for court. The BWC Administrator will facilitate the SAO's access to the file. The SAO will make all subsequent arrangements for presenting footage in court and providing access to defense attorneys.



## DEPARTMENT PROCEDURES FOR POLICE INVOLVED FATALITIES

### Purpose 46.01

The Hagerstown Community College Police Department, in response to the Maryland Annotated Code, State Government Article, 6-106.2, has adopted the following Policy and Procedure as it relates to Criminal Investigations of Police-involved fatalities.

## NOTIFICATION PROTOCOLS FOR THE INDEPENDENT INVESTIGATIONS DIVISION

### 46.02 Revised by AG-IID 1/11/22

## NOTIFICATION PROTOCOLS FOR THE INDEPENDENT INVESTIGATIONS DIVISION

The Office of the Attorney General's Independent Investigations Division ("IID") and the Maryland State Police ("MSP") will lead the investigation of all alleged or potential officer-involved deaths of civilians as mandated by Maryland Annotated Code, State Government Article, § 6-106.2.

### I. Definitions

"Officer-Involved Death" means a death or potential death of an individual resulting from an action or an omission of a law-enforcement officer while the law-enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.

The following are examples of, but not limited to, the types of incidents that IID and MSP should be notified about: shootings that are fatal or result in the likelihood of death, use of force incidents that are fatal or result in the likelihood of death, deaths occurring while an individual is in police custody, and vehicle pursuits by law enforcement that result in death or the likelihood of death.

### II. Notification

Immediately upon learning of an Officer-Involved Death or potential death, the local law enforcement agency ("LEA") that employs the officer and/or the local LEA with primary jurisdiction over the location of the incident will notify the MSP Headquarters Duty Officer at (410) 653-4474. The notifying local LEA will provide contact information for the on-scene commander with responsibility for the initial crime scene response.

If a local LEA is uncertain whether an incident qualifies as an Officer-Involved Death, the local LEA should contact MSP at the above number. The local LEA's on-scene commander will be contacted as quickly as possible by a member of the IID or MSP, who will provide a preliminary determination of whether the incident qualifies as an Officer-Involved Death.



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## Police Involved Fatalities

During the initial contact, the local LEA's on-scene commander should provide, to the best of their ability, the following preliminary information: the date and time of the incident; the location of the incident, of any other crime scenes, and of any other witnesses; the type of incident that led officers to the scene; the number of involved and witness officers; whether anyone is deceased or injured; and whether the media is on-scene. It is more important that the local LEA provide notification quickly than that they wait to obtain all of these pieces of information.

The local LEA will maintain control over the crime scene until the arrival of MSP. The IID has distributed protocols for evidence collection and media contacts, which should be followed prior to MSP's arrival at the scene.

The local LEA will maintain scene security, including traffic control, until the on-scene investigation is complete and the scene is released. The local LEA will provide security for any individuals in custody until either treated and booked, relieved by the Division of Corrections as a bedside commitment, or transferred to the Office of the Chief Medical Examiner.

While initial notification should always go to MSP at (410) 653-4474, a local LEA may reach out with additional questions to the on-call IID investigator at (410) 576-7070

### **EVIDENCE COLLECTION, STORAGE, AND ANALYSIS PROTOCOLS FOR THE INDEPENDENT INVESTIGATIONS DIVISION 46.03 Revised by AG-IID 1/11/22**

#### **EVIDENCE COLLECTION, STORAGE, AND ANALYSIS PROTOCOLS FOR THE INDEPENDENT INVESTIGATIONS DIVISION**

The Office of the Attorney General's Independent Investigations Division ("IID") and the Maryland State Police ("MSP") will lead the investigation of all alleged or potential officer-involved deaths of civilians as mandated by Maryland Annotated Code, State Government Article, § 6-106.2. In this document, the "Independent Investigations Division" or "IID" refers to the entity created by that legislation, consisting of both AG and MSP personnel.

