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Baltimore City Sheriff's Office Operational Orders Manual

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SUBJECT: AUTHORITY AND JURISDICTION



POLICY STATEMENT:

Members of the Baltimore City Sheriff's Office shall follow Maryland Law, agency's written directives and all applicable Federal and local laws in the performance of their duties.

PURPOSE:

The purpose of this Administrative Order is to establish statutory and policy standards regarding the jurisdiction of the Baltimore City Sheriff's Office and the authority of the agency's members.

This order consists of the following numbered sections:

6.4.1 DEFINITIONS

6.4.2 REQUIREMENTS OF AUTHORITY

6.4.3 DUTIES AND DISCRETION

6.4.4 AUTHORITY WITHIN THE BOUNDARIES OF BALTIMORE CITY

6.4.5 AUTHORITY OUTSIDE THE BOUNDARIES OF BALTIMORE CITY

6.4.6 AUTHORITY OF NON-LAW ENFORCEMENT PERSONNEL

6.4.7 AUTHORITY OF MEMBERS ON SUSPENSION AND TRAINEES

6.4.8 JURISDICTION

SECTION 6.4.1 DEFINITIONS

Discretion: The power or privilege to act on one's own judgment within legal limits.

Member: Any full-time paid employee of the Baltimore City Sheriff's Office.

MPCTC: Maryland Police and Correctional Training Commissions.

SECTION 6.4.2 REQUIREMENTS OF AUTHORITY

Subsection A. Establishment of Authority

1. Members of the Baltimore City Sheriff's Office draw their authority directly from the Sheriff as established under Common Law and as defined by the Maryland State Legislature.
2. The Sheriff maintains ultimate authority and responsibility for the management, direction and control of the agency.
3. The authority of the Sheriff is established under Article IV, Part VII – Sheriffs, Section 44 of the Constitution of the State of Maryland.
4. The Annotated Code of the Public General Laws of Maryland, Courts and Judicial Proceedings, Title 2, Court Personnel, Subtitle 3, Sheriffs, affirms that the authority and duties of the Sheriffs are prescribed by common law as modified by the acts of the Maryland State Legislature.

Subsection B. Oath of Office

1. All members shall be required to take an oath of office as administered by the Clerk of the Circuit Court for Baltimore City before assuming any official duties.
2. Only those members, who have taken the oath of office and have met state law enforcement certification requirements, as mandated by the MPCTC, shall have the powers of arrest.

SECTION 6.4.3 DUTIES AND DISCRETION

Subsection A. Duties of The Sheriff

The duties of the Sheriff include the following:

- A. Chief conservator of the public peace—as prescribed by Common Law.

- B. Transportation of prisoners in accordance with the Annotated Code of Maryland, Article 87, Subsection 26.
- C. Service of all legal documents directed to the Sheriff by the court, including writs, summonses, executions and attachments—in accordance with the Annotated Code of Maryland, Courts and Judicial Proceedings Article, Subtitle 3.
- D. Execution and carrying out the mandates, orders and directions of the courts.
- E. Collection of fees and penalties as established by law—in accordance with the Annotated Code of Maryland, Courts and Judicial Proceedings Article, Subtitle 3.
- F. Enforcement of laws, arrest and commitment to jail of felons and those having committed other infractions of statutory or common law.
- G. Attendance upon the trial courts of record including the preservation of peace and quiet therein.
- H. Any other duty or responsibility as may be established by law.

Subsection B. Duties of Members (Deputy Sheriffs)

- 1. The authority and general duties of a member shall be consistent with the member's training and assignment.
- 2. In addition to powers commensurate with duties assigned, Deputy Sheriffs shall have the following powers:
 - a. May make arrests in accordance with all applicable laws and agency written directives.
 - b. May execute search and seizure warrants, where appropriate and in accordance with applicable laws and/or agency written directives.

Subsection C. Discretion in Making an Arrest

- 1. A Deputy Sheriff is granted discretion by law in making an arrest.
- 2. The Deputy Sheriff's discretion is limited by the following criteria:
 - a. Agency written directives and procedures.
 - b. Seriousness of the offense.
 - c. Existing circumstances at the time of the incident.
 - d. Supervisory authority.

Subsection D. Alternatives to Arrest

1. Alternatives to arrest are based upon the following:
 - a. Seriousness of the offense.
 - b. Applicable law.
 - c. Agency written directives and procedures.
2. Alternatives to arrest include the following:
 - a. Referral to a District Court Commissioner when the incident is a minor and all parties involved in the incident are readily identifiable.
 - b. Release of a juvenile offender to his/her parent or guardian upon verbal approval from a representative of the Department of Juvenile Services.
 - c. Informal resolution of those criminal or civil matters that can be quickly and satisfactorily resolved among the parties involved.
 - d. Deferring an immediate arrest when conditions exist which make an arrest more of a risk to agency members or citizens than the nature of the violation would warrant.
 - e. Deferring immediate arrest pending consultation with a member of the State's Attorney's Office or other criminal justice officials; provided the suspect is likely to remain within Baltimore City.
 - f. Referral to other appropriate public or private agencies when the incident is not within the purview of the Baltimore City Sheriff's Office.

SECTION 6.4.4 AUTHORITY WITHIN THE BOUNDARIES OF BALTIMORE CITY

Subsection A. On-Duty Authority Within the Boundaries of Baltimore City

1. On-duty Deputy Sheriffs certified as Police Officers in accordance with Article 41 Section 4-201 of the Annotated Code of Maryland have full power and authority as police officers within the boundaries of Baltimore City.
2. The Sheriff of Baltimore City may limit the exercise of these powers for good and sufficient reason.
3. The Court Security classifications are:

- a. Chief – Court Security Major
 - b. Assistant Chief – Court Security Captain
 - c. Supervisor – Court Security Lieutenant
 - d. Officer – Court Security
4. Those members of this agency who are assigned to the above-listed classifications shall:
- a. Have the authority to act in an official capacity only within the Clarence Mitchell Courthouse, Courthouse East, Juvenile Justice Center and the immediate environs of these buildings except as follows:
 - I. Whenever in pursuit of any person who may have committed any offense or breach of peace within such buildings, or has escaped from the lawful custody of any Sheriff, jail guard, prison guard, or police officer.
 - II. When accompanying any judge of the Circuit Court for Baltimore City while the judge is performing any official duty or is proceeding from the Courthouse to, or returning from, any place within the City of Baltimore that a judicial duty is performed.
 - b. Not engage in any law enforcement activity outside of the limitations prescribed in this subsection.
 - c. Have no arrest powers outside of the areas designated within this subsection except those arrest powers which accrue unto any ordinary citizen.

Subsection B.

1. Anytime off-duty action is taken, the member's immediate supervisor, the on-call supervisor or on duty administrator shall be notified as soon as practicable, and a complete written report detailing the action shall be submitted not later than the next duty day.

Subsection C. Off-Duty Authority Within the Boundaries of Baltimore City

Off-duty Deputy Sheriffs retain full power and authority within Baltimore City.

1. In the interest of safety, professionalism and agency liability, the following limitations are necessary and shall apply:

- a. Whenever practicable, an off-duty member shall identify herself/himself immediately prior to taking any official action.
 - b. Off-duty members are prohibited from taking official action in personal disputes involving neighbors, friends or relatives unless such action should become necessary to prevent personal injury from occurring.
 - c. Off-duty members are prohibited from taking official action while under the influence or impaired by alcohol or prescription drugs.
 - d. Off-duty members shall not conduct motor vehicle stops while operating personal vehicles.
 - e. Off-duty Deputy Sheriffs may take official action when they observe a crime in progress.
2. Members operating agency vehicles shall:
- a. Respond to all calls for assistance from other members of this agency, should they be within a reasonably close proximity.
 - b. Provide assistance to other law enforcement personnel if requested to do so.
 - c. Take enforcement action when a crime in progress is observed.
 - d. Take enforcement action when a serious traffic violation is observed.
 - e. Off-duty members are not obligated to engage in any official activity that places civilians in jeopardy.

SECTION 6.4.5 AUTHORITY OUTSIDE THE BOUNDARIES OF BALTIMORE CITY

Subsection A. On-Duty Authority Outside of the Boundaries of Baltimore City

1. On-duty Deputy Sheriffs who are members of the Baltimore City Sheriff's Office have full power and authority as police officers outside of the boundaries of Baltimore City provided one or more of the following criteria are met:
 - a. Assignment to another jurisdiction pursuant to a valid mutual aid agreement.
 - b. Service of a bona fide civil document issued from the Circuit Court for Baltimore City.
 - c. Execution of a valid search and seizure or arrest warrant, with a law enforcement officer from that jurisdiction present.

- d. In fresh pursuit of a person who has committed or is committing a criminal act in Baltimore City.
 - e. While officially assigned to a law enforcement group or task force comprised of agencies from various jurisdictions, which has a broadly identified jurisdiction.
 - f. Reasonable belief that immediate action is necessary to preserve life or prevent serious bodily injury to any person.
 - g. Detention of a person for a criminal offense or serious traffic violation, occurring in the Deputy Sheriff's presence within the State of Maryland, pending the arrival of a law enforcement officer from that jurisdiction.
 - h. Whenever assistance is requested by a law enforcement officer from another jurisdiction.
2. Anytime action is taken inside of the boundaries of Baltimore City, the member's immediate supervisor or the on-call supervisor shall be notified as soon as practicable, and a complete written report detailing the action shall be submitted not later than the next duty day.

Subsection B. Off-Duty Authority Outside of the Boundaries of Baltimore City

1. Off-duty Deputy Sheriffs who are outside of the boundaries of Baltimore City shall only be authorized to take official action under the following circumstances:
 - a. Whenever intervention is reasonably believed to be necessary for the protection of life or the prevention of serious bodily injury to others.
 - b. As a private citizen, when the member reasonably believes a felony involving the use of force or the threat of force is occurring in the member's presence.
 - c. Whenever a request for assistance is made by a law enforcement officer of any Maryland jurisdiction.
2. Any off-duty action taken by a member of the Baltimore City Sheriff's Office while outside of the boundaries of Baltimore City shall be reported to the on-call supervisor as soon as practicable and a written report shall be submitted not later than the next duty day.
3. Whenever a member is outside of the State of Maryland, on/or off-duty, that member has no legal authority beyond that granted to any private citizen in that state and shall take no action other than the care, custody and transportation of prisoners during legal extradition which are being carried out under existing interstate extradition compacts.

SECTION 6.4.6 AUTHORITY OF NON-LAW ENFORCEMENT PERSONNEL

Subsection A. Non-Law Enforcement Members

Any member of the Baltimore City Sheriff's Office who is not a duly sworn law enforcement member shall have only that law enforcement authority which is granted under the law to any private citizen.

Subsection B. Members of The Security Division

Members of the Security Division of the Baltimore City Sheriff's Office who are certified by the MPCTC in accordance with Article 41, Section 4-201 of the Annotated Code of Maryland shall have the authority to act in an official capacity as described in Section 3, Subsection A, Paragraph 3 of this General Order.

SECTION 6.4.7 AUTHORITY OF MEMBERS ON SUSPENSION AND TRAINEES

Subsection A. Limit of Authority

1. No member on suspension shall have authority to act in any official capacity, except as a private citizen.
2. Any member who is in the status of a trainee and has not been certified by the MPCTC in accordance with Article 41, Section 4-201 of the Annotated Code of Maryland shall:
 - a. Have only those arrest powers accorded to any private citizen.
 - b. Be restricted to those duties assigned by a supervisor.
3. Any action shall be reported to the member's immediate supervisor or the on-call supervisor as soon as practicable.

SECTION 4.1.8 JURISDICTION

Subsection A. Baltimore City Boundaries

1. Baltimore City is bounded by the following:
 - a. Baltimore County on the east, north, and west.
 - b. Anne Arundel County on the south.

- c. The Patapsco River drainage basin on the south.

Subsection B. Jurisdiction Limitations

The jurisdictional limitations of the Baltimore City Sheriff's Office are the City limits of Baltimore City.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates to ensure compliance. This Order is effective on the date of publication.

SUBJECT: ORGANIZATION AND COMMAND STRUCTURE



POLICY STATEMENT:

It is the policy of the Baltimore City Sheriff's Office that all employees shall adhere to the provisions of this chain of command as it pertains to their official duties. Communications and correspondence shall be made through official channels.

PURPOSE:

The purpose of this Administrative Order is to formally establish the Baltimore City Sheriff's Office organization order of rank, administrative title and chain of command in connection therewith.

This order consists of the following numbered sections:

- 1.1.1 ORGANIZATIONAL STRUCTURE**
- 1.1.2 COMMAND STRUCTURE**

SECTION 1.1.1 ORGANIZATIONAL STRUCTURE

The Baltimore City Sheriff's Office is comprised of two major bureaus – The Administrative Bureau and the Operations Bureau.

Subsection A. Administrative Bureau

1. The Administrative Bureau is under the direct command of the Chief Deputy and consists of the following:
 - a. Fiscal Accounts Section, supervised by the Fiscal Accounts Supervisor.
 - b. Administrative Section which includes an Administrative Officer and a Clerical Assistant.
2. The Fiscal Accounts Section is responsible for:
 - a. The collection, receipt and distribution of revenues received in the Baltimore City Sheriff's Office from the fines and court costs generated from criminal cases in the Circuit Court for Baltimore City.
 - b. Fees paid for the service of process, and revenues collected as the result of the executions of court orders in civil proceedings, Sheriff's sales, license seizures, etc.
3. The Administrative Section is responsible for:
 - a. Budget preparation, reconciliation, and accounting.
 - b. Personnel related concerns (e.g. applicant screening and investigation, coordination of payroll records, coordination of retirement records, maintenance of personnel files, etc.).
 - c. Control of agency purchase orders and requisitions.
 - d. All related clerical duties including preparation of correspondence for agency administrators.
 - e. Uniform Crime Reporting – responsible for the collection and review of all uniform crime reports to include oversight of the Traffic Enforcement activities of the Baltimore City Sheriff's Office and the attendant administrative duties necessitated by these activities.
 - f. Quartermaster – responsible for the maintenance of Departmental Equipment Records including computerized quartermaster data, coordination of uniform purchases and distribution;

Subsection B. Operations Bureau

1. The Operations Bureau is under the direct command of the Operations Officer and is comprised of the following principal components:
 - a. The General Division which is comprised of three sections, each of which are commanded by a Lieutenant –
 - 1) Special Operations Section,
 - 2) District Court Enforcement Section,
 - 3) Field Enforcement Section.
 - b. The Security Division is comprised of two sections under the command of the Assistant Sheriff and Chief of Security.
 - 1) The Circuit Court Security Division.
 - 2) The Department of Juvenile Justice.
2. **Special Assignment Section** – Supervised by a Lieutenant and two sergeants who shall be directly responsible for the supervision and oversight of the following areas of operations:
 - a. Domestic Violence Unit – responsible for receiving, reviewing, processing (including MILES entry, updating, removal) and ensuring timely attempts of service of Domestic Violence Orders issued by the Circuit Court for Baltimore City.
 - b. CSES – is comprised of Deputy Sheriffs assigned to serve all processes issued by the Circuit Court for Baltimore City, other Maryland jurisdictions, and foreign (out of state) jurisdictions related to matters of paternity and child support.
 - c. CSES Warrant Unit – is comprised of Deputy Sheriffs who are assigned the responsibility of apprehending individuals wanted on arrest warrants, body attachments, juvenile writs of attachment, etc., issued by the Circuit Court for Baltimore City or any other jurisdiction within the state of Maryland for service within Baltimore City related to matters of paternity and child support.
 - d. Criminal Warrant Unit – is comprised of Deputy Sheriffs who are assigned the responsibility of apprehending fugitives wanted on arrest warrants, body attachments, juvenile writs of attachment, etc., issued by the Circuit Court for Baltimore City or any other jurisdiction within the state of Maryland for service within Baltimore City.
 - e. The Witness Protection Unit – comprised of Deputy Sheriffs assigned as primary members and alternate members who shall work in conjunction with the Office of the State's Attorney to provide protection to vital witnesses in cases where the State's Attorney has determined protection is required to safeguard against endangerment to the witnesses, and shall perform the duties required of this assignment in addition to their regularly assigned duties.

3. **District Court Enforcement Section** – Shall be supervised by a Lieutenant, an Officer Manager and two sergeants, who shall be directly responsible for the supervision and oversight of the following areas of operations:
 - a. Deputy Sheriffs assigned to Districts who have the responsibility for:
 - (i) The service of civil process, criminal summonses, juvenile summonses, etc. generated from the District Court of Maryland which may be assigned to them for service.
 - (ii) The execution of all evictions, foreclosures and various court orders generated by the District Court of Maryland.
4. **Field Enforcement Section**, commanded by a lieutenant, shall be comprised of:
 - a. Deputy Sheriffs assigned to Districts who have the responsibility for
 - (i) The service of civil process, criminal summonses, juvenile summonses, etc. which may be assigned to them for service.
 - (ii) General Division Court Personnel – responsible Deputies from the General Division who are assigned Court Duty.
 - (iii) Sheriff's Lockup – responsible for the security and maintenance of prisoners temporarily in the custody of the Baltimore City Sheriff's Office;
 - (iv) Sheriff's Transportation Unit – responsible for the movement of prisoners between secure facilities.
 - (v) Deputy Sheriffs assigned to execute orders issued by the Circuit Court for Baltimore City as the result of civil judgments which may include levies, seizures, Sheriff's sales, etc.
 - (vi) Members who are assigned to clerical duties.
 - b. Warrant Control Desk, MILES Section and Detainer Desk, and shall be responsible for:
 - (i) Control of all warrants, body attachments, juvenile writs of attachment, etc. received from the Circuit Court for Baltimore City of any other jurisdiction within the State of Maryland for service by this agency (such control shall include physically maintaining the warrant or maintaining accountability for its whereabouts).
 - (ii) Timely and complete data entry on the MILES System including accurate validation of data entered, timely updating/removal of data as necessary.
 - (iii) Timely filling of detainers for wanted persons who may be incarcerated and prompt filing of detainer lifters when appropriate.
 - (iv) Ensuring appropriate arrangements are made for transportation of incarcerated persons being released to the custody of the Baltimore City Sheriff's Office where a detainer exists.

- (v) Coordinating extraditions when necessary and ensuring prompt advance notification to the Chief Deputy of all extraditions.
5. **The Security Division**, commanded by the Chief of Security, shall be comprised of a command staff which includes one Chief, one Assistant Chief and two Supervisors, and Court Security Officers who are sworn members of this agency assigned the responsibility of providing:
- a. Security for the courthouse buildings (C. Mitchell Courthouse and Courthouse East), which includes:
 - 1) Access control
 - 2) Operation of a pass system
 - 3) Scanning of personnel
 - 4) Scanning of mail and packages
 - 5) Conducting body searches when required
 - 6) Seizure of weapons, drugs, and contraband
 - 7) Affecting arrests when necessary
 - b. Courtroom security for each part of the Circuit Court for Baltimore City including performance of all courtroom duties required, e.g., collecting fines when required, taking custody of prisoners when required, serving summonses and other court documents in court, writing sub-curia commitments when necessary, etc.,
6. Providing emergency response to any condition which may occur in the Circuit Court buildings where a security presence would be necessary.

SECTION 1.1.2 COMMAND STRUCTURE

Subsection A. General

- 1. The Sheriff is the highest ranking officer within the Sheriff's Office and is responsible for administering the office in accordance with applicable laws and regulations and ensuring that office objectives are met.
- 2. The Chief Deputy is second in command and serves as principal administrator of the agency, under the direction of the Sheriff, and upon the Sheriff's absence shall assume all the responsibilities of that Office.
- 3. Assistant Sheriff is third in command and upon the absence of the Sheriff and Chief Deputy shall assume all responsibilities.
- 4. The rank of order for sworn members of the agency shall be delineated in Subsection B.

and C. of this Section.

5. The placement of non-sworn employees within the rank structure shall be determined by the Sheriff, dependent upon assigned duties and responsibilities.
6. The Chief Deputy shall appoint a Duty Officer to serve in an acting command capacity, during non-duty hours, and this appointment shall be on a weekly basis among the Captain and Lieutenants.
7. During the temporary absence of a commanding supervisor, when no other provision is made by competent authority, the command will automatically devolve upon the senior ranking Deputy.
8. Seniority shall be established first by rank and secondly by length of service; in those cases of equal rank and length of service in rank, the Deputy with the greatest length of service in the Sheriff's Office shall be in command.

Note: See Appendix A to this administrative order (the Baltimore City Sheriff's Office's organization chart).

Subsection B. General Division – Rank Of Order

1. The rank of order for the General Division of the Baltimore City Sheriff's Office shall be as follows:
 - a. Sheriff
 - b. Chief Deputy
 - c. Assistant Sheriff
 - d. Major
 - e. Captain
 - f. Lieutenant
 - g. Sergeant
 - h. Deputy Sheriff
 - i. Deputy Sheriff Trainee

Subsection C. Security Division – Rank Of Order

1. The rank of order for the Security Division shall be as follows:
 - a. Sheriff

- b. Chief Deputy
- c. Assistant Sheriff
- d. Chief of Security
- e. Assistant Chief of Security
- f. Security Supervisor II/Lieutenant
- g. Court Security Officer

Subsection D. Span Of Control

1. In order to achieve effective direction, coordination and control, supervisors should not normally be required to directly supervise a greater number of personnel than they can effectively supervise.
2. Whenever possible, the number of persons directly supervised by a supervisor should not exceed fifteen (15).

Subsection E. Discretion

1. Employees shall use sound discretion when confronted with situations which do not fall within specific written guidelines or directives.
2. Written policies, guidelines, training and supervision cannot cover every situation that may possibly arise and members are expected to employ sound discretion wherever necessary.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates to ensure compliance. This Order is effective on the date of publication.

SUBJECT: LAW ENFORCEMENT CODE OF ETHICS**POLICY STATEMENT:**

It is the policy of the Baltimore City Sheriff's Office that all of its members strive to maintain the highest ethical standards. Members shall be cognizant of the fact that in the performance of their duties they are representatives of the Baltimore City Sheriff's Office and the City of Baltimore, as well as the Law Enforcement Community as a whole. The Baltimore City Sheriff's Office has adopted the Law Enforcement Code of Ethics endorsed by the International Association of Chiefs of Police.

PURPOSE:

The purpose of this General Order is to establish the parameters of behavior to be adhered to by all sworn members of the Baltimore City Sheriff's Office.

This order consists of the following numbered sections:

1.3.1 INTRODUCTION: LAW ENFORCEMENT CODE OF ETHICS

1.3.2 LAW ENFORCEMENT CODE OF ETHICS

SECTION 1.3.1 COMMAND STRUCTURE

Subsection A. Required Action

All Members of the Sheriff's Office shall be familiar with and adhere to the Standards of Ethical Conduct set forth in this directive.

Subsection B. Communication of Policy

Supervisors shall be responsible for communication of this directive to their subordinates and ensure compliance. This directive is effective on the date of publication and is to be read at all roll calls for 5 consecutive days and posted on the office bulletin boards.

SECTION 1.3.2 LAW ENFORCEMENT CODE OF ETHICS

All law enforcement officers must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing.

The International Association of Chiefs of Police believes it is important that law enforcement officers have clear advice and counsel available to assist them in performing their duties consistent with these standards, and has adopted the following ethical mandates as guidelines to meet these ends.

Subsection A. Primary Responsibilities of A Law Enforcement Officer

1. A law enforcement officer acts as an official representative of government who is required and trusted to work within the law.
2. The officer's powers and duties are conferred by statute.
3. The fundamental duties of a law enforcement officer include serving the community, safeguarding lives and property, protecting the innocent, keeping the peace, and ensuring the rights of all to liberty, equality and justice.

Subsection B. Performance of the Duties of A Law Enforcement Officer

1. A law enforcement officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration.
2. All citizens shall be treated with courtesy, consideration and dignity.
3. Officers shall never allow personal feelings, animosities or friendships to influence official conduct.
4. Laws shall be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public.
5. Officers will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

Subsection C. Discretion

1. A law enforcement officer shall use responsibly the discretion vested in the position and exercise it within the law. The principal of reasonableness will guide the officer's determination and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken.

2. Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can only be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than an arrest, which may be appropriate in certain circumstances, can be more effective means of achieving a desired end.

Subsection D. Use of Force

1. A law enforcement officer shall never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.
2. Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every law enforcement officer will refrain from applying the unnecessary infliction of pain or suffering and shall never engage in cruel, degrading or inhuman treatment of any person.

Subsection E. Confidentiality

1. Whatever a law enforcement officer sees, hears or learns of, which is of a confidential nature, will be kept secret unless the performance of duty or legal provision requires otherwise.
2. Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

Subsection F. Integrity

1. A law enforcement officer shall not engage in acts of corruption or bribery, nor will an officer condone such acts by other law enforcement officers. The public demands that the integrity of law enforcement officers be above reproach. Therefore, law enforcement officers must avoid any conduct that might compromise their integrity and thus undercut the public confidence in a law enforcement agency.
2. Officers shall refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause an officer to refrain from performing official responsibilities honestly and within the law.
3. Law enforcement officers shall not receive private or special advantage from their official status. Respect from the public cannot be brought; it can only be earned and cultivated.

Subsection G. Cooperation with Other Officers and Agencies

1. Law enforcement officers shall cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

2. An officer or agency may be one among many organizations that provide law enforcement services to a jurisdiction. It is imperative that law enforcement officers assist their colleagues fully and completely with respect and consideration at all times.

Subsection H. Personal/Professional Capabilities

1. Law Enforcement Officers shall be responsible for their own standard of professional performance and shall take every reasonable opportunity to enhance and improve their level of knowledge and competence. Through study and experience, law enforcement officers can acquire the efficient and effective performance of duty. The acquisition of knowledge is a never ending process of personal and professional development that should be pursued constantly.

Subsection I. Private Life

1. Law enforcement officers shall behave in a manner that does not bring discredit to their agencies or themselves.
2. A law enforcement officer's character and conduct while off duty shall always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The officer's personal behavior must be beyond reproach.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates to ensure compliance. This Order is effective on the date of publication.

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY SEXUAL HARRASMENT AND DISCRIMINATION
POLICY****POLICY STATEMENT:**

It is the continuing policy of the Baltimore City Sheriff's Office to afford equal employment opportunity to qualified individuals, regardless of their race, color, religion, national origin, sex, age, disability, sexual orientation or marital status, and to conform to applicable laws and regulations. Additionally, the policy of the agency is to provide each member a viable means for communicating and resolving grievances and complaints regarding unlawful discriminatory employment practices.

PURPOSE:

This purpose of this General Order is to insure that equal opportunity encompass all aspects of compensation, benefits, promotion, transfer, layoffs, recall from layoffs, and department sponsored educational social and recreational programs. All treatment on the job will be free discriminatory practices.

This order consists of the following numbered sections:

- 2.3.1 UNLAWFUL EMPLOYMENT PRACTICES**
- 2.3.2 EQUAL PAY ACT**
- 2.3.3 DEPARTMENTAL DISCRIMINATION COMPLAINT PROCESS**
- 2.3.4 COMMUNICATION OF POLICY**

SECTION 2.3.1 UNLAWFUL EMPLOYMENT PRACTICES

Subsection A. Introduction: Guidelines

The Civil Rights Act of 1964 S 200e-2 Employer Practices States that it shall be an unlawful employment practice for an employer:

1. To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual race, color, religion, national origin, sex, age or disability.
2. To limit, segregate, or classify employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect their status as employee, because of such individual's race, color, religion, national origin, sex, age, or disability.

Subsection B. Equal Employment Opportunity Program

The objectives of The Baltimore City Sheriff's Office's Equal Employment Opportunity Programs are to:

1. Provide equal opportunities for employment to all qualified applicants regardless of their race, religion, national origin, sex, age, disability, sexual orientation or marital status.
2. Provide equal opportunity to all employees with respect to hiring, promotion, transfer, terms, conditions and/or privileges for self-development and advancement to all qualified employees or any matter directly or indirectly related to employment.
3. Make employment related decisions concerning assignment selection on the basis of individual ability and qualification, subject to job requirements, and to establish departmental policies.
4. Carry out the Agency's obligations relative to local; state and federal fair employment practices requirements.
5. Provide all employees with a complaint process specifically formulated for communicating and resolving discrimination complaints.

Subsection C. Sexual Harassment

1. Sexual Harassment is a form of sex discrimination. It is any unwelcomed, offensive sexual behavior, either physical or verbal, which embarrasses, humiliates or intimidates co-workers or subordinates.

2. Request for sexual favors, display of sexually explicit photographs, jokes, or other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - a. Submission to such conduct is made, either explicitly or implicitly, is a term or condition of an individual's employment.
 - b. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting the individual, such as assignments, overtime and transfers.
 - c. Such conduct has the purpose, or effect, of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
 - d. Exhibiting such conduct is an abuse of authority or position, license or rank to embarrass, humiliate, intimidate, harass or unduly influence another person for the purpose of sexual favors.
3. Two key elements that are considered in determining whether a particular conduct is sexual harassment are:
 - a. Whether the recipient found the conduct objectionable or offensive.
 - b. Whether it was known, or should have been known, that the recipient would find the conduct objectionable or offensive.

Subsection A. Federal, State And Local Statutes

Applying general provisions of federal, state, and local statutes, an employer is responsible for acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized, or even forbidden by the employer, and regardless of whether the employer knew, or should have known, of their occurrences.

Subsection A. Employer Responsibility

1. An employer is responsible for acts of sexual harassment in the workplace where the employer, including agents and supervisory employees know, or should know, of the conduct, unless it can be shown that immediate and appropriate corrective action has been taken.
2. Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for, but denied that employment opportunity or benefit.

3. An employer may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knows, or should have known, of the conduct and fails to take immediate and appropriate corrective action.
4. In reviewing these cases, the investigation will consider the extent of the employer's control and any other legal responsibility that the employer may have with respect to the conduct of such non-employees.

Subsection A. Race/ Color/ Sex Discrimination

Title VII of the Civil Rights Act of 1964 protects individuals against employment discrimination on the basis of race, color religion, sex or national origin. The Annotated Code of Maryland and the Baltimore City Code provide further protection against discrimination on the basis of age, disability, marital status and sexual orientation.

1. It is unlawful to discriminate against any employee or applicant for employment because of his/her race, color or sex in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment.
2. Discrimination on the basis of an immutable characteristic associated with race or gender, such as skin color, hair texture, or certain facial or physical features violate federal, state and local statutes, even though not all members of the race or sex share the same characteristic.
3. Discrimination is any illegal or impermissible action or practice, based upon a person's immutable characteristics, which singles out that individual (or singles out persons sharing that characteristic generally) for treatment that differs from other persons not sharing those characteristics.
4. Equal employment opportunity cannot be denied because of marriage to, or association with, an individual of a different race; membership in, or association with, ethnic-based organization or group; or attendance or participation in schools or places of worship generally associated with certain groups.

Subsection A. Federal, State and Local Statutes - Prohibitions

1. Federal, state and local statutes also prohibit discrimination on the basis of a condition which predominately affects one sex, unless the practice is job related and consistent with a legitimate business necessity. For example, since sickle cell anemia predominately occurs in African-Americans, a policy that excludes individuals with sickle cell anemia must be shown to be job related and consistent with business necessity. Similarly, a "no-beard" employment policy may discriminate against African-American men who have predisposition to pseudo folliculitis barbae (severe shaving bumps) unless the policy is shown to be related and consistent with business necessity.
2. Regulations regarding certain hairstyles or facial hair may discriminate against some

beliefs and may likewise be prohibited.

3. Harassment on the basis of race, color, and/or sex violates federal, state and local statutes and this policy.
4. Ethnic slurs, racial "jokes", offensive or derogatory comments, or other verbal or physical conduct based on an individual's race, color and /or sex constitutes unlawful harassment if the conduct has either the purpose or effect of creating an intimidating, hostile, or offensive working environment, or interferes with an individual's work performance.

Subsection A. National Origin Discrimination

Federal, state and local statutes protect individuals against employment discrimination on the basis of national origin.

1. It is unlawful to discriminate against any employee or applicant because of the individual's national origin.
2. No one can be denied equal employment opportunity because of birthplace, ancestry, culture, or linguistic characteristic common to a specific ethnic promotion group, attendance or participation in schools, churches, temples or mosques generally associated with national origin group; or surnames associated with a national origin group.
3. An employer must show a legitimate, non-discriminatory reason for denial of employment opportunity because of an individual's accent or manner of speaking. Investigations will focus on whether his/her accent or manner of speaking had a detrimental effect to on job performance.
4. Harassment on the basis of national origin is a violation of Title VII.
5. An ethnic slur or other verbal or physical conduct because of an individual's nationality constitutes unlawful harassment if the conduct has either the purpose or effect of creating an intimidating, hostile, or offensive working environment, unreasonably interferes with work performance or negatively affects an individual's employment opportunities.

Subsection A. Sexual Orientation Discrimination

1. Article IV of the Baltimore City Code prohibits discrimination on the basis of sexual orientation. This law protects homosexuals, bisexuals and heterosexuals against discrimination in employment, education, health and welfare service, and public accommodations.
2. The Equal employment Opportunity policy of the Department reflects the commitment to equal protection and equal opportunity for all persons regardless of actual or presumed sexual orientation.
3. It is unlawful and a violation of this policy to discriminate against any person on the basis

of sexual orientation in regards to hiring, termination, promotion, assignment.

4. Article IV and this policy prohibit any employment-related decision based on stereotypes and assumptions about abilities, traits, characteristics, or the actions of individuals who are or presumed to be of a certain sexual orientation.
5. Harassment on the basis of actual or presumed sexual orientation violates Article IV, and the Equal Employment Policy of the Department. Conduct that has either the purpose or effect of creating or contributing to a hostile, intimidating, threatening, offensive or abusive working environment constitutes harassment under this policy. This includes written, spoken, graphic or demonstrative derogatory terms, slurs, comments, gestures, ridicules, threats, rumors, or jokes with respect to an individual's known or presumed sexual orientation.

Subsection A. Age Discrimination

1. The Age Discrimination in Employment Act of 1967 (ADEA); Article 43B, Annotated Code of Maryland and Article IV, Baltimore City Code protects individuals who are 40 years of age or older from employment discrimination based on age.
2. The ADEA's protections apply to both employees and job applicants.
3. Under the ADEA, it is unlawful to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment, including, but not limited to hiring, firing, promotion, compensation, benefits, job assignments and training.
4. The ADEA applies to employers with 20 or more employees, including federal, state and local governments. It also applies to employment agencies and to labor organizations.

Subsection A. Religious Discrimination

1. Federal, state and local statutes prohibit employers from discriminating against individuals because of their religion in hiring, firing, and other terms and conditions of employment.
2. These statutes require employers to reasonably accommodate the religious practice of an employee or prospective employee, unless to do so would create an undue hardship upon the employer.
3. Employers cannot schedule examinations or other selection activities in conflict with current or prospective employee's religious dress code, or refuse to allow observance of Sabbath or religious holiday; unless the employer can prove doing so would create an undue hardship.
4. An employer can claim undue hardship when accommodation of an employee's religious practice:
 - a. Requires more than ordinary administrative costs.

- b. If changing a bona fide seniority system to accommodate one employee's religious practices denies another employee the job or shift preference guaranteed by the seniority system.

Subsection A. Pregnancy Discrimination

The Pregnancy Discrimination Act is an amendment to Title VII of the Civil Rights Act of 1964. Federal, state and local statutes provide that discrimination on the basis of pregnancy, childbirth or related medical conditions constitutes unlawful sex discrimination.

1. Women affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.
2. An employer cannot refuse to hire a woman because of:
 - a. Her pregnancy-related conditions as long as she is able to perform the major functions of the job
 - b. Its prejudices against pregnant workers or the prejudices of co-workers, clients or customers
1. An employer may not single out pregnancy related conditions for special procedures to determine an employee's ability to work. However, an employer may use any procedure used to screen other employee's ability to work. For example, if an employer requires its employees to submit to a doctor's statement concerning their inability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy-related conditions to submit such statements.
2. If an employee is temporarily unable to perform the job due to pregnancy, the employee must be treated the same as any other temporarily disabled employee.
3. Pregnant employees must be permitted to work as long as they are able to perform their jobs.

Subsection A. Absence Due to Pregnancy

1. If an employee has been absent from work as a result of a pregnancy-related condition and recovers, her employer may not:
 - a. Require her to remain on leave until the baby's birth.
 - b. Have a rule that prohibits an employee from returning to work for a predetermined length of time after childbirth.

Subsection A. Job Retention

Employers must hold open a job for pregnancy-related absences the same length of time jobs are held open for employees on sick or disability leave.

SECTION 2.3.2 EQUAL PAY ACT

The equal Pay Act of 1963, which amends the Fair Labor Statements Act of 1938, was enacted for the purpose of correcting, "wage differentials based on sex." The Act requires equal pay for both sexes for jobs requiring substantially equal skill, effort, and responsibility, and for jobs that have similar working conditions.

Subsection A. Member Responsibilities

1. Every member of the Department is responsible for reporting discrimination of any kind, regardless of whether he/she is the victim.
2. Reporting shall consist of an administrative report submitted directly to the EEOC Officer, Equal Employment Opportunity Compliance Section.

Subsection A. Command and Supervisory Personnel Responsibilities

1. The responsibilities of command and supervisory personnel in carrying out the department's policy of equal employment opportunity shall include, but not be limited to:
 - a. Implementing established policy regarding equal employment opportunity.
 - b. Rendering assistance in the identification of problem areas and their solutions.
 - c. Promoting and encouraging discussions with appropriate supervisors and employees to insure equal employment policies are being followed.
 - d. Reviewing the qualifications of all employees to insure that minorities and females are given equal opportunity regarding transfer and promotion.
 - e. Ensuring compliance with reporting requirements in all instances of discrimination of any kind.
2. In any case where a supervisory personnel or command elects to address any matter relating to equal employment opportunity at their respective level, a report must be made directly to the Director, Equal Employment Opportunity Compliance Section, detailing the particulars of the incident, person(s) involved and action taken.

SECTION 23.3 BULLYING IN THE WORKPLACE

Subsection A. Workplace Bullying

1. Is defined as intentional, persistent, malicious, unwelcomed, severe or pervasive conduct that harms, intimidates, offends, degrades or humiliates an employee, whether verbal, (including written or electronic) or physical at the place of work or in the course of employment. Workplace bullying is a behavior that a reasonable person would find to be hostile, offensive, and not related to an employer's legitimate business interest. Examples of workplace bullying include, but are not limited to:
 - a. Personal attacks (angry outbursts, excessive profanity, or name calling)
 - b. Personal insults and use of offensive nicknames
 - c. Public humiliation
 - d. Encouragement of others to turn against the targeted employee
 - e. Spreading rumors and gossip about the targeted employee
 - f. Sabotage of a coworker's work product or undermining of an employee's work performance
 - g. Threats of abuse to an individual or an individual's property (defacing or marking up property)
 - h. Being unjustifiably offensive toward fellow employees, wards of the State, or the public
 - i. Making threats about job security without foundation
 - j. Repeated infliction of verbal abuse, such as the use of derogatory remarks, insults and epithets
2. Bullying conduct does not include:
 - a. A single incident of unreasonable behavior
 - b. Disciplinary action taken in accordance with applicable law, regulation or policy
 - c. Routine coaching and counselling, including feedback about and correction of work performance or conduct
 - d. Exercising management's prerogative to appoint, promote, transfer, or reassign an employee, to direct or assign work, and to determine and re-determine the methods and means by which an agency's functions will be carried out
 - e. Individual differences in styles of personal expression which may lead to conflict, provided that the expression is not meant to intimidate

- f. Having differences of opinion on work-related concerns

Subsection B. Training and Education

Training is a significant factor in preventing and managing workplace bullying, particularly to enable early intervention in workplace conflict before it potentially escalates into bullying. Training protocols for both supervisors and employees should include the definition of workplace bullying, reporting and investigation procedures and available resources for those who have been affected by workplace bullying. Workers, including managers and supervisors, should be aware of their roles in relation to prevention and responses to workplace bullying and appropriate skills to take action where necessary.

Subsection C. Manager and Supervisor Training

Managers and supervisors need the skills to be able to identify psychological hazards and put the right control measures in place. They should be trained in how to prevent and respond to workplace bullying, and in skills that will help develop productive and respectful workplace relationships, for example training that covers:

1. Communicating effectively and engaging workers in decision making
2. Managing difficult conversations and providing constructive feedback both formally and informally
3. Conflict management
4. Effectively managing workloads and performance
5. Diversity and tolerance

Subsection D. Retaliation Prohibited

Reprisal or retaliation against any employee who files a report about bullying is strictly prohibited. Any employee who harasses or intimidates another employee who has reported bullying behavior in the workplace may be subjected to disciplinary action, up to and including termination.

Subsection E. Complaint Process

An employee who feels she/he has been a victim of bullying that is not because of the individual's age, ancestry, color, creed, gender identity and expression, genetic information, marital status, mental or physical disability, national origin, race, religious affiliation, belief or opinion, sex, sexual orientation or any other protected status, should file a complaint with their appointing authority or agency head, as appropriate.

1. Communicating effectively and engaging workers in decision-making

2. Managing difficult conversations and providing constructive feedback both formally and informally
3. Conflict management
4. Effectively managing workloads and performance
5. Diversity and tolerance

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1. Upon receiving the complaint, the appointing authority or agency head, as appropriate, shall:
 - a. Investigate the alleged bullying
 - b. Meet with the alleged bully
 - c. Consider any mitigating circumstances
 - d. Determine the appropriate disciplinary action, if any, to be imposed
 - e. Give the employee a written notice of the disciplinary action to be taken and the employees, appeal rights
2. The appointing authority or agency head, as appropriate, must investigate and take appropriate disciplinary action, if any within 30 days of gaining knowledge of the alleged bullying.

Subsection F. Complaint Process – Protected Status Basis

For an employee who feels she/he has been a victim of bullying/harassment and or discrimination because of the individual's age, ancestry, color, creed, gender identity and expression, genetic information, marital status, mental or physical disability, national origin, race, religious, affiliation, belief or opinion, sex, sexual orientation or any other protected status, there are a number of

options for pursuing a complaint. Whether a complaint is filed through the federal Equal Employment Opportunity Commission or the Maryland Commission on Civil Rights the employee should be aware of the deadlines.

1. A complaint filed internally:
 - a. Must be filed in writing
 - b. Must be filed with the head of the principal unit or the EEO Officer
 - c. Must be filed within 30 days after the employee knew or reasonably should have known of the alleged violation
2. After the complaint has been relieved:
 - a. Within 30 days, the EEO Officer shall investigate the complaint and make a recommendation to the head of the principal unit
 - b. The head of the principal unit or designee shall issue a written decision to the complainant, and may grant any appropriate relief
 - c. The decision may be a dismissal of the complaint
 - d. A decision may be appealed to the Office of the Statewide EEI Coordinator in writing and filed within 10 days after receiving a decision
 - e. The Statewide EEO Coordinator shall review both the complaint and decision, conduct any necessary investigation, and shall issue a final decision within 30 days. The decision may grant an appropriate relief to the complainant or dismiss the complaint

Subsection G. Complaint by Witness

Workplace bullying affects everyone. An employee who witnesses bullying in the workplace should report that information to his or her appointing authority or agency head, as appropriate, without delay. A witness to workplace bullying may make this report anonymously. Anonymous complaints may be more difficult to investigate, but the appointing authority or agency head, as appropriate, has a duty to do so to the best of his or her ability.

SECTION 23.4 DEPARTMENTAL DISCRIMINATION COMPLAINT PROCESS

1. Members who wish to file a complaint of discrimination based on race, color, religion, national origin, sex (to include sexual harassment), age, disability, sexual orientation or marital status, may obtain a Baltimore Sheriff's Department Discrimination Complaint Form (Form 201) from his/her administrative lieutenant, sergeant or designee.

2. Form 201 shall be completed and forwarded directly to the Director, Equal Employment Opportunity Compliance Section.
3. Additional supporting documentation and related information surrounding the incident or matter complained of shall be attached to Form 201.
4. Members who wish to do so may file a complaint directly with the following agencies:

Equal Employment Opportunity Commission

10 South Howard Street

Baltimore, Maryland 21201

410-962-3932

(Within 300 days from the date of last occurrence).

Maryland Human Relations Commission

6 Saint Paul Street

Baltimore, Maryland 21201

410-767-8600

(Within 180 days from the date of last occurrence).

Community Relations Commission

10 North Calvert Street

Baltimore, Maryland 21201

410-396-3141

(Within 180 days from the date of last occurrence).

5. If a complaint is filed with both the Sheriff's Office and an outside agency, the Equal Employment Opportunity Compliance Office will conduct a thorough investigation in addition to any investigation conducted by the other agency.
6. Upon notification that a complaint has been filed directly with an outside agency and not filed with the Sheriff's Office, the Equal Employment Opportunity Compliance Office will conduct a preliminary investigation so the Legal Affairs Section can answer the complaint.
7. A written finding concerning the outcome of cases investigated by the Equal Employment Opportunity Compliance Section shall be forwarded to the member submitting the complaint.

8. Any member who feels aggrieved, is dissatisfied, or feels they are adversely affected by the Department's decision in any case of discrimination, may file the complaint with any of the outside agencies indicated in this Order (within the time frames specified for each).

Note: Any person who files a complaint or charge, participates in an investigation or charge, or identifies an employment practice that is prohibited by any of the above policies and regulations is protected from retaliation.

SECTION 2.3.5 DISCRIMINATOR PROFILING

Discriminatory profiling by Law Enforcement Officers is inconsistent with Maryland's enduring commitment to equality under the law, that promise is enshrined in our state and federal constitutions, in our antidiscrimination laws, and in the regulations and internal directives of law enforcement agencies across the State. The Office of the Attorney General created a Guidance Memorandum to fortified Maryland's commitment to equality by promoting uniform statewide standards on the proper use of race, ethnicity, national origin, gender, gender identity, sexual orientation, disability and religion in the vital work of police. This memorandum is aimed to ensure that our pledge of equal protection is ingrained, in principle and in practice, in the everyday conduct of law enforcement officers, and is embodied by the everyday experience of all people in Maryland.

Subsection A. Governing Standards

Two distinct standards applicable to two different sets of circumstances: routine law enforcement operations and law enforcement activities related to ongoing investigations govern whether certain defining personal characteristics may be considered by the deputy in the course of law enforcement activities and investigations. The first standard should guide the deputy with respect to routine police activity (e.g., traffic stops) where no specific investigation is underway, while the second standard covers activities pertaining to pending investigations.

1. Standard for Routine Law Enforcement Activity
 - a. When conducting routine police activity unconnected to an investigation of a specific crime, organization, or scheme, law enforcement may not consider race, ethnicity, national origin, gender, gender identity, sexual orientation disability or religion to any degree.
2. Standard for Investigative Law Enforcement Activity
 - a. When investigating a specific criminal offense, criminal organization, or crime scheme, law enforcement may only consider race, ethnicity, national origin, gender, gender identity, sexual orientation, disability or religion if police are in possession of credible information that makes the defining personal characteristic directly relevant to the investigation of a specific offense organization, or scheme.

Subsection B. Investigation of a specific Criminal Offense

Law enforcement may consider identifying characteristics even where that is the only information available, that information alone is not sufficient to justify a Fourth Amendment intrusion, such as an investigatory detention. Law enforcement may rely on identifying characteristics when developing the reasonable suspicion necessary to detain the suspect, but those characteristics must exist in conjunction with other information. When considering whether there is sufficient information to justify a detention, in addition to personal identifiers, the following factors should be considered:

1. The particularity of the description of the offender or the vehicle in which he fled
2. The size of the area in which the offender might be found, as indicated by such facts as the elapsed time since the crime occurred
3. The number of persons about in that area
4. The known or probable direction of the offender's flight
5. Observed activity by the particular person stopped
6. Knowledge or suspicion that the person or vehicle stopped has been involved in other criminality of the type presently under investigation

Subsection C. Investigation of a Specific Criminal Organization

The same limitations with regard to the consideration of race, ethnicity, national origin, gender, gender identity, sexual orientation, disability or religion apply to investigations of a criminal organization. Deputies should consider the criteria articulated in Subsection B, also assessing whether the information must be trustworthy. The following examples are illustrative:

Example: A woman flags down a police officer and tells him or her that a group of men of a particular race are members of a neighborhood gang. The deputy detains and questions every male of that race in the area. Because the information was not related to specific criminal activity, and because nothing in the general information provided by the person establishes that she is credible, this use of race was improper.

Example: A special task force is convened after a rash of gang violence erupts in a small urban neighborhood. After speaking with a number of reliable confidential informants and former gang members, the task force learns that the gang involved only permits members of a particular ethnicity, and that those members have signature tattoos and wear articles of clothing of a specific color. Deputies are permitted to consider ethnicity, along with the other defining traits of the gang, as part of their investigation.

Subsection D. Investigation of a Specific Criminal Scheme

Similarly, when officers are investigating a criminal scheme, considering the race, ethnicity national origin, gender, gender identity, Sexual orientation, disability or religion of the suspects may be appropriate, but only where that information is relevant and reliable and directly relates to the criminal activity. As with information about a criminal incident, the information must be temporally and geographically related to the scheme being investigated. The following examples are illustrative:

Example: Police receive information that an auto theft ring is being run in one urban community at a specific location by a group of people of a particular ethnicity. This would be improper because the information, even if reliable, is not geographically relevant.

Example: A reliable confidential informant tells police that a group of men belonging to a particular religious' sect are stockpiling weapons at a residence adjacent to a specific place of worship. The police include that information in an application for a search warrant of that residence as part of the investigation. This use of religion is proper because it is based upon reliable and relevant information.

This policy has been implemented in accordance with the Office of the Attorney General of Maryland Guidance Memorandum Ending Discriminatory profiling in Maryland (August 2015) and will be a thereto as such.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates to ensure compliance. This Order is effective on the date of publication.

SUBJECT: GENERAL DISCIPLINARY MATRIX**POLICY STATEMENT:**

It is the policy of the Baltimore City Sheriff's Office to apply discipline in a fair and standardized manner.

PURPOSE:

The purpose of this Order is to establish a standardized recommendation process for discipline. The Discipline Matrix will ensure that disciplinary recommendations are fundamentally fair and applied uniformly. It is emphasized that the Disciplinary Matrix is a guideline. It is intended to be a tool to promote corrective behavior in a progressive manner unless the violations of the standards of conduct are so severe that they warrant immediate definitive action. The Sheriff retains final authority regarding any punishment and is not restricted by the Disciplinary Matrix.

This order consists of the following numbered sections:

- 2.2.1 DEFINITIONS**
- 2.2.2 GENERAL DISCIPLINARY MATRIX**
 - (1-0) CONDUCT GENERAL**
 - (2-0) MISREPRESENTING FACT**
 - (3-0) DOMESTIC VIOLENCE**
 - (4-0) CONTROLLED DANGEROUS SUBSTANCES AND ALCOHOL**
 - (5-0) CRIMINAL CONDUCT**
 - (6-0) HARRASSMENT AND DISCRIMINATION**
 - (7-0) EXCESSIVE FORCE AND BRUTALITY**
 - (8-0) NEGLECT OF DUTY**
 - (9-0) UNIFORMS AND EQUIPMENT**
 - (10-0) FIREARMS**
 - (11-0) PRISONER RELATED VIOLATIONS**
 - (12-0) EVIDENCE AND PROPERTY**
 - (13-0) MISCELLANEOUS**
 - (14-0) SECONDARY EMPLOYMENT VIOLATIONS**
- 2.2.3 REQUIRED ACTION**

SECTION 2.2.1 DEFINITION

CATEGORY "A" VIOLATIONS**Description**

1. First occurrence of minor rules violations – not a disciplinary action.
2. Repeated, same, or similar misconduct with 12 consecutive months enhances the third violation to Category B.
3. Combination of any three Categories A violations within 12 consecutive months enhances the third violation to Category B.

Proactive Corrective Action

- A. Training and Education
- B. Written Counseling
- C. Mediation
- D. Voluntary restitution
- E. Psychological Services
- F. Other non-disciplinary action

CATEGORY "B" VIOLATIONS**Description**

- A. First occurrence of Category B violation
- B. Enhanced violation from Category A
- C. Repeated, same, or similar violations from Category A
- D. Same or similar sustained misconduct within 36 consecutive months enhances the third violation to Category C
- E. Combination of any three Category B violations within 36 consecutive months enhances the third violation to Category C

Discipline Options

- A. Involuntary restitution
- B. Simple letter of reprimand
- C. One-day loss of leave
- D. One-day suspension

CATEGORY "C" VIOLATIONS**Description**

- A. First occurrence Category C violation
- B. Enhanced violation from Category B
- C. Repeated, same, or similar violations from Category B
- D. Same or similar misconduct within 60 consecutive months enhances the third violation to Category D
- E. Combination of any three Category C violation within 60 consecutive months enhances the third violation to Category D

Discipline Options

- A. Middle letter of reprimand
- B. Two to four days' loss of leave
- C. Two to four days' suspension

CATEGORY "D" VIOLATIONS**Description**

- A. First occurrence of Category D violation
- B. Enhanced violation from Category C
- C. Repeated, same, or similar violations form Category C

- D. Second Category D offense within 60 consecutive months enhances violation to Category E

Discipline Options

- A. Demotion letter or reprimand
- B. Five to fifteen days' loss of leave
- C. Five to fifteen days' suspension
- D. Involuntary transfer when the continued presence of the member would affect the performance or integrity of the unit

CATEGORY "E" VIOLATIONS

Description

- A. First occurrence of Category E violation
- B. Enhanced violation from Category D
- C. Second Category D violation within 60 months

Discipline Options

- A. Over fifteen days of loss of leave
- B. Severe letter of reprimand
- C. Over fifteen days' suspension
- D. Demotion
- E. Involuntary transfer when the continued presence of the member would affect the performance or integrity of the unit
- F. Dismissal

CATEGORY "F" VIOLATIONS

Description

- A. First occurrence of Category F violation

B. Second Violation of Category E violation

Discipline Options

1. Dismissal

SECTION 2.2.2 DISPLINARY MATRIX

CATEGORY	A	B	C	D	E	F
(1-0) CONDUCT – GENERAL						
(1-1) Violations concerning general misconduct	X	X	X	X	X	
(1-2) Violations relating to inappropriate comments and gestures	X	X				
(1-3) Violations relating to rude or discourteous conduct, coarse, profane or insolent language (directed towards members of department or public)		X	X			
(1-4) Violations relating to rude or discourteous conduct, coarse, profane or insolent language (not directed toward any person)		X				
(1-5) Violations relating to inappropriate comments, gestures, discourtesies or conduct relating to a person's race, religion, ethnicity, national origin, sexual orientation, disability, or gender					X	X
(1-6) Violations relating to harassment of non-member citizens				X	X	
(1-7) Knowingly associate with any person or organization: advocating hatred, oppression or prejudice, based on race, religion, gender, or sexual orientation; disseminating defamatory material reasonably to be engaged in, likely to engage in, or to have engaged in criminal activities						X
(2-0) MISREPRESENTING FACTS						
(2-1) All intentional misrepresentations of fact and any manner of false reports statements						X
(3-0) DOMESTIC VIOLENCE						
(3-1) Violations concerning domestic violence/battery and other violations						X
(3-2) Violations concerning domestic violence/assault (no physical touching, to include threats, threatening behavior)					X	X

CATEGORY	A	B	C	D	E	F
(4-0) CONTROLLED DANGEROUS SUBSTANCES AND ALCOHOL						
(4-1) Violations concerning illegal drug use						X
(4-2) Violations concerning abusive use of properly legally obtained drugs					X	X
(4-3) Violations relating to intoxication, drinking on duty, reporting to work impaired					X	X
(4-4) Violations relating to excessive alcohol use off-duty				X	X	
(4-5) Violations relating off-duty driving under the influence				X	X	
(4-6) Violations relating to off-duty driving under the influence with injury or property damage					X	X
(5-0) CRIMINAL CONDUCT						
(5-1) Violations concerning criminal conduct					X	X
(6-0) HARASSMENT AND DISCRIMINATION						
(6-1) Violations relating to racial harassment/discrimination					X	X
(6-2) Violations relating to religious, ethnic harassment/discrimination					X	X
(6-3) Violations relating to sexual orientation harassment/discrimination					X	X
(6-4) Violations relating to pregnancy harassment/discrimination					X	X
(6-5) Violations relating to gender harassment/discrimination					X	X
(6-6) Violations relating to age harassment/discrimination					X	X
(6-7) Violations relating to disability harassment/discrimination					X	X
(6-8) Violations relating to other harassment/discrimination					X	X
(6-9) Retaliation against person(s) alleging harassment/discrimination						X
(6-10) Failure to cooperate with harassment/discrimination investigation					X	X
(6-11) Failure to cooperate with EEOC Section or Internal Affairs Division					X	X

CATEGORY	A	B	C	D	E	F
(6-12) Failure to report acts of harassment/discrimination					X	X
(7-0) EXCESSIVE FORCE AND BRUTALITY						
(7-1) Unwarranted Action - force that is unnecessary under the circumstances, but is not brutal or excessive				X	X	
(7-2) Excessive force - force that is excessive in scope, duration or severity in light of the circumstances					X	X
(8-0) NEGLECT OF DUTY						
(8-1) Violations concerning general neglects of duty	X	X	X	X	X	
(8-2) Violations concerning failure to take required action	X	X	X	X	X	
(8-3) Violations concerning failure to take required action (including but not limited to the failure to write a report) regarding complaints on investigations of domestic incidents and/or child abuse					X	
(8-4) Violations concerning inadequate performance of duty	X	X	X			
(8-5) Violations concerning failure to perform duty		X	X	X		
(8-6) Violations concerning accuracy or completeness of reports	X	X	X			
(8-7) Violations concerning failure to submit appropriate reports or information as required		X	X	X		
(8-8) Violations concerning failure to report matters of misconduct as required					X	
(9-0) UNIFORMS AND EQUIPMENT						
(9-1) Violations concerning loss or damage of equipment not including service weapons, radios, badges, or automobiles		X	X			
(9-2) Violations concerning loss or damage of service weapons, radios, or badges				X	X	
(9-3) Violations concerning improper attire/appearance	X	X	X	X		
(9-4) Violations concerning allowing unauthorized persons to use Departmental equipment				X	X	

CATEGORY	A	B	C	D	E	F
(10-0) FIREARMS						
(10-1) Violations concerning negligent handling of a firearm resulting in discharge causing injury					X	
(10-2) Violations concerning negligent handling of a weapon resulting in discharge of a firearm causing no injury			X	X	X	
(10-3) Violations concerning carrying unauthorized firearm on duty					X	
(10-4) Violations concerning carrying unauthorized ammunition on duty				X		
(10-5) Violations concerning failure to secure firearm				X	X	
(10-6) Violations concerning failure to report discharge of firearm					X	
(10-7) Violations concerning failure to maintain firearm as operational				X		
(11-0) PRISONER RELATED VIOLATIONS						
(11-1) Violations relating to arrests			X	X		
(11-2) Violations relating to searches		X	X	X		
(11-3) Violations relating to transportation of prisoner		X	X	X		
(11-4) Violations relating to prisoner property		X	X	X		
(11-5) Violations relating to restraint violations			X	X		
(11-6) Violations relating to guarding violations			X	X	X	
(11-7) Violations related to medical/dental treatment violations				X	X	
(12-0) EVIDENCE AND PROPERTY						
(12-1) Violations related to the initial recovery of evidence at a scene	X	X	X			
(12-2) Violations related to the receipt of evidence	X	X	X			
(12-3) Violations related to the processing/testing of evidence	X	X	X			

CATEGORY	A	B	C	D	E	F
(12-4) Violations related to the storage and/or the release of evidence	X	X	X			
(12-5) Violations relating to the initial recovery of found property	X	X	X			
(12-5a) Violations relating to the initial recovery of money and/or CDS	X	X	X	X	X	
(12-6) Violations relating to the receipt of found property	X	X	X			
(12-7) Violations related to the storage/release of found property	X	X	X			
(12-8) Violations related to the intentional and willful destruction of evidence or tampering						X
(12-9) Violations relating to improper inspection/CDS found in police vehicles	X	X	X			
(13-0) MISCELLANEOUS						
(13-1) Violations relating to criminal history dissemination				X		
(13-2) Violations relating to unauthorized access to criminal history information			X			
(13-3) Violations relating to MVA history dissemination				X		
(13-4) Violations relating to unauthorized access to MVA information			X			
(13-5) Violations relating to unauthorized dissemination of investigation information					X	X
(13-6) Violations relating to being off post or leaving assignment without permission			X			
(13-7) Violations relating to cheating on tests or other assignments						X
(13-8) Violations relating to failure to obey a directive from a superior (oral or written)			X	X	X	
(13-9) Violations relating to failure to report for urinalysis						X
(13-10) Violations relating to failure to obey an order				X		

CATEGORY	A	B	C	D	E	F
(13-11) Violations relating to insubordination					X	X
(13-12) Violations relating to obstructing or hindering a criminal investigation					X	X
(13-13) Violations relating to obstructing or hindering an IAD or administrative investigation					X	X
(13-14) Violations relating to failure to appear at court	X	X	X			
(13-15) Violations relating to absence without permission or leave				X	X	
(13-16) Violations relating to lateness to assignments			X			
(13-17) Violations relating to sleeping on duty			X	X		
(13-18) Violations concerning failure to follow chain of command, obtaining a supervisor's approval			X	X		
(14-0) SECONDARY EMPLOYMENT VIOLATIONS						
(14-1) Violations relating to no approved secondary employment form on file			X			
(14-2) Violations relating to expired secondary employment form	X	X				
(14-3) Violations relating to restriction violations (Hours/Week)			X	X		
(14-4) Violations relating to working while on Limited Duty				X	X	X
(14-5) Violations relating to working while on stress/medical leave					X	X
(14-6) Violations relating to using unauthorized departmental equipment while working secondary employment			X	X		
(14-7) Violations relating to working unauthorized secondary or working at an unauthorized site					X	X

SECTION 2.2.3 REQUIRED ACTION

Charging Committee

2. Apply disciplinary recommendations with expedience and without undue delay (excluding standalone traffic offences) consistent with the Matrix.

