

ST. MICHAELS POLICE DEPARTMENT
OPERATIONS AND REGULATIONS MANUAL

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St. Michaels Police Department Operations and Regulations Manual

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St. Michaels Police Department
Operations and Regulations Manual
Introduction

St. Michaels Police Department Operations and Regulations Manual

Introductory Statement

The St. Michaels Police Department Operations and Regulations Manual (hereafter sometimes referred to as the “Manual”) is issued for the administration and members of the St. Michaels Police Department (hereafter sometimes referred to as the “Department”). The contents of this manual shall constitute the official rules, regulations (“regulations”), general orders (“orders”) and operational policies and procedures (“procedures”) of the Department, and shall replace and supersede any previously issued manuals or directives. These Regulations will supersede the general policies of the Commissioners of the Town of St. Michaels when specifically stated or when required by the Maryland or Federal Law.

While these Regulations cannot cover all situations, it is expected and required that all personnel employed by the Department will know and adhere to all the Regulations and Procedures detailed in this Manual. Other directives and amendments to the Manual may be posted following issuance of this Manual, and shall be taken as additions and supplements to this Manual when so designated by the Chief of Police.

Employees of the Department shall be familiar with all of the Regulations and Procedures in this manual. In addition, all of the employees of the Department shall be familiar with local, county, state and federal laws or ordinances which are enforced by the Department, and which are within the field of operations of the Department. Members and employees of the Department shall not violate any federal, state, county, or local laws or ordinances, and nothing in this Manual shall be taken as justification for such violations.

This Manual and its rules and regulations herein should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for administrative sanctions by the St. Michaels Police Department and possibly the Maryland Police and Correctional Training Commissions. The Policies and Procedures in this Manual do not hold the St. Michaels Police Department, its officers or the Town of St. Michaels liable for any third party claims and is not intended for use in any civil actions.

Forward

The Chief of Police reserves the right to alter, amend, or repeal any of these Regulations and Procedures, or to make additions thereto as circumstances may require; and if the occasion demands, to issue verbal or written orders which shall have the same force and effect as these Regulations and Procedures.

All Regulations and Procedures previously issued are hereby revoked insofar as they conflict with the Regulations and Procedures herein set forth.

The conduct of each member of the Department shall be governed by these Regulations and Procedures. The Regulations and Procedures cannot cover every specific act of commission or omission, nor can they cover every specific situation or problem which may, from time to time, confront members of the Department. To the extent possible, the Regulations and Procedures of this Manual shall be applied and followed; to the circumstances and conduct that are not specifically addressed in this Manual, the members of the Department shall follow and apply the spirit and intent of the Regulations and Procedures hereof to achieve the purposes of the Department, and to achieve those purposes in the proper manner. Therefore, a great deal must necessarily be left to the intelligence, integrity, and discretion of the individual. The exercise of good judgment and the application of common sense, together with the highest degree of cooperation by those entrusted with law enforcement, is essential to effective police work.

To achieve true success, the Department must win and retain the confidence and respect of the public, which it serves. This can be accomplished only by constant and earnest endeavor on the part of all members of the Department to perform their duties in an efficient, honest, and businesslike manner, and by exemplary conduct, cultivating in the public mind the realization that the Police Department is a most virtual requisite to public well being.

An officer should remember that in the execution of his duties he acts not for himself but for the public. The entire law regulating his function hinges upon this principle. He is required to be governed by no feeling, save zeal, to do what the law commands, and should never allow passion to urge him to brutality; or fear, favoritism, or sympathy to persuade him to illegal leniency or neglect of duty. The officer must bear in mind that he is a representative of the law to whose lawful demands all must submit, and such submission can be compelled when necessary. He should use no unnecessary force, nor should he hesitate to use only so much force as is necessary when circumstance requires.

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 realizes that his every action whether it is a part of his official duty or his private life, is closely observed by the public. Acts of misconduct or inefficiency not only reflect on the member as an individual, but on the Department as a body, and upon the Town and the government of the Town. It is therefore essential the every member become familiar with the Regulations and Procedures and adhere to them. It is equally important to remember that all persons are to be treated with the respect and dignity to which they are entitled, regardless of race, ethnicity, creed, religion, sex, national origin, or sexual orientation. Each member

of the Department must earn the respect and confidence of every law-abiding member of the community.

A member who has been placed in a supervisory position must gain the respect and confidence of his subordinates. This can be accomplished only by setting good examples in both conduct and appearance, by having a thorough understanding of the Regulations and Procedures of the Department, and by a willingness to assist and instruct subordinates in the proper performance of their duties.

A superior officer who overlooks inefficiency or misconduct on the part of his subordinates is guilty of neglect of duty, and such action affects the efficiency of the Department, and makes it impossible for him to gain the respect and confidence essential to his position.

St. Michaels Police Department

Mission

It is the mission of the St. Michaels Police Department and every member thereof to provide an exemplary level of service to the Town of St. Michaels, ensuring safety and a peaceful quality of life to the residents and businesses of the town and to all those who may visit our community. The men and women of the St. Michaels Police Department envision a future in which the citizenry enjoy an enhanced quality of life. The members of our Department will work in a true partnership with our fellow citizens of the Town of St. Michaels to assist in seeking solutions, in investigating problems as well as incidents, and fostering a sense of security in communities and individuals.

The members of our Department will nurture public trust by holding ourselves to the highest standards of performance and ethics. The St. Michaels Police Department is committed to the prevention of crime and the protection of life and property; the preservation of peace, order and safety; the enforcement of laws and ordinances; and the safeguarding of constitutional guarantees. The members will raise the level of public safety through law enforcement, to reduce the fear and incidence of crime. The St. Michaels Police Department is dedicated to providing a quality work environment and development of its members through effective training and leadership.

- ▶ To reduce the impact of crime by investigating and apprehending violators.
- ▶ To provide for the safe, orderly movement of people and goods by regulating the flow of traffic through the Town.
- ▶ To perform any other task delegated to the Police Department in an efficient and effective manner.

St. Michaels Police Department

Goals

1. **Crime Reduction**

To reduce the opportunity and desirability to commit crime and the vulnerability of crime targets.

2. **Repression of Crime**

To repress crime by maintaining prompt response coupled with spontaneous arrest of those involved in criminal actions. To create a deterrent climate by thorough investigation of crimes, swift and certain identification and apprehension of offenders, recovery of stolen property, and proper case preparation leading to successful prosecutions.

3. **Miscellaneous Services**

To regulate non-criminal conduct (animal complaints, local ordinances), maintain order during public gatherings, natural disasters, and provide miscellaneous services on a 24-hour basis (notifications, provide assistance, found property, sick and injured).

4. **Traffic Safety**

To insure the safe and expeditious movement of vehicular traffic on public roadways.

5. **Pedestrian Safety**

To insure the safe and expeditious movement of pedestrian traffic on public sidewalks and across public roadways.

6. **Support Services**

To provide support services necessary to manage a modern police department.

St. Michaels Police Department
Operations and Regulations Manual

Definitions

Definitions

- A. **Chief of Police**-The Chief of Police (Chief) shall be the executive officer of the Department. He shall be responsible for the proper and efficient conduct, control and discipline of the Department.
- B. **Department**-When used throughout this manual, Department shall refer to the St. Michaels Police Department, St. Michaels, Maryland.
- C. **Members and/or Employees**-Throughout this manual, Members and Employees shall be used interchangeably to refer to all personnel employed by the St. Michaels Police Department.
- D. **Officer**-Throughout this manual, Officer shall refer to sworn police officers employed by the St. Michaels Police Department.
- E. **Uniform Division**-The Uniform Division of the St. Michaels Police Department shall be comprised of all personnel who are required by their duties and activities to wear the Uniform of the Day during duty time.
- F. **Supervisors**-Supervisors shall refer to those persons holding the rank of Corporal or above, who have been designated by the Chief of Police who have the responsibility for supervision of the activities of other personnel. Exceptions: In the absence of a person of the rank of Corporal or above, another person may act in the role of supervisor. This person shall be determined by rank and length of service if members of equal rank are on duty and there is an absence of a person of the rank of Corporal or above. The Chief of Police may also designate a person below the rank of Corporal to be an acting supervisor.
- G. **Town**-Whenever used in this manual, Town shall refer to the Town of St. Michaels.
- H. **Commissioners**-Throughout this manual, Commissioners shall refer to the Commissioners of the Town of St. Michaels.

St. Michaels Police Department

Chief of Police

Chief of Police

Description of Duties

- A. The Chief shall be an appointee by a majority of the Commissioners of the Town of St. Michaels, and he shall serve at their pleasure. He shall be subject to the Regulations and Procedures of this Manual, and such lawful orders as may be issued by a majority of the Commissioners.
- B. The Chief shall be responsible for the lawful, proper and efficient conduct, control and discipline of the Department.
- C. The Chief shall take measures to insure prompt and vigorous enforcement of all criminal and motor vehicle laws, regulations, and ordinances which come within the scope of proper police function and power.
- D. The Chief shall promulgate such lawful orders, rules and regulations which he may deem necessary for the proper and efficient administration of Department activities.
- E. The Chief shall delegate, to the personnel of the Department, such degrees of authority and functions as he deems necessary to establish and maintain a good and efficient administration of the Department.
- F. The Chief shall prepare the annual operational budget of the Department, and shall be responsible to the Commissioners for the use of Department funds.
- G. The Chief shall be the liaison between the members of the Department and the Commissioners. He shall also be the liaison between the members of the Department and the citizens of the Town of St. Michaels. In addition, the Chief of Police shall be the liaison between the members of the Department and other law enforcement agencies.
- H. The Chief shall be responsible for the Department's compliance with all federal, stated, and local laws, regulations and ordinances which apply to the Department and/or the members.
- I. The Chief shall prepare such amendments and additions to the Regulations and Procedures as he deems appropriate for the enforcement of the laws, the operation of the Department, and/or for the benefit of the Town.
- J. The Chief shall be subject to, and governed by, the Regulations, Procedures and General Orders for sworn police officers, as set forth in this Manual.
- K. In every case where the violation of the Regulations, Procedures and General Orders, or the violation of a lawful order by any other member of the Department is required to be reported to the Chief, any such violation by the Chief shall be reported in like manner to the President of the Commissioners.

St. Michaels Police Department
Operations and Regulations Manual
Members and Employees
Further Duty Descriptions

St. Michaels Police Department

Members and Employees

Further Duty Descriptions

Police Lieutenant

The Police Lieutenant works under the general supervision of the Police Chief. The Police Lieutenant provides general and close supervision for other officers and employees in the Police Department. Establishes and maintains a working environment conducive to positive morale, individual style, quality, creativity, and teamwork. The Lieutenant acts as division commander for all divisions of the Police Department. The Lieutenant exercises general supervision over all operational activities of the Department. Develops and analyzes the department's organizational structure and organizes major accountabilities and functions into effective and measurable units within this structure; ensures that personnel are deployed in shifts or working units which efficiently meet the community's needs for police protections. Assists in the planning, organizing and monitoring of activities of the Police Department; assists in the development of department policy, procedures, rules and regulations; reviews and analyzes reports to determine trends and make recommendations to the Police Chief for changes in the organization. Conducts and maintains records of all internal investigations of personnel. Maintains all necessary police records and submits period reports to Town administration and to Federal and local agencies regarding Police Department activities; coordinates proper storage, maintenance and retrieval of records through computer system. Assigns duties to subordinate personnel; trains employees; conducts employee performance reviews; initiates disciplinary actions; performs other related supervisory activities; reviews employee problems; receives and handles complaints. Directs training programs to prepare new officers to meet the challenges of police service, and update existing officers' skills to improve the Department's professional standards. Provides assistance to the Patrol Division for all patrol duties; provides back-up patrol coverage. Supervises and participates in criminal investigations, accident investigations, questioning of witnesses and prisoners, and record keeping activities of the Department. Reviews reports, and prepares reports for prosecution and court proceedings. Supervises and participates in criminal investigations. Assists in the preparation of the annual departmental budget; reviews and monitors departmental expenditures; determines need for supplies and equipment; oversees maintenance, disposition and use of supplies, equipment and facilities. Oversees department computer systems; works with outside computer technical consultants in the maintenance and operation of all computerized systems within the Department; coordinates system purchase and maintenance; ascertains and coordinates computer system purchasing requirements. Establishes and maintains cooperative relationships with neighboring and regional law enforcement and security agencies to ensure coordinated, concerted police services to communities served by those agencies. Directs planning and presentation of crime prevention and safety promotion programs through civic, school, business, and other community groups. Serves as the City's representative to committees and organizations concerned with improvements in law enforcement, public education, and public relations. Assumes duties of Police Chief in his/her absence; represents

the Police Chief at meetings, conventions and other official functions. Performs other law enforcement duties as required.

The Police Lieutenant may work in an unpredictable environment. Tasks may involve controlling human subjects. Tasks may include muscular strain, including walking, running, standing, stooping, and sitting, reaching, lifting, and driving a vehicle. Talking, hearing and seeing are essential to performing job requirements. Common eye, hand and finger dexterity is required for most essential functions.

Police Sergeant

The Police Sergeant supervises personnel in the Patrol Division and coordinates their activities; recommends, through chain of command, the transfer, promotion, discipline, discharge and assignments of subordinates; schedules patrol division personnel; supervises school crossing guards; assists in the evaluation of employees; reviews and corrects daily reports; develops and enforces patrol division policies and procedures. This is a highly responsible mid-management and human relations position in public safety for the town of St. Michaels. Inspects the equipment and appearance of subordinate officers; assigns police officers to patrol areas; relays and explains special orders and information; checks police officers performance in the field; gives advice and assistance when necessary; answers calls and complaints involving fire, traffic accidents, robberies, and other misdemeanors and felonies and takes necessary police action; and makes arrests. Determines training needs of subordinates and plans training for them as resources permit; administers training in accordance with established needs and approved plans. Plans, supervises, and administers departmental training programs; prepares and coordinates public relations programs. Secures evidence, seeks and develops sources of information necessary for the arrest and successful prosecution of persons alleged to have committed crimes; interrogates suspects and witnesses; maintains surveillance of known criminal offenders; conducts raids and similar special assignments. Performs all patrol duties; assumes immediate supervision for all major incidents and/or emergencies involving the Patrol Division; assists and advises subordinates in performance of their duties; may act for others of higher rank during the absence of the immediate supervisor. Confers with Assistant Police Chief (Lieutenant) and the Police Chief on unusual or difficult problems, the progress of individual cases, the efficiency of performance of subordinates, or on related problems; acts as a member of the Police Department management structure in other decision making processes; works with other agencies. Performs related duties as required.

Police Corporal

The Police Corporal supervises personnel in the Patrol Division and coordinates their activities; recommends, through chain of command, the transfer, promotion, discipline, discharge and assignments of subordinates; schedules patrol division personnel; supervises school crossing guards; assists in the evaluation of employees; reviews and corrects daily reports; develops and enforces patrol

division policies and procedures. Inspects the equipment and appearance of subordinate officers; assigns police officers to patrol areas; relays and explains special orders and information; checks police officers performance in the field; gives advice and assistance when necessary; answers calls and complaints involving fire, traffic accidents, robberies, and other misdemeanors and felonies and takes necessary police action; and makes arrests. Confers with Assistant Police Chief (Lieutenant) and the Police Chief on unusual or difficult problems, the progress of individual cases, the efficiency of performance of subordinates, or on related problems; acts as a member of the Police Department management structure in other decision making processes; works with other agencies. Patrols designated areas of the Town in order to preserve law and order, to prevent and discover crimes and to enforce traffic regulations; receives complaints and answers calls for service; makes arrests and processes prisoners; provides assistance and counseling for the public on a variety of issues. Prepares daily detailed written reports of all activities, utilizing a computer system. Enforces traffic and parking regulations, directs traffic; provides assistance with and investigates accidents. Investigates crimes; collects records and evidence; processes crime scenes; interviews witnesses; prepares documentation for court proceedings. Makes court appearances; testifies in criminal trials; serves legal processes and warrants. Represents the Police Department at public meetings; makes speeches to civic organizations; performs other public relations duties as necessary or assigned; attends all minimum and assigned training and instructional meetings; keeps informed of current law enforcement practices, procedures and trends. Performs related duties as required.

Patrolman First Class

Patrols the Town of St. Michaels in a patrol car to preserve law and order, to prevent and discover the commission of crimes, and to enforce traffic regulations; answers calls and complaints involving criminal activity, traffic accidents, and other misdemeanors and felonies and takes necessary police action; makes arrests. Conducts accident investigations and preliminary investigations at the scenes of crimes, administers first aid, gathers evidence, locates and questions witnesses; testifies as a witness in court. Performs desk officer duties such as handling telephone calls and visitors, and fingerprinting. Patrols various streets, schools, and other public areas for parking violations. Recovers stolen property, provides information to the public and escorts parades and funeral processions. Prepares necessary records and reports. Represents the Police Department at public meetings; makes speeches to civic organizations; performs other public relations duties as necessary or assigned. Attends all minimum and assigned training and instructional meetings; keeps informed of current law enforcement practices, procedures and trends.

Patrolman

Patrols the Town of St. Michaels in a patrol car to preserve law and order, to prevent and discover the commission of crimes, and to enforce traffic regulations; answers calls and complaints involving criminal activity, traffic accidents, and other misdemeanors and felonies and takes necessary police

action; makes arrests. Conducts accident investigations and preliminary investigations at the scenes of crimes, administers first aid, gathers evidence, locates and questions witnesses; testifies as a witness in court. Performs desk officer duties such as handling telephone calls and visitors, and fingerprinting. Patrols various streets, schools, and other public areas for parking violations. Recovers stolen property, provides information to the public and escorts parades and funeral processions. Prepares necessary records and reports. Represents the Police Department at public meetings; makes speeches to civic organizations; performs other public relations duties as necessary or assigned. Attends all minimum and assigned training and instructional meetings; keeps informed of current law enforcement practices, procedures and trends.

Special Note:

In addition to the above job descriptions each officer is responsible for a variety of additional duty assignments that are assigned to them. Each officer is also responsible for constant community policing and foot patrol on each shift worked. The following is also a list of the additional duty assignments that are designated to officers on top of their job description:

Family Violence Investigator

Monthly Report Preparation

Commissioner Report Preparation

Public and Media Relations Officer

DECS/NCIC Validations

Motorcycle Officer

Field Training Officer

Firearms Training Officer

Citation Transmittal

Evidence/Property Officer

Vehicle Maintenance/Repair Officer

Radio Equipment Maintenance/Repair Officer Crime Prevention Officer

Radar & PBT Calibration/Certification Officer Criminal Investigator

Supply Officer

St. Michaels School Liaison

Bicycle Officer

FACES Program Operator

Talbot Center Communications Liaison

Housing Authority Liaison

TRIAD/Adult Protective Services Officer

COP Officer

Chief's Challenge Officer

Each of these positions involves considerable additional effort and dedication on the part of each officer and the Lieutenant oftentimes assigns an assistant officer to the primary officer assigned to the position. For example: there would be a St. Michaels School Liaison and an Assistant School Liaison as well. Duty Assignments are selected on the basis of training, knowledge, and aspiration for the position.

St. Michaels Police Department
Operations and Regulations Manual

Rules of Conduct

SECTION ONE

St. Michaels Police Department

Rules of Conduct for all Members

1.01. Authority

A. The Chief shall have the power to make any lawful rules necessary to promote the effective and efficient performance of the duties of the Department and to ensure the good administration of the Department and its employees.

The authority of the Chief shall also include the power to suspend, amend, rescind, abrogate or cancel any rule adopted by him or by any former Chief.

- B. To the extent that these rules are inconsistent with or in conflict with any provision of the Rules and Regulations in the Employee's Manual for the Town of St. Michaels, the St. Michaels Police Department Operations and Regulations Manual shall prevail.
- C. These rules of conduct have been approved and enacted by the Chief of Police and the Commissioners for the Town of St. Michaels.

1.02. Policy

- A. It is the policy of the 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 lawful orders and directives, either verbal or written, which may be issued by competent authority. The violation of any rule of conduct, procedure, regulation, general order or lawful order, whether written or verbal, subjects the violator to disciplinary action.
- B. Ignorance of the rules, procedures, regulations, and general orders of the Department is not justification for any such violation. An employee shall be responsible for his own acts and he may not transfer to others his responsibility for executing or failing to execute any lawful order or police duty.

1.03. Unbecoming Conduct

- A. Every employee shall conduct himself at all times, both on and off duty, in a manner that reflects most favorably on the Department.
- B. The phrase "reflects most favorably" pertains to the perceptions of both citizens and other Department employees. Conduct unbecoming an employee shall include that which tends to bring the Department into disrepute, or reflects discredit upon the employee as a representative of the Department or that which tends to impair the operation or efficiency of the Department or employee.

- C. The Chief or supervisor will not injure or discredit a subordinate through unreasonable, unjust, arbitrary or tyrannical conduct, or abusive language.
- D. An employee of the Department shall not maliciously threaten, strike, or assault any other employee of the Department.

1.04. Insubordination

- A. Employees of the Department shall, unless otherwise directed by competent authority, transact all official business with employee's senior in rank or classification only through the official chain of command.
- B. An employee shall promptly obey all lawful orders of a superior, including those from a superior relayed by an employee of equal or lesser rank. A lawful order is any order, either verbal or written, which an employee should reasonably believe to be in keeping with the performance of his duties or the responsibilities of his post, which is given by proper authority, and which is not in violation, or requires the violation of the law.
- C. Employees will obey all orders from superiors, whether written or verbal, except when compliance with such orders would require the commission of an illegal act. No employee without adequate justification will intentionally issue an order that is contrary to an order issued by a superior. Employees to whom conflicting orders are issued will call immediate attention to such conflict; however, if the conflict is not resolved, the last order will be obeyed.
- D. Any order may be countermanded in an emergency. An employee countermanding a prior order will immediately report the reason for his action to the Chief. 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 action.
- E. At the scene of any incident, the assigned police employee shall be in charge until relieved at the direction of another police employee senior in rank.

1.05. Criticism

An employee shall not criticize or ridicule the St. Michaels Police Department, the Commissioners, or the Maryland Judiciary. Employees shall not criticize their policies, or their officers by speech, in writing, or by expression in any other manner, which is defamatory, obscene, or unlawful. No employee shall exhibit a reckless disregard for truthfulness, or tend to undermine the operation of the St. Michaels Police Department, the Town of St. Michaels, or the Judiciary by impairing their efficiency or interfering with their operation or maintenance of discipline.

1.06. Abuse of Position

- A. While suspended or otherwise deprived of police powers, police employees of the Department will not wear the uniform and will not represent themselves in an official capacity as an employee of the Department.
- B. An employee is prohibited from using his official position or his official identification card or badge for personal or financial benefit or as a means of obtaining privileges not otherwise available to him, or for avoiding consequences of illegal acts. An employee may not lend his identification card or badge to another person, or permit it to be photographed or reproduced without the approval of the Chief.
- C. An employee shall not permit or authorize the use of his name, photograph, or official identifying him as an employee of the St. Michaels Police Department in connection with testimonials or advertisements of any commodity or commercial enterprise, or for personal reasons without the approval of the Chief.
- D. An employee shall not sign a petition, without the authority of the Chief when his signature identifies him as an employee of the Department; nor shall any employee sign any petition which has an unlawful purpose. However, any employee may sign a lawful petition as a private citizen.
- E. An employee shall not address a public gathering, appear on radio or television, prepare any article for publication, act as a correspondent to a newspaper or a periodical, release or divulge investigative information or any other matters of the Department, either in an official or unofficial capacity without first having obtained signed permission from the Chief. This does not include assigned talks to groups on police related subjects.

1.07. Associations

- A. Except to the extent necessary in the course of his duties as a police officer, an employee avoid associations or dealings with persons whom he knows, 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.

(The purpose of this rule is to maintain the integrity of the employee and to avoid relationships which would tend to impair the operation of the Department. In each case the superior will be mindful of the need for such persons to be rehabilitated, of the fact that such persons already may have been rehabilitated at the time that the association occurs, and of the necessity for some associations because of the relationship of the employee to such persons).

- B. An employee shall not visit or enter a house of prostitution, gambling house, or any other establishment wherein the laws of the United States, the laws of the State of Maryland, the Town of St. Michaels, 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.

- C. An employee of the Department shall not in any manner affiliate himself 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 right 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.

1.08. Immoral Conduct

- A. Every employee shall maintain a level of moral conduct in his personal affairs which is in keeping with the highest standards of the law enforcement profession. No employee shall be a participant in any incident involving moral turpitude which compromises or has the potential to compromise his ability to perform as a law enforcement officer or as an employee of the St. Michaels Police Department, or causes the Department to be brought into disrepute.
- B. Dishonesty
 - 1. No member shall knowingly make an untrue statement about a fact, either orally or in writing, in connection with any investigation, assignment or inquiry.
 - 2. No member shall knowingly sign any false official statement or report, commit perjury, or give false testimony before any court, grand jury, board, commission, judicial or administrative hearing, or department hearing, whether or not under oath.
 - 3. Members are required to report completely, honestly, and accurately all facts and information pertaining to any investigation, whether criminal or administrative, or other matter of concern to the Department.
 - 4. This rule does not apply to an officer's questioning or interrogation of a person involved in a criminal investigation or where the officer is engaged in an approved undercover role where such misrepresentation is not inconsistent with law or accepted professional practice.

1.09. Conformance to Laws

An employee shall not violate his oath of office and trust or any other condition of his employment with the Town of St. Michaels 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 employee who has been charge 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 the Chief, or if the Chief is involved, to the President of the Commissioners. Parking violations, except when they are issued to a Departmental vehicle, are

exempted from this subsection.

1.10. Payment of Debts

- A. Employees of the St. Michaels Police Department shall make every effort to pay all of their debts and legal liabilities. Disciplinary action may be taken when:
 - 1. Judgments of creditors have been finally adjudicated and the employee, even though able to pay, has refused to comply with such judgment.
 - 2. The effects of such indebtedness have adversely affected the ability of the employee to perform his job or have negatively reflected on the reputation or effectiveness of the Department.
- B. Absent extenuating circumstances, disciplinary action shall be inappropriate where:
 - 1. The employee has made a genuine and sincere effort to pay his debts.
 - 2. The employee has filed a petition for voluntary bankruptcy.

1.11. Seeking or Accepting Gifts, Gratuities/Bribes

- A. A police employee shall not solicit, seek, or accept any gift or gratuity, including food or drink for himself or another from any individual, business establishment, or merchant, where such offer of acceptance can be construed to be an effort to influence his official conduct as a St. Michaels Police Officer or employee.
- B. An employee shall not receive, seek, solicit, or share in any fee, reward, or other reimbursement for the performance of his official duties, or for his failure to perform official duties, except as directed by the Chief. An employee shall immediately report any offer, or attempt to offer, of money, gift, or other gratuity made in an effort to influence his official conduct.
- C. Employees of the St. Michaels Police Department shall not solicit or accept any subscription or contribution for any purpose whatsoever except in conformance with Departmental policy.

1.12. Political Activity

- A. Involvement in any political activity is prohibited during a member's on-duty time. Political activities include soliciting or receiving any assessment, subscription or contribution for any political party or cause or storing, posting, carrying, or distributing political literature of any nature.
- B. A department police employee shall not involve themselves in any political activity while representing themselves as a departmental employee nor shall they wear any uniform or equipment of the department while engaging in political activity.

- C. However, an employee shall not be prohibited from engaging in political activity or be denied the right or refrain from engaging in political activity, when the employee is not on duty or acting in an official capacity.
- D. An employee of the department shall not be:
 - 1. prohibited from being a candidate for an elective office or from serving in such elective office, solely because of the status of the employee as a law enforcement officer; or
 - 2. required to resign or take an unpaid leave from employment to be a candidate for an elective office or to serve in an elective office, unless such service is determined to be in conflict with or incompatible with service as a law enforcement officer.

1.13. Labor Activities

An employee shall not engage in any strike or job action. Strike or job action includes, but is not limited to, a failure to report for duty, willful absence from duty, unauthorized holidays, sickness unsubstantiated by a physician's 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 conditions, compensation, rights, privileges, or obligations of employment.

1.14. Secondary Employment

A police employee shall not be employed in any capacity in any other business, trade, occupation, or profession, while employed by the St. Michaels Police Department, except as established by General Order #06-006.

1.15. Agency Communications

A. Telephone Communications

- 1. All employees shall adhere to General Order #06-008 when dealing with all telephone communications.
- 2. The St. Michaels Police Department telephone lines will be answered professionally identifying the agency completely as: "St. Michaels Police Department" and other appropriate greeting. (i.e. May I help you? Patrolman ABC speaking.)
- 3. The use of St. Michaels Police Department telephones and cellular telephones shall be limited to the conduct of official business, with the exception of emergency personal calls

that are made and/or received in accordance with General Order #06-008.

B. Radio Communications

1. According to the rules and regulations of the Federal Communications Commission (FCC), any and all communications made via radio, apart from their nature, shall be constrained to the minimum of transmission time.
2. On the Departmental Radios; employees shall not at any time:
 - a. Transmit unnecessary communications of any kind
 - b. Use profane, indecent or obscene language
 - c. Make unidentified transmissions
3. All employees shall adhere to General Order #06-010 when using the St. Michaels Police Department radio equipment.

C. Written Communications

1. Departmental Memorandums
 - a. Official Departmental Memorandums shall only be written by the Chief or Lieutenant
 - b. Informational Memorandums may be disseminated by any personnel, provided they contain pertinent law enforcement related information
 - c. All disseminated written communications will be written professionally and not contain superfluous information, or profane, indecent or obscene language.
2. Written Reports
 - a. All employees shall adhere to General Order # 06-001 when dealing with written reports of any kind.
 - b. Types of Reports will be outlined in General Order # 06-001.
 - c. All reports, except those authorized delayed by the Lieutenant, will be submitted before going off duty.

All reports will be completed before starting days off.

- d. Employees shall not unnecessarily change, alter, or otherwise distort the information on any report, summons, or other official Department document.
- e. Employees shall not remove Department records, reports or documents from the immediate area where they are maintained without proper authorization.
- f. The Chief and Lieutenant are the only authorized personnel to release any records, reports or other Departmental documents.

1.16. Departmental Personnel Complaints and Internals

- A. All complaints against St. Michaels Police Department personnel must conform to St. Michaels Police Department Operations and Regulations Manual, Section Three, Disciplinary Procedures.
- B. Complaints will not be accepted more than one year after the alleged incident with the following exceptions:
 - 1. When the complaint involves a criminal violation, the criminal statute of limitations will prevail, if it is longer than one year
 - 2. When the complainant can show good cause for not making the complaint within the specified time limit

Such limitations will not prevent the Department from investigating and taking disciplinary action deemed necessary to preserve the integrity of the Department.

- C. In determining whether or not an expression of dissatisfaction from a complainant might constitute a valid complaint requiring the initiation of a personnel investigation, supervisors will consider whether the act(s) described could constitute a policy violation, if proved.
- D. The St. Michaels Police Department will not accept complaints concerning the differences of opinion between a citizen and the arresting officer(s), regarding the guilt or innocence of that citizen. However, if the citizen can furnish sufficient evidence that the arrest or other official action was malicious, in violation of departmental policy, or illegal, the complaint will be investigated.
- E. The St. Michaels Police Department does encourage the filing of

legitimate complaints as a means by which they can be held accountable to the public. However, the Department, at the same time seeks to hold members of the public accountable for the filing of false and malicious allegations against officers. In cases of this spirit, the complainants will be informed that appropriate legal proceedings could be instituted to remedy such action.

- F. Complaints deemed valid following the guidelines in the rules and regulations and General Orders and accepted by the Chief or Lieutenant will be investigated per the guidelines provided in St. Michaels Police Department Operations and Regulations Manual, Section Three, Disciplinary Procedures.

1.17. Reporting for Duty

- A. Members of the Department shall not be absent from duty without properly approved leave or without first obtaining permission from the Lieutenant or Chief.
- B. Members shall report for duty at the time and place required by assignment or orders and shall be neatly and properly groomed, as well as physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties.
- C. All Departmental Employees shall accurately log or have logged for them on the appropriate form the time their tour of duty began and ended and the time of arrival and departure from any assignment to which they may respond.
- D. Sick Leave
 - 1. All procedures relating to Sick Leave will be governed by St. Michaels Police Department Operations and Regulations Manual, Section Four, 4.07 (Sick Leave).
 - 2. Any employee of the Department unable to report for duty due to sickness (their own or immediate family member) must notify the Lieutenant or Chief at least two (2) hours in advance of their shift.
 - 3. The employee must notify their supervisor of the reason for the absence and must keep their supervisor apprised of their condition and prognosis for return to duty.
 - 4. While on sick leave employees shall remain at their homes or

indicate where they will be, or may travel for medical attention. Any other travel must be authorized by a supervisor.

5. A doctor's certification may be required for any absence exceeding 2 days or when an employee is believed to be abusing sick leave.
 6. An employee shall not feign illness or injury, falsely report himself ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of his health.
- E. Police Employees, while off duty, shall be subject to be called back on duty at all times. In the event of an emergency or potential emergency, police employees may be ordered to an "inactive-on call" duty status. Those employees will be required to leave word where they may be reached, will notify the on duty supervisor and Talbot Center of the location and telephone number where they can be contacted.

1.18. Interference with Duty

- A. Members shall not attempt to bring influence to bear on the Chief for the purpose of securing promotion, or to avoid penalties for violations of the Department policies, rules, procedures or orders.
- B. Members, while acting in an official capacity, shall not interfere with or attempt to influence business which is being conducted in a lawful manner.
- C. Members shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their supervisor unless the circumstances of the situation require immediate police action.
- D. Members shall not interfere with cases assigned to other officers or by any other governmental agencies for investigation without consent. Interference with a case includes, but is not limited to, actions taken which may affect an arrest, bond setting, prosecution, sentencing or any other facet of an investigation.
- E. Members of the Department will not interfere with the lawful operation of the St. Michaels Police Department.
- F. Members of the Department will not interfere with the lawful arrest or any prosecution brought by other police employees of the St.

Michaels Police Department or by any other agency or person.

- G. Members shall not participate directly or indirectly in any unethical or unlawful compromise, arrangement or settlement between criminals and their victims. Members shall immediately report any knowledge of such arrangement (including in which any other member of the Department is involved) to their supervisor should the matter come to the member's attention while on duty. If received while not on duty, the member shall report the information to their supervisor immediately upon returning to duty.
- H. Members of the Department will not recognize or address a plainclothes or undercover (covert) officer as police personnel or call attention to their presence unless first addressed by them. Members shall not reveal the identities of police employees from any agency assigned to plain clothes or covert investigative work.

1.19. Abuse of Process/Withholding Evidence

- A. Members shall not make any arrest, search or seizure that is not in accordance with law and Department procedure.
- B. Members shall not intentionally manufacture, tamper with, falsify, destroy, or withhold evidence or information.
- C. Members shall not make false accusations of a criminal charge.

1.20. Evidence/Found and Recovered Property

- A. All property that comes into the custody of the St. Michaels Police Department will be processed in accordance with the evidence and property policy of the Department.
- B. Employees shall not convert to their own use, manufacture, tamper with, damage (with purpose or through negligence), destroy, or in any other way misappropriate any evidence, property or any other material found in connection with an investigation or other police action, except in accordance with established Departmental procedures.

1.21. Suggestions Pertaining to Services

Members shall not recommend or suggest in any manner, while acting in an official capacity, the employment or procurement of a particular product, professional service, or commercial service (i.e. attorney,

ambulance service, towing service, limousine service, mortician or bondsman, etc.). In the case of an ambulance service, the St. Michaels Volunteer Fire Department houses the 24 hour Talbot County Emergency Medical Services Paramedics and will be dispatched by Talbot Center In emergency situations. In the case of a towing service when such service is necessary and the person needing the service is unable or unwilling to procure it, the employee will request the nearest reliable tow service.

1.22. Requests for Assistance in Civil Matters

Officers shall not render aid or assistance in civil cases except to prevent an immediate breach of the peace or to quell an existing disturbance. Officers may inform any citizen of the steps necessary to institute a civil suit or advise citizens on protecting their rights.

1.23. Courtesy

- A. Employees shall be courteous to the public and to fellow employees.
- B. Employees shall be tactful in the performance of their duties, shall control their temper and exercise utmost patience and discretion, and shall not engage in argumentative discussions, even in the face of extreme provocation. Employees shall not use any derogatory language or actions which are intended to embarrass, humiliate, or shame a person, or do anything intended to incite another to violence.
- C. Employees shall not use coarse, violent, profane, or insolent language or gestures toward the public or fellow employees concerning race, color, creed, religion, ancestry, national origin, sex, sexual preference, disability, age, marital status, public assistance, familial housing or any similar personal characteristics.
- D. Employees will at all times show respect for their fellow employees and will conform to the rules of military courtesy and military discipline as prescribed by the Chief.

1.24. Personnel Identification

- A. During the times that a police employee is not readily identified by the uniform of the St. Michaels Police Department, he shall carry his badge and identification card on his person. He shall furnish his name and identification number to any person properly entitled to this information, at any time except when authorized not to do

so by proper authority and when such refusal may be necessary for the proper performance of his police duties.

- B. When a police employee makes a traffic stop or arrest while in plainclothes, he shall identify himself to the violator and display his badge and/or identification card.

1.25. Uniforms, Grooming and General Personal Appearance

- A. All employees shall present a professional image to the community. Consistent with this policy, all employees must be appropriately attired and well groomed. Special assignments such as narcotics, vice, and surveillance operations may require departure from the stated policy and rules. Personnel in these units must still comply with policy for sworn personnel when in uniform.
- B. Members of the Department will not wear any insignia or ornament of any kind upon any part of their uniform or any item of civilian attire while on duty, unless authorized by the Chief.
- C. Members of the Department shall keep their clothing or uniform in good repair, cleaned and pressed; their shoes, belt and belt equipment shined; and metal parts of their uniform polished and will wear their uniform completely fastened.
- D. Members shall maintain a military bearing and an alert attitude and appearance while on duty.
- E. Sworn members shall carry their badge and identification card when carrying their Departmentally approved firearm.
- F. Hair
 - 1. Sworn personnel shall maintain their hair in a neat, clean, well-groomed and properly trimmed manner at all times. Hair shall not interfere with the proper wearing of the uniform hat, riot gear, emergency equipment or with the performance of an officer's duties. Hair color must be of natural-born colors (such as black, brown, blond or red) and not detract from professional decorum.
 - 2. Female Personnel: Shoulder or shorter length hair may be worn down. Hair may not cover the front of the face below the eyebrows, and if worn down, must not cover or otherwise obscure the face. Long hair must be worn off the collar and properly secured.

3. Male Personnel: Hair may not lap or curl over the ear or cover any part of the face below the eyebrows. Hair may not touch, lap or curl over the top of the uniform shirt collar when standing with the head held erect.
4. Sideburns shall not extend beyond a point even with the bottom of the ear lobe. They shall be neat and trimmed and extend in a clean-shaved horizontal line.
5. Mustaches shall be neatly trimmed and shall not extend below the corners of the mouth.

G. Jewelry and Cosmetics

1. Any jewelry that represents a safety hazard or interferes with the performance of one's job is not allowed.
2. One watch, two rings per hand, and medical alert bracelets are allowed. If worn, neck jewelry shall not be visible on uniformed officers.
3. When in uniform, any other ornamentation, including but not limited to, hair devices (i.e. pins, combs, barrettes and bands) shall be navy blue, brown, black, gold, or silver colored. No bows, beaded decorations, or other decorative items may be worn.
4. When worn, cosmetics shall be used in moderation.

H. All sworn members assigned to patrol positions with the exception of the Chief and Lieutenant are required to wear either the department issued vest or a properly fitted vest with Level 2 protection.

I. All members shall maintain personal habits of cleanliness and hygiene.

1.26. Neglect of Duty

- A. Employees shall be punctual in attendance to all calls, requirements of duty, court appointments, and all other assignments.
- B. Employees are obligated to take action in any criminal or emergency situation coming to their attention whether on or off duty, in accordance with Town Ordinances, State Law and Departmental Policy. Members shall respond promptly whenever

ordered to emergency duty.

- C. Employees shall not play games, watch television or movies or otherwise engage in any other entertainment while on duty, except as may be required in the performance of duty. They shall not engage in any activities or personal business that would cause them to neglect or be inattentive to their duties.
- D. Employees shall not, without proper authorization, absent themselves from their assigned place of work during their tour of duty.
- E. Employees shall remain awake and alert while on duty. If unable to do so, employees will report to their supervisor immediately, who will determine the proper course of action.
- F. Employees will keep the Chief and Lieutenant informed of their current residence and telephone numbers. Any changes in the above will be immediately reported on the appropriate forms.
- G. Employees of the Department shall provide necessary advice and/or assistance to citizens in a prompt and courteous manner, whether the request is made by telephone or in person. Information from citizens relating to complaints or reports will be thoroughly documented in accordance with existing Department procedure.
- H. Employees shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by members, as well as official statements, whether verbal or written, shall not contain any inaccurate, incomplete, or improper information.
- I. Employees will be thorough in the preparation of their cases for trial by proper execution of legal documents, analysis and preservation of evidence, summoning of witnesses, and review of their testimony.
- J. Employees shall not congregate or loiter in any place or in any manner as to bring discredit to the Department, on or off duty, except as may be required in the performance of duty. However, employees shall direct their efforts to those places and conditions that will have the greatest impact on current crime and traffic conditions.
- K. Employees shall, at all times, respond promptly and safely to radio calls. They shall, as soon as practical, make themselves available

for further service. As soon as practical, they shall notify their dispatch of actions taken.

- L. Employees shall immediately report to their superior officer all information they acquire concerning crime or crime conditions.
- M. Employees are responsible for insuring the safety and welfare of persons when transporting or having custody of persons who are sick, injured, arrested, or incapacitated in any way.
- N. Employees shall immediately report to the Chief or Lieutenant any arrests or court actions instituted against them, with the exception of minor traffic violations and civil matters that will not affect or discredit the St. Michaels Police Department.

1.27. Substance Abuse

- A. Employees shall not consume alcoholic beverages, be under the influence of, or have the odor of an alcoholic beverage on their person, while in uniform or on duty, except in the performance of duty and while acting under proper and specific orders from a superior officer.
 - 1. In every case where it is necessary for an employee to consume alcoholic beverages in the performance of his duty, written permission must be obtained from the Chief.
 - 2. An employee given written permission to consume alcoholic beverages in the performance of his duty may not do so to the extent that his ability to perform his duty is impaired.
- B. Employees shall not appear for duty or be on duty while under the influence of any illegal controlled substances.
- C. Employees shall not possess or use any controlled substances except when prescribed in the treatment of employees by a physician or dentist. If an employee is prescribed a controlled substance medication and are ingesting the substance the sworn personnel will immediately notify a supervisor prior to reporting for duty.
- D. Employees shall not have alcoholic beverages, controlled substances or contraband on their person or in any police installation or police vehicle except for legitimate purposes; such as evidence or pursuant to Department property held procedures.
- E. An employee ordered to an inactive on-call duty status will not

consume alcoholic beverages during the time that he is on call.

1.28. Tobacco Use

- A. Members of the Department shall not smoke or chew tobacco while performing any police function or the act is offensive to another person.
- B. Smoking or chewing tobacco is not permitted in the Police Department or other Town Buildings.
- C. It is the responsibility of those who use any tobacco products to utilize designated areas and properly dispose of their refuse.

1.29. Gambling

Police Department Employees will not engage in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific order from the Chief.

1.30. Use of Force

In the course of their duties, officers of the Department may find it necessary to use force to overcome resistance, protect property and defend themselves or another person. In any encounter where the use of force becomes necessary, only reasonable force will be used. Under no circumstances will the force used be greater than necessary to achieve lawful objectives and to conduct lawful public safety activities. Officers will be held accountable for their action, as well as inaction, when using physical force in the execution of their duties. Officers are expected to comply with all legal and Department standards. Officers are expected to ensure appropriate medical aid is rendered in all incidents involving the use of force. All employees will adhere to Use of Force Policy (Section 9).

1.31. Firearms

All Departmental Firearms shall not be used, displayed, or handled in a careless or imprudent fashion or contrary to Departmental General Order #06-012.

1.32. Departmental Equipment

- A. Departmental equipment will be used and maintained in accordance with established Departmental procedures and will not be abused, damaged, altered, or through negligence, lost. An employee of the Department will not cause or contribute to the damage, abuse, alteration, or loss of any Departmental equipment

through negligence or carelessness.

- B. Members of the Department shall not operate any police equipment or vehicle unless they are qualified and authorized to do so.
- C. Members shall operate any police equipment or official vehicles in a careful and prudent manner, and shall conform to departmental procedures pertaining to such operation (Official vehicles include motor vehicles, motorcycles, and bicycles).
- D. Members shall, before use, examine any departmental vehicle or equipment assigned to them, and report unrecorded damage or operational defects to their supervisor and make necessary reports.
- E. Members of the Department shall be responsible for the care of Department property of every description and the prompt reporting of loss, damage, or defect.
- F. Members assigned to operate police vehicles shall be responsible for the cleanliness of such vehicles, especially the interior cleanliness.
- G. All sworn personnel are issued Department pagers. Members authorized pagers will wear them on and off duty, and may use their pagers for non-department related activities. Members are expected to respond to all Department pages. Members' pager number may be provided at their discretion to the general public. Pager numbers will remain confidential and will not be disclosed without permission of the member. Issued pagers are leased through private companies contracting with the Town of St. Michaels. As such, pagers cannot be upgraded or additional features added to pagers without approval through the chain of command. Members may elect to carry personally owned pagers (in order to have nonstandard features available to them) and not an issued pager, but these members shall provide the Department with the pager number and the member shall adhere to the same response standards set forth above.
- H. Members will not have any item of Departmental equipment repaired, adjusted, or modified without prior authorization from the Chief or Lieutenant.
- I. Only employees of the St. Michaels Police Department will be permitted to operate or attempt to operate any Departmental vehicle, or use any Departmental issued firearm, or use any other Departmental property owned by the St. Michaels Police Department; however, specific exceptions to this rule may be

authorized by the Chief of Police.

1.33. Incompetence

- A. All members of the Department shall be held strictly responsible for the proper performance of their duties.
- B. All members shall have a working knowledge of all criminal, constitutional, and motor vehicle laws, and ordinances in force in the Town of St. Michaels, as well as Town and Departmental Administrative Directives, Department *General Orders*, and policies and procedures as may be appropriate to their assignment or classification.
- C. All members are responsible for seeking and obtaining any additional information or clarification necessary in order to comply with laws, ordinances, Administrative Directives, Department *General Orders*, Department policies and procedures or any other subject area with which they must be familiar.
- D. All 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.
- E. Officers who shrink from danger, responsibility, or their sworn duty, will be deemed guilty of cowardice and subject to disciplinary action.

1.34. Departmental Procedures

The Chief shall be authorized to establish Departmental Procedures. Established procedures shall be in writing, but may be authorized by the Chief verbally when circumstances require. Where there is no established Departmental Procedure, an employee shall inquire of the Chief or Lieutenant as to what procedure to follow under the circumstances.

1.35. Additional Rules Specific to Police Officers

- A. Uniformed officers shall render a military salute to the National Anthem, Taps, United States Flag or ceremonies at appropriate times. Officers in civilian dress shall render proper civilian honors to the United States Flag and National Anthem at appropriate times.
- B. Uniformed officers at parades need salute the national colors if the

officer's immediate attention to duty is not necessary. When the flag is six paces from the officer, the flag shall be faced and a hand salute rendered until the flag is six paces beyond the officer. Other United States Flags may be saluted if the officer's immediate attention to duty is not necessary.

- C. Officers observing a police emergency, or having one reported to them, shall immediately report, or have it reported, to the appropriate police department or dispatch agency in as complete detail as possible, and assist as needed.
- D. Officers, who injure a person or animal, or damage public or private property, shall immediately report the circumstances to a supervisor.
- E. All officers shall have a telephone at their place of residence and shall submit a report of their street address and telephone number to their supervisor. All changes shall be reported within 24 hours to the Chief and Lieutenant and to Talbot County Emergency Management.

St. Michaels Police Department
Operations and Regulations Manual
Definition of Unsatisfactory Job Performance
SECTION TWO

St. Michaels Police Department

Definition of Unsatisfactory Job Performance

2.01. Unsatisfactory Job Performance, as well as violations of the Rules of Conduct, may be grounds for disciplinary action and/or termination of employment.

2.02. Unsatisfactory Job Performance may be demonstrated by:

- A. a lack of knowledge of the application of laws required to be enforced;
- B. an unwillingness or inability to perform assigned tasks;
- C. the failure to conform to work standards established for the employee's rank, grade or position;
- D. the failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention;
- E. absence without leave.
- F. In addition to other indications of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor performance evaluations or a written record of repeated violations of the policies, procedures, rules or other directives of the Department or orders of a superior, or disrespect towards a supervisor.

St. Michaels Police Department
Operations and Regulations Manual
Disciplinary Procedures
SECTION THREE

St. Michaels Police Department

Disciplinary Procedures

The image of the St. Michaels Police Department depends on the personal integrity and discipline of all Departmental Employees. The public image of our department is affected to a degree by the professional response of the department response to allegations of misconduct against it or its employees. A thorough investigation of complaints protects the public and the Department from misconduct by Department personnel. A thorough investigation further serves to protect the community, the Department and its personnel from complaints that are based on misunderstanding or invalid information.

Police officers must be free to exercise their best judgment and to initiate law enforcement actions in a reasonable, lawful and impartial manner, without fear of reprisal. At the same time, all Department personnel have a primary obligation to respect the rights of all people. A system of complaint review and disciplinary procedures has been established, that not only subjects Department personnel to corrective actions when appropriate, but also protects Department personnel in the proper discharge of their duties.

While encouraging the filing of legitimate complaints against officers, as a means by which they can be held accountable to the public, the Department simultaneously seeks to hold members of the public accountable for the filing of false and malicious allegations against officers. In cases of this nature, the complainants will be informed that appropriate legal and criminal proceedings will be instituted to remedy such action.

St. Michaels Police Department Disciplinary Procedures

- 3.01. All non-probationary sworn officers (exclusive of the Chief of Police) shall have all rights afforded a Law Enforcement Officer in the Law Enforcement Officers Bill of Rights, as amended from time to time, as set forth in Maryland Annotated Code, Title 3, Subtitle 1 (WEST'S ANNOTATED CODE OF MARYLAND PUBLIC SAFETY, 2004) or corresponding sections of any future Law Enforcement Officers Bill of Rights in the Maryland Annotated Code.
- 3.02. Officers in a probationary status are not afforded rights under the Law Enforcement Officers Bill of Rights, except in cases of alleged brutality. Police Officers hired by the Town of St. Michaels are on probation for a period of two (2) years from the date they begin their duties of employment, and this period shall mean two (2) years of continual, active employment, exclusive of periods of suspension or disability. The Maryland Police Training Commission certification permanent appointment does not affect the probationary status for the Law Enforcement Officers Bill of Rights (*Mohan v. Norris, et al*, __Md.App.__(2004)(2004 WL1586659).
- 3.03. REPORTING PROCEDURES
- A. All employees of this department are encouraged to try to immediately resolve minor citizen's complaints if the nature of the complaint is within the employee's authority to resolve. Complaints that an individual employee cannot immediately resolve must be referred to an appropriate supervisor. However, any employee of the St. Michaels Police Department may furnish a complainant with a COMPLAINT AGAINST ST. MICHAELS POLICE DEPARTMENT PERSONNEL Form (Form # SM 303B - Attachment A) and inform the complainant that the Form SM 303B must be completed and submitted to a supervisor in order to further a complaint.
- B. All allegations and complaints not falling into the above category (3.03.A) against St. Michaels Police Department personnel from citizens shall only be accepted on a Form # SM 303B . This form must be filled out by the complainant or their representative and signed by the complainant and truth of statement being attested to; being witnessed by notary public.
- C. Any complaint regarding an employee (whether originating from a citizen, a fellow employee, a supervisor or commander, or another agency) shall be referred to either the employee's supervisor, the Lieutenant or the Chief of Police. If a complaint regards or somehow

presents a conflict with the employee's supervisor or the Lieutenant, the complaint may be referred to the Chief of Police. A complaint regarding numerous employees or the department as a whole shall be referred to the Lieutenant and the Chief of Police.

- D. The Chief of Police may ask another agency to undertake any internal investigation as the Chief deems necessary.
- E. Any supervisor (or employee approved to accept an incoming complaint) accepting an incoming complaint must then fill out a COMPLAINT AGAINST PERSONNEL REPORT Form (Form # SM 303E) in its entirety.
 - 1. The supervisor receiving the complaint, either by direct contact with the complainant or through assignment, will conduct a preliminary inquiry. The preliminary inquiry shall be ceased immediately if a complaint is extremely serious. These complaints shall be immediately brought to the attention of the Lieutenant or Chief by telephone or in person.
 - 2. Ensure that the complainant understands the Maryland Code concerning false statements, reports or complaints in the course of an investigation (Maryland Public Safety Code 3-113/Maryland Criminal Law Code Annotated, 9-501).
 - 3. There are two levels of investigation for a received complaint. (1) Administrative Reviews and (2) Internal Investigations. The supervisor will consider the following factors in determining the level of investigation:
 - a. Severity of the allegation
 - b. Perception of impartiality
 - c. Best procedure to expedite the investigation
 - d. Assigned shift of employee involved
 - e. Extensiveness and complexity of any complaint that would involve a long-term investigation and numerous witnesses
- F. The supervisor must notify the Lieutenant and Chief of the Complaint immediately upon receipt of the Form SM303B and completion of the preliminary inquiry.

- G. Within 72 hours of receipt of the Form SM303E by the Lieutenant or Chief, a determination shall be made as to whether an Administrative Review or Internal Investigation will be initiated. The Lieutenant or Chief will assign an Investigating Supervisor for the Complaint.
- H. The Chief of Police or designee, shall contact the complainant within seven (7) day of receiving the complaint and inform the complainant of the receipt of the Complaint (Form SM303B) and the current status of the complaint. Included in this contact will be an offer of informal mediation by the Chief or designee.

3.04. INVESTIGATIVE PROCEDURES

There are two levels of investigation for complaints; Administrative Review and Internal Investigation. Administrative Reviews involve inquiry into minor matters, including minor policy or procedural infractions by employees that would not have the potential for major disciplinary action. Internal Investigations involve inquiry into charges of more serious misconduct. The degree to which the assigned Investigating Officer investigates a charge of misconduct will depend on the complexity of the investigation, the seriousness of potential discipline, and/or the possibility of civil liability. The more complex or serious the allegation, the more likely the Lieutenant or an outside agency will be assigned responsibility for the investigation.

Two types of serious misconduct investigations may take place: administrative or criminal. There are different rules governing the interviews of employees in each case. There is the possibility that both types may be conducted at the same time. If this occurs, an outside agency will handle the criminal investigation portion, if not both portions of the investigation.

- A. Administrative Reviews
 - 1. There are circumstances under which a complaint received by an assigned investigating supervisor may be resolved without going further into the procedures detailed in this policy. The supervisor, with the approval of the Chief, has the ability to resolve some complaints summarily without requiring the complaining party to comply with all the details of this procedure.
 - 2. The following are examples of some complaints that may be resolved summarily by the supervisor. This list cannot be all-inclusive and it is possible that types of complaints that are not listed here may be resolved early without utilizing the entire procedure detailed in this policy.

- a. Complaints where there are no discrepancies in facts and the employee's actions were consistent with department policies and procedures
 - b. Complaints where there are no discrepancies in facts and the employee made a mistake but it was minor and easily taken care of
 - c. Complaints where there are discrepancies in facts, and it is clear that the complaint is inaccurate, e.g. the allegation is not reasonable or logical.
 - d. Complaints that are clearly unrealistic and statements of the complainant are illogical e.g. the complainant is suffering from a mental disorder which fact is known to the supervisor.
 - e. Complaints where the issue must be determined by a Court and not by the complaint procedures, e.g. complaints about traffic citation.
 - f. Complaints where the complaining party does not request a resolution, i.e. the complainant just wants to vent frustration or pass something on.
3. The purpose of interviewing the employee in the Administrative Review case is to obtain information to determine the facts and circumstances surrounding the allegation or complaint. The answers obtained will be considered to determine the final disposition and may be used in relation to subsequent departmental charges.

B. Internal Investigations

1. The investigating officer's first obligation is to ensure that each employee under investigation is notified in writing. Notification will occur on a NOTIFICATION OF COMPLAINT Form (Form # SM 304B1).
 - a. Form # SM 304B1 will contain the Officer's name, rank, ID number and the following information regarding the alleged complaint:
 - i. When the incident occurred
 - ii. Where the incident occurred

- iii. How the conduct occurred
- iv. Whether the incident occurred on or off-duty
- v. Is the complaint in reference to criminal, non-criminal or administrative conduct.

Notice of complaint must be fairly comprehensive in order to be legally sufficient. Notice simply advising an employee that there is an investigation with no further information is insufficient (Ocean City Police Dept. v. Marshal, Md.App.(2004)(2004 WL 1592612).

- b. Copies of all original forms must be maintained in the internal investigation file.
2. Most Administrative Review or Internal Investigations will not require compelled answers in an interview. However, law enforcement employers can require employees to answer questions pertaining to job-related conduct. Employers can administer discipline to employees for refusing to answer questions relating to the performance of employees' duties, or for answering such questions untruthfully (Garrity v. New Jersey, 385 U.S. 483, 87 S. Ct. 616 {1987}).
- a. Investigators requiring employees to submit to an interview and/or interrogation will be required to fill out in its entirety an ORDER TO SUBMIT TO INTERROGATION Form (Form SM 304B2a) advising the employee the date, time, location where the interview/interrogation will take place.
 - b. Investigators will read the NOTIFICATION OF RIGHTS/WAIVER OF RIGHTS Form (Form SM 304B2b) to the employee required to submit to an interview/interrogation and have the employee sign the form in the appropriate location.
3. To protect the rights of the employee and the department, employees will be advised of their rights based on the type of investigation being conducted.
4. The investigator, for any non-criminal complaint that are serious in nature and/or do not qualify for the Administrative Review, will read the employee the following if they refuse to answer questions:

“You will be asked questions as part of an official investigation that are specifically directed and narrowly related to the performance of your official duties of fitness for duty. If you refuse to answer questions relating to the performance of these duties, or give untruthful answers, you will be subject to departmental charges which could result in disciplinary action, including termination from the St. Michaels Police Department.”