The following protocols are intended to govern the gathering and preservation of evidence at those scenes. Because no protocol can cover all situations, please call the MSP Headquarters Duty Officer at (410) 653-4474 or the on-call IID investigator at (410) 576-7070 with any questions that arise prior to IID's arrival on scene.

#### **I. Collection of Physical Evidence at Scene.**

A. Personnel from the MSP Forensic Sciences Division ("MSP-FSD") and Criminal Enforcement Division will oversee the scene of potential IID investigations and will make every effort to arrive at the scenes of IID investigations within one to two hours from notification.

#### **B. Cases Where There is no Imminent Threat to Evidence**





1. In all cases in which there is no imminent threat to losing, damaging, or contaminating evidence, the evidence should be collected by personnel from the MSP-FSD.

2. In these cases, personnel from the local law enforcement agency (“LEA”) will not collect evidence but will locate, identify and secure all crime scenes and evidence until MSP-FSD personnel arrive.

3. If the local LEA has scanning devices, we encourage them to begin scanning the scene prior to the arrival of IID personnel, if feasible.

### C. Cases Where There is an Imminent Threat to Evidence

1. An imminent threat to evidence is defined as a situation in which evidence will be lost, damaged, or contaminated if personnel on the scene do not act. Examples include, but are not limited to, weather (rain, wind, flood, heat) and potential interference (civilian, medical personnel, animals) with evidence.

2. If there is an imminent threat to any evidence and crime scene personnel from the local LEA are present, then the local crime scene personnel should document, photograph, and collect that evidence as per their own protocols prior to the arrival of MSP-FSD crime scene personnel. If the evidence must be processed in order to preserve it from threat, the local LEA may do so. Evidence that is not subject to an imminent threat will be left for MSP-FSD crime scene personnel to process.

3. If there is an imminent threat to any evidence and no crime scene personnel (MSP-FSD or local) are present, then the sworn personnel on-site should document, photograph, and collect that evidence rather than waiting for crime scene personnel to arrive. If time allows, the sworn personnel from the local LEA should contact IID personnel for guidance prior to the collection of evidence. Evidence that is not subject to an imminent threat will be left for MSP-FSD crime scene personnel to process.

4. If personnel from the local LEA collects evidence, the name of the personnel collecting the evidence and the reason for collection should be documented and provided to the IID as soon as possible.

5. The guiding principle for when there is a threat to evidence is that it is always better to collect the evidence in some manner rather than losing the evidence or having it damaged or contaminated.

### II. Collection of Other Evidence at Scene

#### A. Video Evidence

1. The local LEA should identify all personnel who are equipped with a Body Worn Camera (BWC) and/or Mobile Video System (MVS) that potentially captured any aspect of the encounter, including footage from before and after the incident. Any BWC and/or MVS footage should be secured and turned over to IID personnel.

2. The local LEA should begin to identify all video surveillance evidence prior to the arrival of IID personnel.



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## Police Involved Fatalities

### B. Involved and Witness Officers

1. The local LEA should identify and separate all involved and witness officers. If possible, the local LEA should contact IID personnel prior to any removal of an involved or witness officer.

2. If there is an imminent need to remove the involved or witness officer from the scene, the local LEA should, if possible, photograph the officer while on scene and contact IID personnel prior to transport for further guidance. If an officer must be transported from the scene before being photographed or his or her firearm being recovered, he or she should, if possible, be transported in a car with an operating camera and/or in the company of an officer wearing an operating BWC.

### C. Civilian Witnesses

1. The local LEA should identify, separate, and maintain all possible civilian witnesses and ask them to remain present until IID personnel arrives to conduct interviews.

2. In cases where a civilian witness needs to be transported from a scene, the local LEA should, if possible, contact IID personnel prior to transport for further guidance.

3. If a witness is unwilling to wait on scene for the arrival of IID personnel, the local LEA should attempt to conduct an interview of that individual, to collect any video or other evidence they might have, and to obtain the contact information for the witness to include his/her name, date of birth, address, phone number, and vehicle registration information.