Commanding Officer

3. Discipline, which includes suspension or other loss of leave, shall be imposed upon receipt of the applicable personnel order, and shall be contiguous.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates to ensure compliance. This Order is effective on the date of publication.

SUBJECT: COMMAND DISCIPLINE**POLICY STATEMENT:**

Commanding Officers are required to maintain discipline in a timely and effective manner without resorting to formal charges and an office trial board. Sworn and Civilian Members that take responsibility for a violation and comply with the imposed sanction will not have a permanent entry placed on their official discipline record contained in their personnel jacket.

PURPOSE:

- This purpose of this General Order is to Provide Commanding Officers with the authority to develop and discipline their members.
- To reduce the number of investigations sent to Internal Affairs Division pertaining to less serious disciplinary matters, thus allowing cases that are more serious to receive increased development and preparation.
- It will also provide a method for members to have internal violations addressed in an efficient and fair manner without unnecessarily impacting promotion potential and professional development.
- Finally, it will provide for early intervention and resolution of internal violations.

This order consists of the following numbered sections:

2.1.1 DEFINITIONS

2.1.2 REQUIRED ACTION

2.1.3 ADDITIONAL INFORMATION

ANNEX A INCLUDED VIOLATIONS

ANNEX B COMMAND DISCIPLINE LOG

ANNEX C DISCIPLINE OPTIONS

SECTION 2.1.1 DEFINITIONS

Command Discipline Log - A log book maintained for the purpose of recording violations handled at the command level.

Command Discipline - Informal discipline process is available to commanding Officers to correct deficiencies and maintain discipline within their commands. Command Discipline is limited to offenses whose penalties do not exceed more than three days of suspension or loss of leave or fines up to \$150.00.

Explanation of Deputy Sheriffs' Rights - A form ledger maintained for the purpose of recording violations handled at the command level.

Closed Case File - A confidential file maintained within the Internal Affairs Section.

Command File - A confidential file maintained within the command staff.

EEOC - Equal Employment Opportunity Commission.

IAD - Internal Affairs Division.

LEOBR - Law Enforcement Bill of Rights.

SECTION 2.1.2 REQUIRED ACTION

1. Upon receiving notification of a violation, Commanding Officers shall:
 - a. Initiate an investigation of the allegation.
 - b. Determine if the violation, if substantiated, is suitable for command discipline under the terms of this procedure.
 - c. Forward case(s) for formal charges if:
 - I. The facts of the incident(s) warrant sanction beyond command authority.
 - II. Documented disciplinary history warrants enhanced sanction beyond command authority.

- III. There is a conflict of interest.
 - d. Consult with the Attorney General's Office if necessary.
- 2. If the allegations are determined to be unsubstantiated, the Commanding Officer shall place the findings and justification of the unsubstantiated charges in the member's command file and the Command Discipline Log. (See Annex B).
- 3. If the charges are suitable for disposal under this Order, the Commanding Officer shall:
 - a. Confer with the investigator/complainant, if necessary.
 - b. Inform the member of the alleged violation.
 - c. Schedule a conference with the member on a date when the supervisor/investigator who prepared the report is available.
 - d. Advise the member of the non-binding nature of the conference.
 - e. Advise the member that a legal/lay advocate may be present at the conference and if the right to an advocate is waived, it must be done in writing.
 - f. Refrain from recording the minutes of the conference.
 - g. Conduct a conference that is informed and non-adversarial.
 - h. Inform the member to make a statement in rebuttal/mitigation.
 - i. Render a decision immediately and offer the proposed penalty.
 - j. Advise the member that he/she is entitled to:
 - I. Accept the finding and penalty.
 - II. Decline to accept the finding and proposed penalty (See Annex C for Discipline Options).

Note: If a serious violation includes a lesser charge(s) that may qualify as Command Discipline (Annex A) IAD/EEOC will investigate the case and reach a determination on ALL charges.

IAD/EEOC may, if appropriate, return to command those violations that fall under Command Discipline for resolution.

1. Prior to accepting any penalty, the member must waive in writing:
 - a. Rights under the Law Enforcement Officer's Bill of Rights (LEOBR) form.
 - b. Right to enter the formal discipline process, be charged formally, and appear before a trial board.

2. If the proposed penalty is accepted:
 - a. Enter the disposition in the Command Discipline Log.
 - b. Document the matter in the member's command file and include the facts, finding charge(s) mitigating factors considered, waiver of LEOBR and advisement of rights.
 - c. Coordinate the disposition terms with personnel from the Human Resources division, if necessary.

Note: After one year from the date of disposition, documentation shall be transferred from the member's command file to a closed case file maintained by the Internal Affairs Division.

3. If the proposed penalty is rejected:
 - a. Complete the investigation.
 - b. Forward findings to IAD for appropriate handling.
 - c. Schedule the member for day-work on the trial date.

Note: Command may not offer and a member may not accept Command Discipline for offenses not enumerated in this order. Should an investigator uncover major violations, immediate referral to IAD is mandated.

4. The Command Discipline Log will be audited on a quarterly basis by the Internal Affairs Division to ensure compliance with the procedure and to ensure uniformity of discipline.

SECTION 2.1.3 ADDITIONAL INFORMATION

1. If the subject of Command Discipline is transferred, the Commanding Officer of the member's former command is responsible for the completion of the case. All relevant records shall be forwarded to the member's new Commanding Officer. If the Commanding Officer is transferred, the new Commanding Officer will complete the case.

2. A report of any active command discipline case(s) will be provided upon request in conjunction with a transfer request.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates to ensure compliance. This Order is effective on the date of publication.

ANNEX A-INCLUDED VIOLATIONS

Absent any integrity related issues, the following violations may be handled at the command level:

- ✓ Minor neglect of duty not involving the public.
- ✓ Failure to take required action (Not to include violence and/or child abuse).
- ✓ Inadequate performance of duty.
- ✓ Inaccurate or incomplete reports (Not to include domestic violence and/or child abuse).
- ✓ Failure to submit appropriate reports and/or information as required (Not to include domestic violence and/or child abuse).
- ✓ Loss or damage of equipment (Not to include firearms).
- ✓ Improper attire or appearance.
- ✓ Allowing unauthorized persons to use departmental equipment (Not to include firearms).
- ✓ Negligent handling of a firearm resulting in a discharge that causes no injury.
- ✓ Improper arrest issues
- ✓ Procedural search issues.
- ✓ Prisoner transport.
- ✓ Mishandling prisoner property (Not to include theft).
- ✓ Failure to properly guard a prisoner.
- ✓ Failure to provide medical attention to a prisoner when requested or when circumstances warrant.
- ✓
- ✓ Restraint violations not resulting in injury.
- ✓ Negligent handling of evidentiary and/or non-evidentiary property.
- ✓
- ✓ Improper inspection of vehicle/contraband found in assigned vehicle.
- ✓ Off post or leaving assignment without permission.
- ✓ Failure to appear in court FTA.
- ✓ Absent without leave or permission (AWOL).
- ✓ Lateness for duty or assignment.

- ✓ Sleeping on duty.
- ✓ Failure to follow the chain of command.
- ✓ Failure to submit a secondary employment form.
- ✓ Inappropriate comments, profanity or gestures to a departmental member. (Not to include insubordination or comments directed toward race, religion, gender, sexual orientation, ethnicity, national origin, and/or disability).

ANNEX B-COMMAND DISPLINE LOG

See physical hard copy attached to operational order 2.1.

ANNEX C-DISPLINE OPTIONS

- ✓ Referral for formal charges.
- ✓ Up to three suspension or loss of leave.
- ✓ Fines from \$1.00-\$150.00, commanders have the option of imposing suspended fines contingent on future performance.
- ✓ Restitution.
- ✓ Psychological services.
- ✓ Change of assignment within command.
- ✓ Training and Education.
- ✓ Non-punitive written counseling.
- ✓ Verbal reprimand.

SUBJECT: SUSPENSION PROCEDURES**POLICY STATEMENT:**

It is the policy of the Baltimore City Sheriff's Office to ensure that its members are continually qualified to perform their duties in keeping with the standards set forth by the Sheriff of Baltimore, Maryland.

PURPOSE:

This purpose of this General Order is to establish a policy designed to govern the suspension procedures for Members of The Baltimore City Sheriff Office.

This order consists of the following numbered sections:

2.5.1 SUSPENSION PROCEDURES**SECTION 2.5.1 SUSPENSION PROCEDURES**

Subsection A. General Information

1. Commanding Officers and supervisors are authorized to suspend from duty any member of the Sheriff's Office who in their judgment acts alleged or committed by the member are of such a nature that the interest of the public, the Sheriff's Office or the individual are best served by the suspension of the member.
2. Commanding Officers and supervisors are authorized to suspend the police powers of members who do not meet specified medical, psychological, or training qualifications.
3. Commanding Officers and supervisors shall suspend the police powers of members due to administrative matters wherein the suspension of the police powers is in the best interest of the Sheriff's Office and/or the member.

4. Any member suspended, except for medical or administrative suspension of police powers, shall be entitled to a suspension hearing.
5. Suspension of police powers is not punitive in nature and is only a temporary change in duty assignment. When police powers are suspended, members are not entitled to a suspension hearing.
6. Appropriate administrative reports detailing the incident shall include those factors which were considered in determining whether or not to suspend a member from duty, or whether or not to suspend only the police powers of the member.

Subsection B. Suspension from Duty

Members alleged to have committed acts punishable by criminal law or serious departmental violations will be relieved of their police powers and departmental work obligations until they undergo a suspension hearing directed by their Division Chief or other authorized member. While under such suspension:

1. Members are not to take any police action; however, when conditions present themselves that require police action, members are to notify the Communications Section, or the Communication Division of the appropriate local police jurisdiction.
2. Members are not authorized to carry their departmental firearms.
3. Members who possess a handgun permit for a privately owned firearm(s) are not authorized to carry said firearm(s) into any Court and/or Sheriff Office facility.
4. Members are held responsible for adherence to Sheriff Office General Orders, policies and procedures – with the exception of police powers and authority to carry a firearm.
5. Members suspended from duty are entitled to continuance of full pay and benefits until their suspension hearing.

Subsection A. Suspension from Duty Without Pay

Members can only be suspended from duty without pay if they have been charged with the commission of a felony and after a suspension hearing by their Division Chief. Such suspension will be in accordance with Article 27, Section 734A Annotated Code of Maryland. Members so suspended will not receive pay or benefits from the Sheriff's Office.

Subsection A. Suspension of Police Powers for Administrative or Medical Reasons

Administrative and medical suspensions are the temporary termination of a member's police powers for administrative or medical reasons, or for failure to meet Maryland Police and Correctional Training Commission's (MPCTC) guidelines. While under such suspension:

1. Members are not to take any police action; however, when conditions present themselves

that require police action, members are to notify the Communications Section, or the Communication Division of the appropriate local police jurisdiction.

2. Members are not authorized to carry their departmental firearms.
3. Members who possess a handgun permit for a privately owned firearm(s) are not authorized to carry said firearm(s) into any Court and/or Sheriff's Office facility.
4. Members are held responsible for adherence to Sheriff's Office General Orders, policies and procedures – with the exception of police powers and authority to carry a firearm.
5. Suspension of police powers for administrative and/or medical reasons is a non-punitive action; therefore, members so suspended are not entitled to a suspension hearing.
6. Members will be issued **Form 99/153, "Suspension of Police Powers for Administrative and/or Medical Reasons."**

Subsection A. Suspension Hearing

A member suspended from duty will be ordered to appear for a suspension hearing to determine whether the suspension will continue or be terminated. Suspension hearings shall be conducted by the member's Division Chief or other authorized members.

1. Prior to the hearing, appropriate administrative reports will be forwarded to the Division Chief or other authorized member.
2. Suspension hearings for members of the Sheriff's Office Staff Section shall be handled by the Special Assistant to the Sheriff.
3. Suspension hearings for direct reports to the Administrative Bureau shall be handled by the Chief, Human Resources Division.
4. The suspension hearing will be held on the first working day following the suspension from duty, exclusive of weekends and holidays.
5. If the suspension is continued at the suspension hearing, a determination will be made as to whether it will be with or without pay.
6. The suspension hearing is not a judicial proceeding; therefore, it is not obligated to address findings of fact or law. The suspension hearing is limited to the presentation of the circumstances surrounding the suspension of the employee.
7. The suspension hearing is not a public forum and all matters presented in such hearings are confidential.
8. When the acts alleged to have been committed by the member are of such a nature that, in the judgment of the Division Chief, the interest of the public, the Sheriff's Office and/or the officer are best served by continuing the suspension, the Division Chief will so order.

9. When the member is charged with the commission of a felony and the acts are of a serious nature, then the employee may be suspended from duty without pay. Such suspension will be in accordance with Article 27, Section 734A Annotated Code of Maryland.
10. Copies of all suspension hearings will be sent to the Personnel Section for preparation of the appropriate personnel order when a member is suspended with or without pay.

Employee Identification "A" Card – All employees suspended from duty, or who have had their police powers suspended for administrative and/or medical reasons, are required to carry this temporary identification card. A permanent rank supervisor must escort those members to Room 455, to obtain the Employee identification "A" card. The member will carry the Employee Identification "A" card until the conditions that caused the suspension have been resolved.

Medical Review Officer (MRO) – The Medical Review Officer is also known as the Director of the Public Safety Infirmary for the Baltimore City Sheriff's Office. The Medical Review Officer will evaluate members whose police powers have been suspended for medical or psychological reasons to make a determination as to treatment and/or continuance of the suspension.

Subsection A. Suspension from Duty and Police Powers

Commanding officers and supervisors shall suspend from duty, with pay, members of the Department (sworn and/or civilian) whose actions or alleged actions are of such a serious nature that suspension is necessary. Examples include, but are not limited to:

1. Violations of criminal law.
2. Traffic violations involving DWI/DUI, fatalities, serious personal injury, or eluding a police officer.
3. Serious allegations or excessive force.
4. Allegations of false report.
5. Insubordination and/or refusal to follow a direct order, either verbal or written, which undermines the good order and discipline of the Department.
6. Use of intoxicants and/or CDS while on duty, or reporting for duty while under the influence of intoxicants or CDS.
7. Other disciplinary matters that may result in termination of employment of the member.

Note: A member can only be suspended from duty without pay after a suspension hearing by their Division Chief or other authorized member.

Commanding Officer

1. Review all suspensions from duty and suspensions of police powers of members of your Command.

2. Forward an administrative report of the circumstances causing the suspension to the Chief, Human Resources Division, via official channels. Forward a copy of such report to the Chief, Internal Affairs Section.
3. When a member of your Command is suspended, the following items **MUST** be transported to, and secured in, the Armory Unit by the next business day:
 - a. Issued firearm(s) and ammunition;
 - b. Badge
 - c. Identification card(s)
 - d. Maryland Police and Correctional Training Commission Certification Card
 - e. Issued Body Armor

Note: In the event the suspension occurs when the Armory is closed, the aforementioned items will be retained by Command in a secure location, until the Armory reopens.

Supervisors

1. Ensure that members who are suspended from duty are relieved of their firearm(s) and ammunition, badge, police identification card(s), Maryland Police and Correctional Training Commission Certification Card and issued body armor.
2. Prepare and forward to your Commanding Officer a written report containing the actions taken, the reasons for the actions and the disposition of the member's equipment.
3. Escort those members who are suspended from duty to Room 455, as soon as practical to obtain an Employee Identification "A" Card.

Division Chief

The Division Chief is to forward copies of all suspension reports wherein a member is suspended with or without pay to the Personnel Section for preparation of the appropriate personnel order.

Chief Security Division

Provide suspended members with an Employee Identification "A" Card.

Director, Personnel Section

Prepare the appropriate personnel order when a member is suspended with or without pay.

Director, Education and Training Section

Ensure the Armory Unit secures the required submissions from Commands pertaining to suspended personnel.

Member

1. Relinquish the following items when suspended from duty:
 - a. Issued firearm(s) and ammunition.
 - b. Badge.
 - c. Identification card(s).
 - d. Maryland Police and Correctional Training Commission Certification Card.
 - e. Issued Body Armor.
2. Obtain Employee Identification "A" Card from Room 455, I.D. Card Section.

Note: While suspended from duty, or while police powers are suspended, members are not authorized to carry a firearm as a law enforcement officer.

Subsection A. Suspension of Police Powers – Administrative and Medical

1. Commanding Officers and supervisors will suspend the police powers of a member who fails to qualify with a firearm, or who fails to meet the requirements established by the Maryland Police and Correctional Training Commission.
 - a. Be guided by General Order, "Firearms-Qualifying with and Carrying"
 - b. The member shall remain at the same pay grade with full benefits of that grade since the actions are non-punitive in nature.
2. Commanding Officers and supervisory personnel may suspend the police powers of a member for administrative reasons when, in their judgment; the actions or alleged actions of the member lead them to believe that it is necessary to limit the member's duties to a non-enforcement function.
3. Commanding Officers and supervisors may suspend the police powers of a member when, in their judgment, the member is incapable of performing duties as the result of psychological or physiological concerns.

Commanding Officer

1. Suspend the police powers of an officer, with pay, immediately after an Administrative Disciplinary Hearing Board recommendation of termination.
2. Review all suspensions of police powers of members of your Command
3. Do not send members of your Command directly to Psychology Consultants Associates (PCA) for evaluation or counseling unless exigent circumstances exist. Members should be sent to the Public Safety Infirmery (PSI) for evaluation. Authorized personnel from PSI will refer the member to PCA, if needed.
4. Forward an administrative report of the circumstances causing the suspension to the Chief, Human Resources Division, via official channels. Additionally, forward a copy of such report to the Chief, Internal Affairs Section and the Director, Personnel Section.
5. When a member of your Command is suspended from duty, with or without pay, or when their police powers have been suspended, the following items **MUST** be transported to, and secured in the Armory Unit by the next business day:
 - a. Issued firearm(s) and ammunition;
 - b. Badge.
 - c. Identification card(s).
 - d. Maryland Police and Correctional Training Commission Certification Card.
 - e. Issued Body Armor.

Note: In the event suspension occurs when the Armory is closed, the aforementioned items will be retained by Command in a secure location, until the Armory reopens.

Chief Security Division

Provide suspended members with an Employee Identification "A" Card.

Director, Personnel Section

Prepare the appropriate personnel order when a member is suspended with or without pay.

Director, Education and Training Section

Ensure the Armory Unit secures the required submissions from Commands pertaining to suspended personnel.

Medical Review Officer

1. Evaluate members whose police powers have been suspended for medical or psychological reasons and make a medical determination as to treatment and/or continuance of the suspension.
2. Refer members of the Department to Psychology Consultants Associates for evaluation or counseling when necessary.

Supervisors

1. Ensure that members whose police powers have been suspended are relieved of their firearm(s) and ammunition, badge, police identification card(s), and Maryland Police and Correctional Training Commissions Certification Card.
2. Be guided by General Order, "Medical-Departmental Policy and Procedures."
3. Prepare and forward to your Commanding Officer a written report containing the actions taken, the reasons for the actions and the disposition of the member's equipment.
4. Escort those members whose powers have been suspended to Room 455, as soon as practical to obtain an Employee Identification "A" Card.
5. Contact the Medical Review Officer to make an appointment for the evaluation of the member when the suspension was based on medical and/or psychological concerns.

Note: Members whose police powers have been suspended shall remain at the same pay grade with full benefits of that grade, since the suspension is non-punitive in nature.

Subsection A. Restoration of Police Powers

1. Members whose police powers were suspended for non-compliance with training regulations, administrative, psychological, and/or medical reasons, may be restored back to duty by their Commanding Officer after the conditions that caused the suspension have been resolved. Restoration of police powers shall be done only after consultation with and approval from the appropriate Division Chief, and in the case of medical and/or psychological suspensions, the Medical Review Officer. Form "Restoration of Police Power" must be completed.
2. Members suspended from duty for disciplinary action or allegations of criminal misconduct may have their duty status and police powers restored following the discontinuation of the suspension at the suspension hearing.
3. If the officer is restored to full power and duty status at the suspension hearing, Form "Restoration of Police Powers" must be completed.
4. If the suspension is continued at the suspension hearing, only the appropriate Division Chief can restore the member to full duty and police powers.

5. Request to restore police powers should include:
 - a. A submission of Form, "Restoration of Police Powers".
 - b. An administrative report detailing the resolution of the circumstances that caused the suspension.
 - c. Medical certification, if appropriate.
 - d. Prior disciplinary record.
 - e. A record of the member's prior IAS Complaints, highlighting many incidents of a similar nature to the current situation.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates to ensure compliance. This Order is effective on the date of publication.

SUBJECT: CITIZEN COMPLAINT POLICY & PROCEDURES**POLICY STATEMENT:**

The Baltimore City Sheriff's Office is committed to being responsive to the needs and concerns of Baltimore's citizens and resolving complaints as quickly as possible. This policy has been designed to provide guidance to our supervisors, deputies, and civilian staff on the manner in which the BCSO receives and manages its complaints. We are committed to being consistent, fair, impartial and transparent when handling complaints.

PURPOSE:

Our complaint process is fundamental to the effectiveness of our work as a quality law enforcement agency, and ensuring accountability among the office's personnel. We outline this policy:

1. To develop a complaint intake policy to ensure that complaints are taken seriously, and addressed appropriately and consistently
2. To ensure that complaints are investigated and reported properly in a professional manner.

This order consists of the following numbered sections:

- 2.6.1 DEFINITIONS**
- 2.6.2 COMPLAINT PROCESSING PROCEDURE**
- 2.6.3 COMPLAINT INVESTIGATION PROCEDURE**
- 2.6.4 INTERNAL AFFAIRS RESPONSIBILITIES**

SECTION 2.6.1 DEFINITIONS

Complaint: An expression of dissatisfaction made to or about an organization, related to services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

Complainant: A person, group or company that makes a complaint against a person, group or company.

SECTION 2.6.2 COMPLAINT PROCESSING PROCEDURE

Subsection A. Citizen Complaint Intake Process

1. A citizen complaint can be received:

In Person or Letter: 100 N. Calvert Street, Baltimore, Md. 21202, room 104

Telephone: (410) 396-1155

Fax: (410) 539-1054

Email: chief.IAD@baltimorecity.gov

2. The Baltimore City Sheriff's Office Complaint Form:

The Baltimore City Sheriff's Office Complaint Form can be completed at the Baltimore City Sheriff's Office, at 100 N. Calvert Street, Baltimore, Md. 21202, Room 104. In addition, complaints can be submitted via email at chief.IAD@baltimorecity.gov. Although it is preferred that citizen complaints be submitted in writing, it is not required.

Every effort will be made to identify and authenticate the source of a complaint.

Subsection B. Agency Members Responsibility

All agency members are responsible for notifying their immediate supervisor and/or respective chain of command if issues of integrity, misconduct, or criminal conduct is brought to their attention and/or if they have knowledge of such activity as it relates to members of the agency.

Subsection C. Supervisors Responsibility (Sergeants, Lieutenants)

1. The individual who receives the complaint will initiate a preliminary investigation in the form of a written administrative report (95) documenting
 - a. Complainant's name and phone number (contact details)
 - b. Date of the complaint, and date and time of the incident
 - c. The nature of the complaint (including its location)
 - d. The name of the employees, witnesses, suspect(s) involved (if applicable)
 - e. Inquire about video recordings, screen shots, social media, documents and other evidence
 - f. Document a command referral number for the complaint, which will be obtained from Internal Affairs
 - g. Internal Affairs (IAD) will act as a triage on all complaints received. Supervisors will be guided by the instructions of IAD personnel regarding procedural matters and reporting when applicable
 - h. Notification will be made to the Sheriff's Office Internal Affairs Division to obtain a Control number within four (4) hours of receipt of complaint
 - i. During off duty hours the Duty Officer will be notified
2. All complaints will be acknowledged and handled in a timely manner and addressed promptly with a sense of urgency.
3. All EEOC complaints will be handled in accordance with Sheriff's Office General Order 2.3 Equal Employment Opportunity/Sexual Harassment & Discrimination Policy.

Note: Work performance, lateness and sick leave are considered personnel issues and should be handled by the immediate supervisor. Supervisors are required to forward a copy of all disciplinary actions and obtain a referral number for tracking purposes.

SECTION 2.6.3 COMPLAINT INVESTIGATION PROCEDURE

Subsection A. Supervisors Preliminary Investigation

Once a complaint has been received, the information will be forwarded by a supervisor to IAD and entered on the BCSO complaint tracking system. The complaint will be forwarded through the respective chain of command to the appropriate section where a preliminary investigation will be initiated. If the complaint received is within the supervisors' respective section they shall be required to handle the matter and initiate the preliminary investigation. Preliminary investigations will be documented on an administrative report (95). The complaint should be forwarded through the chain of command of the involved member. Complaints of alleged criminal activity to include Domestic Violence will be reported directly to the involved member's Commanding Officer. During off duty hours notify Duty Officer.

1. The preliminary investigation should do and seek to answer the following:
 - a. Document the facts.
 - b. Collect Supporting Documents.
 - c. Take action when appropriate.
 - d. Document the incident on internal correspondence.
2. If an incident requires suspension of Police Power, refer to the Baltimore City Sheriff's Office General Order 2.6 Suspension Procedure.
3. The preliminary investigation and all relevant documents should be forward in packet form to your Commander, via Chain of Command by the end of your tour of duty or no later than the beginning of the following business day.

Subsection B. Commander Responsibility

1. Review all documents related to complaint.
2. Initiate such action as deemed appropriate; not to exceed summary punishment, when applicant
3. Sign and forward the results to Internal Affairs of the inquiry and findings, within five (5) days of the date that the complaint was initiated.
4. Notify the complainant in writing of the case disposition within 48 hours of Command related discipline.

Seek the assistance of IAD for guidance and direction when needed.

SECTION 2.6.4 INTERNAL AFFAIRS RESPONSIBILITIES

It is the responsibility of the Internal Affairs Division to receive, review and track all complaints made against members of the Baltimore City Sheriff's Office (BCSO).

If the alleged allegation meets the requirements for an internal affairs investigation, the investigation will be forwarded through the chain of command for review and subsequently to the Internal Affairs Division after completion of a supervisory preliminary investigation.

Subsection A. Incidents to be handled by IAD

Excessive Force, Harassment, Misconduct, Violation of Criminal Statutes, and Sheriff Involved Firearms Discharge. Please see BCSO Standard Operational Procedure **4.3 Progressive Discipline Policy & Procedure.**

1. The Internal Affairs Division shall:
 - a. All Internal Affairs Investigation shall be handled under the guidelines of Law Enforcement Officer's Bill of Rights (LEOBR).
 - b. Assign a case number to the complaint.
 - c. Investigate the complaint.
 - d. Refer the complaint to Command, if matter is within the scope of Command responsibility.
 - e. Notify the complainant in writing of the case disposition within 48 hours of Command related discipline.
 - f. Complaints will be reviewed **semi-annually (every 6 months)** by the commanding officer of IAD to identify issues of equity and fairness as it relates to BCSO disciplinary process.

Note: All complainants will be kept informed throughout the complaint process and provided a final disposition regarding the incident. Be mindful, the BCSO does not disclose personnel matters to the public, but it is permissible to share if a complaint was sustained or not, which will be done through official correspondence.

2. Below is a list of agencies in the event that a citizen requests an alternative method to formalize their complaint and not communicate directly with Baltimore City Sheriff's Office personnel.

Maryland Legal Aid
500 E. Lexington Street

Baltimore, Maryland 21202
(410) 951-7777

Maryland Commission on Civil Rights
6 Saint Paul Street Suite 900
Baltimore, Maryland 21202
(410) 767-8600

Baltimore City Community Relations
Commission
10 North Calvert Street
Suite 915
Baltimore, Maryland 21202
(410) 396-3151

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates to ensure compliance. This Order is effective on the date of publication.

SUBJECT: CITIZEN COMPLAINT POLICY & PROCEDURES**POLICY STATEMENT:**

The Baltimore City Sheriff's Office is committed to being responsive to the needs and concerns of Baltimore's citizens and resolving complaints as quickly as possible. This policy has been designed to provide guidance to our supervisors, deputies, and civilian staff on the manner in which the BCSO receives and manages its complaints. We are committed to being consistent, fair, impartial and transparent when handling complaints.

PURPOSE:

Our complaint process is fundamental to the effectiveness of our work as a quality law enforcement agency, and ensuring accountability among the office's personnel. We outline this policy:

1. To develop a complaint intake policy to ensure that complaints are taken seriously, and addressed appropriately and consistently
2. To ensure that complaints are investigated and reported properly in a professional manner.

This order consists of the following numbered sections:

- 2.6.1 DEFINITIONS**
- 2.6.2 COMPLAINT PROCESSING PROCEDURE**
- 2.6.3 COMPLAINT INVESTIGATION PROCEDURE**
- 2.6.4 INTERNAL AFFAIRS RESPONSIBILITIES**

SECTION 2.6.1 DEFINITIONS

Complaint: An expression of dissatisfaction made to or about an organization, related to services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

Complainant: A person, group or company that makes a complaint against a person, group or company.

SECTION 2.6.2 COMPLAINT PROCESSING PROCEDURE

Subsection A. Citizen Complaint Intake Process

1. A citizen complaint can be received:

In Person or Letter: 100 N. Calvert Street, Baltimore, Md. 21202, room 104

Telephone: (410) 396-1155

Fax: (410) 539-1054

Email: chief.IAD@baltimorecity.gov

2. The Baltimore City Sheriff's Office Complaint Form:

The Baltimore City Sheriff's Office Complaint Form can be completed at the Baltimore City Sheriff's Office, at 100 N. Calvert Street, Baltimore, Md. 21202, Room 104. In addition, complaints can be submitted via email at chief.IAD@baltimorecity.gov . Although it is preferred that citizen complaints be submitted in writing, it is not required.

Every effort will be made to identify and authenticate the source of a complaint.

Subsection B. Agency Members Responsibility

All agency members are responsible for notifying their immediate supervisor and/or respective chain of command if issues of integrity, misconduct, or criminal conduct is brought to their attention and/or if they have knowledge of such activity as it relates to members of the agency.

Subsection C. Supervisors Responsibility (Sergeants, Lieutenants)

1. The individual who receives the complaint will initiate a preliminary investigation in the form of a written administrative report (95) documenting

- a. Complainant's name and phone number (contact details)
 - b. Date of the complaint, and date and time of the incident
 - c. The nature of the complaint (including its location)
 - d. The name of the employees, witnesses, suspect(s) involved (if applicable)
 - e. Inquire about video recordings, screen shots, social media, documents and other evidence
 - f. Document a command referral number for the complaint, which will be obtained from Internal Affairs
 - g. Internal Affairs (IAD) will act as a triage on all complaints received. Supervisors will be guided by the instructions of IAD personnel regarding procedural matters and reporting when applicable
 - h. Notification will be made to the Sheriff's Office Internal Affairs Division to obtain a Control number within four (4) hours of receipt of complaint
 - i. During off duty hours the Duty Officer will be notified
2. All complaints will be acknowledged and handled in a timely manner and addressed promptly with a sense of urgency.
 3. All EEOC complaints will be handled in accordance with Sheriff's Office Operational Order 1.6 Equal Employment Opportunity/Sexual Harassment & Discrimination Policy.

Note: Work performance, lateness and sick leave are considered personnel issues and should be handled by the immediate supervisor. Supervisors are required to forward a copy of all disciplinary actions and obtain a referral number for tracking purposes.

SECTION 2.6.3 COMPLAINT INVESTIGATION PROCEDURE

Subsection A. Supervisors Preliminary Investigation

Once a complaint has been received, the information will be forwarded by a supervisor to IAD and entered on the BCSO complaint tracking system. The complaint will be forwarded through the respective chain of command to the appropriate section where a preliminary investigation will be initiated. If the complaint received is within the supervisors' respective section they shall be required to handle the matter and initiate the preliminary investigation. Preliminary investigations will be documented on an

administrative report (95). The complaint should be forwarded through the chain of command of the involved member. Complaints of alleged criminal activity to include Domestic Violence will be reported directly to the involved member's Commanding Officer. During off duty hours notify Duty Officer.

1. The preliminary investigation should do and seek to answer the following:
 - a. Document the facts.
 - b. Collect Supporting Documents.
 - c. Take action when appropriate.
 - d. Document the incident on internal correspondence.
2. If an incident requires suspension of Police Power, refer to the Baltimore City Sheriff's Office Operational Order 2.5 Suspension Procedure.
3. The preliminary investigation and all relevant documents should be forward in packet form to your Commander, via Chain of Command by the end of your tour of duty or no later than the beginning of the following business day.

Subsection B. Commander Responsibility

1. Review all documents related to complaint.
2. Initiate such action as deemed appropriate; not to exceed summary punishment, when applicant
3. Sign and forward the results to Internal Affairs of the inquiry and findings, within five (5) days of the date that the complaint was initiated.
4. Notify the complainant in writing of the case disposition within 48 hours of Command related discipline.

Seek the assistance of IAD for guidance and direction when needed.

SECTION 2.6.4 INTERNAL AFFAIRS RESPONSIBILITIES

It is the responsibility of the Internal Affairs Division to receive, review and track all complaints made against members of the Baltimore City Sheriff's Office (BSCO).

If the alleged allegation meets the requirements for an internal affairs investigation, the investigation will be forwarded through the chain of command for review and subsequently to the Internal Affairs Division after completion of a supervisory preliminary investigation.

Subsection A. Incidents to be handled by IAD

Excessive Force, Harassment, Misconduct, Violation of Criminal Statutes, and Sheriff Involved Firearms Discharge. Please see BCSO Standard Operational Procedure 2.3 Progressive Discipline Policy & Procedure.

1. The Internal Affairs Division shall:
 - a. All Internal Affairs Investigation shall be handled under the guidelines of Law Enforcement Officer's Bill of Rights (LEOBR).
 - b. Assign a case number to the complaint.
 - c. Investigate the complaint.
 - d. Refer the complaint to Command, if matter is within the scope of Command responsibility.
 - e. Notify the complainant in writing of the case disposition within 48 hours of Command related discipline.
 - f. Complaints will be reviewed **semi-annually (every 6 months)** by the commanding officer of IAD to identify issues of equity and fairness as it relates to BCSO disciplinary process.

Note: All complainants will be kept informed throughout the complaint process and provided a final disposition regarding the incident. Be mindful, the BCSO does not disclose personnel matters to the public, but it is permissible to share if a complaint was sustained or not, which will be done through official correspondence.

2. Below is a list of agencies in the event that a citizen requests an alternative method to formalize their complaint and not communicate directly with Baltimore City Sheriff's Office personnel.

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Baltimore City Community Relations

Commission
10 North Calvert Street
Suite 915
Baltimore, Maryland 21202
(410) 396-3151

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates to ensure compliance. This Order is effective on the date of publication.

SUBJECT: COMPENSATORY LEAVE**POLICY STATEMENT:**

The Baltimore City Sheriff's Office shall provide a system for the accrual and use of compensatory leave which is consistent with the personnel policies of the State of Maryland – Department of Personnel. Compensatory Leave shall be granted to employees of the Baltimore City Sheriff's Office by those members who are authorized to do so, with a continuing regard for the need to provide those essential services to the community which are required of this office.

PURPOSE:

This purpose of this General Order is to establish procedures for the accumulation and use of compensatory leave by agency members.

SECTION 8.2.1 COMPENSATORY LEAVE

Subsection A. Exempt Employees

1. Exempt employees are salaried members with the rank of Captain or above.
2. Compensatory Leave is earned by an employee whose classification is not designated to receive overtime payments and who has worked at least ½ hour beyond the employee's regular workday.
3. Compensatory Leave for these employees will accrue at the regular rate of pay.
4. Compensatory leave must be used within 1 year of the date on which it was accrued.
5. Compensatory leave can be used for any purpose with prior approval from the employee's supervisor.

Subsection B. Non - Exempt Employees

1. Non - Exempt employees are hourly members below the rank of Captain.
2. Non - Exempt employees may opt to receive Compensatory Leave in place of overtime payments at their request.
3. Non - Exempt employees who have worked at least ½ hour beyond the employee's regular workday may receive compensatory leave.
4. Compensatory Leave for these employees will accrue at the rate of time and one half times their regular rate of pay.
5. Compensatory leave must be used within 1 year of the date on which it was accrued.
6. Compensatory leave can be used for any purpose with prior approval from the employee's supervisor.

Subsection C. Accrual

1. No employee of the Baltimore City Sheriff's Office may accrue more than 420 Hours of compensatory time.

(This accrual equals 52.5 days)

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates to ensure compliance. This Order is effective on the date of publication.

SUBJECT: MATERNITY LEAVE POLICY



POLICY STATEMENT:

Members who become pregnant are entitled to Maternity Leave, as may be deemed necessary and appropriate by their health care provider to cover periods of absence caused by pregnancy, childbirth and recovery from pregnancy/childbirth.

PURPOSE:

The purpose of this Order is to provide Maternity Leave information, explain Maternity Leave benefits, address notification procedures, and to offer temporary Limited-duty assignments to pregnant members.

This order consists of the following numbered sections:

- 2.8.1.1 DEFINITIONS**
- 2.8.1.2 GENERAL INFORMATION**
- 2.8.1.3 REQUIRED ACTIONS**

SECTION 2.8.1.1 GENERAL INFORMATION

Maternity Leave begins on the date the child is born. Members who request Maternity Leave are entitled to six (6) weeks of approved leave.

Maternity Leave, in itself, is unpaid leave. However, members shall use accumulated paid leave in any combination of vacation or personal leave, compensatory leave, and /or, in some cases,

sick leave prior to using unpaid leave. The combination of paid and unpaid leave is counted as part of the 6-week allotment of Maternity Leave.

Upon the conclusion of Maternity Leave, if members desire additional leave time, members may apply for whatever leave option that best fits the member's needs via General Order 2.8, "Family and Medical Leave Act," "Leave of Absence without Pay for Medical and Non-Medical Reasons," and/or members paid/unpaid Medical Leave as indicated in the General Order "Medical Policy."

Members on Maternity Leave maintain their health insurance benefits on the same basis as if the member was not on leave as long as members continue to pay their share. Upon the completion of maternity Leave, Members will be returned to their job or a similar job with the same salary, benefits, and seniority.

Sworn members who are pregnant should be aware that certain job functions of law enforcement may require strenuous activities/requirements that could have an adverse effect on an expectant mother. Pregnant sworn members will be removed from active enforcement/policing and transferred to an administrative position only when the pregnant sworn member's health care provider recommends that the member refrain from such operational duties. Sworn pregnant members should be reminded that their physical limitations may pose a risk to themselves, other deputies and the public at large.

Unclassified Employees, per their Memorandum of Understanding, are entitled to four (4) weeks before, and six (6) weeks after, the expected due date.

SECTION 2.8.1.2 REQUIRED ACTIONS

Subsection A. Member

1. Any member who is pregnant shall:
 - a. Immediately notify your Command
 - b. Obtain a medical certification from your health care provider, complete the Notification of Pregnancy, Form 486, and personally present them to the Medical Director at the Public Safety Infirmary (PSI). The medical certification shall indicate:
 - I. That the member is pregnant
 - II. The expected dates of confinement
 - III. The date that Maternity Leave is expected to begin
 - IV. The expected return to duty date
 - V. Whether Limited-Duty Status is medically necessary.

- c. Submit a copy of the medical certification, Notification of Pregnancy form and any documents from the Medical Director to your Command without undue delay.
2. Upon conclusion of Maternity Leave or if returning to duty sooner than the expected return to duty date:
 - a. Notify your Command of your intentions to return to duty.
 - b. Obtain a medical certification from your health care provider.
 - c. Meet with the Medical Director at PSI, and obtain the appropriate documents to return to duty.

Note: The Medical Director has the final decision as to the return to duty status if a discrepancy arises between the member's health care provider and the Medical Director.

- d. Submit all documents to your Command as soon as possible.
3. If additional leave is needed after the conclusion of Maternity Leave:
 - a. Obtain a medical certification from your health care provider indicating the reason, and the need, for extension of leave.
 - b. Respond to PSI and meet with the Medical Director for the required documentation. Be guided by the Medical Director. Immediately submit the medical certification and the PSI paperwork to your Command.
 - c. Apply for additional leave from available leave options that best fits your need, such as General Order 2.8, "Family Medical Leave Act," "Leave of Absence without Pay for Medical and Non-Medical Reasons," and/or members paid/unpaid Medical Leave as indicated in the General Order Medical Policy."

Note: Members are entitled to a total of 12 weeks of leave under the Family and Medical Leave Act Policy (General Orders Q-26).

Subsection B. Commanding Officer

1. Upon notification that a member is pregnant:
 - a. Do not order the member to take leave and/or involuntarily transfer them from their current job duties.
 - b. Ensure the pregnant member is seen by the Medical Director as soon as possible.
 - c. Upon receipt of proper medical documentation, place the member in a limited-Duty

Status (if applicable) and assign the member to a reasonable administrative function. Ensure the administrative function is physically well suited to the health condition of the pregnant member.

- d. At the conclusion of the Maternity Leave and with authorization from the Medical Director, return the member back to Full-Duty Status.

Note: Do not order sworn pregnant members to qualify at the range until they return to Full-Duty Status.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: MATERNITY LEAVE POLICY



POLICY STATEMENT:

Members who become pregnant are entitled to Maternity Leave, as may be deemed necessary and appropriate by their health care provider to cover periods of absence caused by pregnancy, childbirth and recovery from pregnancy/childbirth.

PURPOSE:

The purpose of this Order is to provide Maternity Leave information, explain Maternity Leave benefits, address notification procedures, and to offer temporary Limited-duty assignments to pregnant members.

This order consists of the following numbered sections:

- 8.3.1 GENERAL INFORMATION**
- 8.3.2 REQUIRED ACTIONS**

SECTION 8.3.1 GENERAL INFORMATION

Maternity Leave begins on the date the child is born. Members who request Maternity Leave are entitled to six (6) weeks of approved leave.

Maternity Leave, in itself, is unpaid leave. However, members shall use accumulated paid leave in any combination of vacation or personal leave, compensatory leave, and /or, in some cases, sick leave prior to using unpaid leave. The combination of paid and unpaid leave is counted as part of the 6-week allotment of Maternity Leave.

Upon the conclusion of Maternity Leave, if members desire additional leave time, members may apply for whatever leave option that best fits the member's needs via Operational Order Office Leave 8.1, "Family and Medical Leave Act", "Leave of Absence without Pay for Medical and Non-Medical Reasons," and/or members paid/unpaid Medical Leave as indicated in the Operational Orders "Office Leave Policy."

Members on Maternity Leave will maintain their health insurance benefits on the same basis as if the member was not on leave as long as members continue to pay their share. Upon the completion of Maternity Leave, Members will be returned to their job or a similar job with the same salary, benefits, and seniority.

Sworn members who are pregnant should be aware that certain job functions of law enforcement may require strenuous activities/requirements that could have an adverse effect on an expectant mother. Pregnant sworn members will be removed from active enforcement/policing and transferred to an administrative position only when the pregnant sworn member's health care provider recommends that the member refrain from such operational duties. Sworn pregnant members should be reminded that their physical limitations may pose a risk to themselves, other deputies and the public at large.

Unclassified Employees, per their Memorandum of Understanding, are entitled to four (4) weeks before, and six (6) weeks after, the expected due date.

SECTION 8.3.2 REQUIRED ACTIONS

Subsection A. Member

1. Any member who is pregnant shall:
 - a. Immediately notify your Command
 - b. Obtain a medical certification from your health care provider, complete the Notification of Pregnancy, Form 486, and personally present them to the Medical Director at the Public Safety Infirmary (PSI). The medical certification shall indicate:
 - I. That the member is pregnant.
 - II. The expected dates of confinement.
 - III. The date that Maternity Leave is expected to begin.
 - IV. The expected return to duty date
 - V. Whether Limited-Duty Status is medically necessary.
 - c. Submit a copy of the medical certification, Notification of Pregnancy form and any

documents from the Medical Director to your Command without undue delay.

2. Upon conclusion of Maternity Leave or if returning to duty sooner than the expected return to duty date:
 - a. Notify your Command of your intentions to return to duty.
 - b. Obtain a medical certification from your health care provider.
 - c. Meet with the Medical Director at PSI, and obtain the appropriate documents to return to duty.

Note: The Medical Director has the final decision as to the return to duty status if a discrepancy arises between the member's health care provider and the Medical Director.

- d. Submit all documents to your Command as soon as possible.
3. If additional leave is needed after the conclusion of Maternity Leave:
 - a. Obtain a medical certification from your health care provider indicating the reason, and the need, for extension of leave.
 - b. Respond to PSI and meet with the Medical Director for the required documentation. Be guided by the Medical Director. Immediately submit the medical certification and the PSI paperwork to your Command.
 - c. Apply for additional leave from available leave options that best fits your need, such as Operational Order Office Leave Policy 8.1, "Family Medical Leave Act", Leave of Absence without Pay for Medical and Non-Medical Reasons," and/or members paid/unpaid Medical Leave as indicated in the Operational Order Office Leave Policy."

Note: Members are entitled to a total of 12 weeks of leave under the Family and Medical Leave Act Policy.

Subsection A. Commanding Officer

1. Upon notification that a member is pregnant:
 - a. Do not order the member to take leave and/or involuntarily transfer them from their current job duties.
 - b. Ensure the pregnant member is seen by the Medical Director as soon as possible.
 - c. Upon receipt of proper medical documentation, place the member in a Limited-Duty Status (if applicable) and assign the member to a reasonable administrative function. Ensure the administrative function is physically well suited to the health

condition of the pregnant member.

- d. At the conclusion of the Maternity Leave and with authorization from the Medical Director, return the member back to Full-Duty Status.

Note: Do Not Order sworn pregnant members to qualify at the range until they return to Full-Duty Status.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: ON - THE - JOB INJURY POLICY**POLICY STATEMENT:**

It is the policy of the Baltimore City Sheriff's Office that all members adhere to those required standards established by the city of Baltimore and outlined in the Administrative Policy Manual regarding job injuries.

PURPOSE:

The purpose of this Operational Order is to establish rules and regulations which will enforce compliance with all necessary requirements which are existent whenever any member of this agency sustains an on-the-job injury.

This order consists of the following numbered sections:

8.5.1 DEFINITIONS

8.5.2 TREATMENT FACILITIES

8.5.3 REPORTING REQUIREMENTS

8.5.4 RETURN TO DUTY

8.5.6 FOLLOW – UP REQUIREMENTS

SECTION 8.5.1 DEFINITIONS

Sworn Member: Any full-time paid employee of the Baltimore City Sheriff's Office certified by the Maryland Police Training Commission in accordance with Article 41, Section 4-201 of the Annotated Code of Maryland

Non-Sworn Member: Any full-time paid employee of the Baltimore City Sheriff's Office not certified by the Maryland Police Training Commission in accordance with Article 41, Section 4-201 of the Annotated Code of Maryland and/or any employee who is in a classification not

requiring such certification; e.g., clerical members.

On-the-job Injury: Any injury occurring while on the job, and in the case of sworn members of this agency, any injury occurring while engaged in the performance of their official duties, or acting under the auspices of their positions as Deputy Sheriffs.

PSI: Public Safety Infirmary.

OMS: The City of Baltimore Occupational Medical Services

EIR: Employee Incident Report

SECTION 8.5.2 TREATMENT FACILITIES

The City of Baltimore Occupational Medical Services (OMS): For Non- Sworn members of the agency

PUBLIC SAFETY INFIRMARY (PSI): For sworn members of the agency

1. Both OMS and PSI are located at 323 N. Calvert Street, Baltimore, MD 21202.
2. The hours of operation are 0700-1600 hours, Monday through Friday with a physician on duty during these stipulated hours to:
 - a. Examine and diagnose injuries.
 - a. Prescribe medication.
 - b. Suture minor lacerations.
3. All on-the-job injuries must be treated at OMS or PSI, except:
 - a. Serious injuries requiring treatment at a hospital or emergency facility.
 - b. Any injury sustained during those hours when the PSI is not in operation.

Hospitals or Emergency Facilities

1. Employees who sustain serious on-the-job injuries or who become injured during the time period that OMS or PSI are closed, should be sent to the nearest hospital emergency room.
2. Examples of serious injuries requiring immediate hospital or emergency facility treatment are:
 - a. Obvious broken bones

- b. Excessive and uncontrollable bleeding
 - c. Head, neck, or spinal injuries
 - d. Eye injuries
 - e. Injuries resulting in loss of consciousness
 - f. Excessive and unexplainable pain
 - g. Respiratory distress; etc.
3. An employee who is treated at a hospital or other emergency medical facility must report to OMS or PSI for an examination as soon as he/she is medically able to do so, after having been released from the hospital or emergency facility treatment center (not later than the next work day, whenever practicable).

SECTION 8.5.3 REPORTING REQUIREMENTS

Subsection A. General

Any on-the-job injury, however slight, which occurs during the course of any member's employment with the Baltimore City Sheriff's Office, shall be reported to the employee's immediate supervisor or other member of the command staff, as soon as it is practicable to do so.

Subsection B. Employee Incident Reports

1. The facts of an on-the-job injury must be reported on an Employee's Incident Report (EIR) (28-1608-5149).
2. An Employee's Incident Report must be completed by the immediate supervisor or the supervisor that had the employee within their span of control at the time of the injury as prescribed under BCSO 2.2.9
 - a. The agency copy is forwarded through the administrative office of the Baltimore City Sheriff's Office.
 - b. The administrative office will report the incident to The Baltimore City Workers Compensation Office (Key Risk) via teleprompt.
 - c. All remaining copies will be sent with the employee to OMS or PSI.
3. Employee Incident Reports must be properly submitted in order to ensure that:

- a. The employee will, if eligible, be authorized on-the-job injury leave (accident leave).
- b. A centralized record system of employee injuries can be maintained.
- c. Key Risk can initiate necessary investigations as appropriate.
- d. The hospital or other emergency medical facility will receive payment.
- e. That the employee receives all specialized after care (nurses, wheel chairs etc.).

SECTION 8.5.4 RETURN TO WORK

Subsection A. General

1. OMS or PSI will notify this agency of the date when the employee may return to duty.
2. All such notifications will be made through the use of the "Attending Physician's Return to Work Recommendation Report."
3. Notification of any temporary restrictions on the employee's ability to perform his/her normal duty shall be made through the use of "Attending Physician's Return to Work Recommendation Report."

Subsection B. Employee Responsibilities

Following treatment by OMS or PSI the employee shall be given an Appointment Release Slip and shall be required to take one of the following actions:

1. If able to return to duty immediately and no further treatment is necessary, give Appointment/Release Slip to the immediate supervisor;
2. If able to return to duty immediately but further treatment is necessary, give Appointment/Release Slip to the immediate supervisor and report to OMS or PSI as scheduled;
3. If unable to return to duty immediately and further treatment is necessary, continue to report to OMS or PSI as scheduled.

SECTION 8.5.5 FOLLOW-UP REQUIREMENT

Subsection A. General

1. It shall be the employee's responsibility to ensure that all follow-up requirements as prescribed by OMS or PSI are met.

2. The employee shall be responsible for ensuring that his/her immediate supervisor is informed of all information relative to on-the-job injury follow-up requirements.

Subsection B. Supervisor's Responsibility

The supervisor shall ensure that the employee is given the opportunity to comply with OMS or PSI requirements and shall ensure that all documentation relative to on-the-job injuries are properly accounted for.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: DRESS CODE POLICY



POLICY STATEMENT:

The Baltimore City Sheriff's Office recognizes that public image plays an important role in developing and maintaining support.

The Baltimore City Sheriff's Office non-uniformed employees shall refrain from wearing clothing that distracts from the departments mission and public image, regardless of work setting

PURPOSE:

The purpose of this order is to establish a guideline for acceptable business work attire to be worn on each workday of the week, during normal business hours. Employees are expected to maintain an appropriate appearance that is business-like, neat and clean.

This order consists of the following numbered sections:

6.2.1 DEFINITIONS

6.2.2 APPARREL

6.2.3 RESPONSIBILITY OF SUPERVISION

SECTION 6.2.1 DEFINITIONS

Member: Any full-time paid employee of the Baltimore City Sheriff's Office certified by the Maryland Police Training Commission in accordance with Article 41, Section 4-201 of the Annotated Code of Maryland.

Non-Uniformed Staff: Persons employed by the Office in full or part-time work that does not require them to wear agency issued items of clothing, insignia or other distinguishing attire in

performance of assigned duty to include all sworn members while re-assigned to civilian or light duty status.