5. Complaints that are considered serious in nature may automatically be referred to the Chief of Police, or his designee, for an internal investigation. Serious issues may include, by way of illustration and not limitation: alleged brutality, abuse of legal authority, violating or failing to enforce civil rights of citizens, sexual harassment, violations of law or issues involving multiple law enforcement personnel. In such cases, the Chief or his designee, shall:
 - a. Record, register, control or supervise and cause to be recorded, registered or controlled the investigations of the employees;
 - b. Maintain confidential records of same;
 - c. Ensure that each employee under investigation is notified in writing with the form SM 304B1.
 - d. Maintain close liaison with the appropriate State’s Attorney in investigations alleging criminal conduct. Where liability is an issue, the Chief shall similarly maintain contact with the Town Attorney and Town Manager.

6. Should the potential for criminal charges exist an interview for administrative purposes only may be initiated. This type of interview would be for violations of department policy and procedures only and would be narrowly related to the performance of the employee’s performance of official duties and fitness for duty. In this type of interview no Miranda rights are required; however the employee’s statements cannot be used as evidence in any subsequent criminal proceedings (*Garrity v. New Jersey*, 385 U.S. 483, 87 S. Ct. 616 {1987}). The investigating officer will read the employee being investigated the following information:

"I wish to advise you that you are being questioned as part of an official investigation into possible violations of department policy and procedures. This investigation may involve the potential for criminal charges. You will be asked, and compelled to answer, questions that are specifically directed and narrowly related to the performance of your official duties or fitness for duty.

You are entitled to all rights and privileges guaranteed by the laws and the Constitution of this State and the Constitution of the United States, including the right not to be compelled to incriminate yourself. Due to the fact that I am compelling you to answer these questions neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceedings. However, these statements may be used against you in relation to subsequent departmental charges and discipline.

However, if you refuse to answer questions relating to the performance of your duties, or provide untruthful answers you will be subject to departmental charges which could result in disciplinary action, including termination from the St. Michaels Police Department."

7. As previously stated, If the Chief of Police believes that criminal prosecution is a possibility, an outside agency will be brought in to do the investigation of the criminal side of the internal investigation.

C. Interview Conditions

1. Normally all interview will be conducted at a reasonable hour, preferably at a time when the employee is on duty, or during the normal waking hours for the employee, unless the seriousness of the investigation requires otherwise. If the interview occurs during off-duty time the employee being interviewed shall be compensated pursuant to St. Michaels Police Department Policy.
2. Every effort will be made to notify employees as to who will conduct the interview; approximately how long the interview will be expected to last; who is authorized to attend the interview; who will attend the interview; and, how the interview will be documented. The employee will have already received the form SM 304B2a advising the employee the date, time, location where the interview/interrogation

will take place.

3.05 INVESTIGATIVE TOOLS AND RESOURCES

In addition to interviews of the employee and witnesses, the Chief of Police or officer in authority may require other actions in support of a criminal or internal investigation, including:

- A. Alcohol Testing, Medical and Laboratory Examination - The Chief of Police or officer in authority may, based on his/her observation, require a department employee to submit to a test for alcohol or drug use while on duty or other medical examinations needed for evidentiary purposes. The results may only be used in a disciplinary hearing. Refusal to submit to the examination will be grounds for disciplinary action and may result in the employee's dismissal.
1. If the employee is believed to be under the influence of alcohol, a certified intoxilyzer operator will administer the test. The Chief of Police or officer in authority will witness the test and will be required to sign the intoxilyzer
 2. If the employee has a reading of .01 or higher, or there is other competent evidence of impaired abilities to perform duties, the employee shall be relieved of duty by the Chief of Police or officer in authority.
 3. If the employee is believed to be under the influence of self-administered drugs, he may be compelled to submit to a blood and/or urine test. Tests shall be administered under medical supervision where hygienic safeguards are met. The sample will be handled using the same safeguards as evidence in a criminal process.
 4. If the test shows positive results, or there is other competent evidence of impaired abilities to perform duties, the employee shall be relieved of duty as soon as possible by the Chief of Police or other officer in authority.
 5. If an employee refuses to submit to a test (alcohol or drugs), then the Chief of Police or other officer in authority will immediately relieve the employee from duty for failure to cooperate in an administrative investigation.
 6. Any other medical examinations will be conducted under the appropriate medical supervision.

- B. Photograph and lineup identification procedure - Employees may be required to stand in a lineup, or have their photograph used in a photographic lineup, for viewing by citizens for the purpose of identifying an employee accused of misconduct. Refusal to stand in a properly conducted lineup is grounds for disciplinary action and could result in dismissal. Photographs or videotape pictures of employees, whether or not known to the employee, may be taken for the purpose of internal investigations when related to the employee's job if the employee is suspected of misconduct.

- C. Financial disclosure statement - An employee may be compelled to make financial disclosure statements when it is directly and narrowly related to allegations of misconduct involving any unlawful financial gain. Any evidence gained during the investigation of an administrative matter cannot be used in any criminal proceeding.

- D. Polygraph - Use of polygraph examinations in internal investigations shall be in accordance with this order. Department personnel shall be required to submit to a polygraph when ordered to do so by the Chief of Police or by a supervisor with the authorization of the Chief of Police.
 - 1. The Chief of Police or his designee may order an employee to take a polygraph examination.
 - 2. The results of the polygraph examination will not be used as the sole basis for disciplinary action against any employee.
 - 3. Any polygraph examination administered under the provisions of this order shall be administered by a private contractor qualified to administer polygraph examinations in the State of Maryland or qualified examiner from another law enforcement agency. No department employee shall be used to administer an examination to another department employee.
 - 4. Refusal to submit to a polygraph examination or to truthfully answer all questions pertaining to charges in the polygraph examination shall be grounds for disciplinary action and may result in dismissal from the department.
 - 5. In order to comply with federal (privilege against self-incrimination) law, the following information must be provided to the employee asked to submit to such examination:

- a. The nature of the inquiry, the name and rank of the investigating officer, and the name and rank of any person present during the examination.
 - b. That their answers will not be used to prosecute them criminally.
 - c. That they may refuse to take the polygraph examination or to answer any questions: However, such refusal shall be grounds for disciplinary action which may include dismissal.
 - d. That answers given during the polygraph examination do not constitute a waiver of the privilege against self-incrimination as it relates to criminal matters.
 - e. A POLYGRAPH EXAMINATION ACKNOWLEDGMENT OF RIGHTS Form (SM 305D5e) must be initialed and signed in the spaces indicated. Refusal to do so shall be grounds for disciplinary action which may result in dismissal.
6. The declaration is hereby made that the intent of all of the above is that any employee who refuses to submit to a polygraph examination or refuses to answer any questions pertaining to the charges in such an examination may be terminated from employment.
7. The complaining party and/or any civilian witnesses may be requested by the investigator or Chief of Police to take a polygraph examination. If a complainant is so requested and refuses, the investigation may be terminated at that point. The investigation may, however, be continued internally. If so, the complainant forfeits all further options as described in this policy.

3.06 DISPOSITION OF FORMAL COMPLAINTS

- A. Upon completion of the investigation, the investigator shall write a report, which details all of the facts, discovered and identifies any information still in dispute. The written report of the investigator may contain observations or conclusions as to the relative guilt or innocence of the employee named in the allegation. The investigator may state his findings as to the relative truth or validity of any particular piece of testimonial evidence, including any observations he may have personally made during the questioning of a particular witness.

- B. A copy of the investigator's written report and all other tapes and documents pertaining to the investigation shall be submitted to the subject employee(s) chain of command and Chief for review, this will begin with the immediate supervisor. Each reviewing supervisor will include administrative insight as to disposition using one of the dispositions listed below, and recommended discipline, if appropriate.

Unfounded – The allegation is false and not factual. Misconduct did not occur. There are disinterested witnesses or other facts which prove that misconduct did not occur.

Not Sustained – Evidence is insufficient to clearly prove or disprove the allegation. Unable to verify the truth of the matter under investigation.

Exonerated – Investigation disclosed that the alleged conduct did occur, but that it was justified, legal and proper. There is no dispute over the fact that the act did occur, or there is sufficient evidence to prove that the act did occur, and there was no policy violation.

Sustained – The allegation is supported by a preponderance of the evidence and misconduct did occur. There are witnesses or other facts proving the allegations.

Sustained-Other – During the review of an investigation, the investigator or supervisor discovers a sustained policy violation unrelated to the complainants original allegation(s).

Closed by Mediation – Investigation in the case was suspended by the Chief, and the underlying issues were resolved in a structured meeting between the involved employee(s) and complainant. Cases which are successfully mediated are closed without one of the above formal classifications being assigned. Following issuance of the Notice of Disciplinary Action, the employee subject to discipline, the Department and the Town by mutual agreement, may request mediation to attempt to resolve any disputes over the proposed discipline. If the parties cannot agree on a mediator, they may request a mediator from the court system. The mediator shall not hold a hearing, nor have authority to make recommendations or resolve the discipline except by mutual agreement of the parties. In the event the discipline is not resolved through mediation, neither evidence nor concessions agreed to or offered during mediation shall be admissible at any subsequent administrative or judicial proceeding concerning the discipline.

- C. The Chief of Police will have the final review authority of all internal investigations, with the exception of complaints involving the Chief of Police. In

cases where complaints are against the Chief of Police, all matters will be handled by the St. Michaels Town Manager or his/her designee.

- D. The Chief of Police, in cases of “sustained” or “sustained-other,” will determine the appropriate violations of the St. Michaels Police Department’s rules, regulations, policies, procedures and orders.
- E. The Chief of Police or his designee will provide the accused officer with a NOTIFICATION OF CHARGES (form SM 306E) for each separate charge that the accused officer is being charged with.
- F. The Chief of Police will determine in cases of “sustained” or “sustained-other” the manner of discipline that shall be recommended for the subject of the investigation. The officer may accept or appeal the recommended discipline. Appeals by sworn officers will be made in accordance with Law Enforcement Officers Bill of Rights and St. Michaels Police Department Rules and Regulations.

3.07 CORRECTIVE MEASURES AND DISCIPLINARY ACTIONS

A. Corrective Measures

1. Personnel Counseling

All personnel counseling will be documented on PERSONNEL COUNSELING RECORD (form SM 307A1), and will serve as proof that the member was formally warned to correct the problem or face progressive disciplinary action up to and including termination. At the time of counseling, the employee shall be counseled as to the correct behavior and St. Michaels Police Department’s rules, regulations, policies, procedures and orders that have been violated. The employee will be advised that he has the right to file a statement on the form SM 307A1 setting forth his position and any suggestions to correct the problem.

2. Training

Corrective measures may also involve remedial training. Such training may be deemed necessary to rectify the improper behavior. Remedial training may include attendance of basic academy classes, in-service or other training specifically created to accomplish the department’s recommended employee actions to correct or modify behavior. All training shall be documented.

3. Counseling Services

As a general rule, supervisors are expected to counsel employees regularly. Most counseling is informal, positive, supportive and perhaps undocumented. However, at times, personal problems may interfere with the member's ability to perform their duties. When the results of these personal problems are not serious enough for discipline but call for a more formal type of intervention than consulting with the member, counseling services from outside the St. Michaels Police Department may be another tool to assist the member. Counseling services are not considered a disciplinary measure, but a tool management has available to assist employees to correct a problem prior to discipline.

B. Disciplinary Action

Whenever disciplinary action occurs, the employee will be informed in writing of the action by a Form SM 307B2 (WAIVER OF LEOBR and ACCEPTANCE OF PUNISHMENT). This form will be used in cases of Summary Punishment where the accused officer agrees to waive his or her rights to a disciplinary hearing and the accused officer's supervisor agrees to the imposition. Summary Punishments may range from a letter of reprimand as the least severe punishment to three days without pay or a fine of \$150.00 as the most severe. In such case that the employee wishes to invoke his right to appeal and request a disciplinary hearing; the supervisor will make notations on the form SM 307B2 and advise the Chief of Police or his designee immediately.

1. Written Reprimand

A written reprimand is the least intrusive measure in the disciplinary system; however, it may be skipped if warranted by the severity of the employee's charges.

The written reprimand shall be documented on the WRITTEN REPRIMAND NOTIFICATION (form SM 307B1). The form SM 307B1 shall state the nature of the problem or misconduct, what must be accomplished to correct the behavior, and what further action will be taken if improvement is not made. The form will be discussed with the employee by the presenting supervisor. The employee shall sign a copy of the letter acknowledging that the form has been received and discussed. Should the employee refuse to sign the reprimand, the supervisor will attach a written explanation which indicates the reason, if known for the refusal.

Employees may attach a written response to the reprimand, in cases of disagreement.

2. Suspension

Suspensions are serious in nature and occur when a member fails to respond positively to lesser forms of corrective action, or the nature of the violation is serious enough to justify skipping lower levels of discipline. The offense is serious enough that corrective measures or a written reprimand would send the wrong message to others or is likely to have little effect on the offending employee's conduct or behavior.

The Chief of Police, or his designee may suspend an employee with or without pay for any single offense or for multiple offenses arising out of the same incident, or for multiple offenses arising out of separate incidents.

3. Demotion

Demotions are also serious in nature and will occur only in response to a member failing to respond positively to lesser forms of corrective action, or in the event that the nature of the violation is serious enough to justify skipping lower levels of discipline.

The Chief of Police, or his designee may demote an employee for any single offense or for multiple offenses arising out of the same incident, or for multiple offenses arising out of separate incidents.

4. Termination

The Chief of Police may terminate an employee for any single serious offense or for multiple offenses arising out of the same incident, or for multiple offenses arising from separate incidents.

Disciplinary terminations occur when the member's act is serious enough or persistent enough in nature that future retention would inflict an undue burden on the St. Michaels Police Department, create a grave liability issue, or would essentially destroy the member's credibility with peers, supervisors and members of the community.

3.8 DISCIPLINARY TABLE

- A. Corrective Measures (Outlined in 3.07 A)
- B. Written Reprimand
- C. 1-3 Days Suspended
- D. Hearing—4-6 Days Suspended
- E. Hearing—7-11 Days Suspended
- F. Hearing—12-Days Suspension or More, Demotion, or Dismissal
- G. Hearing—Dismissal
- H. Hearing—Suspension without pay

*Repeat offenses are within a 36 month period.

Rule or Regulation	1 st	2 nd	3 rd	4 th
1.03A	B/C	C	D	E/F
1.03B	A	B	C	D
1.03C (verbal)	A/B	C	D	E/F
1.03C (physical)	B/C	D	E	F/G
1.04A	A	A	B	C
1.04B	B	C	D	E/F
1.05	A	B	C	D
1.06A	A	B	C	D
1.06B	A/B	C	D	E/F
1.06C	A	B	C	D
1.06D	A	B	C	D
1.06E	A	B	C	D
1.07A	A	B	C	D
1.07B	B	C	D	E
1.07C	B	C	D	E
1.08A	A	B	C	D
1.08B1	B	C	D	E
1.08B2	B	C	D	E
1.08B3	B	C	D	E
1.09	B	C	D	E
1.10A	A	B	C	D
1.11A	A	B	C	D
1.11B	A	B	C	D
1.11C	A	B	C	D
1.12A	A	B	C	D

1.12B	A	B	C	D
1.13	C	D	E	F/G
1.14	A	B	C	D
1.15A1	A	B	C	D
1.15A2	A	B	C	D
1.15A3	A	B	C	D
1.15B1	A	B	C	D
1.15B2a	A	B	C	D
1.15B2b	B	C	D	E
1.15B2c	A	B	C	D
1.15C1	A	B	C	D
1.15C2c	B	C	D	E
1.15C2d	B	C	D	E
1.15C2e	B	C	D	E
1.15C2f	A	B	C	D
1.17A	B	C/D	E	F/G
1.17B	B	C/D	E	F/G
1.17C	A	B	C	D
1.17D2	A	B	C	D
1.17D3	A	B	C	D
1.17D4	B	C	D	E
1.17D6	B	C	D	E
1.18A	A	B	C	D
1.18B	A	B	C	D
1.18C	A	B	C	D
1.18D	A	B	C	D
1.18E	A	B	C	D
1.18F	C	D	E	F
1.18G	C	D	E	F
1.18H	B	C	D	E
1.19A	C	D	E	F
1.19B	C	D	E	F
1.19C	C	D	E	F
1.20B	B	C	D	E
1.21	A	B	C	D
1.22	A	B	C	D
1.23A	A	B	C	D
1.23B	A	B	C	D
1.23C	B	C	D	E
1.23D	A	B	C	D
1.24	A	B	C	D
1.25A	A	B	C	D
1.25B	A	B	C	D
1.25C	A	B	C	D
1.25D	A	B	C	D
1.25E	A	B	C	D
1.25F	A	B	C	D

1.25G	A	B	C	D
1.25H	B	C	D	E
1.25I	A	B	C	D

1.26 Neglect of Duty

A	A	B	C	D
B	A	B	C	D
C	B	C	D	E
D	B	C	D	E
E	B	C	D	E
F	A	B	C	D
G	A	B	C	D
H	A	B	C	D
I	A	B	C	D
J	A	B	C	D
K	A	B	C	D
L	A	B	C	D
M	A	B	C	D
N	B	C	D	E

1.27 Substance Abuse

A	C	D	E	F
B	C	D	E	F
C	A	B	C	D
D	A	B	C	D
E	C	D	E	F

1.28 Tobacco Use

A	A	B	C	D
B	A	B	C	D
C	B	C	D	E

1.29 Gambling	B	C	D	E
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1.30 Use of Force	C	D	E	F
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1.31 Firearms	C	D	E	F
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1.32 Departmental Equipment

A	A	B	C	D
B	B	C	D	E
C	B	C	D	E

D	A	B	C	D
E	A	B	C	D
F	A	B	C	D
G	A	B	C	D
H	A	B	C	D
I	B	C	D	E

1.33 Incompetence

A	A	B	C	D
B	A	B	C	D
C	A	B	C	D
D	A	B	C	D
E	D	E	F	G

1.35 Additional Rules

A	A	B	C	D
B	A	B	C	D
C	A	B	C	D
D	A	B	C	D
E	A	B	C	D

The above disciplinary table is a guideline only. The Chief of Police or his designee determine the ultimate disciplinary or corrective actions that are to be imposed on the member(s) of the department for each individual incident or ongoing issue. The Chief of Police may also be taking under advisement the submissions of a hearing board. The Chief of Police reserves the right to makes further changes above and beyond this table.

St. Michaels Police Department
Operations and Regulations Manual
Compensation and Benefits
SECTION FOUR

St. Michaels Police Department

Compensation and Benefits

4.01 Pay Rates

Members and employees of the St. Michaels Police Department shall be paid according to the rates established by agreement of the Chief of Police and the Commissioners of St. Michaels.

4.02 Promotions

Promotions to Higher Rank shall be in accordance with the Promotional Policy established by General Order #06-013.

4.03 Pay Periods and Time Sheets

The Chief of Police or his designee shall review, sign and have submitted the St. Michaels Police Department time sheets, overtime breakdown and administrative personnel time sheets to the St. Michaels Town Office by the last day of the pay period. Signature by the Chief of Police or his designee denotes personal knowledge and approval of the hours worked and submitted by the St. Michaels Police Department employees.

Paychecks will be issued each Friday, unless a holiday.

4.04 Overtime Compensation

The St. Michaels Police Department compensates their qualifying employees for time worked over their standard work schedule (overtime) at a rate of 1 ½ times their normal hourly rate of pay. All overtime must be approved prior to the overtime being worked by the Chief of Police or his designee. Failure to receive authorization for overtime may result in the employee forfeiting any overtime compensation for that unauthorized overtime worked.

Employees of the St. Michaels Police Department may request compensatory time in lieu of overtime pay for time worked over their standard work schedule. Compensatory time may be substituted for overtime only at the discretion of the Chief of Police. Compensatory time must be used within three (3) months of being earned or it will be lost.

4.05 Travel Compensation

Employees required to travel in their personal vehicles on approved St. Michaels Police Department business or training shall be reimbursed for mileage at the prevailing rate that is currently set by the St. Michaels Town Commissioners. Employees will also be reimbursed for parking and bridge/road tolls. Employees attending training on consecutive days that is over 150 miles from St. Michaels will be reimbursed for overnight accommodations that are approved prior to training by the Chief of Police or his designee.

4.06 Annual Leave/Vacation

Full-time Employees shall accrue annual leave according to the following regulations:

- A. All requests for annual leave will be submitted in a timely manner. Requests for leave should be submitted at least 10 days prior to the requested leave date(s). All requests will be submitted to the Chief of Police or his designee.
- B. Requests for leave will be handled on a case-by-case basis. The Chief of Police or his designee must determine if the Department will suffer due to the employee's absence on the requested leave dates, thus the leave request may not be approved for the specific requested dates.
- C. Full-time employees shall accrue annual leave at the following rates:

First Year of Service	.4167 days per month
After One Year of Service	.83 days per month
After Ten Years of Service	1.25 days per month
After Twenty Years of Service	1.67 days per month
- D. Probationary Law Enforcement Officers may accrue and use annual leave.
- E. Annual Leave may accumulate to a maximum of sixty (60) days at any one time. Employees are to avoid accrual of annual leave beyond sixty (60) days, however this may occur with written permission of the Town Manager.
- F. An Employee will not accrue Annual Leave if that employee is not working due to suspension (without pay), extended sick leave/disability, or any other type of leave without pay.

4.07 Sick Leave

Full-time employees shall accrue sick leave benefits at the rate of ten days per year (.83 days per month).

- A. Sick Leave may be used for the Employee's own illness or disability; for a death, disability or illness in an employee's immediate family; for the birth of a child; or for the adoption of a child by an employee. Sick leave may also be used for medical appointments for the employee and for medical appointments for members in the employee's immediate family.
- B. Employees shall notify their supervisor, at a minimum, two (2) hours prior to their shift

time of their intention to take sick leave.

- C. Any employee who becomes unable to perform their assigned duties during their shift due to illness or other incapacitation shall immediately inform their supervisor prior to leaving their assigned duty assignment.
- D. Any employee on sick leave for two consecutive days may be required to produce a physician's certificate prior to returning to duty. This certificate must explain the employee's absence and release the employee for return to full duty.
- E. Employees may also be required to provide physician's certifications in the event that the Chief of Police or his designee suspects abuse of sick leave (i.e., sick leave used before or after weekends, days off, or holidays, excessive appointments or any identifiable pattern of absenteeism).
- F. Unused sick leave may be carried over from one year to the next.
- G. Upon separation of employment, the employee shall receive no financial compensation for unused sick leave.
- H. Any employee who requests sick leave after tendering notice of their impending resignation shall provide a written physician's certification verifying their illness for every day they request sick leave. Failure to comply with this requirement will result in the absence being deducted from the employee's annual leave time and the employee's record shall reflect employment being terminated by employee not in good standing. In the event there is no annual leave, the leave will be without pay.

4.08 Workman's Compensation

- A. The St. Michaels Police Department shall comply with all the provisions set forth in the Workman's Compensation Act.
- B. Any employee of the St. Michaels Police Department that is injured while on duty, no matter how slight the injury, must submit a detailed report in reference to the injury to include the following:
 - 1. Name and Position of Employee
 - 2. Date and Time of Incident
 - 3. Location Incident Occurred
 - 4. Description of Incident
 - 5. Description of Injury
 - 6. Persons Involved in the Incident
 - 7. Any Witnesses to the Incident
 - 8. EMS Run Sheet Number (if applicable)
 - 9. Medical Attention Received (if applicable)

- C. The Detailed Report must be submitted to the Chief of Police or the employee's direct supervisor as soon as the incident allows.
- D. All injuries shall be immediately reported to the employee's direct supervisor.

4.09 Personnel Data Changes

In the event that there are any changes in the employee's personnel data, it is the responsibility of that employee to immediately notify the Chief of Police or his designee of those changes. The Chief of Police or his designee will then have the employee fill out the appropriate Town of St. Michaels forms for such changes. These changes include, but are not limited to, personal mailing address, physical address, telephone numbers, names and number of dependents, marital status, name changes, individuals to be contacted in the event of an emergency, beneficiaries, and educational accomplishments.

4.10 Resignation

- A. In order to resign in good standing with the St. Michaels Police Department, an employee shall give at least 10 working days notice of his intention to terminate employment.
- B. In order to resign in good standing, the employee must not be under internal or criminal investigation through the St. Michaels Police Department that would hinder his good standing with the department or the Maryland Police and Correctional Training Commission.
- C. Prior to separation from service, all employees shall be required to provide an exit interview in the form and manner prescribed by the Chief of Police and Town Manager.
- D. Prior to receiving the final paycheck from the Town, all Employees shall be required to return any and all equipment, property or uniforms issued to them or in their possession that belongs to the St. Michaels Police Department.

St. Michaels Police Department
Operations and Regulations Manual
Uniform Division Operations
SECTION FIVE

St. Michaels Police Department

Uniform Division Operations

- 5.1 Members on duty and/or on patrol shall constantly be alert and shall respond without delay to calls from the public and Talbot Center for assistance.
- 5.2 Members on patrol, whether on foot, bicycle or assigned to vehicle patrol, shall frequently examine doors, windows, and other areas of businesses and other buildings to ascertain if they are properly secured when closed. If doors and/or windows to these buildings are found unsecured or otherwise breached, officers shall have the owner or responder for the building notified. If the owners or responders cannot be contacted, and no evidence of a crime exists, officers shall attempt to secure the building, and arrange for the owner or responded to be notified as soon as possible.
- 5.3 Unless otherwise directed by a supervisor, officers who are assigned foot patrol or bicycle patrol shall remain on foot or bicycle patrol, unless inclement weather prevents said patrol.
- 5.4 Members of the Department shall not communicate any information concerning their duty assignments or contemplated movements to non-members, unless directed to do so by a supervisor.
- 5.5 Except as necessary to provide police service, or as part of an authorized program, persons who are not employees of the Department shall not ride in patrol vehicles without the express permission of the Chief of Police or his designee. Anyone granted permission to ride in a St. Michaels Police Department patrol vehicle must follow all guidelines of the Ride Along Program General Order #06-005.
- 5.6 Members of the Department who discover a fire shall report the fire to the Talbot County Emergency Management Agency (Talbot Center) immediately. The member then shall make every effort to protect the lives of persons in and near the building where the fire is located, and shall provide any assistance to the responding fire company and emergency personnel. All St. Michaels Police Department personnel will follow the regulations set forth in General Order #06-004 pertaining to assistance to fire and emergency personnel.
- 5.7 Members of the Department shall not seek publicity for themselves in connection with any matter involving legal proceedings, grand jury hearings, criminal prosecutions, investigations, or any other Departmental matters.
- 5.8 Members of the Department shall not render assistance in civil cases, except as necessary to prevent breaches of the peace or other violations of the law or municipal infractions.
- 5.9 Members of the Department who are summonsed to appear in court shall wear their uniform of the day (with the exception of the uniform shorts), or suit/coat and tie or dress type apparel.

Members shall be neat in appearance and personal grooming.

- 5.10 Members shall not smoke or use other tobacco products in uniform when in direct contact with the public.
- 5.11 Members shall work schedules approved by the Chief of Police or his designee. These schedules are subject to change. Schedule changes are to be made only with the prior approval of the Chief.

St. Michaels Police Department
Operations and Regulations Manual
Release of Information Policy
SECTION SIX

St. Michaels Police Department

Release of Information Policy

6.1 Purpose

The purpose of this policy is to establish guiding principles for the St. Michaels Police Department in the dissemination of records and other departmental information. The release of information is important both constitutionally as well as developing a close working liaison between the St. Michaels Police Department and other police agencies, the St. Michaels community, the media, and other public and private agencies. The release of information also aids the St. Michaels Police Department in gaining further information in the agency's crime prevention effort.

6.2 The Department shall release information or records from the department in a timely and accurate fashion by assigning the duty of controlling and disseminating public information to the Public and Media Relations Officer (PRO) designated by the Chief of Police.

6.3 In the event that the PRO is not available the Chief of Police or his designee are the only officers to release information or records.

6.4 It is the policy of the St. Michaels Police Department that the following information is **NOT** to be released:

- A. The identity of victims of sex-related crimes.
- B. The identity of a suspect for whom a warrant or summons has not been issued or indictment returned.
- C. The existence or contents of any confession, admission, or statement of the accused.
- D. The identity, comments, expected testimony or credibility of any witness.
- E. Any statements regarding the innocence or guilt of the accused, the merits of the case, the possibility of a plea, or the value of evidence when these statements are based upon an officer's own opinion.
- F. The identity of a juvenile arrestee who has not been waived by the Court as an adult.
- G. The identity of a deceased person before next of kin has been notified.
- H. Information regarding special enforcement tactics that have been planned in advance (i.e. raids, stake-outs, or special assignments, etc.) except where it may be beneficial to release such information in advance (i.e. DWI, seatbelt, and out-of-state license plate checkpoints), and then with permission of the Chief of Police.
- I. Any information which could impede the enforcement of the law or an ongoing investigation.
- J. Any information which is legally privileged.
- K. Any information which violates or jeopardizes the constitutional rights of an accused person.
- L. Any information that could jeopardize the safety of an officer, victim, witness or

- informant.
- M. Any information that could cause embarrassment or harm to a victim or witness (i.e. name or address of a suspected abuser living in the same residence as the victim).
- 6.5 Upon request, the following information **MAY** be released:
- A. The type of event or crime and general area where it occurred.
 - B. Identity of victim (unless the crime was a sexual assault, domestic assault, child abuse, juvenile, the victim has requested to remain unidentified, or in the case of death when the victim's next of kin has not been notified).
 - C. The name, age, city of residence and other background information of a charged suspect.
 - D. The charge upon which an arrest has been made.
 - E. Circumstances of the arrest.
 - F. Custody status.
 - G. Dates of hearings.
 - H. Identifying photographs only if they are available and do not contain police identification data.
- 6.6 It is the policy of the St. Michaels Police Department to release information in regards to criminal offenses committed by juvenile delinquents only as follows:
- A. Any distinctly identifying information, such as name or address, will **NOT** be released.
 - B. A juvenile's age, sex, city of residence, and the details of the offense **MAY** be released.
 - C. Only those traffic offenses which have been committed by juveniles over the age of 16 years and not subject to penalties of incarceration shall be available for release.
 - D. The release of information regarding juvenile defendants who are charged as adults will follow the guidelines established for adult defendants.
- 6.7 The Department shall accept requests for the release of information by bona fide representatives from the media when the necessary credentials have been verified.
- 6.8 Information shall not be released to the media with any favor or prejudice.
- 6.9 The department (nor any member thereof) will release personal addresses, telephone numbers, pager numbers, or schedules of any personnel at any time.
- 6.10 The Chief of Police will designate a Records Officer who will handle any requests for disseminations of records, including preparing release of information for subpoena, court order, and State's Attorney's Office.
- 6.11 Information on computer printouts (i.e. MILES/NCIC and MVA) may not be released or disseminated except to criminal justice personnel for criminal justice purposes (as defined in the MILES/NCIC training manual).
- 6.12 The Records Officer will edit from records information that would endanger the life or safety of law enforcement personnel, victims, witnesses, informants or juveniles, or any

information that is defined confidential by law.

6.13 The Records Officer will collect the applicable fees prior to releasing public records.

6.14 Dissemination of Criminal Arrest Information

A. Whenever dissemination of Criminal Records takes place, the member giving out the information must complete a detailed report and place the report in the criminal arrest folder for the individual the released information was concerning. The detailed report shall contain the following information:

1. Name of Persons Arrest Record being Released
2. Persons receiving the information
3. Date of release
4. Reason for the request
5. Exact details of the information released
6. Agency and Address of persons receiving information
7. Name, rank and id number of person releasing information.

B. Under no circumstances, other than court order or subpoena, shall any criminal arrest information be release to any person outside of a criminal justice agency.

C. Criminal Justice Agency is defined as followed:

1. A police department in law enforcement operations in the United States of America
2. An agency of the United States Department of Justice.
3. An agency of any State of Federal subdivision which acts to enforce the law and whose employees have power of arrest.
4. A parole an/or probation office operated by the State of Maryland.
5. A State's Attorney's Office, District Court Commissioner, and/or Court of the State of Maryland or the Federal Government.

D. All St. Michaels Police Department sworn officers has the authority to respond to a dissemination request by a bona fide law enforcement employee. However, the identity of the recipient and the purpose of the request shall be verified.

E. Dissemination Warning – Whenever any criminal history information is disseminated to any person, they shall be advised that the information available from the St. Michaels Police Department is not a complete criminal history, and that verification of criminal history should be made through the Criminal Justice Information System of he Maryland State Police or FBI.

F. No regulation in this policy shall be construed to be cause for delay if such delay would impair a police officer from the performance of his duty in the case of emergency.

G. Whenever any person, including personnel of the St. Michaels Police Department,

removes any records from the department the records must be signed out. No records may leave the department under any circumstances unless the record is replaced with a “record-out” folder to indicate that the record has been removed from the records section, by whom and on what date.

6.15 Dissemination of Collision Reports (MAARS Forms)

Collision Reports (Accident Reports/MAARS) may be copied in their entirety and released upon payment of the departmental fee.

St. Michaels Police Department
Operations and Regulations Manual
Use of Departmental Vehicles
SECTION SEVEN

St. Michaels Police Department

Use of Departmental Vehicles

- 7.1 Each member of the department is responsible for the vehicle to which he is assigned, and is accountable for damage or loss of equipment assigned to the vehicle during his tour of duty.
- 7.2 The Chief of Police will designate an officer in charge of all St. Michaels Police Department vehicles. This officer will be in charge of all vehicle maintenance and vehicle equipment upkeep.
- 7.3 At the beginning of each tour of duty, members assigned to patrol vehicles shall conduct an inspection of the vehicle for damage, missing equipment or contraband. Members will then complete the appropriate sections of the Daily Performance Report. Members will complete a detailed report to their supervisor in the event of any damage, missing equipment or contraband found. A copy of the detailed report will be given to the officer in charge of vehicles.
- 7.4 At the end of a tour of duty, each member assigned to patrol vehicles shall record the mileage patrolled on his Daily Performance Report. Members will again conduct an inspection of the vehicle for damage, missing equipment or contraband. Members will complete a detailed report to their supervisor in the event of any damage, missing equipment or contraband found. A copy of the detailed report will be given to the officer in charge of vehicles.
- 7.5 The Officer in charge of vehicles will schedule all maintenance, such as, but not limited to, tune-ups and oil changes, during day shifts at the Departmental approved facility. Emergency repairs shall be accomplished as soon as possible at an approved facility. Whenever possible, emergency repairs which can be accomplished by the operator of the vehicle shall be completed by the operator, only after the approval of the Chief or his designee.
- 7.6 Flat tires shall be changed by the member of the Department operating the vehicle (when safe to do so), when the flat is discovered, and the tire shall be repaired or replaced during day shift at an approved facility.
- 7.7 When vehicular repairs are completed, officers shall check the bill from the approved facility to insure that the bill is accurate, and that the mileage of the vehicle and vehicle identification are properly entered.
- 7.8 Under no circumstances shall shotguns, other weapons, or detachable police equipment be left in department vehicles being serviced, washed, or repaired. It shall be the responsibility of the member leaving the vehicle at the repair facility to remove all equipment.
- 7.9 Department vehicles shall be washed as needed by the officers on duty.
- 7.10 Members of the Department shall report all changes in operating capacity and/or mechanical

problems with vehicles to the officer in charge of vehicles.

- 7.11 Under no circumstances shall members of the department leave a departmental vehicle unattended without first removing the keys and properly securing the vehicle
- 7.12 At the end of the officer's tour of duty, all vehicle equipment (such as, but not limited to, radios, monitors and siren controls) shall be turned off to prolong the life of batteries.
- 7.13 Operation of department vehicles shall be the sole responsibility of the operator of the vehicle.
- 7.14 Members shall not operate vehicles in an unsafe manner or at speeds greater than reasonable and prudent.
- 7.15 Members shall not operate vehicles in violation of any state or local law or ordinance, except when necessary in response to an emergency situation.
- 7.16 The use of emergency warning devices shall be at the discretion of the operator of the vehicle. Safety and warning to any persons in potential danger shall be the first consideration in the officer's decision to use warning devices.
- 7.17 Department vehicles will not be driven outside the town limits without the permission of the Chief of Police or his designee, except on official business.

St. Michaels Police Department
Operations and Regulations Manual
Emergency Vehicle Pursuit Policy
SECTION EIGHT

St. Michaels Police Department

Emergency Vehicle Pursuit Policy

8.1 A. Purpose

The purpose of this policy is to establish the guiding principles for the operator of an emergency police vehicle driving in excess of posted speed limits and counter to traffic control devices in an effort to apprehend a vehicle operator who is attempting to avoid capture. The St. Michaels Police Department presents these guidelines to our officers in the field in order to assist them in the decision to engage in, continue, or terminate a vehicular pursuit. The St. Michaels Police Department is committed to preserving the public peace, safeguarding lives and property, deterring and preventing the commission of crimes and the apprehending of those persons who violate Maryland's laws and ordinances.

B. Authority

Consistent with Section 21-106 of the Maryland Vehicle Transportation Article, St. Michaels Police Officers who are engaged in a vehicle pursuit are given a qualified privilege from observing certain traffic laws while operating an emergency vehicle utilizing audible and visual emergency equipment. However, St. Michaels Police Officers *are not* relieved of the responsibility of driving with due regard for the safety of all other persons on the roadway and those involved in the vehicle pursuit. Failure to exercise reasonable care and diligence as circumstances of each case may impose may lead to civil and/or criminal consequences, despite the officers operating a vehicle with emergency equipment activated.

8.2 Policy

A. Many factors affect the decision to initiate and continue a pursuit. Deciding to pursue a violator is a process of weighing the hazards presented by pursuit against the hazards being created by the violator; good judgment in weighing these risks is essential. The seriousness of an offense does not lessen the liability of officers and/or their duty to all persons, including other law enforcement officers and themselves, to drive with a duty of due care and regard for the safety of all persons.

B. It is the policy of the St. Michaels Police Department to allow officers to engage in vehicular pursuits of fleeing violators only when the potential harm associated with pursuits is less than the potential harm the violator may cause if not immediately apprehended. Before deciding to initiate pursuit, officers must consider the ability to apprehend the violator without vehicular pursuit (i.e. by knowing the suspect's identity, by using police helicopters-when and if available, communications and/or other equipment, by the strategic positioning of other area officers, etc.), the nature of the offense, the driving ability of the officer, marked versus unmarked vehicles, the performance characteristics of the police vehicle, the characteristics of the roadway, the weather conditions, location and neighborhoods, and the density of vehicle and pedestrian traffic.

- C. It is the policy of the St. Michaels Police Department that officers will not be subject to disciplinary action when they decide not to engage in vehicle pursuit.
- D. The initiation of a vehicular pursuit is authorized when a suspect uses a vehicle to elude apprehension, and the following has occurred:
1. Any violent arrestable offense resulting in or threatening death or serious physical harm; or,
 2. The suspect is driving in a manner which would indicate the driver is under the influence of alcohol or drugs *and* presents a threat to public safety.
- E. Pursuit is prohibited:
1. When non-departmental persons are in the police vehicle.
 2. When a supervisor orders the pursuit terminated. A shift supervisor may terminate a pursuit at any time.
 3. When the danger of pursuit outweighs the necessity to immediately apprehend the fleeing suspect.
- F. A pursuit shall terminate if the officer in a pursuing vehicle has been involved in a collision involving personal injury.
- G. The pursuing officer shall notify Talbot Center and on duty supervisor (if applicable) that a pursuit has commenced.
- H. The pursuing officer shall immediately notify Talbot Center personnel with the following information:
1. Unit identification;
 2. Location, speed and direction of travel of the fleeing vehicle;
 3. Description and vehicle registration number (if known) of the fleeing vehicle;
 4. Number and description of occupants in the fleeing vehicle, and;
 5. St. Michaels Police Department Officers involved in a vehicle pursuit must be prepared to articulate reasons for the initiation, progression of, and continuation of the pursuit.
- I. The primary pursuit unit shall reduce the level of pursuit to that of support or backup unit when:
1. Another vehicle is assigned primary pursuit responsibility;
 2. The suspect/fleeing vehicle enters another state's jurisdiction (at which time the new jurisdiction's law enforcement agency will become the primary unit)
NOTE* All vehicle pursuits crossing State or Federal jurisdictional boundaries shall adhere to the requirements of "Fresh Pursuit";

3. The fleeing vehicle comes under the surveillance of an air unit, or;
 4. The primary unit sustains damage to, or failure of essential vehicular equipment during pursuit.
- J. No more than two (2) St. Michaels Police Department units will participate in a vehicle pursuit unless extenuating circumstances dictate otherwise.
 - K. All Communications will be handled by the Talbot County Emergency Management Center (Talbot Center).
 - L. If the fleeing vehicle enters a jurisdiction operating on a different radio frequency, advise Talbot Center. Request permission to switch to the jurisdiction's frequency from Talbot Center. Talbot Center will make contact and verify permission to switch frequencies.
 - M. Each unit authorized to engage in vehicular pursuit shall be required to activate headlights and all emergency vehicle equipment prior to beginning pursuit (this is to include emergency lights and siren).
 - N. Officers engaged in pursuit shall at all times drive in a manner exercising reasonable care for the safety of themselves and all other persons and property within the pursuit area.
 - O. Officers are permitted to suspend conformance with normal traffic regulations during pursuit as long as reasonable care is used when driving in a manner not otherwise permitted, and the maneuver is reasonably necessary to gain control of the suspect.
 - P. Departmental vehicles shall **NOT** be used to ram or bump the suspect's vehicle in order to force the vehicle to a stop off the road or in a ditch.
 - Q. No officer will set up a stationary roadblock.
 - R. Officers will **NOT** commandeer vehicles for the purpose of pursuit or setting up stationary roadblocks.
 - S. Departmental policy pertaining to the use of deadly force shall be adhered to during the pursuit.

8.3 Communications

- A. Verbal communication during a pursuit is of the utmost importance. There must be organized and on-going communication between the primary and secondary pursuit vehicles, Talbot Center, the Shift supervisor and any assisting agencies.
- B. Upon initiation of a vehicle pursuit the primary pursuit vehicle will contact Talbot

Center (Talbot County Emergency Management Agency) by radio. The dispatcher will immediately institute a 10-3 (stop all unnecessary transmissions).

- C. The shift supervisor (squad leader) will determine the primary radio channel for the communications and monitoring the pursuit.
- D. Considerations will include the time of day, direction of travel and the allied agency involvement.
- E. The primary pursuit vehicle will conduct all radio communications until a secondary pursuit vehicle joins the pursuit. At that time, the secondary pursuit vehicle shall assume responsibility for radio communications.
- F. The primary and secondary pursuit vehicles will continuously transmit updated information concerning the pursuit to the shift supervisor and the dispatcher.
- G. The dispatcher will repeat and important information of the pursuit to verify the accuracy of the radio transmission and to make the shift supervisor and any assisting officers and allied agencies aware of all the events and location of the pursuit.

8.4 Pursuit Tactics

- A. Officers will attempt to apprehend the violator as soon as possible to minimize the opportunity for a collision and/or injury.
- B. Emergency equipment, to include emergency lights and siren, will be used throughout the duration of any pursuit.
- C. No St. Michaels Police Department Officers will join any pursuit, St. Michaels initiated or other agency initiated, without requesting and receiving permission from the shift supervisor coordinating that pursuit.
- D. If an officer operating an unmarked patrol vehicle, motorcycle or sport utility vehicle initiates a pursuit, that pursuit will be immediately assumed by a marked patrol vehicle once one becomes available.
- E. Only vehicles with functioning emergency equipment will initiate or engage in a pursuit.
- F. The objective of the pursuing officer is to stop the offender as *safely and expeditiously* as possible. In doing this, an officer may appropriately duplicate *some* of the actions of the violator. There are, however, some maneuvers that are in and of themselves reckless and dangerous, and shall not be attempted by the pursuing officer.

8.5 Termination of Pursuit

A decision to terminate pursuit may be the most rational means of preserving the lives and property of both the public, and the officers and suspects engaged in pursuit. The pursuing officer, a supervisor or the Chief of Police may terminate pursuit.

- A. Pursuit shall be immediately terminated in any of the following circumstances:
 - 1. Weather and/or traffic conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect;
 - 2. The distance between the pursuit and fleeing vehicle becomes so great that further pursuit is futile;
 - 3. The danger posed by the continued pursuit to the public, the officers, or the suspect is greater than the value of apprehending the suspect.
- B. The pursuing officer will advise Talbot Center that the pursuit has been terminated, along with any further information acquired which may assist in the apprehension of the suspect at a later time.
- C. St. Michaels Police Officers as operators of emergency vehicles, while exempt from certain rules of the road while in performance of emergency service, must remember that they still owe others on the roadway a duty of due care. Maryland Vehicle Law, Transportation Code Section 21-106 (d) states that the officer operating an emergency vehicle using emergency equipment is not relieved of the duty to drive with due regard for the safety of all persons.

8.6 Required Reports

In addition to the Criminal Investigation Report, the pursuing officer will be required to complete and submit a detailed report of the incident to the Chief of Police or his designee prior to securing from duty.

8.05 Definitions

- A. Emergency Equipment – Any audible or visual signal equipment that is mounted on or displayed on the emergency vehicle; as defined in Section 22-218 of the Maryland Transportation Article.
- B. Marked Patrol Vehicle – A patrol vehicle used by St. Michaels Police Department that is plainly and noticeably marked with lettering designating it as a police vehicle including marked vehicles without bar lights on the rooftop.
- C. On-Duty Supervisor – A police officer with the St. Michaels Police Department that is designated by the department as a shift supervisor (shift commander).
- D. Primary Pursuit Vehicle – any vehicle within the St. Michaels Police Department fleet, that has been designated by the Motor Vehicle Administration as entitled to the exemptions and privileges set forth in the Maryland Transportation Article for

emergency vehicles, that initiated the pursuit or the emergency vehicle unit closest to the suspect. The primary pursuit vehicle could change during the pursuit.

- E. Roadblocks – An obstruction deliberately placed at one or more selected points on a roadway for the purposes of stopping vehicles. No officer will set up a stationary roadblock. The procedures for conducting sobriety checkpoint operations, road closures due to collisions or weather conditions and traffic surveys are not roadblocks.
- F. Secondary Pursuit Vehicle – An emergency vehicle authorized to be involved in a pursuit that is not the primary pursuit vehicle. St. Michaels Police Department only allows two (2) St. Michaels Police Department units to participate in a vehicle pursuit unless extenuating circumstances dictate otherwise.
- G. Shift Commander – The assigned supervisor responsible for the operation of a shift/squad.
- H. Unmarked Patrol Vehicle – Any emergency vehicle used by the St. Michaels Police Department that is not defined as a marked patrol vehicle.
- I. Vehicle Pursuit – An attempt by a police officer in an emergency vehicle to apprehend an occupant (or occupants) of a vehicle who exhibits a clear intention to avoid apprehension by performing any one or more of the following:
 - 1. maintaining an elevated speed;
 - 2. increasing speed;
 - 3. using tactics designed to evade the police officer; or
 - 4. maintaining any speed while refusing to stop.

A vehicle pursuit does not include the act of accelerating to apprehend a violator.

- J. Violent Arrestable Offense – any offense, to include assault, where the suspect intentionally caused or attempted to cause serious physical injury to another, to include hit-and-run, which would result in the arrest of the suspect.

St. Michaels Police Department
Operations and Regulations Manual
Use of Force Policy
Section 9

St. Michaels Police Department

Use of Force Policy

9.01 Policy

The St. Michaels Police Department recognizes the value of all human life and is committed to respecting human rights and the dignity of every individual. In vesting officers with the lawful authority to use force to protect the public's welfare, a careful balancing of all human interests is required. The use of force, including a firearm, is in all probability the most serious act in which a law enforcement officer will engage. When deciding whether to use force, including a firearm, officers shall act within the boundaries of law, ethics, good judgment, this use of force policy, and all accepted St. Michaels Police Department policies, practices and training. With these values in mind, an officer shall use only that degree of force necessary and reasonable under the circumstances. An officer may only use deadly force in the circumstances permitted by this policy when all reasonable alternatives appear impracticable and the officer reasonably believes that the use of deadly force is necessary. However, the St. Michaels Police Department recognizes that the objective reasonableness of an officer's decision to use deadly force must allow for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving. Above all else, the safety of the public and the officer must be the overriding concern whenever the use of force is considered.

Courtesy in all public contacts encourages understanding and cooperation. The most desirable method for affecting an arrest is where a suspect complies with simple directions given by an officer. However, it is important for officers to bear in mind that there are many reasons a suspect may be resisting arrest or may be unresponsive. The person in question may not be capable of understanding the gravity of the situation. The person's reasoning ability may be dramatically affected by a number of factors, including but not limited to a medical condition, mental impairment, developmental disability, physical limitation, language barrier, drug interaction, or emotional crisis. Therefore, it is possible that a person's mental state may prevent a proper understanding of an officer's commands or actions. In such circumstances, the person's lack of compliance may not be a deliberate attempt to resist the officer. An officer's awareness of these possibilities, when time and circumstances reasonably permit, tactical options are the most appropriate to bring the situation to a safe conclusion.

Policing requires that at times an officer must exercise control of a violent, assaulting, or resisting individual to make an arrest, or to protect the officer, other officers, or members of the general public from risk of imminent harm. Officers may either escalate or de-escalate the use of force as the situation progresses or circumstances change. Officers should recognize that their conduct immediately connected to the use of force continuum might be a factor that can influence the level of force necessary in a given situation. When a suspect is under control, either through the application of physical

restraint or the suspect's compliance, the degree of force shall be de-escalated accordingly.

The St. Michaels Police Department recognizes that the duties of their law enforcement officers may require them to use force. The department will support the lawful use of reasonable and appropriate force by officers in the performance of duty. Use of force that is *not* lawful, reasonable and appropriate will not be tolerated. Department Policy as well as relevant Federal, State and Local laws shall govern the use of force by officers.

The level of force applied *must* reflect the totality of circumstances surrounding the immediate situation. The officer need only select a level of force that is within the range of objectively reasonable options. Officers must rely on training, experience and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed.

9.02 Concepts and Definitions

- A) **Active Aggression:** A threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.
- B) **Aggravated Active Aggression:** An act of active aggression involving a deadly force encounter.
- C) **Bodily Injury:** Any damage to a person that causes physical pain, illness, or any harm of physical or mental condition.
- D) **Deadly Physical Force:** That force, the intended, natural, and probable consequence of which is to produce death and which does, in fact, produce death.
- E) **Instrument of Force:** When used in this Order, the term "instrument of force" means all impact weapons (i.e. police baton, authorized expandable batons, flashlight, hands, feet, etc.), as well as chemical agents, electronic restraint devices, firearms, non-deadly weapons, and lethal weapons.
- F) **Non-deadly Weapon:** When used in this Order, the term non-deadly weapon means any type of weapon or ammunition that is designed and intended primarily for use to temporarily incapacitate or disable a person without causing death or serious bodily injury to such person.
- G) **Non-deadly Force:** When used in this Order, the term "non-deadly force" means force that the intended, natural, and probable consequence of which is very unlikely to cause death or serious bodily injury and the use of which does not, in fact, typically result in death or serious bodily injury.

- H) Passive Resistance: Physical actions that do not prevent the officer's attempt to control, for example, a person who remains in a limp, prone position.
- I) Psychological Intimidation: Non-verbal cues in attitude, appearance, demeanor or posture that indicate an unwillingness to cooperate or a threat.
- J) Reasonable: When used in this Order, the terms "reasonable" and "reasonably" shall refer to an objective standard of what a prudent person/police officer would do in like circumstances.
- K) Reasonable Belief: When facts or circumstances the officer reasonably believes, knows or should know are such as to cause an ordinary and prudent person/police officer to act or think in a similar way under similar circumstances.
- L) Serious Bodily Injury: Any bodily injury which, either at the time of the actual damage to the person or at a later time, involves a substantial risk of death, a substantial risk of a serious permanent disfigurement or maiming, a substantial risk of extended loss or impairment of the function of any part or organ of the body, breaks or fractures, or burns or the second and/or third degree.

9.03

Factors to Determine objectively reasonable force options

- A) The reasonableness of an officer's use of force is based upon the totality of the circumstance known by the officer at the moment the force is used.
- B) The following five (5) basic factors are considered when determining *reasonableness*. Bearing in mind that the totality of the circumstances is to be considered, these five (5) factors are not the only factors to be considered. The following have not been placed in a specific order of priority.
 1. Imminent threat of injury to officers and/or others. The greater the level of the threat, the greater the level of force that may be used.
 2. If the person is actively resisting seizure, the officer may escalate the justified (reasonable) level of force.
 3. The more severe the crime, the more force that may be justified.
 4. Attempting to evade seizure by flight may justify escalating the level of force.
 5. "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 police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.” Pp. 396-397. US Supreme Court. Graham v. Connor, 490 U.S. 386 (1989).

- C) Each situation is unique. Sound judgment and the circumstances of each situation will dictate the force option the officer deems necessary. Depending on the circumstances, officers may find it necessary to escalate or de-escalate the use of force. It is not the intent of this policy to require officers to attempt to exhaust each option before moving to the next, so long as the level of force used is reasonable and appropriate under the circumstances.

9.04 Use of Force Continuum/Options

- A) The level of force employed must be commensurate with the threat posed by the suspect and the seriousness of the immediate situation. It is recognized and understood that circumstances are fluid and may change rapidly. Officers should rely on their training, experience, and assessment of the situation, to decide the appropriate level of force.
- B) Officers are *strongly* discouraged from ever surrendering their weapons to anyone who may be holding someone as a hostage or is a suspect in criminal activity. However, each individual officer must make the ultimate decision, based upon the circumstances of that particular incident.
- C) Each use of force situation is unique and this use of force continuum is intended only as an illustration of the various force options that are available to a St. Michaels Police Department Officer facing various levels of resistance. Good judgment and distinct incidents will dictate the level of force at which an officer will start. Officers may find it necessary to escalate and de-escalate the use of force by progressing up and down the force continuum through out the situation. It is also not the intent of this continuum to require officers to try each of the options before moving to the next, as long as the level of force used is reasonable under the circumstances. Disengagement, area containment, surveillance, waiting out a suspect, summoning reinforcements, or calling in specialized units from allied agencies may be an appropriate response to a situation.
- D) To minimize injury to suspects, officers, and others, or to avoid property damage, the use of a chemical agent, such as or pepper spray (Oleoresin Capsicum 10%), may be necessary in circumstances where a danger to life or property exists and other methods of control or apprehension would be ineffective or more dangerous. Officers must understand the limitations of chemical agents and that, once used; the agents may have an adverse effect on the officer as well as the subject.

- E) All uniformed officers shall carry a Department approved or issued 10% OC pepper spray, or foam when on duty.
- F) A Department approved and issued chemical agent may be used, including, but not limited to, the following circumstances:
 - 1. For gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations, or to subdue a prisoner who becomes physically violent while confined in a police vehicle or a police facility; or
 - 2. In circumstances where other crowd control measures have been ineffective to disperse the crowd and the crowd has been warned to disperse, officers may use chemical agents to disperse the crowd after first obtaining approval from a supervisor if obtaining such approval is reasonably practical under the circumstances.
 - 3. When verbal dialog and escort techniques have failed to bring about the subject's compliance, or the subject has signaled or shown his intention to actively resist or assault the officer, or the reasonable belief that an animal, vicious or not, may be a danger to the officer.
- G) Officers shall issue a verbal warning prior to using OC against a suspect.
- H) After the use of OC, officers must be prepared to continue the force continuum since a small percentage of people will not be affected by OC, and the target area should be the subject's face.
- I) Subjects who are sprayed with a chemical agent should be exposed to fresh air to dissipate the agent. When it is safe to do so, the subject should be provided with an opportunity to rinse his or her face with cool water. They should be instructed not to rub their face or use any oils, creams, or ointments on the affected area.
****When a prisoner has been exposed to a chemical agent, all persons having subsequent contact with the prisoner should be advised by the arresting officer or officer having custody of such prisoner that the prisoner was previously exposed to the chemical agent.****
- J) Only those officers who have been certified in the use of a police baton or expandable baton through departmentally approved training are authorized to carry and use a baton/expandable baton.
- K) The only baton authorized to be carried on-duty and used by officers is a department approved 21" or 26" steel or composite expandable baton. The baton may be issued by the department or purchased by the individual officer. The following similar items are prohibited for use:

1. Saps, slaps, billy clubs, and other similar type items;
 2. Sap gloves and other similar type weighted items;
 3. Wrist claws, iron claws, brass knuckles; and
 4. Yawara sticks, shirkins, vices, and any other type of twisting or pressure items.
- L) Only those officers who have been certified in the use of a non-deadly weapon are authorized to carry and use the non-deadly weapon for which they have been certified.
- M) A Department approved and issued non-deadly weapon may be used by an officer certified in its use, but only in accordance with the Department approved training that the officer has received for use of the non-deadly weapon and in accordance with the use-of-force guidelines and standards.
- N) While an officer should generally not use any techniques or instruments of force not expressly permitted by this Order, in a situation where there is a rapidly evolving confrontation involving the use or imminent use of lethal force against an officer or a third person, an officer is permitted, when reasonably necessary to defend himself or herself or a third person, to use the techniques and instruments of force permitted by this Order in a manner not approved by this Order or to use techniques or instruments of force not permitted by this Order, so long as such use does not unreasonably endanger innocent bystanders.

USE OF FORCE CONTINUUM

SUBJECT RESISTANCE:

Compliant/Cooperative

Subject complies with verbal commands and other directions.

Uncooperative

Subject fails to respond to verbal commands or other directions.

Active Resistance

Subject is making physically evasive movements to defeat the officer's attempt at control, including bracing, tensing, or pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

Assault or Threat of Assault

Subject assumes fighting stance, charges, strikes or kicks an officer or verbally or physically indicates an intention to commit an assault combined with the subject's capability to assault.

Life Threatening Assault or Assault Likely to Cause Serious Physical Harm

Subject commits an attack using an object, a weapon, or an empty hand assault, wherein the officer reasonably believes the assault will result in serious physical harm and/or death.

FORCE OPTIONS:

Officer Presence: identification by: verbal announcement, badge, vehicle, uniform etc.

Verbal Interaction: dialogue, open questions, persuasion, advice, or lawful order

Escort Techniques: touch control, guiding, balance displacement, and escorting the individual who exhibits on minor resistance

Chemical Agents: OC Spray

DEFENSIVE TACTICS: NON

Lethal: pain compliance through distractions, counter-joint tactics, hold control tactics, take-downs

LEVEL TWO DEFENSIVE

TACTICS: strikes such as knees, kicks, and elbows, martial arts, impact weapons such as baton, expandable baton.