4. If possible, any on-scene interaction with the civilian witnesses should be recorded and documented. These recordings and documentation should be maintained and will be collected by the arriving IID personnel.

### III. Death Notifications

A. If there has been an “Officer-Involved Death” incident, IID personnel will make the next-of-kin notification to the family of the involved decedent. At the discretion of the IID, a representative from the local LEA may accompany IID personnel to the next-of-kin notification.

B. If extenuating circumstances prevent the IID from making a timely notification, the local LEA can make the next-of-kin notification after consulting with the IID. During that notification, the local LEA will provide the family with contact information for the IID and will also provide the IID with the contact information of the involved family.

C. Following the next-of-kin notification, and throughout the course of the investigation, the IID will be the primary point of contact with the decedent’s family.

### IV. Submission of Evidence

A. All evidence collected as part of an IID investigation should be submitted to the MSP-FSD regardless of who collects the evidence.



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B. If there is a dispute with a local LEA as to whether evidence is part of an IID investigation, IID personnel will make the final determination regarding the evidence.

C. If potential IID evidence is submitted to a crime lab other than the MSP-FSD, the IID will request or subpoena the evidence so that it can be transferred to the MSPFSD.

### D. Requests for Transfers of IID Evidence

1. If a local LEA determines that it needs possession of evidence submitted to the MSP-FSD for its own investigation or prosecution, it may request the transfer of evidence.

2. IID personnel will address evidence transfer requests on a case-by-case basis. Every effort will be made to accommodate transfer requests if they do not prejudice an IID investigation or potential prosecution.

3. All transfers of IID evidence from the MSP-FSD to another LEA's accredited and licensed crime lab must be requested by that LEA's crime lab director and be approved by the director of the MSP-FSD, and the IID chief.

### V. Analysis of Evidence

A. IID personnel may request the analysis and testing of evidence collected for IID investigations that they deem appropriate.

B. Because of the increased burden these cases will place on the MSP-FSD, the FSD Director may request that other accredited and licensed crime labs in the State perform the analysis. Insofar as practical, the MSP-FSD will not send any evidence related to the IID investigation to the crime lab in the same jurisdiction as the officer under investigation. The MSP-FSD will notify the IID if this transfer occurs.

### C. Local LEA requests for analysis of IID Evidence.

1. If a local LEA determines that it would like evidence that has been submitted to the MSP-FSD to be analyzed, it may request that the MSP-FSD conduct the analysis.

2. IID personnel will determine if the analysis should be done on a case-by-case basis depending on the request and the resources available at the time of the request.

3. If a local LEA's request for analysis is denied, IID personnel will make every effort to transfer the evidence to another accredited and licensed crime lab as soon as practicable without prejudicing the IID investigation or potential prosecution.

### VI. Collateral Criminal Investigations

A. Because the IID solely investigates law-enforcement personnel, local LEAs may need to conduct criminal investigations and prosecutions of non-police criminal activity arising from the same general incident as IID investigations. IID personnel will collaborate with the local LEA in every case in which there is a collateral criminal investigation. All efforts will be made to find solutions that allow for the proper



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investigation and potential prosecution of both the IID case and the collateral criminal case without causing prejudice to either case.

B. Where the two investigations share witnesses, the IID and local LEAs will coordinate, to the extent possible, prior to conducting interviews.

### C. Collection of Evidence for Collateral Investigations.

1. If IID personnel determine that evidence is necessary for an IID investigation, the evidence will, barring, an imminent threat to the evidence, be collected by the MSP-FSD and submitted to the MSP-FSD. This will occur even if a local LEA believes the evidence is necessary for a collateral criminal investigation.

2. If IID members determine that evidence is not required for an IID investigation, local LEA may collect, store and analyze the evidence according to their normal practices or procedures. The local LEA may also request that the MSP-FSD personnel collect that evidence at the scene and provide it to the local LEA for its own future analysis.