SECTION 6.2.1 APPAREL

Subsection A. Woman's Apparel

1. Acceptable examples of proper business attire for sworn personnel:
 - a. Suits with dress slacks
 - b. Blouse with dress slacks with or without jackets
 - c. Sweaters with dress slacks
 - d. Dress shoes with low heels or flat
 - e. Woman's Oxford
 - f. Dress Loafers
 - g. Dress socks, pantyhose, stockings or knee-highs

2. Acceptable examples of proper business attire for non-sworn personnel:
 - a. Suits with Skirts or dress slacks
 - b. Blouse with Skirts or dress slacks with or without jackets
 - c. Sweaters with Skirts or dress slacks
 - d. Dress shoes with heels or flat and straps
 - e. Dress Sandals with straps
 - f. Woman's Oxford
 - g. Dress Loafers OR pumps
 - h. Dress socks, pantyhose, stockings or knee-highs

3. Unacceptable attire
 - a. Denim material clothing of any kind (Jeans are allowed on Fridays only)

- b. Short skirts (more than 2" above the knee)
- c. Sheer Clothing
- d. Revealing clothing such as leggings worn alone
- e. Slits in dresses or skirts more than 2" above the knee
- f. Beachwear, such as shorts or halter tops
- g. Warm-up suits in any material
- h. Casual sandals (i.e. flip-flops)
- i. Clothing of fleece material
- j. Spandex
- k. Tennis shoes are not permissible unless there is medical documentation on file to support the condition.

Subsection B. Men's Apparel

1. Acceptable examples of proper business attire for sworn and non- sworn personnel:
 - a. Suits with dress slacks
 - b. Shirts with collar and dress slacks with or without jackets
 - c. Sweaters with dress slacks
 - d. Dress socks
 - e. Dress shoes, Loafers, Oxfords or Dockside
2. Unacceptable Men's attire
 - a. Denim material clothing of any kind
 - b. Shorts
 - c. Muscle shirts
 - d. Beachwear, such as shorts
 - e. Warm-up suits in any material

- f. Sandals (i.e. flip-flops)
3. Tennis shoes are not permissible unless there is medical documentation on file to support the condition.

SECTION 6.2.3 RESPONSIBILITY OF SUPERVISION

1. Supervisors will be ultimately responsible for determining what is or is not work appropriate and enforcing the dress code.
2. Exceptions concerning the dress code will be directed to the Chief Deputy or his designee.

Note: This policy establishes dress code guidelines but does not attempt to address every potential issue.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates to ensure compliance. This Order is effective on the date of publication.

SUBJECT: UNIFORM, EQUIPMENT AND APPEARANCE



POLICY STATEMENT: The Baltimore City Sheriff's Office recognizes that public image plays an important role in developing and maintaining support. The Baltimore City Sheriff's Office uniformed employees shall refrain from wearing clothing that distracts from the departments mission and public image, regardless of work setting.

PURPOSE:

The purpose of this order is to establish a guideline for acceptable uniform attire to be worn on each workday of the week, during normal business hours. Employees are expected to maintain an appropriate appearance that is neat and clean.

6.1.1 DEFINITIONS

6.1.2 AUTHORIZED UNIFORM / SWORN PERSONNEL

SECTION 6.1.1 DEFINITIONS

Uniform classifications for the Baltimore City Sheriff's Office shall be as follows:

- A. Class A: Dress blouse, long sleeve shirt, tie, winter (felt) Stetson (not optional), uniform trousers, black low-quarter shoes, as required.
- B. Class B: Long sleeve uniform shirt, tie, winter (felt) Stetson (optional), agency issued black baseball cap, plain black skull cap (inclement weather only), uniform trousers, black low-quarter shoes, heavy winter jacket or no jacket. (Class B uniforms are not authorized for ceremonial wear.
- C. Class C: Short sleeve uniform shirt, summer (straw) Stetson or agency issued black baseball cap (optional), uniform trousers, black low-quarter shoes. Tee shirts, if visible, shall be black in color.

- D. Class D: (Clerical Uniform): As established by the Sheriff of Baltimore City for wear by non-sworn clerical personnel.
- E. Class E: (Tactical/Utility Uniform): As established by the Sheriff of Baltimore City for members engaged in special tactical operations.

SECTION 6.1.2 AUTHORIZED UNIFORM / SWORN PERSONNEL**Subsection A.**

1. Each member shall wear the uniform, badge, insignia of rank and other equipment which has been prescribed by the agency.
2. Members shall not:
 - a. Wear any uniform or item of equipment which has not been authorized by the agency.
 - b. Make any addition or change to any uniform authorized for wear by members of the Baltimore City Sheriff's Office without the approval from the Sheriff of Baltimore City or his designee.
3. Seasonal uniform changes shall be adhered to and shall be as follows:
 - a. The period for wearing summer attire shall be May 1st through September 30th.
 - b. The period for wearing winter attire shall be November 1st through March 31st.
 - c. Optional period for uniform wear shall be April and October.
4. While on duty, each member shall wear the uniform of the day which has been prescribed for his/her particular position and shall carry, on his/her person, the agency identification card which has been issued as part of his/her required equipment.
5. Any unauthorized use of a member's departmental badge or identification card shall be cause for severe disciplinary measures.
6. Willfully permitting the use of a member's departmental badge or identification card by any unauthorized individual shall be cause for dismissal.

Note: Headgear shall be optional wear for all sworn personnel except when wearing the class "a" uniform. There shall be no mixing of the summer and winter uniforms.

7. A member may substitute black military-style boots or black plain-toe walking shoes (i.e., Rockport, Thorogood, etc.) for the shoe requirement for all classifications except Class A.
8. All shoes worn by members of this agency shall be capable of holding a shine, shall have black laces, shall have no visible logos, and shall not be high-top shoes.
9. Black "Sheriff" raid style jackets will not be worn while in Classes A and B uniforms.
10. Type of tie clasp is optional, but must be law enforcement-related, and is subject to approval.
11. Wearing of the black baseball cap is authorized for wear with Classes B, C and E uniforms only.
12. Socks must be black in color. If a medical condition exists and a deputy needs to wear.
13. White tube socks, they must be worn underneath the black socks or have a doctor's slip.
14. Trousers should have visible creases down the front and back starting at the bottom edge of the front pocket. Uniforms should be clean and neat and free of lint and dirt.
15. Black T-shirts are authorized for wear under the short sleeve shirt only. Undergarments shall not be visible while wearing the long sleeve shirt.
16. A brown, pull-over type, "V" neck, military style sweater equipped with a badge holder may be worn as an outer garment or beneath the uniform jacket with the Class B uniform only. All sweaters worn by members of this agency shall:
 - a. Be equipped with epaulets.
 - b. Display the agency patch.
 - c. Have all rank insignias appropriately displayed.
 - d. Have badges and name plates properly displayed on the outermost garment as required.
 - e. Be worn tucked into the trousers when a gun belt is being worn.
17. Any member wearing the uniform out of doors or on any assigned Security Post may only wear the appropriate uniform hat. **(HEADGEAR SHALL BE OPTIONAL EXCEPT WHEN WEARING THE CLASS "A" UNIFORM.)**
18. All sworn members of the Baltimore City Sheriff's Office shall be required to wear the uniform at all times when on duty unless exempted by the Sheriff or his designee.

Subsection B. Authorized Equipment

1. While on duty, each member authorized to carry a firearm shall be armed with an approved firearm, which is charged and ready for use at all times.
2. All firearms shall be regularly cleaned and maintained in serviceable condition at all times.
3. Supervisors shall conduct regular inspections to ensure that the foregoing requirements are being strictly adhered to and members failing to properly wear and maintain their assigned firearm shall be disciplined.
4. All shoes, boots, duty gear and metal equipment worn as part of the on-duty attire shall be regularly polished and maintained in good condition.
5. All items of equipment which become worn out and unsuitable for uniform wear shall be reported to the quartermaster and replacement items shall be requested.
6. While off-duty and utilizing an agency vehicle, each member shall comply with requirements regarding the take-home vehicle policy.
7. Each member shall be responsible for any agency equipment which he/she has been issued and shall:
 - a. Be required to replace, at his/her own expense, any equipment which has been lost, damaged, or has fallen into disrepair because of his/her negligence.
 - b. Immediately notify his/her supervisor when repair or replacement is needed.
 - c. Immediately report to his/her supervisor any damage to agency equipment or any loss of agency equipment, including all circumstances surrounding any such damage or loss.
8. Any and all abuse of agency equipment, which may be attributed to a member and any loss resulting from deliberate and willful neglect, shall be cause for disciplinary action.

Subsection C. Appearance (Grooming, Jewelry, etc.)

1. Male members' hair, while in uniform, shall be neatly trimmed and evenly tapered. The tapering of the hair shall form an even line established by the base of the side burns, continuing above and around the ears, and the back of the neck. Additionally, hair on the sides and back shall not protrude from the bottom edge of the uniform cap in such a manner that the hair appears to bulge outward. The bulk or length of the hair should not interfere with the normal wearing of the uniform cap. (Exotic hair-styles such as Mohawks, Dreadlocks, etc. shall not be authorized).
2. Female members, in uniform, shall be required to wear the hair in such a manner as to not interfere with the normal wearing of any authorized headgear and should not fall below the edge of the collar.

3. Female members, not in uniform, shall wear their hair in a neat and orderly fashion.
4. Hair color shall be either natural or traditional and conservative (Any extreme or unusual hair style and/or color shall be prohibited).
5. A professionally neatly trimmed mustache is permitted, but goatees and beards are not authorized. (Commanding officers may allow alternative hairstyles, goatees and/or beards for members in undercover assignments consistent with duties).
6. Uniformed members who are suffering from the skin condition Pseudofolliculitis Barbae and are unable to shave shall submit medical verification of their condition to their immediate supervisor. All such medical documentation shall be kept on file within the agency and shall be updated monthly or the discretion of the Sheriff or Chief Deputy. Upon submitting authorized documentation from a Physician, they shall be excused from shaving while continuing to perform their normal duties. Members will also be expected to clip their beards as close as medically permitted (normally ¼" in length). Members will also be expected to provide their supervisor with documentation of their course of medical treatment so they can resume shaving when medically indicated.
7. Mustaches must be kept clean and neatly trimmed. They may not extend below the top line of the upper lip or beyond the corners of the mouth, and are not of an extreme or exotic style such as Handlebar, Fu Manchu, etc.
8. Sideburns shall be neatly trimmed, with straight lines and no flair at the base. The base of the sideburns shall not extend below the part of the ear, which joins the head to its lowest point.
9. Members shall be prohibited from wearing any jewelry which poses an obvious safety hazard for the employee, or interferes with the wearing of any agency-issued equipment. Necklaces and bracelets worn by deputies shall not be visible, except for Medic-Alert necklaces or bracelets, while in uniform.
11. Earrings are authorized for wear for female deputies only.
 - a. Earrings must be diamond studs (one diamond only in each) or gold ball post.
 - b. Earrings must be no larger than 4mm.
 - c. Only one earring per ear is authorized.
 - d. Variations in style of earrings are prohibited.
12. Visible body piercing is prohibited.

Subsection D. Awards and Badges

1. Marksmanship badge (optional) is centered left to right and top to bottom on the right breast pocket flap. The badge must reflect most current qualifying range score.
2. The Sheriff's Office recognizes the following ranking qualifications:
 - a. Marksman 70-79%
 - b. Sharp Shooter 80-89%
 - c. Expert 90-100%
 - d. Range Instructor
3. Deputies certified in SRT and BEST training are required to wear the appropriate designated pins, however the pins must be worn as follows:
 - a. BEST is to be placed 1/8 inch and centered above any departmental issued awards.
 - b. SRT is placed 1/8 inch and centered above the BEST pin (if deputy is only SRT qualified, the SRT pin is placed 1/8 inch above any departmental issued awards).
4. Wearing of the Sergeant Insignia:
 - a. MALE
 - i. Long Sleeve Shirt – Chevron patch 1" down from agency patch, centered with crease bisecting the chevron.
 - ii. Short Sleeve Shirt – Centered between shirt seam and bottom of agency patch, with crease bisecting the chevron.
 - iii. Each bottom corner edge of metal chevron placed 1/2" from edge of collar where center of chevron is bisecting point of collar.
 - b. FEMALE
 - i. Long Sleeve Shirt – Chevron patch 1" down from agency patch and centered with crease bisecting the chevron.
 - ii. Short Sleeve Shirt – Centered between shirt seam and bottom of agency patch with crease bisecting the chevron.
 - iii. Collar Insignia – Each bottom corner edge of metal chevron placed 1/2" from edge of collar where center of chevron is bisecting point of collar.
5. Wearing of the Lieutenant Insignia:

- a. The insignia will be gold in color.
- b. Gold insignia will be worn on shirt collar 1" in and centered from top to bottom parallel to edge of collar.
6. Wearing of Captain Insignia:
 - a. White shirts will be worn by all Captains and above.
 - b. The insignia will be gold in color.
 - c. Insignia will be worn on collar 1" in and centered from top to bottom parallel to edge of collar.
7. Maryland State Collar Pins – Long and Short Sleeve Shirts:
 - a. Worn 1" in and 5/8" down.
8. Nameplate shall be worn centered directly atop of the right breast pocket seam with no visible space between nameplate and pocket seam.
 - a. Authorized name plates will be gold in color with square edges measuring 2½ x 2½".
9. Only commendations issued while employed at the Baltimore City Sheriff's Office recognizing exemplary performance while on duty will be authorized for wear. The Medal of Honor, Purple Heart and Bronze Star are exceptions to this rule and are therefore authorized for wear.
10. Black Garrison or Velcro belts only authorized for wear while in uniform.

Subsection E. Display of Commendation Insignia

1. Only those awards and commendations insignia authorized by the Sheriff shall be displayed on the uniform shirt or dress blouse.
2. Commendation insignia shall be worn horizontally, above the nameplate 1/8" and centered on the top seam of the pocket flap.
3. When more than one type of commendation insignia is displayed, the insignia representing the greatest merit shall be placed closest to the center of the chest, Other commendation insignia shall be placed next to the first insignia, in decreasing order of merit, as follows:
 - a. Medal of Honor
 - b. Valor Commendation
 - c. Life Saving Award

- d. Purple Heart
 - e. Merit Commendation
 - f. Sheriff's Award
4. No more than three (3) commendation insignia shall be displayed abreast. In the event a member should receive more than three (3) commendations, a second row of the insignia shall be displayed directly above and centered over the first row of insignia, with the award(s) of highest merit on the top row.
 5. In the event a member is awarded more than one (1) of the same type of commendation, only one (1) insignia shall be displayed on the uniform. Silver stars shall be affixed to the insignia indicating the number of times the member has received the award.
 6. Commendation insignia shall be displayed on the dress blouse consistent with the provisions of this order for display on the uniform shirt.
 7. Commendation insignia awarded to members by other agencies may be displayed after being approved by the Sheriff. Display of such insignia shall be consistent with the provisions of this order, with consideration being given to the relative merit of the award.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: Fitness for Duty Evaluation



POLICY STATEMENT:

The Baltimore City Sheriff's Office (BCSO) is committed to ensuring the welfare and safety of its members and the community. For this reason, all members are required to report to work fit for duty.

The central purpose of a "fitness for duty evaluation" is to determine whether an individual is able to safely and effectively perform his or her job functions. This policy addresses the circumstances under which the BCSO may require a fitness for duty evaluation and the process for requesting and administering such evaluations.

This policy is not meant to interfere with a supervisor's ability to recommend personal counseling to a subordinate or to replace the confidential counseling services offered by the BCSO to its members. Rather, this policy is intended to provide a mechanism for the assessment of a member's ability to perform job functions when circumstances reasonably suggest continued service by the member could interfere with the BCSO's ability to deliver safe and effective services.

This policy is not a substitute for discipline. Accordingly, the BCSO may seek to impose discipline for misconduct or poor job performance notwithstanding a fitness for duty referral.

MEMBER RESPONSIBILITIES

1. All members must report to work fit for duty and be able to perform their job functions in a safe and effective manner. Members are required to notify a supervisor when they are not fit for duty due to a medical condition.
2. The BCSO encourages members to voluntarily seek assistance for personal health conditions that could impact job performance, including drug and alcohol abuse, before their work performance is adversely affected.

3. In addition, members are responsible for notifying a supervisor when they observe a co-worker acting in a manner that suggests the co-worker could be unfit for duty. If a supervisor's behavior is the focus of concern, the member must inform a member of Command.
4. Members must report to the designated facility to submit to a fitness for duty evaluation.
5. Members who are instructed to undergo a fitness for duty evaluation will be expected to comply with all aspects of the evaluation process, including furnishing necessary consent and release forms. Non-compliance might be grounds for disciplinary action, up to and including discharge from employment.

GROUND S FOR SEEKING A FITNESS FOR DUTY EVALUATION

A supervisor may request a fitness for duty evaluation whenever he or she reasonably believes a medical or psychological condition might be preventing the member from performing their job functions in a safe and effective manner or that it could pose a direct threat to the member's safety or the safety of others. The need for a fitness for duty evaluation might become evident from the supervisor's own observations of the member or from reliable information received from a third-party. Behaviors that might suggest the need for a fitness for duty evaluation include, but are not limited to:

1. Difficulties with manual dexterity, memory, coordination, alertness, speech, vision acuity and concentration.
2. Emotional withdrawal.
3. Unusual expressions of fear, anxiety, sadness or confusion.
4. Work place violence to included, outbursts, hostility, oppositional or violent behavior; (see State of Md. EEO Policy & Baltimore City Administration Manuel 227-1).
5. Irrational verbal conduct or behaviors, including delusions and hallucinations.
6. Suicidal or threatening statements.
7. Personal expressions of mental or physical instability or incapacity.
8. Inattention to personal hygiene.
9. Reasonable suspicion, via odor or observation of drug or alcohol abuse.
10. Excessive lateness and absenteeism and/or decreased work productivity.
11. Repeated passive aggressiveness.
12. Any other factor or combination of factors that cause the supervisor to believe a physical or psychological condition might be interfering with the member's ability to perform his or her job functions in a safe and effective manner.

13. The presence of any one factor or combination of factors that may or may not be sufficient to order an evaluation. All referrals shall be decided on an individual, case-by-case basis.
14. Fitness for duty may be evaluated in other contexts, including as the result of a post-offer, pre-employment medical screening or following a long-term medical leave of absence.

PROCEDURES FOR FITNESS FOR DUTY EVALUATIONS

1. All fitness for duty requests shall be promptly made in writing to the Director of the Human Resources Section.
2. Where it is determined that a fitness for duty evaluation is warranted, the Director of Human Resources will make arrangements for an evaluation to take place and shall notify the employee in writing.
3. To facilitate the health care provider's evaluation of the member, the Director of Human Resources will include with his or her written referral relevant documentation and background information.

PRECAUTIONARY MEASURES DURING THE EVALUATION PROCESS

Although fitness for duty determinations will be made as expeditiously as possible, decisions about whether to refer a member for an evaluation might require some investigation and deliberation. In the interim, and in consultation with Command, the referring supervisor should consider taking one or more of the following precautionary measures:

1. Suspend the member's police powers for administrative reasons. Where the member is able to perform safely and effectively in a limited-duty capacity. The supervisor should make every effort to identify such a position for the member to perform while decisions about fitness are reached. The supervisor should advise the member that the change in duty status is non-punitive and precautionary in nature.
2. When Command has concerns about a member's ability to safely handle a firearm, Command shall request that the member voluntarily relinquish his or her personal firearms to the BCSO for safekeeping. The member should be advised that the request is being made as a precautionary measure and that he or she may request the return of a personal firearm at any time.

Note: If it is later determined that a fitness for duty evaluation is not warranted, the member's police powers should be promptly restored.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: SERVICE OF PROCESS



POLICY STATEMENT:

It is the policy of the Baltimore City Sheriff's Office to serve or attempt to serve all civil and criminal process in a lawful and expeditious manner.

PURPOSE:

The purpose of this Operational Order is to establish a set of definitive regulations governing the service of civil and criminal process by those members of the Baltimore City Sheriff's Office charged with the responsibility of serving criminal and civil process in the course of discharging their sworn duties.

This order consists of the following numbered sections:

9.1.1 CIVIL PROCESS

9.1.2 SERVICE OF CRIMINAL PROCESS OTHER THAN WARRANTS

9.1.3 SERVICE OF PROCESS FROM FOREIGN JURISDICTIONS

9.1.4 OFFICE REGULATIONS CONCERNING SERVICE OF PROCES

SECTION 9.1.1 CIVIL PROCESS SUBSECTION

Subsection A. General

1. Civil process relates to actions brought about in civil suits.
2. Civil suits relate to and affect only individual rights, whereas criminal prosecutions involve

public wrongs.

3. They include all cases, both at law and in equity, which cannot legally be designated criminal cases.

Subsection B. Service To Be In Accordance With Maryland Rules

1. Deputies will serve all process as prescribed in the Maryland Rules.
2. Rules which begin with the number 2 denote rules which pertain to Circuit Court Civil Process.
3. Rules which begin with the number 3 denote rules which pertain to District Court Civil Process.

SECTION 9.1.2 SERVICE OF CRIMINAL PROCESS OTHER THAN WARRANTS

Subsection A. General

1. Criminal process relates to actions brought about in criminal prosecutions.
2. A crime is the violation of public right in relationship to the community at large.
3. The service of subpoenas and summonses on witnesses and defendants in criminal actions will be served pursuant to the Maryland Rules.
4. Rules beginning with the number 4 denote rules which pertain to criminal matters.

Subsection B. Criminal Witness Summonses

1. A diligent effort will be made by Deputies to effect personal delivery of summonses.
2. If personal delivery has been attempted with unsuccessful results, the Deputy will take one of the following actions.
 - a. Leave the summons with another person at the defendant's residence provided that person is of suitable age (16) and over.
 - b. Fasten the defendant's copy of the summons to the door of the residence or other place where the defendant is being sought, if no one is at the residence.

Subsection C. Return of Service

1. The Record of Service completed by the Deputy shall be marked with the applicable return as follows:
 - a. Summoned witness.
 - b. Left with (name of person of suitable age (16) and over.
 - c. Fastened to door (of residence or place where the defendant is being sought).
2. All returns of service shall include the following:
 - a. Date of service
 - b. Time of service
 - c. Name of Deputy and District number
3. In the event of a "NON-EST" return the Record of Service shall include the following:
 - a. The source of the information which causes the Deputy to make a "NON-EST" return (e.g., moved per resident, Ms. Jones)
 - b. The date service was attempted

Subsection D. Juvenile Summonses

1. Juvenile Summonses will be served pursuant to Rule 2 and 3-124, (a) and (b).
2. A juvenile summons, when directed to a minor, should be served on the minor and on a parent or guardian
3. After a diligent effort to effect service has been made without success, the Deputy may do the following:
 - a. Post a copy on the premises
 - b. Serve a copy to another person in the same manner as a criminal witness summons described in Subsection B Criminal Witnesses Summonses of this Section.

SECTION 9.1.3 SERVICE OF PROCESS FROM FOREIGN JURISDICTIONS

Subsection A. General

1. All process received from jurisdictions outside of Maryland is considered foreign process.

2. The service of foreign process shall be executed in accordance with the Maryland Rules, Office Regulations, and/or any other special rules which may be attached to the process by the sending jurisdiction.

Subsection B. Deputy Requirements

1. Deputies receiving foreign process for service shall adhere to the following requirements:
 - a. Read the cover letter before attempting service in order to ascertain if either of the following applies:
 - I. Substitute service or posting is permitted by the sending jurisdiction for a person who may be avoiding service.
 - II. The sending jurisdiction requires the Deputy serving the process to furnish a detailed description of the person to be served.
2. Deputies serving process on Sundays or holidays should be mindful that this practice is disallowed in some states and may not be accepted as good service.

SECTION 9.1.4 OFFICE REGULATIONS CONCERNING SERVICE OF PROCESS

Subsection A. Times of Service

1. The service of process shall be attempted between the hours of 0700 and 2200 unless extenuating circumstances require otherwise.
2. Exceptions to the above requirement must be approved in advance by Deputy's immediate supervisor and shall only be granted where extenuating circumstances preclude process being served during the times designated.

Subsection B. Inspection of Process Required

1. All process must be thoroughly inspected by Deputies prior to leaving the office to ensure:
 - a. The process is assigned to the correct District.
 - b. The correct number of copies for service are provided.
 - c. The name, address and expiration date are included.

Subsection C. Manner of Service

1. The Deputy shall identify him/herself upon first contact when serving process.
2. The Deputy shall address the defendant or other persons by using their full name.
3. The Deputy shall utilize discretion when divulging information to individuals who are not named in the process being served.

Subsection D. Return of Service – Inclusions

1. The return of service shall include the following information:
 - a. Name of individual served
 - b. Date and time of service
 - c. Dates of all attempts of service
 - d. Signature and District number of the Deputy
 - e. Name and title of the individual served if service was made on a corporation
2. All writing will be legible and abbreviations will not be used.
3. All process will be turned in no later than the next working day following service or following a determination that there exists a valid reason for a “NON-EST”.
4. All process shall include one of the following returns:
 - a. Served
 - b. Non-Est. – (When the process has not been served, there must be a valid reason and that reason must be stated on the return of service)

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: EXECUTION OF HIGH RISK WARRANTS



POLICY STATEMENT:

Duly sworn members of the Baltimore City Sheriff's Office shall be responsible for adhering to established procedures in the execution of arrest warrants which pose a high risk to the physical safety of members engaged in any such execution.

PURPOSE:

The purpose of this Operational Order is to establish rules, guidelines and procedures regarding the execution of high risk arrest warrants by members of the Baltimore City Sheriff's Office in the performance of their duties.

This order consists of the following numbered sections:

5.4.1 DEFINITIONS

5.4.2 IDENTIFICATION OF HIGH RISK ARREST SITUATIONS

5.4.3 PROCEDURES FOR EXECUTION

SECTION 5.4.1 DEFINITIONS

High Risk Arrest Warrants: Any warrant where the execution thereof requires forced entry into any premises for purposes of executing that warrant or where the members have prior knowledge that the person being sought is wanted for a serious felony offense, or may be armed and dangerous.

Force: Physical coercion, including physical coercion whose effects are magnified by the use of police equipment.

Member: Any full-time paid Class I (law enforcement) deputy of the Sheriff of Baltimore City.

SECTION 5.4.2 IDENTIFICATION OF HIGH RISK ARREST SITUATIONS

Subsection A. Preplanning

1. Members engaged in the execution of arrest warrants shall have the responsibility of reviewing arrest warrants prior to their execution for any pertinent information which would lead the member to conclude that any such warrant may have the potential of being a high risk warrant.
2. Upon identifying a potentially high risk warrant, the members shall have the responsibility to preplan their activities associated with the execution of that warrant.
3. Preplanning shall include:
 - a. Notifying the team leader of the potential for high risk.
 - b. Ensuring that an adequate number of sworn law enforcement personnel are available prior to attempting the execution of any such high risk warrant.

Subsection B. On Scene Assessment of High Risk Situations

It shall be the responsibility of members engaged in the execution of arrest warrants to assess the potential for high risk, dependent upon such circumstances as may exist.

SECTION 5.4.3 PROCEDURES FOR EXECUTION

Subsection A. Responsibilities

1. Upon determination that a high risk situation exists the members shall:
 - a. Secure the premises to prevent the exit or entrance of any person(s).
 - b. Notify the team leader or designated acting team leader of the conditions which exist at the scene.

Note: In the event the team leader is unavailable, the supervisor shall be notified.

Subsection B. Team Leader Responsibilities

1. Upon notification of a high risk situation, the team leader shall:
 - a. Respond to the scene
 - b. Assess the situation
 - c. Ensure the response of an adequate number of sworn law enforcement personnel
 - d. Proceed with those actions which are deemed appropriate.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: TRAFFIC ENFORCEMENT



POLICY STATEMENT:

It is the policy of the Baltimore City Sheriff's Office that all members engaged in the enforcement of the provisions of the Maryland Vehicle Laws, shall do so fairly and impartially, with the safety of the citizens of Baltimore being the paramount concern and principal reason which governs the enforcement efforts of this agency.

PURPOSE:

The purpose of this Operational Order is to establish a set of definitive regulations governing the enforcement of motor vehicle laws by members of the Baltimore City Sheriff's Office.

This order consists of the following numbered sections:

- 5.5.1 TRAFFIC LAW ENFORCEMENT**
- 5.5.2 TRAFFIC STOPS**
- 5.5.3 CITATIONS AND/OR WARNINGS**
- 5.5.4 TRAFFIC ACCIDENTS**
- 5.5.5 TRAFFIC DIRECTION AND CONTROL**
- 5.5.6 TESTIFYING IN COURT**
- 5.5.7 TRAFFIC OFFICER'S RESPONSIBILITIES**

SECTION 5.5.1 TRAFFIC LAW ENFORCEMENT

Subsection A. General

1. The enforcement of the provisions of the Maryland Vehicle Laws is primarily the

responsibility of other law enforcement agencies, and in Baltimore City that responsibility rests primarily with the Baltimore City Police Department.

2. Deputies are empowered to enforce the provisions of the Maryland Vehicle Law.

Subsection B. Traffic Stops Outside of Baltimore City

1. Deputies shall not make traffic stops outside of Baltimore City unless the infraction is one which is sufficiently serious to pose a real endangerment to the safety of the public.
2. Deputies making traffic stops outside of Baltimore City shall immediately request the assistance of the local jurisdiction.

Subsection C. Traffic Stops When Transporting Prisoners Not Routinely Done

1. Deputies shall not make traffic stops while in the process of transporting prisoners unless the observed infraction is sufficiently serious that failure to take enforcement action could result in life being imperiled.
2. Routine traffic stops shall not be undertaken by Deputies engaged in prisoner transportation.

Subsection D. Discretion

1. Deputies engaged in the enforcement of the motor vehicle laws shall have the discretion of taking any of the following actions as may be appropriate:
 - a. Issuance of a written warning
 - b. Issuance of a Maryland Uniform Complaint and Citation (DR-49)
 - c. Issuance of a Maryland Uniform Safety Equipment Repair Order (MSP – 157)
 - d. Arrest when necessary.
2. Verbal warnings are not allowed
3. Deputies are responsible for exercising sound judgment in the enforcement of motor vehicle laws.
4. Enforcement shall be undertaken by evaluating the circumstances of the violation.
5. As in discharging any other duty, traffic violators shall be treated fairly, objectively, and in a non-discriminatory manner.

Subsection E. Nonresidents and Active Duty Military Personnel

Traffic violations involving nonresidents of the State of Maryland or active duty military personnel shall be treated in the same manner as with Maryland Residents.

Subsection F. Legislators and Diplomats

1. All legislators who are members of the U.S. Congress, Maryland General Assembly, or the legislative bodies of any Maryland County or Municipality are subject to the Maryland Vehicle Laws and required to comply with them.
2. No legal or appellate provisions exempt legislators or other politicians from enforcement or prosecution.
3. Diplomats, their families, administrative and technical staffs enjoy full diplomatic immunity.
4. Deputies will not make traffic stops on individuals they know to be diplomats unless the violation creates a significant hazard to persons or property.

SECTION 5.5.2 TRAFFIC STOPS

Subsection A. General

1. Whenever possible, Deputies conducting traffic stops shall adhere to the following:
 - a. Choice of the stop location shall be made with maximum safety consideration, both for the Deputy and the violator
 - b. The violator shall be stopped in the safest possible manner by the activation of emergency lights and siren
 - c. The Deputy's vehicle shall be positioned safely behind the violator's vehicle and in such a position to not impede traffic, yet provide adequate protection from other motorists while the Deputy is afoot
 - d. During the hours of darkness, Deputies shall make use of any spotlight or take-down lights their vehicles may be equipped with, in order to provide for the maximum safety.
1. Upon making a traffic stop, before exiting the vehicle, the Deputy shall notify the MILES Operator and provide the following information:
 - a. The exact address or location of the stop, including the street name, route number, hundred block, and/or cross street (Common locations which may not be familiar to the MILES Operator or other Deputies should be avoided.)

- b. License plate number and State of issue
- c. Make, model, and color of the vehicle
- d. The number of occupants in the vehicle

Subsection B. Approach

1. When approaching a vehicle, the Deputy shall be continuously alert for any suspicious movements or actions on the part of the violator or other occupants of the vehicle.
2. Anytime the Deputy perceives that there is a possibility safety may become an issue, he/she shall order the operator and the occupants to remain in the vehicle until backup units arrive (the public address system may be utilized to communicate with the operator under such circumstances).

Subsection C. Courtesy

1. Deputies are expected to project a professional image and exercise courtesy in their approach to motor vehicle operators.
2. All members of the Baltimore City Sheriff's Office engaged in traffic enforcement are expected to:
 - a. Properly identify themselves
 - b. Advise the operator why he/she has been stopped
 - c. Request the violator's driver's license and registration
 - d. Take that enforcement action appropriate to the violation
 - e. Courteously respond to all appropriate questions.
3. When action is completed, the Deputy shall:
 - a. Return the violator's license and registration, unless required as evidence
 - b. Assist the violator in safely reentering the traffic flow
4. After each such traffic stop has been concluded, Deputies shall be responsible for advising the MILES Operator that they are clear of the stop or "10-8 from the stop".

Subsection D. Deputies in Plainclothes

1. Deputies in plainclothes who find it necessary to make traffic stops shall follow the procedures outlined in this Operational Order.

2. Deputies in plainclothes who make traffic stops shall identify themselves and have their badge and departmental identification displayed for the driver.
3. In the event that a violator fails to produce a license, the plainclothes Deputy shall call for a uniformed Deputy or a police officer and request the violator to await their arrival.
4. If a violator refuses to remain at the scene, the plainclothes Deputy shall advise him/her that he or she may be subject to arrest.

SECTION 5.5.3 CITATIONS AND/OR WARNINGS

Subsection A. General

1. The Traffic Officer shall be authorized to issue Maryland Uniform Complaint and Citation Books to those members who have been authorized by the administration to perform traffic related duties.
2. The Citation book receipt stub will be completed and mailed to the Motor Vehicle Administration.
3. All moving and parking citations are numbered forms which shall not be destroyed.
4. Any damaged or incorrect citation shall be turned in to the Traffic Officer with a BCSO 95 report explaining why you are turning in the ticket.
5. Lost citations will be reported to the Traffic Officer.

Subsection B. Completing the Maryland Uniform Complaint and Citation

1. The proper completion of the citation is necessary in order that the information may be transmitted from the Maryland Automated Traffic System (MATS) computer to the Motor Vehicle Administration (MVA) computer without error.
 - a. If there is to be a witness summonsed, check the witness box and complete the information of the reverse side of the original court copy. In requesting that a peace officer be summonsed, provide full address. Enter witness of all related citations if they should be summonsed.

Note: The following highlighted numbers preceding the paragraphs contained herein correspond directly to the Maryland Uniform Complaint and Citation (see Appendix A to this Operational Order):

- b. If there are Related Citations – check “Related Citation” and write the related citation number in designated area. Loop correctly, i.e., on the first citation issued, enter the citation number of the second citation and so on until the last citation is issued. On the last citation, write the number of the first citation issued.
- c. Enter the number of the defendant’s driver’s license, including license class and state of issuance. If the defendant has no license number, enter “none”. Do not leave it blank.
- d. Enter the defendant’s full first, middle and last name as it appears on the license including hyphens.
- e. Enter the defendant’s street address, box number, apartment number, city, county, state, zip code, etc. Do not use “No fixed address”. Enter current address, if different from that shown on license.
- f. Use the following codes for race and enter:
 - 1 **Black, African American**
 - 2 **White, Caucasian, Asiatic Indian and Arab**
 - 3 **Mongoloid, Oriental Asiatic**
 - 4 **Mongoloid, American Indian**
 - 5 **Unknown**
- g. Enter the vehicle registration number and state of issuance. If the vehicle displays no registration, enter the word “None.”
- h. Enter numerically the month, day and year of the violation.
- i. If the defendant contributed to an accident, check the appropriate block and indicate whether personal injury, or property damage.
- j. Record precise location of the violation (Unit Block or Intersection). Record the county by writing out the name, e.g., Baltimore (do not use the county code number)
- k. Enter Baltimore for the block “County” and AD for the block “Area”.
- l. If the license of the defendant was suspended or revoked for an alcohol offense, check the block “A/R Susp. Rev.”
- m. Record “Arrest Type” using the following codes:

A – Marked Patrol Car

B – Unmarked Patrol Car

- n. If the violation charged to the defendant is of a section of the law printed on the citation, do not write a narrative description in the space available for writing a charge. Circle only one charge per citation.
 - o. If the violation is not printed on the citation, you must check TA (Transportation Article) and write the charge as printed in the fine schedule book. It is not sufficient to merely show title and subtitle. You must also enter the written charge.
 - p. Check your fine schedule book for the proper fine. Make sure the amount is correct.
 - q. When there is a fine for the violation you have charged, check the box "You have a right to stand trial, you may waive trial and pay the fine shown". When there is no fine, the fine schedule book will note MA. You must then check the box "You must appear for trial when notified by the court".
 - r. Always enter 01 for "District", 03 for "No", ZZ for "Agency", and 24 for "Sub-Agency".
 - s. Enter your individual I.D. Number.
 - t. The defendant is required to sign at the line marked "X".
2. Upon issuance of the citation to the defendant, the Deputy will provide the following information.
 - a. They may mail in the fine or request a hearing.
 - b. Instructions may be found on the back of the defendant's copy of the citation.
 - c. They will be notified by the court for violations which are "must appear" or if they are contesting the citation.
 - d. Any other pertinent information which is needed.

Subsection C. Distribution of Maryland Uniform Complaint and Citation

1. Distribution of the Maryland Uniform Complaint and Citation is as follows:
 - a. Original Court Copy – to be turned in to the Traffic Officer no later than the next tour of duty.
 - b. Law Enforcement Headquarters Copy (yellow) – to be turned in to the Traffic Officer with original court copy (maintained in file).
 - c. Officer's Copy (pink) – to be retained by Deputy until completion of court

proceedings. Final disposition of any court proceedings will be noted by the Deputy.

- d. Second Court Copy (white) – turned in with original court copy.
- e. Defendant's Copy (blue) – given to violator; except in serious and must appear cases when this copy of the citation will be returned to the court

Subsection D. Traffic Violation Warnings

1. Traffic Violation Warnings may be given at the Deputy's discretion.
2. All Traffic Violation Warnings, which are given by members of this agency, must be written.
3. Verbal Traffic Violation Warnings shall not be given by members of the Baltimore City Sheriff's Office.

Subsection E. Racial Profiling

1. The State of Maryland requires that a racial profiling form be completed after every vehicle stop.
2. Every deputy making a vehicle stop will complete an agency racial profiling form and turn it into the traffic officer with any issued citations.

Subsection F. Request for Reexamination of Driver

1. A request for the reexamination of a driver who appears to be mentally or physically incapable of safely operating a motor vehicle will be made on a form provided to this Office by the Motor Vehicle Administration.
2. Distribution of Request for Reexamination of Drivers shall be as follows:
 - a. M.V.A. copies – turned over to the Traffic Officer
 - b. File copy – turned over to the Traffic Officer to be maintained in Traffic File
 - c. Officer's copy – to be retained by the issuing Deputy.

SECTION 5.5.4 TRAFFIC ACCIDENTS

Subsection A. General

1. It is not the responsibility of the Baltimore City Sheriff's Office to respond to or investigate any traffic accident which occurs in Baltimore City.
2. All accident investigations or follow-up activities related to accidents will be referred to and conducted by the police units assuming jurisdiction.

Subsection B. On View Accident Scenes

1. Deputies who come upon any accident scene will ensure the following actions are taken:
 - a. Ensure that the appropriate police agency is notified to respond when necessary
 - b. Check for injuries and request the response of appropriate emergency responders
 - c. Administer basic first responder emergency medical care
 - d. Check for fire or hazardous materials
 - e. Protect the accident scene and render such aid as may be required by the situation until the arrival of and relief by appropriate police units.
2. Deputies shall refrain from collecting any information, evidence, or property at an accident scene, since this is the responsibility of the investigating officer.

SECTION 5.5.5 TRAFFIC DIRECTION AND CONTROL

Subsection A. General

1. If a traffic problem is a result of adverse road conditions due to the weather, the Deputy should take that action necessary to alleviate the problem (i.e., contact the MILES Operator to advise the appropriate agency of a particular condition such as icy roads, flooding, etc.) and standby for the arrival of the policy agency which has jurisdiction.
2. If a traffic signal is malfunctioning, the Deputy should advise the MILES Operator to notify Transit and Traffic of the problem and, if the malfunction poses a direct hazard to the safe and efficient flow of traffic, the Deputy should manually direct traffic until relieved by the appropriate law enforcement agency.
3. At traffic accidents, Deputies will follow the procedures set forth in Section 5 Traffic Accidents of this Operational Order, and shall provide any necessary traffic direction or

control until the arrival of and relief by the law enforcement agency which has jurisdiction.

4. Deputies encountering a fire or hazardous material spill will advise the MILES Operator to notify the responsible agency of the situation and take the necessary precautions to ensure that all vehicles and pedestrians are kept at a safe distance.

Subsection B. Methods of Traffic Direction or Control

1. Traffic direction or control can be accomplished through the following:
 - a. The use of uniform hand signals and gestures for manual direction or control
 - b. The use of traffic control devices (e.g., road flares)
 - c. Positioning the Deputy's assigned vehicle, with emergency lights activated for visibility, to establish a safe traffic flow.

Subsection C. Safety Concerns

1. Deputies who find it necessary to engage in the direction or control of traffic will take every precaution to ensure their own safety and the safety of others.
2. Deputies will ensure, whenever they are directing traffic, they are as visible as possible.
3. If available reflective vests or reflective jackets shall be worn when directing traffic.

SECTION 5.5.6 TESTIFYING IN COURT

Subsection A. General

1. Deputies who are subpoenaed to court shall attend court whenever required, unless they have been excused by the court.
2. If a Deputy's court date should fall on his/her vacation, the Deputy shall notify the court as soon as possible to obtain an alternate court date.
3. Deputies testifying in court on traffic matters shall testify in uniform unless they are assigned to a plainclothes assignment (Deputies not in uniform shall wear appropriate court attire.).
4. Upon completion of their cases, Deputies shall note the court's disposition on the back of the pink copy of the citation.

SECTION 5.5.7 TRAFFIC OFFICER'S RESPONSIBILITIES

Subsection A. General

1. The Traffic Officer shall maintain a log of citation books which are issued to Deputies, containing the following information:
 - a. The citation book number.
 - b. The name and signature of the Deputy.

2. The Traffic Officer shall be responsible for ensuring:
 - a. Citations are forwarded to the District Court in a timely fashion as required by the court.
 - b. Deputies are informed of all scheduled court dates.
 - c. All citation books, records, and other forms are properly maintained and safely stored.
 - d. All necessary reports are completed.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: PROTECTIVE AND PEACE ORDERS



POLICY STATEMENT:

It is the policy of the Baltimore City Sheriff's Office to serve or attempt to serve all Peace and Protective Orders in a lawful and expeditious manner.

PURPOSE

This Operational Order establishes procedures to be followed in the service of Peace and Protective Orders issued pursuant to the Family Law Volume of the Annotated Code of Maryland.

This order consists of the following numbered sections:

- 9.3.1 DEFINITIONS**
- 9.3.2 PROTECTIVE ORDERS/PEACE ORDERS**
- 9.3.3 OFFICE PROCEDURES**
- 9.3.4 SERVICE OF ORDER AND PETITION**
- 9.3.5 ISSUANCE OF ORDER**
- 9.3.6 SANCTIONS FOR VIOLATING ORDER**
- 9.3.7 FIREARMS SEIZURE**
- 9.6.8 SERVICE TO LAW ENFORCEMENT PROFESSIONALS**

SECTION 9.3.1 DEFINITIONS

Interim Protective Order: When courts are closed, District Court commissioners may issue an Interim Protective Order to last until a judge holds a temporary hearing usually overnight or during the weekend. An interim order goes into effect once the respondent is served by a law enforcement officer.

Temporary Protective Order: An order of protection from abuse issued by a judge which may last as long as 30 days.

Final Protective Order: An order of protection from abuse issued by a judge which may last as long as one year and thereafter be extended for another six months.

Petitioner: The person requesting the court's help.

Respondent: The alleged abuser.

Victim: The individual who needs protection from abuse (i.e.: mother filing for a child).

Abuse: An act that causes serious bodily harm or places an individual in fear of imminent serious bodily harm.

- ✓ An assault in any degree
- ✓ Rape or sexual offense or attempted rape or sexual offense
- ✓ False imprisonment (keeping an individual in a place against his/her will)
- ✓ Child abuse
- ✓ Vulnerable adult abuse

Cohabitant: An individual who has had sexual relations with the respondent at any time and lived with the respondent, in the home, for a total of at least 90 days within the past year.

Interim Peace Order: When courts are closed, District Court commissioners may issue an Interim Peace Order to last until a judge holds a temporary hearing. An interim order goes into effect once the respondent is served by a law enforcement officer.

Temporary Peace Order: A special order issued by a District Court Judge that provides emergency protection that lasts up to 7 days. The protection applies to relationships not covered under a Protective Order. This order may be extended up to 30 days.

Final Peace Order: Official decision issued by the Court granting protection after a hearing on the alleged abuse. Order of protection may last up to six (6) months.

SECTION 9.3.2 PROTECTIVE ORDERS/ PEACE ORDERS

Subsection A. General

Peace and Protective Orders are civil orders issued by a judge to prevent one person from committing certain acts against others. The personal relationship between the "respondent" (person alleged to commit the prohibited act) and the victim (person to be protected) determines which kind of petition would be filed. Protective orders generally apply to people in domestic relationships. Peace orders apply to other relationships (dating, neighbors, co-workers, acquaintances, and strangers). You cannot qualify for both.

1. An **Interim Protective Order** and **Interim Peace Orders** will only be issued by a District Court Commissioner during hours when the courts are closed. The orders last up to 48

hours until the courts reopen. The orders can be issued by the District Court Commissioner at night and during weekends only. The petitioner must appear in District Court for a Temporary Peace Order or Temporary Protective Order.

2. **Temporary Peace Orders** will only be issued by District Court. The order lasts up to 7 days and may be extended up to 30 days. The petitioner must appear in District Court for a Final Peace Order hearing to extend the protection. In order to qualify for a Peace Order of protection, the petitioner must prove any of the following acts occurred within the last 30 days:
 - ✓ An act that has caused serious bodily harm
 - ✓ An act that placed the petitioner in fear of imminent bodily harm
 - ✓ Assault in any degree
 - ✓ Rape or sexual offense
 - ✓ Attempted rape or sexual offense
 - ✓ False imprisonment
 - ✓ Harassment
 - ✓ Stalking
 - ✓ Trespassing
 - ✓ Malicious destruction of property

3. **Temporary Protective Orders (TPO's)** are issued in both the District and Circuit Courts lasting usually 7 days but may be extended up to 30 days. A TPO offers protection temporarily until a Final Protective Order hearing can be scheduled and held. In order to qualify for a Protective order, the petitioner must:
 - a. Be the current or former spouse of the respondent.
 - b. Have lived in an intimate relationship with the respondent for at least 90 days during the past year.
 - c. Be related to the respondent by blood, marriage, adoption, be the parent, stepparent, child, or stepchild of the respondent, and have resided with the respondent for 90 days during the past year.
 - d. Have a child with the respondent.

4. **Final Peace Order** official decision issued by the Court after a hearing regarding the alleged abuse. Peace Orders may be awarded with the consent of the respondent *or* after a hearing. Peace orders can be issued for up to 6 months.

5. **Final Protective Order** an 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. 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.

Subsection B. Specific Relief

Whether temporary or final, Protective Orders and Peace Orders may contain any or all of the following orders:

- ✓ The respondent shall refrain from further abuse or threats of abuse.
- ✓ The respondent shall refrain from contacting, attempting to contact, or harassing any person eligible for relief.
- ✓ The respondent shall refrain from entering the residence of the person eligible for relief.
- ✓ The respondent shall vacate the home immediately and award temporary use of the home to the person eligible for relief.
- ✓ The respondent shall remain away from the place of employment, school, or temporary residence of a person eligible for relief or homes of other family members.
- ✓ The temporary custody of a minor child shall be awarded to a person eligible for relief.

Subsection C. Effective Length of Temporary Protective and Peace Orders

1. The **Temporary Protective or Peace Order** shall be effective for not more than seven (7) days after service of the order.
2. The court may extend the order up to thirty (30) days to effectuate service of this order.

Subsection D. Effective Length of Final Protective and Peace Orders

1. The **Final Protective Order** shall be effective for up to 1 year with the possibility of a six-month extension that must be petitioned through the courts.
2. The **Final Peace Order** shall be effective for up to 6 months.

SECTION 9.3.3 OFFICE PROCEDURES

Subsection A. Interview of Petitioner

1. Whenever possible an interview of the petitioner shall be conducted by Deputies assigned to the Domestic Violence Unit or the Supervisor responsible for service.
2. Members conducting interviews shall be responsible for ensuring that the Information Sheet (Addendum) has been completed, and shall:
 - a. Obtain as much information as possible about the respondent and his/her whereabouts.
 - b. Ensure that any and all information pertinent to Deputy's safety is recorded on the Respondent Information Sheet.

Subsection B. Copy of Protective Order Given to Petitioner

1. A copy of the Protective Order and Petition will be given to the petitioner if they have not already received a copy from the court.
2. The petitioner will be provided instructions and guidance in what actions may be taken prior to and after service of the order.
3. If a violation of the order occurs and it is of an emergency nature (e.g., respondent back at home attempting to break in or causing any further physical harm to the petitioner), the petitioner will be instructed to telephone "911" and request immediate assistance.
4. If present for service, it is the responsibility of the Deputy to duly serve the order.

Subsection C. Protective Orders to Be Entered on MILES

1. Upon receipt, Protective Orders are to be entered into the Baltimore City Sheriff's Office Domestic Violence Database.
2. The supervisor shall ensure that each Temporary and Final Protective Order is entered on MILES by the Domestic Violence Clerk. All orders must be entered within 72 hours from date of receipt.
3. Protective Order entries shall remain on MILES until the expiration of the order.

4. Following the expiration of the order, the supervisor is responsible for its prompt removal from MILES.

SECTION 9.3.4 SERVICE OF ORDER AND PETITION

Subsection A. General

1. Deputies assigned orders and petitions for service will ensure the Respondent Information Sheet (Addendum) is as complete as possible.
2. Service shall be attempted as soon as possible.
3. All service attempts will be recorded by the Deputies making the attempts.

Note: Upon attempts of actual service of the order, Deputies should note any information pertinent to Deputy safety that they learn while attempting service.

1. Upon completing service, Deputies shall ensure that the Return of Service is completed.
2. Completed returns shall be submitted to the Domestic Violence Clerk as soon as possible after service.

SECTION 9.3.5 SERVING THE ORDER AND PETITION

1. No authority exists for forcible entry. **(Unless court ordered by a judge).**
2. The Deputy will make a reasonable effort to explain the order to the respondent and serve him/her a copy of the order and petition.
3. If the order directs that the respondent vacate the home, the Deputies will allow the respondent a reasonable amount of time to gather only such personal belongings that are necessary. If respondent fails to vacate he/she has violated the order. The deputy then refers to **Section 5**.
4. If the order is served at a location other than the home, the Deputy will inform the respondent that it is a violation of the law to return to the home during the life of the order without permission from the issuing court.

SECTION 9.3.6 ISSUANCE OF ORDERS

Subsection A. Issuance of Protective Orders/Peace Orders

1. As a result of a hearing scheduled on a Temporary Protective Order or Temporary Peace Order, the court may issue a Final Order in each instance.
2. The relief granted under these orders may be extended 6 months.

SECTION 9.6.7 SANCTIONS FOR VIOLATING ORDER

Subsection A. General

1. If the respondent fails to comply with the following relief granted in a Protective Order, he/she may be guilty of a misdemeanor and may be placed under arrest and charged with violating Section 4-505 or 4-506 of the Annotated Code of Maryland. Orders may contain any or all of the following relief:
 - a. Order the respondent to refrain from abusing or threatening to abuse any person eligible for relief.
 - b. Order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief.
 - c. Order the respondent to refrain from entering the residence of any person eligible for relief.
 - d. In the case where the person eligible for relief and the respondent are residing together at the time of the abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief. Or, in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home. Provided that the court may not grant an order to vacate and award temporary use and possession of the home to a non-spouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has shared the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition.
 - e. Order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members.

- f. Order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider.
 - g. Award temporary custody of a minor child of the respondent and a person eligible for relief.
 - h. Establish temporary visitation with a minor child of the respondent and a person eligible for relief on a basis which gives primary consideration to the welfare of the minor child and the safety of any other person eligible for relief. If the court finds that the safety of a person eligible for relief will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of any person eligible for relief.
 - i. Award emergency family maintenance as necessary to support any person eligible for relief to whom the respondent has a duty of support under this article, including an immediate and continuing withholding order on all earnings of the respondent in the amount of the ordered emergency family maintenance in accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article.
 - j. Award temporary use and possession of a vehicle jointly owned by the respondent and a person eligible for relief to the person eligible for relief if necessary for the employment of the person eligible for relief or for the care of a minor child of the respondent or a person eligible for relief.
 - k. Direct the respondent any/all of the persons eligible for relief to participate in professionally supervised counseling or a domestic violence program.
 - l. Order the respondent to surrender to law enforcement authorities any firearms in the respondent's possession for the duration of the protective order.
 - m. Order the respondent to pay filing fees and costs of a proceeding under this subtitle.
2. The violation of a Protective/Peace Order may result in a finding of contempt and/or criminal prosecution.
3. Deputies will not enforce relief granted concerning child custody, visitation, emergency family maintenance, use and possession of a vehicle, supervised counseling and costs. (This is a contempt of court situation and Deputies will refer the petitioner to the issuing court.)

SECTION 9.3.8 FIREARMS SEIZURE

Subsection A. Protective Orders

1. All firearms will be confiscated from respondents upon service of Protective Orders under Federal Law, Title 18 USC, Section 922(g)(8) and Maryland Law, Public Safety Article, Section 5-133(b).
2. Deputies will submit all confiscated firearms directly to Baltimore City Police Department's Evidence Control Unit (ECU).

SECTION 9.3.9 SERVICE TO LAW ENFORCEMENT PROFESSIONALS

Subsection A. General

Notification to supervision must be made prior to service of law enforcement personnel. All attempts for service should be coordinated with the assistance of the individual's supervisor.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: EYEWITNESS IDENTIFICATION



POLICY STATEMENT:

Eyewitness identification is one of many tools used by law enforcement in the investigation of crime. This investigative tool is vigorously challenged by defense attorneys. Therefore, it is critical that eyewitness identification be conducted in a professional, structured manner, and supported by written documentation and physical evidence. Deputies should also be familiar with this policy to ensure that as much accurate information as possible is gathered during the initial report.

PURPOSE:

The purpose of this Operational Order is to establish guidelines for obtaining accurate eyewitness identification, consistent with the Annotated Code of Maryland, Public Safety Article Section 3-505.

This order consists of the following numbered sections:

5.6.1 DEFINITIONS

5.6.2 INTRODUCTION: EYEWITNESS IDENTIFICATION

5.6.3 INVESTIGATING THE SCENE (PRELIMINARY INVESTIGATING OFFICER)

5.6.4 OBTAINING INFORMATION FROM THE WITNESS(ES)

5.6.5 PREPARING MUG BOOKS

5.6.6 DEVELOPING AND USING COMPOSITE IMAGES

5.6.7 INSTRUCTING THE WITNESS

5.6.8 DOCUMENTING THE PROCEDURE

5.6.9 PRE-INTERVIEW PREPARATION AND DECISIONS

5.6.10 PROCEDURES FOR INTERVIEWING THE WITNESS BY THE FOLLOW-UP INVESTIGATOR

5.6.11 RECORDING WITNESS RECOLLECTIONS

5.6.12 ASSESSING THE ACCURACY OF INDIVIDUAL ELEMENTS OF A WITNESS STATEMENT

5.6.13 MAINTAINING CONTACT WITH THE WITNESS

- 5.6.14 FIELD IDENTIFICATION PROCEDURE (SHOWUP)
- 5.6.15 PROCEDURES FOR EYEWITNESS IDENTIFICATION OF SUSPECTS
- 5.6.16 INSTRUCTING THE WITNESS PRIOR TO VIEWING A LINEUP
- 5.6.17 CONDUCTING THE IDENTIFICATION PROCEDURE
- 5.6.18 RECORDING IDENTIFICATION RESULTS

SECTION 5.6.1 DEFINITIONS

Mug Book: A collection of photographs of previously arrested individuals known or suspected to be involved in certain type of crimes. Mug Books are frequently used when there is no clear suspect and other reliable sources have been exhausted.

Composite: Renderings or recollections of a witness' description of a suspect's appearance. Composites may be completed by an artist, computer program, or Identi-Kit which features a variety of different facial items.

Show-Up: The display of a single suspect to a witness in an effort to obtain identification.

Photo Line-Up: A display of a photograph of the suspect, along with filler photos of other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident.

Live Line-Up: A live display of the suspect, along with other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident.

SECTION 5.6.2 INTRODUCTION: EYEWITNESS IDENTIFICATION

It is the policy of the Baltimore City Sheriff's Office:

1. To avoid any action that would be unduly suggestive during any eyewitness identification process.
2. All eyewitness identification be conducted in a structured professional manner designed to clear the innocent as well as identify suspects in criminal offenses.
3. A criminal investigation will not be concluded or otherwise cease based solely on eyewitness identification. Investigations will continue until all physical evidence has been collected and examined, all witnesses identified, and all reasonable leads explored.
4. A witness will participate in one and only one type of eyewitness identification. The types of eyewitness identification are:
 - a. Participating in the preparation of composite

- b. Participating in a Show-Up
 - c. Participating in a Live Line-Up
 - d. Viewing a Photo Line-Up
5. Any identification or non-identification of a suspect be documented in writing along with any comments by the eyewitness concerning the identification or non-identification.
 6. That any photograph of an individual identified by an eyewitness be retained as evidence and handled as such.