Deadly Force

OFFICER/SUBJECT FACTORS:

Physical size

Influence of alcohol or drugs on subject

Subject's mental capacity or impairment

Multiple suspects

SPECIAL CIRCUMSTANCES:

Environmental factors

Distance from subject

Officer injury exhaustion

Proximity of weapon

Officer on ground

Special knowledge

Crime involved

History/knowledge of subject

9.05

Use of Deadly Force

When an officer uses deadly force, including a firearm, it must be used with the realization that some person may suffer serious bodily injury or be killed. Therefore, regardless of the nature of the crime or the legal justification for using deadly force with a suspect, officers are reminded that their basic responsibility is to protect the public. Accordingly, officers are to exercise particular caution when using deadly force, especially when firing a weapon under circumstances that might endanger innocent bystanders.

A) Firearms Policy

1. Officers shall not discharge any firearm in the performance of their duties except as authorized by law, and the rules, regulations and procedures of the Department.
2. Safe handling of firearms is required by all members of the Department during the course of their duties and at all times by officers carrying a firearm while on duty.
3. An Officer may resort to the lawful use of firearms under the following conditions when that officer reasonable believes that it is necessary:
 - (a) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or
 - (b) To effect an arrest, or to prevent the escape from custody of a person whom he reasonably believes:
 - (i) Has committed an offense which the suspect has caused death or serious bodily harm; **and**
 - (ii) Will pose an imminent danger of death or serious bodily harm should the escape succeed; **and**
 - (iii) When the use of deadly force presents no substantial risk of injury to innocent persons.
 - (c) To kill a dangerous animal or one that humane treatment dictates its removal from further suffering and alternative methods of disposition are impractical;
 - (d) To participate in authorized training at a target range;

- (e) To participate in any legitimate sporting shoot activity.
4. Officers will **not** discharge firearms in violation of any of the provisions of this Order or under the following conditions:
- (a) As a warning or attention shot.
 - (b) At any person who has committed only a misdemeanor or traffic violation.
 - (c) At any person only to prevent the destruction or theft of property.
 - (d) At a moving vehicle or at its riders or occupants.
 - (e) Against a person whose conduct is injurious only to themselves.
5. Exhibiting a Firearm

A law enforcement officer shall not unholster or exhibit a firearm except under the following circumstances:

- (a) For maintenance or cleaning of the firearm;
 - (b) To secure the firearm;
 - (c) During training exercises, practice or qualification with the firearm;
 - (d) When circumstances create a reasonable belief that it may be necessary for the officer to use the firearm as allowed by law and the St. Michaels Police Department's rules, regulations and procedures;
 - (e) When circumstances created a reasonable belief that display of a firearm as an element of constructive authority helps establish or maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure public and officer safety.
 - (f) To conduct a building search in compliance with the Maryland Police and Correctional Training Commission Objectives taught in training.
6. No officer of the Department shall carry or use any firearm without the completion of mandated firearms qualifications as specified by the Maryland Police and Correctional Training Commission (MPCTC) and the State of Maryland.
- (a) Training will reflect current standards established by the State of Maryland.
 - (b) Training will include, but is not limited to, the use of force, use of physical and mechanical force, use of deadly force, and their limitations.
 - (c) Training will include both classroom and firearms range time as required by the current standards.

- (d) The Firearms Instructor will document, maintain and send all documentation to the MPCTC for each officer's current firearms certification.

9.06 Use of Force Reporting

Each agency employee who uses force upon another person while actively engaged in providing police service shall report that use of force in a Detailed Report and a Use of Force Report Form to the Chief of Police. A separate report is required for each person upon whom force is used. The purpose of filling out the report is to immediately document the use of force so that, should any questions arise concerning the force incident, the pertinent facts will be readily available. The report will also be useful for evaluation of the performance of the agency, to determine training, tactical and equipment needs, and identify individual employees who may need special attention. The Use of Force form and Detailed Report does not eliminate the requirement to articulate the use of force completely in the incident and arrest reports. All use of force detailed reports will be filed in a secure location. The number of Use of Force Reports which exist concerning an officer cannot be used in the officer's performance evaluation or as the basis for disciplinary action, unless the use of *excessive* force is shown. Force, which is justified, is permissible, regardless of the number of usages. Not every touching by an officer requires completion of the report or notification of a supervisor.

- A) The force to be reported will be that force used other than firm grip, compliant handcuffing and escorting without resistance. The detailed report and Use of Force Report Form will depict the levels of force used. Following, in no particular order and not all encompassing, are several types of examples in which a detailed report would be required:
 - 1. Physical take-downs, leg sweeps or any technique which forcibly causes the subject to end up on the ground.
 - 2. Pain compliance, joint manipulation and pressure point control holds.
 - 3. Striking with fist or foot.
 - 4. Any use of an impact tool whether designed for that function or not.
 - 5. Use of chemical agent.
 - 6. Canine.
 - 7. Drawing and/or use of a firearm or long gun in a public area. (This would not include drawing a weapon to clear a building in which no one is found.)
 - 8. Any use of force that results in any form of complained of or visible injury to a subject or employee.

- B) The requirements of this Section 9.06A shall apply to all duty-related incidents involving a Department employee whether the incident occurs inside or outside the limits of the Town of St. Michaels.
- C) A Department employee who causes death or any serious bodily injury to another person in a duty-related incident, or who is involved in a duty-related incident where the death or serious bodily injury of another person occurs, shall immediately notify the on-duty, or on-call Supervisor of the incident. The supervisor will then in-turn contact the Chief of Police.

9.07 Notifications and Reporting/Duty to Report

- A) Officers shall immediately report the circumstances of all resistances or incidents involving use of force to a supervisor or command officer. The supervisor or command officer shall ensure that all sections of the St. Michaels Police Department Operations Manual have been followed. Any delay in notification shall only be allowed for that period of time necessary to render aid to the injured, secure a crime scene, affect an arrest and/or when the officer involved is incapacitated.
- B) Officers shall immediately notify their supervisor when the use of physical, mechanical or deadly force results in death or serious bodily injury, or when injury of any degree results from the use of a firearm by that officer. The supervisor will immediately notify the Lieutenant and Chief of Police.
- C) The St. Michaels Police Department shall immediately notify the State's Attorney's office when the use of physical, mechanical or deadly force results in death or serious bodily injury, or when injury of any degree results from the use of a firearm by an officer.

9.08 Investigation of Use of Force Incidents Involving Employees

The integrity of a police department is never more closely critiqued as during and following the investigation of an incident concerning an officer involved shooting or an incident that results in death or serious bodily injury. As a result, the Department recognizes the need to conduct an expeditious and thorough investigation of the incident and then a determination of whether or not the actions of the Department and its employees were justified and consistent with the law and Department policies, procedures, orders, and training.

Therefore, the following procedures are hereby established to investigate and review duty-related firearms discharges by Department employees, duty-related actions by Department employees which result in the death or serious bodily injury of another person(s), and other incidents involving duty-related use of force by Department

employees when such investigation is directed by the Chief.

A) Responsibilities of Employee Involved

1. Whenever an employee discharges a firearm in a duty-related incident or is involved in a duty-related incident that results in the death or serious bodily injury of another person, he or she shall:
 - (a) Take appropriate safety measures, immediately determine the physical condition of any injured person, and render first aid when appropriate;
 - (b) Request any necessary emergency medical and rescue aid;
 - (c) Notify dispatch of the incident and location and request that the on-duty, or on-call Shift Supervisor;
 - (d) Protect the integrity of the scene and all evidence, and protect the weapon used until requested by the Shift Supervisor to relinquish it for examination;
 - (e) Provide officers and investigators responding to the scene of the incident with a preliminary statement as to where the incident occurred, the location of possible evidence, and the identity and whereabouts of possible witnesses or suspects; and
 - (f) Submit a written report, which report shall contain a detailed description of the events observed and the actions taken by the employee at the scene of the incident.

B) Responsibilities of Shift Supervisor

1. Whenever the Shift Supervisor receives a report of a duty-related incident involving an employee's discharge of a firearm or that the employee has been involved in a duty-related incident resulting in death or serious bodily injury to any person, he or she shall:

- (a) Proceed immediately to the scene to ensure the safety and health of the officer, and that the scene is protected for the criminal and administrative investigations to be initiated under this Order and to provide assistance to the involved employee;
- (b) As soon as practicable, see that the involved employee is directed or escorted to the Department;
- (c) Upon arrival at the Department, see that the employee is taken to a limited access area within the building and made available for contact by the assigned investigator in charge;
- (d) Ensure that the employee does not discuss the case with anyone except the investigators in charge of the administrative and criminal investigations, the employee's supervisor, the employee's attorney or personal/family representative, members of the Critical Incident Team, and any other person authorized by the responding Shift Supervisor (before giving such authorization, the responding Shift Supervisor shall consult with the Investigations supervisor conducting the criminal investigation);
- (e) Ensure that any weapon used by the officer in the incident is impounded for examination and that a replacement weapon is issued to the employee if appropriate under the circumstances; and
- (f) Ensure that the required individual notifications have been made.

C) Administrative Leave

An employee who discharges a firearm in a duty-related incident or who is involved in a duty-related action that results in the death or serious bodily injury of another person(s) may be placed by the Lieutenant, or his or her designee, on temporary administrative leave with pay for the date of the incident. Any additional administrative leave with pay shall be at the direction of the Chief.

D) Investigative Responsibilities of Use of Force Incidents

The St. Michaels Police Department will request the assistance of the Maryland State Police and the State's Attorney's Office for the investigation of use of force incidents resulting in death or serious bodily injury.

St. Michaels Police Department
Operations and Regulations Manual
Family Violence Policy
Section 10

St. Michaels Police Department

Family Violence Policy

The intention of this three-part policy is to establish procedures for the investigation of family/domestic violence incidents as part of the law enforcement function and the investigation of family/domestic violence involving sworn and/or non-sworn law enforcement personnel within the St. Michaels Police Department and other law enforcement jurisdictions.

Part I of the policy will address response and investigative procedures, protocols, tools, considerations and decisions for family violence incidents encountered by the St. Michaels Police Department personnel as part of their law enforcement duties.

Part II of the policy will address investigative procedures, protocols, tools, considerations and decisions for family violence incidents involving any law enforcement officer, to include outside agencies, sworn and non-sworn personnel employed by the St. Michaels Police Department.

Part III of the policy will address procedures for handling protective orders, peace orders and foreign protective and peace orders.

Family/Domestic violence is a serious crime against the individual and the community. The failure of any law enforcement officer to properly respond and handle a domestic call, no matter how frequent at that location, will expose individuals and the community to danger up to and including death. Because family violence can and does result in the death of individuals, every response to a domestic call shall be treated as seriously as any other crime against a person.

Officers shall respond to family violence calls as they would to any other crime, by pursuing the criminal remedies appropriate to the offense. However, due to the intimate relationship between the victim and the accused creates additional responsibilities. Officers must provide special assistance, including efforts to protect and inform the victim of family violence services available to them. Personnel must also be aware of the various protection orders, mandatory arrest rules, and investigative procedures related to family/domestic violence. This policy was prepared to assist personnel with these tasks.

For the purposes of this policy Family Violence and Domestic Violence will be used synonymously.

Part I
Family/Domestic Violence Response and Investigations

10.01 Purpose

- A) The principal purpose of this policy is to establish guidelines and standardized procedures to be followed by officers and other personnel involved in the police response to domestic calls.
- B) This Policy recognizes that the seriousness of a crime is not lessened because the parties involved are related or involved in an intimate relationship.
- C) The intent of the policy is to prescribe a course of police response that will:
 - 1. Promote officer safety
 - 2. Enforce the law
 - 3. Protect victim(s) involved
 - 4. Deter future incidents of violence
 - 5. Improve police investigations
 - 6. Provide data for statistical analysis
- D) Other purposes and goals of this protocol are:
 - 1. To reduce the incidence and severity of domestic violence by establishing arrest and prosecution, rather than mediation, as the preferred means of police response to domestic violence;
 - 2. To afford maximum protection and support to victims of domestic violence through a coordinated program of law enforcement and victim assistance;
 - 3. To ensure that law enforcement services are as available in domestic violence cases as they are in other criminal cases;
 - 4. To reaffirm the police officer's authority and responsibility to make arrest decisions in accordance with established probable cause standards;
 - 5. To help reduce police resources consumed in responding to domestic violence calls by reducing the number of police interventions required for any particular household.

10.02 Policy Statement

- A) To accomplish the goals outlined in the purpose of the policy each officer **Shall**:
1. Make an arrest when authorized by state law as the preferred response, instead of using dispute mediation, separation or other police intervention techniques;
 2. Treat all acts of domestic violence as criminal conduct;
 3. Respond with the same protection and sanctions for every domestic violence incident regardless of race, religion, creed, national origin, gender, sexual orientation, disability, and/or socio-economic status, including cases where any of the alleged parties may be a law enforcement officer, public official or prominent citizen; and
 4. Immediately report all known or suspected cases of domestic violence and abuse, elder abuse, or child abuse as required by state law.
- B) The following factors should **not** be considered in making an arrest decision:
1. The marital status of the parties;
 2. The ownership or tenancy rights of either party;
 3. Verbal assurances that the violence will stop;
 4. A claim by the accused that the victim provoked or perpetuated the violence;
 5. Speculation that the victim will not follow through or cooperate with criminal prosecution (whether based on prior incidents involving the same victim, the victim's hesitancy about pursuing prosecution, or any other factor);
 6. The disposition of any previous police calls involving the same victim or accused;
 7. Speculation that the arrest may not lead to a conviction;
 8. The existence or not of a current protection from abuse order (except insofar as the violation of such an order might justify arrest);
 9. The victim's emotional state;

10. Concern about reprisals against the victim.
11. Adverse financial consequences that might result from the arrest;
12. That the incident occurred in a private place.
13. The victim's reluctance regarding an officer-initiated arrest;
14. The fact that the victim and the suspect are of the same gender; or
15. The use of alcohol or drugs by either or both parties.

10.03 Response Procedure

A) Approach

When available two officers should be used to respond to the scene of domestic calls that are in progress or that have just occurred. However, since the availability of two officers is not always an option with the St. Michaels Police Department, officers will exercise extreme precautionary measures in approaching the scene of a domestic incident. These measures will include; respond promptly to the call, parking away from the residence, waiting for backup (if applicable), and checking the outside of the residence for assailants.

B) Entry

1. The officer(s) should request entry into the home and ask to see the person who is the subject of the call. If the person who called the police was someone outside the residence, the officer should not reveal the caller's name or whereabouts. If access to the victim is refused, officers should be persistent about seeing and speaking alone with the victim.
2. If there is any evidence to indicate that a crime has occurred, the officer will not leave the scene without speaking to the victim. Evidence could include the condition of the scene, or the state of the person who is speaking with the officers (possible suspect).
3. If the officer has reason to believe that serious injury has occurred or may occur if the officer leaves, the officer will not leave the scene. Maryland Code, Family Law Section, Title 4, Subtitle 5 Domestic Violence, 4-502 Duties of law enforcement officers states that a local law enforcement officer who responds to the request for help shall protect the person from harm when responding to the request, therefore the officer must see the victim prior to leaving the scene of a domestic call.
4. Assess injuries (including inquiry about possible internal injuries and

other injuries which are not readily visible).

5. Officers will contact Talbot Center for medical assistance for any injuries at the scene of a domestic.
6. Officers will address the immediate safety of all parties involved.
7. Secure the scene, including but not limited to locating and securing all weapons, and preserve evidence.
8. Note all excited utterances, admissions and/or incriminating statements.
9. Separate the victim and the accused.
10. Separate other witnesses from the victim and the accused, keeping them out of hearing range to avoid influencing their statements.
11. Inquire about the nature of the incident.

10.04 On-Scene Investigation

When investigating family/domestic violence, the general approach of the officer should reflect the seriousness of the offense and its consequences for both the suspect and the victim. To convey this seriousness, officers should inform the parties involved that domestic violence is a crime and investigate the incident as thoroughly as other crimes.

Officers should consider the victim's present and long-term safety. The investigative goal should be to develop an evidence based case by capturing time sensitive evidence that may only be available at the initial scene. Therefore, they will not need to rely solely on the cooperation of the victim when the time for court proceedings arrive. The officer will:

- A) Interview the victim, accused, and all other witnesses separately.
- B) Obtain information concerning the present safety, prior history of abuse, availability of weapons, and threats of retaliation.
- C) Document victim's and suspect's condition, demeanor, relative size, and evidence of injury.
- D) Not reveal to the victim what action he intends to take until all available information is evaluated.
- E) Attempt to solicit a possible location of the accused, if the suspect fled the scene.
- F) Note any alternative addresses for the victim. Alternatively, to maintain

confidentiality of the victim's whereabouts, identify a friend or relative that will always be able to contact the victim.

- G) Complete a report on *all* domestic violence incidents, whether a crime was committed or not.
- H) A domestic violence supplement shall also be completed.
- I) Witnesses shall be interviewed as fully and as soon as circumstances allow.
- J) Check with neighbors if no witnesses are at the scene.
- K) Children should be interviewed in an age appropriate manner, preferable alone. If the officer has cause to suspect the child has been abused or neglected, the officer must report the case to the Department of Social Services.
- L) Officers shall assess the condition of the scene of the incident. Note the disturbance of furniture, the presence of weapons, broken windows or doors, the presence of bloodstains, etc. to corroborate the statements of the involved parties.
- M) If there is a weapon in the abuser's possession, which in the officer's judgment puts the victim at risk, the officer should seize the weapon for safekeeping. Weapons may be seized for safekeeping, whether or not an arrest is affected.
- N) The officer should collect and preserve all physical evidence necessary to support evidence based prosecution; this will include, but is not by any means limited to, photographs of the scene and all injuries.
- O) Ask the victim to contact the St. Michaels Police Department within 24-72 hours so that additional photographs can be taken of injuries, as they become more visible.
- P) Officers shall give the victim of all domestic violence complaints a copy of the Maryland "CRIME VICTIMS AND WITNESSES: Your Rights and Services" Pamphlet, as required by Maryland Code: Family Law: Title 4, Subtitle 5 Section 4-503a. This Pamphlet supplies the recipient of the following information:
 - 1. Information about and how to obtain a Protective Order
 - 2. A list of family and social services available in the State of Maryland
 - 3. The contact number for the State's Attorney's Office
 - 4. Various other Victim's Rights information, including the Criminal Justice Process.
- Q) Before leaving the scene, attempt to put the victim into contact with a Family

Violence advocate from the MidShore Council on Family Violence at 1-800-927-4673(HOPE) or the National Domestic Violence Hotline at 1-800-787-3224.

10.05 Arrest Decision

The responding officer shall arrest the assailant whenever an arrest is authorized by law, including warrantless arrest for certain domestic misdemeanors which did not occur in the officer's presence. If the officer decides not to arrest despite the existence of probable cause, a clear and compelling reason for such action, and the actions taken to ensure the safety of the victim *must* be documented in the written report of the incident.

A) Warrantless Arrest for Domestic Violence

1. "Maryland Code Criminal Procedure: Title 2 Law Enforcement Procedures; Arrest Process: Subtitle 2: Section 2-204 Same – For domestic abuse" states that A police officer without a warrant may arrest a person if the officer has probable cause to believe that:
 - (a) The accused is the victim's spouse *or* resides with the victim;
 - (b) There is evidence of physical injury; *and*
 - (c) Unless the person is arrested immediately, the person:
 - (i) May not be apprehended;
 - (ii) May cause physical injury or property damage to another; or
 - (iii) May tamper with, dispose of, or destroy evidence; *and*
 - (d) A report to the police was made within 48 hours of the alleged incident.
2. The above Maryland Code Section also requires that: if the police officer has probable cause to believe that a mutual battery occurred and arrest is necessary under the above section, the police officer shall consider whether one of the persons acted in self-defense when determining whether to arrest the person whom the police officer believes to be the dominant aggressor.
 - (a) Definition of Self-Defense: People are entitled to use a reasonable amount of force to protect themselves from an assault. A person must have a reasonable fear of bodily injury to justify the use of force. A person may not use more than necessary force nor continue the force once the threat has ceased or been withdrawn. Self-defense is often more difficult to determine in cases of domestic violence and

requires careful investigation.

- (b) In cases where a history of domestic violence exists between the parties, an initial strike by the battered person (overall victim in the relationship) is more than likely self-defense. The experiences of battered persons may lead them to believe that such an action was necessary to defend themselves from an impending violent attack.
3. If neither party can be determined to have acted in self-defense, decide if one of the parties was the *dominant aggressor* in the violent incident. If so, arrest only this party.
- (a) The dominant aggressor is the party who is responsible for the perpetuation of the violence, not necessarily who initiated it in one particular incident. Officer should consider the intent of the law to protect victims of domestic violence from continuing abuse.
 - (b) A determination as to who the dominant aggressor is should not necessarily include who started a verbal argument, since verbal provocation is not a justifiable cause for assaultive behavior.
4. “Maryland Code Criminal Procedure: Title 2 Law Enforcement Procedures; Arrest Process: Subtitle 2: Section 2-203 Same – Commission of specified crimes” states that a police officer without a warrant may arrest a person if the police officer has probable cause to believe that the person has committed a crime listed in section (b) below and
- (a) Unless the person is arrested immediately, the person:
 - (i) may not be apprehended;
 - (ii) may cause physical injury or property damage to another; or
 - (iii) may tamper with, dispose of, or destroy evidence.
 - (b) Specified Crimes
 - (i) Manslaughter by vehicle or vessel under 2-209 of the Criminal Law Article
 - (ii) Malicious burning under 6-104 or 6-105 of the Criminal Law Article or an attempt to commit the crime
 - (iii) Malicious mischief under 6-301 of the Criminal Law Article or an attempt to commit the crime

- (iv) A theft crime where the value of the property or services stolen is less than \$500 under 7-104 or 7-105 of the Criminal Law Article or an attempt to commit the crime
- (v) The crime of giving or causing to be given a false alarm of fire under 9-604 of the Criminal Law Article
- (vi) Indecent exposure under 11-107 of the Criminal Law Article
- (vii) A crime that relates to controlled dangerous substances under Title 5 of the Criminal Law Article or an attempt to commit the crime
- (viii) The wearing, carrying, or transporting of a handgun under 4-203 or 4-204 of the Criminal Law Article
- (ix) Carrying or wearing a concealed weapon under 4-101 of the Criminal Law Article and
- (x) Prostitution and related crimes under Title 11, Subtitle 3 of the Criminal Law Article.

B) Dual Arrests

1. Arrest of both parties in a disturbance where domestic violence is present may trivialize the seriousness of the situation and potentially increase the ultimate danger to the victim. True mutual combat is rarely present.
2. Dual arrest is not encouraged.
3. Victims often inflict injuries upon suspects while defending themselves from the suspect's aggression.
4. Often cross-complaints are falsely made by an offender to avoid an arrest.
5. An officer shall document all findings and justifications for making any mutual arrests in the summary portion of the written report.

C) Again the following factors should *not* be considered in making an arrest decision:

1. The marital status of the parties;
2. The ownership or tenancy rights of either party;
3. Verbal assurances that the violence will stop;

4. A claim by the accused that the victim provoked or perpetuated the violence;
5. Speculation that the victim will not follow through or cooperate with criminal prosecution (whether based on prior incidents involving the same victim, the victim's hesitancy about pursuing prosecution, or any other factor);
6. The disposition of any previous police calls involving the same victim or accused;
7. Speculation that the arrest may not lead to a conviction;
8. The existence or not of a current protection from abuse order (except insofar as the violation of such an order might justify arrest);
9. The victim's emotional state;
10. Concern about reprisals against the victim.
11. Adverse financial consequences that might result from the arrest;
12. That the incident occurred in a private place.
13. The victim's reluctance regarding an officer-initiated arrest;
14. The fact that the victim and the suspect are of the same gender; or
15. The use of alcohol or drugs by either or both parties.

D) The responding officer should take the accused into custody as soon as the officer determines that a warrantless arrest is appropriate. If the suspect has fled the scene, the officer should initiate procedures to pursue and apprehend the accused as promptly as possible, since the risk is high in domestic violence cases that the accused will return to the victim's residence or the scene of the violence. If an application for statement of charges to obtain a warrant is necessary, the officer should attain and execute the warrant as soon as practical.

E) When the accused is a juvenile (under the age of 18), the provisions of this policy shall be fully applicable, with the exception of following the juvenile procedures for arrest. The juvenile should not be released into the same household as the victim.

F) If an arrest is not authorized under the law the officer shall explain to the victim the reasons that an arrest is not being made. Provide the victim with the

appropriate Maryland “CRIME VICTIMS AND WITNESSES: Your Rights and Services” Pamphlet and advise the victim of the domestic violence help line phone numbers.

- G) Whether or not an arrest is made the responding officer shall not leave the scene of the incident until the situation is under control and the likelihood of further violence has been eliminated. The officer should also stand by while victims or aggressors gather personal belongings only (clothing, medication, toiletries, etc.) for short-term absences from home.

10.06 Other Family/Domestic Call Related Information

- A) If the victim or aggressor does not speak English the officer shall arrange for a translator.
- B) In circumstances in which it is necessary for the victim to temporarily leave the residence, the officer should offer the victim assistance in locating lodging with family, friends, in public accommodations, or at a domestic violence shelter.
- C) The actual location of any domestic violence shelter, center, or meetings, shall not be communicated by any electronic means. Such information shall be communicated only on a face-to-face, need-to-know basis to other law enforcement personnel.
- D) The officer will follow-up with the victim of the domestic violence incident within 24-48 hours, or have another officer conduct a follow-up; update the victim on the case and review their safety plan.
- E) The officer will provide the victim with an incident number for the St. Michaels Police Department Report that will be filed for each domestic incident. The victim has a right to a copy of the domestic report according to Maryland Code: Family Law, Title 4. Subtitle 5 Section 5-503.1 “If an incident report is filed when a law enforcement officer responds to a request for help under 4-502 of this Part I of this subtitle, the law enforcement unit shall provide a copy of the report: on request to the victim. Subpoena not necessary. -The victim need not obtain a subpoena to receive a copy of the incident report.”
- F) All officers *and* employees will keep all information concerning victims confidential, including their whereabouts, safety plan, and any communications.
- G) All officers shall be aware of the increased danger to victims when the victim leaves an abusive partner, and the officer shall caution the victim to be alert to stalking activities on the part of the abuser and assist in safety planning.
- H) All officers shall be aware of possible witness or victim intimidation/coercion. Whenever an officer suspects this is occurring, they shall prepare a written report and immediately deliver it to the officer in charge of the investigation. Given the

likelihood that a victim will recant, supplemental evidence should always be sought out and preserved.

- I) The Officer should advise the victim that the accused (if arrested) could be released in a few hours. The officer should explain the process of the accused being seen by the commissioner and the bond process.

10.07 Effective Prosecution

The follow-up investigation should focus on attempting to prove the case, without the participation or cooperation of the victim in the prosecution. Each case should be analyzed in the following manner:

- A) Can the elements of the offense be established without the testimony of the victim?
- B) In not, will the victim appear in court and testify truthfully, if subpoenaed to do so?
- C) If not, can further investigation locate additional witnesses or information that could allow prosecution with an uncooperative or hostile victim? Is there physical evidence, prior inconsistent statements, witness statements, a 911 tape, circumstantial evidence or a defendant's statement, etc.?

Part II

Family/Domestic Violence By Law Enforcement Officers

10.08 Purpose

This part of the policy recognizes that the profession of law enforcement is not immune from members committing domestic violence against their intimate partners. The purpose of this policy is to establish procedures for handling acts of domestic violence committed by police officers and for implementing prevention strategies.

10.09 Policy Statement

This policy is a comprehensive, pro-active approach to domestic violence by department personnel with an emphasis on victim safety. The St. Michaels Police Department has a position of zero tolerance for family violence.

Federal law prohibits police officers convicted of qualifying misdemeanor domestic violence crimes from possessing firearms.

Officers found guilty of a qualifying domestic violence crime through a criminal proceeding shall be terminated.

10.1 Definitions

- A) Domestic violence refers to an act or pattern of violence perpetrated by a police officer upon his or her intimate partner not done in defense of self or others, including but not limited to the following:
1. Bodily injury or threat of imminent bodily injury
 2. Sexual battery
 3. Physical restraint
 4. Property crime directed at the victim
 5. Stalking
 6. Violation of a court order of protection or similar injunction
 7. Death threats or death
- B) An intimate partner of a police officer is any person who meets one or more of the following criteria:

1. Is or was legally married to the police officer
2. Has a child in common with the police officer
3. Has or had a dating relationship with the police officer
4. Is specified as an intimate partner by state law
5. Is cohabitating or has cohabited romantically with the police officer

C) Protection order refers to any injunction or other order issued by a court, including criminal or civil orders of protection, regardless of form, content, length, layout, or name (such as stay away, restraining, criminal, and emergency or temporary protection orders or injunctions), issued for the purpose of preventing the following:

1. Violent or threatening acts against another person
2. Stalking or harassment of another person
3. Contact or communication with another person
4. Physical proximity to another person

10.11 Procedures

While prioritizing the safety of victims, this policy is designed to address prevention through hiring and provide direction to supervisors for intervention when warning signs of domestic violence are evident, institutionalize a structured response to reported incidents of domestic violence involving St. Michaels Police Department employees, and offer direction for conducting the subsequent administrative and criminal investigations.

Components of the policy include: A) Prevention B) Early Warning and Intervention C) Incident Response Protocols D) Victim Safety and Protection E) Post-Incident Administrative and Criminal Decisions.

A) Prevention

The St. Michaels Police Department will adhere to a zero-tolerance policy towards police officer domestic violence and will not tolerate violations of the policy.

1. Prevention Through Collaboration
 - (a) Through ongoing partnerships with local victim advocacy

organizations the department shall develop domestic violence curricula and train officers in order to enhance the officers'/agency's response to victims.

- (b) The department shall provide local domestic violence victim advocacy organizations copies of all domestic violence protocols and policies for review and possible revision.

2. Prevention through Knowledge of Policy

Upon implementation of this policy, all officers shall sign for their copy of their policy and procedure manuals that include this Policy. Signature will indicate receipt and knowledge of policy.

3. Ongoing Training

The department shall use a variety of training techniques including in-service training, roll-call, FTO, FYI memos, and training bulletins to regularly reinforce standards of effective response protocol.

4. Program Evaluation

To enhance the effectiveness of this policy and ongoing training, the department shall work with internal and/or external resources to evaluate the policy and training and its impact.

B) Early Warning and Intervention

1. Pre-Hire Screening and Investigation

- (a) The St. Michaels Police Department shall conduct a thorough background investigation of all potential new employees using address history, driver's record, protection order databases and any other applicable search.
- (b) All candidates shall be asked if they have engaged in or been investigated for domestic violence and asked about any past arrests, suspended sentences, diversion programs, convictions, and protection orders related to elder abuse, child abuse, sexual assault, stalking, or family and domestic violence.
- (c) Those candidates with a history of perpetrating violence (to include: elder abuse, child abuse, sexual assault, stalking, or domestic violence) will be screened out at this point in the hiring process.

- (d) Candidates shall be clearly informed of the department's position of zero-tolerance concerning domestic violence by officers.
2. Post conditional Offer of Employment
- (a) The psychological screening of all viable candidates will focus on indicators of abusive tendencies in their background.
 - (b) The St. Michaels Police Department will utilize a no-hire decision in the case of any candidate with tendencies indicative of abusive behaviors.
3. Post-Hire Intervention
- (a) When new officers are hired, the department shall reach out to their intimate partners/family members to introduce this policy and other relevant department policies.
 - (b) The St. Michaels Police Department will engage in periodic outreach to officers and their intimate partners/family members with information on this policy, their ability to contact the Chief of Police with any issues they may have and referrals for Talbot County's local support services.
4. The St. Michaels Police Department Responsibilities
- (a) The department shall ensure timely cross-jurisdictional notification of any incident involving a St. Michaels' Police Officer.
 - (b) The department shall, either in response to observed warning signs or at the request of an officer, intimate partner, or other family member, provide non-punitive avenues of assistance before an act of domestic violence occurs.
 - (c) Officers may contact the lieutenant or Chief of Police in order to seek confidential referrals to confidential counseling services for avenues of assistance before an act of domestic violence occurs.
 - (d) A disclosure on the part of any officer, intimate partner or family member to any member of the department that an officer has personally engaged in domestic violence *will* be treated as an admission or report of a crime and shall be investigated both administratively and criminally.
5. Supervisor Responsibilities

- (a) Supervisors shall be cognizant of and document any pattern of abusive behavior potentially indicative of domestic violence including but not limited to the following:
 - (i) Aggressiveness
 - (1) Excessive and/or increased use of force on the job
 - (2) Stalking and inappropriate surveillance activities
 - (3) Unusually high incidences of physical altercations and verbal disputes
 - (4) Citizen and fellow officer complaints of unwarranted aggression and verbal abuse
 - (5) Inappropriate treatment of animals
 - (6) On- or Off-duty officer injuries
 - (ii) Domestic violence-related issues
 - (1) Monitoring and controlling any family member or intimate partner through such means as excessive phone calling
 - (2) Stalking any intimate partner or family member
 - (3) Discrediting and/or disparaging an intimate partner
 - (iii) Deteriorating work performance
 - (1) Tardiness
 - (2) Excessive absences
 - (3) Alcohol and drug abuse
- (b) When the supervisor notes a pattern of problematic behavior (as detailed above), the supervisor shall:
 - (i) Address the behaviors through a review or other contact with the officer and document all contacts
 - (ii) Forward written reports capturing the behaviors to the Chief

through the chain of command in a timely manner to determine actions or discipline as warranted

- (iii) Prepare and submit to the Chief a written request for a psychological exam/counseling by a psychologist/psychiatrist who is knowledgeable about family/domestic violence.
- (iv) When warranted, request the Chief to order an officer to seek assistance from a certified program for batterers or a counselor knowledgeable about domestic violence.

6. Police Officer Responsibilities

- (a) Officers are encouraged to take personal responsibility in seeking confidential referrals and assistance from the department to prevent a problem from escalating to the level of criminal conduct against an intimate partner.
- (b) Officers who engage in the following actions will be subject to severe discipline up to and including dismissal:
 - (i) Failure to report knowledge of abuse or violence involving a fellow officer
 - (ii) Failure to cooperate with the investigation of a police officer involved domestic violence case (except in the case where that officer is the victim)
 - (iii) Interference with cases involving themselves or fellow officers
 - (iv) Intimidation/coercion of witnesses or victims (i.e., surveillance, harassment, stalking, threatening, or falsely reporting)
- (c) Officers who learn they are the subject of a criminal investigation, regardless of jurisdiction, are required to immediately make a report to their supervisors and provide notice of the court dates, times, appearances, proceedings, and findings. Failure to do so may result in severe discipline up to and including dismissal.
- (d) Officers, who learn they are the subjects of any protective order proceeding, whether or not the order is issued and regardless of jurisdiction, shall immediately notify their supervisor and provide a copy of the order, if issued. If subject to a qualifying protection order, the officer shall surrender all firearms. Failure to do so may result in severe discipline up to and including dismissal.

C) Incident Response Protocols

1. Department-wide Response

- (a) The department shall accept, document, and preserve all calls or reports, including those made anonymously, regarding domestic violence as on-the-record information.
- (b) All reports of possible criminal activity implicating police officers in domestic violence shall be documented in accordance with the policies governing the handling of reports of domestic violence involving civilians.
- (c) The on-scene supervisor shall forward a copy of the report alleging domestic violence by the officer to the Chief through the chain of command.
- (d) All such incident reports shall be made available by the department to the victim without cost.

2. Communications Response

- (a) Any officer or employee receiving a domestic violence telephone call shall assign a high priority to that call, including those that involve or appear to involve a police officer of any department.
- (b) Officers and employees shall immediately notify the supervisor on duty of any domestic violence call received that involves, or appears to involve, a police officer, regardless of the involved officer's jurisdiction.
- (c) Officers and employees shall prepare and preserve any documentation of the facts and circumstances of the call for use in potential administrative or criminal investigations.
- (d) Officers and employees answering the telephone call shall have available current contact information of the Talbot County domestic violence victim advocacy organization for the on-scene supervisor to provide the victims.

3. Patrol Response

- (a) Upon arrival on the scene of a domestic violence call or incident involving a police officer, the primary patrol unit shall immediately notify dispatch and request a supervisor of higher rank than the involved officer to report to the scene, regardless of the involved

officer's jurisdiction.

- (b) The responding officers shall perform the following actions:
 - (i) Obtain needed medical assistance
 - (ii) Address the immediate safety of all parties involved
 - (iii) Secure the scene and preserve evidence
 - (iv) Note all excited utterances, admission and/or incriminating statements
 - (v) Make an arrest if probable cause exists

4. On-Scene Supervisor Response

- (a) A supervisor of higher rank than the involved officer shall report to the scene of all police officer domestic violence incidents, regardless of the involved officer's jurisdiction.
- (b) The on-scene supervisor shall assume command and ensure that the crime scene is secured and that all the evidence is collected. Photographic and/or video documentation of the parties involved and scene shall be recorded where such resources are available.
- (c) The supervisor shall inquire as to the safety of all children present at the time of the incident and all children in the household. As appropriate and necessary, the children should be interviewed separately from other parties.
- (d) In cases where probable cause exists, the on-scene supervisor shall ensure an arrest is made.
- (e) If the alleged offender has left the scene and probable cause exists, the supervisor shall perform the following actions:
 - (i) Exhaust all reasonable means to locate the alleged offender
 - (ii) Ensure that an arrest warrant is sought, if unable to locate the alleged offender
 - (iii) Document all subsequent actions in a timely manner
- (f) In the event that the victim has left the scene, the supervisor shall make every effort to follow through on the investigation and attempt

to locate the victim.

- (g) Arrest of both parties involved in a domestic violence incident should be avoided. The supervisor shall ensure that a thorough investigation is conducted and an arrest of the dominant aggressor is made in accordance with state law.
- (h) Whenever an officer is arrested, the supervisor shall relieve the accused officer of all service weapons regardless of whether the officer is a member of the St. Michaels Police Department.
- (i) All other firearms and applicable weapons owned or at the disposal of the accused officer will also be removed from the home for safety reasons.
- (j) The on-scene supervisor shall inquire whether the victim wants any other firearms or weapons removed from the home for safekeeping by the department and make arrangements as necessary.
- (k) The on-scene supervisor shall ensure the victim is informed of the following information:
 - (i) The judicial process and victim rights
 - (ii) The department's policy on police officer domestic violence, procedures and cross-jurisdictional responsibilities as they apply
 - (iii) The standard of probable cause for arrest
 - (iv) Procedures for obtaining a protective order
 - (v) The availability of an on-scene advocate
 - (vi) The availability of confidential transportation to a location that can provide improved victim service and shelter
- (l) The on-scene supervisor shall provide the victim with the required Maryland "CRIME VICTIMS AND WITNESSES: Your Rights and Services" Pamphlet
- (m) Whenever a police officer involved domestic violence call does not result in an arrest or a warrant is not sought, the on-scene supervisor shall explain in detail in a written report
- (n) The on-scene supervisor shall notify the Chief and the accused officer's immediate supervisor as soon as possible. In the event that

the officer is from another jurisdiction, the supervisor shall ensure that the accused officer's chief is notified immediately. All notifications and attempts to notify shall be fully documented.

5. Additional Critical Considerations

- (a) When responding to a domestic violence complaint involving a police officer from another jurisdiction, all responding officer, investigators, and supervisors shall follow the same procedures that are to be followed in responding to a domestic violence complaint involving an officer from the St. Michaels Police Department.
- (b) In the event that the reported incident involves the Chief of Police, the supervisor shall immediately notify the State's Attorney's Office and the Town Manager or President of the Town Commissioners. The supervisor may also request the assistance of the Maryland State Police.
- (c) In responding to domestic violence incidents where the victim is a police officer, standard domestic violence response and investigation procedures should be followed.
- (d) In responding to domestic violence incidents where both of the parties involved are police officers, standard domestic violence response and investigation procedures should be followed. After probable cause and dominant aggressor are determined, an arrest should be made and all service weapons of the accused officer confiscated.

6. Department Follow-Up

- (a) In a timely manner, the Chief shall ensure that all officers who responded to a police officer involved domestic violence call are debriefed. The debriefing shall include the following:
 - (i) A review of the department confidentiality guidelines
 - (ii) A direct order prohibiting the discussion of the incident outside of the official inquiry
 - (iii) A clear delineation of assignments
- (b) Follow-up investigators shall proactively seek out information on existing protective orders and, if found, shall enforce them.
- (c) Arrest warrants charging police officers with domestic violence and

protective orders issued at a later time shall be served by no fewer than two officers with at least one being of senior rank to the officer being served. In cases where firearms have not previously been, seized, firearms shall be seized at that time.

- (d) In the event the protection order expires or the victim asks that it be discontinued, the department shall still conduct a thorough administrative investigation.
- (e) Following the reported incident, the department shall designate a member of the supervisory staff to perform the following duties:
 - (i) Act as a principal point of contact to keep the victim apprised of all developments
 - (ii) Ensure that safety planning and danger assessment is made available to the victim
 - (iii) Report the finding of any danger assessment to the chief who will make decisions concerning appropriate sanctions, administrative actions, and referrals for the accused officer

D) Victim Safety and Protection

1. The St. Michaels Police Department shall work with community resources and advocacy agencies to connect victims and their children with appropriate services.
2. The staff member that is designated as the contact person for the victim, shall inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case.
3. All officers shall be aware of possible victim/witness intimidation or coercion and the increased danger when the victim leaves an abusive partner. The designated principal contact shall assist the victim and children in safety planning and caution the victim to be alert to stalking activities.
4. If and officer suspects intimidation or coercion of the victim/witness is occurring, the officer shall prepare a written report to be delivered immediately to the investigator in charge of the case.
 - (a) In order to determine whether the victim/witness is being intimidated or coerced, the investigator in charge shall seek out secondary sources of information.

- (b) Given the possibility that a victim will recant or choose not to participate in court proceedings, supplemental evidence shall be sought out and preserved.

E) Post Incident Administrative and Criminal Decisions

The St. Michaels Police Department shall conduct a separate parallel administrative and criminal investigation of alleged incidents of police officer domestic violence. The St. Michaels Police Department will request the assistance of the Maryland State Police to assist either the administrative or criminal investigation of police officer involved domestic violence. This will assist in maintaining the integrity of the investigations and promote the zero-tolerance policy of the department.

Regardless of the outcome of the criminal case, the department shall uphold all administrative decisions. If the facts of the case indicate that domestic violence has occurred or any department policies have been violated, administrative action shall be taken independent of any criminal proceedings as soon as practicable.*

1. Administrative Investigations and Decisions

The Chief of Police will appoint an experienced investigator or request an allied agency to assist in the administrative investigation.

- (a) Regardless of whether an arrest was made on the scene, the investigating official shall conduct an independent, comprehensive administrative investigation using standards elements of criminal investigations. Victims and witnesses shall be re-interviewed and their statements recorded; crime scene evidence, photographs, and medical records accessed; and 911 tapes requested.
- (b) Where sufficient information/evidence exists, the department shall take immediate administrative action against the accused officer that may include removal of badge and service weapons, reassignment, sanctions, suspension, or termination.
- (c) When an investigation of an incident uncovers officers who had knowledge of violence on the part of another officer but failed to notify the department or engaged in actions intended to interfere with the investigation, the department shall investigate those officers and take disciplinary action and criminally charge as warranted.
- (d) In determining the proper course of administrative action, the Chief shall consider factors including the level of danger an officer poses as indicated by the outcome of the danger assessment of the officer, the officer's history of compliance with departmental rules, prior written or verbal threats, history of aggressive behaviors, and existence of an alcohol or substance abuse problem.

*The department will adhere to and observe all necessary protocols to ensure that an accused officer's departmental, LEOBR, and all other legal rights are upheld during the administrative and criminal investigations.

- (e) If the Chief assigns the accused officer enforcement duties while the administrative and /or criminal investigations are under way, those duties should not include response to domestic violence calls.
- (f) If the Administrative Investigation determines that the officer violated department policy, regardless of whether the officer plead nolo contendere in response to criminal charges, the department may employ the full range of administrative sanctions. Any officer determined through an administrative investigation to have committed domestic violence shall be terminated from the St. Michaels Police Department.

2. Criminal Investigations and Decisions

The responsibility to complete a criminal investigation will rest with the domestic violence officer of the department or the Chief will request an allied agency to conduct the criminal investigation.

- (a) The investigating official shall conduct criminal investigations, as would be the case for any other criminal violation.
- (b) In accordance with the officer's and victim's privacy rights, the investigating official or agency shall conduct sufficient interviews (taped) of family members, friends, neighbors, colleagues, and others who may have information regarding criminal charges.
- (c) Even though an initial report may already exist concerning a police officer, reports of any subsequent or additional criminal or non-criminal incidents, which may include fellow officers engaging in surveillance or intimidation of the victim, shall be documented in separate incident reports, assigned a case number, cross-referenced with the original case number and investigated thoroughly.
- (d) The department shall completely investigate the charges and where warranted seek prosecution even in cases where the victim recants.
- (e) The department shall establish a liaison to work with the prosecuting attorney for each case. This officer shall present all the information to the prosecuting attorney for action and ask that decisions about the adjudication of the case be made in a timely manner.
- (f) Any officer convicted through criminal proceedings of a domestic violence crime shall be terminated from the department.

3. Termination Procedures

- (a) Upon the decision to terminate an officer, the Chief shall do the following in accordance with departmental policy and Maryland State Law
 - (i) Notify the officer, in writing, of the effective date of termination-See Disciplinary Procedures Page 45
 - (ii) Inform the officer of available support services, to include counseling
 - (iii) Ensure that the victim is notified in a timely manner and offered available assistance, to include safety planning
 - (iv) Notify the Maryland Police and Correctional Training Commission within 30 days and inform them of the reason for termination
- (b) Federal Law prohibits anyone convicted of a misdemeanor domestic violence crime from possessing firearms. The department shall ensure compliance with federal law.

Part III

Protective and Peace Orders And Full Faith and Credit

10.12 Purpose

The St. Michaels Police Department's protective and peace order policy will address procedures for handling protective orders, peace orders and foreign protective and peace orders. This policy is designed to explain the various definitions involved in these orders and to assist officers in understanding their differences.

10.13 Policy Statement

The St. Michaels Police Department is aware that Protective and Peace Orders are a very effective tool in combating family and domestic violence if they are used and enforced properly. Orders are effective only when the restrained party is convinced the order will be enforced and the St. Michaels Police Department can play a large role in this by having a zero-tolerance for violations of these orders.

10.14 Definitions

- A) Interim Protective Order (IPO): A special order that provides emergency domestic violence protection during hours when the courts are closed. The order last up to 48 hours until the courts reopen. You must appear in district court for a [Temporary](#) Protective Order to extend the protection. The District Court Commissioner can issue the order at night and during weekends. See relief for what can be included in the orders.
- B) Temporary Protective Order (TPO): As a result of a hearing before a Judge, a special order is issued that provides protection from domestic violence. If the petitioner files for protection during the court's business hours, the TPO offers protection temporarily until a Final Protective Order hearing can be scheduled and held.
- C) Final Protective Order (FPO): Official decision issued by the Court after a hearing regarding the alleged abuse. Protective Orders may be awarded with the consent of the respondent *or* after a hearing. Protective Orders can be issued for up to one year, and can be extended for up to 18months. The Final Protective Order can require a respondent not to abuse, threaten or contact the petitioner. These orders also can also cover custody, visitation, emergency family maintenance, use and possession of a home and/or vehicle, counseling, and surrender of firearms.

- D) Abuse: Can be any of the following:
1. an act that causes serious bodily harm;
 2. an act that places a [person](#) eligible for relief in fear of imminent serious bodily harm;
 3. assault in any degree;
 4. rape or sexual offense;
 5. false Imprisonment; or
 6. child abuse or vulnerable adult abuse.
- E) Cohabitant: A person who has had sexual relations with the respondent at any time and lived with the respondent for at least ninety (90) days within the past year. The ninety (90) days do not have to be consecutive. Spending the night with the respondent at least ninety (90) days in the past year also qualifies you as a cohabitant.
- F) Emergency Family Maintenance: A monetary award that the Judge can order when the respondent has a duty to support his/her spouse or child (ren). The award will last for the duration of the Protective Order. When the Protective Order ends, the emergency Family Maintenance will end as well.
- G) Person Eligible for Relief (PEFR): Under Maryland law any of the following people can be given protection from domestic violence:
1. The current or former spouse of the respondent (that is, the alleged abuser);
 2. A cohabitant of the respondent;
 3. A person related to the respondent by blood, marriage, or adoption;
 4. A parent of the respondent;
 5. A stepparent of the respondent;
 6. Child or step-child of the respondent;
 7. Victim who lives (or lived) with the respondent for at least ninety (90) days within the past year; or
 8. A [vulnerable adult](#) or individual who had a child with the respondent

- H) Petition for Contempt: Papers filed with court by either party in which one person alleges (or claims) that the opposing party has not followed with the terms of the Protective Order. After receiving the Petition, the Court will schedule a hearing to hear argument/testimony about the alleged violation of the protective order.
- I) Petition to Modify: A request to the court that can be filed by either party when they want to change any part of the Protective Order. The Court will schedule a hearing to hear arguments/testimony about your reason for requesting a modification to the current Order.
- J) Petitioner: The person requesting the court's help (typically, the alleged victim of abuse). The petitioner is not necessarily the same person as the person eligible for relief. The petitioner can also be any blood relative of a household member. Family Law section 4-501.
- K) Relief : "Relief" refers to the types of help that the judge or the District Court Commissioner are allowed by law order
- L) Respondent: The person against whom a petition is filed. In a domestic violence case this is the legal term used to refer to the person who is alleged to be the abuser
- M) Service: Before a petitioner can have a Protection Order hearing, the respondent must be served (officially given) a copy of the petition by a law enforcement officer. If the respondent is not served, the Protective Order hearing will be rescheduled, typically the following week.
- N) Vacate (An order to): A court order that requires the respondent to leave the home that the parties have shared. Abuse must have occurred while the parties were living together. The petitioner must also be listed on the deed or lease OR must have resided in the home for at least ninety (90) days in the past year.
- O) Vulnerable Adult: Adults over the age of 18 who are unable to protect themselves, provide for their own daily needs, or get help when they are physically or emotionally abused. Such an individual may be vulnerable because of a physical or mental condition, as well as an increased physical weakness due to advanced age. MD Family § 14-101(q).

10.15 Protective Orders – Authority

- A) Protective orders are recognized as a positive civil remedy in protecting victims from their abusers.
- B) They are provided for by the Maryland Family Law Article, Title 4, Subtitle 5,

"Domestic Violence."

C) Types of Protective Orders

1. Interim Protective Orders,
2. Temporary Protective Orders, and
3. Final Protective Orders.

D) Arrestable Conditions of Protective Orders

1. Refrain from abusing or threatening the petitioner;
2. Refrain from contacting, attempting to contact, or harassing the petitioner;
3. Refrain from entering the petitioner's residence, which includes the yard, grounds, outbuildings, and common areas surrounding the area;
4. Vacate the residence and award temporary use and possession of the home to the petitioner; or
5. Stay away from the petitioner's or other family members' places of employment, school, or temporary residence.

A respondent who violates one of these orders is guilty of a misdemeanor for which the law enforcement officer is required to make an arrest.

10.16 Mandated Arrest for Violation of a Protective Order

A) Under FL § 4-509(b), an officer shall arrest with or without a warrant and take into custody a person whom the officer has probable cause to believe is in violation of a protective order in effect at the time of the violation.

B) Under FL § 4-509(a), the officer shall arrest a person, with or without a warrant, for the following violations of a protective order:

1. Failure to refrain from abusing or threatening to abuse a petitioner;
2. Failure to refrain from contacting, attempting to contact, or harassing a petitioner;
3. Failure to refrain from entering any residence of a petitioner;
4. Failure to vacate the home immediately and to award temporary use and possession of the home to the petitioner; or
5. Failure to remain away from the place of employment, school, or

temporary residence of a petitioner or the home of other family members.

6. Effective October 1, 2004, the failure of a respondent who is the subject of a Final Protective Order to surrender firearms in his/her possession to a law enforcement agency becomes a mandatory-arrest misdemeanor.

Insert “*Understanding the Differences Between the Protective Order and the Peace Order*” Here.

Nine Pages.

10.17 Non-arrestable Conditions of Protective Orders

- A) Protective orders also provide relief in the form of temporary child custody, temporary visitation rights, financial support, use of the couple's vehicle, counseling, and payment of filing fees and the cost of the proceedings. They also may require the respondent to stay away from the petitioner's child care provider while the children are being cared for.
- B) In addition, in the case of Final Protective Orders, the court may order a respondent to surrender to a law enforcement officer any firearm in the respondent's possession for the duration of the Final Protective Order.
- C) Violation of these conditions does not constitute a criminal offense and is therefore not arrestable, but, in the case of violations of Temporary and Final Protective Orders, they could result in a finding of contempt by the court.

10.18 Enforcement of Out-of-State Protective Orders/Full Faith and Credit

- A) Out-of-state protective orders are civil protective orders that are issued by a court of another state or an Indian tribe. Temporary and final out-of-state protective orders are accorded full faith and credit by the State of Maryland and are fully enforceable.
- B) Out of state protective orders shall be enforced:
 - 1. To the same extent that a Maryland protective order would be enforced;
 - 2. In the case of temporary out-of-state orders, for not more than seven days after service of the order; and
 - 3. In the case of final out-of-state protective orders, for as long as they are effective in the particular state.
- C) A law enforcement officer is mandated to arrest, with or without a warrant, and take into custody a person whom the officer has probable cause to believe is in violation of a protective order that was issued by a court of another state or an Indian tribe, and is in effect at the time of the violation, if the person seeking assistance of the officer.
 - 1. Has filed a copy of the order with the district or circuit court, or
 - 2. Displays or presents to the officer a copy of an out-of-state order that appears valid on its face.
- D) A law enforcement officer acting in good faith and in a reasonable manner concerning the enforcement of out-of-state orders shall be immune from civil liability.

10.19 What Peace Orders Accomplish

- A) Arrestable Conditions

A law enforcement officer shall effect an arrest for those conditions of an Interim, Temporary, or Final Peace Order that order the respondent to:

1. Refrain from committing or threatening to commit any of the nine specified acts,
2. Refrain from contacting or harassing the petitioner,
3. Refrain from entering the residence of the petitioner, and
4. Remain away from the place of employment, school or temporary residence of the petitioner.

A respondent who violates one of these orders is guilty of a misdemeanor for which the law enforcement officer is required to make an arrest when probable cause exists.

B) Non-arrestable Conditions of Peace Orders

Peace orders also provide relief by directing the respondent or petitioner to participate in counseling or mediation, and by ordering either party to pay filing fees and costs of the peace order proceeding. Violation of these conditions does not constitute a criminal offense and is therefore not arrestable, but, in the case of violations of Temporary and Final Peace Orders, they could result in a finding of contempt by the court.

10.20 When an arrest is not made at the scene

If an arrest is not made at the scene of an incident involving a protective order/peace order the officer shall inform the victim/petitioner that they may:

- A) Make application with a District Court Commissioner to file criminal charges for the violation of the protective/peace order or
- B) Request that the State's Attorney file criminal charges.

10.21 Domestic Escorts

The St. Michaels Police Department Officer's will provide a domestic stand-by/escort for a victim in order to ensure that the victim is safe while removing personal items to meet emergency needs, along with the needs of any children in the victim's care.

The officer's will also provide Domestic Escorts for respondents that are removing personal belongings as required by court order such as a protective order.

Personal Belongings consist of clothing, medication, toiletries, etc.; things that would be needed for short-term absences from home.

St. Michaels Police Department

Operations and Regulations Manual

Police Response and Investigation of
Sexual Assault

Section 11

St. Michaels Police Department

Police Response and Investigation of Sexual Assault

11.01 Purpose

The purpose of this policy is to provide officers and investigators with guidelines for responding to reports of sexual assault, assisting victims, collaborating with local health and service agencies, and conducting interviews with victims, witnesses, and suspects. Because of the special needs involved in sexual assault investigations, this policy is an all-inclusive document that covers first response, investigation, and prosecution. This policy not only establishes guidelines but also emphasizes a compassionate and supportive approach on the part of the investigating officers toward the victim.

11.02 Policy

A victim's distress may create an unwillingness or psychological inability to assist in the investigation. Officers and investigators play a significant role in both the victim's willingness to cooperate in the investigation and ability to cope with the emotional and psychological after effects of the crime. Therefore, it is especially important that these cases be handled from a nonjudgmental perspective so as not to communicate in any way to a victim that the victim is to blame for the crime. It is the policy of the St. Michaels Police Department that the health and safety of a sexual assault victim is of paramount importance. The victim's physical and mental condition should be immediately assessed and appropriate medical attention provided for if required. It is also the policy of the St. Michaels Police Department that the first officer on the scene has three primary responsibilities:

1. Physically protect and emotionally support the victim.
2. Identify, isolate and protect the crime scene.
3. Conduct a quality preliminary investigation.

11.03 Definitions

- A) Sexual Act – As used in this policy a sexual act means any of the following acts, regardless of whether semen is emitted:
1. analingus;
 2. cunnilingus;

3. fellatio;
4. anal intercourse, including penetration, however slight, of the anus; or
5. an act:

- (a) in which an object penetrates, however slightly, into another individual's genital opening or anus; and

- (b) that can reasonably be construed to be for sexual arousal or gratification, or for the abuse of either party.

6. Sexual act does not include:

- (a) vaginal intercourse; or

- (b) an act in which an object penetrates an individual's genital opening or anus for an accepted medical purpose.

B) Sexual contact - as used in this policy means an intentional touching of the victim's or actor's genital, anal, or other intimate area for sexual arousal or gratification, or for the abuse of either party.

1. Sexual contact includes an act:

- (a) in which a part of an individual's body, except the penis, mouth, or tongue, penetrates, however slightly, into another individual's genital opening or anus; and

- (b) that can reasonably be construed to be for sexual arousal or gratification, or for the abuse of either party.

2. Sexual contact does not include:

- (a) a common expression of familial or friendly affection; or

- (b) an act for an accepted medical purpose.

C) Vaginal intercourse as used in this policy means genital copulation, whether or not semen is emitted, including penetration, however slight, of the vagina.

D) Sexual Assault – as used in this policy refers to crimes of sexual violence as described in Maryland Code, Criminal Law, Title 3, Other Crimes Against The Person, subtitle 3, Sexual Crimes, Sections 3-303 through 3-324. Felony Sexual Assault generally exists when one or more of the following conditions exist:

1. Force, or the threat of force, without the consent of the other
2. Employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon
3. Suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime
4. Threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping
5. Commit the crime while aided and abetted by another
6. Commit the crime in connection with a burglary in the first, second, or third degree; or
7. If the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual.

E) Victim Advocate – This term may apply to a wide range of service providers, rape crisis counselors, social workers, and victim witness providers from the Talbot County State’s Attorney’s Office. Depending on the primary functions of the different advocates, the levels of confidentiality and privilege they have will vary and should, therefore, always be understood by each member of the sexual assault response team and communicated to the victim.