SECTION 5.6.3 INVESTIGATING THE SCENE (PRELIMINARY INVESTIGATING OFFICER)

The preliminary investigating officer shall obtain, preserve, and use the maximum amount of accurate information from the scene:

1. Procedure:
 - a. After securing the scene and attending to any victims and injured persons, the preliminary investigating officer should:
 - I. Identify the perpetrator(s).
 - II. Determine the location of the perpetrator(s).
 - III. Detain or arrest the perpetrator(s) if still present at the scene.
 - b. Determine/classify what crime or incident has occurred.
 - c. Broadcast an updated description of the incident, perpetrator(s), and/or vehicle(s)
 - d. Verify the identity of the witness(es)
 - e. Separate witnesses and instruct them to avoid discussing details of the incident with other witnesses.
 - f. Canvass the area for other witnesses.

2. Summary:

The preliminary investigation at the scene forms a sound basis for the accurate collection of information and evidence during the follow-up investigation.

SECTION 5.6.4 OBTAINING INFORMATION FROM THE WITNESS(ES)

The manner in which the preliminary investigating officer obtains information from a witness has a direct impact on the amount and accuracy of that information. The preliminary investigating officer shall obtain and accurately document and preserve information from the witness(es).

Subsection A. Interviewing the Witness

When interviewing a witness, the preliminary investigating officer should:

1. Establish a rapport with the witness.
2. Inquire about the witness' condition.
3. Use open-ended questions (e.g., "What can you tell me about the car?"); augmented with closed-ended questions (e.g., "What color was the car?"). Avoid leading questions (e.g., "Was the car red?").
4. Clarify the information received with the witness.
5. Document information obtained from the witness, including the witness' identity, in a written report.
6. Encourage the witness to contact investigators with any further information.
7. Encourage the witness to avoid contact with the media or exposure to media accounts concerning the incident.
8. Instruct the witness to avoid discussing details of the incident with other potential witnesses.

Subsection B. Summary: Interviewing the Witness

Information obtained from the witness can corroborate other evidence (e.g., physical evidence, accounts provided by other witnesses) in the investigation. Therefore, it is important that this information be accurately documented in writing.

SECTION 5.6.5 PREPARING MUG BOOKS

Note: "Mug books" (i.e., collections of photos of previously arrested persons) may be used in cases in which a suspect has not yet been determined and other reliable sources have been exhausted. This technique may provide investigative leads, but results should be evaluated with caution.

Subsection A. Mug Book Composition

Non suggestive composition of a mug book may enable the witness to provide a lead in a case

in which no suspect has been determined and other reliable sources have been exhausted.

Subsection B. Mug Book Preparation

The investigator/mug book preparer shall compose the mug book in such a manner that individual photos are not suggestive. In selecting photos to be preserved in a mug book, the preparer should:

1. Group photos by format (e.g., color or black and white; Polaroid, 35mm, or digital; video) to ensure that no photo unduly stands out.
2. Select photos of individuals that are uniform with regard to general physical characteristics (e.g., race, age, sex).
3. Consider grouping photos by specific crime (e.g., sexual assault, gang activity).
4. Ensure that positive identifying information exists for all individuals portrayed.
5. Ensure that photos are reasonably contemporary.
6. Ensure that only one photo of each individual is in the mug book.

Subsection C. Summary: Mug Book Objectivity

Mug books must be objectively compiled to yield investigative leads that will be admissible in court.

SECTION 5.6.6 DEVELOPING AND USING COMPOSITE IMAGES

Note: Composite images can be beneficial investigative tools; however, they should not be used as stand-alone evidence and may not rise to the level of probable cause.

Subsection A. Principle: Composite Images

Composites provide a depiction that may be used to develop investigative leads.

Subsection B. Policy: Use of Composite Images

The person preparing the composite shall select and employ the composite technique in such a manner that the witness' description is reasonably depicted.

Subsection C. Procedure: Composite Preparation

The person preparing the composite should:

1. Assess the ability of the witness to provide a description of the perpetrator.
2. Select the procedure to be used from those available (e.g., identikit-type, artist, or computer-generated images).
3. Unless part of the procedure, avoid showing the witness any photos immediately prior to development of the composite.
4. Select an environment for conducting the procedure that minimizes distractions.
5. Conduct the procedure with each witness separately.
6. Determine with the witness whether the composite is a reasonable representation of the perpetrator.

Subsection D. Summary: Composite Use

The use of composite images can yield investigative leads in cases in which no suspect has been determined. Use of these procedures can facilitate one obtaining from the witness a description that will enable the development of a reasonable likeness of the perpetrator.

SECTION 5.6.7 INSTRUCTING THE WITNESS

Instructions to the witness prior to conducting the procedure can facilitate the witness' recollection of the perpetrator.

The investigator/person conducting the procedure shall provide instructions to the witness prior to conducting the procedure.

Subsection A. Investigator Conduct – Mug Book

The investigator/person conducting the procedure should:

1. Instruct each witness without other persons present.
2. Describe the mug book to the witness only as a "collection of photographs."
3. Instruct the witness that the person who committed the crime may or may not be present in the mug book.

4. Consider suggesting to the witness to think back to the event and consider his/her frame of mind at the time.
5. Instruct the witness to select a photograph if he/she can and to state how he/she knows the person if he/she can.
6. Assure the witness that regardless of whether he/she makes identification, the police will continue to investigate the case.
7. Instruct the witness that the procedure requires the investigator to ask the witness to state, in his/her own words, how certain he/she is of any identification.

Subsection B. Investigator Conduct - Composite

The investigator/person conducting the procedure should:

1. Instruct each witness without other persons present.
2. Explain the type of composite technique to be used.
3. Explain to the witness how the composite will be used in the investigation.
4. Instruct the witness to think back to the event and his/her frame of mind at the time.

Subsection C. Summary: Witness Instructions

Providing instructions to the witness can improve his/her comfort level and can result in information that may assist the investigation.

SECTION 5.6.8 DOCUMENTING THE PROCEDURE

Documentation of the procedure provides an accurate record of the results obtained from the witness.

Subsection A. Conducting The Procedure

1. The person conducting the procedure shall preserve the outcome of the procedure by accurately documenting the type of procedure(s) employed and the results.
2. The person conducting the procedure should:
 - a. Document the procedure employed (e.g., identikit-type, mug book, artist, or computer-generated image) in writing.
 - b. Document the results of the procedure in writing, including the witness' own words regarding how certain he/she is of any identification.

- c. Document items used and preserve composites generated.

Subsection B. Summary: Documenting the Procedure

Documentation of the procedure and its outcome improves the strength and credibility of the results obtained from the witness and can be an important factor in the investigation and any subsequent court proceedings.

SECTION 5.6.9 PRE-INTERVIEW PREPARATIONS AND DECISIONS

Preparing for an interview maximizes the effectiveness of witness participation and interviewer efficiency. The investigator shall review all available witness and case information and arrange an efficient and effective interview.

Subsection A. Pre-Interview Procedure

Prior to conducting the interview, the investigator should:

1. Review available information.
2. Plan to conduct the interview as soon as the witness is physically and emotionally capable.
3. Select an environment that minimizes distractions while maintaining the comfort level of the witness.
4. Ensure resources are available (e.g., notepad, tape recorder, camcorder, interview room).
5. Separate the witnesses.
6. Determine the nature of the witness' prior law enforcement contact.

Subsection B. Summary: Pre-Interview Preparations

Performing the above pre-interview preparations will enable the investigator to elicit a greater amount of accurate information during the interview, which may be critical to the investigation.

SECTION 5.6.10 PROCEDURES FOR INTERVIEWING THE WITNESS BY THE FOLLOW-UP INVESTIGATOR

Subsection A. Initial (Pre-interview) Contact with the Witness

A comfortable witness provides more information. Investigators shall conduct themselves in a manner conducive to eliciting the most information from the witness.

Subsection B. Initial Contact Procedure

On meeting with the witness but prior to beginning the interview, the investigator should:

1. Develop rapport with the witness(es).
2. Inquire about the nature of the witness' prior law enforcement contact related to the incident.
3. Volunteer no specific information about the suspect or case.

Establishing a cooperative relationship with the witness likely will result in an interview that yields a greater amount of accurate information.

Subsection C. Conducting the Interview

Interview techniques can facilitate witness memory and encourage communication both during and following the interview. The investigator shall conduct a complete, efficient, and effective interview of the witness and encourage post-interview communication. During the interview, the investigator should:

1. Encourage the witness to volunteer information without prompting.
2. Encourage the witness to report all details, even if they seem trivial.
3. Ask open-ended questions (e.g., "What can you tell me about the car?"); augmented with closed-ended, specific questions (e.g., "What color was the car?").
4. Avoid leading questions (e.g., "Was the car red?").
5. Caution the witness not to guess.
6. Ask the witness to mentally recreate the circumstances of the event (e.g., "Think about your feelings at the time").
7. Encourage nonverbal communication (e.g., drawings, gestures, objects).
8. Avoid interrupting the witness.
9. Encourage the witness to contact investigators when additional information is recalled.

10. Instruct the witness to avoid discussing details of the incident with other potential witnesses.
11. Encourage the witness to avoid contact with the media or exposure to media accounts concerning the incident.
12. Thank the witness for his/her cooperation.

Subsection D. Summary: Investigative Leads

Information elicited from the witness during the interview may provide investigative leads and other essential facts. The above interview procedures will enable the witness to provide the most accurate, complete description of the event and encourage the witness to report later recollections. Witnesses commonly recall additional information after the interview that may be critical to the investigation.

SECTION 5.6.11 RECORDING WITNESS RECOLLECTIONS

The record of the witness' statements accurately and completely reflects all information obtained and preserves the integrity of this evidence. The investigator shall provide complete and accurate documentation of all information obtained from the witness. During or as soon as reasonably possible after the interview, the investigator should:

1. Document the witness' statements (e.g., audio or video recording, stenographer's documentation, witness' written statement, written summary using witnesses own words).
2. Review written documentation; ask the witness if there is anything he/she wishes to change, add, or emphasize.

Subsection A. Summary: Accuracy of the Witness Statement

Complete and accurate documentation of the witness' statement is essential to the integrity and success of the investigation and any subsequent court proceedings.

SECTION 5.6.12 ASSESSING THE ACCURACY OF INDIVIDUAL ELEMENTS OF A WITNESSES STATEMENT

Point-by-point consideration of a statement may enable judgment on which components of the statement are most accurate. This is necessary because each piece of information recalled by the witness may be remembered independently of other elements. The investigator shall review the individual elements of the witness' statement to determine the accuracy of each point.

After conducting the interview, the investigator should:

1. Consider each individual component of the witness' statement separately.
2. Review each element of the witness' statement in the context of the entire statement. Look for inconsistencies within the statement.
3. Review each element of the statement in the context of evidence known to the investigator from other sources (e.g., other witnesses' statements, physical evidence).

Subsection A. Summary: Point-By-Point Accuracy

Point-by-point consideration of the accuracy of each element of a witness' statement can assist in focusing the investigation. This technique avoids the common misconception that the accuracy of an individual element of a witness' description predicts the accuracy of another element.

SECTION 5.6.12 MAINTAINING CONTACT WITH THE WITNESS

The witness may remember and provide additional information after the interview has concluded. The investigator shall maintain open communication to allow the witness to provide additional information.

Subsection A. The Post-Interview

During post-interview, follow-up contact with the witness, the investigator should:

1. Reestablish rapport with the witness.
2. Ask the witness if he/she has recalled any additional information.
3. Follow interviewing and documentation procedures in subsections C, "Conducting the Interview," and D, "Recording Witness Recollections."
4. Provide no information from other sources.

Subsection B. Summary: Re-establishing Contact

Reestablishing contact and rapport with the witness often leads to recovery of additional information. Maintaining open communication channels with the witness throughout the investigation is critical.

SECTION 5.6.14 FIELD IDENTIFICATION PROCEDURE (SHOWUP)

Subsection A. Conducting Show-ups

The investigator shall employ procedures that avoid prejudicing the witness. When conducting a show-up, the investigator should:

1. Determine and document, prior to the show-up, a description of the perpetrator.
2. Consider transporting the witness to the location of the detained suspect to limit the legal impact of the suspect's detention.
3. When multiple witnesses are involved:
 - a. Separate witnesses and instruct them to avoid discussing details of the incident with other witnesses.
 - b. If a positive identification is obtained from one witness, consider using other identification procedures (e.g., lineup, photo array) for remaining witnesses.
4. Caution the witness that the person he/she is looking at may or may not be the perpetrator.
5. Obtain and document a statement of certainty for both identifications and non-identifications.

Subsection B. Summary: Use of the Show-Up

The use of a show-up can provide investigative information at an early stage, but the inherent suggestiveness of a show-up requires careful use of procedural safeguards.

Subsection C. Recording Show-up Results

When conducting a show-up, the investigator shall preserve the outcome of the procedure by documenting any identification or non-identification results obtained from the witness. When conducting a show-up, the investigator should:

1. Document the time and location of the procedure.
2. Record both identification and non-identification results in writing, including the witness' own words' regarding how certain he/she is.

Subsection D. Summary: Accuracy of the Record

Preparing a complete and accurate record of the outcome of the show-up improves the strength and credibility of the identification or non-identification results obtained from the witness and can

be a critical document in the investigation and any subsequent court proceedings.

SECTION 5.6.15 PROCEDURES FOR EYEWITNESS IDENTIFICATION OF SUSPECTS

Subsection A. Composing Lineups

Fair composition of a lineup enables the witness to provide a more accurate identification or non-identification. The investigator shall compose the lineup in such a manner that the suspect does not unduly stand out.

Subsection B. Photo Lineup:

In composing a photo lineup, the investigator should:

1. Include only one suspect in each identification procedure.
2. Select fillers who generally fit the witness' description of the perpetrator. When there is a limited/inadequate description of the perpetrator provided by the witness, or when the description of the perpetrator differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features.
3. If multiple photos of the suspect are reasonably available to the investigator, select a photo that resembles the suspect description or appearance at the time of the incident.
4. Include a minimum of five fillers (non-suspects) per identification procedure.
5. Consider that complete uniformity of features is not required. Avoid using fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
6. Create a consistent appearance between the suspect and fillers with respect to any unique or unusual feature (e.g., scars, tattoos) used to describe the perpetrator by artificially adding or concealing that feature.
7. Consider placing suspects in different positions in each lineup, both across cases and with multiple witnesses in the same case. Position the suspect randomly in the lineup.
8. When showing a new suspect, avoid reusing fillers in lineups shown to the same witness.
9. Ensure that no writings or information concerning previous arrest(s) will be visible to the witness.
10. View the spread, once completed, to ensure that the suspect does not unduly stand out.
11. Preserve the presentation order of the photo lineup. In addition, the photos themselves should be preserved in their original condition.

Subsection C. Live Lineup:

In composing a live lineup, the investigator should:

1. Include only one suspect in each identification procedure.
2. Select fillers who generally fit the witness' description of the perpetrator. When there is a limited/inadequate description of the perpetrator provided by the witness, or when the description of the perpetrator differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features.
3. Consider placing suspects in different positions in each lineup, both across cases and with multiple witnesses in the same case. Position the suspect randomly unless, where local practice allows, the suspect or the suspect's attorney requests a particular position.
4. Include a *minimum* of four fillers (non-suspects) per identification procedure.
5. When showing a new suspect, avoid reusing fillers in lineups shown to the same witness.
6. Consider that complete uniformity of features is not required. Avoid using fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
7. Create a consistent appearance between the suspect and fillers with respect to any unique or unusual feature (e.g., scars, tattoos) used to describe the perpetrator by artificially adding or concealing that feature.

Subsection D. Summary: Live Lineup Results

The above procedures will result in a photo or live lineup in which the suspect does not unduly stand out. An identification obtained through a lineup composed in this manner may have stronger evidentiary value than one obtained without these procedures.

SECTION 5.6.16 INSTRUCTING THE WITNESS PRIOR TO VIEWING A LINEUP

Instructions given to the witness prior to viewing a lineup can facilitate an identification or non-identification based on his/her own memory. Prior to presenting a lineup, the investigator shall provide instructions to the witness to ensure the witness understands that the purpose of the identification procedure is to exculpate the innocent as well as to identify the actual perpetrator.

Subsection A. Photo Lineup

Prior to presenting a photo lineup, the investigator should:

1. Instruct the witness that he/she will be asked to view a set of photographs.

2. Instruct the witness that it is just as important to clear innocent persons from suspicion as to identify guilty parties.
3. Instruct the witness that individuals depicted in lineup photos may not appear exactly as they did on the date of the incident because features such as head and facial hair are subject to change.
4. Instruct the witness that the person who committed the crime may or may not be in the set of photographs being presented.
5. Assure the witness that regardless of whether identification is made, the police will continue to investigate the incident.
6. Instruct the witness that the procedure requires the investigator to ask the witness to state, in his/her own words, how certain he/she is of any identification.

Subsection B. Live Lineup

Prior to presenting a live lineup, the investigator should:

1. Instruct the witness that he/she will be asked to view a group of individuals.
2. Instruct the witness that it is just as important to clear innocent persons from suspicion as to identify guilty parties.
3. Instruct the witness that individuals present in the lineup may not appear exactly as they did on the date of the incident because features such as head and facial hair are subject to change.
4. Instruct the witness that the person who committed the crime may or may not be present in the group of individuals.
5. Assure the witness that regardless of whether identification is made, the police will continue to investigate the incident.
6. Instruct the witness that the procedure requires the investigator to ask the witness to state, in his/her own words, how certain he/she is of any identification.

Subsection A. Accuracy and Reliability

Instructions provided to the witness prior to presentation of a lineup will likely improve the accuracy and reliability of any identification obtained from the witness and can facilitate the elimination of innocent parties from the investigation.

SECTION 5.6.17 CONDUCTING THE IDENTIFICATION PROCEDURE

The identification procedure should be conducted in a manner that promotes the reliability, fairness, and objectivity of the witness' identification. The investigator shall conduct the lineup in a manner conducive to obtaining accurate identification or non-identification decisions.

Subsection A. Simultaneous Photo Lineup:

When presenting a simultaneous photo lineup, the investigator should:

1. Provide viewing instructions to the witness as outlined in subsection B, "Instructing the Witness Prior to Viewing a Lineup."
2. Confirm that the witness understands the nature of the lineup procedure.
3. Avoid saying anything to the witness that may influence the witness' selection.
4. If identification is made, avoid reporting to the witness any information regarding the individual he/she has selected prior to obtaining the witness' statement of certainty.
5. Record any identification results and witness' statement of certainty as outlined in subsection D, "Recording Identification Results."
6. Document in writing the photo lineup procedures, including:
 - a. Identification information and sources of all photos used.
 - b. Names of all persons present at the photo lineup.
 - c. Date and time of the identification procedure.
7. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.

Subsection B. Sequential Photo Lineup:

When presenting a sequential photo lineup, the investigator should:

1. Provide viewing instructions to the witness as outlined in subsection B, "Instructing the Witness Prior to Viewing a Lineup."
2. Provide the following additional viewing instructions to the witness:
 - a. Individual photographs will be viewed one at a time.
 - b. The photos are in random order.

- c. Take as much time as needed in making a decision about each photo before moving to the next one.
 - d. All photos will be shown, even if identification is made; or the procedure will be stopped at the point of identification (consistent with jurisdictional/departamental procedures).
3. Confirm that the witness understands the nature of the sequential procedure.
4. Present each photo to the witness separately, in a previously determined order, removing those previously shown.
5. Avoid saying anything to the witness that may influence the witness' selection.
6. If identification is made, avoid reporting to the witness any information regarding the individual he/she has selected prior to obtaining the witness' statement of certainty.
7. Record any identification results and witness' statement of certainty as outlined in subsection D, "Recording Identification Results."
8. Document in writing the photo lineup procedures, including:
 - a. Identification information and sources of all photos used.
 - b. Names of all persons present at the photo lineup.
 - c. Date and time of the identification procedure.
9. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.

Subsection C. Simultaneous Live Lineup:

When presenting a simultaneous live lineup, the investigator/lineup administrator should:

1. Provide viewing instructions to the witness as outlined in subsection B, "Instructing the Witness Prior to Viewing a Lineup."
2. Instruct all those present at the lineup not to suggest in any way the position or identity of the suspect in the lineup.
3. Ensure that any identification actions (e.g., speaking, moving) are performed by all members of the lineup.
4. Avoid saying anything to the witness that may influence the witness' selection.
5. If identification is made, avoid reporting to the witness any information regarding the individual he/she has selected prior to obtaining the witness' statement of certainty.

6. Record any identification results and witness' statement of certainty as outlined in subsection D, "Recording Identification Results."
7. Document the lineup in writing, including:
 - a. Identification information of lineup participants.
 - b. Names of all persons present at the lineup.
 - c. Date and time the identification procedure was conducted.
10. Document the lineup by photo or video. This documentation should be of a quality that represents the lineup clearly and fairly.
11. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.

Subsection D. Sequential Live Lineup:

When presenting a sequential live lineup, the lineup administrator/investigator should:

1. Provide viewing instructions to the witness as outlined in subsection B, "Instructing the Witness Prior to Viewing a Lineup."
2. Provide the following additional viewing instructions to the witness:
 - a. Individuals will be viewed one at a time.
 - b. The individuals will be presented in random order.
 - c. Take as much time as needed in making a decision about each individual before moving to the next one.
 - d. If the person who committed the crime is present, identify him/her.
 - e. All individuals will be presented, even if identification is made; or the procedure will be stopped at the point of identification (consistent with jurisdictional/departmental procedures).
3. Begin with all lineup participants out of the view of the witness.
4. Instruct all those present at the lineup not to suggest in any way the position or identity of the suspect in the lineup.
5. Present each individual to the witness separately, in a previously determined order, removing those previously shown.
6. Ensure that any identification actions (e.g., speaking, moving) are performed by all members of the lineup.

7. Avoid saying anything to the witness that may influence the witness' selection.
8. If identification is made, avoid reporting to the witness any information regarding the individual he/she has selected prior to obtaining the witness' statement of certainty.
9. Record any identification results and witness' statement of certainty as outlined in subsection D, "Recording Identification Results."
10. Document the lineup procedures and content in writing, including:
 - a. Identification information of lineup participants.
 - b. Names of all persons present at the lineup.
 - c. Date and time the identification procedure was conducted.
11. Document the lineup by photo or video. This documentation should be of a quality that represents the lineup clearly and fairly. Photo documentation can be of either the group or each individual.
12. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.

Subsection E. Summary: Reliability and Fairness

The manner in which an identification procedure is conducted can affect the reliability, fairness, and objectivity of the identification. Use of the above procedures can minimize the effect of external influences on a witness' memory.

SECTION 5.6.18 RECORDING IDENTIFICATION RESULTS

The record of the outcome of the identification procedure accurately and completely reflects the identification results obtained from the witness. When conducting an identification procedure, the investigator shall preserve the outcome of the procedure by documenting any identification or non-identification results obtained from the witness.

Subsection A. Procedure: Recording Results

When conducting an identification procedure, the investigator should:

1. Record both identification and non-identification results in writing, including the witness' own words regarding how sure he/she is.
2. Ensure results are signed and dated by the witness.

3. Ensure that no materials indicating previous identification results are visible to the witness.
4. Ensure that the witness does not write on or mark any materials that will be used in other identification procedures.

Subsection B. Preparing a Complete and Accurate Record

Preparing a complete and accurate record of the outcome of the identification procedure improves the strength and credibility of the identification or non-identification results obtained from the witness. This record can be a critical document in the investigation and any subsequent court proceedings.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: USE AND OPERATION OF OFFICE VEHICLES



POLICY STATEMENT:

It is the policy of the Baltimore City Sheriff's Office that all vehicles assigned to this Office shall be used and operated in accordance with the laws of the State of Maryland and in adherence to sound police practice.

PURPOSE:

The purpose of this Operational Order is to establish a set of definitive regulations governing the use and operation of vehicles assigned to the Baltimore City Sheriff's Office, both under normal and emergency conditions.

This order consists of the following numbered sections:

- 7.2.1 DEFINITIONS**
- 7.2.2 USE OF OFFICE VEHICLES**
- 7.2.3 TAKE HOME VEHICLES**
- 7.2.4 MAINTENANCE**
- 7.2.5 EQUIPMENT**
- 7.2.6 GENERAL OPERATING PROCEDURES**
- 7.2.7 VEHICULAR PURSUITS**

SECTION 7.2.1 DEFINITIONS

Code 1 Response: Response in obedience to all traffic laws.

Code 3 Response: Expedited response to an emergency situation; emergency lights and siren in use.

Emergency Vehicle: Defined in Sections 11-118 and 21-106 of the Maryland Transportation Article.

Vehicular Pursuit: When a deputy gives chase to a suspect or violator who is attempting to elude apprehension.

SECTION 7.2.2 USE OF AGENCY VEHICLES

Subsection A. Personal Use Prohibited

1. Vehicles assigned to the Sheriff's Office will be used exclusively for official Sheriff's Office business only, and are not for anyone's personal use.
2. Only authorized members of this agency will operate agency vehicles.
3. Members will not take agency vehicles out of Baltimore City, without authorization from the Sheriff or his/her designee.
4. Any member who is assigned an office vehicle who knowingly permits an unauthorized person to operate that vehicle shall be subject to disciplinary action.
5. The Sheriff's Office will not be responsible for any personal items left in any agency vehicle.

Subsection B. Use of Safety Equipment Required

1. All members operating or occupying an agency vehicle will wear safety belts (lap and shoulder).
2. All passengers must wear safety belts.
3. Safety belt assemblies shall not be modified or altered in any manner.
4. Vehicles with inoperable safety belt assemblies will not be used, and repairs will be sought immediately.
5. Employees disregarding this policy without just cause will be subject to appropriate disciplinary action.

Subsection C. Negligence

1. Care and caution should be used in the operation of all agency vehicles.
2. Any member who negligently causes damage to any vehicle or other property may be subject to disciplinary action and/or required to pay the cost of any repairs arising out of

any such damage.

SECTION 7.2.3 TAKE HOME VEHICLES

Subsection A. In General

1. Members assigned agency vehicles and residing in Baltimore City may take their vehicles home. Employees residing outside of Baltimore City will leave the vehicle at the agency or a site approved by the Sheriff or his/her designee.
2. Members below the rank of sergeant, on leave for two (2) or more days, will provide the keys to their supervisor. This applies to all agency vehicles.

SECTION 7.2.4 MAINTENANCE

Subsection A. General Responsibilities

1. Members will report any mechanical problems to the Vehicle Coordinator. The supervisor will arrange to have the vehicle sent for repairs. Members will not make any repairs or modifications, nor tamper with any agency vehicles.
2. Vehicles assigned to the Sheriff's Office are Agency property and shall be maintained and treated accordingly.
3. Vehicles are to be kept clean.
4. Members assigned Take Home Vehicles will be responsible for providing floor mats.
5. Members will check all fluid levels and will fill gas tank when it reads 1/4 or less.
6. All vehicle gas cards and parking permit cards are to remain in the vehicle unless the vehicle is in the shop. The cards will be given to the Vehicle Coordinator when the vehicle is shopped.
7. Members whose vehicles break down while on the road will radio the dispatcher for assistance. The Miles Operator will notify the Supervisor and the Maintenance Shop (410) 396-5190 to have the vehicle towed. If between the hours of 23:00 and 07:00 or any time on weekends, members shall notify the Miles Operator when in need of mechanical assistance. Members shall remain with the vehicle, unless instructed otherwise.
8. Whenever a vehicle is towed and no Vehicle Repair Request form has been completed, the member operating the vehicle shall notify the Vehicle Coordinator in writing as soon as possible.
9. All flat tires will be changed by the member operating the vehicle. The member will take

the tire to the shop for repair or replacement. Members will not drive on a flat tire other than to get off the roadway to a safe place where they can change the tire.

10. Members operating agency vehicles involved in an automobile accident will notify the Miles Operator for the appropriate jurisdiction to respond, to investigate the accident.
 - a. Members involved in accidents or discovering damage to an agency vehicle will complete a 95 and other relevant forms as soon as possible.
 - b. Supervisor will be responsible for obtaining a copy of the investigating officer's accident report.
 - c. All reports involving the discovery of vehicle damage or accidents shall be forwarded to the Vehicle Coordinator via the chain of command.

Subsection B. Scheduled Preventive Maintenance

1. Agency vehicles are scheduled for Preventive Maintenance by the Fleet Maintenance and Repair Section of Baltimore City. The Vehicle Coordinator will notify members assigned agency vehicles of all scheduled dates for Preventive Maintenance. The schedule will be posted on the Operations Bulletin Board.
2. Members assigned agency vehicles will be responsible for notifying their supervisor of the scheduled date and taking the vehicle to the shop on the assigned date. The Vehicle Coordinator will be responsible for unassigned fleet vehicles.
3. Vehicles should be placed in the maintenance shop as early as possible on the scheduled date.

Subsection C. Inspections

1. Members are responsible for the cleanliness of the interior and exterior of the vehicle assigned and for maintaining their equipment in working condition.
2. Section Supervisors will conduct monthly vehicle equipment maintenance and cleanliness inspections.
3. Vehicle inspection forms will be submitted to the Vehicle Coordinator, after the inspection is completed.
4. Section Supervisors will ensure that any deficiencies are corrected.

SECTION 7.2.5 EQUIPMENT

Subsection A. Required Equipment for Departmental Vehicles

All Baltimore City Sheriff's Office vehicles will be equipped with the following safety equipment:

1. First aid kit
2. Flares
3. Fire extinguisher
4. Traffic vest

SECTION 7.2.6 GENERAL OPERATING PROCEDURES

Subsection A. Traffic Laws to Be Obeyed

1. Deputies will obey all traffic laws when operating office vehicles.
2. Although Deputies are given qualified privilege by state law while operating an emergency vehicle, they are not relieved of the responsibility of driving with due regard for the safety of all persons and are not protected from the consequences of failing to exercise reasonable care under such circumstances, despite the operation of emergency equipment.

Subsection B. Operating Office Vehicles Under Emergency Conditions

1. Whenever a member of the Baltimore City Sheriff's Office involves him/herself in the operation of an office vehicle under emergency conditions, the following should apply (Code 3 Response):
 - a. The emergency must justify the response
 - b. The lives or safety of others must be in imminent danger (i.e., response to a Signal 13 or serious crime in progress).
2. Consideration must always be given to the hazards involved in an emergency response.
3. Members must always remember that responding to an emergency situation does not justify endangering motorists, pedestrians, or fellow Deputies.
4. Maryland law does not relieve the operator of an emergency vehicle from driving with due regard for the safety of all persons.
5. Operators of emergency vehicles may be held liable for negligence.
6. When a member has determined that an emergency response is necessary, he/she shall

activate all appropriate emergency equipment with which the vehicle is equipped (i.e., emergency lights and siren).

7. Members shall adhere to Section 21-106 of the Maryland Transportation Article.

SECTION 7.2.7 VEHICULAR PURSUITS

Subsection A. High Speed Pursuit Policy

1. **IT IS THE POLICY OF THE BALTIMORE CITY SHERIFF'S OFFICE THAT HIGH SPEED PURSUIT DRIVING SHALL NOT BE ENGAGED IN AT ANY TIME FOR ANY PURPOSE.**
2. The Baltimore City Sheriff's Office recognizes that it is better to allow a criminal to temporarily escape apprehension than to jeopardize the safety of the citizens of Baltimore and the Deputy in any high speed pursuit.
3. Should a member of this office be providing backup for another law enforcement agency, that member will be governed by the provisions of this Operational Order and shall not engage in any high speed pursuit, regardless of the policy of another law enforcement agency.

Subsection B. Vehicular Pursuits In General

1. Members of the Baltimore City Sheriff's Office engaged in traffic enforcement may conduct routine traffic stops as necessary.
2. At no time shall a member permit a traffic stop to become a high speed vehicular pursuit.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: FIREARMS – CLEARING BEFORE ADMISSION AS EVIDENCE IN COURT



POLICY STATEMENT:

Members of the Baltimore City Sheriff's Office shall aid the judges of the Circuit Court for Baltimore City, when called upon, to ensure that any firearm brought into the court as evidence is cleared prior to its submission into evidence.

PURPOSE:

The purpose of this Operational Order is to establish rules, guidelines and procedures regarding the clearing of firearms by members of the Baltimore City Sheriff's Office.

This order consists of the following numbered sections:

11.1.1 DEFINITIONS

11.1.2 CLEARING OF FIREARMS

SECTION 11.1.1 DEFINITIONS

Member: Any full-time paid employee of the Baltimore City Sheriff's Office certified by the Maryland Police Training Commission in accordance with Article 41, Section 4-201 of the Annotated Code of Maryland.

Firearm: A weapon capable of firing a missile, esp. a handgun or rifle using a propellant. (Shotguns and automatic weapons shall also be included in this definition.)

Evidence: For purposes of this Special Order shall include any firearm to be introduced as an evidential exhibit in a criminal proceeding in any part of the Circuit Court for Baltimore City.

Clearing: Ensuring that a firearm does not contain live ammunition

Request: Any request emanating from a member of the judiciary of the Circuit Court for

Baltimore City.

SECTION 11.1.2 CLEARING OF FIREARMS

Subsection A. General Responsibilities

1. Any member of the Baltimore City Sheriff's Office assigned to court duty shall:
 - a. Honor any request by the presiding judge to ensure that a firearm has been cleared prior to its submission into evidence.
 - b. Remain alert and notify the presiding judge of any suspected unsafe weapon which is to be entered into evidence as an exhibit.
2. When acting upon a judge's request to ensure that a firearm has been cleared, the member shall:
 - a. Require the law enforcement officer or other officer of the court submitting the firearm as evidence to safely demonstrate that the firearm does not contain live ammunition.

Subsection B. Requirement to Seek Expertise of Others as Needed

1. In the event that a weapon being introduced as evidence is too sophisticated to be cleared by the law enforcement officer submitting it or the assigned, the member shall:
 - a. Notify the presiding judge that the weapon's sophistication exceeds his/her knowledge and ability to safely clear the weapon.
 - b. Request assistance from members having sufficient expertise to accomplish the clearing of any such weapon in a safe manner.

Subsection C. Responsibility for Receiving and Safeguarding Evidence

The Clerk of the Court has the responsibility of receiving all evidence and safeguarding that evidence during and until a trial has concluded.

Note: Nothing in this order shall in any way affect the responsibilities of the clerk in the receiving and safeguarding of evidence during a trial.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: EXCLUSION OF PERSONAL PROPERTY FROM THE COURTHOUSE



POLICY STATEMENT:

All members of the Baltimore City Sheriff's Office whose responsibility is to control access of persons and property into the courthouse shall be responsible for adhering to established procedures regarding the exclusion of personal belongings of visitors, persons involved in criminal or civil proceedings, or persons expecting to be incarcerated.

PURPOSE:

The purpose of this Operational Order is to establish rules, guidelines and procedures to minimize the security risks and safety hazards which result from unauthorized articles being carried into the courthouse.

This order consists of the following numbered sections:

11.21 DEFINITIONS

11.2.2 PROCEDURES FOR THE EXCLUSION OF PERSONAL PROPERTY FROM THE COURTHOUSE

SECTION 11.2.1 DEFINITIONS

Member: Any full-time paid employee of the Baltimore City Sheriff's Office certified by the Maryland Police Training Commission in accordance with Article 41, Section 4-201 of the Annotated Code of Maryland.

Courthouse: The Clarence Mitchell, Jr., Courthouse located at 100 N. Calvert Street, Baltimore MD or Courthouse East located at 111 N. Calvert Street, Baltimore, MD.

Personal Property: For the purposes of this Operational Order, Personal Property shall be defined as those articles in the possession of any person attempting to enter the courthouse for the purpose of appearing at any judicial proceeding or reporting to begin serving a sentence of

the Court; such articles may include any item which is not a part of the individual's personal attire and which in the judgment of the member should be excluded from the courthouse.

Exclusion: The act of keeping or shutting out, barring, or putting out.

SECTION 11.1.2 PROCEDURES FOR THE EXCLUSION OF PERSONAL PROPERTY FROM THE COURTHOUSE

Subsection A. Member's Responsibilities

1. Upon observing person(s) attempting to enter the courthouse carrying suitcases, shopping bags, trash bags, etc. containing foodstuffs, clothing, or other personal property which does not involve a judicial proceeding, the member working the door or other access control point shall:
 - a. Inform the person(s) that all such articles are to be excluded from the courthouse.
 - b. Instruct the person(s) to leave the courthouse with the articles.
2. If the member ascertains that the person(s) attempting to enter the courthouse with such articles as are described above are to report to a courtroom for trial, the member shall obtain the following:
 - a. Name(s)
 - b. Address(es)
 - c. Courtroom number(s)
3. Upon obtaining the above mentioned information, the member shall immediately relay this information to the Security Supervisor on duty.
4. Prior to their exclusion from the courthouse, the member shall Inform all such persons being excluded from the courthouse that:
 - a. The Judge's Chambers where their particular matter has been scheduled will be notified of their exclusion.
 - b. They have a legal obligation to return for trial, as soon as possible on the scheduled date of the trial, whether they have made arrangements for the safekeeping of their personal belongings or not.
 - c. Obtain from each person so excluded an estimated time when they can be expected to return and advise a Security Supervisor of this information in order that it may be included in the report to the Judge's chambers.

Subsection B. Security Supervisor's Responsibilities

1. Upon receiving information from a member that a person reporting for a judicial proceeding has been excluded from the courthouse for the reasons indicated above, the Security Supervisor receiving the information shall:
 - a. Ensure that the Judge's chamber (Law Clerk or Secretary) where the case has been scheduled is promptly notified that defendant(s) or witness(es) have been so excluded.

Note: Notifications shall include the estimated time of return given by the defendant or witness.

- b. Ensure that members under their supervision are in compliance with all provisions of Subsection A. Member's Responsibilities of this Operational Order.

Subsection C. In General

1. Nothing in this order shall prevent the member from exercising his or her common sense and professional judgment in permitting access to persons with such items as baby bags, in the event that a baby is present, if the item has been hand-scanned.
2. The provisions of this Operational Order shall apply to all persons, except professional or other persons with a legitimate, official need to enter the courthouse with brief cases, etc., who:
 - a. Expect to be incarcerated
 - b. Stand trial
 - c. Or conduct business in the courthouse
3. This Operational order is issued for the purpose of minimizing safety and security problems such as ones that have been experienced in other judicial jurisdictions and shall be strictly enforced.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: K-9 MANAGEMENT AND TACTICAL DEPLOYMENT



POLICY STATEMENT:

The Baltimore City Sheriff's Office is committed to providing the highest quality of service to the citizens of Baltimore City, members of the office and members of allied agencies through the proper management and tactical deployment of the K-9 unit.

PURPOSE:

The purpose of this policy is to provide guidelines for the management and tactical deployment of canines for a variety of operational purposes. Because of their superior sense of smell and hearing and physical capabilities, the trained law enforcement canine is a valuable supplement to Sheriff Services.

This order consists of the following numbered sections:

- 10.1.1 CANINE UTILIZATION FOR LOCATION/APPREHENSION OF SUSPECTS**
- 10.1.2 USE OF NARCOTIC-DETECTION SHERIFF CANINE USE OF EXPLOSIVE ORDINANCE DEVICE (EOD)**
- 10.1.3 SHERIFF CANINE**
- 10.1.4 ASSIGNMENT OF CANINE TEAMS**
- 10.1.5 REQUEST FOR USE OF CANINE TEAMS**
- 10.1.6 REQUEST FOR PUBLIC DEMONSTRATIONS**
- 10.1.7 AVAILABILITY**
- 10.1.8 REPORTING**
- 10.1.9 CANINE BITES AND INJURIES**
- 10.1.10 INJURIES TO THE CANINE**
- 10.1.11 TRAINING**

SECTION 10.1.1 CANINE UTILIZATION FOR LOCATION/APPREHENSION OF SUSPECTS

1. Patrol trained canine teams may be called to perform the following in accordance with applicable law:
 - a. Detect, locate and apprehend criminal offenders who attempt to elude and resist apprehension.
 - b. Search buildings and enclosed areas for suspected criminals.
 - c. Track fleeing criminals who are trying to elude arrest.
 - d. Provide a strong psychological deterrent for the criminal element.
 - e. Provide inner perimeter security for subject containment during high-risk operations.
 - f. Apprehend subjects that present an immediate threat to society if allowed to flee into the general public.
2. The deployment of a Sheriff Canine for the location and apprehension of a suspect(s) is a use of force that must be consistent with the Baltimore City Sheriff's use of force policies, Operational Order 3.1.
3. Decisions to deploy a canine shall be based upon the following:
 - a. The severity of the crime.
 - b. Whether the suspect poses an immediate threat to the safety of the deputies or others.
 - c. Whether the suspect is actively resisting arrest or attempting to evade arrest at the time.
 - d. It is recognized that situations may arise which may not fall within the parameters set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision of the Sheriff Canine team in view of the totality of circumstances.
4. Prior to the use of a Sheriff Canine to search and apprehend any individual the Canine Handler and/or the Supervisor on the scene shall consider all pertinent information reasonably available at the time. This information shall include but is not limited to the following:
 - a. The individuals age or an estimate thereof.
 - b. The nature of the suspected offence.
 - c. Any potential danger to the public and/or other law enforcement officers on the scene if the Sheriff Canine is released.

- d. The degree of resistance, if any shown by the suspect.
 - e. The potential for escape or flight if the Sheriff Canine is not utilized.
 - f. The potential for injury to deputies or the public caused by the suspect if the Sheriff Canine is not used.
5. The Canine Handler shall have the ultimate authority not to deploy the Sheriff Canine. The Handler will evaluate each situation and determine if the use of a sheriff canine is technically feasible. Generally, the decision to deploy the Sheriff Canine shall remain with the Handler; however, a Supervisor sufficiently apprised of the situation may decide not to deploy the Sheriff Canine.
 6. Prior to deployment, unless it would otherwise increase the risk of injury or escape, an announcement shall be made advising the suspect that a Sheriff Canine will be released and may bite you if you do not surrender. This announcement will be repeated and a reasonable amount of time shall be allowed for the suspect to surrender.

SECTION 10.1.2 USE OF NARCOTIC-DETECTION SHERIFF CANINE

A narcotics-detection trained Sheriff Canine team may be utilized in accordance with current law to:

1. Assist in the search for narcotics during warrant service.
2. Obtain a search warrant by using the detection of the Sheriff Canine in support of probable cause.
3. Sniff vehicles, buildings, bags and any other articles deemed necessary.
4. Assist in locating narcotics inside of a courthouse, lock-up or juvenile justice facility as a part of the screening process.
5. During routine screening details in the Courthouse/Justice Center the narcotic canine team will be utilized as a location tool, not as an arrest team.
6. Only under exigent circumstances will the canine team make the actual arrest and complete charging documents. The canine officer will complete a supplement report during a final response (alert) resulting in an arrest.

SECTION 10.1.3 USE OF EXPLOSIVE ORDINANCE DEVICE (EOD) SHERIFF CANINE

A EOD detection trained Sheriff Canine team may be utilized in accordance with current law to:

1. Sniff vehicles, buildings, bags or any other articles as deemed necessary.

2. Assist in the search for EOD/Firearms during warrant service.
3. Assist in locating EOD/Firearms inside of a courthouse, lock-up or juvenile justice facility as a part of the screening process.
4. Conduct random or specific sweeps as directed by the canine supervisor/sergeant.
5. During a deployment the sheriff canine handler shall insure adequate rest periods for the sheriff canine to maintain an alert and capable sweep/search.
6. Insure all members of the public will be evacuated from the area prior to any sniff of suspicious packages.
7. Sheriff canine units that are cross trained in patrol work will not perform any EOD detection work without insuring that any and all persons on the scene are at an appropriate distance for a safe deployment.
8. In the event of a final alert on a suspicious package, the EOD detection canine team shall immediately:
 - a. Evacuate and secure the area
 - b. If not already the case insures no cellular or radio transmissions are made
 - c. Notify supervision
 - d. Notify the Baltimore City Police Bomb Squad through communication at (410) 396-2284
 - e. Standby at a safe location to brief responding units
9. The supervisor who is advised that a canine team has made a final alert on a suspicious package shall in addition to insuring the above steps are taken immediately:
 - a. Begin following the protocols for Incident Command Management as required by State and Federal Law as the Incident Commander.
 - b. Establish a command post in a safe location.
 - c. Notify Command.
 - d. Call in addition personnel and resources as required.
 - e. The notified supervisor shall remain the Incident Commander until officially relieved by a higher ranking member of the Baltimore City Sheriff's Office.

SECTION 10.1.4 ASSIGNMENT OF CANINE TEAMS

1. Canine Teams shall be assigned to the Special Operations Unit of the Sheriff's Office and be available to assist the other Sheriff Sections.
2. The Lieutenant of Special Operations will function as the Canine Supervisor.
3. The Canine Supervisor shall designate a Sergeant to act as the Canine Sergeant.

SECTION 10.1.5 REQUEST FOR USE OF CANINE TEAMS

1. Personnel within the Sheriff's Office are encouraged to freely solicit the use of the Canine Teams.
2. When Sections outside of Special Operation request the use of a Canine Team they should do so through the Canine Supervisor or Canine Sergeant.
3. Outside Jurisdictions are encouraged to solicit the use of Canine Teams. This request should be made through the Canine Supervisor/Sergeant and is based on availability. While assisting Outside Jurisdictions, the Sheriff Canine Team(s) shall remain under the authority of the Baltimore City Sheriff's Office for chain of command and standard operating procedures.

SECTION 10.1.6 REQUEST FOR PUBLIC DEMONSTRATIONS

1. Public requests for a Canine Team shall be approved by the Canine Supervisor prior to making any commitment.
2. Deputy Handlers will not demonstrate any "apprehension" work to the public unless authorized by Canine Supervisor.

SECTION 10.1.7 AVAILABILITY

1. The Canine Team shall be available for call-back under the conditions specified in COMAR and the State Deputy Sheriff Classification.
2. The Canine Team shall be available on-call as established and specified by the Canine Supervisor/ Sergeant.

SECTION 10.1.8 REPORTING

Whenever a Sheriff Canine is deployed, a written report shall be completed by the handler and turned in to the Canine Supervisor/ Sergeant by the end of shift.

SECTION 10.1.9 CANINE BITES AND INJURIES

1. Whenever a canine has bitten or scratched an individual or has alleged to have done so, whether or not in the line of duty, this is reportable force.
2. A Bite Packet will be completed and follow all reportable force procedures and also include:
 - a. Health Department Notification Form
 - b. (2) sets of Digital Photographs full/face body and injury(s)
 - c. Risk of Infection Form
3. In addition to reportable force procedures, the handler shall contact the canine supervisor/sergeant who if available shall respond to the scene.
4. The use of force packet shall be completed by a canine supervisor/sergeant if available.
5. If a canine supervisor/sergeant is not available, the supervisor responding shall follow all the steps for reportable use of force, but shall not complete the narrative section. The responding supervisor will brief the canine supervisor and forward the force packet to the canine supervisor.
6. Accurately reporting the deployment of a canine team often requires specific terminology and knowledge of both legal and tactical concepts regarding canine deployment. Under the "Objective Reasonableness" standard use of force is measured by what another canine team may have done in a similar situation. Only a canine supervisor/sergeant will complete a narrative section for reportable force during a canine bite, injury or alleged injury.
7. The entire canine force packet will be completed within five days of the incident and then forwarded in accordance with established use of force procedures.

SECTION 10.1.10 INJURIES OF THE CANINE

In an event that a Sheriff Canine is injured, the injury shall be immediately reported to the Canine Supervisor/Sergeant.

Depending on the severity of the injury, the Sheriff Canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment.

SECTION 10.1.11 TRAINING

1. Training will take place in accordance with accepted law enforcement standards and procedures.
2. No Sheriff Canine Team will be deployed in any capacity without first completing a basic certification course.
3. Records of all training will be completed and held in the Canine Office by the individual handler and will be immediately available for review.
4. The canine handlers shall insure that all certifications and training records are completed and current.
5. Any and all incidents or problems that occur in training will be reported to the canine supervisor/sergeant.
6. The canine supervisor/sergeant will review all records of training and certifications on a monthly basis.
7. Any canine team that is out of compliance will not be permitted to deploy.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: K-9 UNIT UNIFORMS AND APPEARANCE



POLICY STATEMENT:

The members of the Baltimore City Sheriff's Office K-9 Unit provide support to all members of the Sheriff's Office and the citizens of Baltimore City. In an effort to deliver timely service in all conditions, the members of the K-9 Unit utilize specialized uniforms.

PURPOSE:

The purpose of this Operational Order is to establish and maintain the professional appearance and presence in the community of Baltimore City Sheriff's Office K-9 Unit. In an effort to be easily identified and provide a greater array of services, the K-9 Unit utilizes specialized uniforms and equipment to accomplish its mission.

This order consists of the following numbered sections:

10.2.1 IDENTIFIABLE UNIFORMS

10.2.2 DESIGNATED UNIFORMS

10.2.3 COURT APPEARANCES

SECTION 10.2.1 IDENTIFIABLE UNIFORMS

1. The personnel of the K-9 Unit are engaged in an active overt law enforcement operation, wearing easily identifiable uniforms. Their appearance is designed to be conspicuous and they will respond to situations where the district deputy and the public require their special abilities.
2. The K-9 Unit must present a professional appearance while fulfilling a variety of roles.

SECTION 10.2.2 DESIGNATED UNIFORMS

1. There are three designated uniforms for the K-9 Unit.
 - a. The primary uniform is the class "C" uniform and will be worn as the uniform of the day.
 - b. The classes A & B uniforms are to be worn on those occasions as mandated by departmental rules, regulations and/or the K-9 Commander.

2. Class C – Summer Uniform
 - a. Green office issued tactical BDU pants, bloused with black high-top boots.
 - b. Green office issued tactical BDU shirt with subdued patch and name and badge embroidered. Shirt sleeves rolled above the elbow in military fashion.
 - c. Gun Belt.

3. Class C – Winter Uniform
 - a. Green office issued tactical BDU pants, bloused with black high-top boots.
 - b. Green office issued tactical BDU shirt with subdued patch and name and badge embroidered. Shirt sleeves rolled down and cuffs buttoned.
 - c. Gun Belt.

SECTION 10.2.3 COURT APPEARANCES

K-9 personnel who are on or off-duty can wear the Class C uniform of the day to court.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: K-9 VEHICLES – CARE AND MAINTENANCE



POLICY STATEMENT:

The members of the Baltimore City Sheriff's Office K-9 Unit are responsible for ensuring that the Unit's vehicles are properly cleaned and maintained. Further, members of the K-9 Unit are to ensure that vehicle checkout sheets and monthly reports are completed and submitted on a monthly basis.

PURPOSE:

The purpose of this Operational Order is to establish a set of definitive regulations governing the use and operation of vehicles assigned to the Baltimore City Sheriff's Office K-9 Unit, both under normal and emergency conditions.

This order consists of the following numbered sections:

- 10.3.1 WARNING DECALS**
- 10.3.2 CARE AND MAINTENANCE**

SECTION 10.3.1 WARNING DECALS

All K-9 vehicles shall be marked with "K-9 Warning Decals". Decals should be placed conspicuously so that the public can easily see them. They are intended to prevent accidental injury to both the canine and the unsuspecting, well-intentioned citizenry.

SECTION 10.3.2 CARE & MAINTENANCE

All vehicles will be vacuumed and the interiors cleaned and disinfected on a daily basis. The exteriors will also be washed where time and weather permit.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: K-9 SAFETY - ON AND OFF DUTY



POLICY STATEMENT:

It is the policy of the Baltimore City Sheriff's Office to make safety the primary concern of the K-9 Unit, not only for the benefit and protection of the canine, but also that of the office members and the citizens of Baltimore City.

PURPOSE:

The purpose of this Operational Order is to establish a set of guidelines that ensures not only the safety of the canine, but those office members and citizens that come into contact with the team. This mindset of safety allows for a professional and positive encounter with all members and citizenry coming in contact with a K-9 dog.

This order consists of the following numbered sections:

10.4.1 THE K-9 HANDLER

10.4.2 CARE AND TRAINING OF ASSIGNED POLICE DOG(S)

SECTION 10.4.1 THE K-9 HANDLER

Subsection A. Control Of The Canine

1. A K-9 handler must be in complete control of his/her dog at all times.
2. The handler is solely responsible for the actions of his/her dog.

3. K-9 handlers must be mindful that safety and control must be practiced at home as well as on duty. To that end:
 - a. Unless involved in Sheriff's Office duties, K-9 dogs will not be taken into any public or private buildings.
 - b. In an effort to avoid accidental bites, K-9 dogs are not permitted to be fed or pet by anyone but the handler or his/her household members.
 - c. While in public, K-9 handlers must be mindful of pedestrian traffic and be particularly alert for unpredictable actions from the public.

SECTION 10.4.2 CARE AND TRAINING OF ASSIGNED POLICE DOG(S)

1. K-9 handlers are responsible for the care and training of their assigned police dog. The assignment of a police dog brings with it the requirement of taking the dog home and caring for it when off duty.
 - a. K-9 handlers must be able to properly house and maintain a large dog within their personal residence, as determined by the K-9 Commander.
 - b. The handler's home and property must be posted with warning signs that are mounted in an area that is clearly visible.
 - c. All new members assigned to the K-9 Unit may have their residences inspected for suitability of a police K-9 prior to obtaining a dog.
 - I. Suitability is based on the security measures established at the residence that eliminates the risk of an accidental dog bite.
2. When at home, contact with the canine must be limited to the handler and household members.
3. The canine will be properly and safely isolated whenever friends, guests, relatives, etc. are visiting the handler's home.
 - a. During such times, the doors to areas used to isolate the canine will be equipped with a locking or slide bolt type lock placed high enough to prevent children from opening the door.
4. Household members must not take K-9 dogs from handler's property.
5. At no time will the K-9 dog be left outside unsupervised. Gates to confined property must be locked or secured to such an extent that a child cannot open them.
6. In the absence of the handler, care for the canine will be limited to mature and responsible members of the household who have demonstrated the ability to control the dog.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: AUTHORIZED WEAPONS**POLICY STATEMENT:**

It is the policy of the Baltimore City Sheriff's Office to provide all members, who are authorized to carry firearms, with adequate weapons, ammunition and professional training in their use. Proficiency with the weapon assigned must be acquired and maintained.

PURPOSE:

The purpose of this Operational Order is to establish definitive guidelines regarding those weapons which are authorized for use by members of the Baltimore City Sheriff's Office.

This order consists of the following numbered sections:

- 6.4.1 DEFINITIONS**
- 6.4.2 AUTHORIZED WEAPONS**
- 6.4.3 AMMUNITION**
- 6.4.4 REMMOVAL OF A FIREARM**
- 6.4.5 HOLSTERS**
- 6.4.6 TRAINING**
- 6.4.7 INSPECTIONS**

SECTION 6.4.1 DEFINITIONS

Oleoresin Capsicum Spray: Commonly referred to as O.C. Spray; it is a non-lethal, chemical agent designed for the specific purpose of temporarily disabling or hampering the combative ability of persons confronted by law enforcement and corrections personnel in the course of their lawful duties.

MPCTC: The Maryland Police and Correctional Training Commission.

Range Officer: Any member who has been designated by the Sheriff or Chief Deputy and has been duly certified by the Maryland Police and Correctional Training Commission as a Firearm's Instructor, responsible for overseeing the activities of agency personnel on any authorized firing range, inspection of all firearms utilized by agency members, and the mandated firearms qualifications of agency members.

Tactical Firearms: Weapons employed by the agency for use in specific situations and only by members trained in their use, including shotguns, automatic weapons or other weapons and/or chemical agents which may be authorized by the Sheriff or Chief Deputy.

SECTION 6.4.2 AUTHORIZED WEAPONS

Subsection A. Review, Inspection, and Approval

1. Prior to being issued or authorized for use, all weapons must be reviewed, inspected and approved by one of the following:
 - a. The Sheriff of Baltimore City.
 - b. The Chief Deputy.
 - c. A qualified range officer.
2. All training standards of the Maryland Police and Correctional Training Commission and this general order shall be met and strictly adhered to.

Subsection B. Handguns

The following handguns shall be issued and authorized for wear by qualified members of the Baltimore City Sheriff's Office while on-duty:

1. Glock (GL22, GL23) .40 Caliber, semi-automatic pistol.
2. .38 caliber revolver (will not be issued after January 1st, 2007).
3. Glock (27), (optional command staff only).
4. While on-duty, Deputy Sheriffs shall be armed with the issued .40 caliber handgun which they shall carry on their person.

Subsection C. Off-Duty Weapons and Weapons Purchases

1. Off-Duty weapons may be purchased and worn by those members of the Baltimore City Sheriff's Office specifically authorized to do so by the Sheriff of Baltimore City or Chief Deputy.
2. **All authorizations for purchase and wearing of off-duty weapons shall be in accordance with BCSO 3.2.2.**

Subsection D. Tactical Firearms

1. The following tactical firearms shall be authorized for use by Deputy Sheriffs, who are qualified in their use, as required by the Maryland Police and Correctional Training Commission, and assigned to duties where there is a HIGH RISK of being required to confront armed and dangerous subjects (e.g., Witness Protection Details, Transportation of High Risk Prisoners, and Special Response Team Operations etc.):
 - a. Colt, Rj0635, 9mm, sub-machine gun.
 - b. Remington, Model 870, 12 gauge, 14", shotgun.
 - c. Any other standard size, make or model, 12-gauge shotgun issued by the Baltimore City Sheriff's Office.
 - d. Any other tactical weapon approved by the Sheriff or Chief Deputy.
2. Tactical weapons described above shall be issued and carried in accordance to the guidelines of the Special Response Team.

Note: There shall be no exception to the provisions of this general order regarding the issuance and use of tactical firearms.

Subsection E. Non-Lethal Weapons

1. The following non-lethal weapons shall be authorized for on-duty use by members of the Baltimore City Sheriff's Office who have been duly trained in their use:
 - a. Oleo Resin Capsicum Spray (O.C. spray).
 - b. Taser X26 and M26.
 - c. Expandable Monadnock batons with power tip.
 - d. Espantoon.
2. O.C. spray and the expandable Monadnock batons must be carried in accordance to their

training by all Deputy Sheriffs, Special Deputy Sheriffs and Court Security Officers while in Class B uniform.

3. The Espantoon may be carried by sworn members of the agency who have qualified with the Monadnock expandable baton under the following guidelines:
 - a. The Espantoon will be carried in addition to the expandable baton and not as a replacement to the expandable baton.
 - b. The Espantoon must be utilized in the identical manner as the techniques mandated by the Monadnock expandable baton.
 - c. The member will be responsible for the purchase of the Espantoon baton and insure that it is properly maintained.

SECTION 6.4.3 AMMUNITION

Subsection A. Authorized Ammunition

Members of the Baltimore City Sheriff's Office who are qualified and authorized to carry firearms, in accordance with the provisions of this General Order, shall be permitted to carry only that ammunition which is issued by the agency.

Subsection B. Ammunition Requirements – Glock, .40mm, Pistol

1. Deputy Sheriffs carrying the Glock (GL22 or GL23), .40 pistol shall carry only the ammunition which they are issued.
2. Deputy Sheriffs carrying the Glock GL22 shall carry:
 - a. Fourteen (14) rounds in the magazine and one (1) round in the chamber.
 - b. 2 spare magazines containing fifteen (15) rounds of ammunition each, while on-duty.
3. Deputy Sheriffs carrying the Glock GL23 shall carry:
 - a. 12 Rounds in the magazine and one (1) round in the chamber.
 - b. 2 spare magazines containing 13 rounds of ammunition each, while on-duty.

Subsection C. Ammunition Requirements - .38 Caliber Revolver

Members of the Baltimore City Sheriff's Office who are equipped with and authorized to carry the

.38 caliber revolver shall carry the type and amount of ammunition issued.

Subsection D. Ammunition Requirements – Tactical Firearms

1. Deputy Sheriffs issued a Colt, R0635, 9mm; submachine gun in accordance with this General Order shall be equipped with 9mm ammunition of a type and amount deemed appropriate by the Sheriff of Baltimore City or Chief Deputy.
2. Deputy Sheriffs issued a Remington, Model 870, 12 gauge, 14.; Shotgun or other standard-size, departmental shotgun shall be issued ammunition which does not exceed the following standards:
 - a. Federal Classic 12 gauge, 2-3/4", 00 Buckshot.
 - b. Rifle slugs, whenever appropriate to a particular tactical assignment and as authorized by the Sheriff of Baltimore City or Chief Deputy.

Subsection E. Prohibitions

1. Ammunition which exceeds the standards outlined in this General Order shall be prohibited.
2. No "Practice Ammunition" or non-issued duty ammunition shall be carried by the member.
3. The use of reloaded ammunition is strictly prohibited.
4. Any exceptions to the prohibitions contained herein shall only be authorized in writing by the Sheriff of Baltimore City or Chief Deputy.

SECTION 6.4.4 REMOVAL OF A FIREARM

This section covers basic procedures and practices for the removal and storage of firearms from the sworn members of the Baltimore City Sheriff's Office during periods of suspension or during medical emergencies.

Subsection A. Suspension

Effective immediately, only supervisors with the rank of Sergeant or above may remove a firearm from a sworn officer of the Baltimore City Sheriff's Office for storage during a suspension. The following exemptions apply:

1. Members of the range staff who are certified range/line instructor may remove a firearm for storage for a failure of the member to qualify. Range instructors may also secure firearms when directed to by a supervisor.
2. Members of Internal Affairs under the authorization of the Sheriff or a supervisor.

Subsection B. Medical Emergency

During a medical emergency the following steps will be taken to insure Deputies firearms equipment are properly secured. Any Deputy may initially secure the firearm, however, they must follow the following procedures:

1. Secure the entire gun belt.
2. Safely unload the firearm.
3. Notify a supervisor immediate that you have possession of the firearm and turn the firearm and gun belt over to the supervisor as soon as possible.

Subsection C. Temporary Storage and Storage After Hours

Firearms may be stored in the gun lockers located in room 455 of the Security Division, with the supervisor retaining the key. The armory will not open for firearms submission after normal working hours and the storage of a member's handgun will be the responsibility of the supervisor until the weapon is accepted by the armory.

Subsection D. Storage of Firearms Equipment in the Armory

Prior to a firearm being accepted into the armory, the following steps must take place:

1. The unloaded firearm must be placed in an unsealed firearms envelope with the magazines emptied of all cartridges.
2. The firearms envelope will contain at least the following information:
 - a. The name of the individual issued the equipment.
 - b. The name of the member submitting the firearm.
 - c. The serial number of the weapon.
 - d. Number of magazines submitted.
 - e. Date the weapon was submitted.

3. The cartridges will be counted and placed in a second sealed envelope with the number of cartridges written on the envelope. This envelope will be submitted with the firearm.

Subsection E. Storage of Non-Firearms Equipment in the Armory:

1. The armory will accept badges, cards, identification, gun belts, and ballistic vests.
2. The armory will not accept uniforms or any radio equipment.
3. A property list of the equipment to be stored must be completed.
4. Cards and badges must be sealed in labeled envelopes.
5. Other equipment must be placed in a bag or box.

Subsection F. Reissuing Procedures

1. Equipment will be reissued from the armory during regular working hours, after a request from a supervisor and a written "return to duty" authorization.
2. It is asked that supervisors coordinate with the range supervisor in advance of an expected return to duty to insure that a range officer is available to reissue the equipment.

SECTION 6.4.5 HOLSTERS

Subsection A. Uniformed Members

All uniformed members of the Baltimore City Sheriff's Office, who are authorized to carry departmentally issued firearms, shall wear departmentally issued holsters at all times while on duty.

Subsection B. Plainclothes Deputies

1. Plainclothes Deputy Sheriffs on duty will wear holsters that meet the following requirements:
 - a. Must be concealable.
 - b. Must be constructed of premium quality material.
 - c. Shall have a plain finish.

- d. Must have the trigger guard covered.
2. "Fanny pack" style pouches may be worn by plainclothes Deputies, provided they meet the following requirements:
 - a. They must have been originally designed to conceal a handgun.
 - b. They must be equipped with a retainer for the weapon (e.g., secure Velcro, zipper, etc.).
3. Ankle and leg holsters shall not be worn on or off-duty unless specifically approved by the Sheriff of Baltimore City or Chief Deputy.
4. All holsters, which are used by on duty members of the Baltimore City Sheriff's Office, who are authorized to carry firearms in accordance with this General Order, shall be approved by a Range Officer or the Chief Deputy prior to their use.
5. Only authorized holsters may be used while on the range for annual qualifications.

Note: Any damage occurring as the result of a member's neglect having used an unauthorized holster on duty (e.g., damage to front sights from being exposed), may result in the member being held responsible for any repair costs and may result in disciplinary measures being imposed.

SECTION 6.4.6 TRAINING

Subsection A. Requirements Prior to Issuance of Any Weapon

1. Prior to being issued any weapon or being authorized to carry any weapon, members shall:
 - a. Complete all required training for the weapon to be issued.
 - b. Demonstrate proficiency in the use of the specific weapon to be issued.
 - c. Receive and become familiar with departmental directives relative to the including **BCSO 3.1**

Subsection B. Annual Training Requirements

1. In-service training will be conducted annually and will consist of familiarizing the members with departmental directives relative to the Use of Force, including **BCSO 3.1**.

2. Members authorized to carry firearms in accordance with this General Order shall be required to demonstrate their proficiency annually with any and all issued weapons.

Subsection C. Firearm Instructors

1. All training shall be conducted by instructors who are certified by the Maryland Police and Correctional Training Commission.
2. Firearms Instructors shall be responsible for ensuring that members receive training in all pertinent laws and regulations regarding:
 - a. The Use of Force.
 - b. Authorized Weapons.
 - c. The safe handling of weapons.

Subsection D. Training Coordinator's Responsibilities

1. The Training Coordinator shall be responsible for maintaining all training records of agency members and shall record all proficiency scores and records of each approved weapon including type, description, identifying model and serial number.
2. The Training Coordinator will notify the Sheriff and/or Chief Deputy of any member who fails to qualify with their issued weapon.

Note: Ability to qualify with a firearm may be a condition of employment. The chief deputy or operations officer shall require that any deputy failing to qualify with her/his issued weapon receive remedial instruction and qualify within thirty (30) days of any such failure to qualify.

Subsection E. Failure to Qualify

1. The Training Coordinator shall ensure that any member, who misses annual weapons qualifications due to any assignment in a non-duty status, qualifies with her/his issued weapon immediately following any return to full-duty status.

SECTION 6.4.7 INSPECTIONS

Subsection A. Periodic Inspections By Supervisors

Supervisors shall be responsible for ensuring that weapons issued to members under their supervision are inspected at least once (1) a month.

Subsection B. Inspection By Range Officers

1. Range Officers shall inspect each member's issued weapon prior to any range qualification.
2. Any defect shall be reported to the Training Coordinator.
3. All unsafe weapons shall be removed from usage until repairs are made to correct any defect which may be rendering the weapon unsafe.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: FIREARMS – PURCHASE AND AUTHORIZATION TO CARRY OFF-DUTY



POLICY STATEMENT:

Members of the Baltimore City Sheriff's Office certified by the Maryland Police Training Commission in accordance with Article 41, Section 4-201 of the Annotated Code of Maryland shall adhere to the laws of the State of Maryland the established rules, guidelines and procedures of the Baltimore City Sheriff's Office which govern the purchase of firearms and establish the authorization to carry such firearms while off-duty.

PURPOSE:

This purpose of this Operational Order is to establish rules, guidelines and procedures regarding the purchase of firearms by members of the Baltimore City Sheriff's Office and the authorization to carry firearms while off-duty.

This order consists of the following numbered sections:

6.5.1 DEFINITIONS

6.5.2 CARRING OF FIREARMS

6.5.3 PURCHASE OF FIREARMS

SECTION 6.5.1 DEFINITIONS

Member: Any full-time paid employee of the Baltimore City Sheriff's Office certified by the Maryland Police Training Commission in accordance with Article 41, Section 4-201 of the Annotated Code of Maryland.

Firearms: A weapon capable of firing a missile, esp. a handgun or rifle using a propellant.

Off-Duty Weapon: Any weapon not issued by the Baltimore City Sheriff's Office to a member

for official purposes, but owned by the member and authorized to be carried by the member when not on-duty.

Purchase: To buy, barter, trade or otherwise legally acquire from a licensed gun dealer or private party in accordance with existing laws of the State of Maryland.

Standards: Established acceptable requirements of the Baltimore City Sheriff's Office relative to the minimum and maximum allowable caliber of weapons which may be authorized for off-duty use.

Handgun Permit: A permit to carry a handgun issued by the Superintendent of the Maryland State Police.

SECTION 6.5.2 CARRYING OF FIREARMS

Subsection A. Duly-Sworn Law Enforcement Officers

1. Those members of the Baltimore City Sheriff's Office who are duly-sworn may be permitted to carry handguns in accordance with the provisions of the Annotated Code of Maryland as authorized by the Sheriff of Baltimore City.
2. Only those members who are authorized to do so by the Sheriff of Baltimore City shall be permitted to carry firearms for use in any official capacity whether on-duty or off-duty.

Note: Nothing in this order shall prevent any member from exercising any legal right, which is provided for under the laws of the united states or of the state of Maryland. This order does not apply to any lawful ownership, possession, or use of firearms by members of this agency, commensurate therewith.

3. Members must qualify annually with any firearm which may be carried, regardless of whether it is departmentally issued or privately owned by the member.
4. No member shall be permitted to qualify with more than two (2) off-duty weapons.
5. The following standards shall apply to firearms carried by members on or off-duty unless otherwise specifically approved by the Sheriff of Baltimore City or Chief Deputy:
 - a. Firearms must only fire the following caliber of rounds: .380, 9mm, .38, .40, .45, or .357.
 - b. Firearms must be in good working order, from a reputable manufacture and subject to final inspection and approval by a certified Baltimore City Sheriff's Office Range Instructor.

SECTION 6.5.3 PURCHASE OF FIREARMS

Subsection A. Requirements for Members

1. Any purchase of firearms by members of the Baltimore City Sheriff's Office shall be done so in accordance with the laws of the United States and of the State of Maryland.
2. No member shall purchase any firearm in the name of the Baltimore City Sheriff's Office unless specifically authorized to do so by the Sheriff of Baltimore City or Chief Deputy.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: MOVEMENT OF PRISONERS IN THE CUSTODY OF THE BALTIMORE CITY SHERIFF'S OFFICE



POLICY STATEMENT:

Duly sworn members of the Baltimore City Sheriff's Office shall be responsible for adhering to established procedures in the movement of prisoners who are in the custody of the Baltimore City Sheriff's Office and no deviations from such established procedures shall be permitted at any time.

PURPOSE:

This purpose of this Operational Order is to establish rules, guidelines and procedures regarding the movement of prisoners who are in the custody of the Baltimore City Sheriff's Office.

This order consists of the following numbered sections:

4.3.1 DEFINITIONS

4.3.2 PROCEDURES FOR THE MOVEMENT OF PRISONERS TO OR FROM COURT

4.3.3 GUARDING PRISONERS IN COURT

SECTION 4.3.1 DEFINITIONS

Prisoner: Any person who is in the legal custody of the Baltimore City Sheriff's Office.

Member: Any full-time paid Class 1 (law enforcement) Deputy Sheriff or Court Security Officer who is a duly sworn member of the Baltimore City Sheriff's Office.

SECTION 3.4.1 CARRYING OF FIREARMS

Subsection A. Requirements for Members

Members engaged in the movement of prisoners to or from court shall:

1. Ensure that an adequate number of members to provide for safety and security are available in any movement of prisoners.
2. Ensure that prisoners are always handcuffed with their hands behind their backs unless a waist chain is in use or the prisoner is an amputee or has some physical impairment which would preclude the member from doing so.
3. Ensure that prisoners are always kept under control.
4. Ensure that leg irons are used whenever.
 - a. The prisoner has been previously convicted of a serious crime and is facing a long prison term.
 - b. The prisoner is charged with a capital offense.
 - c. The prisoner poses a high risk potential for escape.

Subsection B. Prohibitions

1. Members engaged in the movement of prisoners shall not:
 - a. Allow contact with any prisoner by members of the prisoner's family, friends, or other members of the public.
 - b. Board an elevator with any member of the public or with any person who is not a law enforcement or corrections officer.
 - c. Walk in front of any prisoner whom they are in the process of escorting.
 - d. Allow any prisoner out of their sight.

- e. Permit a prisoner to use any restroom facility in the courthouse ¹which is not inside a secure lockup area.
- f. Ever relinquish control of any prisoner outside of a secure lockup area.
- g. Ever permit anyone to interfere with the movement of prisoners.

SECTION 3.4.2 GUARDING PRISONERS IN COURT

Subsection A. Responsibilities of Members

Members required to guard prisoners in court shall:

1. Position themselves in a position to prevent the escape of a prisoner.
2. Remove restraining devices only when their use would have a direct bearing on proceedings which are in progress, such as a jury trial where the members of the jury are present in the courtroom.
3. Remove the prisoner to a secure lockup area during periods of recess or during periods when the prisoner's presence is not required in the courtroom.

Subsection B. Prohibitions

Members engaged in the guarding of prisoners in court shall not:

1. Allow contact with the prisoner by members of the prisoner's family, friends, or members of the public who may be present in the courtroom.
 2. Permit a prisoner to use any restroom facility which is not inside of a secure lockup area.
 3. Ever allow a prisoner out of their sight.
 4. Allow any prisoner whom they are guarding to get between them and an unobstructed route of escape.
 5. Ever relinquish control of a prisoner except when relieved by another qualified member or other duly sworn law enforcement officer charged with the responsibility of the
-

prisoner.

Note: Members shall be ever mindful that the security of prisoners whom they are charged with guarding is their responsibility.

This Operational Order replaces **BCSO** Operational Order 1.15 dated 01/20/93 and supersedes all previous orders on the subject concerned.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: TRANSPORTATION OF PRISONERS IN THE CUSTODY OF THE BALTIMORE CITY SHERIFF'S OFFICE



POLICY STATEMENT:

Duly sworn members of the Baltimore City Sheriff's Office shall be responsible for adhering to established procedures in the transportation of prisoners who are in the custody of the Baltimore City Sheriff's Office. The Baltimore City Sheriff's Office shall provide maximum security for all prisoners being transported in order to eliminate the risk of escape and to ensure the safety of the transporting Deputy, the prisoner and the public.

PURPOSE:

This purpose of this Operational Order is to provide guidelines and procedures for the transport of prisoners.

This order consists of the following numbered sections:

4.4.1 DEFINITIONS

4.4.2 TRANSPORTATION IN GENERAL

4.4.3 TRANSPORTATION PROCEDURES

4.4.4 SPECIAL TRANSPORT SITUATIONS

4.4.5 MENTALLY DISTURBED PERSONS

4.4.6 SURRENDER OF DEFENDANT BY BONDSMEN

SECTION 4.4.1 DEFINITIONS

Prisoner: Any individual legally in the custody of the Sheriff of Baltimore City including arrested persons, persons committed to the Division of Corrections as a result of actions of the Circuit Court for Baltimore City, persons committed to a mental health facility as the result of a court order from the Circuit Court for Baltimore City and persons temporarily in the custody of the Sheriff of Baltimore City in order to facilitate actions of the Circuit Court for Baltimore City (e.g., Federal Prisoners released into the custody of the Sheriff of Baltimore City for transportation to and from the Circuit Court for Baltimore City).

High Risk Prisoner: Any person legally in the custody of the Sheriff of Baltimore City who may be considered likely to pose security risk (e.g., prisoners with a history of escape or escape attempts, a history of violent criminal behavior or combative behavior).

Restraint Kit: Waist chain, black box assembly, handcuffs and leg iron.

SECTION 4.4.2 TRANSPORTATION IN GENERAL

Subsection A. The Transportation Unit

1. The Transportation Unit of the Baltimore City Sheriff's Office shall consist of two (2) duly sworn members who shall be specifically responsible for the transportation of prisoners in the following instances:
 - a. Prisoners held in nearby foreign jurisdictions on arrest warrants issued out of the Circuit Court for Baltimore City.
 - i. All such transports will be at the discretion of the responsible supervisor.
 - b. Prisoners committed to the Division of Corrections who come into the legal custody of the Sheriff of Baltimore City.
 - c. Juvenile offenders who have been waived to the jurisdiction of the Circuit Court for Baltimore City.

Section B. Special Transportation Details

1. Special Transportations Details in the Baltimore City Sheriff's Office shall consist of not less than two (2) sworn members who shall be so detailed at the discretion of the responsible supervisor.
2. Special Transportation Details may be utilized for but shall not be limited to the following:
 - a. Transports to or from mental health facilities, in accordance with Court Orders or other instruments of the Circuit Court for Baltimore City which may require such transportation.
 - b. Transports from foreign jurisdictions within the State of Maryland, especially long distance runs.
 - c. To support special operations conducted by the Baltimore City Sheriff's Office, such as warrant sweeps.
 - d. To guard any prisoner who may be admitted to a medical facility while in the legal custody of the Sheriff of Baltimore City.
 - e. To augment the Transportation Unit as the need may arise.

- f. Special transport situations, especially for purposes of extradition.

Note: All extradition details shall be assigned by the chief deputy or his designee.

SECTION 4.4.3 TRANSPORTATION PROCEDURES

Subsection A. Vehicle Inspection

1. At the beginning and end of each tour of duty, all vehicles regularly used for prisoner transport by members of the Baltimore City Sheriff's Office shall be inspected for readiness as follows:
 - a. Where applicable, safety screens shall be securely in place and undamaged.
 - b. Where applicable, windows shall be intact.
 - c. All outer door latches shall be in proper working order.
 - d. Where applicable, rear seat door handles and window controls shall be deactivated.
2. The interior of any vehicle used for prisoner transports shall be thoroughly searched to ensure that no weapons or contraband has been left or hidden within the vehicle.
3. Prior to placing prisoner(s) in any such vehicle for transport, the transporting member shall, whenever practicable, again inspect the interior for weapons or contraband.
4. After delivery of the prisoner(s) to a detention center or other facility, the member shall again search the transport vehicle.

Subsection B. Use of Restraint Devices

1. Individual prisoners transported by the Baltimore City Sheriff's Office shall be handcuffed (double locked) with their hands behind their backs under normal circumstances.
2. Members shall handcuff a prisoner with his/her hands in front or utilize other appropriate restraining devices where the prisoner:
 - a. Is in an obvious state of pregnancy
 - b. Has a physical handicap or deformity
 - c. Have injuries which could be aggravated or worsened by standard handcuffing

procedures

3. When transporting two (2) or more prisoners, members must handcuff (double locked) the prisoners to one another and use leg irons to lessen the likelihood of escape.
4. Prisoners shall not be handcuffed to any part of the transport vehicle at any time.
5. If at any time a Deputy has knowledge that an inmate poses a specific escape risk, is being detained for a serious offense or is in federal custody, restraint kits, if applicable shall be utilized.
6. Members of the Baltimore City Sheriff's Office who occasionally employ the use of flex cuffs to restrain prisoners during certain special operations or while other means of restraint are unavailable shall:
 - a. Ensure that adequate security is maintained.
 - b. Exercise care to ensure that adequate circulation is below the flex cuffs.

Subsection D. Transport

1. Prior to each transport, all prisoners shall be thoroughly searched for any weapons or tools of escape by both the arresting officer and the Transportation Team.
2. All protective searches conducted by members engaged in transportation shall, whenever practicable, be conducted by a member of the same sex as the prisoner.
3. Members transporting prisoners of the opposite sex shall:
 - a. Notify the MILES Operator by radio of the transport, the destination and the beginning mileage.
 - b. Notify the MILES Operator by radio at the conclusion of the transport of the location and the ending mileage.
4. Members shall exercise care whenever assisting any prisoner into a vehicle for transport.
5. Prisoners shall be transported in the following manner:
 - a. Where the transport vehicle has a security screen, but only one transporting member, the prisoner shall be placed in the back seat on the right hand side of the vehicle.
 - b. Violent prisoners will be transported by wagon or cage car.
 - c. Whenever the transporting member believes the prisoner may become violent

during the transport, leg restraints shall be used.

- d. Wherever applicable, seat belts shall be properly used to secure prisoners in a transport vehicle.
 - e. Whenever the cruising patrol (wagon) is used for prisoner transport, all prisoners shall be placed in the rear passenger compartment.
6. All wheelchairs, crutches, prosthetic devices, and medication shall be transported with, but not in the possession of, prisoners transported by members of the Baltimore City Sheriff's Office.
 7. No member shall lift non-ambulatory individuals in custody into a wagon due to the high likelihood of injury to the individual or the member. Members may assist an individual who is cooperative.
 8. When individuals who are non-ambulatory are committed to a Correctional Institution by the Court and they are in the custody of the Sheriff's Office, arrangements for a wheelchair equipped prisoner vehicle will be made.
 9. A first line supervisor may make requests to the Division of Corrections (DOC) first and then the Mass Transit Administration or the Baltimore City Fire Department for assistance.
 10. When non-ambulatory individuals are arrested on the street and are in the custody of the Sheriff's Office the first-line supervisor will request the assistance of the Baltimore City Fire Department.
 11. When requested to transport non-ambulatory individuals from outside institutions the pick up will be arranged by a supervisor. The supervisor will insure a vehicle suitable for the transport is acquired and the issuing judge authorizes the transport. Any pick-up will be held until such time as the above conditions are met.
 12. No prisoner who is in the legal custody of the Sheriff of Baltimore City shall ever be left unattended.
 13. Members engaged in the transportation of any prisoner shall not lose sight of or be separated from their prisoner.
 14. During transport, prisoners will not be allowed communication with other persons.
 15. At no time will anyone be allowed to have physical contact with the prisoner, except for the purpose of rendering required medical treatment.
 16. Transportation of prisoners shall be done directly without breaks or other non-

emergency stops. If a stop becomes necessary, it shall be done at a law enforcement facility or detention center if at all possible.

17. The primary responsibility of the transporting members is the security and safe delivery of the prisoner, therefore, a member shall not:
 - a. Stop to render assistance or answer questions from the public while so engaged;
 - b. Respond as a backup unit to assist other members unless that response is of such dire necessity that the very lives of the other members would be placed in immediate jeopardy without that response.
18. Should a prisoner escape during transport, the transporting member shall:
 - a. Immediately notify the MILES Operator, if the escape occurs within radio range, providing the following information:
 - I. The location of the escape.
 - II. The direction of travel.
 - III. Identification and clothing description of the escapee.
 - IV. The nature of the escapee's charges.
 - V. Any weapons involved.
 - VI. The extent and number of any injuries involved.
19. If the escape should occur outside of radio range and within the jurisdiction of another law enforcement agency, the transporting members shall:
 - a. Immediately notify the responsible law enforcement agency via telephone or other available means and provide the information contained in subparagraph 13.a of this subsection.
 - b. As soon as practicable, notify the MILES Operator by telephone or other available means and provide the information contained in subparagraph 13.a of this subsection.
 - c. Assist the agency having jurisdiction in every way possible, in keeping with any mutual aid agreement which may exist.

SECTION 4.4.4 SPECIAL TRANSPORT SITUATIONS

Subsection A. Transport of Persons Who are Handicapped or Disabled

Members of the Baltimore City Sheriff's Office engaged in the transportation of persons who are handicapped or disabled shall:

1. Never assume that any such prisoner does not pose a safety or security risk.
2. Treat all such prisoners as they would any other prisoner
3. Take due care to conduct a complete search of any equipment or prosthetic device in which a weapon or contraband may possibly be concealed
4. Take reasonable care to accommodate the physical needs of any such prisoner without compromising safety or security
5. Use such physical restraint devices as may be appropriate
6. Use the cruising patrol vehicle (wagon) to transport all such prisoners whenever practicable.

Subsection B. Medication

1. At no time shall a member of the Baltimore City Sheriff's Office assigned to the transportation of a prisoner administer any type of medication to a prisoner.
2. In the event of an extended transport where previously prescribed medication is required, the transporting member may give the medication to the prisoner for his/her own administration, provided the medication was received from medical personnel or law enforcement/corrections personnel from whom the prisoner was received.

Subsection C. Sick or Injured Prisoners

1. Any prisoner who becomes sick or injured incidental to an arrest shall:
 - a. Be transported to the nearest medical facility for treatment.
 - b. Be transported by ambulance if the illness or injury is believed to be life-threatening, or if so sufficiently serious than any other form of transportation would be precluded.
2. Physical restraint devices shall be used when transporting sick or injured prisoners, unless the extent of the illness or injury is such that their use would be precluded.

3. Should an ambulance be needed for transport, one member shall ride inside with the prisoner and a second shall follow in a departmental vehicle.
4. If the prisoner is admitted to a medical facility, the member shall:
 - a. Immediately notify the MILES Operator on duty as soon as it is practicable.
 - b. Be responsible for guarding the prisoner until properly relieved.

SECTION 4.4.5 MENTALLY DISTURBED PERSONS

1. The Baltimore City Sheriff's Office is responsible for the transportation of persons to and from mental health facilities as the result of Court Orders and Hospital Warrants which are issued out of the Circuit Court for Baltimore City.
2. During transport of mentally ill persons, the transporting members shall:
 - a. Take more stringent safety and security precautions due to their unpredictable and potentially violent nature.
 - b. Ensure that the proper physical restraint devices are used, including handcuffs, leg-irons and waist chains.
 - c. Notify the MILES Operator of the transport, the starting mileage and destination.
 - d. Upon arrival at the destination, notify the MILES Operator of the ending mileage.

SECTION 4.4.6 SURRENDER OF DEFENDANTS BY BONDSMEN

1. Any defendant surrendered by a bondsman in open court in the Circuit Court for Baltimore City, to the Baltimore City Police Department or to a member of the Baltimore City Sheriff's Office and who ultimately comes into the custody of the Sheriff of Baltimore City shall be transported in accordance with the provision of this General Order (BCSO.3.05).
2. No prisoner shall be accepted from a bondsman who has been injured or requires immediate medical attention.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: ARREST POLICY AND PROCEDURE



POLICY STATEMENT:

All citizens have certain basic rights afforded them by the Constitution of the United States and rights which are set forth in common law and statutory law. Among these is the right of persons suspected of criminal acts to be protected from abuse of police power. It is the policy of the Baltimore City Sheriff's Office to exercise the power of arrest in conformity with all applicable laws. Any abuse of police powers shall not be tolerated by this Office.

PURPOSE:

The purpose of this Operational Order is to establish rules, guidelines and procedures concerning lawful arrests carried out by members of the Baltimore City Sheriff's Office in the course of their sworn duties.

This order consists of the following numbered sections:

- 3.2.1 DEFINITIONS**
- 3.2.2 PROBABLE CAUSE FOR ARREST**
- 3.2.3 WARRANTLESS ARRESTS**
- 3.2.4 ARREST WARRANTS/JUVENILE WRITS OF ATTACHMENT**
- 3.2.5 AUTHORITY TO ARREST MILITARY DESERTERS**
- 3.2.6 AUTHORITY OUTSIDE OF BALTIMORE CITY**
- 3.2.7 DISCRETION AND ALTERNATIVES TO ARREST**

SECTION 3.2.1 DEFINITIONS

Member: Any full-time paid Class I (law enforcement) Deputy of the Sheriff of Baltimore City or Deputy/Court Security who is a duly sworn member of the Baltimore City Sheriff's Office.

Arrest: Is the taking into custody of a person, or seizing and holding a person under authority of

the law. In order to constitute an arrest, there must either be a touching of the body (which may be of the slightest kind, "even with the end of a finger"), or there must be notification of the purpose to arrest and submission thereto.

Probable Cause: A set of circumstances, sufficient within themselves to cause a reasonable and prudent person to believe that a crime has been or is being committed.

MPCTC: Maryland Police and Correctional Training Commission

SECTION 3.2.2 PROBABLE CAUSE FOR ARREST

Subsection A. Adult Suspects

Whenever any member, who is certified in accordance with Article 41, Section 4-201 of the Annotated Code of Maryland develops probable cause that an adult offender has committed an offense which would call for an arrest and a decision has been made to affect the arrest, the Deputy should, whenever practicable, apply for a charging document.

Subsection B. Juvenile Suspects

If a Deputy develops probable cause to believe a juvenile committed a crime, the Deputy's authority to arrest the juvenile is limited by the law of arrest (Maryland Annotated Code, Article 27, Section 594B).

SECTION 3.2.3 WARRANTLESS ARRESTS

Subsection A. Authority and Jurisdiction

All arrests carried out by members of the Baltimore City Sheriff's Office shall be in accordance with **BCSO** 1.01 (Administrative Order) which defines the authority and jurisdiction of members of the Baltimore City Sheriff's Office.

Subsection B. Arrests Without a Warrant – General

1. In accordance with statutory authority (Article 2, Section 594B) and Maryland Case Law, a Deputy Sheriff may arrest an individual without a warrant in the following instances:
 - a. When a felony or misdemeanor is committed in the Deputy's presence.
 - b. When the Deputy has probable cause to believe a felony or misdemeanor is being committed or attempted in her/his presence, or view the Deputy reasonably

believes the individual committed the offense.

- c. When the Deputy has probable cause to believe that a felony has been committed or attempted and probable cause to believe that a specific person committed or attempted the felony;
 - d. Under the Maryland Police Team Rule (when the Deputy is advised through official communications that there is lawful authority to make an arrest).
2. For those misdemeanors listed in Article 27, Section 594B(f), a Deputy can make a Warrant less arrest, provided there is probable cause to believe:
 - a. The person to be arrested has committed the offense
 - b. Unless the person is immediately arrested
 - I. The person may not be apprehended
 - II. The person may inflict or injury upon another
 - III. The person may damage the property of one or more persons
 - IV. The person may tamper with, dispose of, or destroy evidence

Subsection C. Domestic Violence Cases

In domestic violence cases, Deputies have the power to arrest an individual without a warrant, if a police report has been filed within twelve (12) hours of the alleged incident, and the Deputy has probable cause to believe:

1. The individual to be arrested has battered his or her spouse or cohabitant
2. There is evidence of physical injury
3. Unless the individual is immediately arrested:
 - a. The individual may inflict further personal bodily injury upon the other person
 - b. The individual may cause damage to the property of one or more persons
 - c. The individual may tamper with, dispose of, or destroy evidence

Subsection D. Juveniles

Juveniles may be taken into custody under the guidelines above or under the authority set forth in the Courts and Judicial Proceedings Article, Section 3-814 (Taking a Child into Custody), which

provides that a juvenile may be taken into custody in the following circumstances:

1. Pursuant to an order of the court (juvenile writ of attachment).
2. By a law enforcement officer pursuant to the laws of arrest.
3. By a law enforcement officer or other person authorized by the court, if there are reasonable grounds to believe the child is in immediate danger from his/her surroundings and removal is necessary for the protection of the child.
4. By a law enforcement officer or other person authorized by the court if such officer has reasonable grounds to believe the child has run away from his/her parents, guardian, or legal custodian.

SECTION 3.2.4 ARREST WARRANTS/JUVENILE WRITS OF ATTACHMENT

Subsection A. Arrest Warrants

1. A warrant may be described as the following:
 - a. The primary and most basic source of authority to arrest recognized under common law and modern statutory law.
 - b. The only authority expressly sanctioned by the U.S. Constitution, specifically the Fourth Amendment, which provides that, "...no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized".
2. Arrest warrants executed by the Baltimore City Sheriff's Office may only be executed by those Deputy Sheriffs who are certified as law enforcement officers under the provisions of Article 41, Section 4-201 of the Annotated Code of Maryland.

Subsection B. Juvenile Writs of Attachment

1. A juvenile writ of attachment gives a peace officer the legal authority to take the juvenile for whom the writ has been issued into custody.
2. A Deputy Sheriff holding a juvenile writ of attachment or having knowledge of the existence of one has the legal authority to take the juvenile into custody.
3. Once a juvenile is taken into custody the Deputy shall notify an intake consultant of the Juvenile Services Administration.
4. During Court Hours the juvenile will be taken to the Baltimore City Department of Juvenile Justice Center.

5. During Non-Court Hours, the Deputy who takes a juvenile into custody shall be responsible for transporting the juvenile to the Baltimore City Department of Juvenile Justice Intake Facility for processing.

SECTION 3.2.5 AUTHORITY TO ARREST MILITARY DESERTERS

Subsection A. Specific Authority to Arrest Military Deserters

The authority of civilian law enforcement officers to arrest deserters from the armed forces and deliver them to those forces has been affirmed by:

1. The Uniform Code of Military Justice
2. The Federal Courts

Subsection B. Processing Arrested Military Deserters

A Deputy who arrests a military deserter will treat the offense as a misdemeanor and process the individual accordingly.

SECTION 3.2.6 ARREST PROCEDURES

Subsection A. Arrests In General

1. An arrest is the act of depriving an individual of his or her freedom.
2. When faced with the prospect of incarceration, the reaction of a person cannot be specifically anticipated.
3. All arrests must be made with the knowledge that an element of danger may always be present.
4. There is no such thing as a routine arrest.
5. All arrested persons, regardless of the charge, must be considered dangerous.

Subsection B. Deputy Responsibilities In Arrest Situations

1. Whenever practicable, members of the Baltimore City Sheriff's Office engaged in affecting the arrest of an individual shall:
 - a. Ensure that the appropriate number of Deputies are present.

- b. Exercise caution and sound discretions so as to avoid injury to a Deputy or the wanted person.
 - c. Ensure that additional Deputies or Police assistance are required anytime it is determined that additional assistance is required.
2. Deputies traveling to other jurisdictions within the State to execute an arrest warrant shall:
 - a. Notify the local sheriff's office and/or police department, who has jurisdiction in the county, of their specific destination and purpose.
 - b. Request the assistance of the local authorities and await their arrival prior to executing an arrest warrant in a foreign jurisdiction.

Subsection C. The Use of Force in Arrest Situations

1. In every arrest situation, Deputy Sheriffs must be prepared to protect themselves as well as others.
2. The amount of force which may be necessary may vary from a simple command to physical contact sufficient to cause injury or death.
3. The only force a Deputy is ever justified in using to make an arrest is only that amount of force which is necessary to affect the arrest.
4. All use of force by members of the Baltimore City Sheriff's Office shall be in accordance with **BCSO** 3.01.

Subsection D. Identification and Statement of Intent

1. In every arrest situation, the suspect must be informed of the Deputy's intention to deprive him/her of his/her liberty.
2. Deputies shall display their identification and announce who they are and their purpose.
3. Deputies shall identify themselves; inform the person who is arrested that he/she is under arrest.
4. Persons arrested who require processing shall be taken to the Baltimore Central Booking and Intake Center for any such processing.

SECTION 3.2.7 DISCRETION AND ALTERNATIVES TO ARREST

Subsection A. Discretion in Using Law Enforcement Authority

1. Many instances of public contact will occur where an arrest may be made, but should not be affected due to mitigating circumstances.
2. It is not the role of law enforcement, but is the State's Attorney's role to decide who is prosecuted, and any decision by a Deputy Sheriff not to arrest should be made only after careful consideration of the following factors:
 - a. A greater risk of harm to the public which may come about as the result of a decision to arrest rather than not arrest a particular offender at a particular time.
 - b. The possibility of an arrest causing harm to an offender who poses no threat of danger to the public.
 - c. The seriousness of the criminal act which has been or is being committed.
3. A decision not to arrest when there are grounds to arrest is at times considered good law enforcement practice, since public empathy may be enhanced by the careful use of discretion and potential ill-will can often be avoided by exercising good judgment.
4. Anytime a question should arise concerning a particular situation, the Deputy Sheriff involved should consult his/her immediate supervisor or the supervisor on-call.

Subsection B. Alternatives to Arrest

1. Under the authority of the Sheriff, Deputy Sheriffs may exercise discretion in certain situations to the extent that alternatives to arrest may be employed to resolve these situations.
2. Alternatives to arrest may include the following:
 - a. An informal resolution, which may be a mediated settlement on the scene rather than formal prosecution, agreed upon between and with the affected parties, and not employed as an excuse for not affecting an arrest.
 - b. Referrals made to other law enforcement, governmental, or social service agencies which are better suited to resolve certain problems.
 - c. Warnings which may be given for ordinance violations or minor traffic violations, where voluntary compliance is the goal of minor enforcement actions.
 - d. Citations and summonses may be used as alternatives to arrest, and while they would be considered to be formal enforcement procedures, they may be considered alternatives because they are used to preclude physical custody and

are considered to be less severe enforcement options.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: SEARCH POLICY



POLICY STATEMENT:

All searches undertaken by sworn members of the Baltimore City Sheriff's Office shall be conducted in accordance with applicable laws and the provisions of this Operational Order.

PURPOSE:

This purpose of this Operational Order is to establish a policy designed to govern the conduct of sworn members of the Baltimore City Sheriff's Office in carrying out lawful searches in the course of their sworn duties.

This order consists of the following numbered sections:

5.1.1 DEFINITIONS

5.1.2 GENERAL RULE

5.1.3 SEARCH INCIDENTAL TO ARREST

5.1.4 SEARCH OF VEHICLE UNDER THE MOVABLE VEHICLE EXCEPTION

5.1.5 EXIGENT CIRCUMSTANCES AND EMERGENCIES

5.1.6 STOP AND FRISK

5.1.7 CRIME SCENE SEARCH

5.1.8 CONSENT SEARCH

5.1.9 INVENTORY SEARCH OF SEIZED VEHICLE OR OTHER PROPERTY

SECTION 5.1.1 DEFINITIONS

Valid Consent: A voluntary allowance which is legally sound and effective (e.g., a search made with the valid consent of a person or persons having the incontestable legal right to grant such consent).

Exigent Circumstances: A pressing or urgent situation requiring immediate attention or remedy.

SECTION 5.1.2 GENERAL RULE

Subsection A. Valid Warrant Required

1. As a general rule, a search must be supported by a valid warrant.
2. Whenever possible, Deputies will apply for and obtain a Search and Seizure warrant prior to conducting a search.

Subsection B. Exceptions

1. If it is not possible to obtain a warrant and the search meets one or more of the exceptions governed by this operational order, Deputies may conduct a search without a warrant.
2. The major exceptions are as follows:
 - a. Searches which are conducted incidental to a valid arrest.
 - b. Automobile searches made under certain conditions.
 - c. Searches which are made under exigent circumstances.
 - d. Searches made with a valid consent.

SECTION 5.1.3 SEARCH INCIDENTAL TO ARREST

1. Deputies will conduct searches of all persons arrested in accordance with **BCSO** Operational Orders 5.2 Search Procedures (Individuals).
2. A home or premises where a lawful arrest has been made may be subject to a limited "sweep" for the purpose of finding other persons, if the circumstances give the arresting Deputies a basis for reasonably believing that there are other persons on the premises who pose a danger to those on the arrest scene.

SECTION 5.1.4 SEARCH OF VEHICLE UNDER THE MOVABLE VEHICLE EXCEPTION

Subsection A. Warrant less Search

1. Deputies may make a Warrant less search of a vehicle which was in motion, or at least mobile when stopped, and which Deputies have probable cause to believe contains contraband or evidence of a crime.
2. The entire vehicle may be searched if there is probable cause to believe the vehicle

contains contraband or instrumentalities of a crime even though there is no danger that the vehicle or the evidence may be lost.

3. A search based on probable cause may extend to any part of the vehicle, including closed containers found inside of the vehicle in which the object of the search can be concealed.

Subsection B. Circumstances Requiring Application for a Search Warrant

1. A Deputy will apply for a Search Warrant in the following circumstances:
 - a. Whenever he/she is uncertain as to whether or not he/she has sufficient probable cause to search the vehicle, but is certain that he/she will be able to retain custody of the vehicle until a warrant is issued.
 - b. Whenever a Deputy does not have sufficient probable cause to search a vehicle after it has ceased to be mobile or has been impounded.
 - c. Whenever the focus of a Deputy's suspicions is on a particular container rather than the entire vehicle, he/she may only seize the container and, absent exigent circumstances, must obtain a Search Warrant.

Subsection C. Consent Searches

A Consent Search may be conducted of a vehicle pursuant to Section 7. Consent Search of this Operational Order.

SECTION 5.1.5 EXIGENT CIRCUMSTANCES AND EMERGENCIES

Deputies may make warrantless searches of anything whether personal belongings, a vehicle, or a building anytime they have good reason to believe it is necessary to save life or prevent injury.

SECTION 5.1.6 STOP AND FRISK

1. A Deputy may stop and frisk a person in accordance with Article 27, Section 36D of the Annotated Code of Maryland.
2. Deputies shall comply with the provisions contained in **BCSO** Operational Orders 5.3 Stop and Frisk – Limited Search in Accordance with Article 27, Section 36D.

3. Any such search may include the vehicle of a motorist if the Deputy reasonably suspects that a motorist is dangerous and may be able to gain control of a weapon in the vehicle; however, this search shall be limited to areas where a weapon might be placed or hidden.

SECTION 5.1.7 CRIME SCENE SEARCH

Subsection A. Responsibility for Crime Scene

Responsibility for the protection of the crime scene rests with the first Deputy on scene and remains with that Deputy until the arrival of the law enforcement agency having investigative responsibility for the crime scene or jurisdiction.

Subsection B. Preservation of a Crime Scene

1. Everything at or near a crime scene is potential evidence and must be preserved.
2. Preservation of a crime scene may include, but is not limited to, the following:
 - a. Except where disruption is necessary to aid an injured victim, each crime scene must be preserved exactly as it was found until the Deputy's responsibility may be legitimately relinquished to other responsible law enforcement personnel.
 - b. All unauthorized personnel, including Deputies, must be kept from the scene.
 - c. Where necessary, a perimeter shall be established around the crime scene.
 - d. Deputies shall refrain from collecting evidence at any crime scene not being investigated by the Baltimore City Sheriff's Office.
 - e. Any evidence must be preserved in the location where it was discovered and the responsible investigating agency notified of its location.

SECTION 5.1.8 CONSENT SEARCH

1. A Deputy may conduct a search of a person or property without a warrant or probable cause if the Deputy has obtained the prior consent of the person who will be affected by the search, or someone who has the right and the authority to act for the person who will be affected by the search.
2. Prior to conducting any such search, the Deputy must:
 - a. Ask the person to be affected by the search for consent to search.

- b. Have a belief that the person having consented to the search has done so clearly, voluntarily, and of his/her own free will.
- c. Have a belief that the person consenting to the search has authority over the premises or property affected.

SECTION 5.1.9 INVENTORY SEARCH OF SEIZED VEHICLE OR OTHER PROPERTY

Subsection A. Inventory Search Required

1. Any time a vehicle is seized by a Deputy Sheriff during the course of his/her official duties, he/she shall conduct an inventory search.
2. An inventory search shall be conducted to:
 - a. Protect the Deputy from danger
 - b. Identify and take possession of valuable property for safekeeping.
 - c. Protect the Office and Deputy from claims of lost, stolen or vandalized property.

Subsection B. Elements of a Valid Inventory Search

1. The elements of a valid inventory search are:
 - a. There is a lawful basis for taking custody of the vehicle.
 - b. The inventory is of a non-investigatory nature.
 - c. The search is conducted for the purpose of protecting the owner's property while it is in the custody of the Baltimore City Sheriff's Office.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: SEARCH PROCEDURES (INDIVIDUAL)



POLICY STATEMENT:

All individuals coming into the custody of the Baltimore City Sheriff's Office shall be searched in a proper and professional manner. Further, all persons entering areas which are under the control and security of the Baltimore City Sheriff's Office are subject to search.

PURPOSE:

This purpose of this Operational Order is to clearly define the types of searches to be conducted and the responsibilities of those members of the Baltimore City Sheriff's Office conducting searches of individuals coming into the custody of the Baltimore City Sheriff's Office.

This order consists of the following numbered sections:

5.2.1 DEFINITIONS

5.2.2 TYPES OF SEARCHES

5.2.3 SEARCH PROCEDURES

SECTION 5.2.1 DEFINITIONS

Body Cavity Search: Manual examination of a person's body cavities for weapons and/or contraband conducted by a licensed physician pursuant to a search warrant.

Contraband: Anything in the possession (on the person or in and around their confined area) of a person which is illegal.

Frisk Search: A brief, superficial, manual examination of a clothed person for weapons. The frisk search is a cursory search of a person for weapons large enough to be detected through clothing.

Field Search: A manual examination of a clothed person for weapons, contraband and evidence this includes, but is not limited to, a pat-down of the entire body, the person's hair, pockets and footwear. The search will also include all other property of the person. The field search is a more detailed search of the arrested person in which every square inch is covered.

Safety Risk: When there is cause to believe an individual poses a threat to other prisoners, staff, or the public, he/she shall be considered to pose a safety risk.

Security Risk: When there is cause to believe an individual poses a threat to attempt an escape or to breach the security of a secured area, he/she shall be considered to pose a security risk.

Strip Search: A search in which an arrested person removes or arranges some or all of their clothing so as to permit visual inspection of the genitals, buttocks, anus, breasts, or undergarments of such person. All clothing is carefully scrutinized in this type of search.

SECTION 5.2.2 TYPES OF SEARCHES

Subsection A. Frisk Search

1. A frisk search may be conducted by members of the Baltimore City Sheriff's Office under the following circumstances:
 - a. During arrest situations, where circumstances limit the thoroughness of a search (e.g., hostile crowd, more than one arrested person, etc.).
 - b. When a Deputy is questioning or interrogating a person whom he/she has not placed under arrest and, despite the lack of specific or general information to support an arrest, has a particular reason to fear for his/her safety and has a need to be assured that the person is not armed.
 - c. Whenever an individual is transferred to the custody of a Deputy, and the circumstances limit the thoroughness of a search (e.g., the need to move from a public area).
 - d. Whenever an individual present in court has been remanded to the custody of the Sheriff, prior to being placed in the Sheriff's Lockup, or, in situations which require immediate transport, prior to transportation to a confinement facility.
2. During high risk trials when extra security measures are implemented, every one entering the courtroom, with the exception of the judge and court personnel, will be screened for weapons.

Subsection B. Field Search

1. A frisk search may be conducted by members of the Baltimore City Sheriff's Office under the following circumstances:

- a. Incidental to arrests which are made in the field
- b. Prior to being transported in an office vehicle
- c. Anytime an individual is transferred into the custody of a Deputy from another jurisdiction, court or legal authority
- d. Upon admission to the Sheriff's Lockup and prior to being placed in a cell
- e. At any other time where there is concern for the safety of the Deputy or there is articulated suspicion that the prisoner may be concealing weapons, escape implements, contraband, or evidence.

Subsection C. Strip Search

1. The decision to strip search must be based on specific factors which give rise to a reasonable suspicion that the prisoner may be concealing weapons, escape implements, contraband, or evidence.
2. Strip searches may only be conducted with the approval of the Sheriff of Baltimore City and/or Chief Deputy and the following guidelines shall be adhered to:
 - a. A strip search shall be conducted by a Deputy of the same sex and witnessed by a Deputy of the same sex.
 - b. The search shall be conducted in an area that cannot be observed by persons not involved in the search.
 - c. The prisoner will not be required to remain unclothed any longer than is absolutely necessary.
 - d. The mouth is the only body cavity which may be searched without a warrant and a Deputy having probable cause to believe a prisoner is concealing something in his/her mouth may use reasonable force to prevent the swallowing of the object and may remove the object.
3. Anytime a strip search is conducted by members of the Baltimore City Sheriff's Office a complete report of the incident shall be submitted stating:
 - a. The reason for conducting the search.
 - b. The name of the Deputy conducting the search.
 - c. The name of the Deputy witnessing the search.

Subsection D. Body Cavity Searches

1. A body cavity search shall only be conducted after the Sheriff of Baltimore City has expressly approved the search.
2. A body cavity search shall only be conducted by a licensed physician in an approved medical facility.
3. A body cavity search shall be witnessed by at least one Deputy Sheriff of the same sex as the prisoner.
4. A detailed report shall be submitted containing the following:
 - a. The reason the search was conducted.
 - b. The name of the witness Deputy.
 - c. The name of the judge granting the search warrant.
 - d. The examining physician's name.

SECTION 5.2.3 SEARCH PROCEDURES

Subsection A. In General

1. Searches are to be conducted by the arresting Deputy as well as the transporting Deputy.
2. Whenever possible, field searches shall be conducted by Deputies of the same sex as the prisoner.

Subsection B. Members of the Opposite Sex

1. A Deputy Sheriff may fully search a prisoner of the opposite sex if he/she observes or has reason to believe that prisoner may be in possession of:
 - a. A weapon which may pose a safety threat to the Deputy or others.
 - b. An escape implement which would pose a security threat.
 - c. Evidence which could be lost or destroyed unless seized.
2. A Deputy Sheriff may conduct a pat-down of a prisoner of the opposite sex as long as:

- a. The search does not extend to the breasts or genital area of a female.
 - b. The search does not extend to the groin area of a male.
3. Whenever it is practicable to do so, a Deputy Sheriff who takes custody of a prisoner of the opposite sex shall request that a Deputy Sheriff of the same sex conduct the field search.
4. All opposite-sex field searches shall be conducted in a professional manner and documented by the Deputy on an Administrative Report to his/her immediate supervisor as soon as practicable.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

**SUBJECT: STOP AND FRISK – LIMITED SEARCH IN ACCORDANCE WITH ARTICLE 27,
SECTION 36D OF THE ANNOTATED CODE OF MARYLAND**



POLICY STATEMENT:

Any sworn member of the Baltimore City Sheriff's Office who finds it necessary, for his/her own protection or the protection of others, to conduct a limited search (stop and frisk) for a firearm shall be responsible for adhering to the legal requirements contained in Article 27, Section 36D of the Annotated Code of Maryland and the provisions of this Operational Order.

PURPOSE:

The purpose of this Operational Order is to establish a procedure fulfilling the legal requirements of Article 27, Section 36D of the Annotated Code of Maryland, relative to the conducting of any limited search for a firearm ("stop and frisk").

This order consists of the following numbered sections:

5.3.1 DEFINITIONS

5.3.2 LIMITED REQUIREMENTS

5.3.3 DEPUTY'S RESPONSIBILITIES

5.3.4 SUPERVISOR'S RESPONSIBILITIES

SECTION 5.3.1 DEFINITIONS

Frisk Search: A brief, superficial, manual examination of a clothed person for weapons. The frisk search is a cursory search of a person for weapons large enough to be detected through

clothing.

BCPD: Baltimore City Police Department

BCSO: Baltimore City Sheriff's Office

SECTION 5.3.2 LIMITED SEARCHES

Subsection A. General Requirements

1. Those members of the Baltimore City Sheriff's Office who are certified as law enforcement officers in accordance with Article 41, Section 4-201 of the Annotated Code of Maryland may conduct limited searches for handguns in accordance with Article 27, Section 36D of the Annotated Code of Maryland.
2. The specific provisions of Article 27, Section 36D of the Annotated Code of Maryland and this Operational shall be strictly adhered to.

Subsection B. Statutory Provisions To Be Adhered To

1. Article 27, Section 36D of the Annotated Code of Maryland authorizes the following:
 - a. Any law enforcement officer who, in the light of his observations, information, and experience, has a reasonable belief that (i) a person may be wearing, carrying, or transporting a handgun in violation of Subsection 36B of the article, (ii) by virtue of his possession of a handgun, such person is nor may be presently dangerous to the officer or to others, (iii) it is impracticable, under the circumstances, to obtain a search warrant; and (iv) it is necessary for the officer's protection or the protection of others to take swift measures to discover whether such person is in fact, wearing, carrying, or transporting a handgun, such officer may:
 - i. Approach the person and identify himself as a law enforcement officer.
 - ii. Request the person's name and address, and if the person is in a vehicle, his license to operate the vehicle, and the vehicle's registration.
 - iii. Ask such questions and request such explanations as may be reasonably calculated to determine whether the person is, in fact, unlawfully wearing, carrying or transporting a handgun in violation of Subsection 36B; and, if the person does not give an explanation which dispels the reasonable belief which he had, he may

- iv. Conduct a search of the person, limited to patting or frisking of the person's clothing in search of a handgun. The law enforcement officer in acting under this section shall do so with due regard to all the circumstances of the occasion, including but not limited to the age, appearance, physical condition, manner, and sex of the person approached. (**emphasis added)
- b. In the event the officer discovers the person to be wearing, carrying, or transporting a handgun, he may demand that the person produce evidence that he is entitled to so wear, carry, or transport the handgun pursuant to Subsection 36B(c) of this article. If the person is unable to produce such evidence, the officer may then seize the handgun and arrest the person.
- c. Nothing in this section shall be construed to limit the right of any law enforcement officer to make any other type of search, seizure, and the arrest which may be permitted by law, and the provisions hereof shall be in addition to and not in substitution of or limited by the provisions of Subsection 594B of this article.
- d. Any law enforcement officer sued in civil action for conducting a search or seizure pursuant to this section which is alleged to be unreasonable and unlawful shall, upon his request, be defended in said action and any appeals there from, by the Attorney General.
- e. Every law enforcement officer who conducts a search or seizure pursuant to this section, shall within twenty-four hours after such search or seizure, file a written report with the law enforcement agency by which he is employed describing the circumstances surrounding the search or seizure and reasons thereof on a form prescribed by the Secretary of Public Safety and Correctional Services. Such report shall include the name of the person searched.

SECTION 5.3.3 DEPUTY'S RESPONSIBILITIES

Subsection A. Responsibilities Whenever a Stop And Frisk Is Performed

1. Whenever a "stop and frisk" is performed, regardless of the outcome of the search the Deputy shall complete the following:
 - a. A **BCPD** Incident Report

- b. A **BCSO** "95 Report".
1. The **BCSO** "95 Report" shall state that:
 - a. A stop and frisk was conducted under Article 27, Section 36D
 - b. A **BCPD** Miscellaneous Incident Report was completed and submitted to the Deputy's immediate supervisor or on-call supervisor.

Subsection B. General Responsibilities

1. In addition to the requirements described in Subsection A above, Deputies shall also utilize the **BCPD** Incident Report when:
 - a. A firearm is located incidental to an arrest.
 - b. A trace of an individual' permit or weapon is required.
2. Deputies should make an effort to obtain driver's license and social security numbers before a **BCPD** Incident Report is submitted for forwarding to **BCPD** for Staff Review.
3. A Deputy completing a **BCPD** Incident Report shall complete it in duplicate and submit it, along with a **BCSO** "95 Report", to his/her immediate supervisor or the on-call supervisor prior to the end of his/her tour of duty.

SECTION 5.3.4 SUPERVISORS' RESPONSIBILITIES

Subsection A. Review

1. A supervisor receiving a **BCPD** Incident Report and a **BCSO** "95 Report" from any member conducting a "stop and frisk" in accordance with the provisions outlined in this Operational Order shall review both the **BCPD** Miscellaneous Incident Report and the **BCSO** "95 Report" and ensure that a copy of each is submitted to the Chief Deputy or the Operations Officer in his absence.
2. Supervisors shall be responsible for ensuring the completeness and timely submission of all required reports.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of

publication.