11.04 Initial Officer Response

A) Emergency Response

As part of the emergency response, officers shall:

1. Make contact with the victim as soon as possible to address safety concerns and summon emergency medical assistance if needed.
2. Evaluate the scene for people, vehicles, or objects involved as well as possible threats.
3. Relay all vital information to responding officers and supervisors, including any possible language barriers.

4. Secure the crime scene to ensure that evidence is not lost, changed, or contaminated.
5. Determine whether the victim has bathed, douched, urinated, or made other physical changes and advise against doing so. If the victim does need to urinate have the victim use a urine sample collection jar or a clean jar if the sample collection jar is not available.
6. Request immediate assistance from the Criminal Investigation Officer, allied agency Crime Scene Investigation Unit/Crime Lab, and the State's Attorney's Office if applicable.
7. Begin a search for the suspect when appropriate.

B) Assisting the victim

As part of the emergency response, officers shall:

1. show understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport.
2. Inform the victim that an officer of the same sex will be provided if desired and available.
3. Contact a victim advocate from For All Seasons as soon as possible to provide assistance throughout the reporting and investigative process.
4. Supply victims of sexual assault with the phone number for the Rape, Abuse, and Incest National Network (RAINN) Hotline, 1-800-656-HOPE and the phone number to For All Seasons 410-820-5600 or 410-822-1018.
5. Request a response from investigations, and clearly explain their role and limit the preliminary interview so that the victim is not asked the same questions by a detective.
6. Be aware that a victim of sexual assault may bond with the first responding officer. It is important to explain the role of the different members of the sexual assault response team and help with transitions through introductions.
7. Record observations of the crime scene, including the demeanor of the suspect and victim and document any injuries or disheveled clothing.

C) Evidence Collection Issues

1. Officers shall request assistance or direction from crime scene technicians

and forensic scientists.

2. Responding officers shall protect the integrity of the evidence and guard the chain of custody by properly marking, packaging, and labeling all evidence collected, including:
 - (a) Clothing worn at the time of the assault and immediately afterward, especially the clothing worn closest to the genitals (such as undergarments, pants, and shorts).
 - (b) Photographs and videotape of the victim's injuries (if any), the suspect's injuries (if any), and the crime scene prior to processing
 - (1) When photographing a victim, be sensitive to the location of the injuries on the victim's body
 - (2) Summon an officer of the same sex as the victim
 - (3) Photograph victims using drapes and other techniques that help to maintain the victim's dignity
 - (4) Instruct medical personnel to take photographs of the genitalia when needed
 - (c) Diagram of the crime scene(s)
3. When an investigating officer suspects that a sexual assault may have been facilitated with drugs or alcohol, the officer should determine the time of the incident as soon as possible in order to make decisions regarding the collection of urine and blood samples.
4. Officers shall introduce the need for a medical examination to the victim explaining the importance to investigative and apprehension efforts as well as for the victim's well being. Officers shall not coerce victims to go to the hospital or to provide samples for drug screening.
5. DNA evidence plays a crucial role in the sexual assault investigation. In addition to the victim's and suspect's bodies and clothing, there are many other potential sources such as condoms, sheets, blankets, pillows, and bottles that may contain biological evidence such as blood, sweat, tissue, saliva, hair and urine. To properly collect DNA evidence, officers shall:
 - (a) Use *sterile* gloves and change as needed.
 - (b) Use sterile swabs, papers, solutions, and tools.

- (c) Package evidence in individual envelopes.
 - (d) Avoid touching the area where potential DNA evidence may exist.
 - (e) Avoid talking, sneezing, and coughing over evidence.
 - (f) Air-dry evidence before packaging.
 - (g) Put evidence into new paper bags or envelopes, **not** plastic.
6. The officer shall accept the sexual assault evidence kit from the medical staff after it has been properly sealed and labeled.
- (a) ***The kit will contain whole blood that requires that the kit be placed and logged into an evidence refrigerator as soon as possible. The kit may also contain a urine sample for toxicology testing. If it does the urine sample shall also be refrigerated.
 - (b) Investigating officers or supervisors shall have access to the evidence refrigerator after regular business hours, on weekends, and on holidays.
 - (c) The kit shall not be allowed to freeze or be exposed to heat such as being near a car's interior heater.

D) Stranger vs. Non-stranger Assaults

Responding Officers shall be familiar with common defenses to the charges of sexual assault.

1. Non-stranger Assault

The majority of non-stranger sexual assaults result in a consent defense. Thus, evidence of particular importance includes:

- (a) Evidence of physical or verbal resistance on the part of the victim.
- (b) Evidence of genital or non-genital injury.
- (c) Detailed account of the victim's thoughts and feelings during the assault.
- (d) Information regarding the suspect's size and strength in comparison to the victim's.
- (e) Information regarding the environment in which the assault took

place (such as isolation, soundproofing).

- (f) Information regarding the victim's behavior after the assault, including posttraumatic stress.

2. Stranger Assault

Evidence in stranger sexual assaults often center on a question of DNA evidence. Therefore, investigative strategies must remain flexible. An identity defense will typically include latent fingerprints, lineups, DNA and trace evidence.

E) Identify and Locate Witnesses and Suspects

Based on the victim's emotional and physical state, questions of the victim concerning the assault and description and location of the suspect shall be limited. Responding officers must identify and interview any potential witnesses, bearing in mind that there may be multiple crime scenes. It is especially important that the first person the victim told about the sexual assault be identified and interviewed.

F) Documentation

Any officer who interviews a witness or a suspect, identifies evidence, or processes a crime scene shall write his own supplement report detailing the actions he took. These supplemental reports shall be compiled by the first responding officer for the follow-up investigation regardless of whether an arrest is made.

11.05 Preliminary Victim Interview

Sexual assault investigations typically include both a preliminary and subsequent in-depth interview with the victim. The preliminary interview is intended to establish whether a crime has occurred. In the initial response, the officer shall first establish the elements of the crime(s) and identify any and all witnesses, suspect(s), evidence, and crime scene(s). The officer must understand the preliminary interview is not intended to be a comprehensive or final interview. The first officer's initial report will indicate that the preliminary interview was not a comprehensive interview. Additional interviews will be needed as the investigation develops.

A) Involve a Victim Advocate

The St. Michaels Police Department requires that For All Seasons be contacted for *all* felony sexual assault victims as soon as possible. If the victim declines assistance from an advocate, the investigator shall provide the victim with written

referrals for community resources as provided in the “Maryland CRIME VICTIMS AND WITNESSES: Your Rights and Services” Pamphlet.

B) Victim Interview Protocol

1. Based on the length of time between the assault and report of the crime and the individual’s personal history, the victim may be in crisis and experiencing posttraumatic stress disorder or rape trauma syndrome and exhibiting a range of behaviors that will likely change over time.
2. The victim’s response to the trauma of a sexual assault shall not be used in any way to measure credibility. When drugs or alcohol are involved, the victim may have limited recollection or be unable to give a complete account of the crime. Not knowing the details of what happened may exacerbate the trauma experienced by the victim.
3. Interviews shall be conducted promptly if the victim is coherent and consensual.
4. Proceeding with or conducting a thorough investigation shall not be contingent upon laboratory findings.
 - (a) Investigators shall:
 - (i) Remain patient and maintain an open mind while listening to the victim’s account
 - (ii) Remember that victims may struggle with gaps in memory
 - (iii) Avoid leading questions while conducting the interview
 - (iv) Use simple terminology appropriate to the victim’s age, sophistication, and intelligence
 - (v) Avoid using jargon or police, medical, or legal terms
 - (b) Prior to initiating the interview, the officer shall:
 - (i) Interview any witness who might have seen or spoken with the victim before, during, or after the assault
 - (ii) Accommodate the victim’s request for a rape crisis advocate or support person whenever possible
 - (iii) Take responsibility for excluding a support person when appropriate and offer the victim and support person an

explanation

- (iv) Secure a private location for the interview that is free from distractions
 - (v) Express sympathy to the victim and an interest in the victim's well being
 - (vi) Inform the victim of the need and importance of full disclosure of any and all recent drug use
- (c) During the interview, the officer shall:
- (i) Obtain contact information for the victim, including temporary accommodations
 - (ii) Explain the nature of the preliminary interview and the need for follow-up contacts
 - (iii) Ask victims to explain what they remember and how they felt
 - (iv) Revisit the possibility of a support person for victims who initially declined the offer
 - (v) Explain that other professionals such as forensic examiners, detectives, evidence technicians, and prosecutors may have additional question
- (d) At the conclusion of the initial interview, the officer shall:
- (i) Give the victim the investigator's contact information
 - (ii) Encourage the victim to contact the investigator with any additional information or evidence
 - (iii) Remind the victim that visible evidence of injury may appear later, and to contact the investigators for additional photographs or other documentation
 - (iv) Ensure that requests for victim protection orders are made where indicated
 - (v) Provide written referrals for victim service organizations
 - (vi) Provide transportation when reasonably possible

(vii) Inform the victim about the next steps in the investigation

C) Protecting Victim Rights

1. Throughout the investigation of the case, officers shall protect the confidentiality of the victim's information to the maximum extent possible by law and policy.
2. In addition, victims should be provided information on:
 - (a) The rights of a crime victim
 - (b) How to contact police if harassed or intimidated by the suspect(s)
 - (c) The definitions of information that is part of the public record and confidential record.
 - (d) The possibility of media coverage and information the media has access to regarding sexual assault crimes

D) Arrest and Prosecution Decisions

In the immediate aftermath of a sexual assault, a victim shall not be expected or encouraged to make decisions regarding the investigation or charges related to the offense. Officers shall not introduce any forms for a victim to sign to decline an investigation.

E) Delayed Reports

Delayed victim reporting is common in sexual assault cases due to trauma and fear experienced by victims and should not deter a thorough investigation. Officers shall inquire about and document the reasons for a delayed report, while avoiding questions that could be perceived as judgmental or accusatory.

11.06 Forensic Examinations for Victims of Sexual Assault

Victim-centered care is vital to the success of the forensic examination of victims of sexual assault. A timely, professional forensic examination increases the likelihood that injuries will be documented and the evidence collected will aid in the investigation and prosecution of sex offenders. Evidence may normally be collected up to 92 (ninety-two) hours after the assault, but evidence can be gathered and injuries documented beyond that time, especially if the victim is injured, bleeding, or experiencing pain.

A) Investigating Officer Actions

1. Ask the victim whether there is anyone who should be called or notified, and facilitate this contact
2. Address any special needs of the victim, such as communication or mobility, and notify the victim advocate of the special need
3. Explain the purpose of the forensic examination and its importance to the investigation and provide the victim with information on the procedure
4. Inquire whether the victim will consent to a forensic examination
5. Inform the victim of the right to decline any or all parts of the examination
6. Explain to the victim the potential consequences if any part of the examination is refused
7. Notify a victim advocate to offer the victim support when a forensic examination is to be conducted
8. Transport the victim to the Easton Memorial Hospital if a forensic examination is warranted and the victim consents
9. Advise the victim that the forensic examiner will collect any clothing that was worn during or immediately after the sexual assault
10. Assist in arranging for clothing the victim may need after the examination
11. Seek permission from the victim to collect a urine sample for drug screening
12. Obtain a signed release from the victim for access to medical records
13. Encourage a victim who is unwilling to undergo a forensic exam to get medical attention including testing for pregnancy and sexually transmitted diseases

B) Coordination with Forensic Examiner

Responding officers shall coordinate with other professionals such as the forensic examiners and criminalists to determine whether a forensic examination is indicated.

1. When a forensic examination is indicated, the investigating officer shall brief the examining nurse or physician about the details of the sexual

assault, as they are known at that time

2. Officers should not normally be present in the examining room as the forensic examiner will testify about collection of evidence and the chain of custody
3. The nurse or physician shall brief the investigating officer at the conclusion of the examination
4. The police report shall contain a copy of the forensic exam, if available, and a summary of the findings that note significant information or injury. After the examination, all the evidence shall be transferred to the department for storage.

C) Presence of a Victim Advocate

When it is determined that a forensic examination will be conducted, a victim advocate or a support person of the victim's choosing shall be allowed to be present in the room and during the interview, unless it would be harmful to the investigation. The officer shall take responsibility for excluding a support person, when appropriate, and providing an explanation to the victim and the support person.

D) Drug-Facilitated Sexual Assault Considerations

1. If a drug-facilitated sexual assault is suspected, it is critical to obtain a urine sample from the victim as soon as possible. If it has been less than 24 (twenty-four) hours since the time of the assault, also obtain a blood sample in a gray-top tube.
2. Protocols for responding to illegal substance abuse by victims (including underage drinking) shall be followed and never used to discredit or discourage the victim from reporting the assault. The department priority is to conduct a thorough investigation of a sexual assault rather than prosecute victims for misdemeanor violations.
3. Because of the delay in reporting most sexual assaults, laboratories capable of testing urine and blood samples at very low levels for those drugs commonly used to facilitate sexual assault are essential.

E) Reimbursement for the Examination

1. The department will not pass the cost of the forensic exam onto the victim of a sexual assault, but shall seek sources of financial support from the community or state for these expenses.
2. Officers shall not use the state compensation program as means to

encourage cooperation from victims

11.07 Follow-Up Victim Interview

Prior to a follow-up interview, the investigating officer shall consult with agency personnel who responded to the scene, retrieve communications tapes and printouts, and review all reports. The officer should coordinate with relevant agencies, assistance organizations, service providers, or sexual assault response professionals to address the needs of the victim and to discuss the best means for keeping the victim informed.

A) Investigative Strategy

In preparing for the interview, the investigator shall develop an investigative strategy based on the nature of the assault and the possible defenses available to the suspect (such as denial, mistaken identity, or consent). This strategy shall guide the questions and other evidence collection efforts. Critical evidence collection efforts include evaluating whether a pretext phone call is appropriate and rephotographing injuries to document changes in visible injuries.

B) Follow-Up Interview Protocol

1. An in-depth follow-up interview shall be conducted after the victim has been medically examined and treated, and personal needs have been met.
2. In the event that the victim is still under the influence of drugs or alcohol, has been injured, or as a result of the assault has not slept, and barring exigent circumstances requiring an arrest or identification, the interview shall be delayed.
3. Arrange for equipment to audio or video tape the interview so the officer can focus on listening to the victim.
4. The interview shall be conducted in a location that is convenient, accessible and comfortable to the victim. The investigator shall provide for or arrange transportation for the victim to the interview.
5. At the start of the follow-up interview, the officer shall:
 - (a) Discuss the purpose and extent of the interview
 - (b) Review contact information for both the victim and investigator that may need to be updated
 - (c) Explain the victim's rights, including confidentiality
 - (d) Explain the need to tape or video record the interview and request

the victim's consent

- (e) Address arrest decisions including an explanation of the status of the case
6. While conducting the follow-up interview, the officer shall:
- (a) First allow the victim to describe what occurred without interruption
 - (b) Relay what the officer heard for accuracy, identify new information or developments, and ask questions
 - (c) Clarify any inconsistencies with earlier accounts of the sexual assault in a nonthreatening manner
 - (d) Document the victim's actions in response to the attack, the victim's state of mind during the attack, specific statements made by the perpetrator, and the nature of any relationship with the suspect and explain the importance of these questions from a prosecutorial standpoint
 - (e) Inquire about any circumstances that may indicate the use of a drug to facilitate the sexual assault (such as whether the victim experienced any loss of memory, disorientation, severe illness, or hallucinations)
 - (f) Assist the victim in developing a safety plan, in the event safety concerns exist, and encourage the victim to call police if the suspect violates any existing criminal or court orders or if the suspect contacts the victim in any way
7. Once a thorough follow-up investigation has been completed, the investigating officer shall:
- (a) Evaluate impounded evidence and determine which items might have probative value based on the statements and other information
 - (b) Submit a lab request such as DNA, biology, trace, or toxicology analysis request based on the assessment of the evidence
 - (c) Present the complete case file including forensic results as soon as available to the State's attorney for review and work with the State's Attorney's Officer to develop the case
 - (d) Encourage the victim's continued support in the investigation, apprising the victim of future investigative and prosecutorial

activities that will or may require victim involvement.

C) When Lacking the Victim's Involvement

The St. Michaels Police Department shall respect a victim's inability, or decision not, to be involved in criminal justice proceedings and will always be willing to offer continued assistance and referrals.

11.08 Contacting and Interviewing the Suspect

- A) The investigating officer(s) shall follow department procedures on identifying the suspect, conducting the suspect interview, and collecting evidence in a sexual assault investigation
- B) Involvement of a victim in a pretext phone call to the suspect should take into consideration the victim's emotional and physical state, and is not a suggested tactic. A victim advocate should be present whenever possible to offer support.

11.09 Sexual Assault Forensic Examination for the Suspect

A) Protocol for Suspect Examination

1. Immediately after the preliminary suspect interview, the investigating officer shall determine whether a forensic sexual assault examination should be obtained for the suspect.
2. A search warrant *will* be needed to collect any evidence from the body of the suspect or even to collect clothing, unless the suspect consents to such evidence collection procedures. The suspect, investigating officer and at least one other witness to the consent, will sign documentation of voluntary consent with detailed explanation of the consent given. That documentation of voluntary consent will be provided in the police report.
3. The investigator shall clearly document the suspect's freedom to decline any part of the examination and leave at any time, *if* the examination was by voluntary consent.

B) Evidence Collection

1. The forensic examiner shall document the suspect's medical history, document all injuries that are observed, and collect biological and trace evidence from the suspect's body
2. If in custody, the suspect shall be given a Miranda warning before being asked medical history questions by the forensic examiner or investigator

3. If the suspect invokes his right to remain silent, the examiner shall bypass the medical history portion of the examination and continue documenting any visible injury and collecting the appropriate specimens
4. Both the examiner and attending officer shall be prepared to document any spontaneous statements made by the suspect regardless of whether or not the suspect is in custody and whether or not the suspect was provided with a Miranda warning.

11.10 Role of the Supervisor

The first-line supervisors shall demonstrate a detailed understanding of victim issues and proper response by subordinates. Supervisors shall:

- A) Respond to assist officers investigating felony sexual assaults
- B) Exhibit sensitivity to victims and ensure that victims are dealt with properly by clarifying their expectations of line officers
- C) Assist in locating resources to effectively investigate sexual assaults
- D) Encourage problem-solving partnerships to enhance cooperation between the department and community organizations such as For All Seasons and Easton Memorial Hospital forensic examination nurses using a victim-centered approach.
- E) Develop and encourage community partnerships to reduce the risk of sexual assault
- F) Recognize and reward officers for rendering effective victim services

St. Michaels Police Department
Operations and Regulations Manual

Sexual Harassment Policy

Section 12

St. Michaels Police Department

Sexual Harassment Policy

12.01 Purpose

It is the purpose of the Sexual Harassment Policy to provide procedures and guidelines for the Department to promote a workplace free of sexual harassment, provide a policy that make certain that employees will take responsibility for insuring that any form of sexual harassment is immediately reported, and that any alleged sexual harassment is responded to promptly and appropriately.

12.02 Policy

It is the policy of the St. Michaels Police Department to promote a workplace that is free from all forms of sexual harassment, unwelcome sexual advances, communication of a sexual nature, requests for sexual favors, and all other unwelcome conduct of a sexual nature. The Department strives to provide an environment where all employees are free to perform their job duties with respect and dignity. Sexual Harassment of employees occurring in the workplace, or in other settings in which employees may find themselves in connection with their employment, is unlawful and will not be tolerated by the Department. Further, any retaliation against an individual who has complained about sexual harassment, or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint, is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated, and may result in disciplinary action up to and including dismissal. The Department has provided in this policy a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Please be aware that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

12.03 Definition of Sexual Harassment

12.04 Sexual Harassment is defined as a form of sex discrimination under the Civil Rights Act of 1964. Sexual harassment can take the form of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. There are two different types of sexual harassment claims: “quid pro quo” and “hostile work environment” claims.

Quid Pro Quo: Sexual harassment that occurs when a supervisor or one in an authority position requests sex, or a sexual relationship, in exchange for not firing or otherwise punishing the employee, or in exchange for favors, such as promotions or raises.

Hostile Work Environment: Sexual harassment that occurs through the presence of demeaning or sexual photographs, jokes or threats. The inappropriate behavior or conduct must be so pervasive as to, as the name implies, create an intimidating and offensive work environment.

B. Sexual Harassment may include but is not limited to:

1. Verbal Harassment or abuse
2. Subtle unwanted pressure for sexual activity
3. Inappropriate contact with any sexual part of a co-worker's body such as touching, patting, pinching, etc.
4. Unwanted intentional brushing against another employee's body
5. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment status
6. Demanding sexual favors accompanied by implied or overt promises of job benefits such as promotions, favorable reviews, salary increases or continued employment
7. Coerced sexual acts
8. Engaging in actual reprisals (i.e. not granting promotions, assigning undesirable tasks, making negative statements about the victim's personal or work conduct, etc.), as a result of an individual's refusing to engage in social/sexual behavior
9. Unwelcome sexual advances – whether they involve physical touching or not

10. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's sexual activity, deficiencies, or prowess
11. Displaying sexually suggestive objects, pictures, cartoons
12. Unwelcome leering, whistling, sexual gestures, suggestive or insulting comments
13. Verbal harassment or abuse such as referring to or calling a person a demeaning or sexualized term, or making reference to a person's physical characteristic(s) when that person has verbally or in writing indicated to the harasser or the supervisor that s/he does not wish to be addressed or referred to in that manner
14. Unwelcome inquiries into one's sexual experience or discussion of one's sexual activities.

It is important to note that sexual harassment does not refer to occasional compliments of a socially acceptable nature or welcome social relationships in the workplace. Sexual Harassment is those actions or conduct that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers.

13.100 Complaints of Sexual Harassment/Reporting Sexual Harassment

- C. The St. Michaels Police Department is responsible for taking corrective action when Department officials or supervisory personnel know, or should know, that a Department member is being subjected to any form of sexual harassment or discrimination. Likewise, the Department is responsible for the prevention of retaliation against a Department member who complains of sexual harassment or discrimination, or who testifies on behalf of one who makes such a complaint, or who assists or participates on behalf of the complainant in any investigation, proceeding or hearing.
- D. Any member of the Department who believes that he/she has been the victim of any form of sexual harassment or discrimination should report the incident. Acts of sexual harassment or discrimination may be reported even if no specific offending member is named in the complaint. The complaint may include concerns regarding conduct, practices or incidents that the complaining officer reasonably believes involve sexually offensive behavior. The complaint may be made either verbally or in writing to the complainant's immediate supervisor or any supervisor in the chain of command, the Lieutenant, the Chief of Police, or the Town Manager.

- E. If the offending member is in the complainant's chain of command, the complaint may be made to the offending member's supervisor or any of the persons listed above. The complaint should be made as soon as possible after the incident or its recognition. The complaint may include a statement as to the suggested method of resolution or corrective action.
- F. Nothing in this procedure shall relieve the member receiving a complaint of sexual harassment of the responsibility to take immediate corrective steps to ensure that any harassment ceases promptly and to ensure compliance with all applicable sections of this Operations and Regulations Manual, Equal Employment Opportunities Commission (EEOC) guidelines, Title VII of the 1964 Civil Rights Act and the Town of St. Michaels Policies and Procedures pertaining to sexual harassment or discrimination in the workplace.
- G. Any employee receiving a complaint of sexual harassment will write down oral complaints. A copy will be provided to the complaining employee to ensure the prepared statement is accurate.

13.110 Sexual Harassment Investigations

- C. The St. Michaels Police Department will promptly investigate any received allegations in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.
- D. The investigation and any disciplinary actions will conform to Section #3 of the St. Michaels Police Department's Operations and Regulations Manual, Disciplinary Procedures.
- E. The investigation will include a private interview with the person filing the complaint and with any witnesses. The investigation will also include an interview with the person alleged to have committed the sexual harassment.
- F. When the investigation is complete, the investigator will, to the extent appropriate inform the complainant and the alleged offender the results of the investigation.
- G. If it is determined that inappropriate conduct has occurred, the St. Michaels Police Department will act promptly to eliminate the offending conduct, and immediate disciplinary action up to and including discharge will be taken to resolve the situation

and to prevent future incidents.

- H. Employees accused of sexual harassment under this policy are strictly prohibited from taking retaliatory action against the employee seeking redress under this policy. Retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this department.

- I. If after the completion of an investigation of a sexual harassment complaint, an employee is found to have knowingly filed a false report for the purpose of harming another person, and the employee willfully and knowingly gave false information concerning the complaint, appropriate disciplinary action may be taken against the employee who filed the false complaint.

13.120 State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you have the right to pursue other legal avenues. You may file a formal complaint with either or both of the government agencies set forth below. Using the St. Michaels Police Department's complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim.

Maryland Commission on Human Relations

The United States Equal Employment Opportunity
Commission (EEOC)

6 Saint Paul Street, Suite 900

Baltimore, Maryland 21202

Telephone: (410)-767-8600

Fax: (410) 333-1841

City Crescent Building

10 S. Howard Street

Third Floor

Baltimore, MD 21201

Phone: 410-962-3932

Fax: 410-962-4270

St. Michaels Police Departmental
Operations and Regulations Manual

Workplace Equity Policy

Section 13

St. Michaels Police Department

Workplace Equity Policy

13.01 Purpose

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of discrimination. The St. Michaels Police Department recognizes that respect for the dignity and worth of everyone who works for the Department is the foundation of well-balanced and productive working relationships. Each individual has the right to work in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices. The St. Michaels Police Department affirms its commitment to the principles of non-discrimination and equal employment opportunity.

13.02 Policy

- A. It is the policy of the St. Michaels Police Department that all employees have the right to work in an environment free of all forms of harassment and discrimination. This Department will not tolerate, condone or allow discrimination by employees, whether sworn (regular or part-time), civilian, volunteer or other non-employees who conduct business with this agency. The St. Michaels Police Department considers harassment and discrimination of others a form of serious employee misconduct. Therefore, the department shall take direct and immediate action to prevent such behavior, and remedy all reported instances of discrimination. A violation of this policy can lead to disciplinary action up to and including termination.
- B. The St. Michaels Police Department appointments, assignments, promotions, and terminations and other disciplinary action shall be made without regard to political or religious opinion or affiliation, marital or family status, race, color, creed, national origin, gender, sexual orientation, physical or mental disability, or age, except when disability or age involves a bona fide job requirement.
- C. Any employee who is aware of or believes that he or she has been subjected to discrimination prohibited by this policy should notify their Supervisor, Lieutenant or Chief of Police immediately.
- D. Any employee who discriminates, harasses, intimidates, retaliates, or who interferes in any way with the creation and maintenance of a fair working environment must understand that this conduct will not be tolerated.
- E. Any employee who believes that he or she has been subjected to unlawful discrimination may also file a complaint of discrimination with the appropriate Maryland and Federal enforcement agencies (as listed in Section 12 of this Operations and Regulations Manual).

13.03 Right to Equal Opportunity

The Department recognizes that every person has the right to equal opportunity without discrimination in matter relating to employment or membership in this agency. Under no circumstances shall any person be treated in a discriminatory manner because of his or her gender, age, race, color, ancestry, place of origin, religious beliefs, family status, political beliefs, disability, or sexual orientation.

13.04 Discriminatory Conduct Defined

Discrimination occurs when a distinction is made, whether intentional or not, based on a characteristic or perceived characteristic referred to in paragraph 13.03, that has the effect of imposing burdens, obligations, or disadvantages on an individual or class of individuals not imposed upon others, or which withholds or limits access to opportunities, benefits, or advantages to other individuals or class of individuals.

13.05 Employment Decisions Covered

The Department will not discriminate against an individual in decisions respect to hiring, evaluation, promotion, the assignment of work, duty assignments, provision of professional development (i.e. in-service training, other requirements), or other opportunities not listed here.

13.06 Pregnancy Discrimination Included

The right to equal opportunity without discrimination because of gender includes the right to equal opportunity without discrimination because a woman is pregnant or may become pregnant.

13.07 Prohibited Activities

- A. No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person.
- B. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on his or her gender, age, race, color, ancestry, place of origin, religious beliefs, family status, political beliefs, disability, or sexual orientation. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by the St. Michaels Police Department.
- C. Individuals covered under the policy include all agency members defined as employees and applicants for employment with the agency, whether sworn, regular, part-time or civilian, and any and all volunteers.

13.08 Employee Responsibilities

- A. Each supervisor shall be responsible for preventing acts of discrimination. This responsibility includes:
1. Monitoring the squad's work environment on a daily basis for signs that discrimination may be occurring;
 2. counseling all employees on the types of behavior that is prohibited, and the agency procedures for reporting and resolving complaints of discrimination;
 3. Stopping any observed acts that may be considered discrimination, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
 4. Taking immediate action to prevent retaliation towards the complaining party and to eliminate any hostile work environment where there has been a complaint of discrimination, pending investigation. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant. Transfer of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.
 5. Each supervisor has the responsibility to assist any employee of this department who comes to that supervisor with a complaint of discrimination. The supervisor will assist in documenting and filing the complaint with the chain of command.
- B. Each employee of the department is responsible for assisting in the prevention of discrimination through the following:
1. Refraining from participation in, or encouragement of, actions that could be perceived as discrimination
 2. Reporting acts of discrimination to a supervisor
 3. Encouraging any employee who confides that he or she is being discriminated against to report these acts to a supervisor
- C. Failure to carry out the above responsibilities by any employee, will be considered in any performance evaluation or promotional decision and may also be grounds for disciplinary action.

13.09 Complaint Procedures

- A. Any employee encountering discrimination is encourage to inform the person whose actions are unwelcome and offensive, that their actions are indeed unwelcome and offensive. The employee is encouraged to document all incidents of discrimination in order to provide the fullest basis for investigation.
- B. Any employee who feels that he or she is being discriminated against shall report the incident(s) as soon as possible so that steps may be taken to protect the employee from further incidents, and so that appropriate investigative and disciplinary measures may be initiated.
- C. The St. Michaels Police Department will promptly investigate any received allegations in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.
- D. The investigation and any disciplinary actions will conform to Section #3 of the St. Michaels Police Department's Operations and Regulations Manual, Disciplinary Procedures.

13.10 The St. Michaels Police Department will post a poster in the Department that declares the Departments intention to hold all employees responsible for creating a non-discriminatory work environment. Our commitment includes ensuring a workplace where individuals are valued for their differences as well as their similarities. Every St. Michaels Police Department employee, and all persons engaged in business with the department, have an ongoing responsibility to create a non-discriminatory work environment, through their personal conduct. The department expects each member to ensure compliance with this policy.

St. Michaels Police Department

Operations and Regulations Manual

Law Enforcement Response to Hate Crimes

Section 14

St. Michaels Police Department

Law Enforcement Response to Hate Crimes

14.01 Purpose

The purpose of this policy is to assist the St. Michaels Police Department employees in identifying and handling crimes motivated by bias toward an individual's race, religion, ethnic/national origin, sexual orientation, gender, or disability and to define appropriate steps for assisting victims and apprehending suspects. Hate or bias crime is a violent crime of intolerance and prejudice, only intended to wound, shame and intimidate someone because of the offender's bias and preconception. Thousands of hate crimes are reported across the country each year. Since it began collecting data in 1991, the FBI has reported almost 80, 000 hate crimes in their Uniform Crime Reports. The Department recognizes the necessity for increased awareness by its personnel to the existence of hate crimes and hate-related incidents and the negative impact of those crimes and incidents on the whole community. Not only are hate/bias crimes more likely than any other kind of personal attack to be seriously injurious or lethal, these crimes have many psychological and social repercussions that are extremely destructive to the victim, the victim's family, and the victim's community.

14.02 Policy

It is the policy of the St. Michaels Police Department to ensure that the rights guaranteed to all, irrespective of their race, religion, ethnic/national origin, sexual orientation, gender, or disability are protected. Any acts or threats of violence, property damage, harassment, intimidation or other crimes designed to infringe upon those rights will be handled with the utmost priority . The St. Michaels Police Department is dedicated to maintaining a cooperative effort with the other local, State and Federal agencies as well as the community we serve toward the immediate investigation of reported hate/bias crimes and hate-related incidents and prosecution as appropriate. Particular attention shall be given to addressing the safety and related concerns of the victims as well as their families and all others affected by the crime.

14.03 Definitions

- A. Hate Crime – is any unlawful action designed to frighten, harm, injure, intimidate or harass an individual, in whole or in part, because of a bias motivation against the actual

or perceived race, religion, ethnic/national origin, sexual orientation, gender or disability or the victim. *Federal Hate Crimes Statistics Act of 1990* states that bias crimes are crimes motivated by "hatred against a victim based on his or her race, religion, sexual orientation, ethnicity, or national origin."

- B. Hate Incident – Not all expression of hate or group bias rise to the level of a hate crime as defined in the State and/or Federal Statute. Derogatory words or epithets directed against a member of a protected class, as listed above, if not accompanied by a threat of harm with the ability to carry it out are considered protected speech and not a hate crime. However, the tracking of this type of incident allows our department to provide the community with a process to assess potential threats or community tension.
- C. Race – A group of persons who possess common physical characteristics, e.g., color of skin, eyes and/or hair, facial features; etc., genetically transmitted by descent and heredity that distinguish them as a distinct division of human kind.
- D. Ethnic/National Origin – A group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions.
- E. Religious Belief – A group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, Atheist, etc.
- F. Sexual Orientation – A sexual attraction toward, and responsiveness to, members of one's own sex or members of the opposite sex; the identification of an individual as to male or female homosexuality, heterosexuality, bisexuality, or gender related identity, e.g., gays, lesbians, heterosexuals, etc.
- G. Gender – Male, female, or transgendered (Transgendered refers to persons who are post operative, in transition from male to female or from female to male).
- H. Disability – Any person or group of persons with a physical disability, or who are mentally challenged.
- I. Damaging Property of Religious Entity – A person may not deface, damage, or destroy,

personal or real property that is owned, leased, or used by a religious entity for any religious purpose including:

1. a place of worship
2. a cemetery
3. a religious school, educational facility, or community center
4. and the grounds adjacent to them.

J. Obstructing Exercise of Religious Belief

1. A person may not, by force or threat of force, obstruct or attempt to obstruct another in the free exercise of that person's religious beliefs.

14.04 Unique Features of Hate/Bias Crime and It's Impact

A. The victim's point of view

1. Because of the purpose/motivation of the hate/bias crime there is an extra dimension of fear and devaluation to the initial victimization
2. The victim has been targeted because of their core characteristics or actual identity, which is something that the victim can not change.
3. The victim may feel particularly vulnerable to repeat attacks
4. The victim may become isolated from other members of their “targeted” group, and may also resist seeking needed services.

B. The cultural point of view

1. Hate/bias crimes, which are motivated partially by fear, escalate when members of the “dominant” culture think that they are under attack.
 2. Offenders justify their violent acts as efforts taken to protect their lifestyle, their country, or their “white heritage,” which diffuses any single individual of taking the blame for the violent acts.
 3. Crimes are based on a foundation of bigotry.
 4. Attacks on a culture by someone claiming to represent a culture can cause irreparable damage to an entire community.
 5. Other members of the same group feel victimized, and members of other commonly targeted groups are reminded of their vulnerability to similar attacks. All members of the targeted group suffer injury and intimidation.
- C. Hate/Bias crime offenders often target places of worship. These attacks on spiritual symbols often affect individual victims more deeply than any other type of vandalism.

14.05 Response to hate/bias Crimes

- A. Information regarding hate crimes/incidents received by telephone or in person shall be handled as a priority call, and a case shall be opened immediately.
- B. When a responding officer determines that the acts complained of may constitute a hate crime, this officer is responsible for conducting a thorough preliminary investigation consistent with department policy. The fact that the suspect may be biased against the victim’s race, religion, disability, ethnicity, national origin, gender, or sexual orientation does not mean that a hate crime occurred. Rather, the offender’s criminal act must have been motivated, in whole or in part, by his or her bias to be considered a hate crime. Because motivation is subjective, it is difficult to know with certainty whether a crime was the result of the offender’s bias. Officers should locate **objective facts that would lead a reasonable person to conclude that the suspect’s actions were motivated, in whole or in part, by bias.**
1. Victim and suspect are members of **different groups**.
 2. **Hate language** is said before, during and/or after the crime.

3. **Symbols of hate** are on or in clothing or personal possessions.
 4. **Overly vicious injuries**, more than what you may normally see for the particular crime.
 5. Gratuitous **damage to items of cultural or religious importance**.
 6. **History of the area**: Other hate-related incidents have taken place there.
 7. **Suspect's motive**: Suspect's prior similar acts.
 8. A **relevant date** in the victim's or suspect's calendar.
 9. Make-up of the victim's **community**.
 10. **Lack of other motives**: Suspect does not know the victim.
- C. An officer on the scene shall:
1. Restore order, taking any necessary actions to gain control of the situation;
 2. Protect the crime scene;
 3. Identify any injured parties and provide for immediate medical attention;
 4. Determine whether any suspect(s) are present and, if so, take appropriate enforcement measures;
 5. Identify any witnesses or others who have knowledge of the crime;
 6. Allow the victims to express their immediate concerns and possible intense feelings associated and aroused by the hate/bias crime/incident.
 7. Express empathy for the victim and show a sincere interest in his/her wellbeing;
 8. Address the crisis of victimization and confront the obvious hate and prejudice exhibited in the crime.

9. Express the Department's official position on the importance of these cases, the measures that will be taken to apprehend the perpetrator(s), and the officer's personal concern and department's interest in the victim's well-being and safety.
10. Assist the victim in identifying and contacting community based individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, clergymen, or agencies that provide counseling, shelter, food, clothing, child care, or other related services as needed.
11. Notification of supervisor of a hate crime incident.

D. Investigation shall include:

1. Ensure that the scene is properly protected, photographed or videotaped and preserved, and that all physical evidence of the incident is collected and/or removed as soon as possible. If evidence of an inflammatory nature cannot be physically removed (i.e. painted words, graffiti or signs on a wall), the owner of the property, or the appropriate city or county department, shall be contacted to expedite the removal of such material as soon as possible. Follow-up should be done to ensure that this is accomplished in a timely manner.
2. Photograph any injuries to the victim when appropriate.
3. Photograph suspect's clothing, tattoos, scars, physical appearance.
4. Conduct a comprehensive interview with all the victims and witnesses at the scene, or as soon as possible thereafter, along with canvassing the neighborhood for additional sources of information.
5. Coordinate the investigation with the other members of the department and other agencies (local, county, State and Federal). Maintain contact with the initial responding officer.
6. Complete any reports necessary.
7. Determination that incident should be classified as a hate/bias crime/incident.

8. Ensure that the case is presented to the State's Attorney's Office
9. Ensure that the victim is contacted periodically to determine whether he/she is receiving adequate and appropriate assistance and ongoing information about the status of the investigation.

E. Agency Responsibilities

1. Ensure that administrative personnel meet periodically with neighborhood groups and/or residents in target communities to advise and share concerns
2. Identify impacted groups to allay fears and relay the Department's concern over and response to the hate crimes/incidents.
3. Maintain an open communication with the community.

14.06 Completing Crime Report

- A. Maintain objectivity in the report
- B. Avoid personal opinions
- C. Ensure that elements of all involved crimes are included in report (remember, the prosecution will have to prove the crime plus the additional element of motive, all beyond a reasonable doubt).
- D. Document any injuries victim has sustained
- E. Document all evidence collected.
- F. Specifically quote any slurs made, as opposed to reporting "hate language" or "racial slurs."

- G. Keep in mind that the victim's name and address may be withheld.
- H. Prompt preparation of **thoroughly written** reports of an investigation is of vital importance to the ultimate examination by prosecutors responsible for the filing of criminal charges against the perpetrator(s). Officers should be aware that reports of hate crimes or hate incidents are forwarded to state and federal justice departments for documentation purposes.

14.07 Press and Community Relations

Hate crimes often are the focus of significant public and community attention. In dealing with the press and with community members, and **subject to departmental procedures on press relations**, the investigating officer should firmly and forthrightly confirm if your agency **is investigating** whether or not the alleged incident is a hate crime. The investigating officer should further state that his or her agency considers the investigation of hate crimes and apprehension of hate crime offenders to be of paramount importance. These types of strong public statements:

- A. demonstrate to the entire community the commitment of law enforcement to stopping hate crimes, and
- B. send a strong deterrent message to would-be perpetrators.

Remember that an inadvertent or casual comment minimizing the incident may cause deterioration in the relations between law enforcement and the community and may undermine any subsequent prosecution.

14.08 Victims of Hate/Bias Crime are not targeted because of anything they have said or done to the suspects or for financial gain, but because of who they are or what they believe in. The St. Michaels Police Department will not tolerate such a violation of our citizens' basic rights to live freely and express themselves as the Constitution of the United States of America guarantees.

St. Michaels Police Department

Operations and Regulations Manual

Policy on

Department Interaction with People with Mental Illness

Section 15

St. Michaels Police Department

Policy on Interaction with People with Mental Illness

15.01 Purpose

As with any member of the community, citizens with disabilities such as a mental illness can be the subject of police contact such as being a victim, witness, suspect, involvement with a community outreach program or a myriad of other possibilities. The purpose of this policy is to provide a framework for the members of this department for the application of problem-solving skills to handle the immediate situation or assist the individual and his or her family in identifying and obtaining lasting solutions and appropriate support services. This policy will guide officers in combining the requirements of Title II of *American Disabilities Act* and the principles of community policing.

15.02 Policy

The St. Michaels Police Department will provide people with mental illness the same service and protection as our department provides any other person. The Americans with Disabilities Act entitles people with disabilities to the same service and protections that police departments provide to anyone else. People with a mental illness will not be excluded or segregated from services, denied services, or otherwise provided with lesser services or protection than are provided to others. The St. Michaels Police Department recognizes and respects that people with mental illnesses may call for police assistance, be a victim of a crime or accident, be a witness, be the subject of a call, attend a community crime prevention program, or; be encountered in all the situations in which police personnel encounter other citizens. Officers will be tasked with ensuring safety, determining the facts of the situation, gaining control of the situation, and gathering sufficient information to effect an appropriate disposition.

15.03 There are many commonly held misconceptions about people with mental illnesses. In order to maintain an practical and unprejudiced policy and procedure, several issues must be addressed and recognized:

- A. Mental illness is not a crime
- B. Most people with mental illnesses are fully functioning community members.

- C. There is no correlation between mental illness and a person's participation in crime.
- D. Involvement in infractions (traffic violations, loitering, disorderly conduct) may be a manifestation of a person's mental illness or failure to receive treatment for the illness, rather than a result of intentional wrongdoing.
- E. Some people with mental illnesses may be more vulnerable to crime, abuse or injury than the general population.
- F. Like other community members, people who have mental illnesses may live in houses, apartments, group homes, or on the street without shelter or resources. They may be professionals, office workers, laborers, homemakers, children, elderly people, or people who depend on welfare and social services for survival. They may call for police assistance, be a victim of a crime or accident, be a witness, be the subject of a call, attend a community crime prevention program, or be encountered in all the situations in which police personnel encounter other citizens.

15.04 Principles of the Americans with Disabilities Act (ADA)

- A. The Americans with Disabilities Act entitles people with disabilities to the same services and protections that police departments provide to anyone else. People with disabilities may not be excluded or segregated from services, denied services, or otherwise provided with lesser services or protection than are provided to others.
- B. The ADA does not call for a fixed policy and procedure, or set of rules for dealing with people with disabilities or mental illness, however the ADA does call for law enforcement agencies and their personnel to make reasonable adjustments and modifications to accommodate for each particular situation.
- C. As in any situation an officer may only arrest when probable cause is present. The ADA prohibits arresting an individual for behavioral manifestations of mental illness that are not criminal in nature.
- D. If a threatening situation cannot be defused and the person must be removed from the situation, the ADA requires that the person's safety and civil rights be protected as any other persons rights would be protected, as that person is being transported to an appropriate facility.

15.05 Recognizing the Characteristics of Mental Illness

- A. Loss of Memory – This would not be forgetting things such as where they have left their keys, but things such as the day, year, where one is, however should not be confused with symptoms that often accompany a trauma to the head.
- B. Delusions – These are false beliefs that are not based on reality. These beliefs can cause a person to view the world from a peculiar perspective, such as believing they are being persecuted or beliefs of grandeur.
- C. Depression – involving severe feelings of sadness, hopelessness and uselessness.
- D. Hallucinations – many times people with mental illness can hear voices, smell, hear, taste, see or feel imaginary things. These things, although having no base in reality, are very real to the person with the mental illness.
- E. Manic behavior – mania involves accelerated thinking, speaking and hyperactivity.
- F. Confusion.
- G. Anxiety – feelings of anxiety in persons are intense, the person is in a state of panic.
- H. Incoherence
- I. Extreme State of Paranoia

15.06 Response to Incidents Involving Subjects with Mental Illness

- A. Department personnel will remain calm and professional
- B. Follow any procedures indicated on medical alert bracelets or necklaces
- C. Provide any needed on-scene medical emergency aid by having a paramedic contacted.

- D. Indicate a willingness to assist the person with the mental illness
- E. Speak in simple easy to understand language, speak briefly and do not move suddenly (but do not speak in a patronizing voice).
- F. Remove any distractions, upsetting influences, or disrupting peoples from the scene
- G. Officers must understand that in some circumstances rational discussion may not take place, depending on the subject's condition at the time.
- H. Be friendly, understanding and patient, but firm and professional.
- I. Also be aware that the uniform, firearm, and other equipment alone may be frightening and overwhelming to a person with mental illness and the officer may have to take time to reassure that person that no harm is intended.
- J. Advise the the person that you recognize that the hallucinations and feelings that the person is having are very real to them.
- K. Try to gather as much information form family, witnesses and other sources.
- L. If a person is acting dangerously, but not immediately threatening anyone or themselves then that person should be given a short time to attempt to calm down. Violent outbursts are generally short in duration and the officer may wait for 15-20 minutes as long as the person is not injuring themselves or others, or the property of others.
- M. Departmental personnel must also be aware that people with mental illness may be on medication. If an encounter with that person lasts awhile that person may need to have access to their medication. However, the officer will need to verify that the subject is actually prescribed the medication and is taking the prescribed dosage.
- N. Officers must also be aware that medications and mental illness may also have side effects that may require access to food, water and access to bathroom facilities. These rights will be provided to the subjects.

- O. If the subject is in a psychiatric crisis the officer will contact one of the Mental Health Services available to our agency.
- P. Officer will have Talbot Center contact For All Seasons or the On-Call Mental Health Service or Mid-Shore Mental Health Systems, Inc.

15.07 Available Mental Health Services in Talbot County – A list of all available mental health services will be available in the On-Call Schedules Book

A. Maryland Public Mental Health System – 1-800-888-1965

B. Mid-Shore Mental Health Systems, Inc. - 410-770-4801

8221 Teal Drive, Suite 203, Easton, MD 21601

C. Shore Health System at Memorial Hospital at Easton – 410-822-1000

219 S. Washington Street, Easton, MD 21601

D. Shore Behavioral Health Services – 1-888-514-4500 or 410-228-6800

300 Byrn Street, Cambridge, MD 21613

E. Eastern Shore Psychological Services – 410-822-5007

114 N. Washington Street, Suite 25, Easton, MD 21601

F. Channel Marker, Inc. - 410-822-4619

218 N. Washington Street, Suite 52, Easton, MD 21601

G. Emergency Shelters

1. Neighborhood Service Center – 410-822-5015
2. Salvation Army (Cambridge) – 410-228-2442

H. Life Crisis Center Hotline – 1-800-422-0009

I. Americans with Disabilities Act Hotline – 1-800-872-2253

J. Suicide Hotline – 1-800-784-2433 or 410-749-9424

K. For All Seasons, Inc. Hotline – 1-800-310-7273

15.08 Involuntary Emergency Evaluation/Emergency Petitions

- A. Taking a person who has mental illness into custody can occur only when: the individual has committed a crime, the individual is at significant risk of causing harm to self or others and meets the criteria for involuntary emergency evaluation, or in response to a court order or directive of a mental health or medical practitioner who has legal authority to commit a person to a mental health facility.
- B. When an officer deems that a person is at significant risk of causing harm to self or others because of mental illness or behavior indicating the likelihood of mental illness, he or she has the authority to transport the person for admission to a mental health facility for emergency mental evaluation.
- C. When an officer deems that it is necessary to transport a person to a mental health facility for an emergency mental evaluation, that officer will be required to fill out the appropriate emergency petition paperwork at that facility.
- D. The closest facility is The Easton Memorial Hospital. The officer will have Talbot Center notify the Hospital that the officer is bringing in a patient that will be subject to an emergency petition. Easton Memorial Hospital will have the emergency petition paperwork available for the officer to fill out.

E. Physician or Court Ordered Involuntary Emergency Evaluation/Petition

1. When an officer receives a court ordered or physician/psychiatrist ordered emergency petition, the officer will have Talbot Center notify the receiving Mental Health Facility/Hospital (most likely Easton Memorial Hospital) that the officer will be bringing in a subject for evaluation.
2. The officer should explain to the person what is happening and notify family members when appropriate.
3. If the person poses immediate danger to self or others, the officer may elect to take him or her into custody before contacting the receiving facility. Whenever possible, appropriate back-up should be on-scene before the officer takes the person into custody. The officer should search the individual for and seize any weapons, potential weapons or contraband.
4. A copy of the order made by a mental health professional or judge should be obtained and attached to the officer's incident report.

F. A person that has been taken into custody for an Emergency Petition/Evaluation shall never be placed into secure custody with subjects being charged with or convicted of criminal offenses.

G. Be honest with the individual about where he or she is being taken, and why.

H. If no adult is present to assume responsibility for the individual's home, the officer should ensure that the person's place of residence is secured before leaving.

I. No arrest form(s) should be completed on a person taken into custody for the purpose of an emergency mental health evaluation or placement in a mental health facility unless the person is to be criminally charged.

J. Any officer having contact with a person who has a mental illness should keep related

information confidential except to the extent that revealing information is necessary to conform to departmental reporting procedures or official mental health/medical proceedings.

15.09 Interviewing a Suspect Who has Mental Illness

- A. It is important to question the individual in a calm setting, free of distraction, and to make sure that the person has access to water, food, toilet facilities or prescribed medications as needed.

- B. What are the issues to consider when administering the *Miranda* warnings?
 - 1. As with all people, the admissibility of a suspect's statement will depend on evidence that he/she understood his/her rights, and understood and answered the officer's questions willingly. An individual's constitutional rights are not diminished because of his or her mental illness.
 - 2. The Constitution requires that the *Miranda* warnings be comprehended, not simply administered. Before interviewing a suspect who has or is believed to have mental illness, officers should make every effort to determine the extent to which the person's illness, or the psychotropic medication that he or she is taking to treat the illness, impairs his or her ability to comprehend and give informed consent.
 - 3. Before or during *Miranda* warnings, if officers doubt a suspect's capacity to understand these concepts, they should consult with superiors to explain their doubts and determine the appropriate course to follow.
 - 4. In cases where officers doubt a person's capacity to understand his or her rights, in order to make an informed decision about whether to initiate questioning, officers should ask the person to explain each of the *Miranda* warnings in his or her own words, and make a record of the person's explanation.
 - 5. As part of good police practice, officers may want to obtain the assistance of a mental health professional or attorney in explaining the warnings to the person. These people may be in the best position to help the officers determine the person's capacity to understand those rights and make an informed decision about whether to answer questions.
 - 6. When is it appropriate to provide an attorney?
 - a. When there is adequate evidence that the person has understood and willingly decided to answer questions without legal assistance, officers are *not required* to provide an attorney for a suspect with mental illness. As part of good police practice, however, officers may want to have an attorney present during

questioning as a further safeguard to ensure the person's constitutional rights.

- b. As is required for all suspects, if legal assistance is requested and the suspect does not have his or her own attorney, officers should provide one. For help in locating an attorney with experience working with people with mental illnesses, officers should contact the Public Defenders Office or the Maryland Public Mental Health System – 1-800-888-1965 for assistance.

15.10 Procedures for Custodial Treatment

- C. When taking the individual into custody or to a police vehicle for the purpose of transport, officers should make every reasonable effort to protect the person's health and safety.
- D. If a person's behavior poses an imminent risk of serious harm to self or others, officers may need to take reasonable steps to physically restrain the person. Restraints should only be used as a last resort. If time permits, guidance from a mental health professional should be sought about the best restraint methods for the person and situation.
- E. The behavior of a person who has mental illness may change rapidly. Officers should recognize that an individual's level of cooperation may change suddenly. Unless there is immediate danger to the individual, others or officers, responding officers should be deliberate and allow the person time to calm down in an effort to gain voluntary cooperation before resorting; to physical restraints. While recognizing that the person is ill, officers must remember that safety is paramount.
- F. If a person who has mental illness cannot be transported using standard restraint, a supervisor should be notified. An ambulance will be contacted and will be used to facilitate use of alternative restraints.

15.11 This policy takes into account that police play different roles in their encounters with people with mental illnesses. As first responders, they may provide immediate aid. As law enforcers, they may encounter victims, witnesses or suspects who have mental illness. As service personnel, they may help people obtain psychiatric attention or other needed services. Helping people with mental illnesses and their families obtain the services of other government agencies, mental health organizations, hospitals, clinics, and shelter care facilities has become a critical role for police. By following the guidelines set forth in this policy, officers will provide a level of service that brings most calls to a positive solution.

St. Michaels Police Department
Operations and Regulations Manual
Traffic Enforcement Policy
Section 16

St. Michaels Police Department

Traffic Enforcement Policy

16.01 Purpose

The purpose of this policy is to ensure that the citizens and other vehicular and pedestrian traffic in St. Michaels behave safely, in accordance with the motor vehicle traffic laws and codes of the State of Maryland. This policy describes the mechanisms by which traffic enforcement can contribute to behavior changes and with those changes to road safety. The primary purpose of traffic enforcement is to reduce accidents and injuries, save lives, and facilitate the safe and efficient movement of vehicular and pedestrian traffic throughout the Town of St. Michaels. Traffic problems, including speeding through neighborhoods is a constant concern for the residents of St. Michaels.

16.02 Policy

It shall be the policy of the St. Michaels Police Department to take a proactive position in managing the Motor Vehicle Traffic Enforcement function with the enforcement of Federal, State Annotated Code of Maryland (Maryland Vehicle Law), and Town laws or regulations. This enforcement shall be through the use of educational and enforcement contact with the public in order to increase traffic safety and public awareness and to reduce traffic collisions.

16.03 Traffic Law Enforcement

- A. Use of the Annotated Code of Maryland (Maryland Vehicle Law) – Officers shall be familiar with and use the most updated and current issue of the Maryland Vehicle Law Book for all violations of traffic laws. Although this policy contains the Department's enforcement policy, officers will be permitted to use reasonable discretion in citing violators.
- B. Types of Enforcement Action
 - 1. Warning – A written warning may be issued to a violator whenever there is a minor traffic violation, minor equipment violation, or a minor violation in which the driver may not have been aware of the infraction. As our society has become more and more litigious, the St. Michaels Police Department does not issue verbal warnings in order to have a record of each traffic stop that is made by each officer.
 - 2. Citation - A citation should be issued to a violator who jeopardizes the safe and efficient flow of vehicular and/or pedestrian traffic, including hazardous moving

violations; operating unsafe and improperly equipped vehicles; or who knowingly violates the Maryland Vehicle Law.

3. Driver Re-examination – A driver re-examination request form shall be filled out and submitted to the Chief of Police for submission to the Motor Vehicle Administration (MVA) when, based on an officer's judgment, a driver can no longer exercise reasonable control over a motor vehicle.
4. Physical Arrest – Officers may make an arrest under circumstances described in Maryland's Vehicle Law, Transportation Article, Section 26-202, Authority to Arrest.

16.04 Traffic Law Enforcement Procedures

- A. Vehicle Stops: When stopping a violator for a violation, officers shall use due care in order to provide a safe environment for himself and the violator.
- B. Notwithstanding the driver's actions, officers shall stop vehicles in reasonably safe locations and shall notify Talbot Center of their location and the vehicle registration number prior to exiting their patrol vehicle.
- C. The officer will position their vehicle to the left, in an offset manner, a safe distance from the rear of the violator's vehicle, with the wheels of the patrol car turned to the left.
- D. The officer shall position themselves in a defensive position while contacting the driver, taking into consideration the locations of passengers, the type of vehicle, and proximity of approaching traffic.
- E. The officer will continue to exercise due care until the violator has left the scene and the officer is back in service.
- F. Conduct During Stops: For the majority of citizens, the only contact with the Police Department will be made during a traffic stop. It is important that the officer approaches the violator in a professional manner and applies fair and equitable enforcement action. Traffic enforcement will be performed in an unbiased, courteous, and professional manner. Officers will not stop an individual based only on race, religion, national origin, gender, sexual orientation, or economic status.
- G. The officer shall be certain of the violation and the circumstance(s) surrounding the violation. The officer shall possess the proper forms and necessary equipment when approaching a violator.
- H. The officer should request the violator's driver's license, vehicle registration, and any other required documents. Personal identification on a driver's license or other identification (I.D.) shall not be accepted from a person when it is contained in a billfold, wallet, or card case. The violator will be requested to remove and turn over the license or

I.D. Only. The officer shall never take the entire wallet from the violator, this will avoid accusations of theft from the wallet.

- I. Prior to issuing a citation, the officer shall explain that a citation is going to be issued and the purpose of the citation. If the area is being enforced due to citizen complaints, the officer shall explain this to the violator. At no time should the officer identify the identity of the complainant.
- J. Upon issuing a citation the officer shall explain the options that the violator has in reference to the citation, and explain to the violator that these options are also explained on the violator's copy of the citation.
- K. Upon completion of the traffic stop, and if applicable, the officer will allow the violator to re-enter the flow of traffic safely.
- L. Off duty officers, officers in plain clothes, or officers in private vehicles shall not engage in traffic enforcement activities, with the exception of violations which pose an imminent threat to public safety.

16.05 Further Traffic Law Enforcement Policy

- A. Deterrence: All sworn officers have the responsibility during their shift to enforce traffic laws within St. Michaels. It is therefore vital that officers remain visible in neighborhoods and on the streets to act as a deterrent to violators.
- B. Generally speaking, officers will be responsible for establishing stationary locations within St. Michaels where they may observe traffic violators and take enforcement action. Officers may be assigned a special detail to assist at specific locations.
- C. Officers may use speed-measuring devices to ensure that motorists are complying with established speed limits. Officers must be familiar with and certified to use the speed measuring device. Officers will test each unit used prior to and after each use in the approved manner.
- D. For each traffic stop that St. Michaels Officers make some type of written documentation must take place, whether it be a written warning, citation, SERO, civil citation, municipal citation or criminal citation. This will facilitate a record of the stop in the event that the subject of the traffic stop has some comment or complaint in reference to the traffic stop.
- E. All “must appear” traffic citations will be counted as an arrest on the officer's daily and monthly performance sheets and on the officer's monthly performance sheets. If the defendant is released at the scene on their signature, an arrest sheet and accompanying paperwork need not be completed.