SUBJECT: SELECTION AND IDENTIFICATION OF OFFICER IN CHARGE



POLICY STATEMENT:

To Provide sworn personnel under individual commands the opportunity to gain insights and attain skills in the art of supervision. It is the policy of this agency to develop subordinates to assume the role of Officer-In-Charge (OIC)

PURPOSE:

The purpose of this Operational Order is to recodify and promulgate procedures governing the selection and identification of the OIC.

SECTION 4.1.1 REQUIRED ACTION

Subsection A. General Responsibilities

1. Commanding Officers shall have the mandated responsibility to comply with the following guidelines when selecting personnel under their commands to be assigned as an OIC:
 - a. The opportunity to work in an OIC capacity shall be open to all qualified deputies.
 - b. Qualified deputies shall be interpreted to mean the individual:
 - I. Has displayed leadership qualities.
 - II. Is able to organize his work and competently complete assignment.
 - III. Has demonstrated sufficient job knowledge.
 - IV. Expresses a desire to do the job.

- c. OIC assignments may and should be rotated among personnel when practical, to include but not be limited to those persons on active promotional list.

Subsection B. Requirement of Immediate Supervisors

1. Immediate supervisors shall have the mandated responsibility of developing subordinates to assume the role of OIC. The following concepts shall be considered by immediate supervisors in this process.
 - a. The transition from subordinate to supervisor is not automatic.
 - b. Do not assume by virtue of the fact subordinates are performing satisfactorily at their present assignment that this is an indication of their capacity to perform in the same manner as an OIC. Subordinates may lack those attributes essential to be an effective supervisor.
 - c. By your own example attempt to develop supervisory attributes in all of your subordinates.
 - d. When a subordinate demonstrates that he/she will be able to assume supervisory responsibilities, the immediate supervisor shall:
 - I. Give that subordinate the opportunity to perform as an OIC.
 - II. Tell the subordinate what is expected of him/her in their assignment as an OIC.
 - III. Encourage the subordinate to seek your advice.
 - IV. Check the subordinate's performance regularly and review their performance as an OIC and inform the subordinate of how they are performing.
 - V. Record the amount of time spent as an OIC so that it will be accounted for and assessed in the subordinates Performance Evaluation and Promotional Potential reports.

Subsection C. Rotation

Whenever possible the immediate supervisor may and should rotate OIC assignments among their most capable deputies to avoid developing an indispensable deputy by concentrating on only one individual.

Subsection D. Insignia

1. When performing in the capacity of an OIC, personnel shall wear an insignia of

designation. A set of two-inch cloth bands shall be utilized to identify an OIC. One band shall be worn well centered on each epaulet on the outermost garment of the uniform of the day.

2. The sergeant's gold chevron collar pins attached to the orange cloth bands shall be worn by a deputy to identify that they are assigned the function of a sergeant (see annex A).
3. The lieutenant's single gold bar collar pin attached to the gold cloth bands shall be worn by a sergeant to identify that they have been assigned to the function of a lieutenant (see annex B).

Subsection E. Authority

Personnel, while wearing the insignia and functioning as an OIC, shall have such authority and responsibility as is normally exercised by such designated rank.

Subsection F. Quartermaster

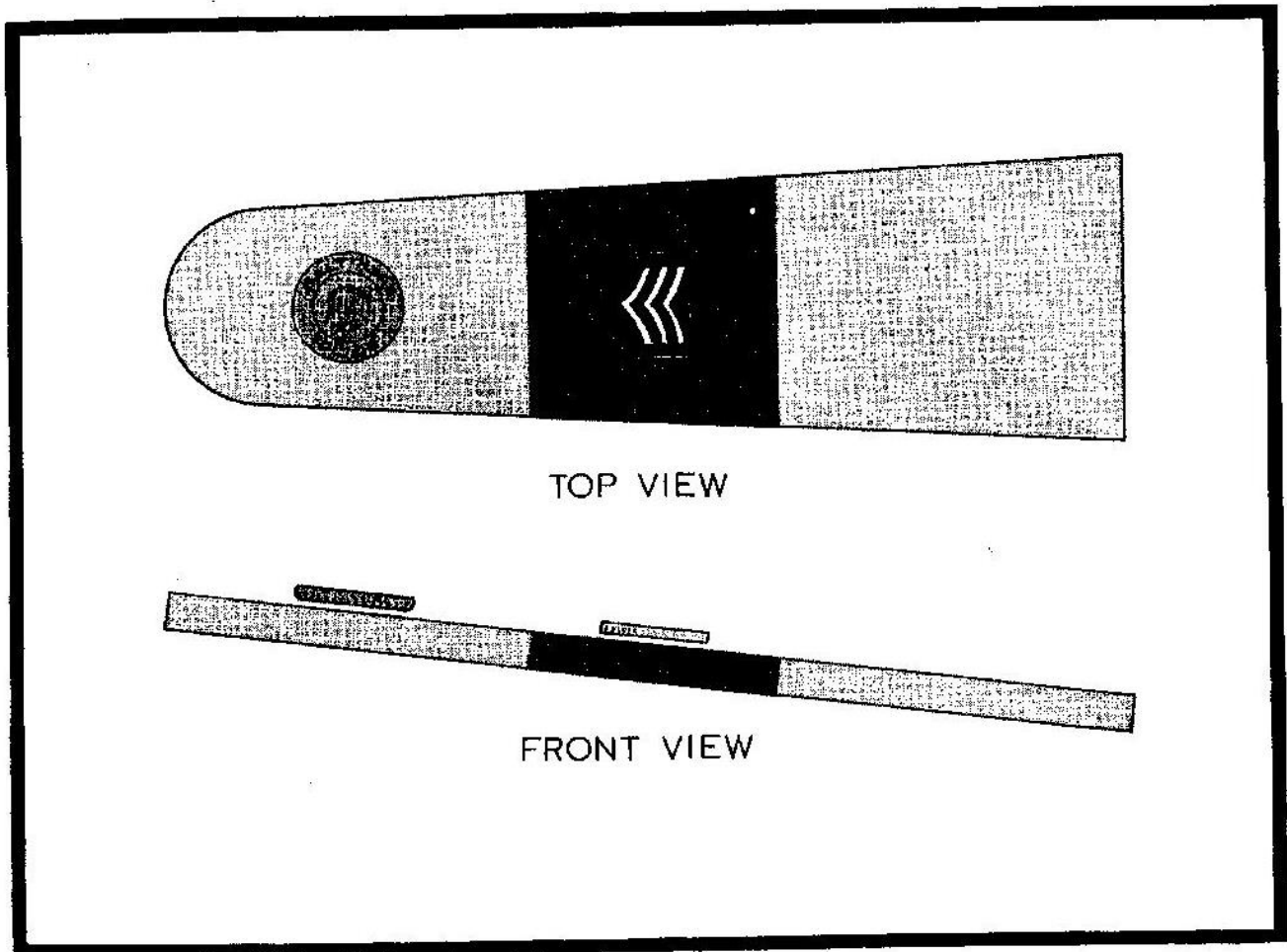
The Quartermaster shall maintain a sufficient level of OIC bands to insure availability for replenishment.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

Annex A

Identification of the assigned rank of Sergeant

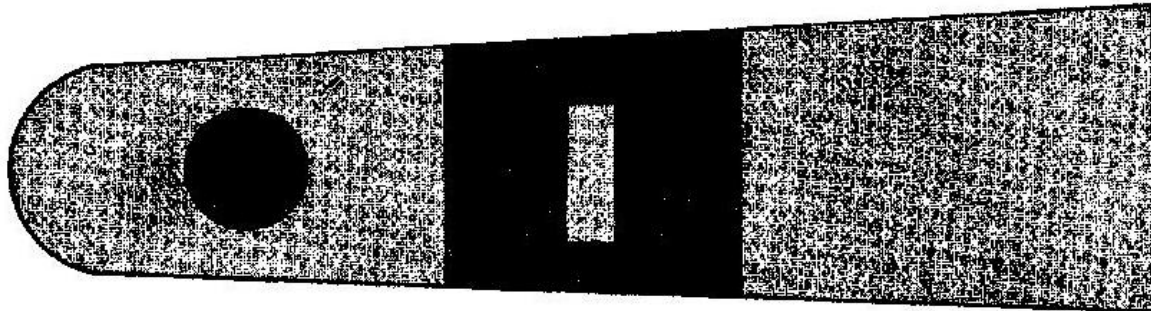


TOP VIEW

FRONT VIEW

Annex B

Identification of the assigned rank of Lieutenant



TOP VIEW



FRONT VIEW

SUBJECT: OUT OF JURISDICTION PRISONERS**POLICY STATEMENT:**

All Agencies transporting Out of Jurisdiction Prisoners to the Baltimore City Circuit Court will be directed by the Sheriff's Office to perform a mandatory check in process in room 104 of the Sheriff Office.

PURPOSE:

The Sheriff's Office is charged with the Safety and Security of the Baltimore City Circuit Court. The Sheriff's Office will require all Agencies from Foreign Jurisdictions, entering the Circuit Court, to go through a check-in process with the Sheriff's Office. The Sheriff's Office will provide the Transporting Officers with the rules, regulations and procedures for transporting their prisoner(s) in our Courthouse.

This order consists of the following numbered sections:

SECTION 4.21 DEFINITIONS**SECTION 4.22 RESPONSIBILITIES OF THE OUT OF JURISDICTION AGENCY****SECTION 4.23 RESPONSIBILITIES OF THE BALTIMORE CITY SHERIFF'S OFFICE****SECTION 4.21 DEFINITIONS**

Member: Any full-time paid employee of the Baltimore City Sheriff's Office certified by the Maryland Police Training Commission.

Out of Jurisdiction Prisoners: Any person in the custodial charge of a Law Enforcement/Correctional Agency that is not the Baltimore City Sheriff's Office.

Exemptions: Baltimore City Division of Corrections (BCDC) Division of Corrections (DOC), Baltimore County Sheriff's Office, Maryland State Police/ Deputy Sheriff Task Force Squad.

SECTION 4.2.2 RESPONSIBILITIES OF THE OUT OF JURISDICTION AGENCY

Subsection A. Custodial Responsibility and Jurisdiction

The Transporting Agency has complete custodial responsibility of their prisoners and nothing in this procedure relinquishes the Transporting Agencies of this responsibility. The Sheriff's Office of Baltimore City is the primary law enforcement agency in charge of Circuit Court Security and will require all Out of Jurisdiction Agencies transporting prisoners to comply with all regulations.

Check in Process Requirements

1. No agency will report directly to a Courtroom or enter the Sheriff's Lock-up without providing the following information to the Sheriff's Office:
 - a. Name of the prisoner.
 - b. Room number/part of the Court where the prisoner will be transported (If unknown by the agency the Sheriff's Office will direct you accordingly).
 - c. Agency name and contact number of the transportation supervisor.
 - d. Full name of all officers escorting the prisoner.
 - e. Any special circumstances, threats, disciplinary history or segregation requirements associated with the prisoner.

Subsection B. Transportation Requirements

1. All prisoners transported through the hallways of the Circuit Court of Baltimore City must be secured properly with:
 - a. Double locked handcuffs secured behind the back or
 - b. Restraint kit with leg irons
2. Transporting officers must maintain physical control of their prisoners at all times.

Subsection C. Elevator Transport Requirements

All transporting officers must use the designated elevator for prisoner transportation. When the prisoner elevator is not functioning, the transporting officers will never transport a prisoner with members of the public or non-sworn employees of the court.

Subsection D. Use of Lock-Up

1. The Sheriff's Office Lock-Up in room 465 may be utilized to hold prisoners from other jurisdictions after 0800 hours providing the following:
 - a) The agency remains in the Lock-up at all times with their prisoner.
 - b) The prisoner must remain under control and refrain from any disruptions.
 - c) The transporting agency is responsible for the feeding and medical care of their own prisoner.

Subsection E. Escape or Incident

In the event of an escape, attempted escape, assault, attempted assault, discovery of contraband, destruction of any property, tampering with any property, unauthorized contact with the public or any and all criminal violations or security breaches the Sheriff's Office will immediately be notified.

SECTION 4.23 RESPONSIBILITIES OF THE BALTIMORE CITY SHERIFF'S OFFICE

Subsection A. Required Action (Court House Points of Entry)

1. All Deputy Sheriff's and Court Security Officers working at a Door Post are required to stop all Officers transporting Out of Jurisdiction Prisoners and direct them to a mandatory check-in process in room 104.
2. The check in process is mandatory and must be completed prior to any movement in the Building, to a Courtroom or to a Lock-up.

Subsection B. Required Action (Sheriff Lock-Ups)

No Out of Jurisdiction Prisoners will be accepted in the Lock-up without first reporting to room 104 for the mandatory check-in requirement.

Subsection C. Required Action (Court Room)

All Sworn Personnel working inside of a Court room will ensure that the mandatory check-in requirement has been met by contacting room 104 or questioning the transporting agency.

Subsection D. Required Actions (General Knowledge)

1. All Sworn Officers of the Sheriff's Office and Court Security Assistants are required to know and understand the responsibilities outlined in both Sections of this Order and to assist/direct outside Agencies on meeting these requirements.
2. All Sworn Officers of the Sheriff's Office will immediately address anyone transporting a prisoner in an unsafe manner or in violation of the above mentioned requirements and call for a Supervisor.

Record Keeping/Information Sharing Requirements

The Desk Supervisor or Officer in Charge in room 104 shall ensure that the "Out of Jurisdiction Prisoner Form" is completed by the transporting officers. These reports will be held in a chronological file for review and data analysis.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: INSPECTIONS**POLICY STATEMENT:**

It is the policy of the Baltimore City Sheriff's Office to maintain an ongoing inspectional overview of its day-to-day operation to insure compliance with executive direction as provided by the Sheriff. Inspections, in this regard, apply to every level of supervision and every division, section, and unit within the Baltimore City Sheriff's Office.

GENERAL:

The inspection Section, Office of The Sheriff, was established by the Sheriff to assist and to advise in the executive task of administrative control of the agency by conducting periodic inspections and examinations of agency procedures, personnel, and equipment. Additionally, the inspection section is mandated to conduct quality of service surveys to ensure optimum service to the community and field reporting integrity consistent with FBI Uniform crime reporting standards.

PURPOSE:

The purpose of this order is to establish and outline agency policies and procedures regarding the Agency's inspectional process. Agency inspections may include but are not limited to: Audits, evaluations of facilities, vehicles, equipment, records, personnel, investigative procedures, administrative or operational procedures and reporting.

REQUIRED ACTION:**Member**

1. Cooperate with and provide assistance to the Inspections Section when requested.

First Line Permanent Rank Supervisor (Lieutenant / Sergeant)

1. Upon being notified of non-compliance / infraction, take immediate corrective action.
2. Sign the Inspections Receipt, Form 386, acknowledging notification of the noted infraction.
3. Submit an administrative report to the respective Commanding officer in a timely manner, detailing what corrective action was taken. The Inspections Receipt is to be attached to the administrative report.

Commanding Officer

1. Ensure all personnel under your command cooperate with the inspections section and provide assistance when requested.
2. Ensure members of the inspections section are given access, for the purpose of inspection, to all departmental facilities and records.
3. The Commanding Officer of the non-compliant member is required to submit an administrative report to their Division Chief within 10 days detailing what measures were taken to correct the violation. Ensure training, direction, and/ or discipline is affected in accordance Operational Order BCSO 2.2, "Disciplinary Matrix".
4. The administrative report shall:
 - a. Demonstrate that the Commanding Officer has given full consideration to the overall importance of the inspectional finding.
 - b. Demonstrate that the commanding Officer has implemented corrective action to insure conformance to the departmental policy and procedure at issue.

Division Chief

1. The respective Division Chief or his designee will review the Commanding Officers report. The Chief will forward the approved report to the Office of the Sheriff within 10 days totaling 20 days from the date of the infraction.

Inspections Section

1. Carry out with impartiality all inspections ordered by the Sheriff or his designee. Random inspections as required by the Sheriff will be based on statistical data, complaint volume and specific incidents that draw concern.
2. Shall have mandated responsibility to inspect all facilities and all operational procedures of the Agency, and shall have full authority to discharge this responsibility.

3. Shall understand that the focus of their attention should be on practices, procedures and personnel. Their primary concern is that agency practices and procedures are being properly performed.
4. Shall give orders to immediately correct such circumstances where failure to do so will jeopardize the agencies reputation and/or the accomplishment of its mission. In such instances, the order(s) shall be issued in the name and the authority of the Sheriff. The circumstances under which the order(s) were issued shall be immediately reported in writing to the Sheriff
5. Upon observing a procedural infraction, take immediate action and issue the inspections receipt. Immediate notification will be made to the first line permanent rank supervisor.
 - a. Ensure the required signatures are obtained on the Inspections Receipt.
 - b. When further investigation or surveillance is warranted and immediate notification may jeopardize an internal investigation, immediate notification will not be made.

NOTE: In these cases, the Commanding Officer, Internal Affairs Division, will be notified immediately.

- c. Action will always be taken when a situation has the potential for creating a hazardous or life threatening environment to members or civilians.
6. Upon conclusion of an on-site inspection, the Inspection Section shall forward a copy of the Inspections Receipt to the appropriate Commanding Officer, via the Office of the Sheriff. Note whether immediate notification was made or action was taken during the inspection.
 - a. When appropriate, inspection reports shall include a detailed account of excellence in regard to compliance with agency orders, rules, and procedures, as well as the mandated requirement to report all incidents of non-compliance.
 - b. Reports of non-compliance will include corrective action taken/ recommended.

Supervisor, Inspection Section

1. Thoroughly review and approve all inspection reports. Forward all approved inspection reports to the Sheriff or his designee for review.
2. For all inspection reports requiring corrective action responses:

- a. All inspections will be databased.
 - b. File, database and monitor all inspection reports to include responses.
 - c. Provide assistance in the evaluation of the memo of responses to determine whether the reported deficiencies have been properly corrected.
3. Continually analyze results obtained from unsatisfactory inspection reports in an effort to determine the areas where the Baltimore City Sheriff's Office is inadequate, and where remedial action is needed.
 4. Reported the findings and recommendations to the Sheriff or his designee

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: CRIMINAL HISTORY POLICY



POLICY STATEMENT:

The Baltimore City Sheriff's Office is mandated by law to provide security for the Circuit Court of Baltimore City and the Juvenile Justice Center.

PURPOSE:

This purpose of this Operational Procedure is to establish rules, guidelines and procedures for obtaining criminal histories of persons working within the Court Complexes and the Juvenile Justice Center for Baltimore City.

This order consists of the following numbered sections:

- 3.3.1 DEFINITIONS**
- 3.3.2 PROCEDURES**

SECTION 3.3.1 DEFINITIONS

The Interstate Identification Index, (III): is an automated system to provide for the Interstate exchange of criminal history record information.

1. The III may be used only by authorized governmental agencies and subunits thereof involved in the administration of criminal justice.

SECTION 3.3.2 PROCEDURES

1. Employment in criminal justice agencies and screening of employees of other agencies over which the criminal justice agency is required to have management control.
 - a. Court Personnel not associated with criminal justice.
 - b. Unescorted Janitorial Staff.
 - c. Volunteers and Contractors working in and around the court house environs.
 - d. Vending Machine Employees.
2. Inquiries and record request transmitted to the III must include the purpose for which the information is to be used.
3. Any and all information obtained as part of official duties, especially all criminal histories and juvenile information shall be held as confidential and shall not under any circumstances be released to persons not in the Criminal Justice System, who do not have a right or need to know.
4. No information received through the Criminal Justice Information System (C.J.I.S.) shall be used for other than official purposes or given to any person other than those who are legally entitled to it.
5. The two purposes for which the III may be used are:
 - a. Criminal Justice (Purpose code "C") – must be used when the III transaction is for official duties in connection with the administration of criminal justice.
 - b. Criminal Justice employment (Purpose code "J") must be used when the III transaction involves employment with the previous described authorized agencies.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: Domestic Violence Policy & Procedures Miles/Meters



POLICY STATEMENT: It is the policy of the Baltimore City Sheriff's Office to serve or attempt to serve all Peace and Protective Orders in a lawful and expeditious manner.

PURPOSE:

This Operational Order establishes procedures to be followed in the service of Peace and Protective Orders issued pursuant to the Family Law Volume of the Annotated Code of Maryland.

9.4.1 DEFINITIONS

9.4.2 INTERIM PROTECTIVE ORDER

9.4.3 TEMPORARY PROTECTIVE ORDER

9.4.4 FINAL PROTECTIVE ORDER

SECTION 9.4.1 DEFINITIONS

Definitions:

Interim Protective Order: When courts are closed, District Court commissioners may issue an Interim Protective Order to last until a judge holds a temporary hearing usually overnight or during the weekend. An interim order goes into effect once the respondent is served by a law enforcement officer.

Temporary Protective Order: An order of protection from abuse issued by a judge which may last as long as 30 days.

Final Protective Order: An order of protection from abuse issued by a judge which may last as long as one year and thereafter be extended for another six months.

Petitioner: The person requesting the court's help.

Respondent: The alleged abuser.

Victim: The individual who needs protection from abuse (i.e.: mother filing for a child).

Abuse: An act that causes serious bodily harm or places an individual in fear of imminent serious bodily harm.

- A. An assault in any degree
- B. Rape or sexual offense or attempted rape or sexual offense
- C. False imprisonment (keeping an individual in a place against his/her will)
- D. Child abuse
- E. Vulnerable adult abuse

Cohabitant: An individual who has had sexual relations with the respondent at any time and lived with the respondent, in the home, for a total of at least 90 days within the past year. Interim Peace Order: When courts are closed, District Court commissioners may issue an Interim Peace Order to last until a judge holds a temporary hearing. An interim order goes into effect once the respondent is served by a law enforcement officer.

Temporary Peace Order: A special order issued by a District Court Judge that provides emergency protection that lasts up to 7 days. The protection applies to relationships not covered under a Protective Order. This order may be extended up to 30 days.

Final Peace Order: Official decision issued by the Court granting protection after a hearing on the alleged abuse. Order of protection may last up to six (6) months.

Note the following:

1. Operational hours for Domestic Violence Section are (9:00am-5:00pm) weekend hours are (10:00am-6:00pm).
2. The Domestic Violence Supervisor or designee is responsible for ensuring that all Protective Orders are served or attempted before court date.
3. All Protective Orders must be returned to the Family Division in Courthouse East before the court date. The below procedures must be followed accordingly.

SECTION 9.4.2 INTERIM PROTECTIVE ORDER

1. This order is provided only when courts are not in session; provided by a Court Commissioner.
2. The interim last no longer than the end of the second business day after it is issued. If contact is not made, then the order is returned to the Family Division as NON-EST; unable to make contact.

SECTION 9.4.3 TEMPORARY PROTECTIVE ORDER

1. MILES (Maryland Information Law Enforcement System) section will receive a hit through DVCR (Domestic Violence Central Repository) advising this office that an order has been filed. The hit is placed in the DVCR basket on the DV clerks' desk in the warrant section in room 104. The actual order will follow within hours; protective orders will be brought to this office by a designee of the Family Division located Courthouse East at 111 N. Calvert Street.
2. The Sheriff's Office will receive two copies of the order. One will be for service and one for the Sheriff's Office records. The Domestic Violence Clerk or MILES Operator will enter all required information on meters and the Sheriff's Office Domestic Violence System. After the order is placed on meters the order must be validated by this office designated person or persons.
3. The Domestic Violence form must be completed once the protective order is received and entered on Meters by DV Clerk or Miles Operator. The Warrant Section Clerk or Miles Operator will sign the domestic violence form after validating a protective order.
4. The Domestic Violence deputies or any sworn member of this Office will make service; before any order is served sworn members must check with MILES to complete a warrant check on the respondent.
5. All orders must be read by the serving deputy to see if the respondent has access to any firearms; the respondent must sign and date the attached form stating that they do or do not have access to any firearm. If the respondent does have access to any firearms, the deputy must retrieve that weapon and submit it at ECU at 601 E. Fayette Street, Baltimore City Police Department. The respondent shall receive a copy of the submitted form (pink Copy).
6. Once the Protective Order is served, the Deputy will notify the Domestic Violence Clerk or MILES Operator as soon as the order is served so that V.I.N.E (Victim Information & Notification Everyday) can be updated. This notification is provided for petitioners with receipts of service including order conditions, case activity, docket changes, hearing details and reminders.

7. After service of a Protective Order the following fields must be completed by the DV Clerk or M.I.L.E.S Personnel within (2) two hours of service on the drop down form on meters:
 - a. Protection order number
 - b. Originating agency code
 - c. Respondent's name
 - d. Serving officer's name
 - e. Serving officer's ID
 - f. Date of service
 - g. Serving officer's phone number

SECTION 9.4.4 FINAL PROTECTIVE ORDER

1. Final Protective Orders are issued by a judge that may last as long as one year and thereafter be extended for another six months for a total of 18 months.
2. Some orders are dismissed if the petitioner does not appear in court, or if the petitioner gives good reason to the court why the order should not continue.
3. It is the responsibility of the domestic violence clerk to **shred all orders that have been Dismissed, Denied or Expired.**
4. **After all orders are served/ Non-Est they must be returned to the correct jurisdiction before the listed court date.**

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates to ensure compliance. This Order is effective on the date of publication.

SUBJECT: SOCIAL MEDIA POLICY



POLICY STATEMENT:

The Baltimore City Sheriff's Office recognizes the impact that social media sites such as, Facebook, Twitter, Web Logs (Blogs), Wikis or other forms of user generated media, have on the workplace during working hours.

PURPOSE:

The Baltimore City Sheriff's Office respects the right of employees to use these mediums but must abide by guidelines established by the Sheriff's Office.

This order consists of the following numbered sections:

- 1.5.1 DEFINITONS**
- 1.5.2 COMPUTER RESOURCES**
- 1.5.3 NO EXPECTATION OF PRIVACY**
- 1.5.4 PROHIBITED ACTIVITIES**
- 1.5.5 SOCIAL NETWORKING VIA INTERNET**

SECTION 1.1.1 DEFINITIONS

For purposes of this policy, the following definitions apply:

Social Media: A Varity of online sources that allow people to communicate, share information, share photos, share videos, share audio and exchange text and other multimedia files with others via some form of online or cellular network platform.

Social Networking: Using such internet or mobile formats as Face book, Twitter, My Space, LinkedIn Foursquare, Gowalla Police Pulse, The Squad Room, Usenet groups online forums, message boards or bulletin boards blogs, and other similarly developed formats, to

communicate with others using the same groups while also networking with other users based upon similar interests, geographical location, skills, occupation, ideology, beliefs, etc.

Mobile Social Networking: Social networking using a mobile phone or other cellular based device.

Internet: A computer network consisting of a worldwide network of computer networks that use the TCP/IP network protocols to facilitate data transmission and exchange.

World Wide Web: Computer network consisting of a collection of Internet sites that offer text and graphics and sound and animation resources through the hypertext transfer protocol.

Blog: A series of entries, written by either one person or a group of people, in an online journal, usually posted in chronological order, like a diary. Blogs can allow comments on entries or not.

Bloggging: To read, write or edit a shared online journal (Princeton University). Blogging can also compass the act of commenting and engaging with other commenters on any blog including one operated by a third party.

Post: An item inserted into a blog or an entry of any type of computerized bulletin board or forum.

Posting: The act of creating, uploading editing or adding to any social media outlet. This includes text, photographs, audio, video or any other multimedia file.

Forum: An online discussion site.

Comments: Responses to a blog post, news article, social media entry or other social networking post.

Commenting: The act of creating and posting a response to a blog post or a news article social composition to an unrelated post or article.

Avatar: A computer user's representation of himself/ herself, or an alter ego.

Identity: An online identity, Internet identity or Internet persona that a social networking user establishes. This can be a real name, an alias, a pseudonym or a creative description.

Handle: The name of one's Twitter identity.

User Name: The name provided by the participant during the registration process associated with the web site.

SECTION 1.5.2 COMPUTER RESOURCES

1. Computers and computer accounts are given to employees to assist them in performance of their duties.
2. Employees of the Baltimore City Sheriff's Office must not deliberately perform acts that waste office resources.

3. These acts include but are not limited to:
 - a. Sending personal mass mailings or chain letters.
 - b. Spending excessive amounts of time on the internet.
 - c. Playing games.
 - d. Engaging in on line chats.
 - e. Creating unnecessary network traffic.

SECTION 1.5.3 NO EXPECTATION OF PRIVACY

1. Employees have no right to privacy with respect to any information sent, received, created, accessed, obtained viewed, stored, or otherwise found at any time on the computer system. Hardware, software and all communications, files and records transmitted through and residing on those systems remain, at all times Governmental property and may be monitored or viewed by the Sheriff's Office at its sole discretion, at any time, without consent from or notice to employees.
2. Because E-Mail records and computer files may be subject to discovery in litigation, employees are expected to avoid making statements in E-Mail or computer files that would not reflect favorably on the employee or the organization if disclosed in litigation or otherwise.

SECTION 1.5.4 PROHIBITED ACTIVITIES

1. Use of social Media sites such as Facebook, Twitter, web logs (Blogs), Wikis or other forms of user generated media are not to be accessed on agency equipment while on duty.
2. Material and or comments that are fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, threatening, intimidating, defamatory or otherwise unlawful inappropriate or otherwise inappropriate towards co-workers, respondents, vendors or members of the public.
3. Offensive materials concerning race, sex, color, national origin, religion, age, disability or other characteristics covered by law should never be accessed while on duty.
4. Members will be held responsible for the content that appears on their maintained social media or social networking sites and will be obligated to remove any posting or material contributed by others that reflects negatively upon the Sheriff's Office.

SECTION 1.5.5 SOCIAL NETWORKING VIA INTERNET

1. If an employee chooses to identify himself or herself as a Baltimore City Sheriff's Office employee on a web site or web log while off duty he or she must adhere to the following guidelines.
 - a. Make it clear to the readers that the views expressed are the employee's alone and that they do not necessarily reflect the views of the Baltimore City Sheriff's Office.
 - b. Do not disclose any information that is confidential or proprietary to the office or any other third party that has disclosed information to the office.
2. Uphold the Baltimore City Sheriff's Office value of respect for the individual and avoid making defamatory statements about the agencies' employees, partners, affiliates and others including other government agencies.
3. Do not reveal personal information of the aforementioned without their express permission.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

**SUBJECT: TRANSFER OF HOSPITALIZED PRISONERS FROM SHERIFF'S OFFICE
CUSTODY TO CBIC**



POLICY STATEMENT: Duly sworn members of the Baltimore City Sheriff's Office shall be responsible for adhering to established procedures in the care and movement of prisoners who become ill while in the custody of the Baltimore City Sheriff's Office.

PURPOSE:

This purpose of this Operational Procedure is to establish rules, guidelines and procedures regarding the movement of prisoners who become ill while in the custody of the Baltimore City Sheriff's Office.

Procedure:

The following procedure will be followed only after the prisoner is admitted to the hospital:

1. Contact Central Booking (CBIC) at 410-209-4408 and inform the booking supervisor that your prisoner is being admitted to the hospital and that you want to transfer custody of that prisoner to them.
2. Fingerprint and photograph the prisoner during regular business hours.
3. After hours call Baltimore City Police Dispatch and request crime lab to respond to photograph & fingerprint the prisoner.
4. They will give you cc #; the incident will be titled photograph prisoner.
5. Take the photos & fingerprints up to Criminal Justice Information Systems (CJIS). They are open 24 hours.
6. After CJIS confirms the prints & photograph take them to CBIC and see the booking supervisor.

7. If the defendant is being held on a district court warrant or Circuit Court FTA, a letter must be generated and faxed to the court commissioner's office requesting a bedside commitment.
8. Sheriff's Office personnel will wait at the hospital for the transfer of custody to take place.
9. Any supervisor having safety or security concerns must contact command.
10. Any Supervisor having safety/security concerns must contact Command.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: STANDARDS OF CONDUCT



POLICY STATEMENT:

The Baltimore City Sheriff's Office requires that all persons employed by this agency adhere to standards of conduct and discipline in their professional and private lives, which will not reflect unfavorably upon this agency or its members. Those members who are duly sworn law enforcement officers shall be held to that standard of conduct which the citizenry has a right to expect from those who are given the privilege to serve in this position.

PURPOSE:

The purpose of this General Order is to provide all members of this agency with established rules and regulations to maintain favorable conduct while on and off duty.

This order consists of the following numbered sections:

- 1.4.1 DEFINITONS**
- 1.4.2 STANDARDS OF COUNDUCT IN GENERAL**
- 1.4.3 ON-DUTY CONDUCT**
- 1.4.4 CONDUCT UNBECOMING**
- 1.4.5 USE OF ALCOHOL AND DRUGS**
- 1.4.6 POLITICAL ACTIVITY**
- 1.4.7 RELATIONSHIP WITH PERSONS IN CUSTODY**
- 1.4.8 ORDERS**
- 1.4.9 SECONDARY EMPLOYMENT**

SECTION 1.4.1 DEFINITIONS

- Employee:** Any person employed by the Baltimore City Sheriff's Office in any capacity.
- Member:** Any duly sworn Deputy Sheriff or Court Security Officer employed by the Baltimore City Sheriff's Office.
- Gratuity:** Any free or reduced price item or service accepted by any agency member for the purpose of influencing or gaining additional or special consideration from the member or agency.
- MPCTC:** Maryland Police and Correctional Training Commission
- EEO:** The term used to all matters relating to Equal Employment Opportunity
- Title VII:** The Civil Rights Act of 1964, as amended is the most prominent source of anti-bias employment Opportunity Commission is charged with investigating all alleged violations of Title VII. Title VII forbids discrimination in all areas of the employer-employee relationship on the basis of race, color, religion, national origin, sex, age and disability.
- SRT:** Special Response Team
- BEST:** Behavioral Emergency Service Team

SECTION 1.4.2 STANDARDS OF CONDUCT IN GENERAL

Subsection A. Rules and Regulations Preface

1. The Baltimore City Sheriff's Office standard of conduct is a guideline for the behavior of all of its personnel, both on- and off-duty.
2. It is not practicable to address every possible situation which may arise, however these rules and regulations will help to establish a foundation by which members may make appropriate and acceptable decisions.
3. Members are specifically prohibited from deliberately engaging in conduct which would reflect unfavorably upon the agency and/or any of its members.
4. Members of the Department shall be held strictly responsible for the proper performance of their duties.
5. Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.
6. 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.

7. Unsatisfactory 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 Member's rank, grade and/or position.
 - d. The failure to take appropriate action written and/or verbal in accordance with the Baltimore City Sheriff Office General Orders, and/or as instructed by a Supervisor/Command or their designee.
 - e. Absence without leave; or unnecessary absence from the assigned patrol during a tour of duty.
1. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance:
 - a. Repeated less than satisfactory evaluations, or a written record of repeated infractions of the rules, regulations, directives or orders.
 - b. Repeated inability to perform the duties of a Deputy Sheriff in a satisfactory manner.
 - c. The inability to make a forcible arrest, drive a vehicle under emergency conditions, and qualify with a weapon, due to physical, mental or emotional incapacitation including, but not limited to, that brought about by a Member's use of alcohol.
2. Additionally, repeated inability to perform the duties of a Deputy Sheriff as described herein in a satisfactory manner due to physical infirmity or mental/emotional incapacitation.

Subsection B. Communication of Policy

1. Supervisors shall be responsible for communication of Amendments to their subordinates and to ensure compliance.

Subsection C. Federal, State and Local Statutes

1. Every member shall obey all federal, state and local statutes.
2. Every member shall be responsible for maintaining familiarity with and obeying all rules, regulations, general orders, operational orders, policies, procedures and/or directives issued by the agency, any organizational component of the agency, or the member's supervisor.

3. Every member is specifically prohibited from committing any act or aiding and abetting other members in committing any deliberate act which is in violation of agency directives.
4. Any willful or deliberate omission or aiding and abetting another member in a willful or deliberate omission, which results in noncompliance with any agency directive, is specifically prohibited.

Subsection D. Confidentiality of Information

1. Any and all information obtained as part of official duties, especially all criminal histories and juvenile information shall be held as confidential and shall not under any circumstances be released to persons not in the Criminal Justice System, who do not have a right and need to know.
2. No information received through the Criminal Justice Information System (C.J.I.S.) shall be used for other than official purposes or given to any person other than those who are legally entitled to it.

Subsection E. Courtesy

1. All members shall be courteous and professional in their dealings with the general public, other government agencies and their fellow employees.

Subsection F. Employee Information

1. The following information shall be provided in writing by each employee of the Baltimore City Sheriff's Office on the first working day following any change:
 - a. Current telephone number.
 - b. Current address.

Subsection G. Unlawful Job Action

1. Employees of the Baltimore City Sheriff's Office shall not engage in any unlawful job action.
2. Nothing in this order shall prohibit employees from associating themselves with any fraternal organization, employee association or collective bargaining unit recognized by the State Department of Personnel.
3. Any member of the agency, who being present or having cognizance of any mutinous, seditious, rebellious or reactionary movement within the agency, must use the utmost effort to suppress same, or knowing or having reason to believe that such a movement is to take place must give information thereof to that member's Commanding Officer without delay.

Subsection H. False Statement or Misrepresentation of Facts

1. Members of the Baltimore City Sheriff's Office when acting in an official capacity are specifically prohibited from making false statements or misrepresenting any facts.

Subsection I. Threatening or Abusive Speech

1. Any deliberate use of speech which is threatening or abusive is prohibited.

Subsection J. Discrimination

1. All forms of discrimination based on gender, race, religion, ethnicity or national origin are specifically prohibited.

Subsection K. Sexual Harassment

1. Sexual harassment of any employee of the Baltimore City Sheriff's Office by any other employee of the Baltimore City Sheriff's Office, at any time or any place, shall be specifically prohibited.

Subsection L. Acceptance of Gratuities or Remuneration

1. Members of this agency shall neither solicit nor accept gratuities in any form and shall:
 - a. Politely decline all such offers of gratuities with an explanation of agency policy.
 - b. Report any attempt to bribe or intimidate any member to do or refrain from doing his/her duties.
 - c. Such reports shall be made to the member's supervisor as soon as practicable.
2. Receipt of remuneration from attorneys, insurance companies or private citizens for testifying in court on matters pertaining to the "members" official duties are prohibited.

Subsection M. Public Criticism

1. Members of this agency shall refrain from engaging in public criticism of this agency, its policies, and/or any of its members, verbally, electronically or in writing.

Subsection N. Divulging Personal Information

1. Divulging the home address or telephone number of any member of this agency to any person who does not have a specific right and need to know that information without first obtaining the permission of the affected member(s) is specifically prohibited.

Subsection O. Abuse of Position

1. Any abuse of the power of office and/or use of official credentials, badge or identification, in any unofficial or unauthorized manner shall be prohibited.
2. No member of this agency shall be permitted to use any name, photograph or official title which links the member to this agency, for the purpose of endorsing, advertising, or otherwise supporting any service, product, or cause without specific prior approval from the Sheriff of Baltimore City.
3. The use of a member's official position with the Baltimore City Sheriff's Office for the purpose of soliciting, selling, or purchasing any product or service which is not intended for use by this agency is prohibited.
4. The use of a member's affiliation with the Baltimore City Sheriff's Office to avoid the consequences of any illegal act is specifically prohibited.
5. The use of a member's affiliation with the Baltimore City Sheriff's Office to obtain privileges or services not available to the general public is prohibited.
6. No member shall publicly represent this agency without specific prior approval from the Sheriff or Designee.

Subsection P. Departmental Property, Equipment and Services

1. Any property, equipment, supplies and/or services which the Baltimore City Sheriff's Office may provide for its members shall be used for official purposes only.
2. Any wrongful misappropriation or conversion of departmental property, equipment, supplies and/or services for personal use by a member of any other unauthorized person is specifically prohibited.

SECTION 1.4.3 ON DUTY CONDUCT

Subsection A. Reporting for Duty

1. Every employee of the Baltimore City Sheriff's Office is required to report for duty at the time and place required by his/her duties.
2. Each employee shall be required to report for duty mentally and physically fit to perform all required job-related duties.
3. All members are required to report for duty properly equipped to perform all assigned duties.

Subsection B. Personal Appearance

Each member shall ensure that his/her personal appearance is in conformity with the specific requirements of this agency, relative to appropriate dress for his/her particular duty assignment.

Subsection C. Alertness on Duty

1. Each member shall remain awake and alert while on duty.
2. Any member who is unable to remain awake and alert while on duty shall notify his/her supervisor:
 - a. Supervisors shall determine the appropriate corrective action and take those steps necessary to ensure compliance with this subsection.

Subsection D. Channels of Communication (Chain of Command)

1. When conducting official business as members of the Baltimore City Sheriff's Office, each employee shall be responsible for following the proper channels of communication and strictly observing the chain of command.
2. No employee of the Baltimore City Sheriff's Office shall be authorized to depart from the chain of command by communicating with the representative of any agency, public or private, or any private citizen concerning the official business of this office.
3. All such communication as is described in this subparagraph shall be cleared through the employee immediate supervisor unless it falls directly within the scope of his/her assigned duties.

Note: Nothing within this subsection is intended to prevent such communication as is necessary to conduct the routine duties to which an employee may be assigned, i.e., MILES Operators, Warrant Control Personnel, Accounting Clerks, etc.

Subsection E. Court Appearance

1. Each member shall be required to appear before any court when properly summoned.
2. Each member shall be punctual in all court appearances and shall be prepared to testify in any matter related to his/her official duties with this agency.
3. Members may only be excused from court attendance by the court or by the State's Attorney when summoned as a State's Witness.

Subsection F. Personal Business

1. No member shall be permitted to engage in personal business or any other activity which may cause him or her to neglect any assigned duties or to be inattentive to any assigned duties.

Subsection G. Malingering

1. Employees of the Baltimore City Sheriff's Office shall not feign illness in order to avoid a particular duty assignment or work assignment in the case of non-sworn personnel.
2. Any employee suspected of feigning illness may be required to furnish appropriate documentation from a medical professional.

Subsection H. Assigned Post

1. No member shall abandon an assigned post without having been properly relieved or authorized to do so by a supervisor.

Subsection I. Submission of Reports

1. All required reports shall be submitted before the conclusion of a member's duty shift or other deadline that may be established by the member's supervisor.
2. All required reports shall be complete, legible, truthful and written in accordance with agency standards.

Subsection J. Property and Evidence

1. All property and evidence which is seized, recovered or otherwise received by any member of the Baltimore City Sheriff's Office shall be handled in accordance with procedures established by this agency.
2. Each member is specifically prohibited from converting to his/her own use any such property or evidence.
3. No member shall have any claim, present or future, on any such property or evidence.
4. All property and evidence shall be disposed of in accordance with established policies and procedures of the Baltimore City Sheriff's Office and in accordance with federal state or local statutes.

SECTION 1.4.4 CONDUCT UNCOMING

Subsection A. General

1. No employee of the Baltimore City Sheriff's Office will commit any act which constitutes conduct unbecoming an employee of this Office.
2. Conduct unbecoming includes, but is not limited to:
 - a. Any criminal act
 - b. Dishonesty
 - c. Improper conduct

Subsection B. Misconduct

1. Any breach of the peace, neglect of duty, or other misconduct on the part of any employee either within or outside the State of Maryland, which tends to undermine the good order, efficiency or discipline of the Office, even though these offenses may not be specifically set forth, shall be considered conduct unbecoming a member of the Baltimore City Sheriff's Office.
2. No member shall maliciously threaten strike or assault any other member the agency. Members who aid, abet or incite any altercation between members of the agency shall be held responsible along with those actually involved.

SECTION 1.4.5 USE OF ALCOHOL AND DRUGS

Subsection A. Use, Possession and Purchase – Prohibited

1. Members are prohibited from unlawfully possessing or using any controlled dangerous substance.
2. Consumption of any alcoholic beverage while on duty without the written permission of the Sheriff of Baltimore City, detailing the specific circumstances under which this rule may be suspended, is specifically prohibited.
3. The purchase or consumption of any alcoholic beverage at any time while in uniform, partial uniform or while operating an agency vehicle is specifically prohibited.
4. Consumption of an alcoholic beverage to a point of intoxication which renders the member unfit to report for his/her next tour of duty or court assignment is prohibited.
5. Members officially placed in an on-call status are prohibited from consuming alcoholic beverages for the duration of that period of on-call status.

Subsection B. Required Notification of Use

1. Any member taking legally prescribed medication which may affect that member's ability to perform his/her duties shall notify his/her supervisor of any such impairment.
2. Any member of this agency, who is called to duty, after having consumed an alcoholic beverage while off-duty, shall notify the requesting supervisor of his/her condition.
3. Any member of this agency who suspects that any other member may be under the influence of alcohol or drugs, while on duty, shall be under obligation to report those suspicions to his/her supervisor.
4. A supervisor who receives information that a member may be intoxicated or impaired by the use of alcohol or drugs shall:
 - a. Immediately investigate any such report.
 - b. Immediately relieve a suspected member of duty, if reasonable suspicion exists that the member may be intoxicated or impaired.
 - c. Notify the Chief Deputy or Operations Officer of the incident, as soon as practicable.

SECTION 1.4.6 POLITICAL ACTIVITY

Subsection A. Political Activity in General

1. The Sheriff of Baltimore City recognizes the right of each and every employee of the Baltimore City Sheriff's Office to engage in political activity as a private citizen.
2. Those regulations, which are enumerated in this section, are intended to delineate those political activities that are not acceptable for members of this agency.

Subsection B. Political Activities Which Are Prohibited

1. Members of the Baltimore City Sheriff's Office are specifically prohibited from belonging to, or affiliating themselves with, any individual or group which advocates terrorism, anarchy, insurrection, sedition or treason; or which purports or otherwise proclaims the superiority of any race, creed, ethnic group, etc. over that of another.
2. No member of the Baltimore City Sheriff's Office shall be permitted to use his/or official position as a member of this agency to publicly support any particular political party or candidate for public office.
3. Members of the Baltimore City Sheriff's Office shall not:

- a. Allow themselves to be identified in campaign literature as members of this agency.
 - b. Allow themselves to be photographed in uniform for the purpose of endorsing a candidate for public office or a political movement.
 - c. Appear in uniform at any political gathering for the purpose of offering support or endorsement to any candidate for public office or political movement
 - d. Publicly display, while on duty, any signs, placards, bumper stickers, etc. which might indicate endorsement of any candidate for public office or political movement.
 - e. Distribute or aid in the distribution, while on duty, of any material which might be construed as an endorsement for any candidate for public office or political movement.
4. Use of any equipment or materials belonging to this agency for the support of any candidate for public office, any political movement, or in the furtherance of any cause or ideology is specifically prohibited.
 5. Use of any agency vehicle to transport a member or others to a political gathering or permitting political materials to be transported in or displayed on any agency vehicle, while either on or off duty is prohibited.

SECTION 1.4.7 RELATIONSHIP WITH PERSONS IN CUSTODY

Subsection A. Fraternalization

1. No member of the Baltimore City Sheriff's Office shall, at any time, fraternize with persons who are in the custody of this or any other law enforcement agency.
2. No member of this agency shall engage the services or otherwise enter contractual agreements with persons who are in the custody of this any other law enforcement agency.

Subsection B. Treatment

1. Persons in the custody of this agency shall not be mistreated, maltreated, physically abused or verbally abused by any member of this agency.
2. Persons in the custody of this agency shall not be treated inhumanely or caused to suffer undue indignity, but shall at all times be treated with impartiality and granted such requests as may be considered reasonable.

Subsection C. Involvement

1. Social, emotional or financial involvement with any person in the custody of this agency by any member of this agency shall be specifically prohibited.
2. Members of the Baltimore City Sheriff's Office will not involve themselves socially, emotionally or financially with any known felon.

Subsection D. Solicitation and Recommendations

Members of the Baltimore City Sheriff's Office are prohibited from soliciting for or recommending the services of any bondsman or attorney to any person who may be in the custody of this agency.

SECTION 1.4.8 ORDERS

Subsection A. Obeying Orders

1. Every member of the Baltimore City Sheriff's Office shall be familiar with and shall obey all rules, regulations and general orders of this agency.
2. All lawful orders issued by a supervisor, acting supervisor or any employee of the Baltimore City Sheriff's Office who has been duly authorized by the Sheriff to command shall be followed and obeyed.

Subsection B. Insubordination

1. No member of the agency shall at any time be insubordinate or disrespectful to a superior.
2. Any failure by an employee of the Baltimore City Sheriff's Office to promptly obey any lawful order, including any order which may be relayed from a superior by a person of equal or lesser rank, shall be considered insubordination and is specifically prohibited.
3. Insubordination includes, but is not limited to the following:
 - a. Willful and deliberate refusal to obey any lawful order, including any order which is relayed from a superior by another employee.
 - b. Conduct which interferes with or contributes to the breakdown of required discipline, thereby impairing the effective operation of the agency.
 - c. Speech or conduct toward a supervisor which is deliberately discourteous, abusive, profane or threatening.

Subsection C. Responsibility of Command

1. Supervisors are accountable for the performance of the subordinates under their command, whether within their immediate span of control or temporarily assigned to their command.
2. Whenever a supervisor is not present or immediately available and a situation or incident requires resolution, the senior member who is present on the scene shall take command and shall be responsible for the command, as necessary, until relieved or until the situation or incident has been resolved.

Subsection D. Unlawful Orders

1. Supervisors, acting supervisors or other members in position to command shall not issue orders which they know or believe to be in violation of any law, agency policy, procedure or regulation.
2. Employees of the Baltimore City Sheriff's Office are not under any obligation to obey any order which they know to be in violation of federal, state or local law, or in violation of any existing agency policy, procedure, or regulation:
 - a. If an employee is in doubt as to the legitimacy of a particular order, he/she shall notify the superior issuing the order that it may be improper and request secondary clarification of the order.

Subsection E. Conflicting Orders

1. Employees who receive conflicting orders shall immediately make the conflict known to the supervisor involved and request clarification.
2. If clarification is not possible, the employee shall follow the most recent lawful order:
 - a. The employee shall not be held responsible for failure to obey the previous order.

SECTION 1.4.9 SECONDARY EMPLOYMENT

Subsection A. Secondary Employment in General

1. Employment with the Baltimore City Sheriff's Office shall be the primary occupation of each member:
 - a. Any and all conflicts which may arise as a result of the member's secondary employment shall be resolved in favor of the Baltimore City Sheriff's Office.
2. All approved secondary employment is subject to review at any time for compliance.

3. Secondary employment may be denied or revoked for cause.
4. All secondary employment shall be subject to prior approval by the Sheriff of Baltimore City or Designee, on an individual basis.
5. The provisions of this section shall specifically apply to all sworn members of the Baltimore City Sheriff's Office.

Subsection B. Request for Secondary Employment

1. Secondary Employment requests are required for any work performed, regardless of the duration, for a direct or indirect compensation of any kind:
 - a. Paid coaching jobs, paid construction, home improvement or paid security jobs require secondary forms (Appendix A).
 - b. Working "Security" at a gym in exchange for a gym membership or working "Security" at an apartment complex to reduce rent would require a secondary form.
 - c. Strictly volunteer work conducted at schools, religious institutions or charitable organizations would not require secondary forms.
2. Any member desiring to engage in secondary employment shall submit a request detailing the duties required, type of job, establishment or corporation, hours of employment, etc. to the member's immediate supervisor:
 - a. Members working non-uniform secondary employment who are not employed by nor working on behalf of the Baltimore City Sheriff's Office, but, are working in a civilian capacity for a private employer. These members are not considered on duty if they become involved in an arrest situation for the employer.
3. The supervisor shall review the request for secondary employment and note the requesting member's documented sick leave usage; his/her work performance or any other pertinent information for the preceding twelve months, if applicable, on the request.
4. The supervisor shall submit the request for secondary employment along with any recommendation for approval or denial to the Operations Officer.
5. The Operations Officer shall review the request and forward it along with any recommendation for approval or denial to the Designee.
6. The Chief Deputy, in the name of the Sheriff, may approve or disapprove any request for secondary employment.
7. Once the Designee has indicated his approval or disapproval, the completed request for secondary employment shall be distributed as follows:
 - a. Original: Requesting member's personnel file.

- b. Copies: Requesting member's supervisor; requesting member.
8. Any modification in secondary employment, including but not limited to secondary employer or duties, shall require the member to resubmit a secondary employment request and obtain approval for any such modification in the secondary employment.

Subsection C. Denial of Requested Secondary Employment

Secondary employment may be denied for any of the following reasons:

1. The member's sick leave record or other information which indicates that secondary employment might impair the member's ability to discharge his/her official responsibilities as a member of the Baltimore City Sheriff's Office.
2. The employment or location of performance would impair the requesting member's efficiency or capabilities as a member of this agency, or interfere with the member's ability to return to duty in the event of an emergency recall.
3. The employment or location of performance would bring the Baltimore City Sheriff's Office or any of its members into disrepute.
4. The employment would involve the requesting member in any violation of this agency's policies procedures or regulations'.
5. The employment would require the requesting member to appear in the uniform of the Baltimore City Sheriff's Office without proper authorization.
6. The employment would require the requesting member to avail himself/herself of official law enforcement records, documents or files.
7. The employment would involve the member in the service of civil or criminal process in this or any other jurisdiction.
8. The employment would require the member to engage in quasi-law enforcement functions, including but not limited to collection of bad checks or debts, investigation of accidents, recovering motor vehicles in default of payment, conducting private investigations, claims adjustment, acting as a security guard at the scene of a labor dispute, or any other function which would require the member to obtain a private detective's license.

Subsection D. Restrictions of Secondary Employment (Revised June 6, 2011)

1. A member is prohibited from engaging in secondary employment or operating any private or professional business during normal on-duty working hours.
2. A member is prohibited from engaging in secondary employment or operating any private or professional business during off-duty hours which is likely to affect his/her performance as an employee of the Baltimore City Sheriff's Office.

3. Any member who is on sick leave, accident leave or light duty restriction shall not engage in secondary employment without the written approval of the Sheriff of Baltimore City or his Designee.
4. Any use of agency equipment while engaged in secondary employment shall be prohibited unless specifically authorized, in writing, by the Sheriff of Baltimore City or his Designee.
5. Unless authorized in writing by the Sheriff or his Designee, no member of the Baltimore City Sheriff's Office is permitted to work more than a combined total of 32 hours per week of secondary employment.

Subsection E. Service of Civil or Criminal Process, Conflict of Interest Prohibited

1. Service of civil or criminal process in this or any other jurisdiction by any member of the Baltimore City Sheriff's Office shall be strictly prohibited unless service of such process is conducted in the course of that member's official duties.
2. No member of the Baltimore City Sheriff's Office shall be employed secondarily as a bail bondsman, bounty hunter, skip chaser or private process server.
3. Any member of the Baltimore City Sheriff's Office who intentionally violates the provisions of this subsection, or intentionally engages in any other conduct which demonstrates conflict of interest with his/her responsibilities as a member of this agency, shall be subject to stringent disciplinary action, up to and including termination.

Subsection F. Suspension of Secondary Employment

1. A member's authorization to engage in secondary employment or operate any private or professional business may be suspended by the Sheriff of Baltimore City at his discretion.
2. Any violation of the restrictions on secondary employment imposed in this section shall result in the suspension and/or termination of the member's authorization to engage in secondary employment while employed as a member of the Baltimore City Sheriff's Office.

Subsection G. Termination of Secondary Employment

Any member of the Baltimore City Sheriff's Office who has been authorized to engage in secondary employment shall notify the Chief Deputy in writing whenever that secondary employment is terminated or the employee ceases to be engaged in the employment which has been authorized.

Subsection H. Limitation of Liability

The Baltimore City Sheriff's Office shall assume no liability for any civil litigation, criminal prosecution or worker's compensation injury claim that may arise out of any member's secondary employment.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: Progressive Discipline Policy & Procedures



POLICY STATEMENT:

The Baltimore City Sheriff's Office has established guidelines of the discipline policy and procedures in accordance with the Office's disciplinary matrix. The matrix will be strictly followed. Some of the factors that will be considered depends upon whether the violation is repeated despite counseling and/or training, its member's work history, and the impact conduct and performance issues that may affect the agency's mission.

PURPOSE:

The progressive discipline policy and procedures of the Baltimore City Sheriff's Office is designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable behavior and /or performance issues.

This order consists of the following numbered sections:

- 2.3.1 PRELIMINARY INVESTIGATION**
- 2.3.2 PROGRESSIVE DISCIPLINE PROCEDURES**
- 2.3.3 PERFORMANCE EVALUATIONS**
- 2.3.4 INTERNAL AFFAIRS PROCESS**

SECTION 2.3.1 PRELIMINARY INVESTIGATION

Subsection A. Investigating Supervisor will:

1. Conduct a preliminary investigation within five (5) days from the date of the incident
2. Complete an investigative report which will include all relevant reports and/or written statements
3. Submit all findings and recommendations of discipline in accordance with the Sheriff's Office Disciplinary Matrix Process through the Chain of Command.

NOTE: This process can also be used in conjunction with BCSO Operational Order 2.5 Complaint Process Policy & Procedure, when applicable.