St. Michaels Police Department
Operations and Regulations Manual
Traffic Collision Investigations Policy
Section 17

St. Michaels Police Department

Traffic Collision Investigation Policy

17.01 Purpose

The purpose of this traffic collision investigation policy is to provide guidelines and procedures in the response and subsequent investigation of vehicle collisions occurring within the Town of St. Michaels. The policy will also determine under what circumstances a traffic collision is to be documented, investigated, what type of documentation/report will be used, and any further procedures to be used in relation to traffic collision investigation.

17.02 Policy

The St. Michaels Police Department's Traffic Collision Investigation Policy stems from the premise that prompt response and proper actions provide for the opportunity to move toward the Department's goal of collision reduction in the Town of St. Michaels. Officers shall make reports in certain collision incidents as described in this policy and are in those instances conferred the discretion of issuing the appropriate charges and citations.

17.03 Reporting Procedures

- A. Required Reports – The following Vehicle Related Collisions require that the responding officer generate the appropriate report and possible follow-up investigation.
1. Death or Serious Injury
 2. Hit and Run Collisions, both injury and property damage (with the exception of minor, non-injury, minimal damage hit and run collisions which may be documented on a Complaint Report)
 3. Collisions involving Government Vehicles, regardless of the level of government
 4. Property Damage Collisions involving disabling damage to one or more vehicles requiring the disabled vehicle(s) to be towed
 5. Collisions involving charges/citations placed by an officer against one or more persons involved in the collision.
 6. Collisions involving Hazardous Materials requiring the HazMat team to respond.
 7. Collisions involving Damage to property owned by any governmental body (Town, County, State etc.)

- B. Reporting Not Required – The following circumstances do not require an accident report or investigation, however the responding officer shall ensure that the vehicles' operators possess valid drivers' licenses and registrations and ensure that the operators of the vehicles exchange all appropriate information. The officer will not depart the scene until the area is clear and traffic is returned to normal.
1. Collisions on private property involving property damage only, regardless of the amount of damage.
 2. Collisions in which all vehicles are drivable, not disabled by the damage received, no injuries were incurred and no citations were issued by the responding officer(s).
 3. Officers will not document collisions in which a subject contacts the Department alleging there was a collision at a prior time, the subject is no longer at the scene of the collision (with the exception of the violator of a hit and run), and a St. Michaels Officer did not respond to the actual collision. This procedure is in place to avoid subjects from having a collision with an unknown object or vehicle in one area and then contacting the St. Michaels Police Department and attempting to generate a police report in order to make a fraudulent insurance claim.
- C. All Collisions that are to be documented and/or investigated (under 17.03A) will be reported on the Maryland Motor Vehicle Automated Accident Report (MAARS) for and in compliance with the MAARS Manual.
- D. Submission of Traffic Collision Reports
1. All MAARS collision reports will be submitted prior to the responding officer going off duty and will be in compliance with the MAARS Manual and all other St. Michaels Police Department Policies and Procedures for Report Writing.
 2. All MAARS forms will be neat and legible. The diagrams will be drawn with straight edges (or rulers) and will also be neat and legible.
- E. In the event that one or more of the drivers involved are under the influence of alcohol and/or drugs or controlled dangerous substances the responding officer will follow the appropriate procedures for a Driving Under the Influence (DUI) Traffic Stop. This will include using an Alcohol Influence Report form and all appropriate DUI forms in addition to the MAARS form.
- F. In the event that one or more of the drivers is under the influence of alcohol and/or drugs or controlled dangerous substances and there has been a fatality or a life threatening injury to another in the collision the driver under the influence does not have the option to refuse alcohol concentration testing (by a test of the person's breath or one (1) specimen of the person's blood if the person is going to be treated at the hospital) in accordance with Maryland's Annotated Vehicle Law Transportation Code Section 16-205.1

paragraph c (1).

- G. In the event that an officer determines that due to a driver's conditions and circumstances that the driver should be referred to the MVA for re-examination an MVA Re-Examination of Licensed Driver form shall be filled out and submitted to the Chief for authorization.

17.04 Law Enforcement Response

- A. Officers will respond to all reported collisions in the following manner, unless specific circumstances exist that justify response of another nature:

- 1. Emergency Response – (Lights and Siren)
 - a. Death or Serious Injury
 - b. Unknown Injury – Check and Advise
 - c. Collision of a vehicle with Hazardous Materials
- 2. Routine Response – (No use of emergency equipment)

The response to all collisions not listed above will constitute a non-emergency response.

17.05 First Officer on the Scene

- A. Immediately upon arrival, the first officer on the scene of a collision will check for injuries, fire hazards, hazardous materials, electrical wires, and/or other dangers and will summon the appropriate fire, medical, or utility assistance. The officer will then provide emergency medical aid and fire suppression services until fire/medical personnel arrive. Injured persons will not be transported to Easton Memorial Hospital or other medical facilities in St. Michaels Police Department vehicles.
- B. In the case of hazardous materials incidents, the officer will isolate the hazard area, evacuate non-essential personnel, identify the vehicle and container placards, and will notify responding fire units of this information.
- C. The officer will park the police 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 or cause an obstruction to responding medical or fire personnel. Overhead and any additional emergency lights will be activated while the police vehicle is in the roadway.

- D. In the event that a disabled/damaged vehicle will need to be towed from the scene the officer will ask the driver/owner of the vehicle which tow company they would like to have respond to tow their vehicle. In the event the driver/owner does not have a preference, the nearest reliable tow company will be summoned. If damage to a vehicle(s) requires for the vehicle(s) to be towed the tow company shall be summoned as quickly as possible so normal traffic flow can be resumed. This procedure will only be delayed in the event that an investigator is responding to the scene of the accident and will need the vehicles to remain in their final resting place.
- E. When authorized emergency medical personnel arrive, authority for the care of the injured persons shall be entrusted to them.

17.06 Investigative Responsibility

- A. In general, the initial officer will remain in charge of the collision scene until completion of the investigation, with the exception of a supervisor turning the scene over to an officer with specialized skills appropriate to the circumstances of the collision.
- B. In cases of serious injury or death, the St. Michaels Police Department would have Talbot Center contact the Maryland State Police for a Traffic Collision Specialist/Accident Reconstruction to respond to the scene to assist in the investigation.
- C. In cases of any fatality collisions the Chief of Police and Lieutenant will be advised and soon as possible. This can be done by Talbot Center if necessary.
- D. St. Michaels Police Officers involved in traffic collisions themselves will, to the extent possible, exercise charge over the collision scene **ONLY** until the arrival of another St. Michaels Police Officer, Talbot County Sheriff's Deputy, or Maryland State Trooper, to whom the responsibility will be surrendered.
- E. When investigating collisions, the officer will ensure that a MAARS form is filled out **completely and accurately**. The information collected may come from sources to include , but is not limited to:
 - 1. Interviews with involved parties and witnesses
 - 2. Written statements from involved parties and witnesses
 - 3. Examining and recording damage to vehicles, roadways, or other public and/or private property
 - 4. Noting Time of Day and Weather Conditions
- F. Information may also include but is not limited to:

1. Drivers' Information from their drivers' licenses
 2. Correct addresses for the drivers
 3. Telephone numbers for the drivers
 4. Were drivers belted, injured, transported by Emergency Medical Services, and if so obtain the EMS Run #.
 5. Registration information for the vehicles
 6. Correct owners' information for the vehicles (including correct addresses and telephone numbers for the owners of the vehicles)
 7. All passengers' information, including ages, dates of birth, addresses, telephone numbers, seating position, whether they were belted, whether they were injured, type of injury and if they were transported by Emergency Medical Services (obtain EMS run #).
 8. Witnesses' information to include dates of birth, addresses, telephone numbers, and any other pertinent subject matter.
 9. Note road, weather, vehicle, drivers and all other contributing circumstances.
- G. Follow-Up Investigation is the responsibility of the initial reporting officer unless specifically advised by a supervisor that they have been removed from the investigation. The following duties will be completed as necessary:
1. Collection of off-scene data
 2. Vehicle safety inspections by qualified personnel
 3. Obtaining and recording formal witness statements
 4. Collision reconstruction by personnel trained in reconstruction
 5. Preparation of formal reports to support charges/citations arising from the investigation.
- H. When investigating a serious traffic collision involving a question about mechanical failure, the officer may order the vehicle impounded for an inspection by a certified mechanic. However, care should be taken that this inspection is pertinent to the collision investigation. In the event that a vehicle is impounded for an inspection for mechanical failure that vehicle will be taken to a location where it can be stored in a secure facility until it can be inspected.

17.07 On Scene Procedures

A. Injury Collisions

1. Officers sent to the scene of collisions involving injury will immediately call for medical assistance if the request has not already been made. In the absence of immediate medical assistance, it may be the officer until medical help arrives. Victims complaining of neck or back injuries, or with possible broken limbs, should only be moved by rescue personnel unless conditions at the scene become life-threatening to the victim, such as fire.
2. Once rescue personnel have arrived, officers *will* provide whatever assistance the rescue personnel request while controlling traffic and conducting the investigation.

B. Fire Hazards

1. If a fire exists or there is a great potential for fire (spilled fuel or live, sparking wires), the Fire Department (or utility company for wires) will be immediately summoned.
2. Any injured victim who cannot leave the immediate hazardous area should be assisted in evacuation. All other persons in the immediate area should be evacuated.
3. Officers will then isolate the area to prevent unauthorized persons from entering.

C. Hazardous Materials

1. Officers should be aware that any traffic collision involving a cargo vehicle is a potential hazardous material incident, and should be observant for any evidence of hazardous material before approaching cargo vehicles involved in collisions.
2. When there is a question of whether spilled material at a collision scene may be hazardous, officers will avoid contact with the material and will keep others from coming into contact with the material.
3. Upon arrival at the scene of a collision involving a cargo vehicle displaying a HazMat placard, officers will immediately contact the Fire Department and attempt to make preliminary identification of the cargo from a safe distance on the basis of the visible placards.
4. Officers will follow the procedures specified in the US Department of Transportation Emergency Response Guidebook (Updated Volume) to complete the identification of hazardous materials and take appropriate emergency action until the situation is remedied.

D. Disorderly Conduct by Involved Parties

1. If an officer is dispatched to a collision where the involved parties are arguing, fighting or generally disorderly, the officer will respond with an increased response code.
2. Upon arrival, the officer will separate the parties and proceed with the investigation. An additional supplement will be filed in addition to any other forms in reference to any physical altercations. Appropriate criminal enforcement will be made if parties continue with unacceptable disorderly conduct or physical assault in the officer's presence.

E. Collisions Involving St. Michaels Personnel or Patrol Vehicles

1. Any personnel involved in a collision resulting in an injury should be transported to Easton Memorial Hospital or other appropriate Medical Facility as determined by Emergency Medical personnel immediately.
2. Any collision involving St. Michaels personnel or patrol vehicles shall be properly documented by submission of a detailed report to the Chief of Police by all involved personnel.
3. In the event that St. Michaels personnel or patrol vehicles are involved in a collision the Chief of Police, Lieutenant and that officer's direct supervisor are to be notified as soon as practicable.
4. A non-injury single vehicle collision, within the town limits of St. Michaels involving a St. Michaels patrol vehicle may be investigated by the St. Michaels Police Department.
5. All other collisions will be investigated by an outside agency. Serious injury and/or fatal traffic accidents involving St. Michaels personnel or patrol vehicles will be investigated by the Maryland State Police traffic accident reconstruction specialists.

17.08 Property Control Safeguards

- A. The officer at the scene of a collision should ensure that property belonging to collision victims is protected from theft and is removed to a place of safekeeping if the owner is unable to care for it.
- B. When an injured driver is removed from a collision scene and/or it is necessary to tow a disabled vehicle, a vehicle impound and inventory report will be completed and an inventory of the vehicle contents will be made. Any cash, firearms, and other items of value will be removed and placed in the property room. A release form will be completed if appropriate for the vehicle to be released from the tow company.

Aircraft Accident Procedures

1. The initial responding officer will have Talbot Center contact appropriate emergency medical and fire department personnel.
2. Officers will have available St. Michaels Police Department personnel called out to assist with the scene as needed.
3. Officers will have the FAA 24-hour emergency contact line (1-718-553-3100) called and advised of the situation.
4. Officers will contact the National Transportation Safety Bureau (NTSB) – MidAtlantic Regional Office at 571-223-3930, 45065 Riverside Parkway, Ashburn, VA, 20147
5. An incident report will be taken, however the investigation will be the responsibility of the FAA and the NTSB.

St. Michaels Police Department
Operations and Regulations Manual
Criminal Investigations Policy
Section 18

St. Michaels Police Department

Criminal Investigations Policy

18.01 Purpose

The purpose of this policy is to provide procedures and guidelines for the investigations of crimes against persons and property that occur in the Town of St. Michaels. The St. Michaels Police Department realizes that when a subject reports a crime to the police it may be the only time they have any contact with the police department. It is the St. Michaels Police Department's responsibility, not only to attempt to resolve the issue, but to have the subject come away from the incident with a feeling that the police department is responsible, ethical, caring and thorough.

18.02 Policy

The investigation of criminal offenses is an integral part of each officer's duties and is essential to the accomplishment of the law enforcement mission. All officer's of the St. Michaels Police Department shall participate in the criminal investigation function, whether assigned as an investigator or to other duties. When fully staffed the St. Michaels Police Department will have an assigned Criminal Investigator.

18.03 Preliminary Investigations

- A. The preliminary investigation begins immediately upon the arrival of the first officer on the scene of an incident or upon taking a report. The investigation continues until such time as a suspension of the investigation, or the transfer of responsibility that will not jeopardize the successful completion of the investigation. One of the main goals of the preliminary investigation is to identify a lead or "clue" as to who the offender may be. The officer charged with the preliminary investigation should attempt to discover any of the solvability factors presented in this procedure, and any other pertinent information.
- B. Provide aid to the injured
- C. Observe all conditions, events, remarks (excited utterances), and maintain the crime scene to ensure that evidence is protected and not lost or contaminated.
- D. Establish a perimeter around any Major Crime Scene (include areas of ingress and egress)
- E. Contact Criminal Investigator if warranted.
- F. Surround with crime scene tape and prohibit entry until Criminal Investigator authorizes entry.

- G. If investigator is called to the scene, they will collect the evidence. If no investigator is called then the primary officer will collect the evidence and mark it accordingly.
- H. Establish point of entry.
- I. Station an officer at the point of entry and maintain a crime scene log. ALL SUBJECTS ENTERING THE SCENE WILL BE LOGGED.
- J. Determine if an offense has actually been committed, and if so, the exact nature of the offense.
- K. Determine the identity of the suspect(s) and effect an arrest if it can be accomplished either at the scene or through immediate pursuit.
- L. Furnish other field units, through radio communications and Talbot Center, with descriptions, method and direction of flight and any other relevant information regarding the wanted persons or vehicles.
- M. Locate and obtain complete identification of all witnesses.
- N. Interview the complainant, victims and all witnesses, and make arrangement for written statements to be taken.
- O. Determine in detail the exact circumstances of the offense.
- P. Advise the suspect of his constitutional rights when appropriate, interview the suspect, and attempt to obtain either a written or verbal statement if such statements can be legally obtained. Whenever possible, interviews should be videoed. Miranda Warnings are required for any custodial interviews.
- Q. Initial responding officer will prepare a Criminal Investigation Report for all Crimes against Persons and Crimes against Property. All personnel who respond to a Major Crime Scene shall be responsible to complete a supplemental report as to their involvement or actions at the crime scene.

18.04 Follow-Up Investigations

- A. All criminal cases reported to the St. Michaels Police Department are subject to follow-up investigations. The extent of the follow-up will be determined by the facts and circumstances surrounding the offense. It may range from a mere second contact to an exhaustive detailed investigation. Squad supervisors, the lieutenant and the Chief of Police may assign cases for follow-up investigation. Initial responding officers may also request assistance from the criminal investigator with follow-up on particular cases that the initial officer is working on.

- B. The initial assigned officer is responsible for completing the initial investigation, any follow-up that is not assigned to the criminal investigator and all required documentation. The second contacts on cases not assigned to an investigator shall also be the responsibility of the initial responding officer. The second contact shall serve two purposes:
1. To ascertain if the victim or reporting person has remembered additional information or if any other information has surfaced which may lead to a successful clearance of the case.
 2. Maintaining a policy of second contacts also indicates to the victim that the St. Michaels police Department is genuinely concerned about the welfare of the victim and other persons associated with the case.
- C. The purpose of the follow-up investigation is to discover additional information in order to clear the case, identify and arrest an offender, recover stolen property, gather additional evidence, and present such evidence in the courtroom for prosecution.
- D. All follow-up measures will be documented on supplemental forms as they are conducted.
- E. The following measures will be used as a standard (but not exhaustive list) in conducting follow-up investigations.
1. Review and analyze all previous reports prepared in the preliminary stage.
 2. Conducting additional inquiries, interviews and interrogation. Interviews and inquiries should include, but are not limited to, the neighborhood surrounding the location where the offense occurred.
 3. Reviewing any similar cases or cases committed in the same location.
 4. Seeding additional information from other officers, other agencies, informants, etc.
 5. Reviewing laboratory examination results.
 6. Arranging for dissemination of information as appropriate.
 7. Planning, organizing and conducting searches.
 8. Identifying and apprehending suspects.
 9. Collecting physical evidence, maintaining the chain of custody and arranging for examination of that evidence.

10. Determining the involvement of suspects in other crimes of the similar nature.
11. Checking the suspect's criminal histories at the local, state, and national levels in relation to the investigation.
12. Preparing cases for and assisting in prosecution in court.

18.05 Solvability Factors

A “solvability factor” is the information about a crime which can provide the basis for determining who committed that crime. Solvability factors were initially pioneered by the Rochester Police Department in the 1970's and it utilizes a type of checklist that assists in the decision of how to further the investigation of a criminal case [Osterburg, James W. and Richard H. Ward. *Criminal Investigation: A Method for Reconstructing the Past*, 3rd Ed. (Cincinnati, OH: Anderson Publishing Co, 2000). 528.]

The following are solvability factors which will be used by the St. Michaels Police Department to determine how to proceed with criminal cases:

- A. The suspect can be named
- B. The suspect can be identified
- C. The address of the suspect is known
- D. There is a likelihood that the suspect can be located
- E. The vehicle license plate number (registration) used in the crime is known
- F. There is a likelihood that the vehicle used in the offense can be identified or located
- G. There was traceable property (either by serial number or uniqueness of the property) taken in the offense
- H. There exists identifiable latent fingerprints to be submitted for attempted match
- I. A significant modus operandi (M.O.) can be developed or a distinctive pattern of similar crimes exist in the same general location or during the same time frame
- J. It is reasonably suspected that there was limited opportunity to commit the crime
- K. There is reason to believe that the crime may arouse such public interest that public assistance may lead to the solution of the crime
- L. There are additional reasons to believe that further investigative efforts will lead to the

clearance/solving of the crime.

- M. Cases will be reviewed for solvability factors and specific investigative assignments. Cases will be reviewed with the above factors in mind. When one or more of the above factors are present the case shall be recommended for follow-up.
- N. Research has shown that when a preliminary investigation or second contact has failed to disclose one or more of the above factors, that the case will have a very minimal chance of being solved. If none of these factors exist a follow-up investigation is not required and the case will be suspended, pending further information.
- O. If new information or leads arise for a suspended case, the cases may be reopened and the investigation may ensue.

18.06 Case Management

An administrative designation of open, unfounded, closed or suspended will be assigned to each case, as appropriate.

- A. **Open** – is assigned to all cases that are not otherwise cleared by the reporting officer. Open indicates that investigative efforts are active and on-going.
- B. **Unfounded** – is assigned to a case that has been documented as being untrue or the incident never happened.
- C. **Closed** – is assigned to all cases where an arrest is effected, the case is solved, or even if the perpetrator is known and despite circumstances beyond the officer's control, prosecution is not possible.
- D. **Suspended** – is assigned to cases when it appears as if all investigative leads have been exhausted and there is little or no chance of solving the case. A *supervisor* must approve all suspended cases. Suspended cases may be reopened whenever new evidence or leads develop.

18.07 Criminal Investigator Responsibilities

- A. The Investigator shall be responsible for conducting the follow-up investigations on all assigned criminal offenses. The investigation should be follow-up in nature and not merely a repetition of the activities of the originating officer.
- B. Certain offenses are sufficiently complicated and serious in nature to warrant immediate notification of the Criminal Investigator (as well as the Lieutenant and Chief). Following is the list of those offenses:
 - 1. All Homicides, suspicious deaths and life threatening assaults where death is

imminent, based on medical opinion. (1st Degree Assault with intent to kill, aggravated assaults, all assaults where the victim is hospitalized {admitted}, all assaults involving a firearm)

2. All suicides
 3. Missing persons where there is suspicion of foul play
 4. Kidnapping cases
 5. Firearms discharge by an officer resulting in injury, Officer involved shootings
 6. Arsons resulting in death or serious injury
 7. Criminal Sexual Conduct/Sexual Assaults in which an apprehension is made or if it is of an exceptionally brutal nature
 8. Bombings/Bomb threats
 9. Car jacking
 10. All safe burglaries
 11. All cases of multiple felonious burglaries
 12. Bank robberies
 13. Commercial armed robberies
 14. Hate crimes where there was death, serious injury or major property damage.
- C. Upon arrival of the criminal investigator the initial responding officer will relinquish control and responsibility of the crime scene to the investigator unless otherwise instructed by the lieutenant or Chief.
- D. The Criminal Investigator position shall be selected on the basis of skills, ability, knowledge, expertise in interviewing, analytical thinking ability, a demonstrated record of performance, and other traits necessary to carry out the responsibilities of the positions as outlined in this procedure. The Chief of Police will make the final decision as to what officer is assigned to the criminal investigator position.
- E. Officers assigned to the criminal investigator position will still be considered in the patrol division (as the St. Michaels Police Department is a small agency with limited staffing) and will have the same rank designation and salary as prior to the assignment of criminal investigator.

18.08 Constitutional Rights

It shall be the *duty* of every officer to ensure that all Constitutional requirements are met during arrest and criminal investigations. It is the policy of the St. Michaels Police Department to adhere to the Statutes, Appellate Court decisions and the Constitution of the State of Maryland, and the Constitution of the United States of America in all of its conduct. The guidelines herein are not absolute in their entirety, nor a comprehensive review of all legal considerations, but are areas that often attract close Judicial and Legal scrutiny.

- A. Coercion or Involuntary Nature of Confessions and Admissions
 - 1. Use of coercion, threats or promises to elicit confessions or admissions from suspects in criminal cases are not permitted and will render the confession or admission inadmissible.
 - 2. Excessively prolonged interrogations without breaks for personal needs, i.e., food, rest, required medications, and use of toilet facilities, are not permitted.
 - 3. Misstatement relative to elements of the crime or punishment must be avoided.
 - 4. Interrogation techniques must reflect consideration of the subject's mental capacity, drug or alcohol impairment and health at the time of the interrogation.
 - 5. Prior to interviewing a suspect, whenever the suspect is in custody or otherwise deprived of his/her freedom, an officer **must** first advise the suspect of his/her Miranda Rights. The definition of a custodial interview can be a confusing concept. Therefore, whenever there is doubt, the suspect shall be advised of his/her rights.
- B. A suspect's request for counsel (an attorney/lawyer) during the course of an interrogation will cause the immediate suspension of questioning until contact is made with counsel.

St. Michaels Police Department
Operations and Regulations Manual
Death Investigations
Section 19

St. Michaels Police Department
Operations and Regulations Manual

Death Investigations

19.01 Purpose

The purpose of this policy is to provide procedures and guidelines for the Department's personnel for death investigations and to recognize the importance of death investigation scene control.

19.02 Policy

It is the policy of the St. Michaels Police Department to control the scene of each death investigation and to provide for a thorough, professional and sensitive investigation into the cause of death. The St. Michaels Police Department acknowledges the impact that the abrupt death of a family member or friend may have on a person and the importance of officers conducting themselves in a decorous and responsive manner. The department recognizes the absolute necessity of complete cooperation with the State Medical Examiner's Office and their investigations.

19.03 Procedures for Death Investigations

- A. Death Investigation Reports shall be taken on all deaths that St. Michaels Police Department Personnel respond to.
- B. When life saving measures are not taken, and the Forensic Investigator (FI) and Medical Examiner (ME) will be involved in the investigation, the victim should not be moved until the FI and/or medical examiner or the medical examiner's assistant has granted permission. Should movement be required, prior to the FI or medical examiner's arrival (i.e. extreme traffic hazard), such permission can be granted by phoning the FI or M.E.'s office.
- C. No property (i.e. identification) will be removed from a decedent without the knowledge and consent of the Investigator.
- D. Initial Response – The first officer on the scene at an unattended death, suspicious death, or suicide, will be the officer in charge, until relieved by a supervisor or investigator. At the scene the officer shall treat the scene as that of a homicide until facts prove otherwise. The officer shall prevent any entrance onto the scene or area of occurrence until the arrival of the investigator. The first officer on the scene will be responsible for the initial report. A crime scene log will be completed.

- E. Investigator – In cases where there are suspicious circumstances it shall be the duty of the investigator to take charge of the investigation until its conclusion. It shall be the investigator's decision as to what assistance will be needed and cause the appropriate notifications to be made.
- F. Supervisor Responsibilities – Supervisors shall see that the assigned officer on the scene takes the preliminary report and and assists the investigator as directed. The supervisor should also assist the officer in securing the scene until the arrival of the investigative personnel.
- G. Notification of the forensic investigator will be made for all deaths occurring within the town limits in any case in which the decedent's doctor will not sign a death certificate, and the circumstances around the death are suspicious in nature.
- H. The Chief of Police or Lieutenant may request the assistance of the Maryland State Police Homicide Division for additional assistance.
- I. Suicides and Accidental Deaths
 - 1. The scene of a suicide or accidental death shall be investigated with all the concern and caution afforded a homicide. Full documentation of interviews, weapons, pills, death notes, and other articles shall be made.
 - 2. Suicide notes not taken by the medical examiner's office, shall be taken as evidence by the investigating officer. Officers will not make identifying marks on the original suicide note. The note shall be placed in a plain envelope and processed as evidence.
 - 3. Purported wills shall be handled in the same manner as described in the handling of suicide notes.
 - 4. Drugs and Poisons, or containers of the same, suspected to be an agent in any death, shall be taken as evidence.
 - 5. When a gun is suspected of having been involved in a death, the gun, expended rounds, and other ammunition will be taken as evidence.
 - 6. The officer/investigator shall obtain a receipt from the medical examiner for any property taken and have the medical examiner or agent thereof sign a chain of custody form.
 - 7. Photographing the Scene-All death scenes which shall be medical examiner's cases shall be photographed prior to being disturbed.
- J. Generally, notification of the next of kin will be the responsibility of the St. Michaels Police Department, unless otherwise notified by the medical examiner's office.

- K. Instances where criminal involvement may be present and the need for crime scene investigators shall be required, the investigator on scene will contact the Maryland State Police and request Crime Lab assistance.

19.04 Initial Procedures – The first law enforcement officer arriving at the scene of a death is charged with the following duties:

- A. Conduct a cursory search of the premises for the limited purpose of determining if there are other victims or perpetrators present.
- B. Without disturbing the body, determine that death has in fact occurred. If there is any evidence of life, all necessary life-sustaining measures should be initiated.
- C. Without disturbing the scene, make a cursory examination of the scene to determine if the death is at all suspicious. (Any and all deaths resulting from a gunshot wound are to be considered “suspicious” until a thorough investigation has determined otherwise). If the death is at all suspicious (or there is no body, but there is evidence that death may have occurred), the following procedures will be followed:
 - 1. Secure and protect the scene. The body should not be moved unless the body is in *immediate danger* of destruction or further damage.
 - 2. Have Talbot Center notify immediate supervisor, Lieutenant, Chief of Police, Maryland State Police Homicide Division, Maryland State Police Crime Lab and the On-Call Forensic Investigator. Have Talbot Center also contact the on-call attorney with the State's Attorney's office.
 - 3. Record names, addresses, telephone numbers, and all other pertinent information of all persons present or assign another officer this task.
 - 4. Maintain a crime scene log of all persons arriving and leaving the scene.
 - 5. If the circumstances require arresting or detaining a suspect, do not undertake questioning of the suspect without first discussing this procedure with the Homicide Detective/investigator in charge and/or the on-call attorney with the State's Attorney's office.

19.05 Non-Suspicious Deaths – If the death is of a non-suspicious nature, the following procedures will be followed:

- A. Notify immediate supervisor.
- B. Conduct a thorough investigation following departmental procedures.
- C. All violent non-suspicious deaths, i.e. Motor vehicle deaths, accidental deaths, will be

reported immediately to the State's Attorney's Office and the Medical Examiner's Office.

- D. For all non-suspicious medical related deaths attempt to contact the decedent's current physician. The decedent's current physician should be able to determine if the death was medically expected and if the physician will sign off on the death certificate. The decedent's physician will request information as to whether the death was suspicious in nature.
- E. If the decedent's physician is not available or the officer is not able to locate a current physician the officer shall contact the on-call forensic investigator.
- F. Notification of the next of kin will be the responsibility of the St. Michaels Police Department and the officer shall also determine what funeral home that the family would like to have respond and take possession of the decedent's body.

19.06 Possible Suicide – When the circumstances of death suggest a possible suicide not involving a person in custody or confinement, the investigating officer should first contact the Medical Examiner's Office and report the event.

- A. The officer should make an initial evaluation of the scene to determine whether the following indicators of intent are present:
 - 1. Suicide note or other materials clearly indicating the decedent's desire or expectation of death (i.e. Will).
 - 2. Friends or relatives who can state that there has been recent or previous suicide attempts.
 - 3. Friends, Relatives, physicians who state the decedent had recently disclosed suicidal thoughts.
 - 4. Recent diagnosis of significant disabling medical disorder or chronic severe medical or mental illness.
 - 5. Recent significant change in personal circumstances such as financial loss, divorce, or other catastrophic event.
- B. If two or more of the above factors are present, the case should be investigated according to these departmental procedures. The investigating officer should be present during the examination of the decedent by the medical examiner and must ensure that a blood kit for toxicology testing is available.
- C. If the investigating officer has any suspicion regarding the circumstances OR if there are not at least two of the above factors present, the officer should contact the Maryland State Police Crime Lab and Homicide Investigations Unit for assistance and speak directly with

the medical examiner in reference to the investigator's concerns.

19.07 Procedures for Deaths with Special Circumstances

- A. Fire Deaths – The State Fire Marshal is the designated official representative in the investigation of fatal fires. The St. Michaels officer discovering a body in a fire is charged with notifying the State Fire Marshal's Office and the Medical Examiner's Office. The scene shall not be disturbed or the body moved, unless the body is in immediate danger of destruction or further damage. If arson is suspected or the death is otherwise suspicious, the case should be handled as any other suspicious death, which includes notifying the Maryland State Police Criminal Investigations Division and Crime Lab.
- B. Hunting Deaths – The Maryland Department of Natural Resources Police (DNR) is designated the official representative of the State of Maryland in the investigation of hunting fatalities. The officer encountering an apparent hunting fatality shall notify the DNR and the Medical Examiner's Office. The scene shall not be disturbed or the body moved until authorized, unless the body is in immediate danger of destruction or further damage.
- C. Deaths while in custody or confinement – The death of an individual while in custody or confinement in the St. Michaels shall immediately be reported to the Chief of Police, the State's Attorney's Office, and the Medical Examiner's Office. In addition the Maryland State Police Criminal Investigations Division will be notified. This notification is necessary for an investigation into the death to determine the cause and manner of death and whether the death is suspicious.
- D. Police-involved deaths – The State's Attorney's Office will immediately be notified of any police-involved death. A “police-involved” death means a death resulting from a St. Michaels police officer's act or acts. Not included, however, is any motor vehicle fatality unless it results from the imposition of physical force intentionally applied.
- E. Child Deaths – When a St. Michaels officer responds to the scene of a child death and foul play is suspected, the officers should follow the protocol as stated in suspicious deaths procedures. The investigation of child death cases will be expanded beyond those situations of suspected criminal involvement. In addition to those suspicious child deaths that merit a criminal investigation, two additional categories of child deaths are included for special investigation in which the Maryland State Police Criminal Investigation Division (MSP CID) would be called for assistance.
 - 1. Cases in which the cause of the child's death is not apparent.
 - 2. Selected trauma cases. The decision to investigate these cases will be made on a case-by-case basis by the Forensic Investigator and the MSP CID.
 - a. The scene should be protected until the decision is made that the case is to be

investigated.

- b. If the decision is made not to investigate a particular traumatic death, the Forensic Investigator and the MSP CID will notify the officer so that the scene need no longer be protected. However, an appropriate routine investigation is still necessary and a medical examiner's report will need to be contained in the report.
 - c. The purpose of the investigation, special or routine, in each case is to determine, to the extent possible, the cause, manner and circumstances of the child's death. Deaths of young children are being singled out for special investigation because of the different technical approach and types of inquiry needed in pursuing them.
3. It is important for the first responding officer to also protect the scene in the two types of cases, as would be done in instances of suspicious death, until a decision is made concerning the need for a special investigation.
- F. Suspected Drug Overdose Deaths – The purpose of the investigation in each case is to determine, to the extent possible, the cause, manner and circumstances surrounding the drug overdose, the identity of the drug involved, and the source of the drug. When the officer responds to the scene of a suspected drug overdose death and homicide is suspected, the officer should follow the department procedures for suspicious deaths and homicides.
1. This includes the immediate notification of the Chief of Police, State's Attorney's Office and the FI.
 2. In cases where homicide is not suspected, the following procedures should be followed:
 - a. If, during the preliminary stages of the investigation, it appears that the death could possibly be the result of a drug overdose, the Talbot County Narcotics Task force should be notified in the event that the drug overdose is involving controlled drugs.
 - b. In all suspected drug overdose deaths, a thorough scene investigation should be conducted in an attempt to determine the cause, manner and circumstances surrounding the death. This should include witness, friend, and family statements, inventory of any drugs or drug paraphernalia, information about the deceased's medical or mental health history, and identification of all known treating physicians. An appropriate routine level investigation is still necessary.
 - c. Because in suspected drug overdose cases, the cause of death is not readily apparent, and may not be for several weeks pending the results of the toxicology, these cases will be investigated until a point where the officer and the Medical Examiner's Office have determined no further investigation is necessary and/or the cause of death is determined. The officer/investigator for the case is responsible for notifying the Medical Examiner's Office in writing that the St. Michaels Police

Department is requesting a copy of the Medical Examiner's report and toxicology report and all pertinent findings involved. The Medical Examiner's Office will notify the St. Michaels Police Department when the cause of death has been determined.

19.08 Public Statements – Public Statements release in homicide or suspected homicide cases are released under the authority of the State's Attorney's Office, only. The guidelines for the St. Michaels Police Departments Public Information Office (PIO) shall also apply. However, statements shall only be released in these types of cases after consultation with the State's Attorney's office and the Office of the Chief Medical Examiner (ME).

A. The following types of information should not be released:

1. Information as to the character, reputation or prior criminal record of an accused person or a prospective witness.
2. Admissions, confessions, or a statement or alibi attributable to any accused person, except as otherwise contained in public record.
3. The performance or results of tests or the desire, agreement, or refusal of the accused or any potential witness to take or perform a test.
4. Statements or information concerning the credibility or anticipated testimony of prospective witnesses.
5. The possibility of a plea to the offense charged or to a lesser offense, or other disposition.
6. Opinions concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial.

B. The following are some examples of information that *may* be released in death investigations. However, officers and investigators must remember that all information that is to be released must be cleared with the State's Attorney's Office, if it is in relation to evidence gathered from the ME's office it must be verified by the ME, and the information must be released following the guidelines of the St. Michaels PIO Regulations.

1. The identity of the decedent, if confirmed and the family or next of kin has been notified. If there is *any* question as to the identity, it may not be released without authorization by the Office of the Chief Medical Examiner (ME).
2. Information regarding the cause and manner of death may be release only with authorization from the ME and the State's Attorney's Office.

3. A description of the offense, i.e., homicide, hunting fatality, apparent suicide, suspicious death, accidental, and time and place thereof, that the investigation is in progress by the St. Michaels Police Department and any assisting agencies. **NO** detailed descriptions will be given out of any offenses.
4. A warning to the public of any dangers.
5. A request for assistance in apprehending a suspect or assistance in other matters, provided that the information released is necessary to accomplish that purpose.
6. Except in the case of a juvenile, the name of the accused, age, and town of residence.
7. The circumstances immediately surrounding the arrest, including the time and place of the arrest, resistance, pursuit, possession and use of weapons.
8. The substance or test of the charge, such as a the basic probable cause information, list of charges, and *if appropriate* and approved by the State's Attorney's Office, the identity of the complainant.
9. The scheduling or result of any step or action in the judicial proceeding.

St. Michaels Police Department
Operations and Regulations Manual
Prisoner Control, Security and Transport
Section 20

St. Michaels Police Department

Prisoner Control, Security and Transport

20.01 Purpose

The purpose of this policy is to provide guidelines and procedures for the control, security and transport of persons in custody of law enforcement officers of the St. Michaels Police Department between the points of arrest and release. This release encompasses many different types of release, including but not limited to; on-scene release, release to another agency, or release to a detention center.

20.02 Policy

All arrested persons present a potential risk to the safety of the arresting/transporting officer, whether they are known or unknown to the arresting officer. Therefore, it is the policy of the St. Michaels Police Department that every prisoner to take the precautions necessary while controlling, securing and transporting persons in custody to protect the lives and safety of officers, the public and the person in custody. Every person in custody transported in a police vehicle shall be searched and handcuffed behind the back by the transporting officer subsequent to being transported, unless specifically exempted under provisions of this policy and approval has been given by a supervisor.

Due to the nature of the offense, possible attempts to escape and for the safety of all involved, all persons in custody for Major Crimes, violent offenses, or mentally disturbed prisoners and/or subjects charged with resisting arrest will be handcuffed behind the back and transported with leg irons in place. If available handcuffs utilized with the waist/belly belt and leg irons may be used, unless specifically exempted under provisions of this order and prior approval has been given by a supervisor.

Officers will remain constantly vigilant to a prisoner's opportunities to escape, destroy evidence and/or contraband, assault an officer or ability to harm his/herself.

20.03 Vehicle Inspection

- A. To reduce the presence of weapons and contraband, every police patrol vehicle shall be searched by the officer that will be utilizing that patrol vehicle during their shift. The vehicle will be searched:
 - 1. At the beginning of the officer's shift.
 - 2. Prior to and after transporting prisoners.
 - 3. At the end of the officer's shift.

- B. At the beginning of each shift the officer shall examine the police patrol vehicle to ensure that it is in good operating condition.
 - 1. All windows shall be intact, and outer door latches in proper working order.
 - 2. The interior shall be thoroughly searched to ensure that no weapons or contraband have been left behind or hidden within the vehicle. This will entail pulling the rear seats up and checking under the rear seats and under the front seats as well.
 - 3. All fluids in the engine area should be checked.
 - 4. Tires should be checked for sufficient air.
 - 5. All lights should be in working order.

20.04 Prisoner Transport Procedures

- A. Prisoners transported by the Department shall be secured in handcuffs, double locked, with their hands behind their back.
- B. Every prisoner transported in the police vehicle shall be secured in a seat belt unless extreme extenuating circumstances (that must be documented) exist.
- C. Officers must always keep in mind the safety of themselves and other, however, there are some exemptions to the degree of physical restraints (handcuffs or leg irons) that may be made in limited circumstances. These exemptions will be limited to the following:
 - 1. Persons who are crippled or otherwise physically incapacitated and incapable of escape or anyone incapable of placing their hands behind their back or walking safely with leg irons in place.
 - 2. Extremely elderly or ill persons arrested on minor offenses.
 - 3. Officers may use discretion in handcuffing very young juveniles, but shall use authorized restraints if necessary to control unruly or potentially violent juveniles of any age.
 - 4. Any wheelchairs, crutches, prosthetic devices, medication and any other medical devices should be transported, however will not be transported in the possession of the prisoner.
- D. All other property of the prisoner shall be transported, however will not be transported in the possession of the prisoner.
- E. No person shall be handcuffed to any part of the transporting vehicle.

- F. If a prisoner becomes disorderly during transport:
1. The transporting officer should notify Talbot Center of the disorderly activities and have them make a notation on the radio log.
 2. The officer should continue to his destination if the prisoner does not pose a threat to the safe operation of the vehicle.
 3. The officer should notify Talbot Center if assistance will be required upon arrival at the destination to remove the disorderly prisoner from the vehicle. The prisoner should then be kept in the vehicle until assistance arrives at the scene of the destination for prisoner extrication.
 4. If the prisoner is disorderly during transport and poses a threat to the safe operation of the vehicle, the officer should pull to the side of the road, notify Talbot Center of the situation and his location, request assistance, exit the vehicle (with the keys) and wait for assistance to arrive on the scene.
- G. A prisoner shall not be allowed to communicate with others while being transported.
- H. Whenever there is an indication that a prisoner may be a potential hazard to the safety and security of anyone while undergoing transportation, confinement, or trial, this fact should be brought to the attention of the transporting officer, Judge, Court Clerk, or Holding Facility.
1. The specific reasons for the potential hazard should be detailed (i.e. escape risk, suicidal, mentally disturbed).
 2. The intake officer at the detention facility, or the court shall be notified so that additional personnel or restraining devices may be available if necessary.
- I. Prior to being transported to or from a detention facility, the transporting officer shall ensure that a positive identification of the prisoner has been made and that all required paperwork has been completed and accompanies the prisoner.
1. Identification verification may be accomplished by comparing the prisoner's physical appearance with jail records, comparing fingerprints, comparing signatures, interviewing the prisoner, or any other method, which will *assure* the officer of the correct identity of the prisoner.
 2. All applicable paperwork (which may include, but is not limited to; commitment papers, charging documents, and medical records), and all personal property shall be transported with the prisoner, however not in the possession of the prisoner.
- J. Officers will be able to visually observe and maintain control over subjects in their

custody at all times. On any trips of extended length, whenever possible, a female officer should accompany female prisoners, and a male officer should accompany male prisoners.

20.05 Incidents During Transport

The primary duty during any transport is the safe delivery of the subject in custody. Any diversionary incidents, whether or not instigated by the subject in custody, may enhance the chances for an escape or potential injury or danger to the safety of the subject being transported.

- A. Officers transporting subjects in custody shall only stop to render assistance when there is a clear, immediate and grave risk of physical harm to a third party, and no other police unit is readily available to render assistance.
- B. Prior to assisting, Talbot Center will be notified of the identity of the officer, the fact that the officer is transporting a prisoner, and the location and the nature of the incident that the officer is stopping to render assistance for.
- C. The officer shall only remain until the arrival of other emergency assistance.
- D. Officers who are transporting subjects in custody shall not become involved in pursuit, roadblocks, or other situations, which might potentially cause harm to the subject in custody.

20.06 Transporting Subjects to Detention Centers/Correctional Facilities

- A. Officers will at no time enter a secure area in detention/correctional facilities with his/her firearm. If the facility does not have the facilities for securing firearms, they are to be locked in the truck of the vehicle, and the vehicle then to be locked as well.
- B. The restraints will only be removed on the instructions of the receiving officer of the detention/correctional facility.
- C. The officer will be responsible for making sure that the prisoner has been thoroughly searched and has no weapons or contraband on their person. This will be done prior to entering the facility.
- D. The officer will be responsible for making sure all the necessary paperwork is properly exchanged with regard to the transfer into the detention/correctional facility and obtain a signature of the receiving officer.

20.07 Special Transport and In-Custody Situations

- A. When transporting a juvenile or subject of the opposite sex, the officer will notify Talbot

Center of the race, sex, the fact of whether the subject is a juvenile, and the starting mileage prior to transport along with the location from which the transport is starting from. Upon arrival, the officer will go out of service and again notify Talbot Center of the exact location and ending mileage.

- B. Physically and mentally handicapped prisoners present conditions for their transportation that may dictate special care and attention. The type of vehicle used may be a consideration when transporting non-ambulatory prisoners or those requiring wheelchairs, crutches or prosthetic appliances. The safety of the prisoners and the officer requires care when transporting handicapped prisoners. The degree of physical restraint on handicapped prisoners will be applied within reason, upon approval of a supervisor, dependent upon such factors as the seriousness of the handicap, mobility of the prisoner, whether the prisoner is violent, and the circumstances of the arrest.
- C. Any prisoners who are sick or injured shall be examined by EMS personnel and offered treatment for their injury or illness prior to being transported.
 - 1. If the prisoner refuses treatment, a copy of the refusal form from the EMS provider or hospital will be placed with the prisoner's paperwork.
 - 2. If the prisoner was injured incidental to arrest, a Use of Force report will be completed.
 - 3. If necessary, EMS may be called to provide an ambulance for transportation to Easton Memorial Hospital or other appropriate medical facility. If the subject is in St. Michaels Police custody, an officer will accompany the prisoner during transport to the medical facility and the officer will maintain control over the prisoner throughout the prisoner's medical treatment.
 - 4. While being transported, a sick or injured prisoner shall be restrained in handcuffs and leg irons, unless restraints would compound the injuries or prohibit life saving treatment.

20.08 Prisoner Security at Medical Facilities

- A. When a St. Michaels Police Department prisoner is transported to a local medical facility for any reason, the following shall apply:
 - 1. Unless exempted under this policy, all prisoners will be transported with handcuffs behind the back and leg irons in place.
 - 2. The medical facility's security should be notified in advance of the officer's arrival to the facility.
 - 3. Officers should be especially vigilant to the prisoner's opportunity to escape, destroy evidence and/or contraband and the ability to harm others or their self. Extreme

caution will be taken to ensure the prisoner is isolated from any other patients and an officer will accompany the prisoner at all times. If medical staff objects to an officer's presence the medical staff's supervisor should be notified immediately.

4. One and/or both restraints will only be removed or altered in their positions when it is deemed medically necessary, and is requested by a physician. In that event remove or alter only those deemed necessary for examination and replace as soon as possible.
 5. The officer will not leave the prisoner until relieved by another officer or instructed to do so by a supervisor. The relieving officer shall be briefed by the transporting officer on all the facts pertaining to the prisoner.
- B. Should a prisoner need to be admitted to the hospital, the officer must notify the Chief of Police of the circumstances.
- C. If custody must continue on a prisoner admitted to the hospital an officer and/or officers will be assigned to this duty. The assigned officers will:
1. Remain alert and keep watch on the prisoner at all times and/or until properly relieved by another officer.
 2. Use restraining devices as reasonably and medically possible.
 3. Unless otherwise ordered, using sound judgment, the officer will restrict and monitor telephone calls and visitations. The officer has the visitors are allowed, no more than one visitor will be in the room at any given time. Officers will be responsible for documenting all telephone calls and visits.
 4. Officers are not allowed to watch television while guarding a prisoner. **This means the television will not be turned on.**
- D. Supervisors will ensure that officers guarding prisoners are checked periodically and are relieved as necessary.

20.09 Escape of Prisoners

Following the escape of a prisoner, the officer must take action, which includes the following:

- A. Persons to be notified:
1. Talbot Center with the location and description of the escapee
 2. Have Talbot Center notify the surrounding jurisdictions immediately

3. Notify the jurisdictions of the escapee's residence, family's residences and jurisdictions of known associates
 4. Notify the officer's supervisors
- B. Reports to prepare:
1. Application for Statement of Charges for appropriate charges.
 2. Detailed report to the Chief of Police detailing the circumstances around the escape.
 3. Criminal Investigation Report (CIR) in reference to the incident.
- C. Other actions to be taken:
1. A teletype will be sent, with original information of the escape and any additional information directed to any agencies with the likelihood of coming into contact with the escapee.
 2. Ensure all warrants are entered into MILES/NCIC.
- D. Should the escape occur outside the jurisdiction of the St. Michaels Police Department, the officer will:
1. Notify local authorities of:
 - a. His/her identity
 - b. Current status
 - c. Location
 - d. Description of escapee
 - e. Direction of flight
 - f. Description of escapee vehicle, if any
 - g. Charges against escapee
 2. Have the local authorities notify the on-duty supervisor of the situation
 3. Prepare the appropriate reports as indicated above

- A. Subjects in custody of the St. Michaels Police Department shall not be abused or mistreated in any manner. This includes verbal and emotional abuse as well as physical abuse.
- B. Officers should be aware that public awareness and publicity of police brutality is a national epidemic.
- C. Brutality shall be defined as a use of force that is unnecessary and/or excessive in its application.
- D. The use of unnecessary or excessive force, abuse and/or brutality is not only inexcusable, but is likely to bring disrepute upon the Department and the Town and will ultimately be detrimental to the purposes and mission of the Department.
- E. The use of unnecessary or excessive force, abuse, and police brutality is not authorized by the Chief or the Town. Such conduct shall be considered outside the scope of one's employment; therefore, any member of this Department who engages in such conduct will be subject to disciplinary measures up to and/or including dismissal.

St. Michaels Police Department
Operations and Regulations Manual
Handling of Juveniles
Section 21

St. Michaels Police Department

Handling of Juveniles

21.01 Purpose

The purpose of this policy is to establish guidelines for the proper disposition of juvenile cases.

21.02 Policy

- A. It is the policy of the St. Michaels Police Department that officers will use their discretion to make use of the least forceful and intrusive alternative available consistent with maintaining public safety, order, and individual liberty. Cases involving minor offenses, officers will consider releasing the juvenile offender to the custody of a parent or legal guardian at the scene of the incident before transporting the juvenile to the St. Michaels Police Department and formally processing the juvenile.
- B. It is the policy of the Department that, during the temporary detention period, a juvenile must be separated by sight and sound from all adult offenders who may also be in the custody of the police.
- C. It is the policy of the Department that a juvenile must not be transported together with adults who have been charged with or convicted of a crime unless the court has waived its jurisdiction and the juvenile is being proceeded against as an adult.

21.03 Definitions

- A. Juvenile – any person under the age of 18 (whether under juvenile or criminal court jurisdiction) or a person between the ages of 18 to 21 who is still under the juvenile court jurisdiction.
- B. Child – any person, regardless of age, enrolled as a student in a local school system (see below definition).
- C. Delinquent Offender (DEL) – A juvenile offender who has been charged with an offense for which an adult can also be charged, but who is subject to the jurisdiction of the juvenile court.
- D. Status Offender – Child in Need of Supervision (CINS): A juvenile who has been accused or adjudicated for an offense for which adults cannot be charged. Examples of status offenses would include: runaway, incorrigible, curfew violations, truancy and underage drinking.

- E. Non-Offenders – Child in Need of Assistance (CINA): A juvenile who is not charged with any offense, but is being: e.g. abused, neglected, etc.
- F. Detention – formally held pending release to the Department of Juvenile Services, Department of Social Services, parent, relative, guardian or other. Detention can be in an informal, non-secure room as in an office or meeting room.
- G. Secure Detention – detention in a locked cell/room or handcuffed to a stationary object.
- H. Non-Secured Detention – detention in an unlocked multipurpose area not normally used as a secure area and the juvenile is not physically secured to a stationary object.
- I. Incarceration – placement in a correctional institution, detention center or juvenile training school as authorized by the Department of Juvenile Services or Juvenile Court.
- J. Local School System – the public school programs under the supervision of the local school superintendent to include: elementary, middle and/or high schools.
- K. County School Superintendent – the county superintendent for Talbot County, (or other county) for the county in which the child is enrolled in school, who is the administrator for the schools.

21.04 Juvenile Jurisdiction

- A. As a general rule juveniles are subject to the jurisdiction of the circuit court here in Talbot County, sitting as juvenile court.
- B. Under the provisions of Section 3-804 of the Courts and Judicial Proceedings Article, the juvenile court normally does not have jurisdiction in the below listed circumstances:
 - 1. An individual 14 years old or older alleged to have done an act which, if committed by an adult, would be a crime punishable by death or life imprisonment, as well as all other charges against the individual arising out of the same incident, unless an order removing the proceeding to the court has been filed pursuant to the Criminal Procedure Article, Section 4-202, Annotated Code of Maryland.
 - 2. An individual 16 years or older alleged to have committed any of the following crimes, as well as all other charges against the child arising out of the same incident, unless an order removing the proceeding to the court has been filed pursuant to the Criminal Procedure Article, Section 4-202, Annotated Code of Maryland.
 - a. Robbery with a dangerous weapon
 - b. Abduction

- c. Kidnapping
 - d. Second degree murder
 - e. Second degree sexual offense in violation of Criminal Law Article, Section 3-306, Annotated Code of Maryland
 - f. Third degree sexual offense in violation of Criminal Law Article, Section 3-307, Annotated Code of Maryland
 - g. A crime in violation of Criminal Law Article, Section 4-404, CR 4-405 (b) thru (d), Annotated Code of Maryland.
 - h. Using, wearing carrying or transporting of a firearm during and in relation to a drug trafficking crime in violation of Criminal Law Article, Section 5-621, Annotated Code of Maryland.
 - i. Use of a firearm in violation of Criminal Law Article, Section 5-622, Annotated Code of Maryland.
 - j. Carjacking or armed carjacking in violation of Criminal Law Article, Section 3-405, Annotated Code of Maryland.
 - k. Assault in the first degree in violation of Criminal Law Article, Section 3-202, Annotated Code of Maryland.
 - l. Attempted murder in the second degree in violation of Criminal Law Article, Section 2-206, Annotated code of Maryland.
 - m. Attempted rape or attempted sexual offense in the second degree under Criminal Law Article, Section 3-310, 3-312, Annotated Code of Maryland.
 - n. Attempted robbery with a dangerous or deadly weapon under Criminal Law Article, Section 3-404, Annotated Code of Maryland.
3. An individual 16 years or older alleged to have done an act in violation of any provision of the Transportation Article or other traffic law or ordinance except an act that prescribes a penalty of incarceration.
 4. An individual 16 years old or older alleged to have done an act in violation of any provision of law, rule, or regulation governing the use or operation of a boat, except an act that prescribes a penalty of incarceration.
 5. If the child is charged with two or more violations of the Maryland Vehicle Law, another traffic law or ordinance, or the State Boat Act, allegedly arising out of the

same incident and which would result in the child being brought before both the court and a court exercising criminal jurisdiction, the court has exclusive jurisdiction over all of the charges.

21.05 Detention – Juveniles

- A. A juvenile may be arrested for any act which would be a crime if committed by an adult. An officer, if the situation warrants, may use only that degree of force necessary to effect the arrest.
- B. All search and seizure provisions of the law also apply to juveniles taken into custody.
- C. In all cases where a juvenile is taken into custody by any police agency's employee, it is the St. Michaels Police Officer's responsibility to ensure that the juveniles parents are notified of the custody and of the circumstances surrounding the custody, if the St. Michaels Police Department has taken custody of the juvenile.
- D. When a juvenile has been taken into custody, the length of detention should be limited to only that amount of time which is immediately necessary, and shall **not** exceed six (6) hours.
- E. Juveniles classified as status Offenders or Non-Offenders shall **not** be securely detained.
- F. Juveniles classified as Delinquent Offenders may be securely detained at the St. Michaels Police Department for a period **not** to exceed six (6) hours for the purposes of identification, processing, and awaiting transfer to another facility.
- G. When an officer has taken a juvenile into custody, classified as a Delinquent Offender, and deem it necessary to securely detain the juvenile beyond the six hour limit (i.e. pending a hearing) must contact the Department of Juvenile Justice Intake Division which will make the decision to further detain or release the juvenile.
- H. In the event a juvenile is detained at the Department during the same time an adult offender is being held/detained, the juvenile must be segregated by sight and sound and have no more than incidental contact with an adult.
- I. A Juvenile may not be transported together with adults who have been charged or convicted of a crime unless the court has waived its jurisdiction and the juvenile is being proceeded against as an adult.

21.06 Photographing and Fingerprinting a Juvenile

- A. Juveniles under the age of 14 years should not be photographed and fingerprinted unless it is authorized by the arresting officer's supervisor.

- B. Juveniles 14 years or older should be photographed and fingerprinted for any felony or the following misdemeanors:
 - 1. Narcotics offenses
 - 2. Unauthorized use of a motor vehicle
 - 3. All sex offenses
 - 4. All other misdemeanor offenses would require authorization by the arresting officer's supervisor.
- C. All Arrest Sheets and Fingerprint Cards shall be clearly and boldly marked juvenile on them.

21.07 Interrogation – Juveniles

- A. Interrogation of juveniles will be according to United States Supreme Court established guidelines, Miranda vs. Arizona, and the fifth amendment to the Constitution of the United States.
- B. The Miranda rule applies to interrogation/questioning initiated by the police in custodial, coercive, police-dominated atmosphere, where information, statements and confessions are sought and the responses given would tend to incriminate the individual being questioned. With this in mind, the Miranda warnings must be given to the juvenile (or any other subject is in the following condition) when these conditions exist. A custodial environment is considered to exist when:
 - 1. an inmate of a correctional facility is being questioned in relation to a situation which he is believed to have committed, but is not related to the charge for which he is presently incarcerated.
 - 2. A non-resident is arrested for a traffic violation.
 - 3. A Maryland resident is not entitled to receive a traffic citation for a violation of the Transportation Article.
 - 4. The totality of the circumstances perceive a custodial environment. Circumstances which, individually or in combination, may infer a custodial environment are:
 - a. Location
 - b. Length of questioning
 - c. Physical surroundings

- d. Number of police personnel present
 - e. Use of restraint devices
 - f. Use/presence of weapons
 - g. Age of interviewee
 - h. Required relocation of interviewed
 - i. Presence of probable cause for arrest.
 - j. The subjective belief of the interviewee as to his status.
 - k. The focus of the investigation.
 - l. Language used by the interviewers.
 - m. The extent to which the interviewee is confronted with evidence of guilt.
 - n. The proximity of the questioning and arrest.
- C. Miranda rights apply when custodial questioning/interrogation is initiated by St. Michaels police personnel. However, personnel are not obligated to stop an individual who spontaneously offers information and/or a confession, regardless of the custodial situation. The courts have held that the police may inject an essential question for the purpose of clarification and/or keeping the individual from straying from the original topic. Should the situation gravitate to questions and answers, Miranda would be required.
- D. Miranda rights must be read and understood by the juvenile (and the juvenile's parent or guardian where possible) prior to each custodial interrogation. Only a juvenile can waive his/her rights. This may be done in the presence of a custodial adult (parent, guardian, Juvenile Services or Social Services representative. No one, including his/her parents, should be permitted to influence or force the juvenile to waive his/her rights. Interviews with the juvenile offender should be conducted in a non-threatening manner and in the presence of at least two (2) officers, if practicable. Additionally, a juvenile's parents, guardian, or a representative from juvenile or social services may be present throughout all stages of the interview.