SECTION 2.3.2 PROGRESSIVE DISCIPLINE PROCEDURES

Subsection A. Counseling and Verbal Warnings (Step #1)

1. The immediate supervisor will:
 - a. Create an opportunity to schedule a meeting with the individual involved, to bring attention to existing performance, conduct or attendance issues.
 - b. Discuss with the employee the nature of the problem or violation of agencies policies and procedures.
 - c. Clearly outline expectations and steps the employee must take to improve his/her performance or resolve the problem.
 - d. Will prepare written documentation of the meeting and submit the original document to Personnel and forward a copy to the IAD Office within five (5) business after the meeting.

Subsection B. Written Warnings/Reprimand (Step #2)

While it is hoped that the performance, conduct or attendance issues that were identified in Step #1 have been corrected, the Baltimore City Sheriff's Office recognizes that this may not always be the case. More formal documentation may be necessary to address the issues of performance/conduct and/or attendance issues, in these cases:

1. The immediate supervisor will:
 - a. Meet with the member to review any additional incidents/issues.
 - b. Provide prior relevant corrective action plans.
 - c. Outline the consequences for his/her continued failure to meet performance and expectations.
 - d. Immediately issue a formal performance improvement plan of sustained corrective action.
 - e. Explain and include in the written counseling he/she may be subject to additional disciplinary actions and/or termination.

Subsection C. Suspension and Final Written Warning/Reprimand (Step #3)

There may be performance and/or conduct incidents so problematic that the most effective action may be the temporary removal of the member from duty/workplace. When immediate action is necessary:

1. The immediate supervisor:
 - a. May suspend the member pending the results of an investigation.
 - b. If applicable conduct a suspension hearing in accordance with LEOBR.
 - c. Initiate an investigation (will be conducted by a Sergeant or above).

Note: Suspensions that are recommended are subject to approval by a Major or above.

Subsection D. Recommendation for Termination of Employment (Step #4)

The last and most serious step in the progressive discipline procedure is the recommendation to terminate employment. The Baltimore City Sheriff's Office will exercise the progressive nature of this policy and LEOBR when applicable. All pertinent/relevant documents will be forwarded via Chain of Command to the Internal Affairs Division for review.

A supervisor's recommendation to terminate a member must be approved by the Sheriff or his designee.

Note: These procedures must be utilized in conjunction with the Disciplinary Matrix Policy.

SECTION 2.3.3 PERFORMANCE EVALUATION PROCESS

During an evaluation, a member receiving a rating of unsatisfactory or outstanding in any area must be supported by documentation and a cover letter (95) outlining the negatives/positives in accordance with the agency's Performance Evaluation Process (PEP). The completed packet will then be forwarded to the Sheriff's Office Personnel Section.

Note: Supervisors will be held strictly accountable for adhering to the procedures that are outlined. Failure to do so may result in administrative discipline.

SECTION 2.3.4 INTERNAL AFFAIRS PROCESS

1. The Internal Affairs Division handles the following investigations:
 - a. Excessive Force
 - b. Harassment
 - c. Gross Misconduct
 - d. Violation of Criminal Statutes
 - e. Firearms Discharges
2. Discourtesy/Abusive language along with other forms of insubordination is monitored and reviewed for approval by the Internal Affairs Division
3. Minor infractions, such as Neglect of Duty or procedural issues, are referred to the accused member's appropriate command for investigation
4. An IAD investigation can lead to one of four (4) findings:
 - a. SUSTAINED – alleged incident is true and the member is guilty
 - b. NOT SUSTAINED – cannot be proven either way
 - c. EXONERATED – incident occurred, but was justified
 - d. UNFOUNDED – incident did not occur

Note: Unlike the beyond a reasonable doubt proof for criminal investigation, an IAD administrative investigation only requires a preponderance of evidence or more likely than not to sustain an allegation.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication

SUBJECT: OFFICE LEAVE POLICY



POLICY STATEMENT:

The Baltimore City Sheriff's Office shall provide a system for the accrual and use of leave which is consistent with the personnel policies of the State of Maryland – Department of Personnel and the City of Baltimore. Leave shall be granted to employees of the Baltimore City Sheriff's Office by those members who are authorized to do so, with a continuing regard for the need to provide those essential services to the community which are required of this office. **All employees of the Baltimore City Sheriff Office are deemed essential personnel and must report for duty during inclement weather conditions, City emergencies, or disasters as directed by Sheriff or his designee.**

PURPOSE:

This purpose of this General Order is to establish procedures for the accumulation and use of leave by agency members.

This order consists of the following numbered sections:

STATE EMPLOYEES

- 8.1.1 DEFINITIONS (State & City)**
- 8.1.2 LEAVE IN GENERAL**
- 8.1.3 SUBMISSION OF LEAVE REQUEST**
- 8.1.4 ATTENDANCE**
- 8.1.5 ABUSE**
- 8.1.6 RESPONSILITIES**
- 8.1.7 MEDICAL CALL-OUTS**
- 8.1.8 DISCIPLINE PROCESS**

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- 8.1.11 ATTENDANCE**
- 8.1.12 ABUSE**

8.1.13 RESPONSILITIES**8.1.14 MEDICAL CALL-OUTS****8.1.15 DISCIPLINE PROCESS****SECTION 8.1.1 DEFINITIONS (STATE & CITY)**

Immediate Family (STATE ONLY) - The spouse, father, mother, brother, sister, children, step-parents of the employee or his/her spouse, or other persons who took the place of parents or siblings, and/or other relatives living as members of the employee's household.

Immediate Family (CITY ONLY) - The spouse, domestic partner, father, mother, brother, sister, children, step & half-blooded relatives, Mother-In-Law, Father-In-Law, Grandparents and Grandchildren.

Employee - Any person employed full-time by the Baltimore City Sheriff's Office.

Leave - An approved form of excused absence from an employee's assigned duties.

Absenteeism - Any failure to report to or remain at work as scheduled regardless of reason, absence will be viewed not in terms of days, but as a period of absence or occasion/occurrences.

Chronic Illness/Serious Health Condition - A chronic illness or serious health condition with ongoing treatment by a licensed health care provider for a long term health condition that is curable or so serious that if not treated, would likely result in a period of incapacity, of more than three work days for **City Employees** or more than four work days for **State Employees**. Examples of long term health conditions include heart conditions, most cancers and surgical procedures, back conditions requiring extensive therapy, strokes, severe respiratory conditions, severe nervous disorder, and injuries caused by serious accidents. (See Federal Regulated Guidelines for the Family and Medical Leave Act.)

Occurrences - Any undocumented medical leave and/or absence or unexcused lateness

Occasions - An occasion is any period of continuous unscheduled absence for the same reason. For example:

- A. An unscheduled absence of one day is recorded as one occasion or one period of absence.
- B. An unscheduled absence of consecutive scheduled work days (for the same reason) is one occasion or one period of absence.
- C. Unexcused lateness

Patterns of Excessive Absenteeism - Includes, but is not limited to:

- A. Three or more unscheduled absences in a twelve (12) month period consisting of one or two-day absences especially if immediately before or after vacation, holidays or weekends or emergency situations and/or during inclement weather.

- B. Patterns of accumulating occurrences/occasions up to the threshold of written reprimand over a period of one year.
- C. A pattern of calling in sick and/or request sick leave, when other types of leave have been denied.
- D. A pattern of continuous lateness for duty.

Reoccurrence - An illness or injury which occurs or appears on a repeated basis. (See AM 203-2 Family and Medical Leave).

Rolling Year - The mechanism used to track occasions/occurrences over a 12-month period. The rolling year for any employee begins from the day of his/her first occasion/occurrences and ends on the one-year anniversary date of that occasion/occurrences. The new rolling year is then counted from the next oldest occasion/occurrences.

Scheduled Absence - A scheduled absence occurs when an employee, with the advance approval of the immediate supervisor and in accordance with applicable **Memorandum of Understanding or City policy and/or State of Md. Employee's policy whichever is applicable**, schedules time away from work. Scheduled absences includes but is not limited to:

- A. Vacation or Personal Leave
- B. Sick Leave
- C. Jury Duty
- D. Leave of Absence
- E. Military Leave
- F. Family and Medical Leave
- G. Compensatory Time
- H. Or other leaves as defined in the appropriate **Memorandum of Understanding or by the City Administrative Manual and/or the Maryland State Employee's policy, whichever is applicable.**

Sick Leave - Leave granted in accordance with the **City's Memorandum of Understanding, Administrative Manual and the Maryland State Employee's policy, whichever is applicable** to employees who have accrued sick leave and who are required to be absent from duty because of personal sickness, injury, medical appointments, or pre-or post-natal disability.

Unscheduled Absence - An absence that is not scheduled in advance, leave must be scheduled in accordance with the **Memorandum of Understanding and/or Administrative Manual and/or the Maryland State Employee's policy, whichever applicable.**

Tardiness - Is considered anytime when an employee arrives for duty after their assigned work schedule.

Workday/Shift - The hours or time that define a work period for an employee.

Work Period - The specific hours an employee is scheduled to provide his or her services to the City of Baltimore and/or the State of Maryland.

STATE EMPLOYEES:

SECTION 8.1.2 LEAVE IN GENERAL

Subsection A. Application of Leave Policies

1. The policies contained in this section shall apply equally to every employee of the Baltimore City Sheriff's Office.
2. Employees shall not be granted leave with pay, other than Personal Leave or Holidays during the first six (6) months of employment, except by the Sheriff of Baltimore City for good cause on an individual basis.
3. No employee shall be permitted to use leave without pay if he/she has a positive usable leave balance.

Subsection B. Unauthorized Absence

1. Employees of the Baltimore City Sheriff's Office are prohibited from being absent from scheduled duty except as authorized under the provisions of this section.
2. Any unauthorized absence shall be considered absence without leave and shall result in loss of pay for any such period of unauthorized absence and as such disciplinary action may be deemed appropriate.

Subsection C. Annual Leave in General

1. To the extent possible, all Division Chief's and Section Supervisors of the Baltimore City Sheriff's Office shall arrange the work so that an employee can use his/her annual leave.
2. When feasible, the work of the agency will be arranged to permit an employee to take his/her annual leave at those times requested by the employee.

Subsection D. Annual Leave – Rate of Earnings

Annual leave shall be earned as follows:

1. From the first through the sixth month of service, no leave shall be earned
2. At the conclusion of six (6) months of continuous service, an employee shall be credited with annual leave for the first six (6) months on the basis of .83 days per month
3. From the beginning of the first year of service through the conclusion of the fifth year of service, an employee shall be credited with annual leave at the rate of .83 days per months and may not earn more than ten (10) working days of leave per year
4. From the beginning of the sixth year of service through the conclusion of the tenth year of service, an employee shall be credited with annual leave at the rate of 1.25 days per month and may not earn more than fifteen (15) working days of leave per year
5. From the beginning of the eleventh year of service through the conclusion of the twentieth year of service an employee shall be credited with annual leave at the rate of 1.66 days per month and may not earn more than twenty (20) working days of leave per year
6. From the beginning of the twenty-first year of service and thereafter, an employee shall be credited annual leave at the rate of 2.08 days per month and may not earn more than twenty-five (25) working days per year.

Subsection E. Annual Leave Availability

1. Annual leave with pay shall be available to the employee to the extent earned if the dates for this leave are approved by the Sheriff of Baltimore City or his designee.
2. The supervisor in charge of leave may approve available leave only to the extent that critical staffing levels may be maintained.

Subsection F. Annual Leave Anticipation

1. Generally, annual leave shall be granted only to the extent earned.
2. At the discretion of the Sheriff of Baltimore City or his designee, full-time employees may be permitted to anticipate up to a maximum of five (5) days of annual leave during the calendar year in which it shall be earned.

All anticipated annual leave shall be:

- a. Considered on a case by case basis
- b. Approved by the Sheriff of Baltimore City or his designee

3. Employees shall not be permitted to carry a negative leave balance from one calendar year into another as the result of anticipation of annual leave.

Subsection G. Personal Leave Entitlement

Use of Personal Leave:

In each calendar year, a full-time employee of the Baltimore City Sheriff's Office is entitled to six (6) personal leave days, with the exception of designated Radio Dispatchers who receives four (4) personal leave days on July 1st of every year.

Restrictions:

1. An employee may not accumulate personal leave.
2. All personal leave shall be used not later than December 31st of any calendar year.
3. Unused personal leave shall not be carried forward into the following calendar year.

Subsection H. Family and Medical Leave

The Family and Medical Leave Act is a Federal Law passed in 1993 that allows eligible employees up to 12 weeks of unpaid, job-protected leave for specified family and medical reasons. (See AM 203-2 for more information.) i.e., example (Maternity and/or Parental Leave)

Subsection I. Liberal Leave

An occasion will not be counted for any day for which the Mayor has implemented the City's Inclement Weather Policy AM (204-22) and authorized liberal leave for non-essential employees in accordance with the policy.

Subsection J. Emergency Absence

Unclassified city employees will be allowed three emergency occasions per rolling year that will not count as an occasion of unscheduled leave under this policy. These days must be compensated with either personal leave or vacation. Employees must fill out the required form and provide any written documentation of the bona fide emergency upon immediate return to work.

If an employee must leave work after the start of their shift for a bona fide emergency, the employee may use accrued leave to compensate for the day. If the employee is able to show written documentation of the emergency the incident will not be considered as unscheduled leave under this policy, provided that the employee has not had three emergency occasions within the last 12 months.

Subsection K. Emergency Leave**Use of Emergency Leave:**

1. Employees of the Baltimore City Sheriff's Office may be permitted to use their earned personal leave days and not more than three (3) annual leave days to respond to emergency situations, such as parental responsibilities or other personal matters which may require their unanticipated absence from work.
 - a. Any such use of personal leave or annual leave shall not exceed five (5) days in a calendar year.

Note: Essential Employees who do not report to work as scheduled during inclement weather conditions, other City emergencies, or disasters will not be paid or granted the use of accumulated leave time for the workday. The payroll marking will be "X" for the workday (Unauthorized absence without pay, AM 204-22). Those in violation may be subject to disciplinary action.

Subsection L. Lactation Leave/Break

Use in accordance with the **Administrative Manuel AM-204-7 Lactation Accommodation Policy, for the City of Baltimore.**

Notification Requirements:

Any employee of the Baltimore City Sheriff's Office requesting emergency leave shall:

1. Notify MILES and his/her immediate supervisor (or chain of command if supervisor unavailable) of any such emergency leave request.
2. Notify the on-call supervisor in the event of an emergency situation, requiring the submission of an emergency leave request, which occurs during non-business hours, for a duty shift scheduled at night or during a weekend or holiday period i.e., MILES, Operators, etc.). Additionally, make notification to immediate supervisor (or chain of command if unavailable).

Denial of Emergency Leave Requests:

1. Emergency leave is intended for use by employees of the Baltimore City Sheriff's Office to permit them to attend to matters such as those addressed in Use of Emergency Leave above.
2. Supervisors shall make an effort to grant emergency leave requests, upon proper notification by an employee.
3. Emergency leave requests may be denied if one of the following conditions exists.

- a. A critical staffing shortage is anticipated during the period of the request;
 - b. The post to which the employee is assigned is an essential post for which no replacement can be found (i.e., Essential personnel, etc.).
 - c. During inclement weather conditions, disasters, or declared state/city emergency.
4. Once emergency leave has been denied, no other type of leave shall be granted.
 - a. Failure to report for duty after having been denied emergency leave shall be regarded as an unexcused absence and shall subject the employee to disciplinary action.

Subsection M. Compensatory Leave

Exempt Employees:

1. Exempt employees are salaried members with the rank of Captain or above
2. Compensatory Leave is earned by an employee whose classification is not designated to receive overtime payments and who has worked at least ½ hour beyond the employee's regular workday.
3. Compensatory Leave for these employees will accrue at the regular rate of pay
4. Compensatory leave must be used within 1 year of the date on which it was accrued.
5. Compensatory leave can be used for any purpose with prior approval from the employee's supervisor.

Non - Exempt Employees:

1. Non - Exempt employees are hourly members below the rank of Captain.
2. Non - Exempt employees may opt to receive Compensatory Leave in place of overtime payments at their request.
3. Non - Exempt employees who have worked at least ½ hour beyond the employee's regular workday may receive compensatory leave.
4. Compensatory Leave for these employees will accrue at the rate of time and one half times their regular rate of pay.
5. Compensatory leave must be used within 1 year of the date on which it was accrued.
6. Compensatory leave can be used for any purpose with prior approval from the employee's supervisor.

Accrual:

1. No employee of the Baltimore City Sheriff's Office may accrue more than 420 Hours of compensatory time.

(This accrual equals 52.5 days)

Subsection N. Bereavement Leave

1. Employees of the Baltimore City Sheriff's Office, upon application to the Sheriff of Baltimore City or his designee, may be granted up to five (5) days leave which may be charged to the employee's sick leave, in the event of a death in the employee or spouse's immediate family. An employee's may elect to receive up to three (3) days of bereavement leave instead of using 3 of the 5 sick days that an employee is allowed to use upon the death of members of the employee's immediate family. A maximum of one (1) working day may be charged to sick leave for other designated family members.
2. The application of the leave days shall be made as indicated below:
 - a. A maximum of three (3) working days, depending on need, may be charged to sick leave in the event of death of one of the following members of the family:
 - i. The employee's spouse
 - ii. Children of the employee or employee's spouse
 - iii. Parents of the employee or employee's spouse

- iv. Others who took the place of parents
 - v. Brothers and sisters of the employee or employee's spouse
 - vi. Any other relative living as a member of the employee's household
1. If travel requiring staying away from home overnight is involved, a maximum of five (5) days may be charged to sick leave.
 2. A maximum of one (1) day may be charged to sick leave in the event of death of one of the following:
 - a. Grandparents of the employee or employee's spouse; Grandchildren of the employee or employee's spouse
 - b. Aunts and uncles of the employee or employee's spouse; Nieces and nephews of the employee or employee's spouse
 - c. Brothers-in-law or sisters-in-law of the employee or employee's' spouse
 - d. Sons-in-law or daughters-in-law.
 3. Additional time may not be authorized if travel is involved relative to the death of the employee's relatives listed in **A. of this subsection**.
 4. If additional time is required by the employee, supervisors shall make all reasonable efforts to so arrange the work that the employee may take annual leave for this purpose.

Subsection O. Use of Sick Leave

Sick leave may be used by an employee of the Baltimore City Sheriff's Office for the following purposes only:

1. Illness of the employee
2. Medical appointment of the employee
3. Illness of a member of the employee's immediate family
4. Death in the employee's immediate family

Subsection P. Sick Leave – Rate of Earnings

Sick leave shall be earned as follows:

1. An employee shall earn sick leave at the rate of 1.25 days per month, for a maximum of fifteen (15) days per year
2. An employee shall not earn sick leave for hours worked in excess of the employee's standard work week.

Subsection Q. Accumulation of Sick Leave

Unused sick leave may be accumulated and available at any time if approved by a member of the Command staff or his Designee.

SECTION 8.1.3 SUBMISSION OF LEAVE REQUEST

Subsection A. Leave Request Form

All requests for leave, other than emergency leave requests discussed in Emergency Leave above shall be:

1. Submitted on a Baltimore City Sheriff's Office Leave Request Form #118-00216
2. Submitted in triplicate by District Personnel
3. Submitted in duplicate by all others
4. FMLA – Leave request shall be clearly marked on leave slip

Subsection B. General Rules for Leave Requests

1. Employees of the Baltimore City Sheriff's Office shall be granted leave on a first-come-first – served basis
2. Leave requests shall not be accepted earlier than ninety (90) days prior the beginning of the requested period of leave
3. Conflicts which arise shall be settled on the basis of seniority

- a. Seniority shall only be the determinant factor in the settlement of conflicts which arise between employees who have the same job assignment and the same submission date for their leave requests
 - b. Seniority shall not be a determinant factor if the junior employee has been granted a particular leave request or has submitted a leave request on an earlier date than the senior employee
4. All leave requests must be approved by the Supervisor in charge of Leave or other employees authorized to approve leave requests before any such requested leave shall be granted

Subsection C. Leave Cancellation Requests

1. Employees who have received approval for a period of leave which has been requested may request a cancellation of any such approved leave
2. Requests for cancellation of approved leave should be submitted not later than ten (10) working days prior to the start of an approved period of leave

Note: This ten (10) working day rule may be waived in the event of some personal emergency or other serious hardship.

SECTION 8.1.4 ATTENDANCE

Subsection A. Attendance Standards

Is aimed at changing an employee's behavior so that his or her attendance improves before major disciplinary action must be taken. Employees with absenteeism problems will be counseled and encouraged to improve their records. However, in cases where records show clear evidence of continuing abuse of leave privileges, the supervisors should refer to **Section 2.8.5 (ABUSE) of this General Order.**

Subsection B. Attendance Records

The importance of good attendance cannot be stressed enough. Questions regarding an employee's attendance record should be directed to his/her supervisor who will make every effort to assist the employee with problems.

The Employee Assistance Program (EAP) is available to provide assistance as are representatives of an employee's organization. But again, the responsibility for good attendance rests with the employee.

Employees with absenteeism problems will be counseled and encouraged to improve their records. However, in cases where records show clear evidence of continuing abuse of leave privileges, appropriate action will be taken.

Subsection C. Attendance Control – Certification of Illness

1. For an illness of five (5) or more consecutive work days, an employee shall submit an original certificate which authenticates the period of illness.
2. Any such certificate which shall authenticate the employee's illness shall include a prognosis regarding the employee's ability to return to work.
3. The employee shall assure that any certification of illness submitted to the Baltimore City Sheriff's Office shall be personally signed by an accredited practitioner, or by any of the following licensed or certified medical providers:
 - a. Physician
 - b. Physical therapist
 - c. Clinical psychologist
 - d. Dentist
 - e. Oral surgeon
 - f. Chiropractor
 - g. Podiatrist
 - h. Certified Nurse Practitioner
 - i. Certified Nurse-Midwife
 - j. Licensed Certified Social Worker – Clinical
4. If an illness of one (1) day or more occurs during a period of annual leave or personal leave, the Sheriff of Baltimore City shall grant sick leave for the period of illness if the employee presents a certificate which authenticates the period of illness and which is signed by a certified medical provider.

Subsection D. Sick Leave Attendance Monitoring

1. In order to prevent the abuse of sick leave or to ensure medical attention of an employee, the Sheriff of Baltimore City or his designee may require an employee to submit documentation,

signed in accordance with Attendance Control – Certification of Illness (above), which authenticates a period of illness of less than five (5) days.

2. The Sheriff of Baltimore City or his designee may require medical documentation to verify illness whenever the employee has used sick leave for five (5) or more occurrences within any twelve (12) month period or whenever sick leave abuse is suspected.
3. The Sheriff of Baltimore City or his designee shall ensure that an employee, who is required to submit such medical documentation, is provided with a written notice that states the beginning and ending date for which a certificate will be required.
4. The Sheriff of Baltimore City may request the State of Maryland Secretary of Personnel to conduct an investigation, which may include a physical examination of an employee who uses excessive time from employment because of illness, or for the purpose of determining whether the employee has a disability which would prevent the employee from the proper performance of his/her duties.
5. The maximum period of imposition of the required medical documentation shall be six (6) months except in those cases where an employee's attendance does not improve.
6. In such cases the Sheriff of Baltimore City or his designee may extend the medical documentation requirements in incremental six (6) month periods as may be deemed appropriate.
7. Each extended incremental period of six (6) months shall be covered by a separate written notice to the employee.

Subsection E. Tardiness (Lateness)

The Sheriff's Office needs advance notice of tardiness problems, so that other arrangements can be made to ensure coverage. Under some circumstances tardiness on the employee's part may be excused, but only if proper notification is made prior to the start of his/her shift; therefore, if an employee anticipates that he/she may be arriving late for work, he/she is required to:

1. Notify a supervisor at least one hour (1hr.) prior to his/her scheduled shift (unless a verifiable emergency makes it impossible to do so, in this case notification can be made by a family member and/or designee.

Subsection F. Tardiness/Lateness Discipline Process

When an employee accumulates occurrence of unexcused tardiness in a rolling six (6) month period as shown below, his supervisor will issue:

1st Occurrence

- A Documented Counseling

2nd Occurrence

- A Non-Punitive Counseling

3rd Occurrence

- Letter of Reprimand (in accordance with LEOBR)

Habitual unexcused lateness can be construed as abusive and can be subject to further disciplinary action; in accordance with the Agency Matrix for progressive discipline. **(SEE SECTION 2.8.5 ABUSE)**

SECTION: 8.1.5 ABUSE

Subsection A. Medical Leave

The Supervisor may suspect an employee is being abusive in regards to his/her Medical Leave if he or she:

1. Has accumulated five (5) occurrences of undocumented medical leave
2. Used fifteen (15) or more medical days, regardless of certification
3. Develops a pattern of undocumented medical certificate usage on a specific day of the week
4. Use of Medical Leave after being denied other leave
5. Any medical leave used for reasons outside the scope of this policy; that may be suspicious in nature.

Subsection B. Lateness

The Supervisor may suspect abuse if an employee:

1. Has accumulated three (3) or more occurrences of unexcused lateness in a six (6) month rolling year
2. Has develops a pattern of tardiness on a specific day of the week
3. Has develops a pattern of requesting multiple excused lateness

Note: Excessive tardiness shall be subject to progressive discipline and/or termination. Excessive tardiness is defined as three or more instance of unexcused lateness in a six (6)

month rolling year. Any twelve (12) instances of unexcused lateness in a rolling year (12 months) are considered grounds for termination.

Subsection C. Unexcused Absence

An employee's absence will be deemed unexcused when he/she:

1. Fails to call in to give notification of lateness, which could be anticipated
2. Fails to give advance notice for an absence, which could be anticipated
3. Exceeds the number of occurrences as defined by policy or not authorized in advance by Supervision

Note: Unexcused absences are subject to disciplinary action and/or termination.

SECTION: 8.1.6 RESPONSIBILITIES

Subsection A. Employees

Employees are responsible for notifying their supervisor or designee in accordance with the Agency's Call in Procedures.

Subsection B. Supervisor

Supervisors are responsible for:

1. Ensuring that all employees receive, read and sign for a copy of the Attendance Standards Policy
2. Maintaining the call-in procedure, consistent with this Attendance Standards Policy
3. Keeping accurate daily time and attendance records of all employees on authorized forms
4. Requiring medical verification if sick leave abuse is suspected
5. Requiring medical verification after the fourth (4th) day of absence
6. Approving or denying request for leave in accordance with the Memorandum of Understanding and Administrative Manual
7. Reviewing all attendance records

Subsection C. Supervisory Maintenance and Review of Attendance Records

Attendance records must be maintained accurately and completely to include such things as:

1. Reason for absence and the nature of the illness or injury in consisted with **COMAR and/or HIPAA**.
2. Time of notification.
3. Person reporting absence.
4. Summary of discussion (documented meeting with employee).

Attached is a copy of an **employee's status sheet** that is to be used by all supervisors to provide a uniform attendance record. Additionally, a **call-in sheet** and **employee late/failure to report slips** is to be used. Attached is a sample of all forms applicable. The forms are self-explanatory and may provide a simple method to detect patterns of abuse.

Periods of absences and reasons given must be carefully analyzed to detect possible patterns or problems that might be corrected. The focus of this policy is prevention of absenteeism and corrective action of employees who have poor attendance records. Additionally, the record provides a true picture of attendance patterns and must be used to ensure uniform and equitable treatment of employees.

Subsection D. Responsibilities While on Sick Leave

1. While on Sick Leave from the Baltimore City Sheriff's Office, an employee shall:
 - a. Remain at his/her residence except when it may become necessary to go to a health care facility, physician's office, drug store or other location in order to obtain treatment or medication for his/her illness
 - b. Notify his/her place of assignment of any intention to leave his/her residence.
2. In any case where a violation of this subsection may be suspected, monitoring by a supervisor may be ordered by the Sheriff of Baltimore City or his designee and may include:
 - a. Monitoring by telephone
 - b. Visitation at the employee's place of residence

Subsection E. Responsibilities upon Returning to Duty

1. All employees who are absent on sick leave for a period in excess of ten (10) working days or case by case basis shall be required to report to the Sheriff Office designated Medical Services Provider to be cleared for return to work.

2. In such instances, the employee must present the appropriate medical certificate from the treating physician regarding the period of incapacitation.
3. An appointment for the necessary examination and/or the return to duty clearance is necessary for the employee to return to work.

Subsection F. Medical Verification

Medical verification may be requested for any and all sick leave requests. Supervisors must also consider whether absences are covered by the Family Medical Leave Act (FMLA).

SECTION 8.1.7 MEDICAL CALL-OUTS

Subsection A. Medical Leave Calls – General Division

1. Sick calls for employees shall be received not later than one (1) hour prior to the start of the employee's scheduled shift.
2. Sick calls shall be received by the following:
 - a. The on-duty MILES Operator
 - b. The employee's supervisor or next in chain of command.

Subsection B. Medical Calls

1. Sick calls for employees shall be received not later than one (1) hour prior to the start of the employee's scheduled shift.
2. Sick calls for employees assigned to late shifts shall be received not later than 0730 hrs.

Subsection C. General Rules for Medical Calls – All Employees

1. Sick calls shall be made by the employee except in those circumstances where the employee's illness precludes him/her from personally making such calls; in this case notification can be made by a family member and/or designee.
2. Sick calls shall be made on a daily basis for the duration of the illness, except in those cases where a determination has been made that an extended absence is necessary.

3. In all such cases of extended absence due to illness, after the determination has been reported to and approved by the Chief Deputy, a call shall be made on the first working day of each week, not later than 0900 hrs. for the duration of the illness.
4. An employee who fails to comply with the above mentioned notification requirements shall not be paid for any period where he/she has failed to provide proper notification.
5. In all cases, it shall be the responsibility of the employee to notify the Baltimore City Sheriff's Office.
6. It shall not be the responsibility of the Baltimore City Sheriff's Office to contact the employee in any such case.
7. When calling out medical you are required to specify **FMLA or Traditional Sick Leave; whichever is applicable.**
8. FMLA call-outs will require the employee to submit a 95 report, on the next scheduled work date, stating the medical leave used was FMLA related. **This is for tracking purpose only the employee is not required to state the nature of the illness/injury due to the HIPAA PRIVACY LAW)**

SECTION 8.1.8 DISCIPLINARY PROCESS (State Only)

Subsection A. Undocumented Sick Leave Usage

During a Rolling Year (12-month period) of accumulating occurrences of undocumented medical certification the supervisor will:

4TH Occurrence:

- a. Hold a conference with the employee
- b. Advise the employee that an Employees Assistance Program (EAP) is available

5TH Occurrence

- a. Issue a non-punitive counseling
- b. Notify the employee that upon the 6th occurrence within a 12-month period, he/she would be required to submit a certificate of illness for every sick leave absence regardless of the duration of absence, occurring in the next 6- month period
- c. Formally refer the employee to EAP

6TH Occurrence

- a. Notify the employee in writing that he/she is on a 1-day sick certification status for the next 6 months.
- b. Ensure that a 1-day sick certificate status employee who fails to provide the required medical document immediately upon return to work is placed on leave without pay for the day(s) absent and charged accordingly;
- c. With future absences, progressive control actions shall be taken, including unsatisfactory efficiency ratings and increment denial. **If sick leave abuse is evident at any level of occurrences, appropriate disciplinary action may be taken, including letter of reprimand, suspension or ultimately charges for dismissal; and**
- d. At the end of the 6 months, the supervisor shall evaluate the employee's compliance and decide whether to terminate or to continue the sick slip requirement. The employee shall be notified in writing of the final determination;

Note: An undocumented absence from work, of less than 40 hours, which is charged to a documented chronic condition, shall not be considered as an occurrence in this case.

Note: It is not practical to address every possible situation which may arise. These rules and regulations will help to establish a foundation by which members may make appropriate and acceptable decisions. Each individual's situation will be reviewed on case by case basis; ultimately the Sheriff of Baltimore City or his Designee will determine the outcome.

CITY EMPLOYEES:

SECTION 8.1.9 LEAVE IN GENERAL

Subsection A. Application of Leave Policies

- 1. The policies contained in this section shall apply equally to every employee of the Baltimore City Sheriff's Office.
- 2. Employees shall not be granted leave with pay, other than Personal Leave or Holidays during the first six (6) months of employment, except by the Sheriff of Baltimore City for good cause on an individual basis.
- 3. No employee shall be permitted to use leave without pay if he/she has a positive usable leave balance.

Subsection B. Unauthorized Absence

1. Employees of the Baltimore City Sheriff's Office are prohibited from being absent from scheduled duty except as authorized under the provisions of this section.
2. Any unauthorized absence shall be considered absence without leave and shall result in loss of pay for any such period of unauthorized absence and as such disciplinary action may be deemed appropriate.

Subsection C. Annual Leave in General

1. To the extent possible, all Division Chiefs and Section Supervisors of the Baltimore City Sheriff's Office shall arrange the work so that an employee can use his/her annual leave.
2. When feasible, the work of the agency will be arranged to permit an employee to take his/her annual leave at those times requested by the employee

Subsection D. Annual Leave – Rate of Earnings

Annual leave shall be earned as follows:

1. From the first through the sixth month of service, no leave shall be earned
2. At the conclusion of six (6) months of continuous service, an employee shall be credited with annual leave for the first six (6) months on the basis of .83 days per month
3. From the beginning of the first year of service through the conclusion of the fifth year of service, an employee shall be credited with annual leave at the rate of .83 days per months and may not earn more than ten (10) working days of leave per year
4. From the beginning of the sixth year of service through the conclusion of the tenth year of service, an employee shall be credited with annual leave at the rate of 1.25 days per month and may not earn more than fifteen (15) working days of leave per year
5. From the beginning of the eleventh year of service through the conclusion of the twentieth year of service an employee shall be credited with annual leave at the rate of 1.66 days per month and may not earn more than twenty (20) working days of leave per year
6. From the beginning of the twenty-first year of service and thereafter, an employee shall be credited annual leave at the rate of 2.08 days per month and may not earn more than twenty-five (25) working days per year.

Subsection E. Annual Leave Availability

1. Annual leave with pay shall be available to the employee to the extent earned if the dates for this leave are approved by the Sheriff of Baltimore City or his Designee.
2. The supervisor in charge of leave may approve available leave only to the extent that critical staffing levels may be maintained.

Subsection F. Annual Leave Anticipation

1. Generally, annual leave shall be granted only to the extent earned.
2. At the discretion of the Sheriff of Baltimore City or his designee, full-time employees may be permitted to anticipate up to a maximum of five (5) days of annual leave during the calendar year in which it shall be earned.
3. All anticipated annual leave shall be:
 - a. Considered on a case by case basis
 - b. Approved by the Sheriff of Baltimore City or his Designee
4. Employees shall not be permitted to carry a negative leave balance from one calendar year into another as the result of anticipation of annual leave.

Subsection G. Personal Leave Entitlement

Use of Personal Leave:

In each calendar year, a full-time employee of the Baltimore City Sheriff's Office is entitled to six (6) personal leave days, with the exception of designated Radio Dispatchers who receives four (4) personal leave days on July 1st of every year.

Restrictions:

1. An employee may not accumulate personal leave.
2. All personal leave shall be used not later than December 31st of any calendar year.
3. Unused personal leave shall not be carried forward into the following calendar year.

Subsection H. Family and Medical Leave

The Family and Medical Leave Act is a Federal Law passed in 1993 that allows eligible employees up to 12 weeks of unpaid, job-protected leave for specified family and medical reasons. (See AM 203-2 for more information.) i.e., example (Maternity and/or Parental Leave).

Subsection I. Liberal Leave

An occasion will not be counted for any day for which the Mayor has implemented the City's Inclement Weather Policy AM (204-22) and authorized liberal leave for non-essential employees in accordance with the policy.

Subsection J. Emergency Absence

Unclassified city employees will be allowed three emergency occasions per rolling year that will not count as an occasion of unscheduled leave under this policy. These days must be compensated with either personal leave or vacation. Employees must fill out the required form and provide any written documentation of the bona fide emergency upon immediate return to work.

If an employee must leave work after the start of their shift for a bona fide emergency, the employee may use accrued leave to compensate for the day. If the employee is able to show written documentation of the emergency the incident will not be considered as unscheduled leave under this policy, provided that the employee has not had three emergency occasions within the last 12 months.

Subsection K. Emergency Leave**Use of Emergency Leave:**

1. Employees of the Baltimore City Sheriff's Office may be permitted to use their earned personal leave days and not more than three (3) annual leave days to respond to emergency situations, such as parental responsibilities or other personal matters which may require their unanticipated absence from work.
 - a. Any such use of personal leave or annual leave shall not exceed five (5) days in a calendar year.

Note: Essential Employees who do not report to work as scheduled during inclement weather conditions, other City emergencies, or disasters will not be paid or granted the use of accumulated leave time for the workday. The payroll marking will be "X" for the workday (Unauthorized absence without pay, AM 204-22). Those in violation may be subject to disciplinary action.

Subsection L. Lactation Leave/Break

1. To be used in accordance with the **Administrative Manual AM-204-7 Lactation Accommodation Policy, for the City of Baltimore.**

Notification Requirements:

Any employee of the Baltimore City Sheriff's Office requesting emergency leave shall:

1. Notify MILES and his/her immediate supervisor (or chain of command if supervisor unavailable) of any such emergency leave request.
2. Notify the on-call supervisor in the event of an emergency situation, requiring the submission of an emergency leave request, which occurs during non-business hours, for a duty shift scheduled at night or during a weekend or holiday period i.e., MILES, Operators, etc.). Additionally, make notification to immediate supervisor (or chain of command if unavailable).

Denial of Emergency Leave Requests:

1. Emergency leave is intended for use by employees of the Baltimore City Sheriff's Office to permit them to attend to matters such as those addressed in Use of Emergency Leave above.
2. Supervisors shall make an effort to grant emergency leave requests, upon proper notification by an employee.
3. Emergency leave requests may be denied if one of the following conditions exists.
 - a. A critical staffing shortage is anticipated during the period of the request
 - b. The post to which the employee is assigned is an essential post for which no replacement can be found (i.e., Essential personnel, etc.)
 - c. During inclement weather conditions, disasters, or declared state/city emergency.
4. Once emergency leave has been denied, no other type of leave shall be granted.
 - a. Failure to report for duty after having been denied emergency leave shall be regarded as an unexcused absence and shall subject the employee to disciplinary action.

Subsection M. Compensatory Leave

Exempt Employees:

1. Exempt employees are salaried members with the rank of Captain or above
2. Compensatory Leave is earned by an employee whose classification is not designated to receive overtime payments and who has worked at least ½ hour beyond the employee's regular workday.
3. Compensatory Leave for these employees will accrue at the regular rate of pay
4. Compensatory leave must be used within 1 year of the date on which it was accrued.
5. Compensatory leave can be used for any purpose with prior approval from the employee's supervisor.

Non - Exempt Employees:

1. Non - Exempt employees are hourly members below the rank of Captain.
2. Non - Exempt employees may opt to receive Compensatory Leave in place of overtime payments at their request.
3. Non - Exempt employees who have worked at least ½ hour beyond the employee's regular workday may receive compensatory leave.
4. Compensatory Leave for these employees will accrue at the rate of time and one half times their regular rate of pay
5. Compensatory leave must be used within 1 year of the date on which it was accrued.
6. Compensatory leave can be used for any purpose with prior approval from the employee's supervisor.

Accrual:

1. No employee of the Baltimore City Sheriff's Office may accrue more than 420 Hours of compensatory time.

(This accrual equals 52.5 days)

Subsection N. Bereavement Leave

1. Four (4) consecutive working days' leave with pay shall be granted upon request in the event of a death in an employee's immediate family. Immediate family shall be considered as:
 - a. Father

- b. Mother
 - c. Sister
 - d. Brother
 - e. Spouse
 - f. Domestic partner
 - g. Children
 - h. Mother-In-Law
 - i. Father-In-law
 - j. Grandparents
 - k. Step and half-blooded relatives
 - l. Grandchildren
2. One (1) days' leave of absence will be authorized for the death of employee's Aunts and Uncles.
 3. This one (1) day leave of absence must be taken within four (4) calendar days of the date of death or in conjunction with a memorial or funeral service.
 4. The four (4) days shall commence at the option of the employee on the date of death or the day following the day of death or in conjunction with a memorial or funeral service. In the event the deceased relative lived in the same household as the employee making the request, the deceased shall be considered to have been a member of the immediate family.
 5. Employees who require additional time off beyond these (4) days may request and shall be granted additional reasonable time off charged to vacation or personal

Subsection O. Use of Sick Leave

Sick leave may be used by an employee of the Baltimore City Sheriff's Office for the following purposes only:

1. Illness of the employee
2. Medical appointment of the employee
3. Illness of a member of the employee's immediate family

4. Death in the employee's immediate family.

Subsection P. Sick Leave – Rate of Earnings

Sick leave shall be earned as follows:

1. An employee shall earn sick leave at the rate of 1.25 days per month, for a maximum of fifteen (15) days per year
2. An employee shall not earn sick leave for hours worked in excess of the employee's standard work week.

Subsection Q. Accumulation of Sick Leave

Unused sick leave may be accumulated and available at any time, if approved by a member of the Command staff or his designee.

SECTION 8.1.10 SUBMISSION OF LEAVE REQUEST

Subsection A. Leave Request Form

All requests for leave, other than emergency leave requests discussed in Emergency Leave Section shall be:

1. Submitted on a Baltimore City Sheriff's Office Leave Request Form #118-00216
2. Submitted in triplicate by District Personnel
3. Submitted in duplicate by all others.
4. FMLA – Leave request shall be clearly marked on leave slip

Subsection B. General Rules for Leave Requests

1. Employees of the Baltimore City Sheriff's Office shall be granted leave on a first-come-first – served basis.
2. Leave requests shall not be accepted earlier than ninety (90) days prior the beginning of the requested period of leave

3. Conflicts which arise shall be settled on the basis of seniority.
 - a. Seniority shall only be the determinant factor in the settlement of conflicts which arise between employees who have the same job assignment and the same submission date for their leave requests.
 - b. Seniority shall not be a determinant factor if the junior employee has been granted a particular leave request or has submitted a leave request on an earlier date than the senior employee.
4. All leave requests must be approved by the Supervisor in charge of leave or other employee authorized to approve leave requests before any such requested leave shall be granted.

Subsection C. Leave Cancellation Requests

1. Employees who have received approval for a period of leave which has been requested may request a cancellation of any such approved leave.
2. Requests for cancellation of approved leave should be submitted not later than ten (10) working days prior to the start of an approved period of leave.

Note: This ten (10) working day rule may be waived in the event of some personal emergency or other serious hardship.

SECTION 8.1.11 ATTENDANCE

Subsection A. Attendance Standards

1. Is aimed at changing an employee's behavior so that his or her attendance improves before major disciplinary action must be taken. Employees with absenteeism problems will be counseled and encouraged to improve their records. However, in cases where records show clear evidence of continuing abuse of leave privileges, the supervisors should refer to **Section 8.1.12 (ABUSE) of this General Order.**

Subsection B. Attendance Records

1. The importance of good attendance cannot be stressed enough. Questions regarding an employee's attendance record should be directed to his/her supervisor who will make every effort to assist the employee with problems.

2. The Employee Assistance Program (EAP) is available to provide assistance as are representatives of an employee's organization. But again, the responsibility for good attendance rests with the employee.
3. Employees with absenteeism problems will be counseled and encouraged to improve their records.
4. However, in cases where records show clear evidence of continuing abuse of leave privileges appropriate action will be taken.

Subsection C. Attendance Control – Certification of Illness

1. For an illness of three (3) or more consecutive work days, an employee shall submit an original certificate which authenticates the period of illness.
2. Any such certificate which shall authenticate the employee's illness shall include a prognosis regarding the employee's ability to return to work.
3. The employee shall assure that any certification of illness submitted to the Baltimore City Sheriff's Office shall be personally signed by an accredited practitioner, or by any of the following licensed or certified medical providers:
 - a. Physician
 - b. Physical therapist
 - c. Clinical psychologist
 - d. Dentist
 - e. Oral surgeon
 - f. Chiropractor;
 - g. Podiatrist;
 - h. Certified Nurse Practitioner;
 - i. Certified Nurse-Midwife; or
 - j. Licensed Certified Social Worker – Clinical.
4. If an illness of one (1) day or more occurs during a period of annual leave or personal leave, the Sheriff of Baltimore City shall grant sick leave for the period of illness if the employee presents a certificate which authenticates the period of illness and which is signed by a certified medical provider.

Subsection D. Sick Leave Attendance Monitoring

1. In order to prevent the abuse of sick leave or to ensure medical attention of an employee, the Sheriff of Baltimore City or his designee may require an employee to submit documentation, signed in accordance with Attendance Control – Certification of Illness (above), which authenticates a period of illness of less than three (3) days.
2. The Sheriff of Baltimore City or his designee may require medical documentation to verify illness whenever the employee has used sick leave for three (3) or more occasions within any twelve (12) month period or whenever sick leave abuse is suspected.
3. The Sheriff of Baltimore City or his designee shall ensure that an employee, who is required to submit such medical documentation, is provided with a written notice that states the beginning and ending date for which a certificate will be required.
4. The Sheriff of Baltimore City may request Risk Management to conduct an investigation, which may include a physical examination of an employee who uses excessive time from employment because of illness, or for the purpose of determining whether the employee has a disability which would prevent the employee from the proper performance of his/her duties.
5. The maximum period of imposition of the required medical documentation shall be six (6) months except in those cases where an employee's attendance does not improve.
6. In such cases the Sheriff of Baltimore City or his designee may extend the medical documentation requirements in incremental six (6) month periods as may be deemed appropriate.
7. Each extended incremental period of six (6) months shall be covered by a separate written notice to the employee.

Subsection E. Tardiness (Lateness)

The Sheriff's Office needs advance notice of tardiness problems, so that other arrangements can be made to ensure coverage. Under some circumstances tardiness on the employee's part may be excused, but only if proper notification is made prior to the start of his/her shift; therefore, if an employee anticipates that he/she may be arriving late for work, he/she is required to:

1. Notify a supervisor at least one hour (1hr.) prior to his/her scheduled shift (unless a verifiable emergency makes it impossible to do so, in this case notification can be made by a family member and/or designee.

Subsection F. Tardiness/Lateness Discipline Process

When an employee accumulates occurrence of unexcused tardiness in a rolling six (6) month period as shown below, his supervisor will issue:

1st Occurrence

- a. A Documented Counseling

2nd Occurrence

- a. A Non-Punitive Counseling

3rd Occurrence

- a. Letter of Reprimand

Habitual unexcused lateness can be construed as abusive and can be subject to further disciplinary action; in accordance with the Agency Matrix for progressive discipline. **(SEE SECTION 8.1.12 ABUSE)**

SECTION: 8.1.12 ABUSE

Subsection A. Medical Leave

The Supervisor may suspect an employee is being abusive in regards to his/her Medical Leave if:

1. Has accumulated three (3) occasions of medical leave, with the exception of FMLA.
2. Develops a pattern of a medical usage on a specific day of the week.
3. Use of Medical Leave after being denied other leave.
4. Any medical leave used for reasons outside the scope of this policy that may be suspicious in nature.

Subsection B. Lateness

The Supervisor may suspect abuse if an employee:

1. Has accumulated three (3) occasions of unexcused lateness in a six (6) month rolling year.
2. Has develops a pattern of tardiness on a specific day of the week.
3. Has develops a pattern of requesting multiple excused lateness.

Note: Excessive tardiness shall be subject to progressive discipline and/or termination. Excessive tardiness is defined as three or more instance of unexcused lateness in a six (6) month rolling year. Any twelve (12) instances of unexcused lateness in a rolling year (12 months) are considered grounds for termination.

Subsection C. Unexcused Absence

An employee's absence will be deemed unexcused when he/she:

1. Fails to call in to give notification of lateness, which could be anticipated
2. Fails to give advance notice for an absence, which could be anticipated
3. Exceeds the number of occasions as defined by policy or not authorized in advance by Supervision

(NOTE): Unexcused absences are subject to disciplinary action and/or termination.
SECTION: 8.1.13 RESPONSIBILITIES

Subsection A. Employees

Employees are responsible for notifying their supervisor or designee in accordance with the Agency's Call in Procedures.

Subsection B. Supervisor

Supervisors are responsible for:

1. Ensuring that all employees receive, read and sign for a copy of the Attendance Standards Policy.
2. Maintain the call-in procedure, consistent with this Attendance Standards Policy.
3. Keeping accurate daily time and attendance records of all employees on authorized forms.
4. Requiring medical verification if sick leave abuse is suspected.
5. Requiring medical verification after the third (3th) day of absence.
6. Approving or denying request for leave in accordance with the Memorandum of Understanding and Administrative Manual.
7. Reviewing all attendance records.

Subsection C. Supervisory Maintenance and Review of Attendance Records

Attendance records must be maintained accurately and completely to include such things as:

1. Reason for absence and the nature of the illness or injury in consisted with **COMAR and/or HIPAA**
2. Time of notification
3. Person reporting absence
4. Summary of discussion (documented meeting with employee)

Attached is a copy of an **employee's status sheet** that is to be used by all supervisors to provide a uniform attendance record. Additionally, a **call-in sheet** and **employee late/failure to report slips** is to be used. Attached is a sample of all forms applicable. The forms are self-explanatory and may provide a simple method to detect patterns of abuse.

Periods of absences and reasons given must be carefully analyzed to detect possible patterns or problems that might be corrected. The focus of this policy is prevention of absenteeism and corrective action of employees who have poor attendance records. Additionally, the record provides a true picture of attendance patterns and must be used to ensure uniform and equitable treatment of employees.

Subsection D. Responsibilities While on Sick Leave

1. While on Sick Leave from the Baltimore City Sheriff's Office, an employee shall:
 - a. Remain at his/her residence except when it may become necessary to go to a health care facility, physician's office, drug store or other location in order to obtain treatment or medication for his/her illness.
 - b. Notify his/her place of assignment of any intention to leave his/her residence.
2. In any case where a violation of this subsection may be suspected, monitoring by a supervisor may be ordered by the Sheriff of Baltimore City or his designee and may include:
 - a. Monitoring by telephone
 - b. Visitation at the employee's place of residence

Subsection E. Responsibilities upon Returning to Duty

1. All employees who are absent on sick leave for a period in excess of ten (10) working days or case by case basis shall be required to report to the Sheriff Office designated Medical Services Provider to be cleared for return to work.
2. In such instances, the employee must present the appropriate medical certificate from the treating physician regarding the period of incapacitation.

3. An appointment for the necessary examination and/or the return to duty clearance is necessary for the employee to return to work.

Subsection F. Medical Verification

Medical verification may be requested for any and all sick leave requests. Supervisors must also consider whether absences are covered by the Family Medical Leave Act (FMLA).

SECTION 8.1.14 MEDICAL CALL-OUTS

Subsection A. Medical Leave Calls – General Division

1. Sick calls for employees of shall be received not later than one (1) hour prior to the start of the employee's scheduled shift.
2. Sick calls shall be received by the following:
 - a. The on-duty MILES Operator
 - b. The employee's supervisor or next in chain of command.

Subsection B. Medical Calls

1. Sick calls for employees shall be received not later than one (1) hour prior to the start of the employee's scheduled shift.
2. Sick calls for employees assigned to late shifts shall be received not later than 0730 hrs.

Subsection C. General Rules for Medical Calls – All Employees

1. Sick calls shall be made by the employee except in those circumstances where the employee's illness precludes him/her from personally making such calls; in this case notification can be made by a family member and/or designee.
2. Sick calls shall be made on a daily basis for the duration of the illness, except in those cases where a determination has been made that an extended absence is necessary.
3. In all such cases of extended absence due to illness, after the determination has been reported to and approved by the Chief Deputy, a call shall be made on the first working day of each week, not later than 0900 hrs. for the duration of the illness.

4. An employee who fails to comply with the above mentioned notification requirements shall not be paid for any period where he/she has failed to provide proper notification.
5. In all cases, it shall be the responsibility of the employee to notify the Baltimore City Sheriff's Office.
6. It shall not be the responsibility of the Baltimore City Sheriff's Office to contact the employee in any such case.
7. When calling out medical you are required to specific **FMLA or Traditional Sick Leave; whichever is applicable.**
8. FMLA call-outs will require the employee to submit a 95 report, on the next scheduled work date, stating the medical leave used was FMLA related. **This is for tracking purpose only the employee is not required to state the nature of the illness/injury due to the HIPAA PRIVACY LAW)**

SECTION 8.1.15 DISCIPLINARY PROCESS (City Only)

Subsection A. Sick Leave Usage

During a Rolling Year (12-month period) of accumulated occasions the supervisor will:

3rd Occasion:

- a. Orally caution the employee about his/her attendance and note conversation on the attendance record.

4th Occasion:

- a. Discuss the employee's attendance
- b. Counsel the employee
- c. Issue a written reprimand
- d. Recommend the employee to EAP

5th Occasion:

- a. Speak to the employee about his/her attendance
- b. Deliver a letter to suspend
- c. Suspend the employee for three (3) days

Note: FLSA exempt (Management) employees will have their vacation or personal leave accrual reduced by three (3) days.

6th Occasion:

- a. Speak to the employee about his/her attendance
- b. Deliver a letter to suspend, and
- c. Suspend the employee for five (5) days
- d. Recommend the employee for termination (if this level is attained twice in a six-month period)

7th Occasion:

- a. Recommend the employee for termination
- b. Schedule an informal conference

Note: It is not practicable to address every possible situation which may arise. These rules and regulations will help to establish a foundation by which members may make appropriate and acceptable decisions. Each individual's situation will be reviewed on case by case basis; ultimately the Sheriff of Baltimore City or his designee will determine the outcome.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: Progressive Discipline Policy & Procedures**POLICY STATEMENT:**

The Baltimore City Sheriff's Office has established guidelines of the discipline policy and procedures in accordance with the Office's disciplinary matrix. The matrix will be strictly followed. Some of the factors that will be considered depends upon whether the violation is repeated despite counseling and/or training, its member's work history, and the impact conduct and performance issues that may affect the agency's mission.

PURPOSE:

The progressive discipline policy and procedures of the Baltimore City Sheriff's Office is designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable behavior and /or performance issues.

This order consists of the following numbered sections:

- 2.3.1 PRELIMINARY INVESTIGATION**
- 2.3.2 PROGRESSIVE DISCIPLINE PROCEDURES**
- 2.3.3 PERFORMANCE EVALUATIONS**
- 2.3.4 INTERNAL AFFAIRS PROCESS**

SECTION 2.3.1 PRELIMINARY INVESTIGATION

Subsection A. Investigating Supervisor will:

1. Conduct a preliminary investigation within five (5) days from the date of the incident
2. Complete an investigative report which will include all relevant reports and/or written statements
3. Submit all findings and recommendations of discipline in accordance with the Sheriff's Office Disciplinary Matrix Process through the Chain of Command.

NOTE: This process can also be used in conjunction with BCSO Operational Order 2.6 Complaint Process Policy & Procedure, when applicable.

SECTION 2.3.2 PROGRESSIVE DISCIPLINE PROCEDURES

Subsection A. Counseling and Verbal Warnings (Step #1)

1. The immediate supervisor will:
 - a. Create an opportunity to schedule a meeting with the individual involved, to bring attention to existing performance, conduct or attendance issues.
 - b. Discuss with the employee the nature of the problem or violation of agencies policies and procedures.
 - c. Clearly outline expectations and steps the employee must take to improve his/her performance or resolve the problem.
 - d. Will prepare written documentation of the meeting and submit the original document to Personnel and forward a copy to the IAD Office within five (5) business after the meeting.

Subsection B. Written Warnings/Reprimand (Step #2)

While it is hoped that the performance, conduct or attendance issues that were identified in Step #1 have been corrected, the Baltimore City Sheriff's Office recognizes that this may not always

be the case. More formal documentation may be necessary to address the issues of performance/conduct and/or attendance issues, in these cases:

1. The immediate supervisor will:
 - a. Meet with the member to review any additional incidents/issues.
 - b. Provide prior relevant corrective action plans.
 - c. Outline the consequences for his/her continued failure to meet performance and expectations.
 - d. Immediately issue a formal performance improvement plan of sustained corrective action.
 - e. Explain and include in the written counseling he/she may be subject to additional disciplinary actions and/or termination.

Subsection C. Suspension and Final Written Warning/Reprimand (Step #3)

There may be performance and/or conduct incidents so problematic that the most effective action may be the temporary removal of the member from duty/workplace. When immediate action is necessary:

1. The immediate supervisor:
 - a. May suspend the member pending the results of an investigation.
 - b. If applicable conduct a suspension hearing in accordance with LEOBR.
 - c. Initiate an investigation (will be conducted by a Sergeant or above).

Note: Suspensions that are recommended are subject to approval by a Major or above.

Subsection D. Recommendation for Termination of Employment (Step #4)

The last and most serious step in the progressive discipline procedure is the recommendation to terminate employment. The Baltimore City Sheriff's Office will exercise the progressive nature of this policy and LEOBR when applicable. All pertinent/relevant documents will be forwarded via Chain of Command to the Internal Affairs Division for review.

A supervisor's recommendation to terminate a member must be approved by the Sheriff or his designee.

Note: These procedures must be utilized in conjunction with the Disciplinary Matrix Policy.

SECTION 2.3.3 PERFORMANCE EVALUATION PROCESS

During an evaluation, a member receiving a rating of unsatisfactory or outstanding in any area must be supported by documentation and a cover letter (95) outlining the negatives/positives in accordance with the agency's Performance Evaluation Process (PEP). The completed packet will then be forwarded to the Sheriff's Office Personnel Section.

Note: Supervisors will be held strictly accountable for adhering to the procedures that are outlined. Failure to do so may result in administrative discipline.