21.08 Release of Detained Juveniles

- A. The authority to release juveniles arrested for minor offenses to parents or guardians rests with the arresting officer.
- B. The Department of Juvenile Justice and/or the State's Attorney's Office must be consulted

regarding the release of juveniles detained on serious offenses.

- C. When the parent or guardian cannot be located or is located but refuses to pick up the juvenile, the Department of Juvenile Justice Intake Officer (On-Call if not during business hours) should be contacted. (Note: If the parent or guardian refuses to respond solely because of inconvenience to themselves due to lateness of the hour, etc., the officer shall advise the parent or guardian that they may be charged under Family Law Article Section 10-219, Annotated Code of Maryland with “Child Abandonment.” If after being so advised they still do not respond, the parent or guardian may be charged as indicated at a later time.)
- D. In the event a parent or guardian resides locally but does not have transportation and/or cannot leave the home due to other children, etc. every reasonable effort will be made to provide transportation for the juvenile to the home where release by the signing of the proper forms will be effected. The determination for this transportation will be made by availability of manpower, other calls pending, and distance involved.

21.09 Records and Reporting Procedures – Juveniles

- A. Prior to a case being forwarded to the Department of Juvenile Justice the following report procedures will be adhered to:
 - 1. All appropriate Juvenile detention logs will be filled out.
 - 2. The Juvenile Referral and Release forms will be prepared and signed by both juvenile and parent, guardian or Department of Juvenile Justice representative, that takes custody of the juvenile.
 - 3. The Criminal Investigation Report (CIR) or other applicable report, along with all other documents relating to the case, will be prepared and submitted to the officer's supervisor for review and approval.
 - 4. Following supervisor approval the case will be forwarded to the Lieutenant for review.
 - 5. The Lieutenant or his/her designee will ensure a copy of the report, arrest sheet, juvenile referral, and juvenile release and all other pertinent documents are sent to the Department of Juvenile Justice. A notation on the original report will be made as to the date the copy was sent to Department of Juvenile Justice.
 - 6. Filing of Juvenile Records
 - a. It is imperative that all juvenile arrest records be marked clearly and boldly juvenile arrest and kept separate from adult records in the juvenile locked file in order to maintain juvenile confidentiality unless the juvenile court has waived its jurisdiction and the child is being proceeded against as an adult.

- b. All juvenile related reports, including but not limited to detention and prisoner logs, juvenile release forms, criminal investigation reports, incident reports, accident reports will be filed in accordance with the St. Michaels Police Department filing system, however any report that contains Juvenile Information will be marked on the front of the file in Bold Red Marker that it contains Juvenile's Information. This will alert all who may review such a report that it is confidential juvenile's information. As provided in the Annotated Code of Maryland, Education, Title 7, Section 7-303, the contents of such a file may not be divulged by subpoena or otherwise, except by order of the court upon good cause shown.

B. Release of Information – Juveniles

1. Every reference to a juvenile detainee will be purged from a copy of any detention log subject to public inspection. The St. Michaels Police Department maintains a separate juvenile detention log.
2. In the event that a copy of file or other document is to be released, all of any juvenile's information is to be removed from the copy of that file or document prior to release, unless being released upon order of the court in reference to that juvenile.

21.10 Notification of the County School Superintendent

- A. If a child enrolled in the Talbot County school system (or other Maryland school system) is arrested for an offense listed in the Education Article Section 7-303, Annotated Code of Maryland, the officer making the arrest shall notify the Talbot County Superintendent (or other appropriate Maryland school system's superintendent where the child is enrolled) of the arrest and the charges within 24 hours of the arrest or as soon as practicable.
- B. The arresting officer will fill out the Reportable Offenses Notification Form, noting on the form the subject that was notified and submit that form along with his/her report.
- C. Notification to a school superintendent will only be done in person or by telephone. Do not fax or mail notification. Confirmation of a notification is made on the Reportable Offenses Notification Form by the officer making the notification and submitted with his/her report.

21.11 Selected Relevant Cases:

- A. Haley v. Ohio, 332 U.S. 596 (1948)
- B. In Re Gault, 387 U.S. 1 (1967)
- C. Breed v. Jones, 421 U.S. 519 (1975)
- D. Schall v. Martin, 467 U.S. 253 (1984)

- E. New Jersey v. T.L.O, 469 U.S. 325, 105 S.Ct. 733 (1985)
- F. Illinois v. Gates, 462 U.S. 213 (1983)

Policy adopted partially from the Model Policies of the Maryland Police and Correctional Training Commission.

REPORTABLE OFFENSES

NOTIFICATION TO THE COUNTY SCHOOL SUPERINTENDENT

Law Enforcement Agency _____ Case # _____

Name of Student _____

School _____ (Last) _____ (First) _____ (Middle)

Enrolled _____

Reportable Offense(s): {Circle appropriate offense(s)}

- | | | |
|---|--|--|
| Abduction | Kidnapping | 1 st Degree Rape |
| Murder | Maiming | Mayhem |
| Rape | 1 st Degree Rape | 2 nd Degree Rape |
| Manslaughter | Robbery | 1 st Degree Sexual Offense |
| 1 st Degree Assault | Carjacking | 2 nd Degree Sexual Offense |
| Attempted Murder 2 nd Degree | Armed Carjacking | 3 rd Degree Sexual Offense |
| Attempted Rape 2 nd Degree | Attempted Armed Robbery | Attempted Sexual Offense
3 rd Degree |
| Arson 1 st Degree | Assault w/ Intent to
Murder | Assault w/ Intent to
Rape |
| Assault w/ Intent to
Rob | Assault w/ Intent to
commit 1 st Degree
Sex Offense | Assault w/ Intent to
commit 2 nd Degree
Sex Offense |
| 5-133 Public Safety Art. | 5-203 Public Safety Art. | 5-621 Crim. Law Art. |
| 5-134 Public Safety Art. | 5-138 Public Safety Art. | 5-622 Crim. Law Art. |
| Use of Handgun in
Commission of a
Felony/Crime of
Violence | Attempt to Commit any
of the Crimes Described
Above | |

Criminal Law Article

CL 4-101	CL 4-503	CL 5-609	CL 5-627
CL 4-102	CL 4-602	CL 5-612	CL 5-628
CL 4-203	CL 4-603	CL 5-613	CL 9-502
CL 4-204	CL 4-604	CL 5-614	CL 9-505
CL 4-404	CL 4-605	CL 5-617	
CL 4-405	CL 4-606	CL 5-618	

Name of School Superintendent/Designee Notified: _____

Date: _____ Method of Notification: _____

Notification Made By: _____
(Name) (ID #)

St. Michaels Police Department
Operations and Regulations Manual
Confidential Informant Management and Control
Section 22

St. Michaels Police Department

Confidential Informant Management and Control

22.01 Definitions

- A. Sources of Information (SOI) – persons or organizations not under the direction of a specific police officer. A source of information, furnishes information without compensation and will not take an active part in an investigation. When sources of information seek compensation or become an active part of an investigation, their status changes to confidential informant. SOIs do not require registration.
- B. Confidential Informants (CI) – persons under the direction of a specific police officer giving information or other lawful assistance on criminal activity. Confidential informants take active parts in investigations and/or receive compensation. CIs must be registered.
- C. Confidential Defendant Informants (CDI) – Confidential informants who are current defendants in pending court cases and expect compensation in the form of judicial or prosecutorial considerations. CDIs must be registered and approved by the State's Attorney's Office.
- D. Inactive Confidential Informants – CIs or CDIs not debriefed within a year, or declared inactive by the control officer.
- E. Debriefing – Initial and continued questioning of the CI or CDI. Intelligence gathering on backgrounds, motives, limitations, and other information they have on all types of criminal activities.
- F. Compensation – money or judicial/prosecutorial considerations.
- G. Informant Control Officer (ICO) – Officer controlling the CI or CDI.
- H. Informant Secondary Officer (ISO) – Serves as contact for the CI or CDI when the control officer is unavailable and acts as a witness for the control officer.

22.02 Purpose

The purpose of this policy is to control Confidential Informant or Confidential Defendant Informant behavior by providing standard CI/CDI management procedures and control forms for use by all personnel. The policy will appoint a secure CI/CDI master file location where officers will check CI/CDI history before starting covert activities. The policy will establish a system where supervisors ensure officers follow CI/CDI control

procedures, reducing the use of undesirable informants. The policy will also assure accountability of funds provided to CIs, using standardized receipts approved by supervisors.

22.03 Policy

CIs/CDIs are assets of the department, and should not be held by specific officers. When ICOs resign, retire or engage in mismanagement, the department can reassign the CI/CDI to another ICO. Relationships with CIs/CDIs will remain strictly professional in nature. Social and business contacts with a CI/CDI are prohibited. The use of contraband as compensation to a CI/CDI is prohibited. All documents regarding the use of a CI/CDI will be hand carried to the appropriate file. No documents regarding the use of a CI/CDI will be left out of a file or out of the master filing cabinet.

22.04 Procedures

A. A person must meet three criteria to qualify them as a CI:

1. The person is in a unique position to help the department in a present or future investigation.
2. The person will not compromise the department's interests or activities.
3. The person will accept the direction necessary to effectively use their services.

B. Precautions When Dealing With a CI/CDI:

1. Never provide a CI/CDI with knowledge of police facilities, operations, activities, or personnel information.
2. Two police officers must be capable of contacting the CI/CDI.
3. Two officer will be present at all contacts with the CI/CDI unless otherwise approved by a supervisor.
4. When dealing with a CI/CDI of the opposite sex or homosexual, two officers will always be present.
5. Document all significant contacts with the CI/CDI on St. Michaels Police Department Debriefing Report.
6. Before starting informant activities, CIs must be registered with the St. Michaels Police Department CI/CDI program.

7. CDIs *cannot* be guaranteed judicial or prosecutorial considerations without the approval of the State's Attorney's Office.
 8. Avoid revealing a CI/CDI's identity in court. Discuss the CI/CDI confidentiality with the State's Attorney, unless the CI/CDI has agreed to testify.
 9. In situations where the disclosure of a CI/CDI might adversely affect the outcome of a more significant investigation, officers may request the dismissal of the immediate case.
- C. Restricted Use of CIs: Persons under the age of eighteen (18), the officer must get the written permission and signature from a parent or legal guardian, on St. Michaels Police Department letterhead, before using the juveniles as CIs.
- D. Undesirable CI/CDI
1. A CI/CDI who commits an act, which would endanger the life or safety of a police officer, reveal the identity of an undercover officer, compromise an investigation, or provide false information, shall be terminated as a CI/CDI.
 2. Use of an undesirable CI/CDI requires the approval of the Chief of Police and the State's Attorney's Office.
- E. Informant Control Officer (ICO) Responsibilities:
1. Use department approved forms for management and control of CI/CDI's
 2. When using persons on parole or probation as CI's
 - a. Persons under the authority of the Federal Court System (parole, probation or awaiting trial) will not be used by the department as CI's. Control of Federal defendants is by the sponsoring federal agency that brought the charges before the federal court.
 - b. Use state court probationers/parolees by complying with the following guidelines:
 - i. Contact the person's probation/parole officer
 - ii. Request approval and cooperation
 - iii. Obtain the persons conditions of probation/parole
 - iv. Inform the person that as a CI/CDI all conditions of probation/parole must be obeyed

3. Conduct debriefings:
 - a. Document all debriefings in detail on a "CI Debriefing Form" and submit to supervisor. Any contact with a CI that produces valuable information will be documented on a "CI Debriefing Form."
 - b. If a CI/CDI become inactive, terminated or determined undesirable the ICO will document that information on a "CI Debriefing Form" and submit to supervisor.

F. Controlled Purchases Using Confidential Informants

1. Whenever possible use CI's to introduce police officers to make the purchase.
2. Search all CI's before and after conducting a controlled purchase of drugs.
3. When strip-searching a CI, two police officers will be present.
4. Male officers will search male CI's and female officers will search female CI's.
5. Currency used in controlled purchases will be drawn from the St. Michaels Police Department Drug Fund.
6. Make enlarge photocopy of the actual money (bills) to be used.
7. Two police officers will witness the buy money given to the COI and will complete a "St. Michaels Police Department Confidential Fund Expenditure Report" Form.
8. When possible use two or more officers for surveillance of CI during the controlled purchase.
9. File appropriate criminal charges on any CI fleeing or attempting to flee with funds or process of the controlled purchase.

G. Search Warrants Based on Confidential Informant Supplied Information:

1. Officers acting, as affiants must confirm information supplied by CI's used in the drafting of search and seizure warrants applications.
2. The affiant is responsible for the direction and control of all other personnel that help with the service of the search warrant. This includes any allied agency (with the approval of the Chief) that assist in the service of the search warrant.

St. Michaels Police Department
Operations and Regulations Manual
Bias Based Profiling
and
Investigative and Enforcement Traffic Stops
Section 23

St. Michaels Police Department

Bias Based Profiling

Investigative and Enforcement Traffic Stops

23.01 Purpose

The purpose of this policy is to establish guidelines for conducting constitutionally valid investigative and enforcement traffic stops and to eliminate Bias Based Profiling.

23.02 Policy

It is the policy of the St. Michaels Police Department that all investigative and enforcement traffic stops will be based upon articulable and constitutionally valid suspicions. The department will maintain a record system will be established to track investigative and enforcement traffic stops as mandated by the State of Maryland. All sworn members of the Department will receive periodic training and/or develop new skills to enhance police-citizen contacts.

23.03 Definitions

- A. Investigative Stop – A stop based on reasonable articulable suspicion or knowledge of criminal activity.
- B. Enforcement Stop – A stop initiated as a result of an observed violation of the criminal or traffic code.
- C. Reasonable and articulable suspicion – Actions taken by the officer must be reasonable under the existing circumstances and based on the officer's knowledge at the time. Officers must be able to point to and describe the specific factors that raised suspicions and led him or her to take action in connection with the traffic stop.
- D. *Whren* or “pretext” stop – The U.S. Supreme Court has determined that a law enforcement officer who observes a traffic violation may stop the violator, even though the true reason for the stop is the officer's interest in investigation whether the motorist is involved in other criminal activity. The constitutional reasonableness of a traffic stop does not depend on the actual motive of the individual officer. These types of traffic stops are known as *Whren* stops.
- E. Seizure – in the context of traffic stops, a seizure takes place when an officer makes an investigative or enforcement stop. Seizures during all traffic stops are subject to Constitutional constraints.

- F. Subsequent seizure – This form of seizure occurs when the original reason for the stop has been satisfied and the officer continues to detain the motorist. Once the underlying basis for the initial stop has concluded, a police-driver encounter that implicates the Fourth Amendment is constitutionally permissible only if (1) the driver consents to the continuing intrusion, or (2) the officer has, at a minimum, a reasonable, articulable suspicion that criminal activity is afoot.
- G. Profile - a set of characteristics which can arbitrarily ascribe to human behavior or to a social situation, and by which police officers judge, evaluate, and categorize people, places and things. These characteristics are derived from a police officer's life experiences, and are applied either consciously or subconsciously.
- H. Bias Based Profiling – is the selection for law enforcement action of individuals based solely on a common trait of a particular group. Bias based profiling includes, but is not limited to, taking law enforcement action based solely on a person's race, ethnic background, gender, sexual orientation, religion, economic status, age, culture or some other identifiable group.

23.04 Guiding Principles

- A. Law enforcement officers have the duty and authority to investigate suspicious activities that may be associated with violations of Criminal and Motor vehicle laws. This duty does not include pursuing hunches or stereotyping, but is limited to reasonable, articulable factors which would likely lead any knowledgeable, reasonable officer to conclude that a violation of law is occurring or has occurred.
- B. Bias based profiling undermines legitimate law enforcement efforts and can lead to claims of civil rights violations. Additionally, bias based profiling alienates citizens and fosters distrust of law enforcement by the community.
- C. Bias based profiling is prohibited by the St. Michaels Police Department. Any consideration, to any degree, of a person's race, ethnic background, gender, sexual orientation, religion, economic status, age, culture or some other identifiable group in law enforcement actions, including traffic stops, is absolutely prohibited. The only exception to this standard is if one or more characteristics were part of a specific lookout for a specific suspect. This applies to passengers as well as drivers.
- D. Officers conducting investigatory stops of individuals must have reasonable and articulable suspicion, supported by specific facts that the person contacted/detained has committed or is about to commit a crime, or is engaged in articulable suspicious activity, is presenting a threat to the safety of others or themselves, or has violated Maryland vehicle Law, or the vehicle being driven is in violation of a vehicle safety violation.
- E. Officers should always rely on their training, knowledge, experience, specific facts at hand, and circumstances of the incident when taking enforcement action. Officers of the

St. Michaels Police Department found to engage in a pattern of Bias Based Profiling will be subject to counseling, remedial training and/or disciplinary measures which could include termination from employment.

- F. The St. Michaels Police Department will aid officers in their understanding of bias based profiling issues and investigative and enforcement traffic stops and assure compliance with policies and procedures concerning bias based profiling. This will be accomplished through periodic required training modules that address related Constitutional and legal issues, State mandates, and departmental policy.
- G. On January 1st, 2004 the St. Michaels Police Department began collecting specific data from traffic stops conducted by officers for violations of the Maryland Motor Vehicle Law as outlined in Transportation Article 25-113. This data must be collected and submitted to the University of Maryland – Maryland Justice Analysis Center (MJAC) in a specified format annually beginning March 1st, 2005.
- H. The St. Michaels Police Department has developed a Traffic Stop Data Sheet approved by the Maryland Police and Correctional Training Commissions (MPCTC) to compile and tabulate required data entry fields specified in Transportation Article 25-113. the department will maintain an adequate supply of the Data Sheet forms. Officers shall only complete and submit the data sheets which have been issued to them.
- I. This recording and evaluating of statistical data will also serve as a management tool as a basis for the St. Michaels Police Department to be used for counseling and training and, if necessary, further administrative inquiry. Administrative personnel (Chief of Police and Lieutenant) will review and evaluate the traffic stop data on a periodic basis for any patterns of prohibited activity.
- J. Completed Traffic Stop Data Sheet forms shall be submitted daily along with other enforcement actions. The patrol supervisors will separate all the Traffic Stop Data Sheet forms and review and tabulate them and ensure that the forms are forwarded to the Chief's Administrative Assistant. The forms will then be retained for a period of one (1) year.
- K. Instruction to all personnel will be routinely provided concerning data collection methods and shall provide all officers information in Traffic Stop Data Sheet completion protocol. The Traffic Stop Data Sheet completion protocol must be adhered to by all personnel to assure complete and accurate data collection.
- L. All training should stress the importance of communication, particularly active listening and non-verbal cues and the training should be reinforced with consistent departmental practice.
- M. The Chief Administrative Assistant shall be responsible for compiling statistical data required by the MJAC. The Administrative Assistant will gather the data from forms and submit all required data fields to the MJAC each year beginning on March 1st, 2005. The

Chief of Police, or his designee, will routinely monitor collected data from the Traffic Stop Data Sheets and any formal complaints lodged by citizens concerning biased based traffic stops to ensure that policies concerning bias based profiling are being followed. The Chief, or his designee, shall conduct an inquiry into any irregularities noted in the data.

- N. If information is developed that an officer is engaged in bias based profiling, the officer will be closely monitored. The officer's patrol supervisor will be notified of the perceived problem if they are not the originator of the complaint. If a pattern of bias based profiling is clearly identified, necessary corrective action will be taken in the form of counseling, remedial training and/or disciplinary action, up to and including termination.
- O. Annually, the Chief of Police, lieutenant, and the patrol supervisors will meet to review statistical data collected in compliance with TA 25-113, any citizen complaints related to bias based profiling, and the annual MJAC report. The purpose of this review is to assure compliance with TA 25-113 and to evaluate any corrective action taken on sustained bias based profiling complaints.
- P. Police-citizen encounters, when done properly and professionally, have the potential to be positive community relations tools and can be a means of confronting adverse anecdotal information.
- Q. Officers stopping a driver for traffic code violation should complete traffic enforcement related activity before pursuing investigative activity. However, some investigative activity, such as wanted checks, can be pursued by the officer during traffic enforcement activity. Investigative activity, such as K-9 scans, can also be conducted with the traffic enforcement activity provided the traffic purpose of the stop is not abandoned and the traffic stop is not unnecessarily prolonged as a result of investigative activity.

Note** In investigative activity proceeds based on consent, officer should consider items that Maryland courts find important in determining whether consent was given freely and voluntarily, e.g., whether a reasonable driver in the same position would have felt he/she was otherwise free to go (*Ferris v. State*). While officers are not constitutionally required to inform citizens that they are free to leave before obtaining consent to search a vehicle, Maryland Courts have approved of this practice (*State v. Green*) and therefore, officers of the St. Michaels Police Department should do so as well.

23.05 Related Cases

- A. *U.S. v. Armstrong*, 517 U.S. 456, 116 S.Ct. 1480 (1996) (standard for race-based selective prosecution claim).
- B. *Charity v. State*, 132 MD.App. 598, 753 A.2d 556 (2000), *cert. Denied*, 360 Md. 487, 759

A.2d 231 (2000) (cautioning police against abusing the powerful too *Whren* gives them; Maryland Courts could remove it).

C. *Ferris v. State*, 355 Md. 356, 735 A.2d 491 (1999) (factors determining whether continuation of stop after issuing citation is 4th Amendment seizure or consensual encounter).

D. *State v. Green*, 375 Md. 595, 826 A.2d 486 (2003) (approving of police telling driver he was free to go before asking for consent to search car).

Policy partially adopted from Maryland Police and Correctional Training Commissions Model Policy

and Ocean City Police Department's General Order 500 H-2

St. Michaels Police Department
Operations and Regulations Manual
Extra-Jurisdictional Policy
Section 24

St. Michaels Police Department

Extra-Jurisdictional Policy

24.01 Purpose

The purpose of this policy is to establish the authority granted by Maryland Code to law enforcement officers in reference to extra-jurisdictional activities.

24.02 Policy

The St. Michaels Police Department will follow the Maryland Code, Criminal Procedure in all extra-jurisdictional matters.

24.03 Authority Granted

- A. *Maryland Code*, Criminal Procedure, 2-102, Authority of police officers; in general states that a law enforcement off may make arrests, conduct investigations, and otherwise enforce the laws of the State of Maryland throughout the entire State of Maryland without limitations as to jurisdiction (with the exception of Maryland Vehicle Law unless mutual aid has been authorized) as long as one the following situations exist:
1. the officer is participating in a joint investigation with officials from another State, federal, or local law enforcement unit, at least one of which has local jurisdiction;
 2. the officer is rendering assistance to another officer;
 3. the officer is acting at the request of an officer (in that jurisdiction) or State Police Officer; *OR*
 4. an emergency exists and the officer is following all other St. Michaels Rules and Regulations, Policies and Procedures.
- B. An officer who acts under the authority granted by this section is required to notify the appropriate person(s) from the following list of the investigation or enforcement action:
1. the chief of police or the chief's designee when in a municipal corporation;
 2. the police commissioner or his/her designee, when in Baltimore City;
 3. the chief of police or his/her designee, when in a county with a county police department, with the exception of Baltimore City;
 4. the sheriff or sheriff's designee, when in a county without a county police department;

5. the Secretary of Natural Resources or his/her designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources;
 6. the chief of police of the Maryland Transportation Authority or his/her designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, or Maryland Port Administration; or
 7. the respective chief of police or his/her designee, when on property owned, leased, operated, managed, patrolled by, or under the control of the Department of General Services; and
 8. The Maryland State Police barrack commander or designee.
- C. When an officer is acting under the authority of this section of the Maryland Code the officer:
1. has all the immunities from liability and exemptions as a State Police officer in addition to the immunities and exemptions to which the officer has while engaging in lawful enforcement activities in his/her own jurisdiction.
 2. remains at all times and for all purposes an employee of the St. Michaels Police Department.

24.04 Fresh Pursuit out of jurisdiction (*Maryland Code*, Criminal Procedure, 2-301)

- A. Fresh Pursuit is a pursuit that is continuous and without unreasonable delay. However, Fresh Pursuit need not be instantaneous.
- B. A law enforcement officer may engage in fresh pursuit of a person who:
1. has committed or is reasonably believed by the officer to have committed a felony in the jurisdiction in which the officer has the power of arrest; or
 2. has committed a misdemeanor in the presence of the officer in the jurisdiction in which the officer has the power of arrest.
- C. An officer who is engaged in fresh pursuit of a person may;
1. arrest the person anywhere in the State of Maryland and hold the person in custody; and
 2. return the person to the jurisdiction in which a court has for the crime alleged to have been committed by the person.

24.05 Service of Arrest Warrants (*Maryland Code*, Criminal Procedure 2-103)

- A. A police may arrest a person throughout the State of Maryland without limitations as to jurisdiction if:
 - 1. a warrant has been issued against the person;
 - 2. the officer is participating in a joint operation that has the authorization of all agencies' head law enforcement officers;
 - 3. the arrest occurs within one of the participating jurisdictions in accordance with the joint operation's authorizations; and
 - 4. the officer making the arrest is acting in accordance with the rules and regulations and polices and procedures of the St. Michaels Police Department.

24.06 Prohibited

- A. St. Michaels Police Officers are prohibited from enforcing the State's Motor Vehicle Laws outside of the Town's jurisdiction, without explicit granted **mutual aid** from the highest ranking on-duty Talbot County Sheriff's Deputy.
- B. St. Michaels Police Officers are prohibited from responding to non-emergency calls outside of the Town's jurisdiction, without explicit granted **mutual aid** from the highest ranking on-duty Talbot County Sheriff's Deputy.
- C. Officers assigned to administrative or light duty, on medical leave or with suspended police powers are prohibited, except under the gravest of emergency situations, to act under extra-jurisdictional authority.
- D. Officers are prohibited from using his/her personal vehicle or any unauthorized equipment during any extra-jurisdictional activities.
- E. Officers may not act under this authority while working within the scope of any security-type secondary employment position, except in acting at the request of or rendering assistance to another police officer.

24.07 Emergency Defined – the Maryland Code defines *emergency* 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 or from an unlawful act.”

24.08 Miscellaneous Issues

- A. All actions taken outside the Town of St. Michaels will be handled similarly as if the officer were acting in his own jurisdiction. All Policies and Regulations will be followed.
- B. A police officer who is injured while taking action pursuant to this law is entitled to

workers' compensation, disability, death benefits, life insurance and all other benefits to the same extent as if the injury had been sustained in the officer's jurisdiction.

St. Michaels Police Department
Operations and Regulations Manual
Safety Belt Use Policy
Section 25

St. Michaels Police Department

Safety Belt Use Policy

25.01 Purpose

The St. Michaels Police Department recognizes that the use of Safety Belts/Seat Belts reduces the risk of serious injury and or death in the event of motor vehicle collisions. In order to reduce serious injury and the possibility of death in the event of a motor vehicle collision the Department shall follow the safety belt use policy. The purpose of the policy is to provide safety belt/seat belt procedures for the officers and personnel.

25.02 Policy

The State of Maryland requires that the vehicle operator and front seat passenger properly wear their safety belts. Safety belts have proved to reduce injury and death in the event of motor vehicle collisions. The St. Michaels Police Department's Policy on Safety Belt use is to be strictly adhered to.

- A. While on duty, all personnel will utilize the safety belts installed in the Departmental vehicles while operating or riding in those vehicles. All vehicle safety belts shall be properly adjusted and securely fastened.
- B. Lap belts shall be properly secured in any vehicles equipped with automatic safety belt systems that require the lap portion of the belt to be manually secured.
- C. The operator of the vehicle is responsible for ensuring compliance by all occupants of the vehicle. Approved child safety restraints shall be in use for all children whose use is prescribed by law.
- D. In the event that the safety belt for the driver's seat is inoperable in any Departmental vehicle, that vehicle will not be used until the safety belt is properly repaired. No passenger shall be transported in a seating position in which the safety belt is inoperable.
- E. No one shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts , with the exception of vehicle maintenance and repair. Any modifications must have express permission and authorization of the Chief of Police.
- F. Any personnel discovering an inoperable restraint system shall immediately report the defect to the vehicle maintenance officer and the Chief of Police by detailed report.
- G. All prisoners being transported are required to be secured by a safety belt in all seating positions in accordance with all department regulations. (See Section 20 for further).

- H. Any officer operating in a covert capacity is exempted from this policy only in the event the officer believes the use of the safety belt will compromise his/her identity.
- I. Officers arriving at an emergency call or making a vehicle traffic stop may remove the safety belt just prior to coming to a stop in order to make a quick and safe exit from the vehicle. Should the violator attempt to drive away from the scene or flee, the operator shall replace the safety belt prior to becoming involved in any type of pursuit.

St. Michaels Police Department
Operations and Regulations Manual
Exposure Control Plan and Policy
Section 26

St. Michaels Police Department
Exposure Control Plan and Policy

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St. Michaels Police Department Exposure Control Plan

Section 1: Purpose of the Plan

One of the major goals of OSHA is to regulate facilities where work is carried out. To promote safe work practices in an effort to minimize the incidence of illness and injury experienced by employees. Relative to this goal, OSHA has enacted the **Bloodborne Pathogens Standards (29CFR 1910.1030)**. The purposes of these standards are to reduce occupational exposure to HBV, HIV and other Bloodborne/airborne pathogens that employees may encounter in the workplace.

St. Michaels Police Department (SMPD) believes that there are a number of good general principles that should be followed when working with Bloodborne/airborne pathogens.

These include that:

- X It is prudent to minimize all exposure to Bloodborne/airborne pathogens.
- X Risk of exposure to Bloodborne/airborne pathogens should never be underestimated.
- X SMPD should institute as many engineering and work practice controls as possible to eliminate or minimize employee exposures.

SMPD has implemented this Exposure Control Plan to meet the letter and intent of the OSHA 29CFR 1910.1030. The objective of this plan is twofold:

- X To protect the employee from the health hazards associated with Bloodborne/airborne pathogens.
- X To provide appropriate treatment and counseling should an employee be exposed to Bloodborne/airborne pathogens.

SMPD is aware that communicable disease transmission is possible during any aspect of emergency response, as well as in-station operations. The concern of this Department is the health and welfare of its employees and volunteers. Therefore, this program is to provide all members with the best available protection from occupationally acquired communicable diseases.

Section 2: Program Management

Responsible Personnel: The following individuals are responsible for implementing, updating and maintaining this Exposure Control Plan:

The Lieutenant: The Lieutenant will be responsible for overall management and support of the facilities Bloodborne pathogen program. The Lieutenant will delegate the task of managing this program to the Sergeant whom is designated as the SMPD Infection Control Coordinator. The Lieutenant will assume the ultimate responsibility for the health and welfare of all personnel.

The Sergeant/Infection Control Coordinator: This designated person will carry out the following:

- X Serve as the departments designated officer as required by the *Ryan White Comprehensive AIDS Resource Act of 1990* (PL 101-381).
- X Look for ways to improve the plan, and as necessary, update and revise this document.
- X Work with the Lieutenant, employees and volunteers to develop and administer any additional program policies and practices needed to support the plan.
- X Conduct inspections of on-scene and station operations to ensure compliance with the plan and purchase proper personal protective equipment when needed.
- X Collect and maintain a suitable reference library on the standards and exposure safety and health information, as required.
- X Coordinate the immunization program with the designated facility.
- X Review any new developments in the field of infection control and make appropriate recommendations to the Chief.
- X The Infection Control Coordinator shall develop and implement an immunization program.
- X Maintain a medical file for each employee and volunteer. Maintain confidentiality of all medical and exposure files.

SMPD Employees and Volunteers:

It shall be the responsibility of each Employee and Volunteers to maintain a safe and hazard free environment for himself/herself and his/her coworkers. Utilization of proven barrier devices and strict adherence of universal precautions are the best prevention. In addition, they must do such things as:

- X Know what skills they perform that have risk of exposure.
- X Attend training sessions.
- X Conduct all skills in accordance with practice controls and precautionary devices.
- X Develop good personal hygiene habits.

Section 3: Exposure Control Plan

A. Exposure Determination: One key to implementing this plan is to identify the various exposure situations that may be encountered. The following tasks may involve exposure to blood, body fluids, or other potentially infectious materials. These include but are not limited to:

1. Having contact with persons that may have or cause exposure to the above.
2. Providing first responder care to injured patients.
3. Rescue of victims from hostile environments (assaults, riot situations, burning structures/vehicles, water-related rescues, and oxygen deficient atmospheres).
4. Extrication of persons from vehicles, machinery, or collapsed structures.
5. Response to hazardous material emergencies.

B. Training Education: All members providing emergency services will be required to complete: Initial - infection control training, and Refresher - infection control training annually thereafter.

1. The Lieutenant shall be responsible for training and education of the employees and volunteers. The Lieutenant all seek instructors necessary for this training and compliance with this plan. The Lieutenant shall:
 - Σ Maintain an up-to-date list of facility personnel requiring training.
 - Σ Develop or seek suitable training programs.
 - Σ Schedule training sessions.

- Σ Maintain training documentation for three years after the date on which the training occurs.
 - Σ Review programs periodically to ensure the need for new information or modification of tasks. If additional training is needed for this purpose, it may be limited to addressing the new exposure hazards created.
2. All training material will be appropriate in content and vocabulary to the educational level, literacy and language of the employee being trained.
 3. Training will be in compliance with OSHA regulation 29 CFR Part 1910.1030.

C. Health Maintenance/Files:

1. Health Maintenance:
 - a. Work restrictions for reasons of infection control may be initiated by the Chief or Lieutenant. These may be temporary or permanent. For example, employees and volunteers with extensive dermatitis or open skin lesions on exposed areas may be restricted from providing emergency situation care.
 - b. All employees and volunteers will be offered immunization against hepatitis B. The risks and benefits of immunization will be explained to all employees and volunteers and informed consent obtained prior to immunization. Any employee or volunteer who declines or has received this vaccination by another organization shall be required to sign a declination. Any employee or volunteer, who has declined and later wishes to receive the vaccination, a vaccinating shall be provided to them.
 - c. Employees and volunteers will be offered serologic testing prior to hepatitis B immunization to determine if previous immunity exists.
 - d. All employees and volunteers will be offered initial and yearly screening for tuberculosis exposure.
 - e. All employees and volunteers will be offered HIV testing.
 - f. The Lieutenant will first clear any employee or volunteer returning to duty following an exposure.
2. Records:
 - a. St. Michaels Police Department will maintain records in accordance with OSHA's CFR 29 Part 1910.1030. The record shall contain the following:
 - Employee/Volunteer's name
 - Social Security Number
 - Immunization records
 - Training sessions (to include dates, instructor's name/qualifications, and names/job titles of all persons attending the training session)
 - Circumstances of exposure to communicable diseases
 - Post-exposure medical evaluation, treatment and follow-up
 - b. Infection control records will become part of the employee's/volunteer's personal health files and will be maintained for duration of employment/membership plus thirty (30) years thereafter.
 - c. Medical records are strictly confidential. They will not be released without signed written consent of the employee/volunteer. There will be no exceptions to this policy.
 - d. Employees/Volunteers may examine their own records. Employees/Volunteers may, in signed written consent, request that copies be sent to their personal physician.

D. Review and Update:

Copies of the plan are located at the St. Michaels Police Department. SMPD realizes the need to keep the plan updated. It shall be reviewed annually, on or before November 1st of each year, or whenever a new skill is added that may have an exposure risk.

Section 4: Methods of Compliance

SMPD understands that there are a number of areas that must be addressed in order to effectively eliminate or minimize exposure to Airborne/Bloodborne pathogens for the employees and volunteers. SMPD follows the practice of Universal Precautions to prevent contact with blood and other potentially infectious materials.

A. Universal Precautions/Personal Protective Equipment:

Specification/Purchase/Storage/Issue

1. Standards for personal protective equipment (PPE) will be developed by the Infection Control Coordinator and updated or modified as needed.
2. The Infection Control Coordinator will ensure that the station, sub-stations and emergency vehicles are properly stocked with personal protective equipment.
3. The department is responsible for supply, replacement and safe disposal of infection control PPE.
4. Disposable gloves will be constructed of latex, which is more durable than plastic for on- scene operations. All sizes shall be made available to employees (M, L, and XL). Hypo-allergenic/powderless gloves shall be provided to those employees and volunteers who are allergic to the gloves normally provided.
5. Sharps containers will be closable puncture resistant and leakproof. They will be color coded, labeled as biohazard and readily accessible. These containers shall remain upright throughout use, replaced routinely and not be allowed to overfill.

B. Universal Precautions/Personal Protective Equipment:

Selection/Use

1. SMPD provides the following personal protective equipment: Gloves, face shields/masks, one way valves, pocket masks and HEPA masks.
 - a. **Gloves:** Gloves shall be worn for contact with any patient or possible contaminated surfaces. They are replaced when split, cracked, torn or otherwise lose their barrier function. Disposable latex gloves will not be reused or washed/disinfected for reuse. Gloves should be changed between patients in multiple casualty situations if feasible. Disposable latex gloves or heavy-duty gloves should be used when handling, cleaning, decontamination or disaffection of potentially contaminated equipment.
 - b. **Facial Protection:** Face shields, masks, and HEPA masks shall be used in any situation where splashing/spraying may occur. When treating a patient with a suspected or known airborne transmissible disease, face masks or particulate respirators will be used. The first choice is mask to the patient.
 - c. **Fluid resistant gowns:** Shall be provided to protect clothes from splashing/spraying.
2. In circumstances where it is difficult or impossible to differentiate between fluid types, we assume all body fluids to be potentially infectious.
3. Employees and volunteers should select PPE appropriate for the circumstances in which they are faced. Common sense must be used. When in doubt, select maximal rather than minimal PPE.
4. Any garment penetrated or soaked by any possibly infectious materials are removed immediately or as soon as feasible.
5. Reusable equipment is cleaned, laundered and decontaminated as needed.

6. Single use personal protective equipment is disposed of by forwarding to the local hospital for disposal.

C. Work Practice Controls:

This organization utilizes a number of work practice controls to help eliminate or minimize employee exposure to Airborne and Bloodborne pathogens. SMPD has adopted the following controls as part of the program:

- a. Hand washing as soon as possible after removing gloves or other PPE.
- b. Following any contact of body areas with blood or any other infectious materials, employees and volunteers wash their hands and any other exposed skin with soap and water as soon as possible. They also flush mucus membranes with warm water.
- c. SMPD shall provide hand-washing facilities that are readily accessible to employees and volunteers.
- d. If hand-washing facilities are not readily accessible, appropriate antiseptic hand cleaners and clean paper towels shall be provided for use. When these are utilized, the employee/volunteer shall wash hands with soap and water as soon as feasible.
- e. Needles are not bent, broken, re-capped or stuck into cushions or seats.
- f. Eating, drinking, smoking, applying cosmetics/lip balm or handling contact lenses is prohibited in work areas where there is potential for exposure to Airborne/Bloodborne pathogens.
- g. Specimens of blood or other materials are placed in designated leak-proof containers, appropriately labeled for handling and storage.
- h. Equipment that becomes contaminated will be cleaned and disinfected prior to servicing or returning to service.
- i. Disposable/single use equipment will be used when at all possible.
- j. All procedures involving blood or potentially infectious materials shall be performed in such a manner as to minimize splashing/spraying of these substances.

D. Station Environment:

1. Housekeeping:

SMPD and its employees and volunteers shall ensure that the station and equipment is maintained in a clean and sanitary condition. The Lieutenant shall determine and implement an appropriate written schedule for cleaning and methods of decontamination. The written schedule for housekeeping duties shall be posted and contain the following information:

- a. Area to be cleaned.
- b. Day and/or time to be cleaned.
- c. Cleaners to be used.
- d. Special instructions to follow.

1. Storage, decontamination and disposal areas:

- a. Under no circumstances will kitchens, bathroom or living areas be used for decontamination or storage of equipment or infectious waste.
- b. If feasible all decontamination and disinfecting should be done at the hospital prior to returning to the station.

- c. If equipment cannot be disinfected before returning to the station, there will be an area designated for decontamination. The areas will be properly marked with biohazard signs.
- d. Should contaminated equipment be taken back to the station for disinfecting, it shall be placed in red biohazard bags for transport.
- e. Disinfectants shall be made available at the station and on each unit. Only disinfectants approved by the Lieutenant or Infection Control Coordinator shall be used for decontamination/cleaning.
- f. Contaminated sharps will be stored in sharp containers. They shall have appropriate biohazard markings and color-coding. Containers will be leakproof and puncture resistant.
- g. All other contaminated materials will be stored in leakproof biohazard bags with the appropriate color-coding and markings. These materials shall be properly disposed of at the local hospital. If outside contamination of a disposal bag occurs, that bag is placed inside a second leak-proof biohazard bag, labeled and sealed for handling.

3. Kitchen:

- a. Under no circumstances will any kitchen facility be used for the purpose of cleaning, sterilizing, disinfecting, storing or disposal of any infectious material or waste.
- b. All kitchen facilities will be cleaned daily.

4. Bathrooms:

- a. Under no circumstances will any bathroom or shower be used for the purpose of cleaning, sterilizing, disinfecting, storing or disposal of any infectious material or waste.
- b. Disposable hand-drying materials will be used. Cloth towels will not be used.
- c. Personal towels may be used for drying after a shower.
- d. Bathrooms/showers will be cleaned according to the schedule provided.

E. Emergency Vehicle Maintenance:

- a. All emergency vehicle compartments will be checked daily and disinfected/cleaned as needed.
- b. Equipment will be checked daily for possible contamination and cleaned/disinfected as needed.
- c. Hands should be washed after any disinfecting/decontamination has been performed.

Section 5: Post Exposure Procedures

If any one of our employees or volunteers are involved with an exposure, the Lieutenant will focus efforts on:

- a. Investigating the incident, with documentation.
- b. Making sure that the employee receives full medical consultation and treatments as required, as soon as possible.

ANY EMPLOYEE/VOLUNTEER WHO HAD AN EXPOSURE SHOULD:

- a. Immediately clean the exposed area with soap and water, or saline eyewash if the eyes are involved.
- b. The employee/volunteer shall immediately notify the Lieutenant or the Infection Control Coordinator that they have experienced an occupational communicable disease exposure.

- c. The employee/volunteer shall fill out the Exposure Form located in this Plan. The SMPD “**Exposure Control Plan**”, the “**Instructions for the Evaluating Physician**”, the “**Statement of the Evaluating Physician**” and the “**Exposure Form**” shall be taken to the Physician at the time of medical evaluation from the exposure. Extra copies of this report are located in the forms area of SMPD.
- d. An **Exposure Form** will be filled out for each employee/volunteer before the end of the emergency call for any exposure listed:
 - Σ Needle stick injury
 - Σ Break in skin caused by potentially contaminated object
 - Σ Splash of blood or other potentially infectious material onto eyes, mucous membranes or non-intact skin
 - Σ Mouth-to-mouth resuscitation without pocket mask/one-way valve
 - Σ Any other exposure that the employee/volunteer may feel is significant.
- e. If exposure took place, the Infection Control Coordinator will counsel the employee/volunteer on exposure hazards. The Infection Control Coordinator will perform or refer employees/volunteers for infection control training or for stress management counseling if needed. Spousal counseling will also be available.
- f. The Infection Control Coordinator will trace the source patient to the receiving medical facility. The Coordinator will notify the receiving facility that a communicable disease exposure took place, and request an infectious disease determination, as provided under the *Ryan White Act of 1990*. Request for consent to test the source patient for HIV and HBV will be made. The source patient has the right to refuse such testing under present regulations.
- g. The Infection Control Coordinator shall review results of the source patient’s testing and the employee/volunteer exposed. The employee/volunteer will be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.
- h. The SMPD Infection Control Coordinator will provide appropriate diagnostic work- up and treatment of employees/volunteers with communicable disease exposures. Services will include long-term follow-up and member/spousal counseling.
- i. Under the *Ryan White Act of 1990*, medical treatment facilities will notify the Lieutenant or the Sergeant/Infection Control Coordinator of any patient transported by employees/volunteers with a diagnosis of an Airborne or Bloodborne transmissible disease. The Lieutenant or the Sergeant/Infection Control Coordinator will notify the employees/volunteers involved and schedule medical evaluations.

St. Michaels Police Department

Exposure Control Plan

This Document has been reviewed and updated – **Date:** _____

Lisa E. M. Stofer
Lieutenant

Edward G. A. Henry
Chief

St. Michaels Police Department
100 S. Fremont Street, PO Box 986
St. Michaels, MD 21663

Instructions for the Evaluating Physician:

This St. Michaels Police Department individual may have suffered an exposure incident as defined in the Bloodborne/Airborne Pathogens Standard. In accordance with the standard's provision for post exposure evaluation and follow up, the St. Michaels Police Department requests an evaluation. Included to assist you in this evaluation are:

- A. A copy of 29 CFR 1910.1030, Occupational Exposure to Bloodborne Pathogens.
- B. A copy of the St. Michaels Police Department Exposure Control Plan.
- C. An Exposure Form describing the incident, routes of exposure and circumstances under which the exposure occurred.
- D. Results of the source individual's blood testing, if available.
- E. All medical records relevant to this individual's appropriate treatment, including vaccination status.

After completing the evaluation, please:

- A. Inform the individual regarding the evaluation results and any follow up needed.
- B. Complete the attached Statement of the Evaluating Physician form and give it to the individual (This form will be maintained at the St. Michaels Police Department).
- C. Send a copy of all evaluation results and records to:

St. Michaels Police Department Emergency Medical Services
Attn: Lieutenant
100 S. Fremont Street, PO Box 986
St. Michaels, MD 21663

Marked: CONFIDENTIAL: MEDICAL RECORDS

This copy will be maintained as part of the individual's confidential medical record.

Should you have any questions regarding the evaluations or medical records, please call 410-745-9500 and ask for the Supervisor or Lieutenant.

Attachment – A

**St. Michaels Police Department
100 S. Fremont Street, PO Box 986
St. Michaels, MD 21663**

Statement of the Evaluating Physician:

After your evaluation of this St. Michaels Police Department Emergency Services individual, please assure that the following information has been furnished to the individual and provide your initials beside the following statements:

- A. _____ The individual has been informed of the results of this evaluation.
- B. _____ The individual has been informed about any medical conditions resulting from the incident of exposure to blood or potentially infectious materials which require further evaluation and treatment.

No other findings are to be included on this report.

Please return this sheet to this individual, _____

Physician's Signature

Physician's Name (printed)

Date

Attachment – B

St. Michaels Police Department
100 S. Fremont Street, PO Box 986
St. Michaels, MD 21663

EXPOSURE FORM

Individual Exposed

Name: _____ SSN#: _____

Address: _____ Phone #: _____

Date: ___-___-___ Date of Exposure: ___-___-___

Reported To: _____

Exposure Information

Incident #: _____ Date of Call: _____ Time of Call: _____

Type of Call: _____ Witnesses: _____

Transported To: _____ Transported By: _____

List other units or agencies on location: _____

Disease/Virus Exposed To:

- Aids/HIV
- Hepatitis B/HBV
- Meningococcal Meningitis
- Tuberculosis
- Mononucleosis
- Other: _____

Source of Exposure:

- Needle Stick
- Blood/Body fluids on wound, or broken/abraded skin
- Blood/Body fluids splashed in eyes, nose, mouth
- Performed Mouth to Mouth resuscitation
- Prolonged/Extensive skin contact with blood/fluids
- Blood/Body fluids on intact skin, or on clothes
- Airborne
- Other: _____

How did exposure occur (attach a separate sheet if necessary): _____

Were personal protective measures taken? (Universal Precautions) Yes No

If yes, what measures were taken: _____

Attachment - C

St. Michaels Police Department
General Order 06-001
Records and Reports

I. Purpose

The Purpose of this order is to specify criteria and procedures for taking and submitting St. Michaels Police Department Documents and Reports. The general purpose of records and reports is as follows:

- A. To permit supervisors and administrative personnel to become familiar with actions taken, information obtained, results achieved, or conditions existing within the Department and the jurisdiction of the Town of St. Michaels.
- B. To permit supervisors and administrative personnel to become familiar with the performance of personnel, equipment, and facilities.
- C. To record pertinent facts and information for reference at any future time.
- D. To generate information for analyzing crime trends, determining manpower needs, and budget preparations.
- E. To ensure that all required activities are properly recorded and reported and when additional reports are not required, as a complete report of action taken in connection with a reported incident or activity.

II. Policy

Officers of the St. Michaels Police Department will complete and submit all documents, records and reports in accordance with the following criteria:

- A. Accurate
 - 1. Accuracy means the absolute truthfulness and dependability of the information on the report. It requires that the reporting officer make certain of their facts before reporting them as facts.
 - 2. If information that cannot be verified is obtained from a source and so recorded, it is acceptable even though of doubtful accuracy. However, the fact that it cannot be verified must be recorded in the report.
 - 3. Personal beliefs or prejudices on the part of the officer shall not influence the report in any way. If an opinion is stated in any way, it should be qualified by indicating it is an opinion. Opinions are only to be used in the event that an officer can state that opinion through their law enforcement training, knowledge and experience.

B. Complete

1. Completeness is defined as the extent to which the record or report includes all the necessary facts, information, data and meets the requirements for that particular type of document, record or report.
2. An officer shall sign all reports submitted with their name and identification number.
3. All addresses on reports and forms shall be complete. A complete address contains building/residence number, street name, city, county, state and zip code. Types of thoroughfares are to include, but are not limited to, street, way, place avenue, east west, north or south.

C. Neat – The general appearance of a report as to its cleanliness, arrangement of margins and spacing, absence of noticeable erasures and similar defects, and the general care shown in assembling its various parts constitute its neatness.

D. Brief and Concise

1. Records and reports are to be brief without sacrificing completeness and clarity. Concise statements of the facts and information are expected. Long, drawn out remarks or useless phrases and roundabout explanations are to be avoided.
2. Brevity is not to be achieved by omitting pertinent or useful information, but rather by giving that information without unnecessary use of words.

E. Clear and Understandable

1. The wording, composition, and arrangement of a report will be such that it is easily understood and that the meanings are *perfectly* clear.
2. Short and concise statement or sentences should be used.
3. Words of doubtful meaning are to be avoided.

F. Acceptable in Spelling and Language

1. Officers must pay particular attention to spelling *and* sentence structure used in writing reports and records.
2. Most spelling and grammar errors do not result from the attempted use of difficult words and phrasing, but rather from carelessness in the use of simple words and sentences.
3. Elaborate or artificial language, designed to create an impression, is to be omitted.

G. Computed Generated or Typed Reports

1. All forms, documents, reports, records and official correspondence must be computer generated or typed in appropriately, legibly sized, proper spaced, black ink.
2. If it becomes absolutely necessary to hand write a report (i.e. power failure or other emergency situation), they will be hand printed legibly.
3. When completing forms that have more than one copy, a ball point pen must be used with sufficient pressure exerted to assure that the last copy is clearly legible.
4. All documents, reports and records must be legible to others.

III. Criminal Incident, Incident, and Complaint Reports

- A. A report will be completed for each complaint or police activity which is reported to the St. Michaels Police Department, or for each officer initiated police activity.
- B. If Talbot Center did not initially receive the call and dispatch the officer, the officer who receives original information about an incident will notify Talbot Center of the incident and have Talbot Center open an incident card for that particular incident.
- C. Listed below are the Three categories which relate to the Federal Bureau of Investigation, Uniform Crime Reporting System. These incident categories shall be used for classification purposes on reports.

Part I Incidents

1. Criminal Homicide (Murder and Voluntary Manslaughter)
2. Criminal Homicide (Involuntary Manslaughter)
3. Criminal Homicide (Manslaughter by Vehicle)
4. Rape
5. Robbery
6. 1st Degree Assault (Intent to Kill, rob, Mayhem)
7. Burglary
8. Identity Theft
9. Theft (except Identity and Motor Vehicle Theft)
10. Motor Vehicle Theft
11. Reserved
12. Reserved
13. Reserved
14. Reserved
15. Reserved

Part II Incidents

16. Suicide
17. Attempted Suicide
18. 2nd Degree Assaults
19. Forgery and Counterfeiting

20. Fraud
21. Bad Checks
22. Weapons-Illegal (Carrying, Possessing, etc.)
23. Handgun Permit Violations
24. Sex Offenses (Except Rape)
25. Offenses Against Family and Children (Covers any incident involving non-support and neglect or abuse of family or children).
26. Drug Abuse Laws
27. Arson
28. Credit Card Offenses
29. Littering
30. Disorderly Conduct
31. Malicious Destruction of Property
32. Fugitives
33. Escapees (includes juvenile escapees reported on Maryland Missing Persons Report)
34. Bombing
35. Bomb Threats
36. Misuse of Telephone
37. Unauthorized Use
38. Gambling
39. Untaxed Cigarette Violations
40. Liquor Law Violations
41. Trespassing
42. Vagrancy
43. Miscellaneous Fire Investigation
44. Reserved
45. Reserved
46. Reserved
47. Reserved
48. Reserved
49. All other offenses – covering any incident involving the investigation of a reported violation of any *criminal* offense not specifically listed.
50. Reserved

Part III Incidents and Activities

51. Abandoned Vehicles (Covers the investigation or processing by an officer of an abandoned vehicle as defined in Maryland Transportation Article 25—201 (b))
52. Accidents, Vehicles (MAARS Reports)
53. Animal Complaint (Dog Bite, Injured Animal, Barking Dog)
54. Assist other Agency (Assistance to another Police Department or EMS or Fire Department)
55. Attempt to Locate
56. Alarms
57. Traffic Court Time
58. Crowd Control
59. Deceased Person (Not Homicide or Suicide)
60. Disabled/Unattended Vehicle (Not abandoned)

61. Disasters
62. Domestic Complaints (Not Domestic Assaults)
63. Escort
64. Firearms Complaint
65. Injuries (Accidental – Non-Traffic)
66. Lost and Found
67. Manpower Assignment to Other Area (i.e. out of town parade)
68. Miscellaneous
69. Missing Person (not for juvenile escapees)
70. Notifications
71. Premise Checks/Property Checks
72. prowlers
73. Recovered Stolen Autos
74. Relays (Transporting a Citizen)
75. Roadside/Roadway Hazard
76. Sick or Injured – Assistance To
77. Suspicious Vehicle or Person
78. Reserved
79. Reserved
80. Traffic Complaints
81. Traffic Details (covers the assignment of an officer to a specific location as requested due to a citizen complaint)
82. Unusual Occurrences (less than a disaster)
83. Reserved
84. Vehicle Storage (not an abandoned or recovered vehicle)
85. DUI/DWI arrests
86. Criminal Court
87. Warrant/Summons Service
88. Runaway – Juvenile
89. Accidents – Vehicle (not meeting the criteria for a MAARS)
90. Crime Prevention
91. Community Policing
92. Juvenile Parental Notifications
93. Consent Search
94. Abandoned Vehicle Salvage Form
95. Traffic Direction
96. Probable Cause Search for CDS
97. Weapons Frisk – Articulate Suspicion
98. K-9 Scan
99. Canine Other

IV. Report Completion

A. Complainant's Name and Address

1. List the complainant's full name and complete address.

2. If any information is refused, note that refusal in the appropriate area of the report.
 3. If the complainant is a St. Michaels Police Department officer, the address shall be listed as the St. Michaels Police Department, 100 S. Fremont Street, PO Box 986, St. Michaels, MD 21663.
- B. Phone Number
1. List the home phone number and an alternate phone number for the complainant.
 2. It is important to obtain a phone number where the complainant can be reached immediately if additional information is needed.
 3. If the complainant is a St. Michaels Police Officer, the number to be listed is the office number.
- C. Nature of the Incident – Record the type of incident or activity being reported. This should be chosen from the incident categories listed in Section III paragraph C of this general order.
- D. Record the exact location of the incident.
- E. Record any notifications that were made to other agencies.
- F. Record whether a General Broadcast was given in reference to this incident.
- G. Assure that the next Complaint Control Number has been assigned to the incident and record that number on the report.
- H. Record the Date and Time the incident occurred and the Date and Time the incident was reported.
- I. Record the Date and Time of the officer's dispatch and arrival on the scene.
- J. Victim Information
1. If the victim is a business, use the firm's name. In the case of a robbery, use the clerk/cashier as the victim, followed by the business name in parenthesis.
 2. Record complete address, telephone, DOB, and other identifying information of the victim.
 3. If there are several victims, the officer will list the additional victims in the narrative portion.
 4. If the victim is the reporting party, there is no need to repeat the information reported in the Complainant Section, the officer may write Same as Complainant in the Victim section.

K. Witnesses

1. The importance of this section is in locating and recording accurate information about any witnesses. Witness information is a critical solvability factor. The reporting officer should always attempt to supplement any criminal report with written witness statements, when witnesses are available.
2. In cases of homicide, suicide or police shooting incidents, the existence of witnesses should not be indicated on the initial report. This information will be relayed to the criminal investigator and State's Attorney's Office by way of a detailed inter-office correspondence.
3. When confidentiality is a factor:
 - a. When confidentiality is a factor indicate that witness statements were taken and forward those statements to the Criminal investigator.
 - b. Ensure that all witness information is still gathered and passed on to the appropriate investigators.
 - c. When a witness with unusually sensitive information is reluctant to make a statement, the information should be summarized by way of a detailed inter-office correspondence, addressed to the criminal investigator.

L. Suspect Information – All information possible should be entered on all suspects, including but not limited to:

1. Full Name
2. Nicknames and Aliases
3. Address and telephone numbers
4. Date of Birth (DOB)
5. Height and Weight
6. Race
7. Scars, marks and tattoos
8. Known Hangouts
9. Suspect Vehicle

M. Record any significant method of operation (MO)

N. Record any property – Lost, stolen or damaged – There must be a value when property is involved.

O. Narrative

1. The narrative will follow the procedures listed in Section II of this General Order.

2. Repetition of details already covered will be avoided.
3. Officers will use a chronological approach when reporting the details of the incident.

V. Supplement Reports

- A. A supplement report will be completed for all actions taken by an officer on an incident that has already generated a Complaint Control Number.
- B. The original Complaint Control Number will be used on each supplement.
- C. A supplement report will be done whenever an offense is cleared by arrest and the suspect is apprehended.

VI. Criminal Investigation Reports (CIR)

- A. CIR's are to be completed for any incident that involves a criminal occurrence or where a crime has clearly been committed.
- B. CIR's are to be completed for any incident that could result in criminal charges.
- C. All CIR's must be completed by the end of the officer's shift, with the exception of an incident occurring at the end of an officer's shift. In this event, the officer must have the CIR completed within 24 hours of the incident.
- D. Pending investigations are the officer's responsibility to follow up on. CIR's that have not been closed or suspended are to be actively investigated by the initial officer, unless that officer has been advised by their supervisor, Lieutenant or Chief of Police that the Criminal Investigator has taken over the investigation.

VII. Incident Reports (IR)

- A. IR's are to be completed in the event an officer responds to an occurrence in which the documentation may later be needed for court purposes, however, the incident is not criminal related (i.e. custody disputes, neighbor disputes, property disputes, injury reports). Officers may respond to these incidents in order to keep the peace only.
- B. All IR's must be completed by the end of the officer's shift, with the exception of an incident occurring at the end of an officer's shift. In this event, the officer must have the IR completed within 24 hours of the incident.

VIII. Complaint Reports (CR)

- A. CR's are to be completed for all incidents and police actions that occur in St. Michaels that are not criminal related.
- B. All CR's must be completed by the end of the officer's shift, with the exception of an

incident occurring at the end of an officer's shift. In this event, the officer must have the CR completed within 24 hours of the incident.

IX. Collision/Accident Reports (MAARS)

- A. All MAARS forms will be completed in full compliance with Traffic Collision Policy Section 17 of the Operations and Regulations Manual.
- B. All MAARS forms will be completed in accordance with the MAARS manual.
- C. All MAARS' must be completed by the end of the officer's shift, with the exception of an incident occurring at the end of an officer's shift. In this event, the officer must have the MAARS completed within 24 hours of the incident.

X. Missing Persons Reports (MPR)

- A. MPR's are to be completed in the event we have a missing person.
- B. All information possible must be gathered for the MPR.
- C. MPR's are to be done immediately upon receipt of the incident.
- D. A broadcast for the missing person must be done as soon as possible for the person and noted as having been done on the MPR.
- E. Entry into MILES/NCIC must be done and noted on the MPR as having been done.

XI. Alcohol Influence Reports (AIR)

- A. All DUI/DWI stops will be recorded on the AIR.
- B. All AIR's must be completed by the end of the officer's shift, with the exception of an incident occurring at the end of an officer's shift. In this event, the officer must have the AIR completed within 24 hours of the incident.

XII. Vehicle Impound and Inventory Record (VI)

- A. The VI is to be completed any time that the St. Michaels Police Department initiates a vehicle tow.
- B. The VI must be filled out as completely as possible, including the inventory and condition of the vehicle when towed.
- C. A complete inventory of each vehicle (if feasible) towed must be done prior to the vehicle being towed.

- D. The officer must inform the tow company whether the towed vehicle may be released to the owner upon payment of appropriate towing and storage fees.

XIII. Vehicle Release (VR)

- A. A VR is to be completed when a vehicle is towed on the authority of the St. Michaels Police Department.
- B. The VR will allow the towed vehicle to be released to the registered owner of the towed vehicle.
- C. The comments area of the VR must be filled out with the appropriate explanation, to include that the vehicle may be released upon payment of towing and storage fees.

XIV. Press Releases

- A. Press Releases are to be done in accordance with the General Order relating to Media Procedures.
- B. Juvenile's names are not to be included in any press release.
- C. All press releases must be reviewed by the Chief of Police or Lieutenant prior to being sent out to press agencies. In the case of a major incident where press releases need to go out immediately the officer may contact the Chief or Lieutenant at any hour for approval.

XV. Property Forms – All property will have an accompanying property form that has been filled out in accordance with the General Order applying to Property and Evidence.

XVI. Arrest Reports – Any time an arrest is made, when a person is taken into custody, an arrest report will be completed.

XVII. Application for Statement of Charges – This document will be prepared when an on-view arrest is not made and the officer is charging a suspect with criminal charges.

XVIII. Statement of Charges – This document will be prepared when an officer makes an on-view arrest is made.

XIX. Statement of Probable Cause – This document will be prepared when an officer makes an on-view arrest is made. This document will accompany the Statement of Charges. The Statement of Probable Cause will include a brief, concise and complete statement of what occurred leading the officer to have probable cause to make an on-view arrest of the defendant.

XX. Witness Summons Request Forms – These forms will accompany cases that will be going to court in which witnesses are going to be required to testify. The State's Attorney's Office requires that the officer's summons the required witnesses for their cases. The forms will be then be placed in the case file to be sent to the State's Attorney's Office.

XXI. Daily Performance Report (DPR)

- A. Each officer will complete a DPR at the end of his/her shift.
- B. The DPR will include each incident and/or police activity that the officer responded to during his/her shift.
- C. The DPR will include all foot patrol hours, bike patrol hours, court time, meetings, and any other patrol activities that the officer accomplished.
- D. The DPR will show the vehicle used, the total mileage that was put on the vehicle used, and any repairs needed.
- E. The DPR will indicate the amount of traffic enforcement paperwork that was issued during the officer's shift.

XXII. Monthly Performance Report (MPR)

- A. Each officer will complete a monthly performance report. This MPR will be completed and turned in on the last day that the officer works of the month.
- B. The MPR will be a compilation of all the DPR information for the month.

The above reports are not intended to be all inclusive of the documentation, records and reports of the St. Michaels Police Department, but an overview. All personnel shall be familiar with the department's current documentation, records, reports, briefing information, orders, directives and procedures dealing with the aforementioned at all times.

St. Michaels Police Department
General Order 06-002
Diplomatic Immunity

I. Purpose

The purpose of this policy is to comply with federal laws regulating diplomatic immunity through the delivery of fair and impartial police services by establishing procedures for dealing with diplomatic immunity.

II. Policy

It is imperative that officers perform excellent investigations, maintain good records, and report the appropriate facts to the State Department. This allows the state Department to exercise the tools it has to remove individuals from the U.S. Who are engaged in criminal activity or to revoke the driving privileges from individuals who repeatedly violate the traffic code.

III. Procedures

A. Claims of Diplomatic Immunity:

1. When proper identification is shown and status is verified, officers will fully respect the immunity.
2. If a person claims immunity and cannot show proper identification during an incident that would normally require arrest or detention, or an officer believes that an invalid identification is being presented, the officer shall inform the person that he/she will be detained until proper identity can be confirmed.
 - a. The officer may then contact the Command Center of the Bureau of Diplomatic Security, Department of State, at 202-647-7277, or 571-345-3146, or 1-866-217-2089, 24 hrs./day.

B. Full Criminal Immunity:

1. Full criminal immunity is more than immunity from prosecution. It means that the residence, vehicles, papers, and correspondence of an individual with this immunity classification cannot be searched, the person cannot be detained or arrested, and is not required to give evidence as a witness.
2. The following individuals are entitled to full criminal immunity:
 - a. Diplomatic agents
 - i. Head of Mission (Ambassador or Charge d'affaires)

- b. Diplomatic Staff of Mission
 - i. Members of the Delegation of the Commission for the European Communities
 - ii. Permanent Representatives and Senior Staff of Missions to the Organization of American States and United Nations
 - iii. Senior Officials of the United Nations Secretariat
- c. Administrative and Technical Staff
 - i. Administrative Officers/Assistants
 - ii. Security Officers
 - iii. Purchasing Agents
 - iv. Budget and Fiscal Technicians
 - v. Archivists
 - vi. Cryptographers
 - vii. Receptionists/Secretaries
 - viii. Stenographers/Typists
 - ix. Clerks
 - x. Couriers/Messengers
 - xi. Guards
- d. Families of Diplomatic Agents, Staff of Mission, Administrative and Technical Staff
 - i. Spouses
 - ii. Dependent children until the age 21 or age 23 if full time students at an institution of higher learning.

C. Limited Criminal Immunity:

- 1. Service Staff members have limited criminal immunity. They can be detained, arrested, and prosecuted for criminal acts. Service staff can be required to give evidence as witnesses and their persons and effects can be searched.
- 2. The following individuals are entitled limited criminal immunity:
 - a. Service Staff members have limited immunity only for acts in the course of their duties. (Court decides if acts are in the course of their duties)
 - i. Chauffeurs/Drivers
 - ii. Servants in missions
 - iii. Employees performing domestic duties in missions
 - b. Families of service staff do **not** have immunity.

D. Traffic Violations & Driving Under the Influence:

1. Officers may issue drivers having diplomatic immunity an appropriate citation or warning for **any** moving violation.
 - a. The issuance of a traffic citation does not constitute an arrest or detention.
 - b. Diplomats are **not** required to sign the citation and cannot be cited or arrested for the refusal to sign.
 - c. Officers will notify their supervisor of the issuance of a citation(s) and the refusal to sign.
 - d. A supervisor's presence at the scene is not required.
2. If an officer has probable cause to believe a person with full immunity is driving under the influence (DUI) the officer will:
 - a. Not allow the person to continue to operate the vehicle.
 - b. Issue traffic citation(s) for appropriate offenses. A Physical Arrest cannot be made.
 - c. Provide assistance in parking the vehicle. The vehicle shall not be towed.
 - d. Offer field sobriety tests and Continue with the appropriate procedures and paperwork, offering the Blood Alcohol Concentration (BAC) Tests. Diplomats are **not** required to take the tests.
 - e. Notify a supervisor.

E. Criminal Incidents:

1. Where public safety is in imminent danger or it is apparent that a serious crime has been committed, an officer may intervene to the extent necessary to halt the activity.
2. Immediately notify a supervisor.
3. Record all pertinent details and circumstances of the incident and information from the identification card(s).
4. Complete as thorough investigation as possible of the situation.

F. Supervisors will:

1. Respond to the scene of incidents of immunity which would have resulted in an arrest for any person without immunity.
2. Report serious incidents by telephone as soon as possible to the Command Center of the Bureau of Diplomatic Security, Department of State, at 202-647-7277, or 571-345-3146, or 1-866-217-2089, 24 hrs./day.
3. Fax a copy of all reports and related paperwork regarding all criminal incidents and traffic citations to the Department of State's Intelligence Division.

St. Michaels Police Department
General Order 06-003
Oleoresin Capsicum Use

I. Purpose

A situation may arise where it is necessary for an officer to use Oleoresin Capsicum (OC) for protection from imminent physical harm. The purpose of this order is to ensure that there is an understanding about OC and its imitations. These guidelines were developed to establish a basic model for OC use by the officers of the St. Michaels Police Department and in no way reflect an official policy by any trainer, manufacturer or the distributor.

II. Description

Oleoresin Capsicum (OC) is an organically based, less-than-lethal, aerosol weapon, designed to incapacitate most attackers instantly – with no after effects. OC instantly immobilizes a human or animal for up to 45 minutes, regardless of size or strength. The formulation is based on CAPSICUM, a powerful inflammatory agent that occurs naturally in cayenne peppers.

III. Effect

OC is an INFLAMMATORY agent that will cause mucous membranes to swell, producing an immediate closing of the eyes, uncontrollable coughing, gagging and gasping for breath. OC also produces sensations of intense burning of the skin. These physiological effects produce a more compliant subject who has lost much of his/her coordination and upper body motor control, thereby preventing any further aggressive behavior. Your subject can be restrained/controlled with minimal physical contact. This reduces the risk of injury for the officer and the person being restrained. OC produces no lasting aftereffects (beyond the time that it takes to recover). As with any use of force, if the subject requests medical treatment, they should be immediately seen by emergency services personnel.

IV. Procedures

- A. Officers shall be fully trained and certified in the use of OC prior to being permitted to carry or use OC.
- B. Officers shall be issued an OC canister that can be carried on the Officer's belt in the issued holster. Each canister shall be signed for and registered with the department.
- C. Each canister will be the responsibility of the individual officer to maintain in good condition and within his/her control while on or off-duty.
- D. Through certified training, officer will learn to evaluate circumstances where OC may be used when lesser use of force options have been exhausted and are ineffective. The use of OC shall be restricted to:

1. Circumstances authorized by law
2. Circumstances authorized by the operations and regulations manual of the St. Michaels Police Department
3. The level necessary to accomplish lawful control over a situation

V. Circumstances of Use

- A. The decision to utilize OC is at the officer's discretion under the following circumstances:
 1. When necessary to defend himself/herself or others against physical injury
 2. To effect an arrest in which the suspect is resisting
 3. To prevent the commission of a public criminal offense
 4. When lower levels of force are deemed ineffective
- B. OC produces, depending on the type of product, a coned shaped spray, a stream, a burst, or a splatter stream to incapacitate a person up to 10 feet away. The spray should be directed at the subject's face with a one-half second burst. Although the recommended minimal effective range is 4-6 feet, you may use OC spray up to a distance of 18 inches from the face of the aggressor.
- C. Wind and weathers conditions and type of delivery system are factors that should be considered prior to using any OC product.
- D. Anytime OC is used on another person, you are required to report the incident to your supervisor immediately. Then the user must document each incident on an "Use of Force Report" as soon as practical after the incident is over.
- E. Officers shall use only the amount of OC needed to control the situation. Subjects should not be allowed to take the advantage in a physical confrontation. Once the situation is under control and the subject has submitted to custody, the use of OC must be discontinued. It is the officer's responsibility to make every effort to relieve the subject's discomfort, after being exposed to OC by flushing the eyes and contaminated areas with fresh, clean water.
- F. If OC is used inside a building, Officers should make every reasonable attempt to warn bystanders from the area, prior to use.
- G. The improper use of force occurs when the type or degree of force employed was excessive, unnecessary, or unreasonable to the situation. The use of improper force will not be tolerated. Any violation of this policy shall be subject to disciplinary action. It will be the responsibility of supervisors to monitor the use of OC and take corrective action when this policy is violated.

VI. Training

- A. Officers shall be fully trained and certified in the use of OC prior to being permitted to carry or use OC.

B. Certification for Basic Course (Updated 02-2006)

1. Must complete the four (4) hour Basic Course and meet certification requirements
2. Pass all techniques on the proficiency examination
3. Written examination, 20 questions, 70% minimum passing score
4. Experience and observe the effects of OC spray
5. Recertification required every two (2) years

St. Michaels Police Department
General Order 06-004
Assisting on Emergency Fire and Medical Calls

I. Purpose

The St. Michaels Police Department prides itself on being a community oriented police department; providing its citizens with a full range of services. This type of policing includes assisting the St. Michaels Volunteer Fire Department and Emergency Medical Services Personnel with calls that occur within the Town limits of St. Michaels. The purpose of this General Order is to provide guidelines and procedures for the officers of this Department to follow, in order for the personnel from the several different agencies responding to a fire and/or medical call to be able to work side by side efficiently.

II. Policy

The St. Michaels Police Officers will respond to the emergency calls (Fire and Medical) that are dispatched to Station 40 (St. Michaels Volunteer Fire Department) within the corporate limits of the Town of St. Michaels. Officers will have to make determinations (using common sense, training, knowledge and experience) as to the priority that the fire and medical emergency calls have in comparison to any other calls that may be dispatched to the officers at the same time.

III. Procedures

A. When arriving on the scene of fire/medical assist calls officers:

1. Shall **Not** block the front of the scene with their vehicle (i.e. driveway, front of the house, business or street).
2. Shall **Not** pull in front of or behind any ambulances. This not only blocks the ambulances on the scene from exiting, but also blocks access to the rear doors of the ambulances by other medical personnel or other ambulances.
3. Shall **Not** park in front of or near any fire hydrants.
4. Shall make sure that plenty of room is left for other emergency fire and medical vehicles to arrive on the scene, even in the event that it is a medical call. On many medical calls the paramedics call for medical assists and fire equipment is called to the scene.
5. Shall **Not** block off any roadway and then leave their vehicle unattended. Other fire and medical vehicles may be arriving on the scene.

B. When responding to an emergency fire or medical assist call, officers shall maintain control of the scene until a member of the fire department or Talbot County Emergency Medical Services Team arrives on the scene. The officer on the scene **will** relinquish control of the

scene immediately upon a member of the fire or medical team taking control of the scene.

- C. The highest ranking officer from the St. Michaels Fire Department on the scene will be in charge of the fire or medical scene itself. The St. Michaels Police Department Officer **will** take direction from that Fire Department officer and assist as directed.
- D. The paramedic **from the on-scene ambulance** is in charge of the patient. Once that Talbot County/St. Michaels Paramedic Unit arrives on the scene they will take charge of the patient. No St. Michaels Police Department officer will attempt to take charge of the patient despite EMS/Paramedic training after Talbot County/St. Michaels Paramedic Units are on the scene.
- E. No St. Michaels Police Officer will attempt to direct fire department personnel on the scene of a fire/medical emergency contrary to the Fire Department's Scene Command Officer.
- F. The St. Michaels Police Officers are there to assist the Fire Department and EMS/Paramedic Officers. If the SMPD Officers cannot assist the personnel at the scene; the SMPD officers shall move to the perimeter of the scene and direct pedestrian or vehicular traffic away from the scene.
- G. SMPD Officers can assist greatly by gathering basic patient information on medical calls and traffic control for fire and collision scenes.
- H. When a scene is crime related, then the SMPD officer may take charge once the fire and/or medical issue is under control.
- I. The St. Michaels Police Department may have officers that are trained to fight fires and/or provide medical assistance to the broken and ill; however officers will only do so when they are first on the scene (and trained and properly equipped to do so) or are ordered to do so by the fire department's scene commander.

St. Michaels Police Department
General Order 06-005
Ride Along Program

I. Purpose

The St. Michaels Police Department's Ride Along Program allows citizens to voluntarily accompany officers and to observe law enforcement activities to better understand the problems of policing. Our program assists us in developing positive public relations and also provides education experiences for both officers and for citizens. The purpose of this general order is to provide procedures and guidelines under which citizens are permitted to participate in the departmental ride along program.

II. Policy

It is the policy of the St. Michaels Police Department to allow citizens to participate in a ride along program which allows them to accompany individual officers on patrol for observational or educational purposes. The participants of the ride along program may request to ride along at any time or with a particular officer, as long as it is convenient to the department and conditions permit. Safety of the non-law enforcement personnel shall be the primary concern.

III. General

- A. Ride Alongs include, but are not limited to, students, Town civilian employees, family members, consultants, dignitaries or any other person approved by the Chief or police administration.
- B. The Chief and Lieutenant may determine if Ride Alongs will be utilized with specialized units (K-9,etc.).
- C. The Chief and Lieutenant may limit the frequency of participation of any Ride Along in the program.
- D. The Lieutenant will maintain a file of all Ride Along Application Forms for a period of one year.

IV. Ride Along Request

- A. Persons wishing to ride with an officer shall pick up the ride along forms at the St. Michaels Police Department in person between the hours of 0830 and 1530 hours Monday through Friday (holidays excepted). Completed request forms and waivers must be returned at least 48 hours before the desired ride along date.
- B. The Chief or Lieutenant shall conduct a criminal records check on any applicant for ride alongs and they will determine whether permission shall be granted for the applicant to participate in

the ride along program.

- C. The Chief shall have final authority to approve or deny a Ride Along in the event questions arise over the criminal history of an applicant.

V. Eligibility Process:

The Ride Along applicant:

- A. Must be at least 16 years of age or older.
- B. May not have participated in a ride along with the St. Michaels Police Department in the past six (6) months.
- C. Must be willing to ride for a minimum of four (4) hours.
- D. Shall be of good character, not likely to endanger the safety of the public, officer or himself/herself.
- E. Shall be in good health. No one with a severe cold or other illness will be permitted to ride along.
- F. Shall be notified if the candidate does not clear the records check.
- G. Must have a parent or guardian sign the waiver form if the ride along applicant is a minor (under the age of 18), and the signature will be verified by contact with the parent prior to the ride along.

VI. Eligibility Exceptions:

- A. Police Officers that are Certified through the State of Maryland and the Maryland Police Training Commission are exempt from the criminal history records check and may conduct a ride along with officers without the 48 hour waiting period.
- B. The Chief of Police may exempt other persons from these procedures.

VII. Scheduling of Ride Alongs

- A. Only one ride along during a shift will be permitted.
- B. The Chief, Lieutenant or Patrol Supervisor have the option of canceling any ride along occurring due to emergencies, special circumstances such as special events, personnel shortages or terminating the ride along for any other valid reason. If at all feasible, twenty-four hour notice will be given for cancellation, however due to some circumstances, this is not always possible.
- C. High-School Intern Student Ride Alongs will not be conducted during summer vacations.

VIII. Ride Along Restrictions

- A. Proper attire is required, including, but not limited to, shoes and shirts. Tube tops, bare backs or midriffs; short skirts; shorts and teeshirts with slogans, logos or writing are not permitted. Supervisors (and officers) may cancel a Ride Along for inappropriate attire. Ride alongs will **NOT** wear any clothing that would create a perception that he/she is a law enforcement employee. This will include baseball caps with law enforcement officials' logos, shirts with law enforcement officials' logos or writing, flashlights, and/or other equipment, etc.
- B. Participants are prohibited from carrying or possessing weapons of any kind. This includes off-duty officers from outside jurisdictions, however does not apply to officers from other agencies working an assignment in conjunction with our department.
- C. Participants must be picked up and dropped off at the police department.
- D. Participants may not leave the vehicle and accompany officers on calls for service.
- E. Participants may not handle or operate any police property or evidence or speak to victims or prisoners.
- F. Participants may request to terminate their ride along at any time.
- G. Officers dispatched to a dangerous call for service will immediately find a safe and secure location, drop off the participant and through Talbot Center, make arrangement to have the participant picked up.
- H. Officers shall not engage in vehicular pursuits or initiate any actions, which would jeopardize the safety of the participant.
- I. Prisoners will no be transported in the police car with a ride along participant.
- J. No more than one ride along participant shall ride in the vehicle with an officer at a time.
- K. The participant shall ride in the front passenger seat and shall wear their safety belt.
- L. Participants shall not in any way interfere with an officer's investigation of any situation.
- M. Officers have the right to terminate any ride along for inappropriate behavior. The officer will immediately notify their supervisor of the incident.
- N. At the end of the ride, the participant is to complete a critique on the ride along and submit it to the lieutenant.
- O. **No ride along shall be allowed to observe any activities relating to the planning of, activities relating to, or de-briefing from any type of raid or search warrant.** No participants shall ride with plain-clothes officers.

- P. Ride alongs shall at all times remain under the complete control of the assigned officer and shall comply with all directions and requests.

IX. Beginning Tour

- A. If no specific officer is requested by name, the supervisor will appoint an officer to host the ride along.
- B. When an officer is assigned a ride along, the officer shall introduce himself/herself to the participant.
- C. Before the ride, the participant will be provided with another copy of the Ride Along Program Guidelines (the participant should have received these with the initial paperwork), and the Ride Along Critique. The officer shall request that the participant fill out the critique at the end of the ride along and turn it in.
- D. The officer should have the Ride Along Waiver and Release and the Officer's Evaluation of Participant. These will be filled out after the ride along and submitted along with the participant's critique to the lieutenant.
- E. The participant shall be appropriately dressed; if not, the ride along approval may be canceled.
- F. The officer shall instruct the ride along on the following:
 - 1. The participant must follow the directions of the officer at all times
 - 2. The participant may be required to appear in court as a witness
 - 3. The participant may end the ride along whenever he/she wishes
 - 4. Review the rules of the Ride Along program
- G. The officer shall note whether there is any smell of alcoholic beverages, marijuana, etc., on the breath and person of the ride along participant or if the person appears intoxicated. If he or she is, the ride will be terminated.

X. Officer's Duties During a Ride Along

- A. The officer shall introduce the ride along participant to any other officers working on the shift.
- B. If time permits, the officer should explain the emergency equipment in the vehicle and the purpose it serves.
- C. When entering the patrol vehicle the officer shall stress the use of the seat belt and that it must be worn when the car is in motion.
- D. The officer will explain to the participant that the officer is not just riding around, but the officer is on patrol and what the function of patrol is.

- E. The officer will point out the areas, trouble spots and hazards that the St. Michaels Police Department deals with.
- F. If the officer and participant are involved in a vehicle collision, normal departmental procedures shall be followed on notifications. If the participant is injured, an ambulance will be contacted. The officer shall get a written statement from the participant on what was observed about the collision and what the participant believes was the cause of the collision.
- G. When the ride along is completed, the officer will complete the Officer's Evaluation of Participant and place it with all the other ride along paper work in the lieutenant's box.

RIDE-ALONG APPLICATION

Name: _____
Last First Middle

Address: _____

Phone: (H) _____ (W) _____

Sex: _____ Date of Birth: _____ SSN: _____

Have you ever been convicted of a crime? Yes: _____ No: _____

Do you have any medical conditions that we should be aware of? Yes: _____ No: _____

Explain: _____

Emergency Contact: Name _____ Phone _____

Have you ever participated in a Ride-Along with this or any other Law Enforcement Agency? Yes _____ No _____

Agency Name: _____ Dates: _____

Reason for Ride-Along request: _____

Give three dates and the time of date you wish to ride. Allow at least three weeks for approval and notification. Dates and times requested cannot be guaranteed:

1. _____ 2. _____ 3. _____

I, THE UNDERSIGNED, HAVE READ THE RIDE-ALONG GUIDELINES PROVIDED TO ME AND FULLY UNDERSTAND THE RULES AS STATED. I AGREE TO ABIDE BY THESE POLICIES AND TO HAVE MY RIDE TERMINATED AT ANY TIME SHOULD I VIOLATE THEM. I ALSO HEREBY AUTHORIZE **The St. Michaels Police Department** AND/OR ITS AGENTS TO CONDUCT A CRIMINAL HISTORY CHECK OF MY BACKGROUND TO DETERMINE MY SUITABILITY IN THE RIDE-ALONG PROGRAM.

Applicant Signature

If under 18, Parent/Guardian Signature

For Police Department Use Only:

Background check completed by: _____ ID# _____ Date _____

Criminal History Attached? Yes _____ No _____ Driving Record Attached? Yes _____ No _____

Lieutenant's Signature: _____ ID# _____ Date _____

Chief's Signature: _____ ID# _____ Date _____

Ride-Along Waiver and Release

In consideration of being permitted to participate in ride-along activities in St. Michaels Police Department vehicles and possibly on foot patrol, I _____ hereby understand and agree that:

- I acknowledge that I have been advised of the risks associated with accompanying a police officer on patrol and that I freely and voluntarily assume the risks associated with those activities.
- I recognize the risks inherent in police ride-along activities and am participating in these activities upon the express agreement and understanding that I agree to waive and release the Town of St. Michaels, its elected public officials, officers, directors, employees and agents from any claims, costs, liabilities, expenses or judgments, including attorneys' fees and court costs arising out of my participation in ride-along activity or any injury or death resulting from these activities, and hereby agree to indemnify and hold harmless from liability the Town of St. Michaels from and against all claims.
- I hereby execute and deliver this waiver and release voluntarily and with full understanding of the contents and consequences of this agreement.

Witness

Participant

Date

Address

Departmental Approval

(To be completed by officer)

Date of Ride-Along: _____

Name of Officer: _____

Shift: _____

Incidents During Ride-Along: Yes: _____ No: _____

Describe Type of Incident on Back of this Sheet and Attach Report

RIDE-ALONG CRITIQUE

To: Administrative Division/Lieutenant

From: _____
Last Name First Middle DOB

Date of Ride Along: _____ Time: _____ to _____

Rode with: _____

What did you like most about the ride along? _____

What did you like least about the ride along? _____

Describe the events that you observed during your ride along: _____

How may we improve our program? _____

Additional Comments: _____

Signature

Date

**OFFICER'S EVALUATION OF
PARTICIPANT IN RIDE-ALONG PROGRAM**

To: Administrative Division/Lieutenant

From: _____

Evaluation of: _____

Date of Ride-Along: _____

My impressions of this person and his/her conduct during the Ride-Along are as follows:

Officer ID#

Patrol Supervisor ID#

Lieutenant ID#

RIDE ALONG PROGRAM GUIDELINES

The following guidelines have been established to make the program both safe and rewarding for all:

- Participants shall not discuss or release any confidential information or facts about ongoing criminal investigations that they may have obtained as a part of the program with anyone outside the agency. Release of juvenile names or information is strictly prohibited.
- Participants must be at least 16 years of age.
- Proper attire is required, including shoes and shirts. Tube tops, bare backs or midriffs and short skirts/shorts are not permitted. Supervisors may cancel a ride for inappropriate attire.
- All rides will be confirmed by the Lieutenant or Chief. Do not report for a ride if the date and time have not been verified.
- Participants are prohibited from carrying or possessing weapons of any kind.
- Participants must be picked up and dropped off at the police department.
- Participants must report to the St. Michaels Police Department fifteen (15) minutes prior to their ride along time.
- Participants may not leave the vehicle and accompany the officer on any calls for service.
- Participants may not handle or operate any police property or evidence, or speak to victims or prisoners, except in an emergency.
- Participants may request to terminate their ride at any time.
- Officers dispatched to a dangerous call for service will immediately find a safe and secure location, drop off the participant and have Talbot Center make arrangements to have the participant picked up.
- Officers shall not engage in vehicular pursuits or initiate any actions which will jeopardize the safety of the participant.
- Prisoners will not be transported in the police car with a participant.
- Only one participant may ride in a police vehicle at a time. Participants shall ride in the front passenger seat and shall wear their safety belt.
- Participants shall not in any way interfere with an officer's investigation of any situation. They are encouraged to ask questions concerning an incident after the officer has cleared the scene.
- Officers have a right to return a participant to the Department and terminate the ride along for inappropriate behavior.
- Participants may be called to testify in court as a witness for any events they observe.
- Participants are encouraged to discuss their observation and any unanswered questions with the shift supervisor at the conclusion of their ride along, or in writing to the Lieutenant.
- The Chief, Lieutenant or shift supervisors have the option of canceling the Ride Alongs due to emergencies or special circumstances such as special events or personnel shortages. They may also terminate the session for any other valid reason. Twenty-four (24) hours notice will be given if feasible.
- At the end of the ride, the participant will be required to complete a critique on the program and place it in the Lieutenant's mailbox.

St. Michaels Police Department
General Order 06-006
Off-Duty or Secondary Employment

I. Purpose

On December 3rd, 2001, the Maryland Court of Appeals released the court's opinion in the *Lovelace v. Anderson*, 366 Md. 690 (2001), a case concerning police secondary employment liability. The court announced two major legal precepts in this opinion. The first concerns the availability of the public official immunity to off-duty police officers providing security services for private employers. The court said, “[a] person, including an off-duty public official, who negligently injures someone while acting in the scope of his or her employment for a private employer, is not entitled to public official immunity.” The second, the court concluded that an employee's status as a police officer is not the determining factor of who that person is actually working for at the time of an incident, or whether the conduct in question was within the scope of that employment. This statement essentially states that even though an off-duty officer may exercise what may be traditional police powers while employed by a private employer, that officer's status does not automatically revert to that of a police officer.

As a result of *Lovelace*, there is a potential for off-duty officers working in secondary employment to be deemed employees solely of their private employers. This potentially creates liability, insurance and workman's compensation coverage issues that must be addressed. The purpose of this policy is to ensure a consistent method that employees shall use to seek approval for any and all secondary employment. The procedures serve as a tool to assist management in the approval or denial of secondary employment requests.

II. Policy

Employees may accept employment in addition to their employment with the St. Michaels Police Department upon satisfying the requirements set forth in this policy. The employment responsibilities to the Town of St. Michaels are primary for any employee working full time. Any other employment in which that person engages is secondary and shall not have an adverse effect on the primary employment or create a conflict of interest.

III. Definitions

- A. Overtime – means work for the St. Michaels Police Department in excess of the 171 hours in an FLSA 28-day work period that encompasses four consecutive weekly pay periods; for such instances as the extension of shifts caused by manpower shortages, crises caused by the weather, or public safety emergencies, etc.
- B. Extra-Duty Secondary Employment – means **overtime** when sworn employee work under the auspices of St. Michaels Police Department performing such tasks as security for St. Michaels School Functions, and other reimbursable overtime projects when compensation for working is paid through the Town of St. Michaels.

- C. Off-Duty Secondary Employment – means the rendering of any service or the sale of anything for pay or remuneration from any source other than the St. Michaels Police Department, or participation in any activity for which such payment or remuneration is received.
 - 1. This includes entrance and/or reenlistment into the military reserve components as well as any form of self-employment.
 - 2. Generally, this does not include engaging in investments in real property or securities, or sales on isolated occasions of the employee's home, car or other personal property.

IV. Provisions

- A. Secondary employment shall not be permitted when it may reasonably be expected that such employment would:
 - 1. Impair in any way the employee's ability to perform all required duties and responsibilities or any other duties and responsibilities as assigned.
 - 2. Impair in any way the employee's ability to make decisions and/or carry out the responsibilities of the employee's position in an objective fashion.
 - 3. Result either directly or indirectly in a conflict of interest with the employee's primary (St. Michaels Police Department) employment. The term “conflict of interest” shall include, but is not limited to, those situations where the secondary employment would compromise the position of the employee or the Department with respect to firms or individuals doing business or desiring to do business with the Department, or those situations in which the employment could possibly impair the independence of judgment of an employee in the performance of his/her duties or employment with the St. Michaels Police Department.
- B. All off-duty secondary employment/extra duty overtime hours must be scheduled in a manner that does not conflict or interfere with the employee's performance of duty.
- C. An employee engaged in off-duty secondary employment/extra duty overtime is subject to call out in case of an emergency, and should expect to leave off-duty secondary employment/extra duty overtime in such situations.
- D. Sworn employees will report to duty fully rested and alert, capable of performing the essential functions of a law enforcement officer and other duties as assigned.
- E. Only 40 hours of total off-duty secondary employment will be permitted during any seven day period, unless otherwise approved by the Chief of Police.

V. Prohibited Employment

- A. An employee may not be employed by an entity that is subject to the employee's authority or

that of the St. Michaels Police Department. While law enforcement authority is broad and more or less universally applicable in many situations, the prohibition applies specifically to officers whose efforts are directed particularly at a defined population. (e.g. An officer who had been trained in Commercial Vehicle Enforcement would be prohibited from employment with a trucking company driving a commercial vehicle).

- B. No employee shall directly or indirectly maintain any financial interest or ownership in any business dealing with the manufacture, transportation or sale of alcoholic beverages.
- C. No employee shall directly or indirectly maintain any financial interest, ownership or act as an employee or agent for any commercial business establishment engaged in legalized gambling operations (e.g. Bingo, slots, racetracks, etc.).
- D. No employee may maintain any financial interest, ownership or act as an employee or agent for any commercial business, establishment or engage in any type of secondary employment that may, because of its location or nature, bring disfavor, disrespect, or discredit to either the employee, the St. Michaels Police Department or the Town of St. Michaels.
- E. St. Michaels Police Department Employees are further prohibited from providing security, protection, escorts, or any like activities in an off-duty secondary employment capacity, while a strike, labor unrest, contract dispute, work slow down, or any such activity exists or is pending.

The Chief of Police will:

1. immediately rescind approval from any employees who were granted prior approval to work for such a company. The employees will be notified by telephone to immediately cease off-duty secondary employment and will acknowledge receipt of that order via a detailed report to the Chief upon the employee's next scheduled work day.
2. place in the employee's secondary employment information the change of secondary employment status.

VI. Procedures

A. Authorization for Off-Duty Secondary Employment

1. All St. Michaels Police Department Employees will have written authorization from the Department before engaging in any off-duty secondary employment.
2. Employees who wish to engage in Off-Duty Secondary Employment will complete a *Request to Engage in Secondary Employment Form*. An original and two copies will be submitted to the Chief of Police.
3. All requests for secondary employment will be examined on an individual basis to insure that no actual or potential conflict exists within these guidelines.
4. An employee planning to undertake secondary employment shall disclose all facts concerning such employment, including but not limited to, the name of the employer's business, the type of work to be performed by the employee, the proposed work schedule, and a stipulation that the employee will not be allowed to leave the primary (SMPD) job

- during working hours for the performance of any secondary work.
5. Upon receipt of the request the Chief of Police and Lieutenant will:
 - a. Research all such requests for off-duty secondary employment
 - b. Personally contact the proposed off-duty secondary employer by site visit or telephone
 - c. Determine, through reasonable and prudent investigative means, whether the proposed off-duty secondary employer is in the midst of or has the potential for becoming involved in a labor dispute
 - d. Deny all requests for off-duty secondary employment when any of the prohibited employment conditions exist.
 - e. Confirm all secondary employer's background information in reference to the employer's:
 - i. Name
 - ii. Address
 - iii. telephone number
 - iv. officer's supervisor should secondary employment be approved
 - v. location of secondary employment
 - vi. description of officer's duties during secondary employment
 - vii. duration of secondary employment and approximate hours to be worked
 - viii. equipment to be utilized
 - f. Advise Officer and Secondary Employer that the Employer will be required to furnish a Certificate of Insurance for the officer as well as all pertinent liability information.
 - g. If the Chief of Police and/or Lieutenant determines that a conflict exists, the employee will be advised of the possibility of that conflict and, if circumstances permit, certain conditions may be placed on the approval of the secondary employment .
 - h. Request approved by the Chief of Police will be distributed as follows (pending all signatures and appropriate documentation):
 - i. The original will be placed in the employee's personnel file
 - ii. One copy will be returned to the employee
 - iii. One copy will be sent to the secondary employer
 - i. Denied requests will be placed in the employee's personnel file with a copy going to the employee.
 6. The secondary employer will be required to fill out and sign with a notary public a Secondary employment agreement. This agreement will cover liability, insurance, and workers' compensation, etc. In addition the employer will understand that the St. Michaels Police Department shall not be liable for any injury, damage, or civil action that may occur while the employee is performing any Secondary Employment related duties. The employee will not receive Worker's Compensation through the Department for any such related injuries. It is further understood that the Department will not compensate any employee for court appearances as a result of Secondary Employment.
 7. Liability – An injury or illness arising from off-duty secondary employment is not compensable by St. Michaels and employees have only personal or job insurance and sick and vacation leave on which to rely for income while ill or injured. Serious illness or

injury might result in being disqualified to resume employment with the St. Michaels Police Department.

8. Revocation – the Chief of Police may revoke official authorization for an employee to work secondary employment if such employment conflicts with the officer's official duties or constitutes a conflict of interest.
 - a. The Chief will indicate the revocation of secondary employment on the original approval request in the officer's personnel file.
 - b. The officer will sign the form indicating he/she was informed of the revocation.
 - c. A copy of the form will be given to the officer.

B. Light Duty and Secondary Employment

1. When an employee is placed on light duty, any new requests and existing approvals for secondary employment will be reviewed by the Chief of Police and Lieutenant.
2. The Chief of Police and Lieutenant will determine whether the employee may continue or start any secondary employment with consideration to the reasons the employee was placed on light duty and the restrictions that employee is on.
3. Upon the decision the Chief will notify the employee of the approval or denial of the request for secondary employment or continued secondary employment.
4. **Employees will not be permitted to engage in secondary employment while on sick leave.**

C. Conditions for Off-Duty Secondary Employment

1. Officers may work as private detectives or security guards as long as these positions do not become a conflict of interest or compromise any actions or investigations involving the Department.
2. Officers may do investigative work for insurance agencies, collections agencies, attorneys, bail bond agencies, or any private employer employing security guards as long as this employment does not:
 - a. compromise any actions or investigations involving the Department.
 - b. Become a conflict of interest, or
 - c. involve the use of any Department records, documents, files, computer access, MILES/NCIC, MVA access or any other programs or paperwork.
3. Off-Duty Secondary Employment may be approved for police employees to work in businesses which sell and dispense alcoholic beverages so long as it is not the primary service of that business. Police employees are prohibited from either the direct selling or dispensing of alcoholic beverages.
4. Off-duty secondary employment that would involve the service of civil processes may be approved, as well as employment that involves driving a taxicab or other public vehicle.
5. Employees may be permitted to work at gasoline stations and garages that are licensed as authorized inspection stations, providing that the employee is in no way involved in the actual inspection process.
6. Employees will not be permitted to engage in off-duty secondary employment if that secondary employment will impair their ability to perform law enforcement duties.

- a. Approval shall not be given for employment that will interfere with the performance of an officer's official duties, including overtime assignments and response to emergency calls.
 - b. The Chief of Police and Lieutenant may deny requests to engage in Off-duty secondary employment to employees who do not, *at least*, receive an "acceptable" or "meets expectations" in all areas of the Employee Performance Evaluations, as judged by their supervisor, Lieutenant and Chief of Police.
 - c. If during a current appraisal period an employee, in the judgment of the employee's supervisor, the Lieutenant, or the Chief of Police, is failing performance expectations in any performance appraisal category, the Chief of Police may Suspend the employee's secondary employment for 30 days (60 days for employees who work 12 hour shifts). At the end of the 30/60 days and each subsequent month during the appraisal period, the supervisor, the Lieutenant and Chief of Police will re-evaluate the employee's performance. When, in the judgment of the employee's supervisor, Lieutenant and Chief of Police, the employee, at least meets expectations in all performance factors, the Chief of Police will reinstate the employee's secondary employment status.
7. Except when specifically authorized by the Chief of Police (or in his/her absence, the Chief's designee), uniforms, or parts of the uniform and equipment(excluding issued sidearm and bodyarmor) will not be used by any employee while engaged in off-duty secondary employment.

VII. Crimes Witnessed by Officers While Engaged in Off-Duty Secondary Employment

- A. If, during the course of off-duty secondary employment, an officer finds it necessary to act in an official capacity, police functions shall be given priority.
- B. Any minor violations witnessed while an officer is working off-duty secondary employment as a security guard (example: Shoplifting) will be handled in the capacity of a security guard, and St. Michaels Police Department employees will not identify themselves as law enforcement officers.
 1. The offender will be detained and the local police department will be called to effect the arrest.
 2. Any court appearances stemming from these incidents will be on the trooper's off-duty time and any compensation received for that time will be paid by the private employer.
 3. The Lieutenant will make every effort, consistent with manpower requirements, to schedule time for their court commitments.
- C. If a felony crimes is witnessed while an officer is working as a security guard, appropriate enforcement action will be taken, following all guidelines in this operations and regulations manual.
 1. St. Michaels Police Officers who take such enforcement action will be compensated for any court time resulting from the incident.

VIII. Termination of Off-Duty Secondary Employment

- A. When an employee terminates his off-duty secondary employment, he/she should immediately notify the Chief of Police in writing of that termination.
- B. The Chief will place a copy of the termination in the employee's file and give a copy to the employee.

IX.

X. Military Reserve and National Guard Components

- A. Department policy permits employees to be members of the military reserve and national guard components.
- B. The following information is provided simply to avoid confusion concerning the Veterans' Reemployment Rights Statute and areas of possible conflict involving St. Michaels Police Department work schedules, manpower commitments, inactive duty training schedules and/or annual training requirements.
- C. The established policy of the Maryland National Guard concerning members of a law enforcement agency are as follows:

“In the event of a State emergency which would constitute a simultaneous and concurrent demand for the services of the individual by both the Maryland National Guard and the law enforcement agency, it shall be the policy of the Military Department not to initially order into the active service of the State, those law enforcement officers of the Maryland State Police or those who are members of the law enforcement agency of the jurisdiction where the emergency has occurred. Law enforcement officers of the Maryland State Police and the jurisdiction concerned may subsequently be ordered into the active service of the State only after coordination with the law enforcement agency concerned or upon specific order of the Governor.”

- D. Other points affecting the Department's policy regarding employee membership in a reserve or guard component are as follows:
 - 1. The department has the following rights:
 - a. To know the employee's military training schedules as far in advance as possible.
 - b. To receive the necessary paperwork (such as orders) verifying the military duties for which absences from work are requested. If possible, paperwork should be received by the department prior to the time being requested.
 - 2. Department employees who are in a component have the following rights:
 - a. To be released from their jobs, on request, to attend military training.
 - b. To receive other forms of leave in addition to military leave (15 days annually), if needed, after military leave has been exhausted.
 - c. To receive their positions back when training is complete, and be treated the same as if they had never been away from the agency.

3. Under Federal law, the Department must fulfill the following obligations:
 - a. To allow the employee the necessary time off for training.
 - b. To take the employee back when the military duties are completed.
 - c. To not terminate, demote, or deny promotion or benefits to employees because of their membership in a component.

4. An employee in a reserve component has the following obligations to the Department:
 - a. To meet the existing Department regulations for off-duty secondary employment.
 - b. To request time off as far in advance as possible. An employee cannot simply fail to show up for duty, using the excuse that he was required to attend military training.
 - c. To provide a copy of proper military orders, which authorize the training concerned, to include the specific beginning and ending dates.
 - d. To report back to work on the next scheduled workday (shift) after drill or annual training.
 - e. To consider the Department needs, primarily manpower. Voluntary duty should be discussed between the individual and his supervisor, the Lieutenant and the Chief of Police prior to requesting same, in order to gauge the impact the request would have on the department's manpower demands.

5. In order to promote uniformity withing the overall operation of the department with respect to interaction with the component, the following guidelines are hereby established. They are not intended to be all encompassing in nature. Good judgment and common sense should prevail in matters of conflict or misunderstanding between the parties involved or affected.
 - a. Each year during the month of January, the lieutenant and Chief of Police will survey their assigned personnel in order to identify employees who are currently active members of a military reserve or national guard unit.
 - b. Personnel so identified will provide to the Chief of Police the following information:
 - i. Last name, middle, first
 - ii. Social Security Number
 - iii. Job Classification Title
 - iv. Reserve/Guard unit identification
 - v. Approximate dates of projected military service for the upcoming year
 - c. This information will be provided to the Chief prior to February 1st.
 - d. Employees may be granted up to fifteen (15) days per year of paid military leave for military training.
 - e. If an employee exhausts his/her military leave and requires additional leave for military training, other options may be considered by the department and Town of St. Michaels after consideration of staffing needs and overtime costs. These include:
 - i. Granting accumulated annual or compensatory leave.

- ii. Granting leave of absence without pay after authorization is obtained per established Town of St. Michaels policy.
 - iii. Modifying the employee's work schedule so that leave days coincide with scheduled military training times.
- f. In those instances where the Department commitments conflict with military training, the employee should contact the military component and ask to make up the training at another time. If the military component refuses to allow this, the employee will be given leave to attend the training.
- g. Shift squads should be designed to avoid having more than one employee with military commitments on each squad.
- h. Any adjustments to leave should generally be at the expense of the concerned individual.
- i. Employees requesting military leave for annual training will initiate a Request for Leave Slip which will contain the following information in the narrative portion:
 - i. Name, rank or classification, and ID number and SS#
 - ii. Assignment
 - iii. Dates of training, as shown on the military orders
- j. The Leave Request and copy of military orders should be submitted to the Chief of Police, who may approve the request and issue the appropriate personnel order to the Lieutenant.
- k. If the military Orders are not available at the time of the request, the request shall still be forwarded immediately to the Chief of Police. The military orders must then follow the request as soon as they are received by the employee.
- l. Generally, the Lieutenant and Chief of Police should attempt to coordinate their manpower needs with military authorities so that no more than two individuals in the department are required to attend annual training during the same time period.
- m. To minimize the impact on manpower needs, annual leave shall not be taken consecutively with military leave.

St. Michaels Police Department
General Order 06-007
Evidence and Property Procedures

I. PURPOSE

The purpose of this policy is to establish guidelines for maintaining the integrity of the evidentiary chain of custody.

II. POLICY

It is the policy of the St. Michaels Police Department to ensure that evidence in its custody can be properly secured and stored, readily retrieved, and that any changes in its custody have been properly and fully documented.

III. Crime Scene / Evidence Collection

- A. Any officer of this department responding to a crime scene shall secure and preserve the scene as quickly and safely as possible. Dependent on the nature of the scene, officers shall make use of additional resources including but not limited to; the use of additional officers, barricades, barrier tapes or ropes, and signs to preserve the integrity of the crime scene and all potential evidence.
- B. Based on the nature of the scene, officers shall use an expert evidence technician or a specially trained evidence recovery team when considering the seriousness of the crime, complexity of the scene and the type of evidence to be collected.
- C. If resources are not available or the officer so chooses to process the scene, officers of this department can make use of the following collection guidelines located in the department.

IV. Procedures

A. Processing Evidence / Property

- 1. Any officer of this department who has evidence to be placed in the property room shall note all evidence into the property log and make an inventory of the evidence at the location it was found or recovered. The inventory shall be witnessed and confirmed by a supervisor if available and documented on a property sheet.
- 2. The seizing officer shall properly handle, mark, and package all evidence, and transport all physical evidence to the proper storage facility as soon as practical.
- 3. Once evidence is placed in any Department storage facility, it should immediately be

secured and accessible from that point only by property room personnel.

4. Processing Laboratory Examination Requests– CDS evidence shall be weighed (witnessed) prior to packaging and the weight shall be listed on the property sheet. CDS shall be packaged in a laboratory approved heat sealed clear plastic bag. Items to be placed in the bag must be individually sealed and numbered. The bag shall be heat sealed on the open end allowing approximately one half inch above the seal to affix the appropriate paperwork. The bags size is not to be further altered. After the open end of the bag is sealed the seal shall be initialed by the submitting officer. An evidence ID information sticker shall be placed on the officers sealed side of the bag. The longer portion of the ID sticker shall be placed perpendicularly, approximately one inch below the officers seal. A Property Sheet and a MSP 67 (A) shall be attached to all CDS Laboratory Requests. The 67 (A) must be typed. Non-CDS items requesting examination must be accompanied by a property sheet and a MSP 67.
5. Money-Seized/Found is to be counted with a witness, and photo copied with the serial numbers documented for the case file. If the physical money is not needed for court or laboratory purposes, it will be placed in an account designed for such purpose.

B. Impounding Evidence

1. The Property Officer shall be responsible for receiving, storing, maintaining, releasing, and accounting for all evidence.
2. The Property Officer shall be responsible for developing and maintaining a master file of all evidence.
3. The Property Officer shall refuse any evidence or property that is improperly packaged.

C. Access to the Property Room

Only sworn officers of this department authorized by the Chief of Police shall enter the property room.

D. Inspections of the Property Room

1. On a monthly basis, the supervisor of the property officer may make an inspection of the evidence storage facilities and policies to ensure the adherence to appropriate policies and procedures.
2. Unannounced inspections of evidence storage areas may be conducted semiannually as directed by the departments Chief of Police.
3. An annual inventory of evidence held by the department may be conducted by a commanding officer (appointed by the Chief of Police) not routinely or directly connected with evidence control.

E. Recording Transfers of Custody

1. The Property Officer shall be responsible for the developing and maintaining a file that documents all changes in custody of physical evidence. The file shall be capable of readily identifying the individual or organization currently maintaining custody of all evidence/property.
2. A record of all transfers of physical evidence shall be made.
3. Members of this department who assume custody of evidence from the Property Room bear full responsibility for ensuring its security, proper storage, maintenance and for the ready retrieval of such evidence upon demand. All members who assume evidence from the property room must log the property out and upon its return, provide a copy of the updated chain of custody sheet to the Property Officer for the master file.

F. Disposal of Evidence

1. When no longer needed for evidentiary purposes, all evidence or found property (if not claimed in 90 days), with the exception of firearms and contraband, shall be returned to its lawful owner unless title to the evidence is transferred to the jurisdiction by court order or the lawful owner fails to claim the evidence. In such cases the department may, as permitted under state law:
 - a. Destroy it;
 - b. Dispose of it by public auction; or
 - c. Retain it for use by the jurisdiction.
2. Firearms and other non-drug contraband may be physically destroyed unless:
 - a. Court order authorizes use of the item by this agency; or
 - b. The firearm is required by state law to be returned to its lawful owner.
3. The Chief Executive Officer or his designee may designate an investigator to monitor the entire CDS destruction process and:
 - a. Prior to the scheduled date of destruction, select a random sample of the items designated for destruction.
 - b. Have these items quantitatively and qualitatively tested by the laboratory.
 - c. Compare these results with prior testing conducted by the laboratory. If no discrepancies are found, return the items to the property room.
 - d. If any discrepancies are found before the drugs are destroyed, the assigned investigator shall immediately notify the Internal Investigations Officer.
 - e. On the date of destruction, monitor the loading of the items to be destroyed,

accompany the items to the destruction site, and observe the destruction process.

- f. During the destruction process, select a random sample of items to be destroyed and have these items quantitatively and qualitatively tested by the laboratory.
- g. If no discrepancies are found, return the items to the property room for inclusion in the next planned destruction.
- h. If any discrepancies are found, the assigned investigator shall immediately notify the internal investigations officer.
- i. After the completion of the destruction process, submit a report to the Chief Executive Officer and the Internal Investigations Officer. This report shall include:
 - i. The date, time and location of the destruction;
 - ii. An inventory of the items destroyed;
 - iii. A list of those present at the destruction; and
 - iv. The results of the random tests (if any) made before the destruction.

St. Michaels Police Department
General Order 06-008
Telephone Communications Procedures

I. Purpose

The purpose of this general order is to establish guidelines for the official use of the St. Michaels Police Department telephones.

In addition, this order will provide controls for long-distance telephone calls and cellular telephone calls made by Department personnel.

II. Order

When making or receiving telephone calls, department personnel will conduct themselves in a professional and courteous manner. Personnel will not engage in disputes with subjects during telephone calls under any circumstances.

Employees will reimburse the Town for any costs associated with the personal use of department issued cellular telephones or for any personal long long distance telephone calls made from the department telephones.

Personnel will inform the Lieutenant and/or Chief of Police of any changes or additions to any departmentally issued cellular telephones, including telephone number changes.

III. Procedures

- A. The telephone is a basic link between persons in need of emergency assistance and the police, fire or medical personnel. St. Michaels Police Department personnel taking telephone calls shall answer the telephone both promptly and professionally.
- B. All calls received at the St. Michaels Police Department shall initially be handled as if the call is an emergency.
- C. The department personnel shall speak clearly and directly into the mouthpiece of the telephone, and whenever possible, all background noise should be eliminated so that there is no confusion or conflict with the reception of the caller's message.
- D. Whenever possible, calls should be terminated by the caller, and not the department personnel.
- E. All information given by the caller should be written down. In the event that the caller must be referred to another number/agency, that initial information should be maintained.
- F. Officers shall be polite and courteous to all callers at all times, regardless of the attitude,

problem or rude behavior of the caller.

- G. Officers shall ask *all* callers for their names, however, callers who insist on maintaining their anonymity shall be given the same courtesy and attention as others.
- H. If it is not possible for the officer to assist a caller due to the nature of the request, the officer shall make every effort to advise the caller how and where assistance can be obtained. If necessary, the officer may request a number to re-contact the person and provide them with appropriate information at a later time.
- I. The telephones at the department are for official use and personal calls will be held to a minimum. Personal long-distance calls are *not* to be made on the departmental telephones unless it is a dire emergency. In the event that an employee makes an emergency long-distance telephone call on departmental telephones, the employee will be required to reimburse the department for that call.
- J. Telephone calls for assistance which would require response to areas outside the jurisdiction of the department shall be referred to the appropriate department or agency. However, prior to this referral, the personnel answering the telephone will gather the following information:
 - 1. The nature of the incident
 - 2. Location of the incident
 - 3. The name and location of the caller
 - 4. A call-back number for the caller
 - 5. Description of any suspects, persons involved and their location
 - 6. Any weapons involved.

The department personnel then would have the caller contact the appropriate agency. The department personnel would also contact the appropriate agency and give them the above information (J1-J7).

- K. If an officer is assigned to respond to a call that has been received by telephone, that officer will immediately notify Talbot Center where they are responding to and what the call is in reference to. Talbot Center will assign a response code to all calls that an officer responds to. Talbot Center assigns response codes in accordance to the *National Academy of Emergency Police Dispatch* Police Protocol Dispatch System. The response codes are as follows:
 - 1. Omega – is for a referral or information only, no actual response necessary.
 - 2. Alpha – in a non-urgent request, not a potential to be life threatening – Single Officer, no emergency equipment, whenever the officer can get to the call.
 - 3. Bravo – has past history, has potential to be life threatening – Single Officer, no emergency equipment, when officer is available.
 - 4. Charlie – confirmed in progress, has potential to be life threatening - Preferably multiple officers – no emergency equipment, immediate response
 - 5. Delta – Is confirmed in progress, is life threatening – preferably multiple patrol

- officers – emergency equipment activated, ASAP, immediate response.
6. ECHO – Imminent Life Threat – Multiple Patrol Officers, Emergency response for all officers, ASAP, immediate response.

L. The following is an example of some, certainly not all, of the ECHO emergency calls that may be received:

1. 1st degree assault in progress
2. Burglary/home invasion in progress
3. Domestic Assault in progress with weapons
4. Officer needs assistance
5. Robbery in progress
6. Rape in progress
7. Suicide attempt in progress

M. Descriptions of Persons

When personnel takes a description of a person, whether it may be a suspect, missing person, or any other type of description, the personnel shall follow the below order in both writing the description and broadcasting the description. When one or more of the items are unavailable, the personnel may write or broadcast unknown for that particular item (e.g. Height-Unk, Color of Eyes – Unk), but will follow the same order.

1. Name
2. Race
3. Gender
4. Age and Date of Birth
5. Height
6. Weight
7. Color of Hair, length and style
8. Color of Eyes
9. Complexion
10. Clothing – Head to Toe
11. Marks, scars, distinguishing characteristics
12. Any other pertinent information

N. Description of Vehicles

When descriptive information of vehicles is being taken down and/or broadcast, it should be placed in the following order. If an item is missing, it may be skipped or addressed as unknown.

1. Color of vehicle
2. Year
3. Make
4. Model
5. License number and State of issue

6. Vehicle Identification Number (VIN)
 7. Any other descriptive information (damage, tinted windows, decals, etc.).
- O. Personnel receiving telephone calls for other department personnel shall take a written message of that telephone call to include:
1. Date of call
 2. Time of Call
 3. Callers Name
 4. Callers agency or company if applicable
 5. A contact telephone number for the caller
 6. Any message in reference to the call

St. Michaels Police Department
General Order 06-009
POLICY STATEMENT REGARDING EFFECTIVE COMMUNICATION
WITH PEOPLE WHO ARE DEAF OR HARD OF HEARING

OVERVIEW

It is the policy of this law enforcement agency (Agency) to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hard of hearing. This Agency has specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act. To carry out these policies and legal obligations, the Agency instructs its officers and employees as follows:

- People who identify themselves as deaf or hard of hearing are entitled to a level of service equivalent to that provided hearing persons.
- The Agency will make every effort to ensure that its officers and employees communicate effectively with people who have identified themselves as deaf or hard of hearing.
- Effective communication with a person who is deaf or hard of hearing involved in an incident – whether as a victim, witness, suspect, or arrestee – is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation.
- Various types of communication aids – known as “auxiliary aids and services” – are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; an exchange of written notes; use of a computer or typewriter; use of assisted listening devices (to amplify sound for persons who are hard of hearing); or use of qualified oral or sign language interpreters.
- The type of aid that will be required for effective communication will depend on the individual’s usual method of communication, and the nature, importance, and duration of the communication at issue.
- In many circumstances, oral communication supplemented by gestures and visual aids, an exchange of written notes, use of a computer or typewriter, or use of an assisted listening device may be effective. In other circumstances, qualified sign language or oral interpreters are needed to communicate effectively with persons who are deaf or hard of hearing. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication with a person whose primary means of communication is sign language or speech reading. For example:

- If there has been an incident and the officer is conducting witness interviews, a qualified sign language interpreter may be required to communicate effectively with someone whose primary means of communication is sign language.
- If a person is asking an officer for directions to a location, gestures and an exchange of written notes will likely be sufficient to communicate effectively and a sign language interpreter is often not required.
- To serve each individual effectively, primary consideration should be given to the communication aid or service that works best for that person. Officers must ask persons who are deaf or hard of hearing what type of auxiliary aid or service they need. Officers must defer to those expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing.
- The Agency is not required to provide a particular auxiliary aid or service if doing so would fundamentally alter the nature of the law enforcement activity in question, or if it would cause an undue administrative or financial burden. Only the Agency head or his or her designee may make this determination. For example:
 - If the Agency has limited financial resources and providing a particular auxiliary aid would cost a large sum of money, the Agency head may determine that it would be an undue financial burden (note: the Agency’s budget as a whole must be considered). In this situation, the most effective means of communication that does not involve an undue burden must be used.
- The input of people who are deaf or hard of hearing who are involved in incidents is just as important to the law enforcement process as the input of others. Officers must not draw conclusions about incidents unless they fully understand – and are understood by – all those involved, including persons who are deaf or hard of hearing.
- People who are deaf or hard of hearing must never be charged for the cost of an auxiliary aid or service needed for effective communication.

ON-CALL INTERPRETIVE SERVICES

- The Agency will maintain a list of sign language and oral interpreting services that are available (on-call 24 hours per day) and willing to provide qualified interpreters as needed. Each of these services will be chosen after having been screened for the quality and skill of its interpreters, its reliability, and other factors such as cost. The

Agency will update this list annually.

- A qualified sign language or oral interpreter is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to sign to the deaf individual (or interpret orally to the person who does not use sign language) what is being said by the hearing person and to voice to the hearing person what is being signed or said by the deaf individual. The interpreter must be able to interpret in the language the deaf person uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases. Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is deaf may not be qualified to render the necessary interpretation because of factors such as professional, emotional, or personal involvement, or considerations of confidentiality. Additionally, although a “qualified” interpreter may be certified, a certified interpreter is not necessarily “qualified,” if he or she is not a good communications match for the deaf person (e.g., where the deaf person uses Signed English and the interpreter uses American Sign Language) or the situation (e.g., where the interpreter is unfamiliar with law enforcement vocabulary). Certification is not required in order for an interpreter to be “qualified.”

TTY AND RELAY SERVICES

- In situations when a non-disabled person would have access to a telephone, officers must provide persons who are deaf or hard of hearing the opportunity to place calls using a text telephone (TTY, also known as a telecommunications device for deaf people, or TDD). Officers must also accept telephone calls placed by persons who are deaf or hard of hearing through the Telecommunications Relay Service.

TECHNIQUES FOR OFFICERS TO COMMUNICATE EFFECTIVELY

- Officers must review and have a working knowledge of *Guide for Law Enforcement Officers When In Contact With People Who Are Deaf or Hard of Hearing*. This document reviews how officers should communicate effectively in the types of situations officers will encounter. These situations include:
 - Issuing a noncriminal or motor vehicle citation.
 - Communicating with a person who initiates contact with an officer.
 - Interviewing a victim or critical witness to an incident.
 - Questioning a person who is a suspect in a crime.
 - Making an arrest or taking a person into custody.
 - Issuing *Miranda Warnings* to a person under arrest or in custody.
 - Interrogating a person under arrest or in custody.

PROCEDURES FOR OBTAINING AUXILIARY AIDS AND SERVICES

- Officers must utilize the following auxiliary aids, when available, to communicate effectively:
 - Use of gestures
 - Use of visual aids
 - Exchange of written notes
 - Use of computers or typewriters
 - Use of assisted listening devices
 - Use of teletypewriters (TTY's)
 - Use of qualified oral or sign language interpreters

St. Michaels Police Department
General Order 06-010
Radio Communications Procedures

I. General

According to the rules and regulations of the Federal Communications Commission (FCC), all radio communications, regardless of their nature, shall be restricted to the minimum practicable transmission time. As a result, voice and radio discipline shall be maintained. Supervisors are responsible to monitor radio traffic to ensure appropriate discipline. FCC regulations make it unlawful to:

- A. Transmit superfluous communications of any kind
- B. Use profane, indecent or obscene language
- C. Make unnecessary or unidentified transmissions

II. Responding to Calls for Service

- A. Officers shall respond to all radio assignments promptly and return to service as soon as possible, indicating on the radio to Talbot Center that they have cleared the assignment and are back in service.
- B. When an officer encounters an on-sight situation while en route to an assigned call, they shall advise the dispatcher of the situation. If the incident demands immediate attention, the officer shall advise the dispatcher and request that the original call be held or reassigned if possible. If the original call is of a higher priority, the officer may request that another officer be dispatched to handle the on-sight situation. However, if there is no other available officer and the original call is of higher priority, the officer shall abandon the on-sight incident and respond to the original call.
- C. Talbot Center must be advised of every incident/call that departmental officers respond to.
- D. All officers shall monitor their assigned radio frequency (Talbot Law Dispatch at the writing of this order) and respond when called or if needed for priority situations. When called by a dispatcher, officers shall respond by giving their designated radio call number (i.e. SM-1, SM-2, SM-3, etc.) and location. Officers shall write down initial call information as it is being dispatched.
- E. During all calls and incidents officers will notify Talbot Center via radio when they have arrived at an assigned call. Officers may request other resources or back-up whenever necessary.

III. Radio Call Numbers/Designators

A. Identification

Department personnel using a department radio shall identify themselves through the use of a Radio Designator (also known as a Radio Call Number). There are the following available designators for the St. Michaels Police Department:

SM-1	Chief of Police
SM-2	Lieutenant or Second in Command
SM-3	
SM-4	
SM-5	
SM-6	
SM-7	
SM-8	
SM-9	
SM-10	
SM-11	
SM-12	
SM-13	
SM-14	
SM-15	
SM-16	
SM-17	
SM-18	
SM-19	
SM-20	

B. The Talbot County Sheriff's Office (TCSO) and the Oxford Police Department (OPD) also utilize the same radio channel as the St. Michaels Police Department. Personnel shall know that TCSO has the designator of TS-, and OPD has the designator of OX-.

IV. Talbot Center in concert with the mission and goals of the Department, and the various other agencies involved with the Police Dispatch from Talbot Center, has established response codes in accordance to the *National Academy of Emergency Police Dispatch* Police Protocol Dispatch System Talbot Center will assign a response code to all calls that an officer responds to. The response codes are as follows:

1. Omega – is for a referral or information only, no actual response necessary.
2. Alpha – in a non-urgent request, not a potential to be life threatening – Single Officer, no emergency equipment, whenever the officer can get to the call.
3. Bravo – has past history, has potential to be life threatening – Single Officer, no emergency equipment, when officer is available.
4. Charlie – confirmed in progress, has potential to be life threatening - Preferably multiple officers – no emergency equipment, immediate response
5. Delta – Is confirmed in progress, is life threatening – preferably multiple patrol officers – emergency equipment activated, ASAP, immediate response.
6. ECHO – Imminent Life Threat – Multiple Patrol Officers, Emergency response for all

officers, ASAP, immediate response.

- V. The department personnel will use the following phonetic alphabet while communicating on the radio:

A	ADAM	N	NORA
B	BOY	O	OCEAN
C	CHARLES	P	PAUL
D	DAVID	Q	QUEEN
E	EDWARD	R	ROBERT
F	FRANK	S	SAM
G	GEORGE	T	TOM
H	HENRY	U	UNION
I	IDA	V	VICTOR
J	JOHN	W	WILLIAM
K	KING	X	X-RAY
L	LINCOLN	Y	YOUNG
M	MARY	Z	ZEBRA

- VI. Twenty-four hour time shall be used at all times on the radio as well as on all departmental documentation and reports, with 12-midnight being 2400 hours and 12-noon being 1200 hours.

- VII. All personnel shall use the same Ten Codes as follows:

10-0	Caution	10-52	Ambulance needed
10-1	Unable to copy - change loc.	10-53	Road blocked at _____
10-2	Radio signal good		
10-3	Stop transmitting	10-54	Livestock on highway
10-4	Acknowledgment (OK)	10-55	Intoxicated driver
10-5	Relay	10-56	Intoxicated pedestrian
10-6	Busy, unless urgent	10-57	Hit & Run (F, PI, PD)
10-7	Out of service	10-58	Direct traffic
10-8	In service	10-59	Convoy or escort
10-9	Repeat	10-60	Squad in vicinity
10-10	Fight in progress	10-61	Personnel in area
10-11	Dog case	10-62	Reply to message
10-12	Stand-by (stop)	10-63	Prepare to make written copy
10-13	Weather -- road report	10-64	Message for local delivery
10-14	Prowler report	10-65	Net message assignment
10-15	Civil disturbance	10-66	Message cancellation
10-16	Domestic problem	10-67	Clear for net message
10-17	Meet complainant	10-68	Dispatch information
10-18	Quickly	10-69	Message received
10-19	Return to _____	10-70	Fire alarm
10-20	Location	10-71	Advise nature of fire
10-21	Call _____ by telephone	10-72	Report progress on fire
10-22	Disregard	10-73	Smoke report
10-23	Arrived at scene	10-74	Negative
10-24	Assignment completed	10-75	In contact with _____
10-25	Report in person (meet)	10-76	Enroute
10-26	Detaining subject, expedite	10-77	ETA
10-27	Driver's license information	10-78	Need assistance

10-28	Vehicle registration info.	10-79	Notify coroner
10-29	Check for wanted	10-80	Chase in progress
10-30	Unnecessary use of radio	10-81	Breath test
10-31	Crime in progress	10-82	Reserve lodging
10-32	Man with gun	10-83	Work school crossing at _____
10-33	EMERGENCY	10-84	If meeting _____ advise ETA
10-34	Riot	10-85	Delayed due to
10-35	Major crime alert	10-86	Officer/operator on duty
10-36	Correct time	10-87	Pick up/distribute checks
10-37	Investigate susp. Veh/person	10-88	Present telephone # of _____
10-38	Stopping susp. Veh/person	10-89	Bomb threat
10-39	Urgent - use light & siren	10-90	Bank alarm at _____
10-40	Silent run - no light/siren	10-91	Pick up prisoner/subject
10-41	Beginning tour of duty	10-92	Improperly parked vehicle
10-42	Ending tour of duty	10-93	Blockade
10-43	Information	10-94	Drag racing
10-44	Permission to leave ____ for	10-95	Prisoner/subject in custody
10-45	Animal carcass at	10-96	Mental subject
10-46	Assist motorist	10-97	Check (test) signal
10-47	Emergency road repair at _____	10-98	Prison/jail break
10-48	Traffic standard repair at	10-99	Wanted/stolen indicated
10-49	Traffic light out at _____		
10-50	Accident (F, PI, PD)		
10-51	Wrecker needed		

VIII. All personnel shall be aware that a *Signal 13* means **Officer in serious trouble, need immediate help**

St. Michaels Police Department
General Order 06-011
Parking Enforcement

I. General

The St. Michaels Police Department's ability to enforce parking regulations at any given time is contingent upon several factors, including, but not limited to: available manpower, pending calls for service, level of traffic (pedestrian and vehicular) congestion, available parking spaces, weather conditions, time of day and time of year.

We encourage our officers to be diligent in their parking enforcement efforts without being unreasonably harsh. We do not encourage, nor dictate, *any* quotas for our personnel in fact; we encourage a liberal policy concerning the timing of vehicles in time restricted areas.

The purpose of our parking enforcement efforts are to ensure:

- A. Public Safety
- B. An adequate turn-over of available parking spaces
- C. Enforcement of the laws of the State of Maryland and those rules enacted by the Town of St. Michaels

The St. Michaels Police Department does however, strictly enforce parking regulations pertaining to Handicapped Parking. Finding suitable parking for those with handicaps is in itself too often a challenge; therefore no consideration will be given to actual violators of this regulation.

II. Procedures

- A. Upon observance of a vehicle parked in an improper manner, as defined by the Municipal Ordinances of the Town of St. Michaels, or Maryland Law, an officer may issue a parking citation.
- B. When issuing a parking citation for a parking violation the officer shall fill in the citation form completely and legibly. The citation shall have the appropriate violation marked or filled out and the appropriate fine marked on the citation.
- C. If a vehicle is improperly parked in such a manner as to create a traffic hazard, an officer shall have the vehicle towed by the nearest reliable towing company/service. Whenever possible, the officer shall make an attempt to locate the owner of the vehicle, if doing so does not endanger the public, prior to having the vehicle towed.
 - 1. Whenever a vehicle is towed for creating a traffic hazard, the officer shall issue a traffic citation prior to the vehicle being towed, and the citation shall be retained at the

department along with the vehicle Storage Form and Vehicle Release Form. Before the owner of the towed vehicle can take custody of the vehicle the citation must be paid in full or a trial date for the citation arranged.

- D. If an improperly parked vehicle is in violation of more than one ordinance or statute, the vehicle shall be issued one parking citation for the most serious offense.

III. Park and Pay Parking and Related Ordinances

- A. There are currently (date of issue March-2006) Park and Pay parking lots at the following locations:
 - 1. Behind the Medicine Shoppe, between Talbot and Fremont Streets
 - 2. Fremont Street Lot directly across from the Medicine Shoppe Lot
 - 3. Town Lot #1, behind Carpenter Street Saloon
 - 4. Mill Street Lot where the Skateboard Park is located.
- B. The current Park and Pay fine for overtime parking or failure to pay for parking is \$10.00.
- C. Officers will add a grace period to the expiration time on the ticket of 15minutes. (e.g. The park and pay ticket stub states that the parking time expires at 0720 hours, the officer will not issue a citation to that vehicle until after 0735 hours).
- D. All town employees will be issued “official business” cards to be displayed on their dashboards during working hours *only*. Officers will check vehicles for these cards as well as the park and pay receipts/stubs.
- E. The residents of St. Michaels are able to obtain a parking permit sticker that will be placed in the upper driver's side windshield area indicating that they are not required to pay the park and pay machines. Officers will check vehicles for these stickers as well as the park and pay receipts/stubs.
- F. Non-residents are able to purchase parking permit stickers that will be placed in the upper driver's side windshield area indicating that they are not required to pay the park and pay machines. Officers will check vehicles for these stickers as well as the park and pay receipts/stubs.
- G. Business owners and employees are able to purchase parking permit stickers that will be placed in the upper driver's side windshield area indicating that they are not required to pay the park and pay machines. Officers will check vehicles for these stickers as well as the park and pay receipts/stubs.
- H. Every officer should attempt to check the park and pay lots and meters when not otherwise occupied.
- I. All vehicles that have parked in the park and pay lots or at the meters and have not payed shall be issued a citation, unless the vehicle is *clearly* unloading or loading. Also,

handicapped placarded, or tagged vehicles are not required to pay the park and pay or meters.

IV. Voiding of Parking Citations

- A. Once a parking citation has been removed from the book, it cannot be voided. If a citation is mis-issued, and removed from the citation book, it must be brought to the department and turned over to the Chief of Police with a written explanation.
- B. The Chief of Police and Lieutenant are the only personnel that may void parking citations.
- C. Parking citations will only be voided when it is clear that the citation was issued in error, a written error was made on the citation, or a mechanical malfunction existed with the park and pay machine or meter.
- D. At no time can any employee of the Town (with the exception of IV.B.), including Commissioners or the Town Manager void or request a citation voided.
- E. Any complaints in reference to parking citations shall be advised that they may request a hearing in District Court through our office. The request must be made in writing and within the required time limit addressed on their Parking Citation.

St. Michaels Police Department
General Order 06-012
Firearms Procedures

I. General

- A. The value of human life is immeasurable. Police officers have been delegated the responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and the protection of property are vital to the achievement of the department's mission statement, but must remain secondary to the protection of human life.
- B. Use of force by personnel is limited to that which is reasonable, necessary and justifiable to accomplish lawful objectives.
- C. The use of unnecessary or excessive force, regardless of provocation or action of the offender, shall result in certain and severe administrative action and may result in criminal or civil prosecution.
- D. Officers are expected to justify their use of force in any criminal, civil or administrative proceedings. Officers who cannot or will not comply with this order, will subject themselves to disciplinary action, up to and including termination, as well as, the possibility of criminal and civil liability.
- E. Weapons approved for use by personnel are limited to chemical weapons, baton, issued and approved off-duty handguns and shotguns (limited types).
- F. Nothing in this order is construed as to hold an officer to a higher standard of care when reacting to a life-threatening situation than allowed in the principles of the emergency response doctrine.

II. Definitions (apply only to this order unless otherwise stated)

A. Firearms:

- 1. Department issued firearms
- 2. Privately owned, department approved firearms

B. Firearms discharge:

- 1. Intentional discharge
- 2. Accidental discharge
- 3. Discharge of an officer's firearm by another person
EXCEPTIONS: Where no injury or death results during an authorized training session, or lawful hunting or target practice.

III. Permitted Use of Firearms other than Deadly Force

A. Officers May discharge a firearm:

1. To dispose of, or humanely destroy an injured animal.
2. To kill a dangerous animal that is jeopardizing the safety of the public or the officer.
3. During an authorized training session, or lawful hunting or target practice.
4. To give an alarm or to call for assistance when absolutely no other reasonable means are available.

IV. Prohibited Use

A. Officers shall **NOT** discharge a firearm:

1. As a warning
2. At or from a moving vehicle except:
 - a. As a measure of self-defense or defense of another when the occupants of the vehicle are using, or attempting to use, deadly force.
 - b. When a vehicle is driven in a manner deliberately intended to kill or severely injure an officer or citizen who is on foot.
3. Under no circumstances will an officer display a weapon in a flagrant manner or in any manner which is unsafe or would invite unfavorable comment from the public.
4. Officers shall use prudence and good judgment in the off-duty wearing of firearms at any activity where the employee will be consuming alcoholic beverages.
5. Officers must reasonably anticipate a situation justifying the use of a weapon before removing it from the holster or otherwise displaying it.

V. Firearms Discharges

A. General

1. All firearms discharges must be reported, investigated, and are subject to administrative review per current procedures, regardless of location or duty status, to determine if such action was in conformance with St. Michaels Police Department Policy, Procedures and General Orders.
2. For administrative investigation procedures see Disciplinary Procedures in the Operations and Regulations Manual.
3. When a discharge occurs in another jurisdiction:
 - a. The local law enforcement agency is responsible for the investigation.
 - b. St. Michaels Police Department is responsible for the administrative investigation.
Exception: When the firearm is discharged by another, the discharge is accidental with no injury involved, or when an animal is involved.

VI. Officers discharging firearms (excluding animal cases)

- A. Shall immediately notify Talbot Center and their supervisor of the discharge if on duty. If

off duty and in another jurisdiction, the officer shall immediately notify the local law enforcement agency and their supervisor.

- B. Are subject to the laws of the jurisdiction wherein the discharge occurred.
- C. Immediately brief the supervisor of the circumstances surrounding the discharge, including the location and/or description of suspects, evidence and witnesses.
- D. Should refrain from discussing the incident with anyone other than their supervisor, Chief of Police, investigators assigned to conduct the criminal and administrative investigation for the incident, or their selected counsel, until authorized to do so by the Chief of Police.
- E. Officers involved in shooting incidents, or any use of force or deadly force incidents, must be afforded their rights provided by law. Particular attention must be paid to ensure that the involved personnel are allowed legal representation, should it be desired.
- F. Shall submit a detailed report of the incident within 24 hours of the incident, completely describing the circumstances and justification for the firearm discharge.
- G. In the event the officer is incapacitated and unable to write this report, the specific fact and circumstances surrounding the incident will be summarized by the supervisor from facts verbally obtained from the officer, other personnel and/or witnesses.
- H. Shall complete a use of force report, which will be attached to the criminal/incident report.
- I. Shall submit the firearm to an Evidence Collection technician or supervisor at the scene before returning to the department.
- J. Any officer whose use of a firearm results in a death or serious physical injury may be removed from line-duty assignments, at the direction of the Chief of Police, pending an administrative review of the shooting. During the period of absence from line-duty assignment, the Department will provide, as needed, post incident debriefing and/or counseling. If needed, the employee's family will also be provided with counseling.

VII. Shift/Squad Supervisor

- A. Responds to and ensures that the scene is secure, evidence (including police vehicles/equipment) is preserved in its original position, and witnesses are available for interviews by the investigating officer.
- B. Requests the Criminal Investigator to respond.
- C. Notifies the Chief of Police and Lieutenant of the incident.
- D. Ascertain what occurred from the officer(s) involved.
NOTE: The supervisor shall not conduct any formal administrative interviews of the officer(s) involved until authorized by the Investigator in charge of the criminal investigation.
- E. Ensures that Evidence Collection technician takes possession of and inspects the firearm(s) of all officers involved in the incident, prior to their leaving the scene.
- F. Arranges an escort to the department for any officer whose firearm is held by the evidence collection technician.
- G. Encourages officers involved in the incident to contact their families before extensive media coverage begins.
- H. Assigns an officer not involved in the incident to write the offense report.
- I. Makes contact with the firearms instructor to obtain a replacement firearm for the officer.
- J. Refer to Disciplinary Procedures in the Operations and Regulations Manual for administrative investigations procedures.

VIII. Criminal Investigation

The Chief of Police may determine that an allied outside agency may be called in for assistance in the Criminal Investigation of the shooting incident.

- A. All shooting incidents involving officers that occur in St. Michaels will be investigated, except:
 - 1. Accidental discharges not resulting in personal injury or death.
 - 2. Destruction of rabid or seriously injured animals.

IX. Accidental Firearms Discharges Not Involving Personal Injury or Death

A. The supervisor will:

- 1. Respond to and ensure that the scene is secure, evidence (including police vehicles/equipment) is preserved in its original position
- 2. Ascertain what occurred from the officer(s) involved.
- 3. Immediately instruct the officer(s) involved that their departmental authority to carry that type of firearm (e.g. Handgun, shotgun, specialized weapon, etc.) is suspended. Firearm suspension shall remain in effect until the firearm is determined to be functioning properly, and the officer's knowledge of the firearm has been demonstrated.
- 4. Obtain the firearm in question and transport to the Department to be secured.
- 5. Arrange an escort to the Department for any officer whose firearm is held.
- 6. Interview available witnesses.
- 7. Ensure that all officers present when the shooting occurred are separated, but not isolated, upon returning to the department.
- 8. Contact the firearms instructor to make arrangements to have the firearm examined and obtain dates and times for the officer(s) involved to report to the Range to demonstrate their knowledge of the firearm. In most cases, this should be the officer's next regularly scheduled workday.
- 9. Notify the Lieutenant and Chief of Police.
- 10. Submit a complete report of the investigation to the Chief of Police.

X. Destruction of Animals

A. Sworn Members

- 1. Officers are authorized to use a firearm(s) to destroy an animal(s) under the following circumstances:
 - a. To destroy a vicious or suspected rabid animal when the animal presents an immediate threat to the safety of humans in the area or other methods of containment are insufficient or unavailable.
 - b. To destroy an animal that is so seriously injured that humanity dictates its relief from suffering.
- 2. In making the decision, the officer must:
 - a. Weigh the totality of the circumstances against the potential hazards associated with a firearm discharge.
 - b. Consider all relevant factors known (e.g. Lighting, traffic, background, etc.).

3. Complete and submit a complaint report, fully describing the incident.

B. Destruction of Rabid and/or Vicious Animals

1. An effort should be made to avoid shooting the animal in the head
2. Ensure that the destruction can be done without endangering the life and/or property of persons.
3. Notify, or have Talbot Center notify, an Animal Control Officer, so that the animal can be picked up for examination.
4. The Animal Control Officer must notify the Talbot County Health Department of the incident.
5. Complete and submit a complaint report, fully describing the incident.

C. Destruction of Seriously Injured Animals

1. Before an officer destroys an animal to relieve it from further suffering, the officer will:
 - a. Make a reasonable attempt to contact the animal's owner, a person caring for the animal or a veterinarian, if applicable.
 - b. If the animal's owner or caretaker cannot be located, or is unavailable, determine if an Animal Control Officer can transport the animal to an appropriate facility.
 - c. Ensure that the discharge of any weapon(s) will not jeopardize human life or property.
2. After the animal has been destroyed, the officer will:
 - a. Notify the appropriate agency to have the animal removed.
 - b. Complete and submit a Complaint report, describing the incident.

D. Use of Deer Tags

1. If an officer destroys a deer or a deer is killed as a result of a motor vehicle collision, and a private citizen requests the deer carcass, the officer will:
 - a. Complete a "Deer Tag" and give the top portion to the citizen in possession of the carcass and turn the bottom portion in with their complaint report.
 - b. The bottom portion will be forwarded to the Maryland Department of Natural Resources.

XI. Authorized Firearms

A. Sworn Members

1. Officers will ensure that department issued firearms and privately owned, department approved firearms are kept in a secured place when not in use. Access must be limited to ensure safety.
2. Officers will carry their issued firearm at all times while on duty, unless otherwise authorized by the Chief of Police or current Policies, Procedures and Orders.
3. While not in uniform, officers will conceal their service or off-duty weapons from public view, except when their official police identification is visible and they are readily identifiable as police officers.

4. Officers working a plain clothes assignment or special detail may carry their privately owned, department approved firearm in lieu of their issued firearm when the following criteria are met:
 - a. The officer meets the qualifications outlined in this order.
 - b. The Lieutenant or Chief of police approves the request.
 - c. When off duty, the officer may be armed with the department issued firearm OR their privately owned, department approved firearm.

B. Supervisors

1. Shall inspect service firearms *at least* once a month to ensure they are properly maintained.

XII. Shotguns

- A. Are issued to most patrol vehicles and shall be inspected and cleaned on a monthly basis.
- B. Supervisors will be responsible for the assignment of the cleaning of the shotguns.

XIII. Off-Duty/Secondary Firearms

A. Sworn Members

1. Must keep privately owned, Department approved firearms:
 - a. In excellent working condition.
 - b. Loaded with ammunition identical to that issued or approved by the Department.
Note: Firearms of a different ammunition caliber than that issued by the Department must be approved by the firearms instructor.
 - c. Notify the Firearms Instructor, Lieutenant and Chief of Police, in writing, when their privately owned, Department approved firearm had been lost, stolen, sold, etc.

B. Approval Process

1. Officers desiring to carry a privately owned, department approved firearm, off-duty or as a secondary weapon shall:
 - a. Contact the firearms instructor to:
 - i. Determine if the firearm has been approved by the department for off-duty use.
 - ii. Schedule a date and time to qualify.
 - b. The firearms' instructor shall make a notification in the officer's personnel file if the weapon was approved and the officer has qualified with the off-duty weapon described OR notify the Lieutenant and Chief of Police that the Officer did not qualify.

C. Qualification

1. The firearms' instructor must inspect the mechanical condition of privately owned firearms, prior to qualification.

2. Once qualified, re-qualifications for the off-duty firearm shall be conducted when the officer is scheduled for department issued firearms qualifications.
3. Officers failing to qualify with the off-duty firearm may not carry the firearm until qualification mandates are met.

XIV. Ammunition

A. General

1. Only that ammunition issued or approved by the department firearms instructor will be used in primary, secondary, or off-duty handguns carried by officers.
2. Only approved ammunition will be used in the patrol shot gun or any special weapons belonging to the department.

XV. Holsters

A. General

1. Only holsters, magazine pouches and gunbelts issued or approved by the department as an item of uniform equipment may be used by on-duty personnel, in conjunction with their issued handgun or off-duty/secondary handgun.
2. Holsters for use with off-duty/secondary weapons must be approved by the department firearms instructor.

XVI. Safety and Security

A. General

1. Only those personnel authorized to do so, may use, clean or otherwise handle department issued firearms.
2. An officer should relinquish his weapon for inspection only to a superior officer or a departmental firearms instructor, and *only* after the weapon has been completely unloaded and cleared.
3. All weapons should be unloaded in a safe manner and made safe before storage in an employee's home or in a locked storage area.
4. When available, personnel will properly secure firearms in a locked storage facility whenever they are not worn. When stored in a motor vehicle, they must be secured in a locked truck or in a locked storage compartment if the vehicle has no trunk.
5. All firearms in the department building shall be kept out of reach of the public and shall not be left unattended.
6. In the home, firearms should be kept out of sight. An employee shall not store or leave a loaded firearm in any location where, except in the case of unlawful entry, an unsupervised minor would gain access to the firearm.

XVII. Maintenance and Repair

A. General

1. When requesting maintenance or repair of department issued firearms, officers shall:
 - a. Prepare a detailed report, indicating the reason for the request for firearms maintenance or repair.
 - b. Prepare an original and two copies of the detailed report.
 - c. Sign the detailed report and obtain the Chief of Police's approval on each copy and original.
 - d. Submit the firearm and detailed report original and copies to the firearms instructor.
 - e. Repair procedures also apply to privately owned handguns damaged while being carried on duty when the following criteria are met:
 - i. The officer has obtained authorization to carry the firearm on duty, per current procedures
 - ii. the damage is not a result of the officer's misuse, abuse, or negligence.

B. Firearms Instructor/Armorer

1. Acknowledge receipt of the firearm, signing all copies and original of the detailed report, and describe the firearm loaned out to the officer.
2. Return the original detailed report to the Chief of Police
3. Upon completion of maintenance or repairs, note what repairs or work was done on the firearm on the copies of the detailed report.
4. If the repairs or maintenance cannot be completed by the firearms instructor/armorer, he/she will make arrangements for the firearm to be taken to the appropriate outside armorer for repair.
5. Notify officer of completion of repairs. One copy is given to the officer and one copy is placed in a file maintained by the Chief of Police.

XVIII. Training and Qualifications

A. Scheduling

1. The firearms instructor shall determine the number of personnel scheduled for training/qualifications each day in the interest of safety and accommodations.
2. The firearms instructor shall make arrangements with an allied agency to utilize their range.
3. Officers unable to attend on the scheduled day shall advise their supervisor of the circumstances involved. Supervisors shall reschedule the officer for the next available date.

B. Training

1. Firearms training shall consist of classroom instruction, range practice and skill/knowledge drills, as determined by the firearms instructor.
2. The Mandates of this department and the Maryland Police Training Commission shall be followed for the courses of instruction and will be met by each officer in order to use any department issued and/or privately owned , department approved firearm.

C. Qualification Process

1. Each officer must qualify at least once annually, attaining a level of proficiency established by the department.
2. Officers who fail to qualify shall be required by the firearms instructor to immediately report to the Chief of Police. The firearms instructor will follow-up with a written notification.
3. The officer shall relinquish the firearm upon request and be temporarily assigned to a non-patrol/non-line function.
4. Appropriate remedial training shall be arranged by the firearms instructor, in cooperation with the officer's supervisor and Chief of Police.
5. After remedial training and attainment of the established level of proficiency, the officer will be re-tested in order to carry a firearm. Should a member fail to qualify the first time, completion of qualification is required within 30 days.
6. Any officer unable to qualify, after all avenues of retraining have been completed, shall be considered incompetent to carry a firearm. The Chief of Police may then pursue, but is not limited to, any of the following:
 - a. Reassignment of the officer to a non-line function if a physical impairment prevent the officer from qualifying.
 - b. Utilization of alternatives to retain the officer as an employee, if such impairment is temporary.
 - c. Requiring the officer to attend full retraining sessions.
 - d. Termination.

D. Change of Issued Firearm

1. An officer changing an issued firearm must demonstrate proficiency with the firearm, prior to reporting to duty with the new firearm, if the make and model of the new firearm is different from that which the officer is qualified to carry. A firearms instructor shall set the qualification requirements.
Note: Qualification with a newly issued firearm does not satisfy the annual qualification requirements.

XIX. Firing Range

A. General

1. The purpose of this directive is to establish rules and regulations to be followed when on the firing range.
2. The rules and regulations specified in this directive are basically safety rules designed to ensure the safety of each and every officer while participating in mandated firearms instruction.
3. This direction is a continuing effort to upgrade the professionalism of our department (as we use allied agencies' ranges for qualification) and make each officer more aware of adverse situations, without any injuries being inflicted in training.
4. Mandated firing range attendance is considered an official duty assignment. While at

- the range, the firearms instructor shall have authority over all officers regardless of rank. The firearms instructor shall be professional and safety conscious at all times.
5. While firing is being conducted, the firearms will always be present.
 6. Any violation of any of these safety rules shall be cause for immediate removal from the range and subsequent disciplinary action.
 7. Use of the Range is a privilege for our officers and department, and shall be limited to department personnel, unless approved by both the Chief of Police and the Range Master of the agency's range we are utilizing.

B. Definitions

1. **Range Master:**
A certified firearms instructor designated by the Chief of Police of the agency's Range that we are utilizing, that has overall responsibility and command and control of all personnel, regardless of agency or rank, during range operations. The Range Master is responsible for range grounds and facility maintenance, equipment maintenance and security and other duties as assigned by the Chief of Police of the Agency's Range being utilized.
Note: The Range Master will not be one of the St. Michaels Police Department personnel as we do not have our own range. The Range Master is the controlling entity of the range that our agency has been invited to use.
2. **Firearms Instructor:**
An officer of any rank designated as the firearms instructor and certified by the Maryland Police Training Commission as a Firearms Instructor. In the absence of the Range Master, the firearms instructor will have overall responsibility and command control of all personnel, regardless of rank, while the range is in operation.
3. **Firing Line**
The designated area of the range where the officer is engaged in the actual firing of a weapon.

XX. Rules and Regulations

A. General

1. Treat all weapons as though they were loaded.
2. Never point a firearm at anyone.
3. All firearms training will be properly and adequately supervised by a qualified firearms instructor. All safety precautions will be adhered to and enforced.
4. Strict discipline will be maintained. Carelessness cannot, and will not, be tolerated during firearms training.
5. No consumption of alcohol will be permitted while on the range. If you have been drinking, you will not be permitted on the range.
6. All shooters and coaches on the line will wear ear protectors and eye protection (glasses).
7. Immediately upon picking up a firearm, open the cylinder or action and check to see that it is unloaded.
8. Never give a firearm to, or take a firearm from anyone, unless the cylinder or action is

- open, and the firearm is unloaded.
9. Never anticipate a command.
 10. Be sure there is no obstruction in the barrel of a firearm before loading.
 11. Load only after position is taken at the firing point and the command to load and make ready has been issued.
 12. Unload and show clear when command is issued.
 13. Keep the firearm pointed down range at all times.
 14. Never draw a weapon from the holster or re-holster with the finger in the trigger guard.
 15. No smoking will be permitted on the firing line.
 16. No talking on the firing line or to shooters on the line, except by instructors or coaches.
 17. On command of the instructor, all firing shall stop and all weapons holstered.
 18. Never permit the muzzle of a firearm to touch the ground.
 19. In case of a malfunction, keep firearm pointed down range. Shooter should attempt to clear.
 20. In case of misfire, keep firearm pointed down range and immediately raise hand to alert range instructor.
 21. After a malfunction, unload and check the barrel for obstructions.
 22. Never leave the firing line without first unloading and holstering the firearm and being instructed to do so by the firearms instructor.
 23. Never go in front of the line of fire until the line has been cleared and the command is given to go forward.
 24. No dry firing on the range, except under the direct supervision of the firearms instructor.
 25. When the firearms instructor begins a command to fire, he will indicate such by giving firing position instructions, followed by the command “standby” or “line ready”. At this point, a shooter not ready to fire should indicate so by raising a hand.
 26. The following are additional safety rules for night-firing training:
 - a. DO NOT MOVE from your position on the firing line until the line has been cleared.
 - b. DO NOT ATTEMPT to practice dry firing, or even to remove a weapon from the holster, until directed to do so by the instructor.
 - c. If a weapon or other equipment is dropped, DO NOT ATTEMPT to locate or recover it until the lights are turned on and the shooter has been instructed to recover the weapon or equipment.
 - d. Movements by shooters who are on the line must be kept to an absolute minimum.
 - e. DO NOT experiment with flashlights; do not turn them on and off without command.
 27. No talking, joking laughing or conversation of any kind will be permitted on or near the firing line.
 28. All firearms will be kept in holsters, unloaded, until the command has been given to load.
 29. Spectators and shooters awaiting turns on the line will remain back of the 30-yard line and will maintain quiet and in good order. The use flashlights by non-participants during actual firing or instruction on the line is firmly prohibited.

St. Michaels Police Department
General Order 06-013
Promotional Guidelines

I. General

The directives in this order refer to the vertical movement in the departmental hierarchy from one rank classification or position to another, usually accompanied by increases in salary.

It is the policy of the St. Michaels Police Department to establish a method whereby promotions to the rank of Corporal and above are fair and consistent.

II. Selection of Personnel for Promotion

The promotional process is within the exclusive role of the department under the direction of the Chief of Police and begins with the identification of officers who appear to have the potential for a greater responsibility and who have demonstrated by their performance that they have the skills, knowledge and ability to act at a higher level. The identification of such officers is ordinarily made by the Lieutenant and the Chief of Police with input from the officer's supervisor(s). The selection process considers such qualifications as time in grade, education, past performance, specialized training, desire, attitude, testing and oral interview. A Chief's memorandum is issued when the chance for promotion becomes available. Qualified officers are encouraged by the language of the communication and by the command staff to avail themselves of the opportunity. (The ranks above Lieutenant are appointed ranks.)

III. Responsibility for Administering the Promotional Process

The Chief of Police is responsible for the promotional process. The Lieutenant has the responsibility and authority for preparing, scheduling and monitoring the promotional process and examinations.

IV. Promotional Process

The promotional process for the ranks of Corporal, Sergeant, 1st Sergeant and Lieutenant shall consist of the following parts; each weighed accordingly:

A. Written Examination

40 points maximum

1. The written examination will consist of questions from the *Operations and Regulations Manual*(Policies and Procedures), General Orders, Municipal Ordinances, the current Maryland Criminal Digest, and Constitutional Law.
2. The written examination will be the first phase of the promotional process. Candidates must attain a score of 75% or above in order to move on to the next step in the promotional process.

B. Application for Testing/Written

1. A Police Chief's Memorandum will be published thirty (30) days prior to the scheduled written examination date when a position becomes available and can be filled.
2. All interested, qualified officers will apply to the Chief of Police, in writing, within seven (7) days of the date of the Chief's Memorandum. Anyone who applies for testing after the specified seven day time period will not be considered. If an officer was on annual or sick leave during the deadline process, the Chief of Police may make an exception.
3. Qualified officers choosing not to take a scheduled examination will not appear on the eligibility list for promotion to the next rank and forfeit such eligibility until they take and pass the required examination.
4. Absence on Scheduled Test Date:
 - a. If the officer knows in advance that he/she will be unable to take the test, he/she should notify, in writing, the Chief of Police before that date.
 - b. If an officer is absent on the scheduled test date due to circumstances beyond his/her control, he/she must notify the Chief of Police, in writing, as soon as possible, the reason for the absence.
 - c. Usually only five conditions will warrant an officer's failure to appear on the schedule test date and time:
 - i. Court Appearances
 - ii. Military Leave
 - iii. Jury Duty
 - iv. Bereavement Leave; or
 - v. Serious Illness
 - d. The responsibility for notification rests with the officer or his designated representative.
 - e. All requested absence must be supported by appropriate documentation, as soon as possible.
 - i. Court summon;
 - ii. Military Orders; or
 - iii. Doctor's certificate

C. Promotion Potential

10 points maximum

1. Each eligible officer will be evaluated in several different performance categories by his supervisor.
2. The Lieutenant will ensure that each candidate's supervisor completes a current promotional potential evaluation which will be scored by the Lieutenant.
3. The final numeric total of the evaluation will be calculated and assessed points (10 maximum) accordingly.

D. Education

2 points maximum

One of the below criteria shall be applied:

1. 60 or more college credits

1 point

2. BA/BS degree or Higher 2 points

E. Seniority 3 points maximum

One half (½) point shall be given for each six month increment for the time in grade, beginning after the minimum eligibility has been met.

F. Oral Exercises 45 points maximum

1. Oral Interview 15 points

- a. An oral interview will be conducted by a five (5) member board. Each member shall rank each candidate using evaluation forms given for each part of the interview process.
- b. The members of the board will consist of officers from within the department or outside the department, at the discretion of and with the approval of the Chief of Police.
- c. At least two (2) members of the board will be of the same rank for which the officer is being interviewed. One (1) member of the board will be of the same rank as the officer. The other members may be of the same rank or higher.
- d. All questions/exercises will be the same for all officers being interviewed for a particular rank.
- e. An oral board member may for whatever reason refuse to participate. In the event of such a refusal, the interview and rating will be carried out by the four (4) remaining members. However, no officer will be interviewed by fewer than two members.

2. Oral Presentation 30 points

This phase of the promotional process will consist of a two-part exercise:

- a. The candidate shall make an oral presentation to the interview board based upon information provided to each candidate by the Lieutenant prior to the interview. The candidate's presentation must be a minimum of five (5) minutes and not to exceed ten (10) minutes.
- b. The candidate shall conduct a mock counseling session before the interview board. The lieutenant will furnish the candidate with the counseling topic and an "actor/roleplayer" will be provided to fulfill the role as the candidate's subordinate.

G. Pending Internal Investigations

Members having internal investigations pending which could lead to disciplinary action exceeding summary punishment shall be eligible to participate in the promotional process but shall not be eligible for promotional consideration until completion of the internal investigation.

H. Candidate's Review

All officers will be afforded an opportunity to review their own written examination, promotional potential ratings of supervisors and oral interview board evaluations.

V. Eligibility

A. Corporal's Rank

1. All officers who meet the following requirements are eligible:
 - a. Officers having at least three (3) years continuous service as a sworn officer with the St. Michaels Police Department.
2. Those eligible for Corporal must complete each phase of the promotional process.

B. Sergeant's Rank

1. All officers who meet the following requirements are eligible:
 - a. All Corporals not on probationary status and;
 - b. A minimum of one year in grade.
2. Those eligible for Sergeant must complete each phase of the promotional process.

C. Lieutenant's Rank

1. All officer's who meet the following requirements are eligible:
 - a. All sergeants not on probationary status and;
 - b. A minimum of one year in grade.
2. Those eligible for Lieutenant must complete each phase of the promotional process.

D. Captain's Rank (Not currently used by the department)

1. All officers who meet the following requirements are eligible:
 - a. All Lieutenants not on probationary status and;
 - b. A minimum of one year in grade.
2. The rank of Captain will be an appointed rank, made by the Chief of Police

E. Major's Rank (Not currently used by the department)

1. All officers who meet the following requirements are eligible:
 - a. All Lieutenants and Captains not on probationary status and;
 - b. A minimum of one year in grade.
2. The rank of Major will be an appointed rank, made by the Chief of Police.

F. Appointments

1. Officers who are appointed to a rank by the Chief of Police will serve at the pleasure of the Chief, but they cannot be demoted without cause.
2. If the current Chief or a future Chief desires to demote an officer holding an appointed

rank, then the Chief of Police must show cause, and he cannot demote the officer to a rank lesser than his permanent rank. A permanent rank is the last rank that the officer held that he tested for, prior to the appointment.

3. An officer who is appointed to a rank by the Chief of Police is afforded the full protection of the Law Enforcement Officer's Bill of Rights. Any disciplinary action taken against that officer must be done in accordance with the Law Enforcement Officer's Bill of Rights.

G. Lateral Entry

Lateral entry into a higher level than that of Patrolman is not allowed, with the exception of the position of Chief of Police at the discretion of the Commissioners of the Town of St. Michaels.

VI. Security of Promotional Materials

The Lieutenant shall maintain tests and other materials relating to promotions in a confidential manner. Material shall be maintained in a locked file when not in use.

VII. Eligible Candidates for Promotion

Upon completion of all phases of testing a list with the officers scores, in descending order beginning with the highest score, will be submitted to the Chief of Police. The list will be valid for two (2) years from the date received by the Chief of Police.

The Chief of Police has the option of selecting for promotion any one of the top two (2) officers on the current and respective promotion list for Corporal, Sergeant, and Lieutenant when a vacancy occurs. The reason for appointing the employee will be based on performance in the promotion process and past work performance.

Promotions are announced in a department personnel order, stating an effective date for the promotion.

Officer(s) ranked in the top two (2) not selected for promotion may make a written request to the Chief of Police asking for the rationale used to select the promoted candidate.

VIII. Appeal process

The right of employees to challenge any aspect of the promotional process is an integral part of the process itself. At a minimum, the following may be a part of the appeal:

- A. Adverse decisions concerning eligibility;
- B. Review of answer key if any written examination is used;
- C. Review of written results of scored elements of the selection decision;

- D. Contesting promotional potential evaluation reports used in the selection decision; and
- E. Reapplication.

Employees who wish to appeal will contact the Lieutenant and forward in writing their reasons for contesting any decisions or testing procedure.

IX. Promotions are Job-Related and NON-Discriminatory

The St. Michaels Police Department provides an equal opportunity for all sworn members to be considered for promotion based upon components and procedures tailored to meet the needs of the department and which are job-related and non-discriminatory. The Lieutenant will annually assess the promotional process to ascertain if there has been any adverse impact.

X. Probationary Period for Promoted Employees

Permanent status to the rank for which the test was given requires a probationary period of one year, during which time the officer's performance will be evaluated. Permanent status will be granted only if work performance has been adjudged to be satisfactory.

The promotion probation status may be extended on a case-by-case basis, by the Chief of Police. An example when the probation status might be extended is a long term absence due to illness or injury. If a long term absence occurs, the officer on probation could not be fairly evaluated on his/her job assignment.

St. Michaels Police Department
General Order 06-014
Foot Patrol Guidelines

I. Purpose

The purpose of this order is establish guidelines for the sworn members of the department in relation to the duty of foot patrol in the Town of St. Michaels. The St. Michaels Police Department works under the principles of community policing. As stated in the *Forward* of this Manual, “To achieve true success, the Department must win and retain the confidence and respect of the public, which it serves.” One of our primary goals as a police department is to reduce the opportunity and desirability to commit crime and the vulnerability of crime targets. The officers being visible on the streets and in the businesses of the Town is an excellent deterrent to reduce the opportunity to commit crime.

II. Procedures

- A. Officers shall attempt to put in at least four (4) hours of foot patrol on each twelve (12) hour shift worked.
- B. Foot patrol shall include the checking of doors, windows and other access areas of businesses to ascertain if they are properly secured when the businesses are closed. If the business is found unsecured the officer shall have Talbot Center attempt to contact the owner or responder and have them notified. The officer will check the business for any sign or evidence of a crime occurred. If the owners cannot be contacted and there is no evidence of a crime having occurred, the officer shall attempt to secure the business, and arrange for the owner to be notified as soon as possible. The officer shall write a complaint report about the incident.
- C. During business hours officers shall make visits to the open businesses. This will foster a good relationship between the businesses and the department. Officers may also gather important information from business owners in this manner.
- D. Foot patrol shall be performed on each shift unless the following conditions exist:
 - 1. The Chief of Police has excused the officer from foot patrol for that shift.
 - 2. Severe weather conditions
 - 3. Exigent circumstances, such as continuous service calls through out the officer's shift.
 - 4. Foot patrol was substituted with Bicycle Patrol

St. Michaels Police Department
General Order 06-015
Payment to Officers for Off-Duty Court Appearances

I. Purpose

The purpose of this order is to establish the procedures governing the compensation of Off-Duty Court Appearances

II. General

It is the policy of the St. Michaels Police Department to compensate personnel for all Off-Duty Court Appearances that are for duty-related court cases.

III. Procedures

- A. The St. Michaels Police Department will compensate all members for Off-duty court appearances at a rate of 1 ½ times the normal hourly rate of pay.
- B. The officer must have a court summons or subpoena for the court cases. If the officer has been summoned personally by the State's Attorney, Judge or Court Clerk a written note or written explanation from the summoning persons must accompany all overtime slips. (A written note from the clerk will suffice when summoned by the Judge).
- C. Prior to going to court, the officer will attempt to contact the State's Attorney's Office or the Court to ensure the case will go to trial on the date and time specified.
- D. In the event the officer is notified the case will be Nolle Processed or placed on a Stet Docket, and no court appearance will be necessary, the officer will not be compensated.
- E. The time compensated will commence at the time the officer arrives in court, but not before the time indicated on the court summons.
- F. Compensation will terminate at such time the officer is excused by the court.
- G. No compensation will be made for travel back and forth to the courthouse.
- H. Overtime slips will be completed in full with the following information:
 - 1. Officer's name, rank and ID #
 - 2. The date and time overtime started and ended
 - 3. Total hours of overtime
 - 4. Court cases that were attended and outcome
 - 5. Officer will sign and date the overtime slip

- I. All overtime slips will be submitted within 24 hours of the overtime completed.
- J. A copy of the court summons or subpoena will be attached to the overtime slip when submitted.
- K. The lieutenant and the Chief of Police may request at any time that officers begin to have their court summonses and subpoenas signed by the State's Attorney or Court Clerk certifying that the officer's presence was warranted for that court case, and verifying that the officer was in court for that time period.
- L. If officers are off-duty, the officer will be compensated for a minimum of two (2) hours for the court appearance, however, only once per day. (e.g. The officer attends morning court for one (1) hour and afternoon court for 30 minutes, that officer would only be compensated for two (2) hours at 1 ½ times the normal hourly rate of pay.
- M. Officers are not compensated for the lunch period (break) taken by the court.
- N. Officers shall not schedule vacation time off that conflicts with pre-scheduled court appearances.
- O. Any officer planning to take vacation shall send written notice of the dates to the following agencies:
 - 1. Talbot County District Courthouse
 - 2. Talbot County Circuit Court
 - 3. Talbot County State's Attorney's Office
 - 4. Talbot County Juvenile Justice
- P. Multiple Subpoenas – Same Date

If an officer receives conflicting subpoenas, it shall be the officer's responsibility to advise the legitimate authorities that have issued the subpoenas and attempt resolution.

St. Michaels Police Department
General Order 06-016
Department Computer Network – Security, E-mail,
and Internet Access.

I. Purpose

The purpose of this order is to set forth the St. Michaels Police Department's guidelines and procedures relating to the security and responsible use of the department's computers, e-mail and Internet access. Access to the Internet-related systems enables employees to gather information and conduct investigations relevant to law enforcement business from external sources; and to provide information to outside agencies and other persons. It is important the the users of the St. Michaels Police Department system understand that the computer system, Internet access and e-mail is a privilege, and failing to adhere to the guidelines and procedures that this order establishes may revoke the user's privileges.

II. General

- A. This order applies to all employees and volunteers of the St. Michaels Police Department.
- B. The St. Michaels Police Department will strive to maintain access for employees (“users”), upon approval of the Chief of Police, to local, national and international sources of information and to provide an atmosphere that encourages sharing of knowledge, the creative process and collaborative efforts within the department's public service and administrative missions.
- C. All users must act honestly and responsibly. Every user is responsible for the integrity of these information resources. All users must respect the rights of other computer users, respect the integrity of the physical facilities and controls, and respect all pertinent license and contractual agreements related to the department's and Talbot County's information systems. All users shall act in accordance with these responsibilities, and the relevant local, state and federal laws and regulations. Failure to conduct oneself in compliance with this Order may result in denial of access to departmental information systems or other disciplinary action.
- D. The department is solely providing access to the vast and growing amount of information available through electronic information resources. The Department is not a regulator of the content of that information and takes no responsibility for the content of information, except for that information the department itself and those acting on its behalf create. Any person accessing information through the department information systems must determine for themselves and their charges whether any source is appropriate for viewing.
- E. Accepting any account and/or using the department's information systems shall constitute an agreement on behalf of the user or other individual accessing such information systems to abide and be bound by the provisions of this order.

- F. The Lieutenant and/or Chief of Police may restrict or prohibit the use of its information systems in response to complaints presenting evidence of violations of departmental policies or local, state or federal laws. When it has been determined that there has been a violation, the Chief may restrict or prohibit access by the offending party to its information systems through department owned or other computers, remove or limit access to material posted on department owned or networks and , if warranted, institute other disciplinary action.

III. Definitions

For the purposes of this order, the following definitions shall apply:

- A. Electronic communications: shall mean and include the use of information systems in communicating or posting of information or material by way of electronic mail (e-mail), bulletin boards, World Wide Web (Internet), or other such electronic tools.
- B. Information systems: shall mean and include computers, networks, servers and other similar devices that are administered by the department (and Talbot County) and for which the department is responsible. "Networks" shall mean and include video, voice and data networks, routers and storage devices.
- C. Obscene with respect to obscene material shall mean:
 - 1. that an average person applying contemporary community standards would find the material taken as a whole predominantly appeals to the prurient (lustful) interest or a shameful or morbid interest in nudity, sex, or excretion;
 - 2. the material depicts or describes in a patently offensive way; and
 - 3. the material taken as a whole lacks serious literary, artistic, political, or scientific value.

IV. Permitted Use

- A. Employees shall have access to these systems consistent with the requirements of their job, and are encouraged to use the systems.
- B. Department information systems are to be used predominantly for department-related business. However, personal use is permitted so long as it conforms with this Order and does *not* interfere with departmental operations or the employee's performance of duties.

V. Access

Unauthorized access to information systems is prohibited. Internet and Internet E-mail access is provided to an employee upon approval by the Chief of Police. No employee will use the ID or password of another; nor should anyone provide his or her ID or password to another, except in cases necessary to facilitate computer maintenance and repairs. When any employee terminates his or her employment with the department their ID and password shall be denied any further

access to department computing resources.

VI. Misuse of Department Computers and Network Systems

Misuse of Department information systems is prohibited. Misuse includes the following:

- A. Attempting to modify or remove computer equipment, software, or peripherals without proper authorization.
- B. Accessing without proper authorization, computers, software, information or networks to which the department belongs, regardless of whether the resource accessed is owned by the department or the abuse takes place from a non-department site.
- C. Taking actions, without authorization, which interfere with the access of others to information systems.
- D. Circumventing log-on or other security measures.
- E. Using information systems for any illegal or unauthorized purposes.
- F. Personal use of information systems or electronic communications for non-department consulting, business or employment.
- G. Sending any fraudulent electronic communications.
- H. Violating any software license or copyright, including copying or redistributing copyrighted software, without the written authorization of the software owner.
- I. Using electronic communications to violate the property rights of authors and copyright owners. (Be especially aware of potential copyright infringement through the use of e-mail. See the provisions under “e-mail” contained in this order).
- J. Using electronic communications to harass or threaten users in such a way as to create an atmosphere, which unreasonably interferes with the employment experience. Similarly, electronic communications shall not be used to harass or threaten other information recipients, in addition to department users.
- K. Using electronic communications to disclose any trademarked or proprietary information without the explicit permission of the owner.
- L. Reading other users' information or files without permission.
- M. Administrative dishonesty.
- N. Forging, fraudulently altering or falsifying, or otherwise misusing department or non-department records (including computerized records, permits, identification cards, or other documents or property).

- O. Using electronic communications to hoard, damage, or otherwise interfere with academic resources available electronically.
- P. Using electronic communications to steal another individual's works, or other misrepresent one's own work.
- Q. Using electronic communications to fabricate research data.
- R. Launching a computer worm, computer virus, or other rogue program.
- S. Downloading or posting illegal, proprietary, trademarked or damaging material to a departmental computer.
- T. Transporting illegal, proprietary, trademarked or damaging material across a department network.
- U. Personal use of any department or Talbot County information system to access, download, print, store, forward, transmit or distribute obscene material.
- V. Connection of any unauthorized equipment to the department's computers or network for any purpose inconsistent with the business purpose of the department.
- W. Violating any state or federal law or regulation in connection with use of any information system.

VII. PRIVACY

- A. User Privacy is NOT Guaranteed. Due to the inherent characteristics of information systems, system networks, and electronic communications, no information system is completely secure. When the department information systems are functioning properly, a user may expect the files and data he or she generates to be private information, unless the creator of the file or data takes action to reveal it to others. However, persons both within and outside of the department may find ways to access files. **ACCORDINGLY, THE DEPARTMENT CANNOT AND DOES NOT GUARANTEE USER PRIVACY** and users should be continuously aware of this fact. In addition, the St. Michaels Police Department reserves the express right to monitor, in any way, the activities of the employees while accessing any part of the information systems, system networks, Internet, electronic communications, and any other computer related equipment or programs.
- B. Repair and Maintenance of Equipment. Users should be aware that on occasion, duly authorized persons have authority to access individual user files or data in the process of performing repair or maintenance of computing equipment that the department deems is reasonably necessary, including the testing of systems in order to ensure adequate storage capacity and performance for department needs. Information systems technological personnel performing repair or maintenance of computing equipment are prohibited by

law from exceeding their authority of access for repair and maintenance purposes or from making any use of individual user files or data for any purpose other than repair or maintenance services performed by them.

- C. Response to a Public Information Request. Users should be aware that public records statutes are very broad in their application. Certain information contained in electronic form may require disclosure if a public record request is made. Users should remember this when creating any electronic information, especially e-mail. Also, users should be aware that the department will comply with any lawful administrative or judicial order requiring the production of electronic files or data stored in the department's information systems, and will provide information in electronic files or data stored in the department's information systems in response to legitimate requests for discovery of evidence in litigation in which the department is involved.
- D. Response to Misuse of Computers and Network Systems. When reasonable cause, as such cause may be determined by the Chief of Police or the Lieutenant, it is believed that an act of misuse has occurred, then any account, file or other data controlled by the alleged violator may be accessed. The account information, files and other data may be shared with the investigator. Should the Chief of Police or Lieutenant believe reasonably believe that a misuse is present or imminent such that the potential for damage to the system or the information stored within it, is genuine and serious (e.g. Hacking, spamming, or theft), then the Chief or Lieutenant may take such action as is necessary to protect the information system and the information stored in it, including the denial of access to any user.

VIII. E-mail

ALL PROCEDURES STATED HEREIN ARE APPLICABLE TO E-MAIL. Professional, Business related E-mail should reflect careful, professional and courteous drafting-particularly since it is easily forwarded to others. Never assume that only the addressee will read your e-mail. Be careful about attachments and broad publication messages. Copyright laws and license agreements also apply to e-mail.

IX. Disclaimer

Authorized individuals should use discretion/caution in communication with others on the Internet. The department assumes no responsibility for any personal losses you may incur while using the Internet.

The department will not be responsible for any misuse of the department Internet-related systems. Persons found to be misusing the department Internet-related systems will be responsible for any costs or damages sustained by the department or a third party and those persons will be required to indemnify the St. Michaels Police Department and the Town of St. Michaels for any claim by a third party.