SECTION 2.3.4 INTERNAL AFFAIRS PROCESS

1. The Internal Affairs Division handles the following investigations:
 - a. Excessive Force
 - b. Harassment
 - c. Gross Misconduct
 - d. Violation of Criminal Statutes
 - e. Firearms Discharges
2. Discourtesy/Abusive language along with other forms of insubordination is monitored and reviewed for approval by the Internal Affairs Division.
3. Minor infractions, such as Neglect of Duty or procedural issues, are referred to the accused member's appropriate command for investigation.
4. An IAD investigation can lead to one of four (4) findings:
 - a. SUSTAINED – alleged incident is true and the member is guilty
 - b. NOT SUSTAINED – cannot be proven either way
 - c. EXONERATED – incident occurred, but was justified
 - d. UNFOUNDED – incident did not occur

Note: Unlike the beyond a reasonable doubt proof for criminal investigation, an IAD administrative investigation only requires a preponderance of evidence or more likely than not to sustain an allegation.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication

SUBJECT: REQUEST FOR REMOVAL OR ACCESS TO INFORMATION TECHNOLOGY SYSTEMS



Purpose:

The purpose of this policy is to ensure a level of control, accountability regarding access to technology within the Baltimore City Sheriff's Office.

Requesting Access:

At the request of first line supervisor and approval of the Commanding Officer of that respective section, all prospective terminal operators must past a completed fingerprint background check. The fingerprints must be completed within the last two years. The SSC shall complete and submit an application for CJIS Login ID, online through (SSMS) Security Service Management System. The Login ID user must complete training, testing and be certified proficient by the Maryland Department of Public Safety and Correctional Service. Operators are recertified every two years.

Removing Assess:

At the request of the first line supervisor and approval of the Commanding Officer, the SSC shall notify the Maryland Department of Public Safety and Correctional Service Account Management Team immediately when an employee is separated from the agency or it is deemed by the agency that an employee's access status should be changed, modified, or removed.

User Login ID accounts are validated monthly from the Logon Identification Report from CJIS.

NOTE: Attached you will find a matrix outlining violations as well as sanctions that may be imposed on employees in the event of any improper use of the BCSO information technology system, abuse of technological solutions unauthorized access, violation of policy governing the use of computer accesses, improper use, or abuse.

Security violations will be handled consistent with our complaint intake policy under G.O 2.7 titled **COMPLAINT PROCESS POLICY & PROCEDURE.**

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication

SUBJECT: DEPARTMENTAL VEHICLES



POLICY:

The Baltimore City Sheriff's Office policy is to provide for the maintenance, inspection, safe operation and issuance of all departmental vehicles.

PURPOSE:

The purpose of this procedure is to establish a set of definitive regulations governing the use and operation of vehicles assigned to the Baltimore City Sheriff's Office, both under normal and emergency conditions.

This order consists of the following numbered sections:

- 7.1.1 DEPARTMENTAL VEHICLES**
- 7.1.2 DEPARTMENTAL ACCIDENTS**
- 7.1.3 PREVENTIVE MAINTENANCE**

SECTION 4.4.1 DEPARTMENTAL VEHICLES

Subsection A. Commander/Supervisors Responsibilities

1. Make sure all paperwork pertaining to their vehicle is turned in to the Fleet Manager or Quartermaster after picking up any vehicle from the designated repair shop. This includes monthly vehicle forms.

2. Assure that all members operating departmental vehicles are completing their monthly Vehicle Maintenance Record.
3. Advise the Fleet Manager or Quartermaster via email or 95 report when vehicles under your supervision have been re-assigned within that section due to sick leave, vacation, etc.
4. During monthly inspections, supervisors must make sure vehicles under their supervision are equipped with all safety equipment and ensure that members under your supervision take their assigned vehicles for scheduled **Preventive Maintenance (PM)** at the City's Fleet Management Fallsway Substation, located at 201 Fallsway, 21202.
5. Ensure that any member transporting a prisoner, **must seatbelt** that prisoner, before transporting them.

Note: The Fleet Manager and or Quartermaster will inspect vehicles for each section at least once a month. If vehicles are not kept clean, supervisors risk losing the privilege of keeping their departmental vehicle.

Subsection B. Mechanical Problems

1. Members must notify the Fleet Manager or Quartermaster of any issues with their departmental issued vehicle.
2. If members have problems with their vehicle lights or heating units, they may take their vehicles to Fallsway Substation for repair. If an issue should arise with tires on any vehicle, the vehicle must be taken to the City's Central Garage, located at 3800 Biddle Street, 21213 (24hrs).
3. Any vehicles that are in need of bodywork, operators are required to notify their Chain of Command. The supervisor must contact the fleet manager or quartermaster to receive a form #28-1418-5079 (see attachment) to be taken with them to Biddle Street for needed repair.

Subsection C. Members on Leave

1. Any member with a take home vehicle will turn their key in to their assigned command while on leave for more than 3 business days.
2. It will be the responsibility of the commander of each section to maintain a vehicle sign out log.

3. No Sheriff Office departmental vehicles will be driven out of the State of Maryland without authorization of the Sheriff and/or Chief Deputy or their designee

Note: In accordance with the City of Baltimore Administrative Manuel 500.1 (Smoke Free Work Place), there will be absolutely no smoking in any departmental vehicles.

SECTION 4.4.2 DEPARTMENTAL ACCIDENTS

Any vehicle involved in an accident must be driven or towed to Central Garage (Biddle Street) on the same day of the accident to be inspected/evaluated; if possible.

Subsection A. Responding Supervisor

1. Supervisors responding to departmental accidents must;
 - a. Check on the well-being of everyone involved and must render first aid if needed
 - b. Contact the respective agency for a report number
 - c. Photograph the scene if possible, including license plates of all vehicles involved, location, and damages of each vehicle
 - d. If possible, the member involved must complete the Motor Vehicle Accident Report. If the member is unable at that time the supervisor must complete the accident report.
 - e. If a tow truck is needed, M.I.L.E.S (Sheriff's Dispatcher) must be notified to dispatch a tow truck for all city vehicles
 - f. It is the responsibility of the supervisor to notify 311 to report the details of the accident
 - g. An Employee Incident Report (EIR) must be completed. During business hours the supervisor must contact the Sheriff's Office Human Resource Section; during off duty hours the supervisor must call 1-877-607-8600 to report claim.

SECTION 4.4.3 PREVENTIVE MAINTENANCE

Preventive Maintenance (PM's) is required to maintain the upkeep of all city vehicles. It is the responsibility of the commanding officer of each section or unit to assure that all vehicles assigned under their command report for their PM dates as schedule. If for any reason a supervisor needs to reschedule a PM date, they must notify Fleet Manager or Quartermaster prior to any schedule change for approval. All PM dates will be posted in the main office at all times. This is an ongoing process and policies are subject to be amended.

Note: All Members who operate a departmental vehicle must also adhere to BCSO Operational Orders 7.2; Section 7.2.2 Use of Agency Vehicles.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: RECORD MANAGEMENT/EXPUNGEMENTS



Purpose:

The Baltimore City Sheriff's Office is required by Maryland law to expunge IAD records that meet the criteria established by the Maryland Law Public Safety Article 3-110

Procedures:

EXPUNGEMENTS CRITERIA

1. Three or more years must have passed since a final disposition was placed on a case and the classification for the accused member is **other than** "sustained" or "guilty", or is sustained, but the accused member:
 - a. Received counseling prior to requesting a hearing.
 - b. Received counseling that was part of a hearing board plea agreement or imposed by the hearing board at the end of the hearing.
 - c. Requested a hearing and subsequently was acquitted of all charges, had a finding of not guilty or had the charges dismissed.
2. The investigation is not subject to litigation.
3. The accused member does not object to expungement.
4. On **sustained and not sustained**, cases, ten (10) years must have passed since the accused member separated from the agency.
5. If there are multiple accused members, and at least one accused has a sustained charge, three years must pass from the time a final disposition was placed on the case before requests will be honored.
6. Accused member requesting that a case **not** be automatically expunged must notify IAD thirty (30) days prior to expungement eligibility requirements being met.

IAD Commander

1. Has the final authority regarding expungements.
2. May, in certain cases, opt to retain a case that is otherwise eligible to be expunged.
3. May elect to retain a case for reasons that can include, but are not limited to:
 - a. Cases that contain information that may affect a deputy/CSO's ability to testify in court.
 - b. Cases that contain integrity allegations.
 - c. Cases that contain criminal allegations.
 - d. Cases that contain allegations of harassment, discrimination or bias.
 - e. Any other case that the IAD Commander deems is worthy of retention.
4. Ensures that a retained case will be expunged from a member's record for employment purposes, (e.g. internal selection processes, employment background checks requested by other agencies, etc.).

Note: These cases may still be disclosed to prosecutors for court purposes.

EXPUNGEMENT PRIORITIZATION

1. Requested expungements from Department members
2. Full automatic expungements
3. Partial automatic expungements

GENERAL EXPUNGEMENT PROCESS

1. The IAD Office will compile a list of cases eligible for automatic expungement yearly.
2. In instances of requested expungements, an IAD member will notify requesting members, when no cases are eligible for expungement.
3. Full Expungement:
 - a. Remove expunged case information, notes, and audio/visual recordings from the IAD files and destroy.
4. Partial Expungement:
 - a. Redact the expunged member's name and identification number from case

- information, notes, summary, conclusion and media.
- b. Place a Notice of Expungement with the audio/visual recordings.
 - c. Retain the remainder of the file until it is eligible for full expungement.
5. The act of redacting a partially expunged case file will only be done when the case is requested to be disclosed to someone within the agency or outside the agency.
 6. The IAD members will purge the expunged Deputy/CSO from the electronic case file.
 7. The IAD members will ensure that the case number, classification, summary and all other documents remain attached to the electronic case file.
 8. The IAD members will ensure that expungement requests are retained in the file.
 9. The IAD Commander will notify accused members of case expungement.
 10. The IAD Commander is responsible for arranging the destruction of expunged material.
 11. Expunged case information will be destroyed via an agency approved process in the presence of at least two IAD members.

CASES RETAINED ON THE ORDER OF THE IAD COMMANDER

1. A duplicate copy of the electronic file will be created and converted to a "Miscellaneous" case type.
2. Members will be expunged from the original case file according to the above procedures.
3. Any case retained upon the order of the IAD commander will be fully expunged, (i.e. all names removed,) ten years after all involved parties have been separated from the agency.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication

Subject: Network Livescan Fingerprint System Procedures



PURPOSE:

The purpose of this procedure is to ensure all defendants ordered by the Court and or for Pre-Employment are fingerprinted correctly and in a timely manner.

9.7.1 DEFINITIONS

9.7.2 PROCEDURE FOR MEMBERS

9.7.3 PRE-EMPLOYMENT FINGERPRINTING

9.7.4 LIVESCAN COORDINATOR OR DESIGNEE RESPONSIBILITY

Courthouse Locations and Times Available for Fingerprints

Baltimore City Sheriff's Office – Monday thru Friday 8:30am – 5:00pm
Clarence Mitchell Courthouse, 100 N. Calvert Street

Borgerding District Court Building BPD Liaison 8:00am – 5:00pm
5800 Wabash Avenue

Eastside District Court Building BPD Liaison 8:00am – 5:00pm
1400 E. North Avenue, Baltimore Sheriff's 3:00pm – 5:00pm
(Only if BPD Liaisons are not available)

John R. Hargrove, Sr. Building BPD Liaison 8:00am – 5:00pm
700 E. Patapsco Avenue

SECTION 9.7.1 DEFINITIONS

Network Livescan Fingerprint System: is a digital fingerprinting device networked to the Criminal Justice Information System (CJIS).

Pre-Employment: Person applying for a position within the Baltimore City Sheriff's Office.

Court Ordered: A direction issued by a court or a judge requiring a person to do or not do something.

SECTION 9.7.2 PROCEDURE FOR MEMBERS

1. Any office member operating the Network Livescan Fingerprinting Equipment must be certified by the Department of Public Safety and Correctional Services as a Fingerprint Technician
2. Any member operating the Network Livescan Fingerprinting Equipment must utilize his/her own issued log on ID, and not share their ID with anyone.
3. When a person is ordered by the Court to be fingerprinted during court proceedings, it is the court room Deputy or Officer's responsibility to bring the fingerprinting orders to the Security Office in room 119 and place it in the basket provided for processing
4. When an order is brought to the Sheriff's Office by the Clerk's Office, it will be the responsibility of the deputy/supervisor on the front desk to direct them to the Security Office in room #119
5. The Security Office supervisors will review the fingerprint order basket each day in the morning and to check for any expired orders. The Security Office supervisor will inform the assigned Sheriff's fingerprint operator daily if there are any orders to be processed for that day and if so how many orders. This will occur prior to 0830hours
6. If a defendant fails to cooperate or does not show by the ordered time, the court security supervisor from the Sheriff's Office will return the order to the issuing Judge with a notation that the order has not been satisfied. This will occur prior to the morning roll call; so that the expired orders can be given out to the courtroom deputies/officers for delivery to judges during the court security roll call
7. The judge will take whatever action he/she deems appropriate once notified by the Sheriff's Office that their fingerprinting order has been violated
8. Prior to court ordered persons being fingerprinted, the Livescan operator will check for open warrants. If the individual is wanted, the Livescan Operator must ensure that he/she be safety taken into custody with appropriate back-up
9. A log will be provided for Livescan Operators to enter in the name of the person to be printed, the judge's name that is requesting the fingerprints, and the date and time
10. After successful fingerprint processing, all orders must be placed in basket for review by the Fingerprint Coordinator or Designee. The Fingerprint Coordinator or Designee must sign the logbook, initial the order and return it back to the criminal clerk's office in room 200M to be filed in the court folder

SECTION 9.7.3 PREEMPLOYMENT FINGERPRINTING

Prior to fingerprinting every applicant must complete and sign an application for fingerprints to be processed for employment with the Baltimore City Sheriff's Office.

Court Ordered

When a Judge issues an order for a defendant to be fingerprinted, the Live Scan Tech will complete the bottom of the order and issue the defendant a copy. The Live Scan Tech will ensure that the completed order is returned to the Judge's clerk.

SECTION 9.7.4 LIVESCAN COORDINATOR OF DESIGNEE RESPONSIBILITY

1. Ensure all prints are completed successfully
2. Ensure all fingerprint orders are signed by defendant and are logged in the designed logbook and the original order returned to the Clerk's Office
3. Ensure that the Administrative Judge has a copy of the schedule for Livescan operational hours.
4. If a defendant fails to comply with an order or fails to appear, supervisors are to ensure the all relevant procedures are followed

Note: On March 15, 2018 the Baltimore City Sheriff's Office was approved for a billable account to conduct fingerprinting on those who have requested and paid for the following:

Adult Dependent Care	\$40.00 (State)
Nursing	\$55.00
Child Care – Full	\$55.00 (FBI & State)
Child Care – Volunteer	\$55.00 (FBI & State)
Criminal Justice Applicant	\$50.00 (FBI & State)
Gold Seal/Adoption	\$40.00 (State)
Government Employment	\$40.00 (State)

Government Employment	\$55.00 (FBI & State)
Government Licensing	\$40.00 (State)
Government Licensing	\$55.00 (FBI & State)
Private Employer Petition	\$40.00 (State)
MSP Licensing – Handgun	\$55.00 (FBI & State) \$40.00 (FBI)
Handgun Qualification Licensing	\$55.00 (FBI & State)
MSP Licensing - Security Guard	\$55.00 (FBI & State) \$40.00 (FBI)
MSP Licensing – Firearms	\$40.00 (State)
MSP Licensing - Security System	\$55.00 (FBI & State)
MSP Licensing – Private Detective Section	\$55.00 (FBI & State) \$40.00 (State) \$40.00 (FBI)
MSP Licensing - Special Police	\$55.00 (FBI & State) \$40.00 (State) \$40.00 (FBI)

Cash only, in the correct amount, will be accepted.

Communication of Policy

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SUBJECT: EMPLOYEE LATE/FAILURE TO REPORT SLIP



INSTRUCTIONS

1. The form must be submitted with the color patch (original document) to the Assistant Deputy Chief of Operations.
2. Note the rating period.
3. Mark off and note the assigned section.
4. If the personnel are detailed, you must note the detail they are assigned to.
5. Mark date of occurrence.
6. Note the name of the personnel scheduled that is reporting late.
7. Note the time of arrival.
8. Verify any submitted documents.
9. Give the employee an opportunity to give an explanation for lateness. The employee is not required to sign or give explanation.
10. If the employee wishes to be granted an exception have them check the box and sign the form in the space provided. If no box is checked exception is denied.
11. Note all past unexcused lateness.
12. Grant or deny exception and state reason.
13. Recommend action to be taken.

14. Sign and submit the form.
15. The form will be returned to you after administrative review.
16. Follow administrative direction and forward a copy to personnel and place one in the employee's file.

*All submissions must be an original document. No faxes or copies will be accepted.

**All Documents must be filled out in its entirety.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: EARLY INTERVENTION SYSTEM

Introduction: Law enforcement administrators throughout the country have long recognized that a small percentage of officers are responsible for a disproportionate share of complaints, which can tarnish the reputation of the entire agency. Early Intervention is a problem solving approach which goes beyond taking action on a particular incident which is of concern, but identifying trends and patterns of behavior which require a more strategic response.

The premise of an Early Intervention System is essentially to identify a Deputy/Officer who is likely to engage in potentially damaging behavior before the behavior occurs. An Early Intervention System that only systematically tracks complaints and other behaviors for documentation after they have happened without analysis and action to prevent further improper conduct is not effective.

The key to successful implementation of an Early Intervention System is a law enforcement agency's credibility. The system must function in a manner which is perceived as fair and effective by all of the involved stakeholders. This is an achievable objective which can become a significant tool that law enforcement leaders can utilize in managing the culture of their agency. The following is a brief outline of the essential elements required to establish an effective system:

The purpose of establishing an Early Intervention System:

1. Identify officers with stress prior to a major incident.
2. Protect the officer and the department from inappropriate behavior as a result of undue stress.
3. Systematically identify trends relating to training needs, misconduct, or policy concerns that could lead to departmental liability.

The foundation for an effective system includes the following components:

1. Accumulation of significant data (garbage in, garbage out).

2. Involvement of the First Line Supervisors.
3. Appropriate follow-up.

The following are examples of risk indicators, which can be built into the system:

- A. Complaints
- B. Use of force incidents
- C. Sick time
- D. Shooting incidents
- E. Resisting arrest cases
- F. Battery on a police officer cases
- G. Arrested subject injuries
- H. Officer Injury Reports
- I. Pursuits
- J. Vehicle accidents
- K. Civil Litigation
- L. Head Strikes

The following are examples of action alternatives, which can be initiated if an officer is identified:

- A. No-action (the officer's behavior has been deemed appropriate)
- B. Supervisory counseling
- C. Periods of supervised observation in the field
- D. Peer counseling
- E. Drug testing if reasonable suspicion exists
- F. Reassignment
- G. Remedial Training
- H. Stress Reduction Training

- I. Alcohol Rehabilitation
- J. Psychological Counseling

Benefits of an Early Intervention System:

- A. Can salvage an officers career
- B. Defend the agency in a "custom and practice" lawsuit
- C. Force supervisory involvement in officer development
- D. Control complaints and use of force and restore public confidence
- E. Supports termination
- F. Provides information to develop training, policy and tactics

Pitfalls to avoid when establishing a system:

- A. Failure to utilize the system in a positive manner as opposed to strictly punitive.
- B. Inappropriate follow-up for officer identified that have acted appropriately
- C. Failing to gain overall support of the purpose of the system
- D. Failure to use the system for Early intervention as opposed to after the fact data.

Informal Indicators:

- A. Large sums of money
- B. Personality changes
- C. Lifestyle changes
- D. Circle of Associates
- E. Rumors

The establishment of an Early Intervention System in a law enforcement agency in today's policing environment provides several advantages. A primary benefit is that the entire agency is put on notice that complaints and other negative indicators are being reviewed by the administration. Another benefit is the ability to identify patterns and trends, which begin to emerge when the collected data is blended and analyzed in a

comprehensive manner.

The Personnel Early Warning System is designed to assist the department in identifying individual and collective employee patterns of poor performance and/or misconduct and then taking documented action to correct noted deficiencies. The Professional Standards Unit shall be responsible for the collection and maintenance of data related to the department's Personnel Early Warning System.

1. Personnel Early Warning System includes a review of data related to, but not limited to:
 - a. Allegations of misconduct
 - b. Use of force reviews
 - c. Vehicle accidents
 - d. Civil litigation/Law Sues
 - e. Protective/Peace Orders
 - f. Abuses of sick leave/Tardiness
 - g. Inability to work with co-workers
 - h. Performance
 - i. Unusual behavior
 - j. On the Job Injuries
 - k. Discretionary arrests
 - l. Garnishment of wages
 - m. Workplace violence
 - n. Traffic Stops
 - o. Subject of a Criminal Investigation
 - p. Citizen/Prisoner Complaints

2. Semi-annually, the professional standards unit shall conduct a review and analysis of organizational findings of the Personnel Early Warning System to identify individual

and collective patterns of behavior that may be indicative of a problem. The professional standards unit however, may initiate a Personnel Early Warning System review immediately if a pattern of negative behavior by a department member becomes evident.

3. A report shall be made to the Chief Deputy by the Professional Standards Unit outlining any individual and collective patterns of behavior indicating a problem and recommendations for improvement.
4. Supervisors of employees identified by the Personnel Early Warning System shall be notified of these findings and shall review the findings and act as a validation point. If the immediate supervisor's review of the findings of the Personnel Early Warning System are found to indicate poor performance and/or misconduct, the employee's immediate supervisor shall assist in providing as needed, additional supervision, guidance, counseling, training, requesting a change of assignment, peer counseling and/or referral to employee assistance programs to correct any current or future problems that might occur involving the employee identified as needing assistance.
5. Employees identified during a Personnel Early Warning System review as having a pattern of poor performance and/or misconduct shall be notified by their immediate supervisor and have an improvement plan developed jointly by the employee, the employee's immediate supervisor and the employee's division commander.
6. Periodic reviews of the employee's improvement plan shall be documented by the employee's immediate supervisor with notification to the employee's division commander and the chief of police.
7. The Personnel Early Warning System review, the improvement plan and periodic reviews shall be documented in the Professional Standards Unit files, in the employee's current evaluation file and the employee's personnel file.

Professional Standards/Internal Affairs/HR will be responsible for maintaining the data entry and maintenance of this data base. Data must be entered in a way that is consistent with Health Insurance Portability and Accountability Act (HIPA) and Law Enforcement Bill of Rights (LEOBR) due to a high level of confidentiality. However, Commanders/Lieutenants/Sergeants will be strictly responsible for maintaining any and all follow ups regarding performance, training, re-training, and counseling of their respective personnel. Additionally, supporting documentation will be required in each instance that may require the aforementioned for tracking and purposes. Copies of all documentation will be required to be forwarded to Professional Standards/Internal Affairs/HR by the next business day.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: Departmental Vehicles

Revised: February 6, 2019



POLICY:

The Baltimore City Sheriff's Office policy is to provide for the maintenance, inspection, safe operation and issuance of all departmental vehicles.

PURPOSE:

The purpose of this procedure is to establish a set of definitive regulations governing the use and operation of vehicles assigned to the Baltimore City Sheriff's Office, both under normal and emergency conditions.

This order consists of the following numbered sections:

- 7.1.1 DEPARTMENTAL VEHICLES**
- 7.1.2 DEPARTMENTAL ACCIDENTS**
- 7.1.3 PREVENTIVE MAINTENANCE**

SECTION 7.1.1 DEPARTMENTAL VEHICLES

Subsection A. Commander/Supervisors Responsibilities

1. Make sure all paperwork pertaining to their vehicle is turned in to the Fleet Manager or Quartermaster after picking up **any** vehicle from the designated repair shop. This includes monthly vehicle forms.
2. Assure that all members operating departmental vehicles are completing their monthly Vehicle Maintenance Record.
3. Advise the Fleet Manager or Quartermaster via email or 95 report when vehicles under your supervision have been re-assigned within that section due to sick leave, vacation, etc.
4. During monthly inspections, supervisors must make sure vehicles under their supervision are equipped with all safety equipment and ensure that members under your supervision take their assigned vehicles for scheduled **Preventive Maintenance (PM)** at the City's Fleet Management Fallsway Substation, located at 201 Fallsway, 21202.
5. Ensure that any member transporting a prisoner, **must seatbelt** that prisoner, before transporting them.

(NOTE) The Fleet Manager and or Quartermaster will inspect vehicles for each section at least once a month. If vehicles are not kept clean, supervisors risk losing the privilege of keeping their departmental vehicle.

Subsection B. Mechanical Problems

1. Members must notify the Fleet Manager or Quartermaster of any issues with their departmental issued vehicle.
2. If members have problems with their vehicle lights or heating units, they may take their vehicles to Fallsway Substation for repair; if an issue should arise with tires on any vehicle, the vehicle must be taken to the City's Central Garage, located at 3800 Biddle Street, 21213 (24hrs).
3. Any vehicles that are in need of bodywork, operators are required to notify their Chain of Command. The supervisor must contact the fleet manager or quartermaster to receive a form #28-1418-5079 (see attachment) to be taken with them to Biddle Street for the repair needed.

Subsection C. Members on Leave

1. Any member assigned to a departmental take home vehicle must relinquish the vehicle and keys to their commander while on leave for more than 3 business days.
2. It will be the responsibility of the commander of each section to maintain a vehicle sign out log.
3. No Sheriff Office departmental vehicles will be driven out of the State of Maryland without authorization of the Sheriff and/or Chief Deputy or their designee

Note: In accordance with City of Baltimore Administrative Manual 500.1 (Smoke Free Work Place), there will be absolutely no smoking in any departmental vehicles.

SECTION 7.1.2 DEPARTMENTAL ACCIDENTS

Any vehicle involved in an accident must be driven or towed to Central Garage (Biddle Street) on the same day of accident to be inspected/evaluated; if possible.

Subsection A. Responding Supervisor

1. **Supervisors responding to departmental accidents must;**
 - a. Check on the well-being of everyone involved and must render first aid if needed.
 - b. Contact the respective agency for report number.
 - c. Photograph the scene if possible, including license plates of all vehicles involved, location, and damages of each vehicle.
 - d. If possible, the member involved must complete the Motor Vehicle Accident Report. If the member is unable at that time the supervisor must complete the accident report.
 - e. If a tow truck is needed, M.I.L.E.S (Sheriff's Dispatcher) must be notified to dispatch a tow truck for all city vehicles.
 - f. It is the responsibility of the supervisor to notify 311 to report the details of the accident.
 - e. An Employee Incident Report (EIR) must be completed. During business hours the supervisor must contact the Sheriff's Office Human Resource Section; off duty hours the supervisor must call 1-877-607-8600 to report claim.

SECTION 7.1.3 PREVENTIVE MAINTENANCE

Preventive Maintenance (PM's) is required to maintain the upkeep of all city vehicles. It is the responsibility of the commanding officer of each section or unit to assure that all vehicles assigned under their command report for their PM dates as schedule. If for any reason a supervisor needs to reschedule a PM date, they must notify Fleet Manager or Quartermaster prior to any schedule change for approval. All PM dates will be posted in the main office at all times. This is an ongoing process and policies are subject to be amended.

(NOTE) All Members who operate a departmental vehicle must also adhere to BCSO Standard Operational Orders 3.16; Section 3.16.2 Use of Agency Vehicles.

Communication of Policy

Supervisors shall be responsible for communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: DOMESTIC VIOLENCE ORDER OF SERVICE



POLICY STATEMENT:

It is the policy of the Baltimore City Sheriff's Office to serve or attempt to serve all Peace and Protective Orders in a lawful and expeditious manner.

PURPOSE

This Operational Order establishes procedures to be followed in the service of Peace and Protective Orders issued pursuant to the Family Law Volume of the Annotated Code of Maryland.

This order consists of the following sections:

- 9.2.1 DEFINITIONS**
- 9.2.2 PROTECTIVE ORDERS/PEACE ORDERS**
- 9.2.3 OFFICE PROCEDURES**
- 9.2.4 SERVICE OF ORDER AND PETITION**
- 9.2.5 ISSUANCE OF ORDER**
- 9.2.6 SANCTIONS FOR VIOLATING ORDER**
- 9.2.7 FIREARMS SEIZURE**
- 9.2.8 SERVICE TO LAW ENFORCEMENT PROFESSIONALS**
- 9.2.9 SERVICE RESPONSIBILITY**
- 9.2.10 PROTECTION ORDER WORK UP PROCEDURES**
- 9.2.11 PROTECTION ORDER ENTRY**
- 9.2.12 MODIFICATION OF A TPO TO A FPO**
- 9.2.13 PROTECTIVE ORDER VALIDATION PROCEDURES**

SECTION 9.2.1 DEFINITIONS

Interim Protective Order: When courts are closed, District Court commissioners may issue an Interim Protective Order to last until a judge holds a temporary hearing usually overnight or during the weekend. An interim order goes into effect once the respondent is served by a law enforcement officer.

Temporary Protective Order: An order of protection from abuse issued by a judge which may last as long as 30 days.

Final Protective Order: An order of protection from abuse issued by a judge which may last as long as one year and thereafter be extended for another six months.

Petitioner: The person requesting the court's help.

Respondent: The alleged abuser.

Victim: The individual who needs protection from abuse (i.e.: mother filing for a child).

Abuse: An act that causes serious bodily harm or places an individual in fear of imminent serious bodily harm.

- a. An assault in any degree
- b. Rape or sexual offense or attempted rape or sexual offense
- c. False imprisonment (keeping an individual in a place against his/her will)
- d. Child abuse
- e. Vulnerable adult abuse

Cohabitant: An individual who has had sexual relations with the respondent at any time and lived with the respondent, in the home, for a total of at least 90 days within the past year.

Interim Peace Order: When courts are closed, District Court commissioners may issue an Interim Peace Order to last until a judge holds a temporary hearing. An interim order goes into effect once the respondent is served by a law enforcement officer.

Temporary Peace Order: A special order issued by a District Court Judge that provides emergency protection that lasts up to 7 days. The protection applies to relationships not covered under a Protective Order. This order may be extended up to 30 days.

Final Peace Order: Official decision issued by the Court granting protection after a hearing on the alleged abuse. Order of protection may last up to six (6) months.

SECTION 9.2.2 PROTECTIVE ORDERS/PEACE ORDERS

Subsection A. General

Peace and Protective Orders are civil orders issued by a judge to prevent one person from committing certain acts against others. The personal relationship between the “respondent” (person alleged to commit the prohibited act) and the victim (person to be protected) determines which kind of petition would be filed. Protective orders generally apply to people in domestic relationships. Peace orders apply to other relationships (dating, neighbors, co-workers, acquaintances, and strangers). You cannot qualify for both.

1. An **Interim Protective Order** and **Interim Peace Orders** will only be issued by District Court Commissioner during hours when the courts are closed. The orders last up to 48 hours until the courts reopen. The orders can be issued by the District Court Commissioner at night, holidays, and during weekends only. The petitioner must appear in District Court for a Temporary Peace Order or Temporary Protective Order.
2. **Primary responsibility for service of, “Interim Protective and Peace Orders, along with 911 calls for service will remain with the Baltimore City Police Department.**
3. **Temporary Peace Orders** will only be issued by District Court. The order lasts up to 7 days and may be extended up to 30 days. You must appear in District Court for a Final Peace Order hearing to extend the protection. In order to qualify for a Peace Order protection, the petitioner must prove the following acts occurred within the last 30 days:
 - An act that has caused serious bodily harm
 - An act that placed the petitioner in fear of imminent bodily harm
 - Assault in any degree
 - Rape or sexual offense
 - Attempted rape or sexual offense
 - False imprisonment
 - Harassment
 - Stalking
 - Trespassing
 - Malicious destruction of property
4. **Temporary Protective Orders (TPO’s)** are issued in both the District and Circuit Courts lasting usually 7 days but may be extended up to 30 days. A TPO offers protection temporarily until a Final Protective Order hearing can be scheduled and held. In order to qualify for a Protective order, the petitioner must:
 - a. Be the current or former spouse of the respondent

- b. Have had an intimate relationship with the respondent
 - c. Be related to the respondent by blood, marriage, adoption, be the parent, stepparent, child, or stepchild of the respondent
 - d. Have a child with the respondent
5. **Final Peace Order** Official decision issued by the Court after a hearing regarding the alleged abuse. Peace Orders may be awarded with the consent of the respondent *or* after a hearing. Peace orders can be issued up to 6 months.
6. **Final Protective Order** 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. 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.

Subsection B. Specific Relief

Whether temporary or final, Protective Orders and Peace Orders may contain any or all of the following orders:

1. That the respondent refrain from further abuse or threats of abuse.
2. That the respondent refrain from contacting, attempting to contact, or harassing any person eligible for relief.
3. That the respondent refrain from entering the residence of the person eligible for relief.
4. That the respondent vacates the home immediately and aware temporary use of the home to the person eligible for relief.
5. That the respondent remains away from the place of employment, school, or temporary residence of a person eligible for relief or homes of other family members.
6. That temporary custody of a minor child be awarded to a person eligible for relief.

Subsection C. Effective Length of Temporary Protective and Peace Orders

1. The **Temporary Protective or Peace Order** shall be effective for not more than seven (7) days after service of the order.
2. The court may extend the order up to thirty (30) days to effectuate service of this order.

Subsection D. Effective Length of Final Protective and Peace Orders

1. The **Final Protective Order** shall be effective for up to 1 year with the possibility of a six-month extension that must be petitioned through the courts.
2. The **Final Peace Order** shall be effective for up to 6 months unless extended by the court.

SECTION 9.23 OFFICE PROCEDURES

Subsection A. Interview of Petitioner

1. Whenever possible an interview of the petitioner shall be conducted by Deputies or clerk advocates assigned to the Baltimore City Sheriff's Office Domestic Violence Unit or the Supervisor responsible for service.
2. Members conducting interviews shall be responsible for ensuring that the Information Sheet (Addendum) has been completed, and shall:
 - a. Obtain as much information as possible about the respondent and his/her whereabouts.
 - b. Ensure that any and all information pertinent to Deputy safety is recorded on the Respondent Information and petitioner interview sheet/packet.
 - c. The interviewing deputy will ensure that the petitioner is aware of the VINE (Victim Information Notification Everyday) Protective Order program and is briefed on access and use.

Subsection B. Copy of Protective Order Given to Petitioner

1. A copy of the Protective Order and Petition will be given to the petitioner if they have not already received a copy from the court.
2. The petitioner will be provided instructions and guidance in what action may be taken prior to and after service of the order.
3. If a violation of the order occurs and it is of an emergency nature (e.g., respondent back at home attempting to break in or causing any further physical harm to the petitioner), the petitioner will be instructed to telephone "911" and request immediate assistance.
4. If presented for service, it is the responsibility of the Deputy to duly serve the order.

Subsection C. Protective Orders to be Entered on MILES

1. Upon receipt, Protective Orders are to be entered into the Baltimore City Sheriff's Office Domestic Violence Database.
2. The supervisor shall ensure that each Temporary and Final Protective Order is entered on MILES by the Domestic Violence Clerk. All orders must be entered as Soon as Possible from time of receipt.
3. Protective Order entries shall remain on MILES until the expiration of the order.
4. Following expiration of the order, the Domestic Violence Clerk/Advocate is responsible for its prompt removal from MILES.

SECTION 9.2.4 SERVICE OF ORDER AND PETITION

Subsection A. General

1. Deputies assigned orders and petitions for service will ensure the Respondent Information Sheet (Addendum) is as complete as possible.
2. Service shall be attempted as soon as possible.
3. All service attempts will be recorded by the Deputies making the attempts. Included will be date and time of attempt, place attempted, contacts made and disposition and the deputies' I.D. number who attempted the order. Any additional information not able to be entered on the front of the return will be annotated on the return addendum and attached to the order.

Note: Upon attempts of actual service of the order, Deputies should note any information pertinent to Deputy safety and to the order that they learn while attempting service.

4. Upon completing service, Deputies shall ensure that the Return of Service is completed and returned to the clerk/advocate for proper processing.
5. Upon service of Protective Orders, the serving deputy will contact the D.V. clerk/advocate or MILES dispatcher via radio or telephone to inform them of the service and to assure the proper update of service in the VINE (Victim Information Notification Everyday) Protective Order system. VINE notification is required by law by the serving Agency within two (2) hours of service.
6. Completed returns shall be submitted to the Domestic Violence Clerk as soon as possible after service.

7. No authority exists for forcible entry. **(Unless court ordered by a judge)**
8. The Deputy will make a reasonable effort to explain the order to the respondent and serve him/her a copy of the order and petition. In event the respondent does not speak English effectively enough to understand what is being communicated, the deputy will first seek an interpreter. In the case none is available the deputy will utilize 911 call center for access to the city Interpretation Call Center. Once service is accomplished the deputy will notify the Domestic Violence clerk/advocate of the need to inform the court of the need for interpretation service for the hearing. The Clerk/Advocate will notify the court via written and verbal means and obtain a name, date and time of court officer notified to be annotated on the Sheriff's office return copy.
9. If the order directs that the respondent to vacate the home, the Deputies will allow the respondent a reasonable amount of time to gather only such personal belongings that are necessary. If respondent fails to vacate he has violated the order and appropriate enforcement actions will be taken.
10. If the order requires that dependent children be taken from the home, unit members will use *minimal* force to take and deliver them to the custodian designated by the court in accordance with Baltimore City Sheriff's Office rules and regulations. If ordered by the courts to take a minor child to be delivered to the custodial parent where the parent is not at the seizure site and the child is of age and size requiring a car safety seat, the deputy will secure a seat from one of the already issued seats first. If not available, then the deputy will secure a seat from the office.
11. If the order is served at a location other than the home, the Deputy will inform the respondent that it is a violation of the law to return to the home without the proper escort of police personnel for the retrieval of personal **necessities** for the duration of the order without permission from the issuing court.

SECTION 9.25 ISSUANCE OF ORDERS

Subsection A. Issuance of Protective Orders/Peace Orders

1. As a result of a hearing scheduled on a Temporary Protective Order or Temporary Peace Order, the court may issue a Final Order in each instance.
2. The relief granted under these orders may be extended 6 months.

SECTION 9.2.6 SANCTIONS FOR VIOLATING ORDER

Subsection A. General

1. If the respondent fails to comply with the following relief granted in a Protective Order, he/she may be guilty of a misdemeanor and may be placed under arrest and charged with violating Section 4-505 or 4-506 of the Annotated Code of Maryland. Orders may contain any or all of the following relief:
 - a. Order the respondent to refrain from abusing or threatening to abuse any person eligible for relief.
 - b. Order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief.
 - c. Order the respondent to refrain from entering the residence of any person eligible for relief.
 - d. Where the person eligible for relief and the respondent are residing together at the time of the abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a non spouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has shared the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition.
 - e. Order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members.
 - f. Order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider.
 - g. Award temporary custody of a minor child of the respondent and a person eligible for relief.
 - h. Establish temporary visitation with a minor child of the respondent and a person eligible for relief on a basis which gives primary consideration to the welfare of the minor child and the safety of any other person eligible for relief. If the court finds that the safety of a person eligible for relief will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of any person eligible for relief.

- i. Award emergency family maintenance as necessary to support any person eligible for relief to whom the respondent has a duty of support under this article, including an immediate and continuing withholding order on all earnings of the respondent in the amount of the ordered emergency family maintenance in accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article.
 - j. Award temporary use and possession of a vehicle jointly owned by the respondent and a person eligible for relief to the person eligible for relief if necessary for the employment of the person eligible for relief or for the care of a minor child of the respondent or a person eligible for relief.
 - k. Direct the respondent or any or all of the persons eligible for relief to participate in professionally supervised counseling or a domestic violence program.
 - l. Order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession for the duration of the protective order.
 - m. Order the respondent to pay filing fees and costs of a proceeding under this subtitle.
2. The violation of a Protective/Peace Order may result in a finding of contempt and/or criminal prosecution.
 3. Deputies will not enforce relief granted concerning child custody, visitation, emergency family maintenance, use and possession of a vehicle, supervised counseling and costs. (This is a contempt of court situation and Deputies will refer the petitioner to the issuing court.)

SECTION 9.2.7 FIREARMS SEIZURE

Subsection A. Protective Orders

1. All firearms will be confiscated from respondents upon service of Protective Orders under Federal Law, Title 18 USC, Section 922(g)(8) and Maryland Law, Public Safety Article, Section 5-133(b).
2. Deputies will submit all confiscated firearms directly to Baltimore City Police Department's Evidence Control Unit (ECU).

SECTION 9.2.8 SERVICE TO LAW ENFORCEMENT PROFESSIONALS

Subsection A. General

1. Notification to supervision must be made prior to service of law enforcement personnel. All attempts for service should be affected by a Sheriff's Office supervisor, coordinated with the assistance of the individual's supervisor. In the event the department wishes to effect the service it shall be done through coordination with sheriff's office supervision and by a police department permanent rank supervisor. The sheriff's supervisor will ensure that a return is obtained from the department along with a statement of firearms seizure in the case of service of a protective order. Normal departmental protocol shall be implemented as it applies.

SECTION 9.2.9 SERVICE RESPONSIBILITY

Effective June 2014, the Sheriff's Office of Baltimore City assumed service of Protective Orders for the nine Baltimore City Police Department Patrol Districts, by order of the Honorable Sheriff John W. Anderson.

The Baltimore City Police Department will continue to maintain primary responsibility for the service of Interim Protective/Peace Orders issued out of the court commissioner's office and 911 calls for service related to Protective and Peace Orders. These orders are issued by the court commissioner during hours when courts are closed, (after 4:30 p.m. until 8:30 a.m. and during weekends and holidays). Additionally, all 911 calls for service related to issues concerning in-progress matters dealing with protective/peace orders must continue to be handled by on duty uniformed patrol officers.

All petitioners are issued two copies of their protective/peace orders, one to maintain and one to be given to police for service in the event that the respondent is seen by the petitioner prior to being served by police or sheriff's office.

Upon serving an interim protective or peace order the VINE notification and return of service is to be handled per original departmental protocol. In the event of the service of any other Protective/Peace order issued out of the District or Circuit courts, returns of service must be completed and faxed back to the Sheriff's Office Domestic Violence unit during the hours of 0800-2200 or to the Sheriff's communication dispatcher during the hours of 2200-0800, for entry into the VINE notification system. The Domestic Violence office contact number is 410-396-7201, Fax number 410-244-0850. The contact number for the Sheriff's Office 24 hours' dispatch is 410-396-1155, Fax number 410-727-3507. All notifications and returns **MUST** be completed and sent to the Sheriff's office within one hour of service to allow sufficient time for entry into the VINE system, which is required by law.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.

SUBJECT: PROCEDURES FOR HANDLING HITS



POLICY:

The Baltimore City Sheriff's Office policy for Handling Hit Confirmations.

PURPOSE:

The purpose of this procedure is to ensure accurate and timely responses to appropriate agencies in reference to hit confirmations in order to remain compliant with state and federal guidelines.

1. When an agency receives a record(s) in response to an inquiry, and the whereabouts of the person inquired upon is known and appears to be identical with the subject of one or more of the records, the agency that can arrest the wanted person **MUST**: contact the originating agency of the records possibly identical with the person in question to confirm the record information prior to taking official action on the record information. An exception to this is when a wanted person record contains an extradition limitation in the Miscellaneous field (MIS) and the agency finding the wanted person is outside of the geographic area of extradition indicated. These records need not be confirmed and the record should not be located. However, if the code NOAH (Notify ORI of All Hits) is in the MIS field of the record contact the ORI of the record and furnish details concerning the inquiry.
 - a. When an agency receives a record(s) in response to an inquiry and the whereabouts of the person inquired upon is known, the hit(s) should not be confirmed. However, if the code NOAH is in the MIS field of the record, contact the ORI of the record and furnish details concerning the inquiry.

- b. "To confirm the hit" means to verify with the ORI of the record that the warrant is still outstanding, the person inquired upon is identical with the subject of the record, and to obtain extradition information.
 - c. The NCIC Advisory Policy Board has approved procedures whereby system discipline requirements for a **Hit** confirmation response are outlined and failure to comply can be identified. These procedures are as follows:
 - I. Upon receipt of a hit confirmation request, the originating agency of the record must within 10 minutes furnish a substantive response i. e..., a positive or negative confirmation or notice of the specific amount of time necessary to confirm or reject.
 - II. If the agency requesting confirmation does not receive a substantive response within ten minutes, the agency should generate a second request with a copy to its CTO/SC and to the CTO/SC of the agency that originated the record. The CTO (or his/her designee) of the originating agency will institute appropriate action to ensure proper response to a hit confirmation request and to comply to system standards. The CTO action may include cancelling the record.
 - III. If the agency still fails to receive a response, the agency should then notify FBI/ NCIC by a third message with a copy to the CTA's involved. Failure on the part of any control terminal to ensure such compliance will be brought to the attention of the Advisory Policy Board by FBI/NCIC.
2. If a positive response (hit) includes vehicle or license plate data in the wanted person's record, the Vehicle File should be queried to ascertain if the vehicle and or plate is stolen. Any agency that, following confirmation of a hit(s) apprehends a person based on a record indexed in NCIC, except the agency whose ORI is stored in the record, must transmit a locate message for each record that was hit and confirmed with the ORI of the record. A record should not be located if the locating agency is outside of the extradition limitations set forth in the record.
 3. When an agency receives a juvenile offender (EWJ) record(s) in response to an inquiry, the following caveat will be furnished:

IMMEDIATELY CONFIRM RECORD WITH ORI AND FOLLOW PROCEDURES IN INTERSTATE COMPACT ON JUVENILES.

The following caveat will be furnished when the juvenile is emancipated:

IMMEDIATELY CONFIRM RECORD WITH ORI AND FOLLOW PROCEDURES IN INTERSTATE COMPACT ON JUVENILES. CAUTION THIS JUVENILE IS EMANCIPATED. PLEASE CHECK YOUR LAWS REGARDING APPROPRIATE ACTION.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates to ensure compliance. This Order is effective on the date of publication.

SUBJECT: Use of Force**POLICY STATEMENT:**

The Baltimore City Sheriff's Office recognizes and respects the value and special integrity of human life. In vesting its members with the authority to use force to achieve lawful objectives and to overcome any unlawful resistance, a consideration of the public welfare as well as that of all human interests is required. Therefore, it is the policy of this agency that all of its members shall use only that force which is reasonably necessary to effectively bring an incident under control, while protecting their lives or the lives of others from the threat of imminent danger.

- ✓ Use of deadly and less than deadly force, including strikes with fist or hands, shall conform with the methods, tactics and guidelines adopted by this agency.
- ✓ Any use of force must be reasonable and no more than necessary to affect a lawful purpose.
- ✓ Each situation where force is used is unique.
- ✓ If you are resisted, you may repel force with force, using only such force as is necessary.

PURPOSE:

This purpose of this Operational Order is to establish rules, guidelines and procedures regarding the use of force by sworn members of the Baltimore City Sheriff's Office in the performance of their duties.

This order consists of the following numbered sections:

3.1.1 DEFINITIONS**3.1.2 DEPUTY/COURT SECURITY ACTION (DURING USE OF FORCE/NO FIREARMS)****3.1.3 FIREARM POLICY SWORN MEMBERS****3.1.4 FIREARM DISCHARGES****3.1.5 GUIDELINES ADMINISTRATIVE REPORT (REPORTABLE USE OF FORCE)**

SECTION 3.1.1 DEFINITIONS

Firearms:

1. Agency issued firearms
2. Privately owned, Agency approved firearms

Firearms Discharged:

1. Intentional discharge
2. Accidental discharge
3. Discharge of a member's firearm by another person

Display of a Firearm: Removal of a firearm from a holster and/or the pointing of a firearm at an individual.

Deadly Force: Any use of force that is likely to cause death or serious bodily injury.

Reportable Force:

1. Any discharge of a firearm
2. Any deployment of Less Lethal Shotgun
3. Taser usage (touch stun or cartridge deployment)
4. Any canine inflicted injury
5. Any discharge of Pepper Spray
6. Any strike with an impact object
7. Any striking of an individual with hands or feet
8. Any physical contact with an individual resulting in an injury or complaint of injury

Unnecessary Force: Force used when not required under existing circumstances, but is not excessive or brutal.

Excessive Force: Force that is unreasonable in scope, duration, or severity under the existing circumstances.

Brutal Force: Force that is without justification under existing circumstances and that is severe or cruel in scope or duration.

SECTION 3.1.2 DEPUTY/COURT SECURITY OFFICER ACTION USE OF FORCE

1. Immediately notify a supervisor whenever you use reportable force.
2. Notify an ambulance to respond to the scene to provide medical attention for all reportable force resulting in an injury or complaint of injury.
3. Submit a written use of force report, whenever you use reportable force (other than deadly force investigated by the Baltimore City Police Department Homicide Division).

Subsection A. Level of Force

1. When notified of a reportable use of force by a member under your supervision:
 - a. Immediately respond to the scene and attend to the well-being of any injured member and or civilian.
 - b. Ensure injuries to members and civilian are documented.
 - c. Conduct an area canvas for witnesses and promptly identify citizens who may have witnessed the use of force and obtain statements from these witnesses.
 - d. Ensure that photographs are taken of injuries or lack of injuries sustained by any party. If a camera is not available request a Baltimore City Lab Technician to the scene.
2. Notify the command from the scene when:
 - a. There are any serious or life threatening injuries to a person by an Agency Member through the use of force.
 - b. Injuries to a person through the use of force are inconsistent with the amount of force documented.
 - c. There is a statement obtained through unbiased/independent witnesses indicating unnecessary, excessive or brutal force used by Agency Member.
3. Ensure a Use of Force report package is completed and forwarded as required prior to the end of shift:
 - a. Administrative report (completed by the supervisor)

- b. Administrative use of force report from Deputy/CSO in accordance with LEOBR
- c. Baltimore City Incident Report (form 1160-25-56)
- d. Statement of Charges and Probable Cause (If applicable)
- e. Any photographs
- f. Any other pertinent reports

The use of Force Package will then be forwarded via official channels to the Command and Internal Affairs Division

Subsection B. De-Escalation

1. When safe, based on the totality of the circumstances, time and if circumstances permit, Deputies/Court Security Officers shall use de-escalation tactics in order to reduce the need for force.
2. De-escalation tactics and techniques are actions used by Deputies/Court Security Officers, when safe and without compromising law enforcement priorities, to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.
3. When time and circumstances reasonably permit, Deputies/Court Security Officers shall consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:
 - a. Medical conditions
 - b. Mental impairments
 - c. Developmental disabilities
 - d. Physical limitations
 - e. Language barriers
 - f. Drug interactions
 - g. Behavioral crisis
4. A Deputy/Court Security Officer's awareness of these possibilities, when time and circumstances reasonably permit, shall be balanced against the facts of the incident facing the Deputy/Court Security Officers when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.

5. Mitigating the immediacy of threat gives Deputies/Court Security Officers time to utilize extra resources, and increases time to reduce the overall force used.
6. The number of Deputies/Court Security Officers on the scene may increase the available force options and may increase the ability to reduce the overall force used. Other examples include:
 - a. Placing barriers between an uncooperative subject and a Deputy/CSO.
 - i. Containing a threat.
 - ii. Moving from a position that exposes Deputies/Court Security Officers to potential threats to a safer position.
 - iii. Decreasing the exposure to potential threat by using:
 - Distance
 - Cover
 - Concealment
 - b. Communication from a safe position intended to gain the subject's compliance, using:
 - i. Verbal persuasion
 - ii. Advisement
 - iii. Warnings
 - c. Avoidance of physical confrontation, unless immediately necessary (for example, to protect someone, or stop dangerous behavior).
 - d. Using verbal techniques to calm an agitated subject and promote rational decision making.
 - e. Calling extra resources to assist or other law enforcement agencies:
 - i. More law enforcement officers
 - ii. Tactical Personnel
 - iii. Law enforcement officers equipped with less-lethal tools
 - f. Any other tactics and approaches that attempt to achieve law enforcement objectives by gaining the compliance of the subject.

Subsection C. Commanding Officer

1. Review the permanent rank supervisor's Use of Force package. Determine if involved members' actions were consistent with Agency policies and procedures and whether within the legal scope of the member's authority.
2. The Commanding Officer will be required to review and approve all use of force reports, but will not include any recommendations for or against disciplinary action.
3. Retaining the original Use of Force package, forward a copy to the head of Internal Affairs and the Training Director for review by force trainers. The Use of force package should be submitted on the next business day by 1600 hours. Within 24 hours to IAD.

SECTION 3.1.3 FIREARMS POLICY SWORN MEMBERS

1. Will be mindful of their duty to perform their law enforcement mission, using only the force required to carry out their responsibilities effectively and safely.
2. May ONLY justify use of a firearm by facts known at the time a decision to use the firearm is made. Facts unknown, no matter how compelling, cannot be considered later when determining if the use of a firearm is justified.
3. Must communicate to a suspect, their identity, purpose and intentions to fire, unless the circumstances are such that the suspect already knows or unless such communication cannot reasonably be made.
4. May discharge their firearm in the performance of their law enforcement duties only if the following circumstances occurs:
 - a. In self-defense from death or serious bodily injury
 - b. In defense of another person from death or immediate danger of serious bodily injury
 - c. When all other reasonable means have been exhausted to apprehend or prevent the escape of a person who is known or believed to have potential to cause imminent death or serious bodily injury
 - d. To dispose of or humanely destroy an injured dangerous animal
 - e. During training / qualification at an authorized range
 - f. When the member is on foot and a vehicle is being used against the member or another person and the safety of innocent persons would not be jeopardized

5. Will not discharge a firearm in the performance of their duties in the following circumstances:
 - a. From a moving vehicle except when the occupants of another moving vehicle are using or attempting to use deadly force against a member and/or the safety of innocent person(s) would not be jeopardized (e.g., ricocheting bullets, out of control vehicles, etc.).
 - b. To fire warning shots. Warning shots are strictly prohibited.
 - c. To call for assistance, except in extreme emergencies. Justification for this exception rests solely with the member involved.
6. Members may display their firearm when they have a reasonable belief that they may have cause to use it under this policy.

SECTION 3.1.4 FIREARMS DISCHARGES

Subsection A. Firearms Discharge

1. All firearms discharged by an agency member must be reported, investigated and reviewed. Except: target practice/training at an authorized range.
2. Sworn members must immediately report all firearms discharges to the Baltimore City Sheriff dispatcher at 410-396-1155 for supervisory notification.

Subsection B. Firearms discharges occurring in the City of Baltimore where no individual has been struck and no reason exist to believe that any individual has been struck

1. Permanent Rank Supervisors who respond to accidental discharge/discharges of a member' firearm by another person will, in addition to following the procedures for reportable use of force:
 - a. The Permanent Rank Supervisor will consult with the Commanding Officer regarding suspension of police powers, if warranted.
 - b. Obtain the firearm in question and secure it for the range staff.
 - c. Insure the firearm is tested for functionality by a member of the range staff.
 - d. Schedule the member for the range with the Training Director to demonstrate firearm proficiency.

Subsection C. Firearm discharges occurring in the City of Baltimore where the individual has been struck and/or reason exist to believe that an individual has been struck.

1. Permanent Rank Supervisor who responds to a firearms discharging where an individual has been struck and/or there is reasonable belief that an individual was struck will follow the following procedures:
 - a. Respond to and ensure that the scene is secure, evidence (including vehicle/equipment is preserved in its original position, and witnesses are available for interview by detectives).
 - b. Ensure all agency personal remain on the scene.
 - c. Request that Baltimore City Police Homicide respond, phone 410-396-2100.
 - d. Notify the Command Staff and Internal Affairs.
 - e. Arrange an escort to stay with and support the involved member(s) as their primary function.
 - f. Encourage members involved in the incident to contact their families before extensive media coverage begins.
 - g. Assign a member not involved in the incident to write any offence report.
 - h. No one will conduct any **formal administrative** interviews until authorized by the Baltimore Police Homicide Division.

SECTION 3.1.5 GUIDELINES FOR ADMINISTRATIVE REPORTS

1. Administrative report completed by Permanent Rank Supervisors for reportable use of force shall include but are not limited to:
 - a. Reported facts accurately, guesses, theories editorial comments do not have a place in these reports.
 - b. This is not a "justification" report. The fair, accurate and impartial reporting of the facts will determine if the involved member's actions comply with Agency policies and procedures. The involved member's emotional state of mind expressed during the incident is often useful.
 - c. Note any departmental or private property damage as a result of a members' involvement.
 - d. Notations of the on-scene supervisor's actions and observations are required.

- e. A permanent rank supervisor shall be the one to report the member's actions and render an opinion as to whether the incident of use of force was consistent with departmental rules and training.
- f. Each higher ranking member in the chain of command shall review the first line permanent rank supervisor's report. Concurring or Non-Concurring opinions must be in writing. Including a brief summary of the disposition of the subject after force was used (such as released, charged filed, sent to hospital for evaluation).
- g. Include the full name, address, race, sex, date of birth and phone numbers of all subjects and witness.
- h. All injuries to anyone involved must be documented. Photographs of all persons/members injured, complainants of injury, or detailing the lack of injury must be included.
- i. Administrative reports are required from every witnessing member at the scene of an incident.
- j. An area canvass for witness of the incident is required.
- k. The first line permanent rank supervisor shall include in the report the actual quote from the General Orders or Training guidelines, when determining the Deputy/CSO's actions were consistent with the departmental policy.

Communication of Policy

Supervisors shall be responsible for the communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication.