



BOONSBORO POLICE DEPARTMENT

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Contained herein is the operating patrol manual of the Boonsboro Police Department, referred to in the manual as BPD or the Department. This manual is based mainly in part on the "Model Polices for Law Enforcement in Maryland" developed by the Maryland Police Training Commission in the early 1990's.

During the implementation of the development of these policies, an Advisory Board was convened that included representation from the Maryland Law Enforcement Officers, Inc., the Local Government Insurance Trust, The Maryland Chiefs of Police Association, The Maryland Sheriff's Association, and the Chesapeake Regional Law Enforcement Accreditation Alliance.

It is realized that these policies are not all inclusive, but they are to be used as a basis for guidelines in the administration of the Police Department in conjunction with experience, knowledge, and good common sense, which is paramount in any law enforcement function. All members of the Department will be provided with a copy of this manual and will be familiar with the orders contained within it.

These orders may be added, amended, or deleted as needed.

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BACKGROUND

The development of Model Policies for Law Enforcement in Maryland was examined by the Police Training Commission in the early 1990's as it considered the long term goals of the Commission. While the Commission believed that model policies could limit a police agencies exposure to liability and unsafe working conditions, it did not endorse any specific policies.

It was expected that these model policies would be distributed to police agencies throughout Maryland and that agencies with existing policies could compare their own policy to the model. Where the model policy was more comprehensive or suitable, it could be adopted or modified to meet the needs of the particular agency. For agencies without written policy, the models could be used to develop comprehensive policies in those agencies.

In 1998, the Maryland Police and Correctional Training Commissions submitted a Byrne Memorial Fund grant application for the "Model Policies for Maryland Law Enforcement" project. The Maryland Law Enforcement Officers, Inc. and the Local Government Insurance Trust provided the required match funds. Using the grant funds, the Commissions entered into a contract with the University of Maryland Center for Applied Policy Studies to research and compose the model policy statements.

As an essential part of this project, an Advisory Board was convened and included representation from the Maryland Law Enforcement Officers, Inc., the Local Government Insurance Trust, The Maryland chiefs of Police Association, The Maryland Sheriffs Association, and the Chesapeake Regional Law Enforcement Accreditation Alliance.

At the first meeting of this Advisory Board, critical areas of interest were identified for review of existing policies. This review would allow the model to capture the benefits of existing policy while not being so unique that it would detract from the purpose of providing a general model of law enforcement policy in the State of Maryland.

The review of policy began by soliciting information about existing policy from police agencies throughout the state. An enormous response from these agencies provided us a large number of policy manuals. Additionally, the solicitation revealed that many agencies within the state were operating without the benefit of written policy manuals. Also, many who indicated that their agency had existing written policy stipulated that their manuals were either outdated or under a process of revision.

This information provided further support that the model policies would provide immediate assistance to many, if not all, police agencies in the state. Furthermore, every agency that responded to the solicitation requested to receive a copy of the finished model policy product. The model policies include, for the most part, the most general consistencies of the existing policies of the surveyed agencies. Any inconsistencies were discussed

among the Advisory Board, and the most appropriate language was included in the draft. The policy drafts were also reviewed by law professor Alvin J. T. Zumbrun. His comments further identified possible areas of liability exposure and have been incorporated into the drafts.

The draft copy of the Model Policies for Law Enforcement in Maryland was then presented at the annual conferences of the Maryland Chiefs of Police Association and the Maryland Sheriffs Association. This presentation allowed us another opportunity to solicit comments and questions about the Model Policies. Those comments identified many legitimate practicality concerns and are now incorporated into this final version.

The Center for Applied Policy Studies completed its compilation of draft policy statements and forwarded them to the Commissions. After additional editing for format, copies of the final draft were reviewed and amended one final time by the Advisory Board. As a final step of the project, a copy of The Model Policies for Law Enforcement in Maryland was distributed to every law enforcement agency in the State.

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All previous criminal law citation references in this policy manual to the former *Article 27* of the *Annotated Code of Maryland* have been converted to reflect their current citation listings under the new *Criminal Law and Crime Procedure Articles of the Annotated Code*.

CHAPTER 1

USE OF FORCE

I. Purpose:

The purpose of this policy is to establish guidelines for the proper use of force and to determine when the use of deadly force is the appropriate action.

II. Policy:

- A. It is the policy of BPD that officers use the least amount of force that is reasonably necessary to control an incident, to effect an arrest, or to protect themselves or others from personal harm or death. The degree of force used by the officer should be progressive along a continuum that spans from verbal commands to deadly force.
- B. It is the policy of BPD that the use of deadly force is authorized under the following circumstances:
1. In defense of self or another when the officer has reasonable cause to perceive an immediate threat of death or serious physical injury.
 2. To prevent the escape of a suspect of a violent felony whom the officer has probable cause to believe will pose a significant threat of death or serious physical harm to other officers or the public.

The use of deadly force in apprehending violent felony suspects should only be used after all other reasonable means of capture have been exhausted; however, in some situations, it may not be prudent for an officer to impose each distinct level of force. The reasonableness of an officer's use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

Commentary: *In many of the policy manuals which were available for review, an additional issue I contained but was not included in this model policy draft.*

This is the issue of officers firing shots from, or at, moving vehicles. After much discussion by the Advisory Board, it was decided that this type of action should be limited to life threatening circumstances where innocent citizens are not endangered. Additionally, it was decided that the conditions presented in Section II. B should be completely fulfilled. Individual Chiefs and Sheriffs may want to consider this issue when drafting their own Use of Force policies.

The policy of BPD prohibits the use of firearms to fire warning shots.

It is the policy of BPD to train and qualify sworn personnel in the use of any firearm and other tools used to apply force (e.g., police batons, mace or pepper spray, stun guns, etc.).

1. The use of an agency owned and issued Taser is approved for Officers with the proper training. The purpose of the Taser is to provide a less-lethal alternative use of force. The Taser is not intended to replace the use of firearms when deadly force is necessary.
2. The Taser may be used to control a dangerous or violent subject when deadly force is not justified or there is a reasonable expectation that it is unsafe for officers to approach within contact range of the subject. The Taser may be used to subdue individuals who pose an immediate risk to themselves or others or to safely affect an arrest.
3. Use of the Taser
 - a) When practical, use verbal commands and point laser sight at subject prior to discharging the Taser.
 - b) Have a backup officer if available to assist with the arrest or use of lethal force.
 - c) The Taser shall not be aimed at the head or face of the subject.
 - d) Use of the Taser near flammable liquids and fumes is strictly prohibited. Additionally, use of the Taser in conjunction with alcohol based OC Spray is strictly prohibited.
 - e) Prior to deployment of the Taser, the certified officer must consider the reasonableness of its use to include the subject's position where a secondary injury could result, children, women who are pregnant, and subjects with known heart problems.
 - f) When practical, officers shall announce "taser" to the other officers on the scene prior to discharging the Taser.
 - g) Officers will report the discharging, including accidental discharges, of the Taser to the Chief as soon as practical.
 - h) The discharging officer will visually inspect the contact site. If the probes are penetrating the skin, the subject will be transported to a medical facility for removal. Probes that are not penetrating the subject's skin may be removed by the officer. Ensure photographs are taken of the probe penetration site and any secondary injuries.
 - i) Officers will complete a "Use of Force Report" for a Taser deployment prior to the end of their shift.

III. Guiding Principles:

- A. This policy directs officers to report to their immediate supervisor:
 - 1. Any use of deadly or non-deadly force by an officer, including reports by another member of the agency who witnessed the force used by an officer.
 - 2. Any application of a tool used to apply force.
 - 3. Any discharge of a firearm by an officer while on-duty or acting as an officer of the law while officially off-duty. *Note: Reports are not required for the discharge of firearms during training or authorized practice.*
 - 4. Any use of force where the suspect claims to be injured
- B. This policy suggests that every use of force and discharge of firearm be reviewed to determine if an unwarranted use of force was applied.
- C. When circumstances allow, officers should communicate to the suspect their identity, purpose and intention of using force.

IV. Definitions

- A. **Deadly force:** The use of force which is intended to, or likely to cause death or serious physical injury. For the purposes of this policy, deadly force will also include the intentional striking with any vehicle.
- B. **Non-Deadly Force:** The use of force which is applied to effect an arrest or protect the officer or others from attack, physical resistance, harm, or death but is not intended or expected to cause death.
- C. **Probable Cause:** A conclusion based upon information known to the officer at the time which leads to the belief that a violent crime has been, is being, or is about to be, committed by a particular individual.
- D. **Serious Physical Injury:** Bodily injury which causes death, creates a substantial risk of death, serious or permanent disfigurement, or results in the long term or permanent impairment of an organ or limb

V. Selected Relevant Cases:

- A. *Tennessee v. Garner* 471 U.S. 1 (1985)
- B. *Grandstaff v. City of Borger* 480 U.S. 916 (1987)

- C. *Graham v. Connor* 490 U.S. 386, 109 S.Ct. 1865 (1989)
- D. See American Law Institute's Model Code of Pre-Arrest Procedure, Section 120.7 (Official Draft 1975). Still Considered Exemplary.
- E. *Ryder v. City of Topeka*, 814 F.2d 1412 (10th Circuit 1987)
- F. *Ford v. Childers*, 650 F. Supp. 110 (C.D. Ill. 1986)
- G. *Garcia v. Wyckoff*, 1615 F. Supp. 217 (D. Colo. 1985)
- H. *Springfield v. Kibbe*, 480 U.S. 257 (1987)

CHAPTER 2

EMERGENCY VEHICLE PURSUIT OPERATION

I. Purpose

The purpose of this policy is to establish guidelines for the operator of an emergency vehicle driving in excess of posted speed limits and counter to traffic control devices in an effort to apprehend a vehicle operator who is attempting to avoid capture. When these guidelines are applied by officers in the field, their decision to engage in, continue, or terminate a vehicular pursuit will be less arbitrary.

II. Policy

A. It is the policy of BPD to allow officers to engage in vehicular pursuits of fleeing suspects only when the potential harm associated with pursuits is less than the potential harm the suspect may cause if not immediately apprehended. Before deciding to initiate pursuit, officers must consider:

1. The ability to apprehend the suspect without vehicular pursuit (i.e., by knowing the suspect's identity, by using police helicopters communication or other equipment, by the strategic positioning of other area officers, etc.).
2. The nature of the offense.
3. The driving ability of the officer.
4. Whether marked versus unmarked vehicles.
5. The perform characteristics of the police vehicle.
6. The characteristics of the roadway.
7. The weather conditions.
8. The location and neighborhoods.
9. The density of vehicle and pedestrian traffic.

B. It is the policy of the BPD that officers will not be subject to disciplinary action when they decide not to engage in a vehicle pursuit.

C. It is the policy of BPD that the initiation of a vehicular pursuit is authorized when a suspect uses a vehicle to elude apprehension, and the following has occurred:

1. Any violent arrestable offense resulting in or threatening death or serious physical harm, or;
 2. Driving in a manner which would indicate the driver may be under the influence of alcohol or drugs or presents a threat to public safety.
- D. It is the policy of the BPD that the pursuing officer shall notify their supervisor and/or dispatcher that a pursuit is about to begin.

E. The policy of BPD prohibits vehicular pursuits:

1. When non-departmental personnel are in the police vehicle.
2. When a supervisor orders the pursuit terminated.
3. When the danger of pursuit outweighs the necessity to immediately apprehend the fleeing suspect.

<p>Commentary: Many of the reviewed policies discussed the prohibition of vehicle pursuits that might continue across state boundaries. Chiefs and Sheriffs of agencies that share boundaries with other states and the District of Columbia may wish to consider the inclusion of such a prohibition in their own Vehicle Pursuit policies.</p>

F. It is the policy of the BPD that pursuit shall terminate if the officer in a pursuing vehicle has been involved in a collision involving a personal injury.

G. Pursuits shall be terminated at state/county lines unless there is probable cause to believe the driver is a fleeing felon.

H. If a pursuit has originated by another agency and has the potential of entering the town limits of Boonsboro, all attempts should be made to deploy tire deflation devices if the officer has been trained in the deployment of them. At no time will tire deflation devices be utilized on a vehicle with less than four wheels.

III. Definitions

A. Vehicular pursuit: Any active attempt by a police officer in a vehicle to apprehend a fleeing suspect attempting to avoid apprehension. For the purposes of this policy, pursuit includes blocking and capture strategies (as well as new technologies) when there is an inherent danger.

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

IV. Guiding Principles:

- A. This policy directs officers to report to their immediate supervisor any and all occurrences of vehicular pursuit. Supervisors may require written reports detailing the circumstances before, during and after the pursuit.
- B. The on-duty supervisor of the officer engaged in the pursuit should monitor the situation and direct the officer to terminate the pursuit whenever the supervisor believes the risk to public safety is higher than failure to apprehend the suspect.
- C. Pursuits should be limited to two fully-marked vehicles with operable emergency equipment and radio communication. The secondary vehicle will communicate updates on the status, location and direction of the pursuit, via radio communications. If the pursuit leaves the town of Boonsboro with another agency involved that has jurisdiction, that agency will assume the lead role in the pursuit, with the BPD officer as the secondary unit. If two vehicles from allied agencies are involved, the BPD officer will discontinue the pursuit.

V. Related Cases

- A. *Hamilton v. Town of Palo*, 244 N.W. 2nd 329 (Iowa 1976)
- B. *Ewing v. City of Detroit*, 543 N.W. 2nd 1 (Michigan App. 1995)
- C. *Mason v. Britton*, 534 P.2nd 1360 (Washington 1975)
- D. *Sacramento v. Lewis*, 118 S. Ct. 1708, 523 U.S. 833 (1998)
- E. *Boyer v. State of Maryland et al.*, 323 Md. 558, 594 A.2d 121 (1991).

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CHAPTER 3

EVIDENCE

I. Purpose:

The purpose of this policy is to establish guidelines for the collection, documentation and handling of physical evidence.

II. Policy:

It is the policy of the BPD to collect and preserve all relevant evidence, including exculpatory evidence, in a manner which insures its integrity and suitability for presentation in court.

Collection:

1. It is the policy of BPD to have responding officers secure and preserve the crime scene as quickly and safely as possible. Dependent upon the nature of the scene, officers shall make use of additional officers, barricades, barrier tapes or ropes and signs to secure and preserve the integrity of the scene and any potential evidence.
2. It is the policy of BPD to utilize an expert evidence technician or specially trained evidence recovery team if these resources are reasonably available and the crime dictates these resources.
3. It is the policy of the BPD to recover all relevant physical evidence at all known crime scenes.
4. It is the policy of BPD to ensure a suitable level of crime scene supervision when considering the seriousness of the crime, the complexity of the scene, the type of evidence to be identified and/or collected, the experience of available personnel and other related factors.
5. It is the policy of BPD to make appropriate equipment available for evidence collection and preservation at all crime scenes. This shall include but is not limited to:
 - a. Materials necessary for fingerprint recovery and preservation.
 - b. Photography equipment (cameras and appropriate film, batteries, lights flashes, etc.).

- c. Sketching equipment (graph paper, templates, pencils, erasers, measuring tapes, rulers, etc.).
6. It is the policy of BPD that a proper chain of custody for all cataloged evidence shall be accurately and consistently maintained by recording all changes of custody for each piece of evidence. To this extent, each recorded transfer of evidence will stipulate the time and date of the transfer as well as the name of the receiving officer or police employee. It will also be the policy to minimize the number of evidence transfers. Recovered property and evidence will be recorded on a BPD Property Report, with the chain of custody being recorded as soon as possible. Property Reports are pre-numbered and will be signed out on the Property Report Ledger which will be maintained with the reports. Evidence being submitted for lab analysis will be recorded on the property lab analysis form, either FBI, MSP Form 67, and/or Western MD Regional Lab ect.
7. It is policy of BPD that all evidence preservation containers shall be cataloged and stored in a secure location which will allow their immediate retrieval when necessary.
8. It is the policy of BPD that all evidence be properly maintained until it is no longer legally relevant. If police custody of an item is no longer necessary, it shall be returned to its legal owner or subjected to proper disposal.
9. All CDS (Controlled Dangerous Substance) and paraphernalia recovered will be logged on either a BPD Property Report, MSP Lab analysis (Form 67), or Western MD Regional Lab Analysis Report and if needed for court, submitted to the lab for analysis per lab procedures. A CDS Property Report Ledger will be maintained to document any CDS evidence being recovered.

III. Guiding Principles:

Preservation and Documentation:

1. Upon recovering a piece of evidence, an officer or evidence technician shall record the time and place of this recovery in an offense or incident report.
2. All recovered evidence will be preserved in plastic or paper bags or otherwise appropriate containers.
3. When collecting and handling evidence, officers should be particularly careful and protect themselves against blood borne pathogens.

IV. Definitions:

- A. Physical evidence: Any substance, material or item found or recovered in connection with a criminal investigation.
- B. Chain of Custody: The continuity of the custody of physical evidence from the time of collection to the time of disposal.
- C. Crime Scene: The space immediately surrounding the area where a crime has occurred.
- D. Evidence Technician: Those police personnel who have been specially trained in the identification, recovery and preservation of physical evidence.

V. Selected Relevant Cases:

- A. Breithaupt v. Abram, 352 U.S. 432 (1957)
- B. Schmerber v. California, 384 U.S. 757 (1966)
- C. Cupp v. Murphy, 412 U.S. 291 (1973)
- D. U.S. v. Montoya De Hernandez, 473 U.S. 531 (1985)
- E. California v. Acevedo, 500 U.S. 565, 111 S. Ct. 1982 (1991)

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CHAPTER 4

EMPLOYMENT STANDARDS

I. Purpose:

The purpose of this policy is to establish guidelines for the proper selection of police officer or candidates. It is expected that these standards will be used as minimum requirements.

II. Policy:

- A. It is the policy of BPD that to be considered for employment as a sworn member, applicants must complete a personal history statement, pass mental and physical examinations, provide the department with a list of personal and work related references and otherwise meet the Maryland Police Training Commission requirements for certification.

By policy, the BPD subscribes to the medical and psychological standards set forth in the Job Task Analysis Study of Entry-Level Law Enforcement in the State of Maryland, conducted and published by the Maryland Chiefs of Police Association, 1996.

- B. It is the policy of BPD that applicants selected for employment as sworn member meet or exceed these minimum qualifications:
 - 1. Applicants must be a United States Citizen at the time of appointment.
 - 2. Applicants must have received a high school diploma or the equivalent.
 - 3. Applicants must have reached their 21st birthday upon completion of academy training.
 - 4. Applicants must be subjected to an initial physical examination by a licensed physician to determine if the applicant is physically fit and able to perform the daily duties of a police officer.
 - 5. Applicants must be certified by a licensed mental health care professional to be emotionally and mentally fit for the duties of a police officer.
 - 6. Applicants must have a valid driving license for the state of their residency prior to the beginning of recruit training.

7. The applicant's criminal record and drug use experience may be disqualifying, even if circumstances appear to be very minor, as will any experience which may jeopardize an officer's credibility to enforce the law, testify under oath, in court, and related enforcement practices.

8. Applicants must submit to a polygraph or other truth verification examination.

C. It is the policy of BPD to abide by the provisions of the *American with Disabilities Act*, and all other federal statutes and regulations governing employment standards.

III. Definitions:

A. Applicants: A person who is applying for the opportunity to be admitted to a police academy to eventually become a certified police officer.

B. Background Investigation: The intensive review of an applicant's background to determine if the person is appropriately qualified to be a police officer.

VI. Selected Relevant Cases:

A. *National Treasury Employees Union v. Von Raab*, 489 U.S. 656 (1989)

B. *Skinner v. Railway Labor Executives' Association*, 489 U.S. 602 (1989)

C. *O'Connor v. Ortega*, 480 U.S. 709 (1989)

CHAPTER 5

TRAINING STANDARDS

I. Purpose:

The purpose of this policy is to establish general standards necessary for adequate police officer training. It is expected that adequately trained officers will enhance the efficiency of accomplishing the goals of police work as well as provide for improved community/police relations.

II. Policy:

- A. It is the policy of BPD that all recruit officers will be competently trained in the required knowledge, skills and abilities associated with the daily circumstances of police work before they are actively used in enforcement activities or are able to make arrests.

Generally, initial training will take place in an academy or classroom setting and will meet the standards of the Maryland Police Training Commission. Typical areas of initial instruction will include but are not limited to:

1. Administrative Duties
2. Constitutional and Statutory Law
3. Routine Patrol
4. Traffic Enforcement
5. Criminal Investigation
6. Report Writing
7. Community Policing
8. Crisis Intervention
9. Emergency Medical Care
10. Prisoner Processing
11. Firearms Training
12. Driver Training
13. Physical Education
14. Use of Force and Self Defense

- B. It is the policy of BPD that academic training of the recruit officer will be supported with a period of field training. During Field Training, all trainees will be paired with an experienced officer. Throughout the period of field training, the Field Training Officer will supply periodic reports to the Commanding Officer on the progress of the new officer. At the conclusion of the Field Training, the Field Training Officer will recommend to the Commanding Officer if any remedial training is necessary.

- C. It is the policy of BPD that proficiency in the use of firearms for all officers will be determined by periodic qualification. At a minimum, the requirements for qualification will meet the standards established by the Maryland Police Training Commission.
- D. It is the policy of BPD to apply remedial or enhancement training as a non-punitive alternative whenever an officer's performance is identified to be below established standards. The employment of remedial training is reserved for those circumstances determined by the Commanding Officer to be a reasonable alternative or supplement to punitive action.
- E. It is the policy of BPD to insure training is consistent with the needs of the officers. That is, as technology or criminal tendencies change, members will be made aware of, and trained in these areas to effectively enforce the law.

III. Guiding Principles:

- A. Training fees, the cost of materials for training, and any other related expenses will be provided by or reimbursed by the police agency.
- B. Recruits scheduled for training must attend all training sessions and be punctual unless there is illness or other reasonable excuses. In-Service officers have the same requirements during their subsequent training.
- C. Because of the requirements of police work, it is mandatory that officers be trained in Cardiopulmonary Resuscitation (CPR) and first aid.

IV. Definitions:

- A. Recruit: Any officer candidate who has not completed all academy requirements necessary to become a certified police officer with the agency.
- B. Field Training Officer: The officer to whom a recruit officer is assigned for practical training during routine patrols.
- C. Field Training: A period of training, subsequent to academic training, which takes place during normal enforcement activities. These assignments are used to familiarize the new officer with the circumstances surrounding routine police work while under the supervision of a Field Training Officer.

V. Selected Relevant Cases:

- A. City of Canton v. Harris, 489 U.S. 378 (1989)

- B. Pembaur v. Cincinnati, 475 U.S. 469 (1986)
- C. Oklahoma City v. Tuttle, 471 U.S. 808 (1985)
- D. Monell v. New York City Department of Social Services, 436 U.S. 658 (1978)

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CHAPTER 6

HANDLING OF JUVENILES

I. Purpose:

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

II. Policy:

- A. It is the policy of BPD that officers will use discretion to make use of the least forceful and intrusive alternative available consistent with maintaining public safety, order, and individual liberty. In particular, as in cases involving minor offenses, officers will consider releasing the juvenile offender to the custody of a parent or legal guardian at the scene of the incident before transporting the juvenile to a police facility and formally processing the juvenile.
- B. It is the policy of BPD to insure the constitutional rights of juveniles, including rights against self-incrimination and search and seizure, are never compromised and shall be completely protected at all times.
- C. It is the policy of BPD that, during the temporary detention period, a juvenile must be separated by sight and sound from all adult offenders who may also be in the custody of the police.
- D. It is the policy of BPD that a juvenile must not be transported together with adults who have been charged with or convicted of a crime unless the court has waived its jurisdiction and the child is being proceeded against as an adult.

III. Guiding Principles:

- A. Constitutional rights against self-incrimination must be read and explained to the juvenile (and the juvenile's parent or guardian where possible) prior to each custodial interrogation. Only a juvenile can waive his or her rights. This may be done in the presence of a custodial adult (e.g., parent, guardian, Juvenile Services representative). No one, including his parents, should be permitted to influence or force the juvenile to waive his or her rights. Interviews with the juvenile offender should be conducted in a non-threatening manner and in the presence of at least two (2) officers, if possible. Additionally, a juvenile's parents or guardian, or a representative from Juvenile Services, may be present throughout all stages of the interview.

- B. The parents or legal guardian of a juvenile who has been taken into custody should be notified of the custody and surrounding circumstances as soon as possible.
- C. When a juvenile has been taken into custody, the length of detention should be limited to only that amount of time which is immediately necessary, and not to exceed six hours for the purposes of identification, processing, or transfer to another facility.
- D. Officers should only take custody of a status offender (a child in need of supervision) when there is sufficient reason to believe that the juvenile will run away if not taken into custody immediately, or there are exigent circumstances. Under such circumstances, status offenders shall be detained separately and transported separately from delinquent offenders.
- E. When the officer has taken a juvenile into custody and it is deemed necessary to further detain him pending a hearing, there must be an immediate contact with the local Department of Juvenile Services Intake Coordinator for authorization. That division will make the decision to release or detain the juvenile.
- F. Formal processing should be considered when the delinquent act in question:
 - 1. Would be a felony if committed by an adult.
 - 2. Involved the use of weapons.
 - 3. Involved an aggravated assault or battery.
 - 4. Was related to gang activity.
 - 5. Was committed by a juvenile currently under probation or parole.
 - 6. Was committed by a juvenile who has repeatedly committed delinquent acts within the past 12 months.
 - 7. Later investigation reveals that parental supervision has been inadequate.
- G. Photographing and Fingerprinting a Juvenile:
 - 1. Juveniles under the age of 14 years should not be photographed and fingerprinted unless it is authorized by the arresting officer's supervisor.

2. Juveniles 14 years or older should be photographed and fingerprinted for any felony or the following misdemeanors:
 - a. Narcotics offenses.
 - b. Unauthorized use of a Motor Vehicle.
 - c. All sex offenses.

(All other misdemeanor offenses would require authorization by the arresting officer's supervisor.)

H. Maryland state law requires notification of the appropriate public school superintendent within 24 hours, or as soon as possible, when a juvenile enrolled in a public school is charged with a crime of violence or any weapons charge (to include pepper spray). See Education Article of the Annotated Code of Maryland 7-303.

IV. Definitions:

- A. Juvenile: Any person under the age of 18 years.
- B. Status offender: A juvenile who has committed an act which would not be a crime if committed by an adult (e.g., runaway, truancy, alcohol prohibitions, etc.).
- C. Delinquent Child: A juvenile offender who is charged with an offense which, if committed by an adult, would be a crime.
- D. Non-Offender (Child in need of assistance): A juvenile subject to juvenile court jurisdiction usually under abuse, dependency, or neglect statutes and not because of delinquent behavior.

V. Selected Relevant Cases:

- A. Haley v. Ohio, 332 U.S. 596 (1948)
- B. In Re Gault, 387 U.S. 1 (1967)
- C. Breed v. Jones, 421 U.S. 519 (1975)
- D. Schall v. Martin, 467 U.S. 253 (1984)
- E. New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733 (1985).
- F. Illinois v. Gates, 462 U.S. 213 (1983)

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CHAPTER 7

DOMESTIC VIOLENCE INVESTIGATIONS

I. Purpose:

The purpose of this policy is to establish guidelines for handling cases which involve violence among domestic partners.¹

II. Policy:

- A. It is the policy of BPD that domestic violence will be handled as a crime without regard for the relationship between the victim and the offender or the probability of prosecution by the victim.
- B. It is the policy of BPD to dispatch at least two officers, when available, to each case that involves allegations of domestic violence. The officer who is first to respond will be the primary officer to handle the case until he or she is relieved of this duty by a supervising officer.
- C. It is the policy of BPD that, when dispatched to a reported case of domestic violence, officers will act in a pro-active fashion with an emphasis towards arresting domestic abuse offenders and protecting victims. Officers will arrest domestic abuse offenders without warrants when there is probable cause to believe the following, as set forth in the *Annotated Code of Maryland, Criminal Procedures Article, §2-204*:
 - 1. The battered person is the offender's spouse, or the abuser and the victim share a residence, and;
 - 2. There is evidence of physical injury, and;
 - 3. Unless immediately arrested, the abuser will elude apprehension, cause

1

Our model policy for Domestic Violence Investigations is not intended to supercede the more extensive Model Domestic Violence Policy for the Maryland Law Enforcement Community published in 1998 by the Maryland Network Against Domestic Violence (MNADV). We believe that our model policy is consistent with the key components (e.g., arrest, investigation, victim assistance) of the MNADV model policy; however, the MNADV model policy is more in depth, and it addresses the procedural concerns which we believe are not consistent with our goal of developing model policy for law enforcement without directing specific procedures. We expect that with either model policy as a guide, individual chiefs and sheriffs will be able to develop their own policy and procedures for enforcing domestic violence laws.

physical injury or property damage, or will tamper with, dispose of, or destroy evidence, and;

4. A report to the police was made within 48 hours of the alleged incident.

D. It is the policy of BPD that, when officers have determined that an assault has occurred, the health and safety of the victim should be assessed immediately, and if appropriate, medical assistance provided. Subsequent to this, priority should be given to the following:

1. Arrest the assailant if it is possible to do so in accordance with Section II. C of this policy.
2. Secure the crime scene and preserve any available evidence.
3. Request a crime lab technician to respond to the scene of the crime.
4. Interview any witnesses.

III. Guiding Principles:

A. Before leaving the scene of a domestic assault, the officers should provide information to the victim indicating the availability of legal remedies to prevent further violence as well as the availability of local support services. See also, Family Law §§ 4-501- 515.

B. Officers who respond to cases involving domestic abuse should complete a written incident report before the end of their shift.

C. Officers should determine that an incident of domestic violence actually occurred based on the preliminary investigation, and not rely on the nature of the call for service broadcast by the dispatcher.

IV. Definitions:

A. Probable Cause: A conclusion based upon information known to the officer at the time which leads to the reasonable belief that a crime has been, is being, or is about to be committed by a particular individual.

B. Domestic Violence (Also, Domestic Assault or Domestic Abuse): Any act of violence between two people who are either married or living within the same resident.

CHAPTER 8

SEXUAL ASSAULT INVESTIGATIONS

I. Purpose:

The purpose of this policy statement is to establish guidelines to govern the conduct of sexual assault investigations and to emphasize a compassionate and supportive approach on the part of the investigating officers toward the victim.

II. Policy:

- A. It is the policy of BPD that the health and safety of a sexual assault victim is of paramount importance. The victim's physical condition and mental state should be immediately assessed and appropriate medical attention provided, if required.
- B. It is the policy of BPD that the first officer to respond to a sexual assault has three primary responsibilities:
 - 1. Physically protect and emotionally support the victim.
 - 2. Identify, isolate and protect the crime scene.
 - 3. Conduct a quality preliminary investigation.
- C. It is the policy of BPD that the investigating officer shall candidly inform the victim what will be expected of him/her in the ensuing criminal investigation and any possible court appearances.
- D. It is the policy of BPD to respect and protect the identity and confidentiality of the sexual assault victim.
- E. It is the policy of BPD to deal with all sexual assault victims in a totally considerate and empathetic manner and to conduct the investigation objectively and professionally, without any preconceived or biased judgments relating to the victim's background, personal circumstances or perceived motivation.

III. Guiding Principles:

- A. Officers investigating sexual assaults will not, at the onset of a sexual assault investigation, routinely request victims to undergo a polygraph examination merely to pre-assess the credibility of their account. The use of a polygraph examination of the victim shall only be sought after the completion of a thorough investigation of

all the available evidence relating to the reported incident.

- B. Polygraph examinations of sexual assault victims shall only be considered when the investigating officer has reasonable and articulable suspicion that a relevant and important part of the victim's report or testimony is false.
- C. The principal investigating officer shall keep the sexual assault victim informed of the progress of the investigation.
- D. Investigating officers will clearly and patiently explain to sexual assault victims the availability of appropriate victim assistance programs and services within their jurisdiction.
- E. Investigating officers will explain to sexual assault victims the purpose and availability of judicial Peace Orders and Protective Orders.

IV. Definitions:

- A. Protective Orders are available for persons who have a relationship with the abuser: current or former spouse, cohabitant, have a child in common, relative by blood, marriage or adoption, or a victim, parent, stepparent, child or stepchild (of victim or abuser) who has lived with the abuser at least ninety days of the year before a Protective Order is sought. Vulnerable adults also may qualify for protective orders.
- B. Peace Orders are not available for persons who qualify for Protective Orders. They are available for victims who have been subjected to serious bodily harm and/or are in fear of imminent serious bodily harm and are not related to the suspect-abuser. For example: persons who have been victimized by a neighbor, stranger, or someone with whom they are involved in a dating relationship may qualify for a Peace Order.
- C. Victims Assistance programs are available in all Maryland counties and Baltimore City. They include 24-hour telephone "Hotlines," crisis intervention, counseling, therapy, and professional service referrals. Most are free-of-charge.

V. Related Law:

- A. Peace Orders are covered in the *Annotated Code of Maryland* under the *Courts and Judicial Proceedings Article §§3-1501–1509*.
- B. Protective Orders and temporary Ex Parte Orders are covered in the *Annotated*

Code of Maryland under the Family Law Article, §§4-501-515.

- C. Every law enforcement officer who receives a sexual assault report shall offer the victim the opportunity to be taken immediately to the nearest designated health facility, regardless of the type or degree of sexual assault reported. See: *Annotated Code of Maryland, Criminal Procedure Article §11-924.*
- D. On first contact with a sexual assault victim, a law enforcement officer shall give the victim a copy of a pamphlet describing victims' rights, services, and procedures, before and after the filing of a charging document other than an indictment or information in circuit court. See: *Annotated Code of Maryland, Criminal Procedure Article §11-104(b) and §11-914.*

(Revision Date: 12/22/00)

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CHAPTER 9

INVESTIGATION OF MISCONDUCT

I. Purpose:

The purpose of this policy is to establish guidelines for receiving and investigating complaints and allegations of misconduct by police officers. Guidelines for disciplinary action will also be suggested.

II. Policy:

- A. It is the policy of BPD to receive all complaints of misconduct courteously, record all complaints on a standard form, and to investigate each complaint seriously and professionally. All members of the Department are authorized to receive complaints in writing, by telephone, and through personal communication. This information will then be recorded and forwarded to the appropriate supervisor designated to investigate such complaints, or to the Office of the Chief. The degree of seriousness of the allegation or complaint will determine the course of the investigation. Less serious circumstances may be delegated to the officer-in-question's immediate supervisor. Serious allegations (including, but not limited to those involving corruption, misuse of force, breach of civil rights, untruthful statements, criminal misconduct, etc.) will be investigated thoroughly by the designated supervisor.
- B. It is the policy of BPD that, members of the Department who have witnessed a serious violation of departmental regulations by a member of their own agency, by an act of commission or omission, shall report this violation as soon as possible to their immediate supervisor. Additionally, members are required to report as soon as possible to their immediate supervisor all criminal and hazardous traffic violations for which they are themselves charged.
- C. It is the policy of BPD to fully investigate all charges of misconduct alleged against members of other law enforcement agencies and to notify the officer's parent agency of the alleged misconduct.
- D. To ensure all members of the department apply only the appropriate level of force, it is the policy of BPD that all reports of the use of force will be reviewed thoroughly by the Chief of Police. In a similar fashion, all reports of on-duty officers discharging a firearm away from a firing range will be reviewed

- E. It is the policy of BPD to establish a progressive continuum of disciplinary action to be used when instances of misconduct are identified. This continuum will range from verbal and written reprimands to suspensions or termination of employment.
- F. It is the policy of BPD that, disciplinary procedures and actions will be applied to all officers in accordance with the *Law Enforcement Officers' Bill of Rights* and other personnel and human resources policies. (See *Annotated Code of Maryland, Public Safety Article, §§ 3-10 – 3-113*).

III. Guiding Principles:

- A. The officer in charge of the investigation will report to the Chief on the issues of the investigation and the results of the completed investigation in a timely manner.
- B. The officer in charge of investigating the complaint is responsible for informing the officer or officers involved in the complaint that an investigation is being conducted. When the investigation is completed, all parties (including the complainant) will be notified of the disposition in a timely fashion.
- C. For some violations of Departmental regulations, it may be appropriate to use remedial training or counseling services as non-punitive sanctions.
- D. All complaints or allegations of misconduct should be treated as confidential information whenever possible.
- E. When complaints are received anonymously, effort should be made to identify the complainant where possible.
- F. Summary punishments may be imposed when the accused officer agrees to waive his or her rights to a disciplinary hearing and the unit supervisor agrees to the imposition. Summary punishments may range from a letter of reprimand as the least severe punishment to three days without pay or a fine of \$150.00 as the most severe.

IV. Selected Relevant Cases:

- A. *City of Hagerstown v. Moats*, 568 A 2d 1181 (1990)
- B. *Meyers v. Montgomery County Police Dept.*, 96 Md. App 668 (1993)
- C. *Caldor, Inc. v. Bowden*, 330 Md. 632 (1993)

- D. *Maryland State Police v. Ziegler*, 330 Md. 540 (1993)
- E. *Jones v. Baltimore City Police Dept.*, 326 Md. 480 (1992)
- F. *Miner v. Novotny*, 304 Md. 164 (1985)
- G. *Lodowski v. State*, 302 Md. 691, 490 A.2d 1228 (1985), *cert. granted and judgement vacated*, 475 U.S. 1078, 106 S.Ct. 1452 (1986), *remand* 307 Md. 233, 513 A.2d 299 (1986).
- H. *Steffey v. State*, 82 Md. App 647 (1990)
- I. *Baltimore City Police Dept. v. Andrew*, 318 Md. 3 (1989)

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CHAPTER 10

INTER-AGENCY NOTIFICATION

I. Purpose:

The purpose of this policy is to establish guidelines for the notification of other Maryland law enforcement agencies whenever a member of their agency is the subject of law enforcement action, including but not limited to criminal arrest.

II. Policy:

- A. It is the policy of BPD to subscribe to the provisions of the ***Policy of Cooperation*** as developed by the Legal Advisors Committee of the Maryland Chiefs of Police Association.
- B. It is the policy of BPD to notify the on-duty ranking member of any law enforcement agency whenever a member of that agency has been arrested or the subject of a criminal warrant or summons, provided such notification does not compromise any on-going criminal investigation.
- C. It is the policy of BPD to notify the on-duty ranking member of any Maryland law enforcement agency whenever a member of that agency has been identified as the aggressive party in a domestic violence incident, regardless of the immediate or subsequent decision of the victim to seek an Ex Parte or Protective Order or initiate or participate in criminal prosecution.
- D. It is the policy of BPD to initiate an internal investigation whenever this agency is notified by another Maryland law enforcement agency that a member has been arrested or the subject of a criminal warrant or criminal summons, or identified as the aggressive party in a domestic violence incident.

III. Guiding Principles:

- A. The ***Policy of Cooperation***, as developed by the Legal Advisors Committee of the Maryland Chiefs of Police Association, contains most of the provisions of this policy area. Subscribers form a network for inter-agency notification.

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CHAPTER 12

RELEASE OF INFORMATION

I. Purpose:

The purpose of this policy is to establish guidelines for the release of information, and in particular, the release of information to representatives of the media. The release of information is expected to enhance the relationship between the police agency and the community which it serves, and to gain public support in the crime control effort.

II. Policy:

A. Structure of Information Release:

1. It is the policy of BPD to release information to the public in a timely and accurate fashion by assigning the duty of controlling and disseminating public information to one office or officer.
2. It is the policy of BPD that, in the absence of a designated Public Information Officer, the Chief of Police will control the release of public information.

B. Restrictions on the Release of Information:

1. It is the policy of BPD that the following information is NOT to be released:
 - a) The identity of victims of sex-related crimes.
 - b) The identity of a suspect for whom a warrant or summons has not been issued or indictment returned.
 - c) The existence or contents of any confession, admission, or statement of the accused.
 - d) The identity, comments, expected testimony or credibility of any witness.
 - e) Any statements regarding the innocence or guilt of the accused, the merits of the case, the possibility of a plea, or the value of evidence when these statements are based upon an officer's own opinion.
 - f) The identity of a juvenile arrestee who has not been waived by the Court as an adult. (Also, refer to section II, B.3)
 - g) The identity of a deceased person before next-of-kin have been notified.
 - h) Information regarding special enforcement tactics that have been planned in advance (e.g., raids, stake-outs, or special assignments, etc.) except where it may be beneficial to release such information in advance (e.g., DWI, seatbelt, and out-of-state license plate checkpoints).

- i) Any information which could impede the enforcement of the law or an on-going investigation.
 - j) Any information which is legally privileged.
 - k) Any information which violates or jeopardizes the constitutional rights of an accused person.
 - l) Any information that could jeopardize the safety of an officer, victim, witness or informant.
 - m) Any information that could cause embarrassment or harm to a victim or witness (e.g., name or address of a suspected abuser living in the same residence as the victim).
2. Upon request, the following information MAY be released:
- a) The type of event or crime and where it occurred.
 - b) Identity of victim (unless the crime was a sexual assault, the victim has requested to remain unidentified, or in the case of death, the victim's next-of-kin have not been notified).
 - c) The name, age, city of residence, and other background information of a charged suspect.
 - d) The charge upon which an arrest has been made.
 - e) Circumstances of the arrest.
 - f) Custody status.
 - g) Dates of hearings.
 - h) Identifying photographs, only if they are available and do not contain police identification data.
3. It is the policy of BPD to release information in regards to criminal offenses committed by juvenile delinquents only as follows:
- a) Any distinctly identifying information, such as name or address, will NOT be released.
 - b) A juvenile's age, sex, city of residence, and the details of the offense MAY be released.
 - c) Only those traffic offenses which have been committed by juveniles over the age of 16 years and not subject to penalties of incarceration shall be available for release.
 - d) The release of information regarding juvenile defendants who are charged as adults will follow the guidelines established for adult defendants.

C. Release to Media Representatives:

1. It is the policy of BPD to accept requests for the release of information by bona fide representatives from the media when the necessary credentials have been verified.
2. It is the policy of BPD that, information will not be released to media representatives with any particular favor or prejudice

D. Officer Information:

1. It is the policy of BPD that, personal addresses and telephone numbers of police personnel will not be released at any time.

III. Guiding Principles:

Although it is important to release information in a timely manner, priority must be given to the security of a crime scene or disaster area. In this sense, the preservation of any evidence and the safety of bystanders, police officers, and media representatives should take precedence over the access to a scene or the dissemination of information.

IV. Selected Relevant Cases:

- A. *Press Enterprise Co. v. Superior Court*, 478 U.S. 1 (1986)
- B. *Patton v. Yount*, 467 U.S. 1025 (1984)
- C. *Rideau v. Louisiana*, 373 U.S. 723 (1963)
- D. *Sheppard v. Maxwell*, 384 U.S. 333 (1966)
- E. *Smith v. Daily Mail Publishing Co.*, 443 U.S. 97 (1979)
- F. *U.S. v. Regan*, 878 F.2d 67 (1989)
- G. *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980)

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CHAPTER 13

RIDE-ALONG PROGRAM

I. Purpose:

The purpose of this policy is to establish guidelines under which citizens are permitted to participate in departmental ride-along programs. Such programs assist departments develop positive public relations and provide educational experiences for officers and citizens.²

II. Policy:

- A. It is the policy of BPD to allow civilians to participate in a ride-along program which allows them to accompany individual officers on patrol for observational or educational purposes.
- B. It is the policy of BPD that, participants of the ride-along program must submit a waiver of claim and liability before the commencement of the assigned ride.
- C. To ensure the proper safety of each participant, it is the policy of BPD that participants will be required to wear a seat-belt throughout the duration of the patrol and must pay particular attention to any commands given to them by the officer.
- D. It is the policy of BPD that participation in the program will be limited to:
 - 1. Citizens over the age of 18 years, or if under 18 must have a signed waiver of claim and liability signed by a parent or guardian
 - 2. Visiting law enforcement personnel.
 - 3. Adult relatives of active or retired Departmental personnel.
 - 4. Professionals and students in the field of criminal justice or related social sciences.

2

In accordance with our goal, this model policy for Ride-along Programs contains policy directives and guiding principles that are derived from the existing policies of the law enforcement agencies in Maryland. Last year, the Local Government Insurance Trust (LGIT) published their Ride-Along Personal Injury Protection (PIP) Policy Guidelines (1997). While the guidelines established by LGIT are somewhat more extensive, we believe that our model policy is consistent with the recommendations of LGIT as well as our own goals. In this sense, we expect that individual chiefs and sheriffs will be able to rely on both documents as suitable tools for policy development or refinement.

5. Members of the media and governmental officials.
6. Participants who have not already participated in the past six months.

- E. It is the policy of BPD that, only one ride-along participant may accompany an officer at any given time.
- F. It is the policy of BPD that, prisoners will not be transported in the same vehicle as the ride-along participant.
- G. It is the policy of BPD to set and enforce dress standards for persons participating on a ride-along.
- H. It is the policy of BPD to prohibit ride-along participants from carrying or possessing weapons of any kind (e.g., firearms) unless authorized by another police agency.

III. Guiding Principles:

- A. It is expected that each participant of the ride-along program will submit in advance an application form to be approved by the Chief of Police. This application should include any and all requests for a specific time, date, or officer's name as well as a stated reason for wanting to participate. At the discretion of the Chief or his/her designee, applicants may be interviewed prior to being approved for participation.
- B. Where the officer believes that a participant's safety may be in jeopardy during a response to a call for service, that officer will discharge the ride-along participant at a location determined to be safe before responding to the call at hand. In such a case, the ride-along officer will communicate via radio to the dispatcher to indicate the location where the ride-along participant has been discharged.

IV. Relevant Case:

- A. Wilson v. Layne, 119 S. Ct. 1692 (1999).

Note: The United States Supreme Court has subsequently ruled that it is a violation of the Fourth Amendment for police to bring members of the media or other third parties into a home during the execution of a warrant, when the presence of the third parties in the home does not aid in the execution of the warrant. Agencies may consider examining their own policies with respect to a civilian ride-along in light of this case.

CHAPTER 14

PRISONER TRANSPORT

I. Purpose:

The purpose of this policy is to establish guidelines in the transportation of prisoners. It is expected that this policy will maximize the safety of the prisoner, the transporting officer, and the community.

II. Policy:

A. It is the policy of BPD to take the necessary precautions to protect the safety of the prisoner, the transporting officer and the community. This shall include, but is not limited to, the following actions:

1. Restrain the prisoner with handcuffs or flex-cuffs utilized to the rear and other restraining devices where necessary.
2. Search the prisoner thoroughly even if he or she has been searched previously.
3. Search the transporting vehicle for contraband and inspect for safety.
4. Secure the prisoner into the vehicle by using a seat-belt and shoulder harness. (See III. B below.)
5. Maintain close guard over the prisoner at all times.
6. Remove the prisoner from the scene without delay.

B. It is the policy of BPD to restrict the transport of multiple prisoners in the following manner:

1. Unless juvenile jurisdiction has been waived, juvenile prisoners will not be transported in the same vehicles as adult prisoners.
2. Juvenile "status" offenders will not be transported with juvenile "delinquent" offenders.
3. Male and female prisoners cannot be transported in the same vehicle.

4. Communication between prisoners will not be allowed without the transporting officer's permission.
5. Whenever possible, two officers will transport female prisoners.

- C. It is the policy of BPD to limit prisoners' ability to communicate while in transport by not allowing prisoners to communicate with or come in physical contact with any non-prisoner while in custody. Also, prisoners will not be allowed to exercise their right to counsel during transportation, and officers will not question a prisoner unless the prisoner has been properly notified of his or her *Miranda* rights.
- D. It is the policy of BPD to require police officers to communicate via radio to the dispatcher their approximate location, travel destination, time and mileage readings, and category (such as, adult male or juvenile female) of the prisoner before prisoner transportation begins.

III. Guiding Principles:

- A. It would be prudent to secure in advance alternate sources of transportation for prisoners with special circumstances. For instance, disabled, sick, or injured prisoners may need to be transported in vehicles other than standard patrol cars or departmental vans and will need alternative modes of transportation.
- B. Individual departments are advised to determine their own standards as to the physical placement of the prisoners in relation to the seating arrangements of one and two officer patrol cars. Also, departments are advised to develop strategies in apprehending prisoners who may escape during transport.
- C. Transporting a prisoner by commercial air transportation requires well established procedures which should be in line with the larger police agencies. For example, the specific authorization for carrying firearms are *Sections 108.11 and 108.21 of the Federal Aviation Regulation*

CHAPTER 15

REPORTING REQUIREMENTS

I. Purpose:

The purpose of this policy is to establish which activities encountered by police warrant the completion of a report. Completing a report immediately after such an event has occurred will aid the report writer by reducing confusion and disparate recall. Written reports also facilitate court testimony.

II. Policy:

- A. It is the policy of BPD to have officers complete a report, at least by the completion of their current shift, when incidents such as the following have occurred:
1. An officer has responded to a Part I, Part II, or other felony crime.
 2. A citizen has reported a complaint against an officer.
 3. An officer has responded to a criminal case by initiating an investigation.
 4. An officer has responded to a motor vehicle accident involving death, serious personal injury, or property damage.
 5. An officer has responded to an incident which could be considered a racial, religious, or ethnic hate crime.
 6. An officer has responded to an incident involving a domestic assault.
 7. An officer has responded to an incident involving the death of a person not due to natural illness.
 8. An officer has applied the use of force or when a suspect or arrestee has complained of an injury sustained during arrest or transport.
 9. An on-duty officer has discharged a firearm in a circumstance other than during training.
 10. An officer has been involved in a high speed pursuit.
 11. An officer has initiated an arrest.

- B. It is the policy of BPD that all officers will report the occurrence or clearance of less serious events to the dispatcher or through the daily complainant control ledger, and have this account act as a complete report.

III. Guiding Principles:

When an officer is unsure of the necessity of completing a written report, the officer should defer to the recommended course of action that is deemed appropriate by his or her immediate supervisor.

CHAPTER 16

DISCRIMINATION AND SEXUAL HARASSMENT

I. Purpose:

The purpose of this policy is to establish definitions for *discrimination* and *sexual harassment* and to eliminate the presence of these in the workplace. It is expected that the elimination of these activities will establish an effective work environment and ultimately benefit the community.

II. Policy:

A. Discrimination:

1. It is the policy of BPD to not tolerate any form of discrimination in the employment of officers or civilian employees, the enforcement of law, the administration of any police services, or in normal interaction by employees in the workplace. State and federal law prohibits discrimination on the basis of sex, age, race, color, national origin, religion, marital status, political affiliation, disability, or sexual orientation.
2. It is the policy of BPD to direct all complaints of discrimination to either the Police Chief or the Town personnel department (and/or other specified unit).
3. It is the policy of BPD to allow employees with concerns, questions, or complaints about discrimination to contact the Maryland State Human Relations Commission or any other local Human Relations Commission, the U.S. Equal Employment Opportunity Commission, or private legal counsel without a threat of disciplinary or other adverse action.
4. It is the policy of BPD to subject Department members whose conduct constitutes discrimination, or an official who knowingly permits such conduct, to disciplinary action which may range from formal reprimand up to and including dismissal.

B. Sexual Harassment:

1. It is the policy of BPD to not tolerate any form of sexual harassment that may occur during the enforcement of law, the administration of any police services, or in normal interaction by employees in the workplace.

2. It is the policy of BPD to direct all complaints of sexual harassment to either the Chief of Police or the Town personnel department (and/or other specified unit).
3. It is the policy of BPD to allow employees with concerns, questions, or complaints about sexual harassment to contact the Maryland State Human Relations Commission or any local Human Relations Commission, the U.S. Equal Employment Opportunity Commission, or private legal counsel without a threat of disciplinary or other adverse action.
4. It is the policy of BPD to subject Department members whose conduct constitutes sexual harassment, or an official who knowingly permits such conduct, to disciplinary action which may range from formal reprimand up to and including dismissal.
5. It is the policy of BPD to maintain the highest degree of confidentiality in all investigations involving alleged or determined sexual harassment.

C. Written Acknowledgment:

It is the policy of BPD that all members shall acknowledge in writing, receipt of a copy of these policies.

III. Guiding Principles:

- A. It is prudent for all supervisory personnel to conduct a prompt inquiry or investigation in regards to any instance of alleged discrimination or sexual harassment. Likewise, it is necessary for Departments to plan in advance a course of action which would include a proper chain of command for handling complaints, investigative strategies, and a scale for disciplinary action.
- B. Frequently, individuals may not be aware of what constitutes harassment or discrimination. For instance, sexual harassment can take the form of repeated verbal abuse, joking, ridiculing, offensive gestures, touching, patting, pinching and other inappropriate physical contact. It is important to include sufficient training on sexual harassment and discrimination to ensure that employees are aware of what constitutes harassment or discrimination so that their occurrence may be prevented.
- C. Failure by persons in authority to take appropriate action when it is shown that they have knowledge of discrimination or harassment will themselves be subject to disciplinary action.

- D. Where reasonable to do so, this policy does not forbid the antagonist from being confronted and notified that his/her behavior and activities are inappropriate and unwanted and must cease. If resolved satisfactorily at that point, no further action is necessary.
- E. Where a formal preliminary inquiry is requested, it must be completed within ten days. Where warranted, a full investigation then must be completed as soon as possible with a rating of high priority. The victim is to be notified of the ultimate disposition of the matter as soon as it is known.
- F. After disposition, the victim must be contacted periodically to ensure that the antagonist has not continued his/her improper conduct.

IV. Definitions:

- A. Discrimination: Any practice or procedure which limits or adversely affects employment opportunities or working conditions.
- B. Sexual Harassment: Unwelcome sexual advances, requests for favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of reasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. (U.S. Equal Employment Opportunity Commission).

V. Relevant Cases:

- A. *Burlington Industries, Inc. v. Ellerth*, 118 S.Ct. 2257, 524 U.S. 742 (1998).
- B. *Faragher v. City of Boca Raton*, 118 S.Ct. 2275, 524 U.S. 772 (1998).

Note: The United States Supreme Court has subsequently ruled that employers may be held vicariously liable for sexual harassment by their supervisors and managers, but that there is an affirmative defense available for employers who can show they took quick, appropriate action pursuant to an effective sexual harassment policy and complaint procedure.

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CHAPTER 17

SECOND AND OFF-DUTY FIREARMS

I. Purpose:

The purpose of this policy is to establish guidelines for the carrying of second and back-up duty firearms and firearms while off-duty.

II. Policy:

- A. It is the policy of BPD to comply with all regulations promulgated by the Maryland Police Training Commission regarding training and qualification with duty and off-duty weapons.
- B. It is the policy of BPD that authorization to carry any second or back-up firearm must be approved by Chief of Police.
 - 1. Firearms to be used as second or back-up weapons must carry Departmentally-approved ammunition, and come from a designated list of Departmentally-approved weapons.
 - 2. Officers who wish to use a second or back-up firearm while on duty must submit a written request to the Chief of Police and pass a qualification examination with the weapon before that weapon may be carried while on duty. Officers must qualify at least once annually even if the make and model are identical to the primary weapon.
- C. It is the policy of BPD to allow officers to carry weapons while off-duty.
 - 1. Officers carrying firearms while off-duty must have their weapons concealed at all times and have on their person their badge and credentials to identify themselves as a police officer.
 - 2. Officers carrying firearms while off-duty must NOT be intoxicated or consume intoxicating substances, including prescribed and over-the-counter medication.
 - 3. Officers who decide to carry concealed weapons while off-duty are limited to using those weapons which formally have been approved by BPD.

4. Officers approved to carry firearms while off-duty are restricted to carrying these weapons only while they are in the State of Maryland unless they are traveling to a state within which it is lawful for off-duty officers to carry firearms.
 5. The officer must qualify at least once annually with the second or back-up firearm even if the make and model are identical to the on-duty weapon.
- D. It is the policy of BPD that, firearms approved for second or off-duty use must be protected from theft and damage at all times.
 - E. It is the policy of BPD that, unless required by the department, all second and off-duty firearms, and their corresponding ammunition, must be purchased at the officer's own expense.
 - F. It is the policy of BPD to require all issued weapons and approved second, back-up and off-duty weapons, be stored safely at all times. All weapons not under the immediate control of the officers shall be stored unloaded, in a secure location.
 - G. Only one secondary firearm may be carried while on duty, not to include a department issued shotgun.
 - H. No more than two firearms will be approved for off-duty use.
 - I. Secondary and off duty firearms will be approved by a designated police firearms armorer of either the Washington County Sheriff's Office or Maryland State Police.
- III. Guiding Principles:
- A. Individual departments should design their own list of firearms which are acceptable for second and off-duty use.
 - B. Individual departments should limit the number of firearms per officer, which can be approved for second and off-duty use.

CHAPTER 18

COMPUTERS AND ELECTRONIC DATABASES

I. Purpose:

The purpose of this policy is to establish guidelines for the use and security of computers and electronic databases.

II. Policy:

- A. It is the policy of BPD that, departmental computers are used only for appropriate police business.
- B. It is the policy of BPD that, software which is not purchased by the agency, or obtained or approved by the agency data coordinator, may not be used on any agency computer.
- C. It is the policy of BPD that, each employee shall consider all computer databases or electronic files the property of the Department and shall treat each as confidential information unless such files are intended for public dissemination.
- D. It is the policy of BPD to not allow any program or data file to be copied unless specifically authorized.
- E. It is the policy of BPD to store copies of files and programs on a routine basis at an off-site location. An off-site location must be in a building other than the one that houses the primary computer files and programs. Critical information is that which if damaged, lost, or altered would significantly impede the continued operation, or the effectiveness of the installation or the agency.

III. Guiding Principles:

- A. It is important that departments regularly monitor the license agreements for software programs which are installed on department computer equipment.
- B. As many officers as possible should be educated in the proper use of computers and their application in controlling and preventing crime.

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CHAPTER 19

DOCUMENTATION OF CALLS FOR SERVICE

I. Purpose:

The purpose of this policy is to establish the requirements for properly documenting police calls for service. This information will serve as a record of each call handled and disposed of by the agency.

II. Policy:

- A. It is the policy of BPD to maintain information on each call for service.
- B. It is the policy of BPD to review records of calls for service for the purposes of determining patterns of calls, efficient application of resources and the quality of service.

III. Guiding Principles:

- A. At a minimum the following information will be maintained for each call for service:
 - 1. A record of who placed the call (when available).
 - 2. A record of from where the call was placed.
 - 3. A record of the time when the call was received.
 - 4. A record of the purpose of the call.
 - 5. A record of the manner in which the call was disposed and by whom.
- B. These records should be maintained in electronic and printed form whenever possible and to make their retrieval as easy as possible.

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CHAPTER 20

NEEDLE STICK INJURY

I. Purpose:

The purpose of this policy is to minimize potential exposure and to safely and effectively manage post-exposure of law enforcement personnel to actual or suspected Needle Stick injuries or other percutaneous injuries incurred in the line-of-duty

II. Policy:

- A. It is the policy of BPD that in the event of a needle stick injury to agency personnel, the following procedures will be employed within a maximum two (2) hour time-frame following the actual or suspected injury:
 - 1. Encourage/induce the wound to bleed. Wash with soap and hot water, then swab the wound area with alcohol or agency-approved antiseptic towelettes.
 - 2. Seek immediate attention at Washington County Hospital, located at 251 East Antietam St. Hagerstown, MD, which is this agency's designated medical facility for examination and treatment of bloodborne pathogen exposure. If serious injury was sustained, respond to the nearest hospital for treatment.
 - 3. Request medical evaluation of the risk of HIV/AIDS or other infections caused by bloodborne pathogens.
 - 4. Request HIV/AIDS prophylaxis treatment of infection by bloodborne pathogens after consultation with treating physician.
 - 5. Notify the appropriate supervisor.
- B. It is the policy of BPD that a full and complete administrative report will be completed by the injured member's supervisor concerning any actual or suspected Needle Stick injuries. All agency records of incidents involving employees potentially exposed to HIV/AIDS shall be retained in a secure repository with limited access and maintained in compliance with applicable privacy laws.
- C. It is the policy of BPD that agency personnel will exercise due caution, and whenever possible, wear suitable protective leather gloves, when engaged in any of the following activities:

1. Searching of all arrestees and suspects, male or female, adults or juvenile—No exceptions.
2. Handling hypodermic needles or syringes, and other similar objects, including collecting and packaging these items as evidence.
3. Placing needles, syringes and other similar objects in an agency-approved puncture-resistant container for evidence/property collection and transporting purposes.

D. It is the policy of BPD that if an agency member sustains an actual or suspected Needle Stick injury as the result of an on-duty interaction with a suspect or another person, the agency will request and encourage that individual to submit to a blood test at Washington County Hospital, the agency-designated medical facility.

E. It is the policy of BPD that all sworn members and supervisors will ensure that they have a sufficient supply of approved puncture-resistant containers and antiseptic towelettes in their agency vehicles before beginning their duty-tour.

F. It is the policy of BPD that Washington County Hospital, the agency-designated medical facility will provide all necessary post-exposure testing and treatment, including individual and family counseling for the affected member.

III. Definitions:

A. AIDS: AIDS is a virus known as human immuno-deficiency (HIV), an infectious disease that alters the body's immune system by destroying white blood cells that fight infection and disease and render the victim vulnerable to a variety of serious, eventually terminal ailments. There is presently no cure for HIV.

B. Bloodborne Pathogens: A pathogen is a germ or virus in human blood that is transmitted from one person to another by an exchange of blood or other body fluids containing blood.

C. Needle Stick Injury: Any breaking of the skin (percutaneous) by a hypodermic needle or syringe, or similar sharp object, which might transmit bloodborne pathogens.

D. Percutaneous: Through the skin, as by a cut or a puncture.

IV. Guiding Principles:

- A. Medical test results of all agency members sustaining Needle Stick or other percutaneous injury will be confidential and will not be revealed to any other person or entity without the affected member's written permission.
- B. Members who test positive for HIV infection or other communicable disease, shall be treated by the agency in a manner that is in full accordance with federal, state, and local laws with respect to employees with physical conditions that may affect their work performance and do not pose an additional safety and health threat to themselves, the public, or members of the agency.

V. Selected Relevant Cases:

- A. *Thomas v. State*, 128 Md. App. 274, 737 A.2d 622 (1999)

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CHAPTER 21

INVESTIGATIVE & ENFORCEMENT TRAFFIC STOPS

I. Purpose:

The purpose of the policy is to establish guidelines for conducting constitutionally valid investigative and enforcement traffic stops.

II. Policy:

- A. It is the policy of BPD that all investigative and enforcement traffic stops will be based upon articulable and constitutionally valid suspicions.
- B. It is the policy of BPD that a record system will be established to track investigative and enforcement traffic stops.
- C. It is the policy of BPD that all sworn members should receive periodic training on an annual basis to reinforce previous training and/or to develop new skills to enhance police-citizen contacts.

Commentary: *Requiring an officer to ask the operator's race or ethnic group may only enflame and prolong an already tense situation. Agencies may opt to instruct officers to use their personal judgement in assessing race and ethnicity.*

Commentary: *The Advisory Committee anticipates that agencies will initiate appropriate training programs to reinforce interpersonal communication skills developed during entrance level courses. The length of in-service programs and frequency of delivery is best determined by each agency.*

III. Definitions:

- A. Investigative stop: A stop based on reasonable articulable suspicion or knowledge of criminal activity. Information may originate with another officer or by independent investigation.
- B. Enforcement stop: A stop initiated as a result of an observed violation of the criminal or traffic code.
- C. Reasonable and articulable suspicion: Actions taken by the officer must be reasonable under the existing circumstances and based on the officer's knowledge at the time. Officers must be able to point to and describe the specific factors that raised suspicions and led him or her to take action in connection with the traffic stop.

- D. *Whren* or "pretext" stop: The U.S. Supreme Court has determined that a law enforcement officer who observes a traffic violation may stop the violator, even though the true reason for the stop is the officer's interest in investigating whether the motorist is involved in other criminal activity. The constitutional reasonableness of a traffic stop does not depend on the actual motive of the individual officer. These types of traffic stops are known as *Whren* or "pretext" stops.
- E. Seizure: In the context of traffic stops, a seizure takes place when an officer makes an investigative or enforcement stop. Seizures during all traffic stops are subject to Constitutional constraints.
- F. Subsequent seizure: This form of seizure occurs when the original reason for the stop has been satisfied and the officer continues to detain the motorist and passenger(s). Once the underlying basis for the initial stop has concluded, a police-driver or police-passenger encounter which implicates the Fourth Amendment is constitutionally permissible only if (1) the driver and passenger(s) consents to the continuing intrusion, or (2) the officer has, at a minimum, a reasonable, articulable suspicion that criminal activity is afoot.

IV. Guiding Principles:

- A. Law enforcement officers have a duty and authority to investigate suspicious activities that may be associated with the violation of criminal and motor vehicle laws. This duty does not include pursuing hunches or stereotyping, but is limited to reasonable articulable factors which would likely lead any knowledgeable, reasonable officer to the same conclusion, i.e. that a violation is occurring or has occurred.
- B. Any consideration, to any degree, of a person's race, ethnicity, age, or gender in law enforcement actions, including traffic stops, is absolutely prohibited. The only exception to this standard would occur if one or more characteristics were part of a specific lookout for a specific suspect. This applies to passengers as well as drivers.
- C. The recording and evaluating of statistical data is a management tool to be used, where appropriate, as a basis for counseling and training, and, if deemed necessary, further administrative inquiry. Police management will review and evaluate traffic stop data on a regular or periodic basis for patterns of prohibited activity.

- D. Officers should receive periodic training to enhance their ability to articulate and document their actions. By and large, officers take the proper actions for the proper reasons, yet fail to provide supporting documentation.
 - E. Training programs should include a review of the Constitution and relevant case law affecting police-citizen contacts.
 - F. Any such training should stress the importance of communication, particularly active listening and non-verbal cues.
 - G. Police-citizen encounters, when done properly and professionally, have the potential to be positive community relations tools and can be a means of confronting adverse anecdotal information.
 - H. Nothing in this policy should be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.
 - I. The record system will include data such as: race, ethnicity, age and gender of person stopped, suspicions of the officer that led to the contact, any enforcement action taken as a result of the contact, duration of the stop and any evidence or property seized as a result of the stop.
 - J. Agencies should realize the advantage in issuing the driver and/or passenger(s) a receipt documenting the circumstances leading up to the stop and subsequent actions taken thereafter.
- V. Related Cases:
- A. *Pryor v. State*, 122 Md. App. 671, 681, 716 A.2d 338, 343 (1997), *cert. denied* 352 Md. 312, 721 A.2d 990 (1998)
 - B. *Terry v. Ohio*, 392 U.S. 1, 88 S.Ct. 1868 (1968)
 - C. *Whren v. U.S.*, 517 U.S. 806, 116 S.Ct. 1769 (1996)
 - D. *Ferris v. State*, 355 Md. 356, 735 A.2d 491 (1999)
 - E. *Charity v. State*, 132 Md. App. 598, 753 A.2d 556 (2000), *cert. denied*, 360 Md. 487, 759 A.2d 231 (2000)
 - F. *Cartnail v. State*, 359 Md. 272, 753 A.2d 519 (2000)

G. *Whiting v. State*, 125 Md. App. 404, 725 A.2d 623 (1999)

H. *U.S. v. Armstrong*, 517 U.S. 456, 116 S.Ct. 1480 (1996)

CHAPTER 22

INTERVIEWS AND INTERROGATIONS

I. Purpose:

The purpose of this policy is to provide standards and general guidelines for law enforcement interviews and interrogations that are accurate, credible and professionally accomplished.

II. Policy:

- A. It is the policy of BPD that the conduct of police interviews and interrogations should be fair, competent, and totally objective. It is extremely important that this practice should also be perceived as non-coercive and unbiased by the courts and the general public.
- B. It is the policy of BPD that interviews and interrogations comply with all constitutional requirements, applicable state and local laws and strictly adhere to agency investigative procedures.
- C. It is the policy of BPD to accurately and completely record or otherwise document the conditions, content, and conclusions of any interview or interrogations. This agency acknowledges the advantages of electronic recording whenever investigative and environmental conditions allow.

III. Definitions:

- A. Interview: A purposeful and non-accusatory conversation with a victim, a complainant, a witness, or even a possible criminal suspect. The atmosphere is non-custodial and the interviewee should feel that he/she is free to end or terminate the interview and leave at any time.
- B. Interrogation: During an interrogation, the person being questioned by the police is not free to leave, and police questioning or conduct is specifically designed to elicit incriminating responses implicating the person in criminal activity. All custodial interrogations shall be preceded by issuance of the *Miranda* warning.
- C. Electronic Recording: The practice of audio recording and/or videotaping an interview or interrogation. It is a violation of Maryland law to audio-tape any conversation without the consent of all parties.

- D. Custody: A suspect is considered to be in custody if, under similar circumstances, a reasonable person in the suspect's position would feel that his/her liberty to move about freely or leave was being restrained in any way.

IV. Guiding Principles - Interviews:

- A. Interviews are critical components of a police investigation. Most police interviews are conducted with victims, complainants and witnesses to a criminal act. Interviews may be conducted in the field, in police facilities, in vehicles, or in any other convenient location.
- B. Officers should give clear notification, followed by acknowledgment by the person being interviewed that the questioning is non-custodial and that the person being questioned is free to discontinue and leave at any time.
- C. A fact-finding interview of a possible criminal suspect is not an interrogation. Thus the *Miranda* warnings are not required.
- D. If, at any time during an interview, a person's responses incriminate, or tend to incriminate him/her in the commission of a crime, the questioning officer shall give the *Miranda* warnings before continuing the interrogation, regardless of whether the person has been arrested. The warnings indicate that the person is now a suspect and that he/she is not at liberty to leave.
- E. Whenever possible and practical, officers should prepare a typed (or written) statement of an interview and have it reviewed, acknowledged as accurate and signed by the interviewee.
- F. While electronic recording may be appropriate for interrogation of criminal suspects, non-custodial interviews of crime victims, witnesses and associated individuals may also be electronically recorded.
- G. Any interview that is electronically recorded must have the express consent of all parties. Persons being interviewed should sign a consent form.

V. Guiding Principles – Interrogations:

- A. Custodial interrogations of criminal suspects shall always be preceded by *Miranda* warnings, using the agency pre-printed form. If at any stage of the custodial questioning, the suspect indicates that s/he wants to stop talking or to consult with an attorney before continuing, the questioning shall stop.

- B. Interrogations should be pre-planned and investigating officers should have a clear understanding of the issues to be covered. This ordinarily includes an understanding of the evidence available, victim/witness accounts, offense elements, possible alibis and defenses, and applicable laws.
- C. Interrogations should, whenever possible, be conducted by two officers. Prior to the interrogation each officer should have a clear understanding of the respective roles each will perform.
- D. If a confession to a criminal act is obtained, officers should prepare a written statement to that effect and endeavor to have it reviewed, acknowledged as accurate, and signed by the suspect.
- E. Where practical and when available, consideration should be given to recording the entire interrogation on videotape. This consideration should be given regardless of whether the interrogation is conducted in the field or in a police facility.
- F. If the interrogation is to be electronically recorded, the suspect should first sign a consent form. Covert or surreptitious electronic audio recordings of interviews and interrogations are prohibited by Maryland law.
- G. Under no circumstances are interrogating officers allowed to utilize physical force or any physically inhumane or abusive coercion against a suspect to make him or her provide incriminating information. The use of physical force or employment of torture techniques or psychological coercion during an interrogation is unconstitutional.
- H. Officers have no authority to offer promises of leniency or special consideration as inducements for admissions or cooperation. This subtle form of coercion is prohibited.
- I. Information developed through interrogations and/or confessions should be corroborated to the fullest extent possible by information and evidence available through other investigative means.
- J. If there is more than one suspect, any incriminating statements or information supplied by one suspect against another must be independently substantiated.

VI. Special Cases – Juveniles:

- A. Juveniles have the same *Miranda* rights as adults. A juvenile suspect may waive *Miranda* and make a voluntary statement during a custodial interrogation, but whether the statement is voluntary depends on factors such as: age; experience; education; background; intelligence; capacity to understand his or her rights and the consequences of waiving them; and presence of a parent during the interrogation.
- B. Although police are not specifically required to tell a juvenile that he or she has a right to speak to his or her parents, it is advisable to do so. Parents' absence from the interrogation does not automatically invalidate the statement, but at least one Maryland court has held that a 10-year old is entitled to parental guidance, unless the State could demonstrate he had the mental capacity to understand the significance of his *Miranda* rights and the consequences of waiving them.
- C. Interrogation of juveniles should be limited to a reasonable time-duration with opportunities for periodic rest breaks. The number of officers participating in the interrogation of a juvenile should be limited.

VII. Related Cases:

- A. *Fare v. Michael C.*, 442 U.S. 707, *reh'g den.*, 444 U.S. 887 (1979).
- B. *Johnson v. Zerbst*, 304 U.S. 458 (1938).
- C. *Lodowski v. State*, 307 Md. 233 (1986).
- D. *In re Lucas F.*, 68 Md.App. 97 (1986), *cert. den.* 307 Md. 433 (1986).
- E. *Miranda v. Arizona*, 384 U.S. 436 (1966).
- F. *Winder v. State*, 362 Md. 275 (2001).
- G. *Baynor v. State*, 355 Md. 726, 738 (1999).

CHAPTER 23

ETHICS IN LAW ENFORCEMENT

(Model Policy created by the Maryland Chiefs of Police Association and adopted on April 14, 2004)

I. Purpose:

The purpose of this policy is to outline the general parameters of ethical conduct that is expected of all sworn members of this agency, both on and off-duty.

II. Policy:

- A. It is the policy of BPD, that sworn members will perform their professional duties competently and conscientiously in full accordance with the law as well as agency rules and regulations and agency values.
- B. It is the policy of BPD, that sworn members, while on-duty, will uniformly treat private citizens in a civil and equitable manner, regardless of the circumstances of the sworn member-citizen contact or citizen's status.
- C. It is the policy of BPD, that sworn members will conduct their off-duty personal lives in a mature, law-abiding and exemplary manner.
- D. The policy of BPD, applies to all sworn members, including command members, and the agency chief executive.
- E. It is the policy of BPD, that all sworn members will be guided by the provisions of the IACP law enforcement ethics statements which are contained as Appendices of this policy.

III. Definitions:

- A. **Corrupt Practices:** Conduct by sworn members that involves profiting from their misuse of authority of office, usually for personal gain for themselves or others, including bribery, extortion, fraud and perjury.
- B. **Gratuities:** Gifts, advantages or favors, solicited or unsolicited, by sworn members of any rank, from a citizen or other public official, that may tend to influence or compromise the member's duty performance, so that future considerations may be reasonably expected by the citizen-benefactor; a *quid-pro-quo* arrangement.

- C. Noble Cause Intent: The phenomenon of officers who engage in misconduct or commit a criminal act, in the belief that the end result will justify their actions.
- D. Malfeasance: The intentional commission of a prohibited act.
- E. Misfeasance: The improper performance of a required act.
- F. Nonfeasance: Failure to perform a required act.

IV. Guiding Principles:

- A. Sworn members are personally and professionally responsible for compliance with all laws and agency rules and regulations. They cannot consider themselves exempt from any law or regulation based on any situational basis, either work-related or off-duty.
- B. Sworn members cannot engage in any misconduct, either on or off-duty, that might discredit themselves or this agency. Police misconduct is impropriety in public office, either by commission or omission and is understood to include:
 - Malfeasance
 - Misfeasance
 - Nonfeasance.
- C. Sworn members are responsible for their actions, both on and off-duty, and they are required to fully cooperate with any official inquiry into their work performance and behavior.
- D. Sworn members shall treat other agency members, both sworn and civilian, in a civil, professional and collegial manner. Harassment and discrimination, either in or out of the workplace, directed at either coworkers or private citizens, is expressly prohibited.
- E. Sworn members shall not accept gratuities. This proscription applies to all sworn ranks and positions—No exceptions.
- F. All sworn members, particularly those in command positions, must avoid any possible conflicts of interest which might discredit themselves or this agency.
- G. Corrupt practices, regardless of any presumed “noble cause intent,” will not be tolerated on the part of any sworn member.

- H. Sworn members can use any reasonable means to protect themselves or to effect compliance with a lawful enforcement action. Excessive use of force is strictly prohibited.
- I. Sworn members shall be constantly cognizant of the unique role that discretion plays in their authority as law enforcement officers, along with its corollary of confidentiality with regard to both agency matters and the public's right to privacy.
- J. Although this policy was primarily created for sworn members, it is also applicable to civilian employees as well.

V. Relevant Law:

- A. Maryland Public Ethics Law, Annotated Code of Maryland, State Government Article §15-101, *et seq.*
- B. Maryland Law Enforcement Officers' Bill of Rights (LEOBR), Public Safety Article. §3-101, *et seq.*

VI. Appendices:

- A. Appendix A - IACP Law Enforcement Oath of Honor
- B. Appendix B - IACP Law Enforcement Code of Ethics
- C. Appendix C - IACP Law Enforcement Code of Conduct

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Appendix A

Law Enforcement Oath of Honor

*On my honor, I will never
betray my badge, my integrity,
my character or the public trust*

*I will always have the courage to hold
myself and others accountable for our actions.*

*I will always uphold the
constitution, my community, and the
agency I serve.*

Source: International Association of Chiefs of Police

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Appendix B

Law Enforcement Code of Ethics

As a law enforcement officer, my fundamental duty is to serve the community, to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder, and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession ... law enforcement.

Source: International Association of Chiefs of Police

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Appendix C

Law Enforcement Code of Conduct

Primary Responsibilities of a Police Officer:

A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police 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.

Performance of the Duties of a Police Officer:

A police 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. All citizens will be treated equally with courtesy, consideration and dignity. Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They 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.

Discretion:

A police officer will use responsibly the discretion vested in his position and exercise it within the law. The principle of reasonableness will guide the officer's determinations, and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken.

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 be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest-which may be correct in appropriate circumstances-can be a more effective means of achieving a desired end.

Use of Force:

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances. The use of 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 police officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

Confidentiality:

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

Integrity:

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

Cooperation with Other Police Officers and Agencies:

Police officers will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. An officer or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a police officer assist colleagues fully and completely with respect and consideration at all times.

Personal-Professional Capabilities:

Police officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence. Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for 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.

Private Life:

Police officers will behave in a manner that does not bring discredit to their agencies or themselves. A police officer's character and conduct while off duty must 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.

Source: International Association of Chiefs of Police

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CHAPTER 24

DOMESTIC VIOLENCE BY LAW ENFORCEMENT OFFICER

I. Purpose:

The purpose of this model policy is to establish enforcement and operational guidelines for investigating and handling incidents of suspected or alleged domestic violence when the primary aggressor is a sworn law enforcement officer.

II. Policy:

- A. It is the policy of BPD, that whenever a member of this agency learns of an incident of domestic violence, either alleged or proven, by any sworn law enforcement officer, the matter shall be reported, investigated and handled no differently than if the officer were a civilian.
- B. It shall be the policy of BPD, that if a sworn member of this or any other law enforcement agency is suspected to be the primary aggressor in a domestic violence incident, the investigating officer will notify a supervisory officer who will immediately respond to the scene.
- C. It is the policy of BPD, that after a comprehensive preliminary investigation at the scene of the alleged domestic violence incident, if the investigating supervisor has probable cause to believe that the involved officer was the primary aggressor in a domestic violence incident, the preferred enforcement response is a physical arrest of the officer, regardless of rank or position, or obtaining an arrest warrant if the officer has left the scene
- D. It is the policy of BPD, that following an arrest of an officer for domestic violence, his or her issue and off-duty handgun (if any) will be seized, along with any other firearm(s) in proximity to the crime scene.
- E. It is the policy of BPD, that the arrested officer will be suspended by the investigating supervisory officer and the officer's badge, MPTC certification card and agency ID card will be collected.
- F. It is the policy of BPD, that if the officer is a member of this agency, the investigating supervisor will notify the Chief of Police or a Town Official who is designated to conduct an internal investigation.

- G. It is the policy of BPD , that whenever a police officer-involved domestic violence call does not result in an arrest, the investigating supervisory officer shall submit a written report explaining why no arrest was effected or why an arrest warrant was not obtained.

III. Definitions:

- A. Preferred Arrest Policy: Whenever the law permits, officers should effect a warrant-less arrest of the assailant when there is probable cause to believe that a domestic violence incident has occurred.
- B. Primary Aggressor: This is the individual suspected of being the most culpable in a domestic violence situation which is being investigated, or the individual who officers suspect did not act in self-defense where there was a mutual battery. Officers should make a primary aggressor determination in domestic violence situations as an alternative to arbitrarily arresting both parties.
- C. Probable Cause: Reasonable ground for belief of guilt based on the totality of the circumstances; less evidence than necessary to sustain a conviction, but more evidence than would merely arouse suspicion.
- D. Protective Orders and Peace Orders: Protective orders generally apply to family members who are victims and abusers. Peace orders are for victims who are not family-related, such as people in a dating relationship. It is unlawful for any person to possess or receive any firearm if that person is subject to a protective order.

IV. Guiding Principles:

- A. When the involved officer is from another jurisdiction, the on-scene officers and supervisor shall follow the same procedures required for this agency. A supervisor from the officer's agency shall be notified and requested to respond to the scene.
- B. If the involved officer has left the scene, the on-scene supervisor shall make arrangements for application of an arrest warrant, if probable cause exists.

Commentary

Federal and state law prohibit possession of a firearm by the subject of a non ex parte domestic violence protective order during the life of the order, but provide an exception permitting law enforcement officers to possess firearms while on-duty. Agencies should consult with legal counsel about liability issues associated with issuing firearms to officers who are subject to an active protective order. Federal law prohibits possession of a firearm after conviction of a crime of domestic violence, if the conviction meets certain criteria. No Exceptions.

- C. If the involved officer is a member of this agency's command staff, the on-scene supervisor shall immediately notify the Chief Executive. If the Chief Executive is the involved officer, the on-scene supervisor shall immediately notify the government official who has direct oversight for the Chief Executive.
- D. If both parties in the incident are police officers, the inquiry should focus on identifying the primary aggressor and determining probable cause.
- E. The investigation should include determining if any protective or peace orders are in force concerning the involved officer, the violation of which could result in additional criminal charges.
- F. The Commanding Officer of the involved officer will make arrangements to liaison with the victim and ensure that all available victim assistance services are explained.
- G. The Commanding Officer will also designate a supervisor to be the agency's principal contact person for the victim.
- H. Command will conduct an in-depth assessment of the incident to assess the involved officer for appropriate possible remedial referrals, duty assignments and/or administrative actions.
- I. If the involved officer is subject to both a criminal and an administrative investigation, the inquiries should be kept strictly separate, and preferably conducted by different individuals.
- J. All personnel involved in the investigation of officer-involved domestic violence should be instructed to only exchange information on a strict need-to-know basis.

V. Relevant Law:

- A. Family Law Art. §4-501-515 (Domestic Violence: Definitions; General Provisions, including Protective Orders)
- B. Criminal Procedure Art. §2-202-208 (Arrests Without Warrants for Domestic Violence, Generally)
- C. Court and Judicial Proceedings Art. §3-1501-1509 (Peace Orders)
- D. State v. Wallace, 372 Md. 137, 148, 812 A.2d 291, 297-298 (2002) (Probable Cause)
- E. 18 U.S.C. §922 (g)(8) (Prohibition possessing firearm while subject to a qualifying protective order)

- F. 18 U.S.C. §922 (g)(9) (Prohibiting all possession of firearms after Domestic Violence conviction)
- G. 18 U.S.C. §922 (a)(1) ('performance of official duties,' exception to §922 (g)(8))
- H. Public Safety Art., §5-133(b)(8) (state law prohibition against possessing firearms while subject to non ex parte protective order)
- I. Public Safety Art., §5-102(4) (exception to Public Safety Art., §5-133(b)(8) for law enforcement personnel acting within the scope of official duties)

CHAPTER 25

DISPOSITION/DESTRUCTION OF EVIDENCE, FOUND/RECOVERED/ ABANDONED PROPERTY & CDS.

I. Purpose

The purpose of this policy is to establish guidelines for the disposition of evidence, found property, recovered property and abandoned property for which no owner can be located, and CDS disposition.

II. Policy:

A. CDS Destruction:

1. The Chief of Police will arrange for the destruction of found CDS or CDS no longer needed for evidence as soon as practical.
2. CDS will be compared to the information originally placed on the property report.
3. CDS will be destroyed by the Chief in the presence of the Town Manager or his designate. CDS will be destroyed by incineration.

B. Property disposal:

1. The Department will dispose of abandoned, lawfully confiscated, or recovered property in accordance with the following policy and Maryland State Law. (Courts and Judicial Proceedings, 2-311).
2. Abandoned property is property that has been in the custody of the department for which an owner is known but does not respond to claim the property after being notified to do so, or after reasonable attempts have been made to contact the owner without success.
3. Lawfully confiscated property is property in the custody of the BPD that has been confiscated for use as evidence, safekeeping, etc.
4. Recovered property (found) is property for which no owner can be identified.
5. Abandoned, lawfully confiscated, or recovered property may be disposed of by either conversion of non-monetary/negotiable property for use in departmental operations, or sold at public auction.
6. Lawfully confiscated, abandoned or recovered property that has been in the custody of BPD for more than one year may be disposed of by the department, provided notice of the sale of the property is given by registered mail to the person(s) entitled to its possession and to any lienholders whose name/address can be ascertained by the exercise of reasonable diligence.
7. The property may be sold at public auction after a description of the property and the date/time and place of the sale have been published in a newspaper of general circulation in Washington County.

8. Proceeds of the sale of this property will be distributed to the Town of Boonsboro.
9. Recovered property for which there is no known owner and is of minimal value (under approximately \$25) may be donated to a charitable organization with the approval of the Chief of Police and Town Manager.

CHAPTER 26

SPEED MEASURING DEVICES

I. PURPOSE

The purpose of this policy is to establish guidelines for the proper use of speed measuring devices for traffic enforcement.

II. POLICY

A. Departmental Vehicle Speedometer

1. The speedometer may be used as a device to measure violator speed. The speedometer of any vehicle used for this purpose will be calibrated by a certified operator of a speed measuring device prior to the issuance of citations. The speedometer will be calibrated at a minimum once every three months.

B. Speed Measuring Device Equipment and Training

1. Before conducting enforcement by a speed measuring device, officers must complete a training program conducted by an agency approved instructor in speed measuring devices. At the completion of the training, each officer must pass a written examination.
2. After passing the written examination, each officer must use the speed measuring device in a field setting for a minimum of eight hours. No citations will be issued during this period unless under the supervision of agency approved instructor or a certified speed measuring device operator. Five of the eight hours must be under the direct supervision of a certified speed measuring device operator.
3. At the completion of the training period, each officer must demonstrate proficiently with the equipment to an agency approved instructor prior to certification.
4. Prior speed measuring device certifications from other police agencies will be acceptable upon demonstrated proficiency with the BPD Speed Measuring Device Supervisor.
5. Each qualified speed measuring device operator will be issued a certification card.

C. Use

1. Prior to use, equipment will be checked for accuracy by using approved methods as provided by the manufacturer of the instruments. The equipment will be tested periodically during extended operations and at the end of each operation.

2. Primary location for use of speed measuring devices will be heavily influenced by accident rate, statistics from prior operations or surveys, citizen complainants, and knowledge of violations on a particular roadway by officers.
3. Traffic enforcement will not be conducted during inclement weather or at locations which present an unsafe working environment for the officer or public.
4. Any device failing the test procedure will not be used. Malfunctioning equipment should be so noted and turned in to the radar supervisor as soon as possible along with a written description of the problem observed.

D. Repairs and Calibrations

1. The radar supervisor will periodically inspect equipment to ensure proper care and upkeep. An authorized maintenance technician must perform all maintenance activities on the equipment.
2. An authorized maintenance technician will calibrate each device and its assigned tuning forks annually. Written documentation of each calibration or repair will be maintained on file.

CHAPTER 27

UNIFORM POLICY

I. PURPOSE

The purpose of this policy is to establish guidelines for the proper wearing and displaying of the BPD uniform.

II. POLICY

A. Acceptable BPD Uniforms.

1. Class "A" uniform of the day will consist of the dress uniform slacks and summer/winter shirts. Summer shirts (Short sleeve) will be worn by Department members from June through September. Winter (long sleeve) will be worn from December through February. Officers may exercise their discretion in uniform wear the remaining months. Approved BPD insignia will be worn in this uniform in the manner approved by the Chief of Police.
2. Bike/Summer uniform will consist of an agency approved polo shirt with approved BPD insignias, with either OD Green or Black BDU type shorts. This uniform will not be worn during court appearances or for special/ formal occasions.
3. Alternative Uniforms will consist of a BDU type uniform and will be OD Green in color and will contain approved BPD insignias. This uniform may be worn during evening/night shifts and will not be worn during court appearances or special/ formal events. This uniform may be worn during day shifts for K-9 Officers or during adverse weather conditions or upon approval by the Chief of Police.

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CHAPTER 28

POLICE VEHICLES

I. Purpose

The purpose of this policy is to establish guidelines for the use and care of vehicles assigned to the Boonsboro Police Department.

II. Policy

- A. It shall be the policy of the BPD that whenever possible each Officer will be assigned a police vehicle, conditional upon availability of vehicles. The Officer will be responsible for the following.
1. Cleanliness of the vehicle.
 2. Regularly scheduled maintenance to include oil changes on 5,000 mile intervals.
 3. Speedometer certifications which will be conducted quarterly in January, April, July and October. This certification will be maintained in the vehicle and made available for court.
 4. Equipment in the vehicles to include, first aid kit, fire extinguisher, road flares, crime scene barrier tape
- B. After a 90 day probationary period, these vehicles, when available, may be used for transportation to and from the Officer's residence provided it is within a 25 mile radius of the Town of Boonsboro. This privilege will be conditional upon the availability of vehicles and may be revoked at any time by the Chief of Police.

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CHAPTER 29

CANINE (K-9) UNIT POLICY

I. Purpose:

To establish guidelines for the management and efficient operations of Canine activities for a variety of purposes to be used by the Boonsboro Police Department.

II. Policy:

Because of their superior senses of smell and hearing and physical capabilities, the trained law enforcement canine is a valuable supplement to police manpower. However, utilization of canines requires adherence to procedures that properly control their use of force potential and that channel their specialized capabilities into legally acceptable crime prevention and control activities.

III. Definitions:

- A. Handler – An officer Certified by the Boonsboro Police Department to care for and use an agency canine.
- B. Canine – A dog certified by the Boonsboro Police Department to perform law enforcement functions.
- C. Canine Team – A handler and his/her assigned canine.
- D. Certified – A handler and/or a canine meeting the minimum performance standards of the Boonsboro Police Department as defined in this order.
- E. Accidental Bite – An attack by an agency canine not directed by the handler, and not in defense of the canine handler.
- F. Intentional Bite – An attack by an agency canine directed by the handler or in defense of the handler.

IV. Selection of Handler:

A. Minimum Requirements

1. Applicant must be employed with the Boonsboro Police Department. Selection will be based on experience, education, work performance, and interview scores.
2. Applicant must realize he/she should be in adequate physical condition to meet the rigors of canine training and subsequent strenuous activity often involved in canine operation.

3. Applicant must agree upon canine working conditions with his/her spouse.
4. Applicant must be able to complete basic/entry level training as stated in Section VII.
5. Applicant must show an interest and be well versed and motivated in canine activities.

V. Selection/Licensing of Canine:

A. Ownership of Canine

1. Canines are the property of the Boonsboro Police Department. Should the handler leave the canine program, the disposition of the canine will be the decision of the Chief of Police.

B. All department canines shall be licensed by the Maryland State Police as required by the Public Safety Article, 2-313.

1. The canine handler shall complete an "Application for Canine License" and submit to the Maryland State Police Licensing Division within 15 days of completion of basic/entry level canine training.
2. As required by Maryland law, the metal tag issued by the Maryland State Police Licensing Division will be "affixed to a substantial collar" and "kept on the licensed dog at all times unless the dog is confined to a kennel or is under the personal charge" of the handler.
3. The Chief of Police shall maintain a list of all agency canines on a "Canine License Record".

C. Minimum Requirement

1. Dogs selected for training may be selected from the general public, other law enforcement agencies, or a commercial establishment specializing in the sale and training of police canines.
2. Canine should be between 12 and 24 months of age, in excellent health, and of good temperament.
3. A "Canine Donation and Release Form" shall be completed on all canines donated to this agency.
4. Prior to purchase or acceptance of a donated canine, the canine will be evaluated by the Chief of Police, or Canine Supervisor, and the assigned handler. A "Canine

Donation Evaluation” shall be completed. The forms will be forwarded and maintained by the Chief of Police.

5. A Boonsboro Police Department approved veterinarian will administer a physical examination to the dog before acceptance of the dog by the department.

VI. Care of Canine:

A. Housing

1. The handler will erect an agency approved kennel and dog box on his/her property prior to receipt of the canine. An approved kennel consists of:
 - a. Once concrete pad at least 13 ft. by 7 ft.
 - b. Woven wire fencing enclosing the pad at least 6 ft. high with covered top.
 - c. Dog box is at least 37 ½ inches wide by 42 inches long.
 - d. Appropriate bedding material.
 - e. The kennel will be kept clean and inspected daily by the handler.
 - f. The kennel will be cleaned with disinfectant at least once a week by the handler.

B. Feeding/Water

1. The handler will be responsible for feeding and watering his/her canine.
 - a. The canine will be fed a minimum of once per day unless a veterinarian orders otherwise.
 - b. Fresh water will be maintained in the kennel at all times.
2. If the handler cannot provide care for the canine for any reason, arrangement will be made for the proper care by boarding it at an agency approved kennel.

C. Medical Care/Medication

1. A “Canine Health Record” and “Canine Vaccination Record” will be maintained for all canines by the Chief of Police.
2. The forms will be completed by the handler anytime the canine is examined or treated by a veterinarian.

3. Any medication given to the canine will be given by the handler or the agency veterinarian and will be given in prescribed doses.
4. The canine shall be examined by an agency approved veterinarian.

D. Handling

1. Canine will never be allowed to run loose without the direct supervision of the handler.
2. Handlers will not use another handler's canine except in an emergency situation.

E. Care/Maintenance Time Allotted

1. On a regular scheduled duty day, the handler is permitted to take one-half hour off his/her scheduled duty time, with pay, as compensation for the time spent maintaining the canine.

F. Discipline of Canine

1. The Boonsboro Police Department recognizes that canines may require correction to ensure they perform as trained. The use of correction is for training purposes, canine/handler safety and the safety of others.
2. Correction will never be used to punish a canine.
3. Canines will never be subjected to physical or emotional abuse.
4. Canines will never be subjected to any type of mistreatment.

VII. Basic/Entry Level Canine Training:

A. Types of canine disciplines, training and certification are;

1. Utility
2. Controlled Dangerous Substances (CDS)
3. Explosive
4. Bloodhounds

- B. If a canine is trained in a discipline at time of purchase, the canine team shall be evaluated by an appropriate representative of a canine unit that is approved by the Chief prior to any use of the canine. If the representative's evaluation is positive, the team shall be certified by the Boonsboro Police Department.

If the representative's evaluation indicates the team needs further training, the team shall attend the minimum amount of training recommended by the representative and upon completion of the training and a positive evaluation by the representative; the team shall be certified by the Boonsboro Police Department.

- C. If a canine is not trained prior to purchase, the canine team shall attend and successfully complete basic/entry level training (in the particular discipline(s) the dog was chosen for) that is comparable to training given by the Maryland State Police or the Maryland Department of Corrections and that is approved by the Chief of Police.

1. MSP Minimum standards for Utility Training

- a. Minimum of 16 weeks
- b. Include training in:
 - i. Basic obedience
 - ii. Care and maintenance
 - iii. Various forms of tracking
 - iv. Aggression control
 - v. Agitation
 - vi. First Aid
 - vii. Obstacles (with and without gunfire)
 - viii. Tactical (officer/canine safety)
 - ix. Apprehension
 - x. Scent discrimination
 - xi. Evidence collection
 - xii. Various types of searches
 - xiii. Canine use of force/liability/case law

2. MSP Minimum standards for CDS training

- a. Minimum of 13 weeks

b. Include training in:

- i. Basic obedience
- ii. Care and Maintenance
- iii. Various forms of searches/scans
- iv. First Aid
- v. Tactical (office/canine safely)
- vi. Scent discrimination
- vii. Evidence collection
- viii. Canine use of force/liability/case law
- ix. Recognition of Marijuana, hashish, cocaine, heroin, black tar heroin, methamphetamine, ecstasy

3. MSP Minimum standards for Explosive training

a. Minimum of 12 weeks

b. Include training in:

- i. Basic obedience
- ii. Care and Maintenance
- iii. Various forms of searches/scans
- iv. First Aid
- v. Tactical
- vi. Scent discrimination
- vii. Evidence collection
- viii. Canine use of force/liability/case law
- ix. Recognition of SP, C4, Dynamite, Tovex, Det. Cord, C3, TNT, Safety Fuse, Black Powder, Potassium Chlorate, Sodium Chlorate, Kinepak, Noiseless.

4. MSP Minimum standards for Bloodhound training

- a. Minimum of 9 weeks
- b. Include training in:
 - i. Basic obedience
 - ii. Care and Maintenance
 - iii. Various forms of searches/scans
 - iv. First Aid
 - v. Tactical (office/canine safety)
 - vi. Scent discrimination
 - vii. Evidence collection
 - viii. Canine use of force/liability/case law
 - ix. Scent articles preservation and collection

D. Upon successful completion of an agency approved basic/entry level canine school, the canine team shall be certified as a Law Enforcement Canine Team by the Boonsboro Police Department.

- 1. Upon completion of all certification requirements of this order, the handler shall be issued an agency "Law Enforcement Canine Handler" certification card.

E. Within five (5) working days of successful completion of basic canine training, the handler will submit a "Canine Training Report" to the Training Coordinator.

F. Canine Teams may be cross-trained in various disciplines; however, they must attend the basic/entry level and monthly training for each discipline.

G. Canine Teams will not be allowed to perform law enforcement functions until successful completion of a basic/entry level canine training program and will not perform law enforcement functions for which they are not trained /certified.

VIII. Periodic Certification/Evaluations:

- A. All canine teams shall attend and successfully complete monthly training and/or evaluation (in the particular discipline(s) the dog was chosen for) that is comparable to that given by the Maryland State Police or the Maryland Department of Corrections and that is approved by the Chief of Police.
- B. All canine teams shall be evaluated during the monthly training by a canine instructor that is approved by the Chief of Police.
 - 1. A copy of the evaluating agency's canine evaluation form will be attached to a "Canine Training Report" or a "Bloodhound Report" and submitted to the Training Coordinator on or before the 7th of the following month.
 - 2. All canine teams must receive at least an acceptable score in all categories on the evaluating agency's canine evaluation form in order to retain their Boonsboro Police Department Canine certification.

IX. Canine Vehicle, Uniform, and Equipment:

A. Vehicle

- 1. All patrol canine vehicles will be marked patrol vehicles and have "K-9 Patrol" decals affixed in a prominent position.
- 2. All canine vehicles will be equipped with a cage.
- 3. All canine vehicles will be kept clean and free of odor and hair collection and will stand inspection with that shift to which it is administratively assigned.
- 4. Whenever the handler leaves his vehicle unattended, the vehicle will be secured if it is apparent the dog will not be needed.
- 5. When securing the vehicle, the handler will lock all doors and utilize the air conditioner/heater to maintain proper temperature for the canine.

B. Uniform

- 1. The handler's duty uniform will be designated by the Chief of Police.
- 2. Class "A" uniforms only will be worn for all court appearances by handlers.

C. Equipment

1. Each handler will be equipped with an operable portable radio at all times in case of emergency call out. If available, the handler will also be assigned a pager or cellular phone, with the understanding that he be available at all times, if needed.
2. Standard canine equipment shall consist of:
 - a. Six foot leather leash
 - b. Leather attack collar
 - c. Choke chain
 - d. Leather muzzle
 - e. Six foot ground chain
 - f. Tracking harness
 - g. Dog kennel and box
3. Canine materials, such as leather gear, shall be oiled and kept in good condition at all times.
4. Canine materials/equipment, excluding medical treatment, will be purchased with the approval of the quartermaster, who will maintain an inventory of all equipment issued to the handler.

X. Use of Canine/Assistance to Canine Team:

- A. A canine may be used in accordance with this order and only until compliance is gained. Under no circumstances will a canine be used for revenge, punishment, etc.
- B. The use of canine will be in accordance with the Use of Force Policy. While the canine is not considered a deadly force weapon, it can be used with deadly force. The handler will allow the dog to use only that amount of force necessary to effect an arrest or to defend the life/safety of the team or others, to apprehend and render safe a fleeing, hiding, or combative suspect. The handler is determining the amount of force to permit the dog to use will evaluate the seriousness of the incident or situation. Generally, the refusal of a suspect to move when ordered, or the commission of a minor misdemeanor is not justification for an attack by the canine. The canine will not be used against mentally handicapped subjects, (when the handler is aware of the condition), except in extreme life/safety threatening situations.

The dog may be used in situations where relatively minor crimes have been committed if it becomes evident the suspect is contemplating violence or escape; but again, only with the amount of force necessary to effect the arrest.

- C. In every instance where the canine will be utilized and a possibility exists of injury to a suspect, a verbal warning will be given first. The warning will consist of "Boonsboro Police Canine" or "Police Canine", "give up or the dog will be released". The handler will allow a sufficient period of time for any suspect(s) to surrender.
- D. Canine will only be used for crowd control at the direction of the officer in charge at the scene. Crowd control will be accomplished with the dog on leash. During crowd control operations, at least one officer will accompany the canine team to make any necessary arrests.
- E. When moving or dispersing a crowd, the dog will be moved in a slow and steady movement, giving the crowd time to move.
- F. If a bite results from a crowd control incident, every effort will be made to arrest the person bitten. The forms required will be completed and forwarded to the Chief of Police.
- G. Dogs may be used to conduct interior building searches that will be conducted off leash with the handler in close proximity. A verbal warning will be given as in "C" of this section, before conducting the search.
- H. A canine may be used for tracking; an attempt by the dog to find persons or articles outside of a building. Tracking for suspects or articles will be performed on lead. After confronting a suspect, it may be necessary to release the dog of lead to effect the arrest.
- I. When a canine is requested for tracking or building searches, it is necessary to secure the scene to preserve the scent of the person or object being sought. If a building is discovered with open doors or signs of forcible entry, the exterior of the building will be secured to prevent possible escape from the structure. No entry will be made into the building prior to arrival of the canine, except in emergency circumstances. If the canine is requested in a tracking situation, the known direction of travel or "track" will be secured so as to prevent subjects or vehicles from crossing it. The area will be secured at the direction of the officer in charge of the scene who will also direct incoming support units away from the track to prevent contamination.
- J. Requests for agency canines to be used outside of the town of Boonsboro must be approved by the Chief of Police, or Canine Supervisor.
- K. Requests for demonstrations of the canine will be in writing and addressed to the Chief of Police.

- L. The ranking officer at the scene, where a canine is utilized, is in charge of the scene. The ranking officer will take the handler's expertise and opinion into consideration to effectively complete the canine mission.
- M. Canine personnel will be available for routine calls except time allotted for canine maintenance. If the unit is on an assigned call and a need for the canine occurs, the unit will be relieved and freed for response to the canine request.
- N. There have been past cases, both criminal and domestic, which if the following rules had been applied, would have resulted in using only half the time and manpower in regard to use of a canine team. The dogs are only as good as the situation presented to them. In most cases, the scene of a crime or a tracking situation is fouled by the police officer or the public present at the scene. This is not done intentionally, but is due to the lack of knowledge of what precautions and actions should be taken to preserve the scene for the dog.

The following steps will be taken by those involved in an incident where a canine team may be used for tracking and, if followed, will enhance the possibility for a successful operation:

1. Upon arrival at the scene, turn off the vehicle engine and direct others in the immediate area to do so. Carbon Monoxide emitted will neutralize the scent.
2. Do not establish a command post in close proximity to the scene. The deputy and others should stay away from the area of a crime or lost person as far as reasonably practical and establish a perimeter. Do not permit anyone to enter the immediate or adjacent area of a crime scene or location where a lost person was last observed. Once a canine team has started a search, allow approximately 20 minutes, and then continue your investigation at the scene.
3. If a suspect is chased on foot into a wooded or other type area, mark the area where the chase or search was terminated. Do not permit anyone to enter this area, if at all possible. The canine team will be directed to the scene by the officer initiating the investigation.
4. If a scent article is needed, endeavor to locate freshly worn underwear, socks, t-shirt, recently used sheets or pillowcases, etc. **DO NOT TOUCH OR PERMIT ANYONE TO TOUCH THE SCENT ARTICLE. DO NOT** place the articles in a plastic bag or container, as they are chemically treated and will neutralize the scent. Place the scent article in a paper bag and seal by rolling up tight. If the article is touched contrary to these instructions, bring the person who touched it to the scene, along with the article, if no other article can be found.
5. The senior officer at the scene shall ensure at least one backup officer accompanies the canine team, unless instructed otherwise by the handler. Do not place departmental vehicles in the area of the search to observe the canine.

This distributes foreign scent in the area of the search; again carbon monoxide creates a problem. Stay on patrol in and around the area to be searched. Do not stop or get out of your vehicle in the area unless absolutely necessary or directed to do so by the canine handler.

6. If the sought after subject is observed, mark the exact area where observed and establish security for a canine team tracking situation. Contact a handler immediately and apprise them of the situation.
 7. When organizing search parties and entering search area, do not follow in the direction of the canine team. Establish a search pattern best suited to the area, after the canine team has exhausted its efforts.
 8. If there are other dogs in the area of the tracking operation, request their owners remove them or restrain them in some manner.
 9. In the event of a stolen vehicle, permit the canine team to start their track from the vehicle before your search of the vehicle. The seats of the vehicles are a good scent article. Again, it is imperative no one is permitted in or around the vehicle prior to the canine team. If at all possible, remain in your vehicle until the tracking is underway.
- O. The dogs may or may not be successful, however, their potential of being successful will be increased approximately 50% if the above rules are followed. Remember, the dogs will only be as good as you allow them to be.

XI. Canine Bites:

- A. In the event of a canine bite, the following procedure will apply:
1. Medical attention will be administered to the subject. If the subject refused medical treatment, he/she will be asked to sign a statement to that effect.
 2. The Chief of Police will be advised of the bite as soon as practical. The severity of the bite will determine the urgency of the notification.
 3. A supervisor will be assigned to investigate the bite and he/she will complete the following forms:
 - a. "Maryland Animal Bite Report and Rabies Quarantine Agreement".
 - b. "Canine Human Bite and Disposition Form".
 - c. A detailed report stating the circumstances of the bite, the results of the investigation and his recommendations as to disciplinary action (if warranted).

4. The “Maryland Animal Bite Report and Rabies Quarantine Agreement” and the “Canine Human Bite and Dog Disposition Form” will be completed by the supervisor investigating the bite and forwarded to the Chief of Police prior to the end of the shift.
5. The detailed report will be completed by the supervisor investigating the bite and forwarded to the Chief of Police within five (5) working days of the bite.
6. If the Chief of Police determines that disciplinary action is warranted, the action shall be taken in accordance with Chapter 9, (Investigation of Misconduct) of the Patrol Manual.
7. At least one photograph will be taken of the wound(s) and attached to the “Canine Human Bite and Dog Disposition Form”.
8. If the Canine Handler is not aware of the incident, he/she will be made aware as soon as possible. The handler will complete a “Canine Human Bite and Dog Disposition Form”.
9. The Chief of Police, or his designee, will coordinate necessary action with the Washington County Humane Society.

XII. Death, Retirement, Reassignment of Canine:

- A. In the event a handler resigns from the Canine Program, the Chief of Police will make final disposition as to the reassignment, retirement or sale of the canine.
- B. If the canine’s age or physical impairment indicates it can no longer perform its law enforcement function, the canine may be donated to his/her current handler, if desired and all expense will become the responsibility of the handler.
 1. If the handler chooses not to keep the canine, the Chief of Police will make a final determination as to disposition of the canine.
- C. Upon retirement, death, or reassignment of a canine, the handler will return to regular patrol duties and the “Canine Agreement” is terminated.

XIII. Canine Reports:

- A. The following reports will be submitted to the Chief of Police, or his designee, by the handler when required:
 1. A “Bloodhound Search Report” will be submitted by the end of the shift whenever a bloodhound is used in a law enforcement function.
 2. A “K-9 Team Work Report” will be submitted by the end of the shift whenever a canine is used in a law enforcement function.

3. A "Monthly K-9 Use Summary" for the previous month will be submitted on or before the seventh day of the next month.
- B. With the exception of the "Canine Training Report", all other canine related reports/forms will be maintained by the Chief of Police, or designee.
 - C. "Canine Training Reports" will be maintained by the Training Coordinator.

CHAPTER 30

THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS): A FORMAL RECOGNITION

I. Purpose:

The purpose of this model policy is to outline and explain NIMS and its interrelationship with the established Incident Command System (ICS). Federal law mandates that all U.S. law enforcement agencies comply with NIMS national homeland security policies, procedures and protocols.

By the end of fiscal year 2006, federal funding for state, local and tribal law enforcement preparedness grants will depend upon compliance with NIMS.

II. Background:

NIMS has been endorsed by the U.S. Department of Homeland Security and officially implemented by Presidential Directive on 1 March 2004. NIMS is designed to enable local law enforcement to respond to critical emergency incidents, not necessarily limited to terrorist events, in a standardized manner, in close cooperation with other emergency service and public safety providers.

NIMS represents a core set of doctrine, principles, terminology, and organizational processes to enable effective, efficient, and collaborative incident management at all levels¹.

ICS was developed in 1970 in California as an emergency management tool in coordinating fire service response to a devastating wildfire. It has since evolved into the prototype of a public safety process to coordinate incident management for a wide range of disasters and catastrophic events.

NIMS was subsequently adopted in Maryland by an Executive Order of Governor Robert L. Ehrlich, Jr., which mandated that NIMS was the State standard for incident management and that all state governmental agencies must adopt this system for command and control of emergency incidents in cooperation with local jurisdictional response partners.

III. Policy:

- A. It is the policy of Boonsboro Police Department that all members will cooperate fully with NIMS and ICS doctrine and procedures that are compliant with law and agency procedures.

¹Gil Jamieson, "NIMS and the Incident Command System," *The Police Chief*, Feb. 2005, p. 68.

- B. It is the policy of Boonsboro Police Department that all members will participate in the recommended ICS training programs developed and coordinated by the Federal Emergency Management Agency (FEMA).
- C. It is the policy of Boonsboro Police Department that all members will cooperate fully with designated public safety emergency responders in all strategic and tactical operations, including training.

IV. Definitions:

- A. NIMS Integration Center (NIC): Situated at the U.S. Department of Homeland Security's FEMA, located at Emmitsburg, Maryland. The center provides strategic direction and oversight for NIMS.
- B. NIMS Implementation Plan: For fiscal year 2005, a federal template that can be used for local planning and compliance purposes. It consists of four distinct phases²:
 - Initial staff training, including completion of FEMA's independent NIMS and ICS study courses;
 - Formal recognition and endorsement of NIMS ICS;
 - Evaluation of plans, policies and procedures that require conformance to NIMS doctrine;
 - Actual modification of emergency responses strategies and tactics to comply with NIMS standards; and
- C. ICS Training: FEMA training courses, which include Introduction, Basic, Intermediate, and Advanced ICS.
- D. ICS Organization: Five major functions: Command, operations, planning, logistics, and finance & administration. In NIMS ICS, an intelligence function can be established for gathering, analysis and sharing of incident-related information.
- E. Relevant Law:

Homeland Security Presidential Directive-5: Initiated by President Bush to require the Secretary of Homeland Security to develop a national management system to provide a consistent nationwide approach for federal, state, tribal and local governments to work together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity.

Executive Order 01.01.2005.09: Issued by Maryland Governor Robert L. Ehrlich, Jr., which directed that NIMS is the standard for critical incident management in Maryland and that all State agencies must use this system for command and control of emergency incidents in cooperation with local jurisdictional response partners.

²*Ibid*, P. 69.

VI. Internet Sources:

NIMS Web Page: www.fema.gov/nims.

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CHAPTER 31

EYEWITNESS IDENTIFICATION

I. Purpose:

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

II. Introduction:

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. It is also important to point out that the responding officer may not be the first person to interview a witness. Reporting persons are witnesses, and they may have been interviewed once (albeit briefly) by a dispatcher or call taker. Those personnel should also be familiar with this policy to ensure that as much accurate information as possible is gathered during the initial report.

Commentary:

The 2007 Maryland General Assembly passed House Bill 103, which added §3-505 to the Public Safety Article of the Annotated Code of Maryland. Section 3-505(a) requires each law enforcement agency in the State to adopt written policies relating to eyewitness identification "that comply with the United States Department of Justice Standards on obtaining accurate eyewitness identification." Although there are apparently no DOJ "standards," the DOJ in 1999 published a research report called "Eyewitness Evidence: A Guide for Law Enforcement". This report is identified in the Fiscal Note for House Bill 103, and serves as the basis for this M d IP li

III. Policy:

- A. It is the policy of Boonsboro Police Department to avoid any action that would be unduly suggestive during any eyewitness identification process.
- B. It is the policy of Boonsboro Police Department that all eyewitness identification be conducted in a structured, professional manner designed to clear the innocent as well as identify suspects in criminal offenses.
- C. It is the policy of Boonsboro Police Department that 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.

D. It is the policy of Boonsboro Police Department that a witness will participate in one and only one type of eyewitness identification. The types of eyewitness identification are:

1. Viewing a Mug Book
2. Participating in the preparation of Composite
3. Participating in a Show Up
4. Participating in a Live Line Up
5. Viewing a Photo Line Up

E. It is the policy of Boonsboro Police Department that 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.

F. It is the policy of Boonsboro Police Department that any photograph of an individual identified by an eyewitness be retained as evidence and handled as such.

Commentary: *The DOJ report, "Eyewitness Evidence: A Guide for Law Enforcement", contains five sections: Initial Report of the Crime/First Responder; Mug Books and Composites; Procedures for Interviewing the Witness by the Follow-up Investigator; Field Identification Procedure; and Procedures for Eyewitness Identification of Suspects. The report may be helpful to Law Enforcement agencies because it provides suggested guidelines and procedures in much more detail than permitted by the space limitations of this Model Policy. The report may be accessed at: www.ncjrs.gov/pdffiles1/nij/178240.pdf*

IV. Definitions:

- A. MUG BOOK: A collection of photographs of previously arrested individuals known or suspected to be involved in certain type crimes. Mug Books are frequently used when there is no clear suspect and other reliable sources have been exhausted.
- B. COMPOSITE: Renderings or recollections of a witness describing a suspect's appearance. Composites may be completed by an artist, computer program, or Identi-Kit which features a variety of different facial features.
- C. SHOW-UP: The display of a single suspect to a witness in an effort to obtain an identification.
- D. PHOTO SHUFFLE: 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. The shuffle will consist of using eight (8) file folders, and six (6) photographs, one of which is the suspect. The first file folder photograph in the shuffle sequence will not be the suspect, the suspect file folder

photograph can be any photograph after that. The last two (2) file folder will be empty. All eight (8) file folders will be presented to witnesses for review, even if witness identify suspect. If at all possible the investigating officer should not be the one that present's the shuffle array to the witnesses.

- E. 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.

V. Relevant Law:

Annotated Code of Maryland, Public Safety Article, § 3-505

Revised, 02/12/2015

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CHAPTER 32

MISSING PERSONS

I. Purpose:

The purpose of this policy is to establish procedures for the reporting of missing persons incidents.

II. Introduction:

Any delay in reporting a missing person can hamper a subsequent investigation, negatively impact the effectiveness and perception of the agency within the community. This policy ensures that personnel understand the need for uniform and timely reporting of a missing persons report to this agency.

III. Policy:

- A. It is the policy of the Boonsboro Police Department to accept, without delay, a report of a missing person, whether such a report is made in person, via telephone or via other electronic means.
- B. It is the policy of the Boonsboro Police Department to require anyone reporting a missing person by telephone or other electronic means, to complete the report in person as soon as practical.
- C. It is the policy of the Boonsboro Police Department to accept a missing person report immediately and without a mandatory waiting period.
- D. It is the policy of the Boonsboro Police Department to inform the general public and family of missing persons that no mandatory waiting period will be impose prior to accepting or investigating a missing person report.
- E. It is the policy of the Boonsboro Police Department to utilize the Uniform Maryland Missing Person report form.

IV. Definitions:

- A. No preexisting definitions have changed as a result of enacting this legislation.

V. Relevant Law:

- A. Maryland Annotated Code, Public Safety Article, Title 6 Sections 3-601 & 3-602.

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CHAPTER 33

OUTSTANDING PERFORMANCE

I. Purpose:

The purpose of this policy is to establish procedures for reporting and recognizing acts of outstanding performance by individuals.

II. Recognition:

Outstanding performance by an individual will be recognized and officially recorded as set forth in this section. Nothing in this section shall prevent allied agency personnel or civilians from receiving an award or ribbon if they meet the established criteria. It is recognized that an officer's actions during an incident may merit more than one award, however, only one award should be given in recognition of the officer's efforts and that award should be the highest award available. Additional awards may be issued at the discretion of the Chief or his representative where the need to recognize a specific instance that occurred during an incident was equally outstanding. All awards are retroactive with written verification.

III. Reporting:

- A. It is the duty and privilege of all BPD employees to report such instances of outstanding performance to the Chief or his representative with concurring or dissenting recommendations.
- B. All letters, memoranda and recommendations from any source pertaining to an outstanding performance, either operational or administrative, directed toward individuals or groups will be referred promptly to the Chief or his representative together with a report that contains, but is not limited to the following:
 - 1. A complete and detailed description of the incident and action taken by the employee.
 - 2. Whether the action was initiated by the employee or resulted from assignment from dispatch or other source.
 - 3. The duty status of the employee at the time of the incident.
 - 4. Whether the action was taken as a matter of routine or was it beyond recognized limits of duty.
 - 5. If the employee's life was at risk in the performance of this action / define the risk and if possible, present witness statements and supportive evidence.
 - 6. If the employee's action contributed to the saving of a life / if possible, present witness statements and solicit the opinion of an attending physician to obtain a positive statement that the action taken did, in fact, save the life.
 - 7. Copies of any related reports from the incident.
 - 8. Recommendation for the presentation of a specific award.

C. GOVERNOR'S CITATION

1. For presentation to an employee whose performance has been identified as outstanding, and above and beyond the call of duty, and where a definite risk of life by the employee was involved.
2. The recipient of a citation will receive a ribbon and a certificate bearing the signature of the Governor. A Senate or House Resolution is the equivalent of a Governor's Citation.

D. MAYOR'S CITATION

1. Authorized in instances where the performance of an employee has been identified as outstanding and above and beyond the call of duty and the risk of life is present.
2. Courage and valor may play an important role, but are not mandatory.
3. The recipient of a citation will receive a ribbon and a certificate bearing the signature of the Mayor.
4. A Town Proclamation is the equivalent of a Mayor's Citation.

E. CHIEF'S CITATION

1. Authorized in instances where the performance of a member or members is identified as exceptional, thereby exemplifying the highest standards of the police profession.
2. The recipient of a citation will receive a ribbon and certificate bearing the signature of the Chief of Police.

F. CHIEF'S COMMENDATION

1. Presented to persons or groups whom the Chief of Police believes have contributed to the well-being of the citizens of Boonsboro or the Boonsboro Police Department.
2. A certificate and ribbon will be presented by the Chief of Police.

G. CERTIFICATE OF VALOR

1. Authorized in instances where a citizen or a member of another law enforcement agency has assisted the Boonsboro Police Department at a definite risk of their life.
2. The recipient of a Certificate of Valor will receive a certificate bearing the signature of the Mayor and Chief of Police. Additionally, police personnel will receive a ribbon.

H. LIFE SAVING AWARD

1. Authorized in instances where one or more employees have performed a life saving procedure in an exemplary manner.
2. The recipient of a Life Saving Award will receive a ribbon and a certificate bearing the signature of the Chief of Police.

I. CERTIFICATE OF RECOGNITION

This award is intended to permit the Chief of Police to express appreciation to police personnel and citizens who merit recognition. The recipient of this award will receive a certificate.

1. Authorized in instances where Boonsboro Police Department or other law enforcement agency personnel have provided exemplary and meritorious service.
2. Authorized in instances where a citizen has voluntarily provided meritorious and exemplary assistance to a Boonsboro Police Department employee, or to another citizen in which the BPD was involved.

J. INJURY AWARD

Authorized under the following circumstances:

1. An employee receives a life threatening or non-life threatening injury sustained while engaged in a law enforcement activity (i.e. effecting an arrest or engaged in enforcement of the law or related activities) and not through carelessness or negligence on the part of the employee.
2. Decisions regarding injury awards are made under independent criteria and shall not be considered in related administrative actions, i.e., administrative leave.
3. The recipient of an Injury Award will receive a ribbon and a certificate bearing the signature of the Chief of Police.

K. LONGEVITY RIBBON

The longevity ribbon is awarded on the basis of time served with the Boonsboro Police Department. The years of service, in 3 year increments, will be designated on the ribbon. Only the highest years of service ribbon shall be worn.

IV. PLACEMENT AND NUMBER OF RIBBONS ON UNIFORM:

1. Awarded ribbons may be worn at any time, to include ceremonies, funerals, etc.

2. The choice of ribbons worn is that of the wearer.
3. If two or three ribbons are worn, they will be worn abreast with the highest award closest to the heart.
4. All ribbons and pins will be worn on the right side of the uniform.
5. The order of placement will be
 - a. Name plate centered with the bottom edge of the name plate touching the top edge of the pocket flap.
 - b. Two or more ribbons - centered above the name plate.
 - c. Pistol Badge centered above the ribbons.
 - d. Single ribbon only – centered above pistol badge.

CHAPTER 34

CRIMINAL CITATIONS

I. Purpose:

The purpose of this policy is to establish procedures for the mandatory issuance of a criminal citation for certain criminal offenses if the defendant meets certain criteria.

II. Policy:

It is BPD policy that officers shall make the arrest for a “Qualifying Offenses” and then conduct a search incident to that arrest, process through Central Booking and then issue a citation in lieu of continued custody, if the suspect meets the “Criteria for Issuance of Criminal Citations” (See D).

All officers shall follow this policy unless directed by a supervisor or the Chief to deviate from the policy for good cause. “Good Cause” in this situation would be numerous minor violators, significant manpower shortage, or other significant problem as determined by a supervisor or the Chief.

III. Definitions:

A. Qualifying Offenses: The following offenses qualify for charge by citation:

1. Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;
2. Any misdemeanor or local ordinance violation for which the maximum penalty of imprisonment is 90 days or less; and
3. Possession of marijuana under § 5-601 of the Criminal Law Article.

See Appendix A for a comprehensive list of qualifying offenses that require charge by criminal citation.

B. Exceptions: The following offenses may not be charged by criminal citation:

1. Failure to comply with a peace order under § 3–1508 of the Courts Article;
2. Failure to comply with a protective order under § 4–509 of the Family Law Article;
3. A violation of a condition of pretrial or post-trial release while charged with a sexual crime against a minor under § 5–213.1 of the Criminal Procedure Article;

4. Possession of an electronic control device after conviction of a drug felony or crime of violence under § 4–109(b) of the Criminal Law Article;
 5. Violation of an out-of-state domestic violence order under § 4–508.1 of the Family Law Article; and
 6. Abuse or neglect of an animal under § 10–604 of the Criminal Law Article.
- C. It is the policy of BPD that an officer who has grounds to make an arrest for an offense that meets the criteria specified in D. shall issue a Uniform Criminal Citation. The defendant shall be released upon their signature on the Criminal citation following processing at Central Booking.
- D. An officer who has grounds to make an arrest for possession of marijuana or an offense for which the maximum penalty of imprisonment is 90 days or less shall make the arrest, search incident to arrest, and process through Central Booking (i.e. fingerprint and photograph) the defendant. The officer shall verify the suspect's identification through the live scan fingerprint system, through the suspect's photo id, or through the Records Management System (i.e. picture of suspect on file).
1. If the officer determines the defendant meets the criteria specified in D., a defendant shall be charged by Uniform Criminal Citation and after processing and then shall be released upon their signature on the citation in lieu of continued custody and an initial appearance before the District Court Commissioner.
- E. An officer shall not unlawfully detain any person based upon race, color, ethnicity, national origin, gender, age, sexual orientation, disability or genetic information.
- F. An officer shall not participate in the use of any unlawful discriminatory characteristic as a cause for taking any law enforcement action against any individual or group of individuals.

IV. Criteria for Issuance of Citation:

Although the law mandates the issuance of a citation for qualifying offenses, the law requires the defendant to meet certain criteria to be released without approval by a court commissioner. If the defendant cannot meet the criteria listed below, the officer must charge the individual on a statement of charges and ensure the defendant's appearance before a court commissioner.

- A. The law requires a law enforcement officer to charge a defendant on a citation only if:
1. The officer is satisfied with the defendant's evidence of identity;
 2. The officer reasonably believes that the defendant will comply with the citation;

3. The officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety;
4. The defendant is not subject to arrest for another criminal charge arising out of the same incident; and
5. The defendant complies with all lawful orders by the officer.

In any case where a defendant appears before a District Court Commissioner in a citable case, the officer must state in the probable cause statement which criteria above the defendant failed to meet.

V. Requested Forms and Reports:

A. Uniform Criminal Citation Form DC/CR 45

The officer shall use the Uniform Criminal Citation form to charge a defendant by citation. The officer shall use either:

1. The pre-printed/pre-numbered book provided by the District Court; or
2. In the case of an electronic format, the assigned electronic citation number provided by the District Court.

B. Probable Cause Continuation Sheet Form DC/CR 4

Under no circumstances should the officer try to write the entire probable cause statement on the back of the Uniform Criminal Citation. The officer shall use the statement of probable cause continuation sheet to complete the probable cause narrative outlining the facts and circumstances substantiating the charge. The Uniform Criminal Citation number shall be recorded in the case number block on the continuation sheet.

C. Statement of Charges Form DC/CR 2

A Statement of Charges is used if the defendant does not comply with D. If the defendant is charged on a Statement of Charges for an offense that qualifies for charge by citation, a note should be placed at the end of the statement of probable cause as to why the defendant went before the commissioner instead of being released on citation (See D.).

D. Criminal Investigation Report (CIR)

In addition to the Uniform Criminal Citation and the probable cause continuation sheet(s), the officer shall complete a Criminal Investigation Report detailing the circumstances of the incident. A copy of the report shall be forwarded to the States Attorney's office with a copy of the citation.

E. Arrest/Booking Report (ABR)

In addition to the above documents, an Arrest/Booking Report shall also be completed and submitted with the CIR.

F. When an officer determines that a Uniform Criminal Citation shall be the form to charge a defendant, the officer shall use the preprinted/pre-numbered book provided by the District Court or the assigned electronic citation number provided by the District Court. The officer shall use the statement of probable cause continuation sheet to complete the probable cause narrative outlining the facts and circumstances substantiating the charge. The Uniform Criminal Citation number shall be recorded in the case number block on the continuation sheet. If for any reason the defendant is charged on a Statement of Charges, instead of a criminal citation, a note should be placed at the end of the statement of probable cause as to why the person went before the commissioner in lieu of being released on the citation (See IV.).

The names and addresses of the Victims and Witnesses shall only be listed on the CIR and not the citation. In every case, copies of the Uniform Criminal Citation and continuation sheet(s) shall be given to the defendant upon their release.

VI. Report Distribution:

Copies of the Uniform Criminal Citation and Probable Cause Continuation Sheet(s) shall be given to the defendant upon release. Copies of the Uniform Criminal Citation, Probable Cause Continuation Sheet, AR and CIR shall be reviewed by your supervisor, turned into the Records Section and forwarded to the State's Attorney's Office for review.

VII. LAW ENFORCEMENT REPORTING - STATISTICAL DATA COLLECTION:

On or before December 31, 2012, MPCTC and MSAC in consultation with the Administrative Office of the Courts (AOC) will develop a format and procedures for the collection of certain criminal citations data. Beginning January 1, 2013 law enforcement agencies are required to collect the following data on all criminal citations issued:

A. The race or ethnicity of the offender as:

1. Asian;
2. Black;
3. Hispanic;
4. White; or
5. Other.

GOCCP in partnership with the Maryland State Police is pursuing an automated solution to law enforcement data collection via Delta+, the application that runs ETIX. Beginning

January 1, 2013, Delta+ will include a race-based reporting module for criminal citations. Law enforcement will enter all citation data electronically via Delta+. This data gets stored by MSP who will submit citation data for all law enforcement agencies in the state to MSAC by March 1 each subsequent year. GOCCP and MSP are discussing the feasibility of updating Delta+ to include functionality similar to e-citations for criminal citations in late 2013. Updates to Delta+ will give officers the capability to scan MVA licenses, enter data, and print criminal citations in cars. Officers will print out electronic criminal citations and follow current hardcopy procedures with the Courts.

APPENDIX A: Qualifying Offenses

Statute 4	Charge Description	Type of Charge	Penalty	Fine	Arrest Number (2011)
	POSS: MARIJUANA	MISDEMEANOR	1 YEAR	1000	23,822
(c)(1)	CDS:POSS PARAPHERNALIA	MISDEMEANOR	0	500	11,022
(c)(4)	DISTURB THE PEACE	MISDEMEANOR	60 DAYS	500	8,866
	THEFT LESS THAN \$100.00	MISDEMEANOR	90 DAYS	500	5,979
	TRESPASS-POSTED PROPERTY	MISDEMEANOR	90 DAYS	500	5,158
	MAL DEST PROP/VALU - \$500	MISDEMEANOR	60 DAYS	500	3,030
	FAIL APPEAR-CITATION	MISDEMEANOR	90 DAYS	500	1,285
	ALC. BEV./INTOX:ENDANGER	MISDEMEANOR	90 DAYS	100	563
	HARASS; A COURSE OF CONDUCT	MISDEMEANOR	90 DAYS	500	328
(c)	LITTER/DUMP UNDER 100 LBS	MISDEMEANOR	30 DAYS	1500	160
	ALC BEV./RETAIL AREA DRINK	MISDEMEANOR	90 DAYS	100	150
	ALC BEV OPEN CONT RETL EST	MISDEMEANOR	0	100	117
	ALC BEV/PROHIB PLACE DRINK	MISDEMEANOR	0	100	115
	CONFINE UNATTENDED CHILD	MISDEMEANOR	30 DAYS	500	98
(b)	BAD CHECK/STOP PAY/LESS THAN \$100	MISDEMEANOR	90 DAYS	500	95
	ALC BEV./RETAIL AREA DRINK	MISDEMEANOR	0	100	94
	ALC BEV/OPEN CONT/RETL EST	MISDEMEANOR	0	100	92
(a)	CRDT CRD/ANTHR CHG L/T \$100	MISDEMEANOR	90 DAYS	500	74
	SCHOOL:FAIL SEND CHILD	MISDEMEANOR	10 DAYS	50	67
	FAIL COMPLY W/LAWFUL ORDER	MISDEMEANOR	3 MONTHS	500	63

Sources: Judicial Information Systems, LexisNexis, Maryland Sentencing Commission, State's Attorney's Office, Department of Public Safety & Correctional Services

CJIS Code	Statute 1	Statute 2	Statute 3	Statute 4	Charge Description	Type of Charge	Penalty	Fine	Arrest Number (2011)
1 0744	24	11	504	(l)(5)	DOM ANML DIST PEACE -CECIL CO	MISDEMEANOR	0	500	
1 0457	25	122A			JUNKYRD: FAIL SCREEN/FENCE	MISDEMEANOR	0	25	
1 0006	25	122B			JUNKYARD:FAIL SCREEN ETC.	MISDEMEANOR	30 DAYS	100	
2 0370	29	11	115		CORRUPT PRACTICES	MISDEMEANOR	0	500	
1 0798	2B	16	505	(b)(1)	USE/POSSESSION-AWOL MACHINE	MISDEMEANOR	0	1000	0
1 0349	2B	19	101		ALC BEV./RETAIL AREA DRINK	MISDEMEANOR	90 DAYS	100	150
1 4200	2B	19	101		ALC. BEV./INTOX:ENDANGER	MISDEMEANOR	90 DAYS	100	563
1 0350	2B	19	202		ALC BEV./RETAIL AREA DRINK	MISDEMEANOR	0	100	94
1 0351	2B	19	202		ALC BEV/VEH PUB PROP DRINK	MISDEMEANOR	0	100	23
1 0352	2B	19	202		ALC BEV RETL EST DRINK	MISDEMEANOR	0	100	8
7 4100	2B	19	202		ALC BEV/PROHIB PLACE DRINK	MISDEMEANOR	0	100	115
1 0353	2B	19	301		ALC BEV OPEN CONT RETL EST	MISDEMEANOR	0	100	117
8 0000	2B	19	301		ALC BEV/OPEN CONT/RETL EST	MISDEMEANOR	0	100	92
2 2010	88A	6	(b)		MISUSE PUB ASST RECORDS	MISDEMEANOR	90 DAYS	500	
3 2799	AG	1	305		FRAUD-NONACCTG OF GOODS	MISDEMEANOR	0	5	
1 0527	AG	2	313	1	PRACT. VET MED W/O LICENSE	MISDEMEANOR	3 MONTHS	500	
1 0528	AG	2	313	4I	OWN VET HOSP. W/O LICENSE	MISDEMEANOR	3 MONTHS	500	
2 0426	AG	4	123		FALSE STMT/FORGERY MEAT PRODS	MISDEMEANOR	3 MONTHS	500	
2 0427	AG	4	123		FALSE STMT/FORGERY MEAT PRODS	MISDEMEANOR	3 MONTHS	500	
2 0428	AG	4	123		FALSE STMT/FORGERY MEAT PRODS	MISDEMEANOR	3 MONTHS	500	
2 0429	AG	4	123		BRIBERY - MEAT PRODUCTS	MISDEMEANOR	3 MONTHS	500	
1 0278	AG	4	123.1		LIVESTK SLAUGHTR METHD INH	MISDEMEANOR	0	100	
1 6201	AG	4	123.1		INHUMN SLAUGHTER LIVESTOCK	MISDEMEANOR	0	100	
2 0435	AG	4	309		FALSE REPORT - EGGS	MISDEMEANOR	3 MONTHS	500	
1 0052	AG	9	404		WEED NOXIOUS: CONTAM. WITH	MISDEMEANOR	3 MONTHS	500	
1 0414	AG	9	404		WEED, NOXIOUS: TRANSPORT	MISDEMEANOR	3 MONTHS	500	

1 0054	AG	9	405		FAIL COMPLY TURF GRASS REG	MISDEMEANOR	3 MONTHS	500	
2 0436	AG	10	805		FALSE REPORT - APPLES	MISDEMEANOR	3 MONTHS	500	
1 0709	AG	11	204.2		WEIGHT AND MEASURE W/O REGIS	MISDEMEANOR	3 MONTHS	500	
1 0139	AG	11	208	(a)	WGTS/MEAS. UNAPPROVED USE	MISDEMEANOR	3 MONTHS	500	
2 0437	AG	11	208	(d)	FRAUD - WEIGHTS AND MEASURES	MISDEMEANOR	3 MONTHS	500	
2 0438	AG	11	208	(d)	FRAUD - WEIGHTS AND MEASURES	MISDEMEANOR	3 MONTHS	500	
2 0439	AG	11	208	(d)	FRAUD - WEIGHTS AND MEASURES	MISDEMEANOR	3 MONTHS	500	
2 0440	AG	11	208	(d)	FRAUD - WEIGHTS AND MEASURES	MISDEMEANOR	3 MONTHS	500	
1 0119	AG	11	208	(d)(1)	WGTS/MEAS/FALSE: USE/SELL	MISDEMEANOR	3 MONTHS	500	
1 0417	AG	11	208	(d)(2)	WGTS/MEAS FALS DISPOSE ILL	MISDEMEANOR	3 MONTHS	500	
1 0140	AG	11	208	(d)(3)	WGTS/MEAS. REMOV INSPEC SL	MISDEMEANOR	3 MONTHS	500	
1 0418	AG	11	208	(d)(3)	WGTS/MEAS REMOV INSP SEAL	MISDEMEANOR	3 MONTHS	500	
1 0121	AG	11	208	(d)(4)	WGTS/MEAS SEL LES THAN SHO	MISDEMEANOR	3 MONTHS	500	
1 0420	AG	11	208	(d)(5)	WGTS/MEA TAK MOR THAN SHO	MISDEMEANOR	3 MONTHS	500	
1 0421	AG	11	208	(d)(6)	WGTS/MEA SALE CONTR TO LAW	MISDEMEANOR	3 MONTHS	500	
1 0422	AG	11	208	(d)(7)	WGTS/MEA USE AWAY FRM BYER	MISDEMEANOR	3 MONTHS	500	
1 0423	AG	11	208	(d)(9)	WGTS/MEASURE: MANIPULATE	MISDEMEANOR	3 MONTHS	500	
1 0424	AG	11	208	(d)10	WGTS/MEA MISREPRESNT RESLT	MISDEMEANOR	3 MONTHS	500	
1 0425	AG	11	305	(a)	PKG. FAIL DECLARE CONTENTS	MISDEMEANOR	3 MONTHS	500	
1 0426	AG	11	305	(b)	PKG. EXAGGERATE QUANTITY	MISDEMEANOR	3 MONTHS	500	
1 0427	AG	11	305	(c)	PACKAGE:PRICE PER UNIT FAILURE	MISDEMEANOR	3 MONTHS	500	
1 0428	AG	11	306	(a)	PACKAGE: WRAP/FILL/MISLEAD	MISDEMEANOR	3 MONTHS	500	
1 0429	AG	11	306	(b)	PRICE/AMT NO LINK IN ADVRT	MISDEMEANOR	3 MONTHS	500	
1 5569	AG	11	307	(a)	NO DELIV TICKET COMM SOLD	MISDEMEANOR	3 MONTHS	500	
1 5571	AG	11	309	(a)	PRICE CALCULATED DECEPTION	MISDEMEANOR	3 MONTHS	500	
1 5600	AG	11	312	(a)	FAIL SELL BUTTR/MAR BY WGT	MISDEMEANOR	3 MONTHS	500	
1 0867	BOP	4	501		OP BARBERSHOP W/O LIC.	MISDEMEANOR	30 DAYS	100	
1 0868	BOP	4	601		BARBERING W/O LICENSE	MISDEMEANOR	30 DAYS	100	
2 0584	BOP	4	604		FALSE REP - BARBERS	MISDEMEANOR	30 DAYS	100	
1 0866	BOP	5	601		COSMETOLOGIST W/O REG.	MISDEMEANOR	30 DAYS	100	

2 0585	BOP	5	604		FALSE REP - COSMETOLOGISTS	MISDEMEANOR	30 DAYS	100	
1 0864	BOP	12	603		EMPLOY UNQUALIFIED PLUMBER	MISDEMEANOR	0	50	
2 0594	BOP	12	604		FALSE REPRESENTATION- PLUMBERS	MISDEMEANOR	0	50	
2 0255	BR	1	415		FRAUD-IMITATE TRADE NAME	MISDEMEANOR	0	100	
4 2604	BR	1	415		FRAUD-IMITATE NAME/TITLE	MISDEMEANOR	0	100	
1 2604	BR	11	003		FRAUD-UNAUTH USE/INSIGNIA	MISDEMEANOR	0	200	
1 0857	BR	16	301		FAIL OBTN CIGARETTE LICNSE	MISDEMEANOR	0	100	
1 0856	BR	16	308		SELL CIGARETTES W/O LICENSE	MISDEMEANOR	0	100	6
1 0845	BR	17	503		BILLIARD TABLE LIC. REQUIRED	MISDEMEANOR	0	500	
1 0854	BR	17	505		BILLIARD TABLE W/O LIC-GAM	MISDEMEANOR	0	500	
1 0847	BR	17	602		FAIL OBTN CONSTRUCT. LICENSE	MISDEMEANOR	30 DAYS	300	
1 0855	BR	17	911		LICENSE REQUIRED PEDDLER	MISDEMEANOR	0	100	10
1 0647	BR	17	1006	(a)(1)	NO JUNK DEAL/SCRAP MTL LICENSE	MISDEMEANOR	0	500	
1 0648	BR	17	1011	(b)(1)	JUNK DEALER FAIL ACCU RECORD	MISDEMEANOR	0	500	
1 0649	BR	17	1011	(b)(4)	JUNK DEALR FAIL SUBMIT RECORD	MISDEMEANOR	0	500	
1 0612	BR	17	1011	(d)(1)	JUNK METAL DEALER RECORDS	MISDEMEANOR	0	500	
1 0613	BR	17	1011	(d)(2)	JUNK/SCRAP PURCHASE W/O ID	MISDEMEANOR	0	500	
1 0650	BR	17	1011	(d)(3)	JUNK LICENSEE PURCH W/O AUTH	MISDEMEANOR	0	500	
1 0637	BR	17	1202		FAIL OBTAIN WAREHOUSE LIC.	MISDEMEANOR	30 DAYS	300	
1 0947	BR	17	1603		OPERATE RESTAURANT W/O LIC.	MISDEMEANOR	30 DAYS	300	2
1 0948	BR	17	1604		FAIL TO PAY RESTAURANT LIC FEE	MISDEMEANOR	30 DAYS	300	
3 5100	BR	17	1804		DO BUS W/O TRADERS LICENSE	MISDEMEANOR	30 DAYS	300	26
1 0851	BR	17	1805		2 OR MORE STORES W/O LICNS	MISDEMEANOR	30 DAYS	100	2
1 0846	BR	17	1903		VENDING MACH. LIC. REQUIRED	MISDEMEANOR	0	100	
1 0877	BR	19	308		PURCHASE-PLASTIC SEC PACKAG	MISDEMEANOR	0	100	
1 0878	BR	19	308		RECORDS - PLASTIC SEC PACKAG	MISDEMEANOR	0	100	
2 2604	BR	19	207(c)		FRAUD-UNAUTH USE/INSIGNIA	MISDEMEANOR	0	25	
3 2604	BR	19	207(d)		FRAUD-UNAUTH USE/REG INSIG	MISDEMEANOR	0	100	
1 0793	CA	3	514	A	DO BUS. AFT CHARTER FORFEITED	MISDEMEANOR	0	500	
1 0002	CA	7	302		FAILURE FOREIGN CORP REGIS	MISDEMEANOR	0	200	2

2 0100	CJ	3	1508	-	PEACE ORDER VIOLATIONS	MISDEMEANOR	90 DAYS	1000	3
1 5578	CJ	8	401	(c)	MISREP FCTS JUROR QUAL FRM	MISDEMEANOR	30 DAYS	500	
1 0834	CL	11	603		BUY/SELL GAS CONT W/O AUTH	MISDEMEANOR	90 DAYS	300	
1 0544	CL				DECEPTIVE TRADE PRACTICES	MISDEMEANOR	0	300	
1S 0074	CL				SOL-GROCERY CARTS-DAMAGE	MISDEMEANOR	0	25	
1S 0581	CL				SOL-CRDT CRD/ANTHR CHG L/T \$100	MISDEMEANOR	90 DAYS	500	
1S 0583	CL				SOL-CREDIT CARD- PERSONATN/L/T \$100	MISDEMEANOR	90 DAYS	500	
1S 0584	CL				SOL-CR CRD SELL UNLAW USE L/T \$100	MISDEMEANOR	90 DAYS	500	
1S 0585	CL				SOL-CREDIT CARD FALSE CLM- L/T \$100	MISDEMEANOR	90 DAYS	500	
1S 0586	CL				SOL-FALSE CRD CHG GOODS L/T \$100	MISDEMEANOR	90 DAYS	500	
1S 0595	CL				SOL-POSS ELC CTRL DEVICE	MISDEMEANOR	2 MONTHS	500	
1S 0636	CL				SOL-VIOL REL COND - MINOR VICT	MISDEMEANOR	90 DAYS	0	
1S 1141	CL				SOL-BD CHECK/UTTER LESS \$100	MISDEMEANOR	90 DAYS	500	
1S 1142	CL				SOL-BD CK/PASS/NSF/LESS \$100	MISDEMEANOR	90 DAYS	500	
1S 1143	CL				SOL-BAD CHK/STOP PAY/LESS THAN \$100	MISDEMEANOR	90 DAYS	500	
1S 1144	CL				SOL-BD CK/EMPLOYEE/LESS THAN \$100	MISDEMEANOR	90 DAYS	500	
1 0694	CP	5	210		BAIL BONDSMAN- SOLICITATION	MISDEMEANOR	0	100	0
1 1476	CP	5	212		FAIL APPEAR-CITATION	MISDEMEANOR	90 DAYS	500	1,285
1 0636	CP	5	213.1		VIOL RELEASE COND - MINOR VICT	MISDEMEANOR	90 DAYS	0	
1 2100	CR	3	707		THREAT OR COERCE TO DONATE	MISDEMEANOR	90 DAYS	100	0
1 0191	CR	3	803		HARASS; A COURSE OF CONDUCT	MISDEMEANOR	90 DAYS	500	328
1 5406	CR	3	803		HARASS FOL. ANOTH W/INT TO	MISDEMEANOR	90 DAYS	500	23
2 0070	CR	3	806		LASER POINTERS-PROHIBITED	MISDEMEANOR	0	500	2
1 0013	CR	3	901		VISUAL SURVEILLANCE	MISDEMEANOR	30 DAYS	1000	23
1 0345	CR	3	904	(c)	DISTURB:DWELLING/ASSEMBLY	MISDEMEANOR	90 DAYS	100	1
1 5307	CR	3	904	(c)	DISTURBANCE DWELLING/PICKET	MISDEMEANOR	90 DAYS	100	
1 5706	CR	3	905		LETTERS-OPEN W/O PERM	MISDEMEANOR	6 DAYS	15	4
2 5703	CR	3	906	(b)(2)	TELEGRAPH REFUS TO DELIVER	MISDEMEANOR	3 MONTHS	500	
1 5703	CR	3	906		TELEGRAPH ETC DIVULGE CONT	MISDEMEANOR	3 MONTHS	500	
2 0239	CR	4	104		CHILD'S ACCESS TO FIREARMS	MISDEMEANOR	0	1000	30

+										
0595	CR	4	109	(b)	POSS ELC CTRL DEVICE	MISDEMEANOR	2 MONTHS	500	-	
3										
5201	CR	4	403	(b)	MCHN GUN:FAIL SHOW REGISTER:	MISDEMEANOR	0	100		
3										
5200	CR	4	403		MCHNGUN:FAIL KEEP REGISTER	MISDEMEANOR	0	100	0	
	CR	5	503		POSSESSION OF OPIUM	MISDEMEANOR	0	1000		
1 0573	CR	5	601		POSS: MARIJUANA	MISDEMEANOR	1 YEAR	1000	23,822	
5										
3550	CR	5	619	(c)(1)	CDS:POSS PARAPHERNALIA	MISDEMEANOR	0	500	11,022	
6										
3550	CR	5	619	(d)(1)	CDS:DIST PARAPHERNALIA	MISDEMEANOR	0	500		
9										
0082	CR	5	619	(e)(1)	CDS PARA-ADVERTISE	MISDEMEANOR	0	500		
2										
2003	CR	6	108		ARSON-TRASH CONTAINERS	MISDEMEANOR	30 DAYS	500	4	
3										
4025	CR	6	301		MAL DEST PROP/VALU - \$500	MISDEMEANOR	60 DAYS	500	3,030	
2										
2210	CR	6	402		TRESPASS-POSTED PROPERTY	MISDEMEANOR	90 DAYS	500	5,158	
2										
2220	CR	6	403		TRESPASS: PRIVATE PROPERTY	MISDEMEANOR	90 DAYS	500		
2										
2230	CR	6	403		TRESPASS: BOAT	MISDEMEANOR	90 DAYS	500		
2										
2240	CR	6	404	(b)	OFF-ROAD VEHICLE ON PROPERTY	MISDEMEANOR	90 DAYS	500		
2										
2250	CR	6	405		OFF-ROAD VEH/GOV PROPERTY	MISDEMEANOR	90 DAYS	500		
2										
2270	CR	6	406		TRESPASS-CULTIVATED LAND	MISDEMEANOR	90 DAYS	500		
2										
2260	CR	6	407		TRESPASS-RACE TRACK/STABLE	MISDEMEANOR	90 DAYS	500		
2										
2280	CR	6	408		TRESPASS- PEEPING TOM	MISDEMEANOR	90 DAYS	500		
7										
5501	CR	6	503	(d)(1)	TRESPASS-RAILROAD PROPERTY	MISDEMEANOR	30 DAYS	100	3	
1										
0589	CR	6	503		RR:ON EQUIPT W/O AUTHORITY	MISDEMEANOR	1 MONTHS	100	3	
1										
0521	CR	7	104		THEFT LESS THAN \$100.00	MISDEMEANOR	90 DAYS	500	5,979	
2										
0455	CR	7	106		NEWSPAPER THEFT	MISDEMEANOR	60 DAYS	500	0	
1										
2411	CR	7	201	(b)(i)	GROCERY CARTS-REMOVAL	MISDEMEANOR	0	25	3	
1										
0074	CR	7	201	(b)(ii)	GROCERY CARTS-DAMAGE	MISDEMEANOR	0	25		
8										
7199	CR	7	201	(b)(iii)	GROCERY CART-ABANDON	MISDEMEANOR	0	25		
7										
5000	CR	7	204	(a)	KEYS-ILLEGAL USE ETC	MISDEMEANOR	0	500		
1										
1141	CR	8	103	(a)	BD CHECK/UTTER LESS \$100	MISDEMEANOR	90 DAYS	500		
1										
1142	CR	8	103	(a)	BD CK/PASS/NSF/LESS \$100	MISDEMEANOR	90 DAYS	500		
1										
1143	CR	8	103	(b)	BAD CHECK/STOP PAY/LESS THAN \$100	MISDEMEANOR	90 DAYS	500	95	
1										
1144	CR	8	103	(c)	BD CK/EMPLOYEE/LESS THAN \$100	MISDEMEANOR	90 DAYS	500		
1										
	CR	8	108		BAD CHECK: FINES/COURT	MISDEMEANOR	60 DAYS	100	1	

0616					COSTS				
1 0581	CR	8	206	(a)	CRDT CRD/ANTHR CHG L/T \$100	MISDEMEANOR	90 DAYS	500	74
1 0582	CR	8	206	(a)(2)	OBT PROP BY COUNTERFEIT L/T \$100	MISDEMEANOR	90 DAYS	500	
1 0583	CR	8	206	(b)	CREDIT CARD-PERSONATN/L/T \$100	MISDEMEANOR	90 DAYS	500	
1 0584	CR	8	207	(a)(1)(i)	CR CARD SELL UNLAWFUL USE L/T \$100	MISDEMEANOR	90 DAYS	500	1
1 0585	CR	8	207	(a)(2)	CREDIT CARD FALSE CLM-L/T \$100	MISDEMEANOR	90 DAYS	500	
1 0586	CR	8	209		FALSE CRD CHG GOODS L/T \$100	MISDEMEANOR	90 DAYS	500	
2 2399	CR	8	407		FRAUDULENT CONVERSION OF LEASED OR RENTED GOOD	MISDEMEANOR	60 DAYS	1000	30
1 2600	CR	8	520		FRAUD - MISREP FUND RAISING	MISDEMEANOR	60 DAYS	1000	0
1 2625	CR	8	520		FRAUD - MISREP FUND RAISING	MISDEMEANOR	60 DAYS	1000	
5 2604	CR	8	522	(b)(1)(i)	DOC USE/FAKE COURT PROCESS	MISDEMEANOR	0	100	
1 0219	CR	8	522	(b)(2)	DOC USE FAKE GOV ORIGIN	MISDEMEANOR	0	100	
1 0218	CR	8	522	(b)(ii)	DOCUMNT USE IMPLY GOV ASSO	MISDEMEANOR	0	100	0
2 2505	CR	8	613	(b)(3)	FORGERY-MF/SELL SLUGS	MISDEMEANOR	3 MONTHS	500	
1 2505	CR	8	613		FORGERY-VEND/OPER DEVICE	MISDEMEANOR	3 MONTHS	500	2
1 2600	CR	8	901		FRAUD-CERTIFIED LIVESTOCK	MISDEMEANOR	0	50	
2 2710	CR	8	903		UNLAWFL SALE TRANSFER TICKET	MISDEMEANOR	0	100	1
	CR	9	508		FALSE FILING OF FINANCIAL STATEMENT OR AMENDMENT	MISDEMEANOR	0	500	
	CR	9	602		STATE PERSONNEL MONITORING/RECORDING TELEPHONE	MISDEMEANOR	0	1000	
	CR	9	603		PRE-RECORDED EMERGENCY MESSAGE	MISDEMEANOR	0	50	
1 0393	CR	9	608		INTENTIONAL FLSALARM/BURG-ROB	MISDEMEANOR	90 DAYS	500	0
1 0394	CR	9	610	(c)	DEFECTIVE ALARM/CONT. USE	MISDEMEANOR	90 DAYS	500	0
	CR	9	611		AUDIBLE ALARM SYSTEM VIOLATION	MISDEMEANOR	0	100	
	CR	9	704		POSSESS ID BADGE AFTER TERMINATION OF EMPLOYMENT	MISDEMEANOR	90 DAYS	500	
	CR	9	706		UNAUTH USE OF ID BADGE	MISDEMEANOR	90 DAYS	500	
3 5599	CR	10	102	(b)(1)(2)	HEALTH ADVERTIS V/D REMEDY	MISDEMEANOR	0	500	0
1 0274	CR	10	103	(b)	VD REMEDY DISP W/O PRESCR	MISDEMEANOR	0	50	0
4 5599	CR	10	103	(b)	VD REMEDY DISP W/O CREDEN	MISDEMEANOR	0	50	0
1 0467	CR	10	104		SALE NONLATEX CONDOM- VENDING MACHINE	MISDEMEANOR	0	1000	0
	CR	10	105		SALE CONTRACEPTIVE-	MISDEMEANOR	0	1000	

					VENDING MACHINE- SCHOOL				
1 5407	CR	10	106		SALE CLOVE CIGARETTES	MISDEMEANOR	0	500	1
2 4050	CR	10	107	(c)(1)	TOBACCO PURCH/SELL MINOR	MISDEMEANOR	0	300	1
5 5599	CR	10	109		ICEBOXES-ABANDONED	MISDEMEANOR	30 DAYS	100	0
1 0640	CR	10	110	(c)	LITTER/DUMP UNDER 100 LBS	MISDEMEANOR	30 DAYS	1500	160
1 0641	CR	10	110	(c)	CAUSE LITTER/DUMP L/T 100 LBS	MISDEMEANOR	30 DAYS	1500	
	CR	10	116		OBTAINING FOR UNDERAGE CONSUMPTION	MISDEMEANOR	0	2500	
	CR	10	117		FURNISHING OR ALLOWING UNDERAGE CONSUMPTION	MISDEMEANOR	0	2500	
2 4199	CR	10	120		FAIL:PROOF OF AGE AND ID	MISDEMEANOR	0	50	36
	CR	10	131		DISTRIBUTION SALVIA DIVINORUM TO MINOR	MISDEMEANOR	0	1000	
2 0045	CR	10	201	(c)(1)	DISTURB PEACE HINDER PASSG	MISDEMEANOR	60 DAYS	500	
2 0050	CR	10	201	(c)(2)	DISORDERLY CONDUCT	MISDEMEANOR	60 DAYS	500	
2 0055	CR	10	201	(c)(3)	FAIL OBEY RENBLE/LAWFL	MISDEMEANOR	60 DAYS	500	
2 0060	CR	10	201	(c)(4)	DISTURB THE PEACE	MISDEMEANOR	60 DAYS	500	8,866
2 0065	CR	10	201	(c)(5)	DISTURB PEACE - LOUD NOISE	MISDEMEANOR	60 DAYS	500	
1 5399	CR	10	203	(b)	DISRUPT-ATHLETIC CONTESTS	MISDEMEANOR	3 MONTHS	250	0
1 0479	CR	10	204		INTERFERENCE ACCESS OR EGRESS - MEDICAL FACILITY	MISDEMEANOR	90 DAYS	1000	1
	CR	10	205		OBSTRUCTION ENTRY OR EXIT FROM FUNERAL ETC.	MISDEMEANOR	90 DAYS	1000	
1 3600	CR	10	501		ADULTERY	MISDEMEANOR	0	10	1
1 0500	CR	10	604	-	ABUSE OR NEGLECT OF ANIMAL	MISDEMEANOR	90 DAYS	1000	-
3 7199	CR	10	610		ANIMAL-GIFT AS PRIZE ETC.	MISDEMEANOR	0	500	
1 0014	CR	10	611		ANIMAL-KILLING	MISDEMEANOR	0	500	
2 7199	CR	10	612		ANIMAL-ABANDON	MISDEMEANOR	0	100	
4 7199	CR	10	613	(b)(1)	ANIMAL-SELL PUPPY/KITTEN	MISDEMEANOR	0	500	
	CR	10	614		TRANSFER OR COLORING OF CHICK	MISDEMEANOR	0	25	
	CR	10	617		DISPOSAL OF DOMESTIC ANIMAL	MISDEMEANOR	0	500	
6 7199	CR	10	618		CRUELTY-POISN/BRKN GLAS DG	MISDEMEANOR	0	100	
6 7200	CR	10	618		CRUELTY-LEAVE POISON/GRND GLAS	MISDEMEANOR	0	100	
1 0399	CR	10	619		FAILURE TO CONFINE/RESTRAIN DANGEROUS DOG	MISDEMEANOR	0	2500	2

7 7199	CR	10	621		IMPORT, OFFER, OR SALE OF DANGEROUS ANIMAL	MISDEMEANOR	0	1000	2
	CR	10	622		INJURING OR TRAPPING CARRIER PIGEON	MISDEMEANOR	0	10	
1 1763	CR	10	623		UNREASONABLY RESTRAINING DOG OUTSIDE	MISDEMEANOR	90 DAYS	1000	3
	CR	10	703		MARKED FLAG AND MERCHANDISE	MISDEMEANOR	0	500	
	CR	12	107		PARI-MUTUEL BETTING	MISDEMEANOR	0	200	
	CR	12	108		GAMING EVENT - ACCEPTANCE OF CREDIT	MISDEMEANOR	0	1000	
1 3915	CR	12	206		LOTTERY-PUBLISH ACCT	MISDEMEANOR	60 DAYS	100	0
1 3900	CR	12	212		LOTTERY-GIFT ENTERPRISE	MISDEMEANOR	0	50	
1 1413	CR	13	2436		WASHINGTON CO-OPR TIP JAR	MISDEMEANOR	0	500	
1 5199	CS	3	218		GIFTS ETC TO INMATE EMPL	MISDEMEANOR	0	500	
1 0047	ED	7	301		SCHOOL:FAIL SEND CHILD	MISDEMEANOR	10 DAYS	50	67
1 0101	ED	7	301		SCHOOL INDUCE/ATT ABSENCE	MISDEMEANOR	30 DAYS	500	0
1 0102	ED	7	301		HARBOR/EMPLY CHILD-SCH HRS	MISDEMEANOR	30 DAYS	500	
1 0552	ED	23	408		TAKE/MUTILATE LIBRARY PROP	MISDEMEANOR	3 MONTHS	250	
1 0611	ED	26	104		OBSTRUCT SCHOOL BUS DRIVER	MISDEMEANOR	90 DAYS	1000	1
7 5599	EN	5	10A-01		JUNKYARD ETC FAIL MAINTAIN	MISDEMEANOR	90 DAYS	500	0
1 0093	EN	10	301		NUISANCE ABATEMENT VIOL.	MISDEMEANOR	0	50	
1 0682	EN	10	301		FAIL TO OBEY ABATEMENT NOTICE	MISDEMEANOR	0	50	1
1 0092	EN	10	305		NUISANCE VIOLATIONS	MISDEMEANOR	0	100	2
1 1059	EN	11	401		MISREPRESENT SANITARIANS	MISDEMEANOR	60 DAYS	100	
2 0870	EN	11	401		MISREP-LIC ENVIRON SANITARY	MISDEMEANOR	60 DAYS	100	
1 0832	EN	13	501		WELL DRILLING W/O LICENSE	MISDEMEANOR	3 MONTHS	500	
1 1068	EN	13	502		MISREPRESENT WELL DRILLING	MISDEMEANOR	3 MONTHS	500	
2 0871	EN	15	309		COUNTERFEIT	MISDEMEANOR	0	500	10
4 7399	FL	2	202		UNLAWFUL MARRIAGE	MISDEMEANOR	0	500	0
	FL	2	302		UNDERAGE MARRIAGE	MISDEMEANOR	0	250	
7 7399	FL	2	401		MARRIAGE W/O LICENSE	MISDEMEANOR	0	100	
6 7399	FL	2	406	(b)	MARIAGE BETWN UNAUTH PERSN	MISDEMEANOR	0	500	
6 7390	FL	2	406	(c)	MARRIAGE-UNAUTH. BY MINISTER	MISDEMEANOR	0	500	0
5 7399	FL	2	406	(d)	MARRIAG UNAUTH BY MINISTER	MISDEMEANOR	0	500	
6 7395	FL	2	406	(e)	MARRIAGE-PERFORM W/O LICENSE	MISDEMEANOR	0	500	

1 1101	FL	2	408	(a)	MARRIAGE-ILL ADVERTISING	MISDEMEANOR	0	50	
8 7399	FL	2	408	(a)	MARRIAGE-ILL INDUCEMENT	MISDEMEANOR	0	50	0
	FL	2	409		SIGNING AND DISPOSITION OF MARRIAGE CERTIFICATE	MISDEMEANOR		COURT FINE	
	FL	2	503		REPORTS TO DHMH - DUPLICATION OF RECORDS	MISDEMEANOR	0	10	
-	FL	4	509	-	PROTECTIVE ORDER VIOLATIONS	MISDEMEANOR	90 DAYS	1000	-
1 0482	FL	5	327		ADOPTION - PROHIBIT COMPEN	MISDEMEANOR	3 MONTHS	100	1
1 0529	FL	5	327		RECEIVE COMP FOR PLACEMENT	MISDEMEANOR	3 MONTHS	100	
	FL	5	574		CHILD CARE FACILITY W/O LICENSE	MISDEMEANOR	0	1500	
1 0005	FL	5	801		CONFINE UNATTENDED CHILD	MISDEMEANOR	30 DAYS	500	98
1 0366	FL	9	304		ABDUCT ETC CHILD/ACCESSORY	MISDEMEANOR	30 DAYS	250	12
2 0947	HG	4	226	(b)	FALSE INFO-VITAL RECORDS	MISDEMEANOR	0	100	
2 0948	HG	4	226	(d)	MISUSE OF VITAL RECORDS	MISDEMEANOR	0	500	
1 0683	HG	18	318	(a)	VACCINATIONS - DOGS/CATS	MISDEMEANOR	0	500	2
5 5000	HG	20	702		INJURIES-FAIL TO REPORT	MISDEMEANOR	0	25	
6 5000	HG	20	703		GUNSHOT FAIL REPORT INJURY	MISDEMEANOR	0	25	
1 1596	HG	21	259.1		FOOD, SEALED, OPENING	MISDEMEANOR	0	25	0
2 0971	HG	24	432		FALSE REP-BEDS & UPHOL FURN	MISDEMEANOR	0	250	
2 0974	HO	2	314		FALSE ADV-HEARING AID SERV	MISDEMEANOR	90 DAYS	500	
2 0975	HO	2	314		MISREP-HEARING AID DISPENSER	MISDEMEANOR	90 DAYS	500	
2 0976	HO	2	314		FALSE NAME-HEARING AID SERV	MISDEMEANOR	90 DAYS	500	
2 0977	HO	2	314		DECEPT TRADE PRACT- HEARING	MISDEMEANOR	90 DAYS	500	
1 1036	HO	2	401	(b)	FRAUD - AUDIOLOGISTS	MISDEMEANOR	90 DAYS	500	
2 0978	HO	2	401	(b)	FRAUD-AUDIOLOGISTS	MISDEMEANOR	90 DAYS	500	
1 1037	HO	2	402		MISREPRESNT - AUDIOLOGISTS	MISDEMEANOR	90 DAYS	500	
2 0659	HO	2	402		MISREP HEARING AID DISPENSERS	MISDEMEANOR	90 DAYS	500	
2 0660	HO	2	402		MISREP SPEECH PATHOLOGISTS	MISDEMEANOR	90 DAYS	500	
1 1038	HO	2	403		FALSE STMTS - AUDIOLOGISTS	MISDEMEANOR	90 DAYS	500	
1 1039	HO	2	404		FRAUD - AUDIOLOGISTS	MISDEMEANOR	90 DAYS	500	
1 1040	HO	2	405		FRAUD - AUDIOLOGISTS	MISDEMEANOR	90 DAYS	500	
2 0979	HO	2	406		DECEPT TRADE-AUDIOLOGISTS	MISDEMEANOR	90 DAYS	500	

1 1057	HO	16	502		MISREPRESENT PODIATRISTS	MISDEMEANOR	90 DAYS	200	
1 1060	HO	19	402		MISREPRESENT SOCIAL WORKERS	MISDEMEANOR	90 DAYS	500	
1 1061	HO	19	403		FRAUD - SOCIAL WORKERS	MISDEMEANOR	90 DAYS	500	
1 1062	HO	19	404		FALSE STMTS SOCIAL WORKERS	MISDEMEANOR	90 DAYS	500	
1 0698	LE	3	502		FAILURE TO PAY REG. WAGES	MISDEMEANOR	0	1000	1
1 0699	LE	3	503		UNAUTHORIZED WAGE DEDUCTIONS	MISDEMEANOR	0	1000	0
1 0700	LE	3	504		WAGES - FAILURE TO GIVE NOTICE	MISDEMEANOR	0	1000	0
1 0701	LE	3	505		WAGES - TERM AND FAILURE TO PAY	MISDEMEANOR	0	1000	25
1 0702	LE	3	508		EMPL/MISLEAD GOVMT AGENCY	MISDEMEANOR	0	500	0
1 0558	LE	3	702	c	EMPLOYER REQ LIE DETECT TEST	MISDEMEANOR	0	100	
1 0800	LE	8	1301		FRAUDULENTLY OBTAINING OR INCREASING BENEFIT	MISDEMEANOR	90 DAYS	1000	3
	LE	8	1302		FRAUDULENTLY REDUCING BENEFIT	MISDEMEANOR	90 DAYS	1000	
1 0707	LE	9	1106		FALSE CLAIMS UNDER \$100	MISDEMEANOR	90 DAYS	500	
1 0592	NR	1	206		FAIL COMPLY W/LAWFUL ORDER	MISDEMEANOR	3 MONTHS	500	63
1 0001	NR	1	207		IMPERSONATING AN OFFICER	MISDEMEANOR	3 MONTHS	500	13
1 1772	NR	5	417		OPE TREE EXPERT W/O LICENSE	MISDEMEANOR	0	500	
1 0704	NR	5	423	(a)	SOL ACT AS TREE EXPT W/O LIC	MISDEMEANOR	0	500	
1 0607	NR	5	608	a	OPR FOREST PROD BUS W/O LIC	MISDEMEANOR	0	500	
1 0791	NR	5	704	b	NEG SET FIRE TO PROP OF ANOTH	MISDEMEANOR	0	500	
1 0792	NR	5	704	c	NO REPT UNCONTROL BRUSH/FOR FIRE	MISDEMEANOR	0	500	
2 1152	NR	8	722	(d)	OBTAIN BOAT TITLE BY FRAUD	MISDEMEANOR	0	500	
1 0338	NR	8	724.1		PUB LANDNG:DESTR USEFULNS	MISDEMEANOR	0	25	
1 0339	NR	8	724.1		PUB LANDNG:DESTROY/DAMAGE	MISDEMEANOR	0	25	0
2 2999	NR	8	724.1		PUB LAND:INTRFRE USE OF	MISDEMEANOR	0	25	
6 8050	NR	8	738	(a)	OP. VESSEL/DWI, CDS, ETC.	MISDEMEANOR	2 MONTHS	500	7
5 5500	NR	8	740.1		BOAT OPERATE NO COMM DEVIC	MISDEMEANOR	0	100	
1 0575	PS	5	406		DIST./SALE OF HANDGUN OFF ROSTER	MISDEMEANOR	0	10000	1
1 0576	PS	5	406		DIST./SALE OF HANDGUN OFF ROSTER	MISDEMEANOR	0	2500	1
1 0016	PS	10	104	(a)(1)	FIREWORKS POSS. W/O PERMIT	MISDEMEANOR	0	250	13
1 0021	PS	10	104	(a)(2)	FIREWORKS POSS. W/O PERMIT	MISDEMEANOR	0	250	

1 0029	PS	10	110	(a)	POSS/DISCHG FIREWKS W/O PERMIT	MISDEMEANOR	0	250	2
1 1097	PS	10	112		SALE OF SPARKLERS TO PERSONS UNDER 16	MISDEMEANOR	0	500	0
2 5500	PS	12	701		BLDG EXIT-NONDESIGNATION	MISDEMEANOR	0	50	
1 0664	PS	12	1202		BLDG. CODE VIO. HANDICAP	MISDEMEANOR	3 MONTH	500	1
1 0794	TG	11	712		BUS. AS VENDOR W/O LICENSE	MISDEMEANOR	0	100	
1 0184	TG	12	305		POSS/SALE NO STAMP CIG -30 CTNS	MISDEMEANOR	90 DAYS	500	3
1 0753	TG	13	1014	b	TOBACCO PROD W/O TAX PAID	MISDEMEANOR	3 MONTHS	500	2
2 1260	TR	12	301	(c)	FRAUD-IDENTIFICATION CARDS	MISDEMEANOR	0	500	1
2 1261	TR	12	301	(d)	FRAUD-IDENTIFICATION CARDS	MISDEMEANOR	0	500	
2 1262	TR	12	301	(e)	FRAUD-IDENTIFICATION CARDS	MISDEMEANOR	0	500	1
2 1263	TR	12	301	(f)	FRAUD-IDENTIFICATION CARDS	MISDEMEANOR	0	500	1
2 1264	TR	13	607	(b)	FALSE INFO-TEMP REGIS PLATE	MISDEMEANOR	0	500	
2 1265	TR	13	616	(i)	FRAUD/MISREP-DISAB PLATES	MISDEMEANOR	0	500	
2 1267	TR	13	6161	(h)(1)	FRAUD-PARK PLACARD-DISABLE	MISDEMEANOR	0	500	
2 1269	TR	13	6162	(f)(1)	FRAUD-TEMP PARK-DISABLED	MISDEMEANOR	0	500	
2 1272	TR	14	106		FALSE REPORT OF DEATH	MISDEMEANOR	0	500	
2 1273	TR	14	107	(c)	MISREP-VEHICLE REGISTRATION	MISDEMEANOR	2 MONTHS	500	
2 1274	TR	14	107	(e)	MISREP-VEHICLE REGISTRATION	MISDEMEANOR	2 MONTHS	500	
2 1275	TR	14	107	(g)	MISREP-VEHICLE REGISTRATION	MISDEMEANOR	2 MONTHS	500	
2 1276	TR	14	107	(i)	MISREP-VEHICLE REGISTRATION	MISDEMEANOR	2 MONTHS	500	
2 1277	TR	14	107	(j)	MISREP-VEHICLE REGISTRATION	MISDEMEANOR	2 MONTHS	500	
2 1278	TR	14	107	(k)	MISREP-VEHICLE REGISTRATION	MISDEMEANOR	2 MONTHS	500	
2 1279	TR	14	108		FRAUD INTENT-POSS OR SALE	MISDEMEANOR	0	500	
2 1280	TR	14	110		FORGERY-VEHICLE REGIS	MISDEMEANOR	2 MONTHS	500	1
2 1281	TR	15	210		DECEPTIVE ADVERTISING	MISDEMEANOR	0	500	
2 1282	TR	15	312	(b)	FRAUD-VEHICLE SALES	MISDEMEANOR	2 MONTHS	500	
2 1283	TR	15	312	(c)	FRAUD-VEHICLE SALES	MISDEMEANOR	2 MONTHS	500	
2 1284	TR	15	313	(a)	FALSE ADV-VEHICLE SALES	MISDEMEANOR	2 MONTHS	500	
2 1285	TR	15	313	(b)	FALSE ADV-VEHICLE SALES	MISDEMEANOR	2 MONTHS	500	
2 1286	TR	15	314	(a)	MISREP-VEH SALES-LICENSING	MISDEMEANOR	2 MONTHS	500	

2 1287	TR	15	411	(d)	MISREP-VEH SALES-LICENSING	MISDEMEANOR	2 MONTHS	500	
2 1288	TR	15	606	(a)	MISREP BY TITLE SERV AGENTS	MISDEMEANOR	0	500	
2 1289	TR	15	606	(b)	MISREP BY TITLE SERV AGENTS	MISDEMEANOR	0	500	
2 1290	TR	16	112	(e)	FALSE STMTS-IDENTIFICATION	MISDEMEANOR	0	500	3
2 1291	TR	16	301	(a)	FRAUD-DRIVERS LICENSE	MISDEMEANOR	2 MONTHS	500	
2 1292	TR	16	301	(b)	FRAUD-DRIVERS LICENSE	MISDEMEANOR	2 MONTHS	500	1
2 1293	TR	16	301	(c)	FRAUD-DRIVERS LICENSE	MISDEMEANOR	2 MONTHS	500	1
2 1294	TR	16	301	(d)	FRAUD-DRIVERS LICENSE	MISDEMEANOR	2 MONTHS	500	
2 1295	TR	16	301	(e)	FRAUD-DRIVERS LICENSE	MISDEMEANOR	2 MONTHS	500	
2 1296	TR	16	301	(f)	FRAUD-DRIVERS LICENSE	MISDEMEANOR	2 MONTHS	500	
2 1297	TR	16	301	(g)	FRAUD-DRIVERS LICENSE	MISDEMEANOR	2 MONTHS	500	
2 1298	TR	17	110		FALSE EVIDENCE-REQD SECURITY	MISDEMEANOR	0	500	
2 1299	TR	18	104		RENTAL OF VEH W/FAULTY ODM	MISDEMEANOR	2 MONTHS	500	1
2 1300	TR	20	108		FALSE REPORT - ACCIDENT	MISDEMEANOR	2 MONTHS	500	
2 1301	TR	22	415		TAMPERING WITH ODOMETER	MISDEMEANOR	2 MONTHS	500	
2 1302	TR	23	109	(f)	FICTITIOUS INSPECTION CERTS	MISDEMEANOR	0	500	
2 1303	TR	23	109	(g)	FICTITIOUS INSPECTION CERTS	MISDEMEANOR	0	500	
2 1304	TR	23	109	(h)	FICTITIOUS INSPECTION CERTS	MISDEMEANOR	0	500	
2 1305	TR	23	209		FRAUD-VEHICLE EMISSIONS	MISDEMEANOR	0	500	

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CHAPTER 35

CJIS Security Policy Violations

I. Purpose:

The purpose of this policy is to establish procedures for violating CJIS Security Policy.

II. Policy:

It is BPD policy that any employee who violates any CJIS policy is subject to disciplinary action up to and including termination, with the possibility of criminal charges being filed against the violating employee.

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Chapter 36

Disposal of Media Policy and Procedures

I. Purpose:

The purpose of this policy is to outline the proper disposal of media (physical or electronic) at Boonsboro Police Department. These rules are in place to protect sensitive and classified information, employees and Boonsboro Police Department. Inappropriate disposal of Boonsboro Police Department and FBI Criminal Justice Information (CJI) and media may put employees, Boonsboro Police Department and the FBI at risk.

II. Scope:

This policy applies to all Boonsboro Police Department employees, contractors, temporary staff, and other workers at Boonsboro Police Department, with access to FBI CJIS systems and/or data, sensitive and classified data, and media. This policy applies to all equipment that processes, stores, and/or transmits FBI CJI and classified and sensitive data that is owned or leased by Boonsboro Police Department.

III. Policy:

When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store and/or transmit FBI CJI and classified and sensitive data shall be properly disposed of in accordance with measures established by Boonsboro Police Department.

Physical media (print-outs and other physical media) shall be disposed of by one of the following methods:

1. shredding using Boonsboro Police Department issued shredders.
2. placed in locked shredding bins for a pre-approved vendor to come on-site and shred, witnessed by Boonsboro Police Department personnel throughout the entire process.
3. incineration using a pre-approved vendors incinerators or witnessed by Boonsboro Police Department personnel onsite at agency or at contractor incineration site, if conducted by non-authorized personnel.

Electronic media (hard-drives, tape cartridge, CDs, printer ribbons, flash drives, printer and copier hard-drives, etc.) shall be disposed of by one of the Boonsboro Police Department methods:

1. Overwriting (at least 3 times) - an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write (1s, 0s, or a

combination of both) onto the location of the media where the file to be sanitized is located.

2. Degaussing - a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.
3. Destruction – a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.

IT systems that have been used to process, store, or transmit FBI CJI and/or sensitive and classified information shall not be released from Boonsboro Police Department's control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

IV. Penalties:

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination.

Chapter 37

Media Protection & Transportation Policy and Procedures

I. Purpose:

The intent of the Media Protection Policy is to ensure the protection of the Criminal Justice Information (CJI) until such time as the information is either released to the public via authorized dissemination (e.g. within a court system or when presented in crime reports data), or is purged or destroyed in accordance with applicable record retention rules.

This Media Protection Policy was developed using the FBI's Criminal Justice Information Services (CJIS) Security Policy 5.1 dated 7/13/2012. The Boonsboro Police Department may complement this policy with a local policy; however, the CJIS Security Policy shall always be the minimum standard. The local policy may augment, or increase the standards, but shall not detract from the CJIS Security Policy standards.

II. Scope:

The scope of this policy applies to any electronic or physical media containing FBI Criminal Justice Information (CJI) while being stored, accessed or physically moved from a secure location from the Boonsboro Police Department. This policy applies to any authorized person who accesses, stores, and / or transports electronic or physical media. Transporting CJI outside the agency's assigned physically secure area must be monitored and controlled.

Authorized Boonsboro Police Department personnel shall protect and control electronic and physical CJI while at rest and in transit. The Boonsboro Police Department will take appropriate safeguards for protecting CJI to limit potential mishandling or loss while being stored, accessed, or transported. Any inadvertent or inappropriate CJI disclosure and/or use will be reported to the Boonsboro Police Department Chief of Police. Procedures shall be defined for securely handling, transporting and storing media.

III. Media Storage and Access:

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. "Electronic media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CJI.

To protect CJI, the Boonsboro Police Department personnel shall:

1. Securely store electronic and physical media within a physically secure or controlled area. A secured area includes a locked drawer, cabinet, or room.
2. Restrict access to electronic and physical media to authorized individuals.

3. Ensure that only authorized users remove printed form or digital media from the CJI.
4. Physically protect CJI until media end of life. End of life CJI is destroyed or sanitized using approved equipment, techniques and procedures.
5. Not use personally owned information system to access, process, store, or transmit CJI unless the Boonsboro Police Department has established and documented the specific terms and conditions for personally owned information system usage.
6. Not utilize publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
7. Store all hardcopy CJI printouts maintained by the Boonsboro Police Department in a secure area accessible to only those employees whose job function require them to handle such documents.
8. Safeguard all CJI by the Boonsboro Police Department against possible misuse by complying with the Physical Protection Policy, Personally Owned Device Policy, and Disciplinary Policy.
9. Take appropriate action when in possession of CJI while not in a secure area:
 - a. CJI must not leave the employee's immediate control. CJI printouts cannot be left unsupervised while physical controls are not in place.
 - b. Precautions must be taken to obscure CJI from public view, such as by means of an opaque file folder or envelope for hard copy printouts. For electronic devices like laptops, use session lock use and /or privacy screens. CJI shall not be left in plain public view. When CJI is electronically transmitted outside the boundary of the physically secure location, the data shall be immediately protected using encryption.
 - i. When CJI is at rest (i.e. stored electronically) outside the boundary of the physically secure location, the data shall be protected using encryption. Storage devices include external hard drives from computers, printers and copiers used with CJI. In addition, storage devices include thumb drives, flash drives, back-up tapes, mobile devices, laptops, etc.
 - ii. When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.
10. Lock or log off computer when not in immediate vicinity of work area to protect CJI. Not all personnel have same CJI access permissions and need to keep CJI protected on a need-to-know basis.
11. Establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of CJI. (See Physical Protection Policy)

V. Media Transport:

Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. "Electronic media" means electronic storage media including memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card.

Dissemination to another agency is authorized if:

1. The other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or
2. The other agency is performing personnel and appointment functions for criminal justice employment applicants.

The Boonsboro Police Department personnel shall:

1. Protect and control electronic and physical media during transport outside of controlled areas.
2. Restrict the pickup, receipt, transfer and delivery of such media to authorized personnel.

The Boonsboro Police Department personnel will control, protect, and secure electronic and physical media during transport from public disclosure by:

1. Use of privacy statements in electronic and paper documents.
2. Limiting the collection, disclosure, sharing and use of CJI.
3. Following the least privilege and role based rules for allowing access. Limit access to CJI to only those people or roles that require access.
4. Securing hand carried confidential electronic and paper documents by:
 - a. Storing CJI in a locked briefcase or lockbox.
 - b. Only viewing or accessing the CJI electronically or document printouts in a physically secure location by authorized personnel.
 - c. For hard copy printouts or CJI documents:
 - i. Package hard copy printouts in such a way as to not have any CJI information viewable.
 - ii. That are mailed or shipped, agency must document procedures and only release to authorized individuals. **DO NOT MARK THE PACKAGE TO BE MAILED CONFIDENTIAL.** Packages containing CJI material are to be sent by method(s) that provide for complete shipment tracking and history, and signature confirmation of delivery. (Agency Discretion)

5. Not taking CJI home or when traveling unless authorized by Boonsboro Police Department. When disposing confidential documents, use a shredder.

IV. Electronic Media Sanitization and Disposal:

The agency shall sanitize, that is, overwrite at least three times or degauss electronic media prior to disposal or release for reuse by unauthorized individuals. Inoperable electronic media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel. Physical media shall be securely disposed of when no longer required, using formal procedures. For end of life media policy, refer to "Sanitization Destruction Policy".

V. Breach Notification and Incident Reporting:

The agency shall promptly report incident information to appropriate authorities. Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Incident-related information can be obtained from a variety of sources including, but not limited to, audit monitoring, network monitoring, physical access monitoring, and user/administrator reports.

VI. Roles and Responsibilities:

If CJI is improperly disclosed, lost, or reported as not received, the following procedures must be immediately followed:

1. Boonsboro Police Department personnel shall notify his/her supervisor and an incident report form must be completed and submitted within 24 hours of discovery of the incident. The submitted report is to contain a detailed account of the incident, events leading to the incident, and steps taken/to be taken in response to the incident. (Agency Discretion)
2. The Boonsboro Police Department will ensure the CSA ISO (CJIS System Agency Information Security Officer) is promptly informed of security incidents.
3. The CSA ISO will:
 - a. Establish a security incident response and reporting procedure to discover, investigate, document, and report to the CSA, the affected criminal justice agency, and the FBI CJIS Division ISO major incidents that significantly endanger the security or integrity of CJI.
 - b. Collect and disseminate all incident-related information received from the Department of Justice (DOJ), FBI CJIS Division, and other entities to the appropriate local law enforcement POCs within their area.

- c. Act as a single POC for their jurisdictional area for requesting incident response assistance.

VI. Penalties:

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and / or termination.

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Chapter 38

Media Personally Owned Policy

I. Purpose:

A personally owned information system or device shall be authorized to access, process, store or transmit Boonsboro Police Department, Maryland, or FBI Criminal Justice Information (CJI) only when these established and documented specific terms and conditions are met. This control does not apply to the use of personally owned information systems to access the Boonsboro Police Department's information systems and information that are intended for public access (e.g., an agency's public website that contains purely public information).

II. Policy:

This Personally Owned Device Policy was developed using the FBI's *CJIS Security Policy* 5.1 dated July 13, 2012. The intended target audience is Boonsboro Police Department personnel, support personnel and private contractors/vendors. The Boonsboro Police Department may complement this policy with a local policy; however, the *CJIS Security Policy* shall always be the minimum standard and the local policy may augment, or increase the standards, but shall not detract from the *CJIS Security Policy* standards.

III. Scope:

This policy applies to all Boonsboro Police Department personnel, support personnel, and/or private contractors/vendors who are authorized to use personally owned devices to connect to any physical, logical, and/or electronic premise of the Boonsboro Police Department to access, process, store, and/or transmit CJI. This also includes any private contractors/vendors who will conduct maintenance on any network device that processes, stores, and/or transmits FBI CJI.

Personally Owned Devices: A personally owned device is any technology device that was purchased by an individual and was not issued by the Boonsboro Police Department. A personal device includes any portable technology like camera, USB flash drives, USB thumb drives, DVDs, CDs, air cards and mobile wireless devices such as Androids, Blackberry OS, Apple iOS, Windows Mobile, Symbian, tablets, laptops or any personal desktop computer. Threats to mobile handheld devices stem mainly from their size, portability, and available wireless interfaces and associated services.

The Boonsboro Police Department will maintain management control and authorize the use of personally owned devices. The Boonsboro Police Department shall develop guidelines to define which employees can use their own devices, the types of devices they can use, and which applications and data they can access, process, or store on their devices.

Personally owned devices must:

- Be authorized by Boonsboro Police Department to access, process, transmit, and/or store FBI CJI.
- Be inspected by Boonsboro Police Department's IT staff ensure appropriate security requirements on the device are up-to-date and meet the FBI's *CJIS Security Policy* requirements prior to use.
- Take necessary precautions when using device outside of a physically secure area. Read below and also see Physical Protection Policy.

Remote Access: The Boonsboro Police Department shall authorize, monitor, and control all methods of remote access to the information systems that can access, process, transmit, and/or store FBI CJI. Remote access is any temporary access to an agency's information system by a user (or an information system) communicating temporarily through an external, non-agency controlled network (e.g., the Internet).

The Boonsboro Police Department shall employ automated mechanisms to facilitate the monitoring and control of remote access methods. The Boonsboro Police Department shall control all remote accesses through managed access control points. The Boonsboro Police Department may permit remote access for privileged functions only for compelling operational needs but shall document the rationale for such access in the security plan for the information system.

Utilizing publicly accessible computers to access, process, store or transmit CJI is prohibited. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.

IV. Roles and Responsibilities:

Owner Role:

The owner agrees to:

1. Follow necessary policy and procedures to protect FBI CJI.
2. Usage of their device will be for work-related purposes.
3. Bring their device to work to use during normal work hours and not share the device with anyone else.
4. Boonsboro Police Department having the authority to erase device remotely as needed.
5. Be responsible for any financial obligations for device.
6. Protect individual's and Boonsboro Police Departments' privacy.
7. Use good judgement before installing free applications. Sometimes free applications track your personal information with limited disclosure or authorization, and then sell your profile to advertising companies.

8. Use good judgement on amount of time applied to personal use of personally owned devices during normal work business hours.
9. Access FBI CJI only from an approved and authorized storage device.
10. Do not stream music or videos using personally owned devices when connected to Boonsboro Police Department's network to prevent sluggishness.
11. Report lost or stolen mobile or storage devices to the Boonsboro Police Department within one business day.
12. Review the use of device alerts and update services to validate you requested them. Restrict notifications not requested by looking at your device's settings.
13. Control wireless network and service connectivity. Validate mobile device default settings are not connecting to nearby Wi-Fi networks automatically. Some of these networks, like in airports or neighborhood coffee shops, may be completely open and unsecure.

Information Technology Role:

The Boonsboro Police Department's IT support role shall, at a minimum, ensure that external storage devices:

1. Are encrypted when FBI CJI is stored electronically.
2. Are scanned for virus and malware prior to use and/or prior to being connected to the agency's computer or laptop.

The Boonsboro Police Department IT support role shall, at a minimum, ensure that all personally owned devices:

1. Apply available critical patches and upgrades to the device operating system.
2. Are kept updated with security patches, firmware updates and antivirus.
3. Are configured for local device authentication.
4. Use advanced authentication and encryption when FBI CJI is stored and/or transmitted.
5. Be able to deliver built-in identity role-mapping, network access control (NAC), AAA (Authentication, Authorization, and Accounting) services, and real-time endpoint reporting.
6. Erase cached information when session is terminated.
7. Employ personal firewalls.
8. Minimize security risks by ensuring antivirus and antimalware are installed, running real time and updated.
9. Be scanned for viruses and malware prior to accessing or connecting to Boonsboro Police Department's CJIS network.
10. Configure Bluetooth interface as undiscoverable except as needed for pairing, which prevents visibility to other Bluetooth devices except when discovery is specifically needed.
11. Be properly disposed of at end of life. See Media Disposal Policy. Remove FBI CJI before owner sells their personally owned devices or sends it in for repairs.

12. Evaluate personally owned device age. Older device hardware is too outdated for needed updates. Typical life is two years.
13. Ensure device is compatible with needed network protocols and/or compatible with customized applications developed for access FBI CJI through testing.
14. Deploy Mobile Device Management or SIM card locks and credential functions. The credential functions require a pass code to use Boonsboro Police Department's network services. *(Research enterprise mobile device management solutions- see product working successfully in real life scenario with the type of mobile device your State/Agency wants to use prior to implementing. The enterprise mobile device solution must be compatible with chosen device products.)*
15. Ensure owner and IT staff have mobile backup enabled to an approved Boonsboro Police Department location. Set a daily or weekly schedule to periodically synch data and applications. If backup contains FBI CJI, take appropriate security measures for storage of FBI CJI. See Media Protection Policy.
16. Retain the ability to secure, control and remotely erase agency data on employee-owned devices in the event of a security breach or if the employee leaves the agency employment or the device is lost or stolen. This remote ability can be done through technology that allows virtual access to company applications.
17. Enable mobile device in a "find my phone" service to allow finding device.
18. Consider adding extra protection such as a total device reset if the PIN is guessed incorrectly a certain number of attempts.
19. Be able to easily identify connected users and devices. Track, log and manage every personally used device allowed to connect to agency technology resources for secure FBI CJI access.
20. Perform pre and post-authentication checks.
21. Ability to allow and deny access. Selectively grant proper network access privileges.

V. Penalties:

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and/or termination. Personally owned information technology resources used may be retained by the Boonsboro Police Department for evaluation in investigation of security violations.

Violation of any of the requirements in this policy by any unauthorized person can result in similar disciplinary action against the device owner, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

Chapter 39

Physical Facility Protection Policy

I. Purpose:

The purpose of this policy is to provide guidance for agency personnel, support personnel, and private contractors/vendors for the physical, logical, and electronic protection of Criminal Justice Information (CJI). All physical, logical, and electronic access must be properly documented, authorized and controlled on devices that store, process, or transmit unencrypted CJI. This Physical Protection Policy focuses on the appropriate access control methods needed to protect the full lifecycle of CJI from insider and outsider threats.

This Physical Protection Policy was developed using the FBI's *CJIS Security Policy 5.1* dated July 13, 2012. The intended target audience is Boonsboro Police Department personnel, support personnel, and private contractor/vendors with access to CJI whether logically or physically. The local agency may complement this policy with a local policy; however, the *CJIS Security Policy* shall always be the minimum standard and local policy may augment, or increase the standards, but shall not detract from the *CJIS Security Policy* standards.

II. Physically Secure Location:

A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the FBI CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls. Security perimeters shall be defined, controlled, and secured. Restricted non-public areas in the Boonsboro Police Department shall be identified with a sign at the entrance.

III. Visitors Access:

A visitor is defined as a person who visits the Boonsboro Police Department facility on a temporary basis who is not employed by the Boonsboro Police Department and has no unescorted access to the physically secure location within the Boonsboro Police Department where FBI CJI and associated information systems are located. For agencies with jails with CJIS terminals, additional visit specifications need to be established per agency purview and approval.

Visitors shall:

1. Be accompanied by a Boonsboro Police Department escort at all times to include delivery or service personnel. An escort is defined as an authorized personnel who accompanies a visitor at all times while within a physically secure location to ensure the protection and integrity of the physically secure location and any CJI therein. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort.

2. Show Boonsboro Police Department personnel a valid form of photo identification.
3. Not be allowed to view screen information mitigating shoulder surfing.
4. Individuals not having any legitimate business in a restricted area shall be courteously escorted to a public area of the facility. Strangers in physically secure areas without an escort should be challenged. If resistance or behavior of a threatening or suspicious nature is encountered, sworn personnel shall be notified or call 911.
5. Not be allowed to sponsor another visitor.
6. Not enter into a secure area with electronic devices unless approved by the Boonsboro Police Department to include cameras and mobile devices. Photographs are not allowed without permission of the Boonsboro Police Department assigned personnel.
7. All requests by groups for tours of the Boonsboro Police Department facility will be referred to the proper agency point of contact for scheduling. In most cases, these groups will be handled by a single form, to be signed by a designated group leader or representative. Remaining visitor rules apply for each visitor within the group. The group leader will provide a list of names to front desk personnel for instances of emergency evacuation and accountability of each visitor while on agency premises.

IV. Authorized Physical Access:

Only authorized personnel will have access to physically secure non-public locations. The Boonsboro Police Department will maintain and keep current a list of authorized personnel. All physical access points into the agency's secure areas will be authorized before granting access. The agency will implement access controls and monitoring of physically secure areas for protecting all transmission and display mediums of CJJ. Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical and electronic breaches.

All personnel with CJJ physical and logical access must:

1. Meet the minimum personnel screening requirements prior to CJJ access.
 - a. To verify identification, a state of residency and national fingerprint-based record checks shall be conducted within 30 days of assignment for all personnel who have direct access to CJJ and those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJJ.
 - b. Support personnel, private contractors/vendors, and custodial workers with access to physically secure locations or controlled areas (during CJJ processing) shall be subject to a state and national fingerprint-based record check unless these individuals are escorted by authorized personnel at all times.
 - c. Prior to granting access to CJJ, the Boonsboro Police Department on whose behalf the contractor is retained shall verify identification via a state of residency and national fingerprint-based record check.

- d. Refer to the *CJIS Security Policy* for handling cases of felony convictions, criminal records, arrest histories, etc.
2. Complete security awareness training.
 - a. All authorized Boonsboro Police Department, Noncriminal Justice Agencies (NCJA) like city or county IT and private contractor/vendor personnel will receive security awareness training within six months of being granted duties that require CJI access and every two years thereafter.
 - b. Security awareness training will cover areas specified in the *CJIS Security Policy* at a minimum.
3. Be aware of who is in their secure area before accessing confidential data.
 - a. Take appropriate action to protect all confidential data.
 - b. Protect all terminal monitors with viewable CJI displayed on monitor and not allow viewing by the public or escorted visitors.
4. Properly protect and not share any individually issued keys, proximity cards, computer account passwords, etc.
 - a. Report loss of issued keys, proximity cards, etc to authorized agency personnel.
 - b. If the loss occurs after normal business hours, or on weekends or holidays, personnel are to call the Boonsboro Police Department POC to have authorized credentials like a proximity card de-activated and/or door locks possibly rekeyed.
 - c. Safeguard and not share passwords, Personal Identification Numbers (PIN), Security Tokens (i.e. Smartcard), and all other facility and computer systems security access procedures. See Disciplinary Policy.
5. Properly protect from viruses, worms, Trojan horses, and other malicious code.
6. Web usage—allowed versus prohibited; monitoring of user activity. (allowed versus prohibited is at the agency’s discretion)
7. Do not use personally owned devices on the Boonsboro Police Department computers with CJI access. (Agency discretion). See Personally Owned Policy.
8. Use of electronic media is allowed only by authorized Boonsboro Police Department personnel. Controls shall be in place to protect electronic media and printouts containing CJI while in transport. When CJI is physically moved from a secure location to a non-secure location, appropriate controls will prevent data compromise and/or unauthorized access.
9. Encrypt emails when electronic mail is allowed to transmit CJI-related data as such in the case of Information Exchange Agreements.
 - a. (Agency Discretion for allowance of CJI via email)
 - b. If CJI is transmitted by email, the email must be encrypted and email recipient must be authorized to receive and view CJI.
10. Report any physical security incidents to the Boonsboro Police Department Chief of Police to include facility access violations, loss of CJI, loss of laptops, Blackberries, thumb drives, CDs/DVDs and printouts containing CJI.
11. Properly release hard copy printouts of CJI only to authorized vetted and authorized personnel in a secure envelope and shred or burn hard copy printouts when no longer needed. Information should be shared on a “need to know” basis. (See Sanitization and Destruction Policy)

12. Ensure data centers with CJI are physically and logically secure.
13. Keep appropriate Boonsboro Police Department security personnel informed when CJI access is no longer needed. In the event of ended employment, the individual must surrender all property and access managed by the local agency, state and/or federal agencies.
14. Not use food or drink around information technology equipment.
15. Know which door to use for proper entry and exit of the Boonsboro Police Department and only use marked alarmed fire exits in emergency situations.
16. Ensure the perimeter security door securely locks after entry or departure. Do not leave any perimeter door propped opened and take measures to prevent piggybacking entries.

V. Roles and Responsibilities:

Terminal Agency Coordinator (TAC)

The TAC serves as the point-of-contact at the Boonsboro Police Department for matters relating to CJIS information access. The TAC administers CJIS systems programs within the agency and oversees the agency's compliance with FBI and state CJIS systems policies.

Agency Coordinator (AC)

An AC is a staff member of the Contracting Government Agency (CGA) who manages the agreement between the private contractor(s)/vendor(s) and the Boonsboro Police Department. A CGA is a government agency, whether a Criminal Justice Agency (CJA) or a NCJA, that enters into an agreement with a private contractor/vendor subject to the CJIS Security Addendum. The AC shall be responsible for the supervision and integrity of the system, training and continuing education of private contractor/vendor employees and operators, scheduling of initial training and testing, and certification testing and all required reports by NCIC.

CJIS System Agency Information Security Officer (CSA ISO)

The CSA ISO shall:

1. Serve as the security point of contact (POC) to the FBI CJIS Division ISO.
2. Document technical compliance with the CJIS Security Policy with the goal to assure the confidentiality, integrity, and availability of criminal justice information to the user community throughout the CSA's user community, to include the local level.
3. Document and provide assistance for implementing the security-related controls for the Interface Agency and its users.
4. ISOs have been identified as the POC on security-related issues for their respective agencies and shall ensure LASOs institute the CSA incident response reporting procedures at the local level. Establish a security incident response and reporting procedure to discover, investigate, document, and report to the CSA, the affected criminal justice agency, and the FBI CJIS Division ISO major incidents that significantly endanger the security or integrity of CJI.

Information Technology Support

In coordination with above roles, all vetted IT support staff will protect CJI from compromise at the Boonsboro Police Department by performing the following:

1. Protect information subject to confidentiality concerns—in systems, archived, on backup media, and until destroyed. Know where CJI is stored, printed, copied, transmitted and planned end of life. CJI is stored on laptops, mobile data terminals (MDTs), computers, servers, tape backups, CDs, DVDs, thumb drives, RISC devices and internet connections as authorized by the Boonsboro Police Department. For agencies who submit fingerprints using Live Scan terminals, only Live Scan terminals that receive CJI back to the Live Scan terminal will be assessed for physical security.
2. Be knowledgeable of required Boonsboro Police Department technical requirements and policies taking appropriate preventative measures and corrective actions to protect CJI at rest, in transit and at the end of life.
3. Take appropriate action to ensure maximum uptime of CJI and expedited backup restores by using agency approved best practices for power backup and data backup means such as generators, backup universal power supplies on CJI-based terminals, servers, switches, etc.
4. Properly protect the Boonsboro Police Department's CJIS system(s) from viruses, worms, Trojan horses, and other malicious code (real-time scanning and ensure updated definitions).
 - a. Install and update antivirus on computers, laptops, MDTs, servers, etc.
 - b. Scan any outside non-agency owned CDs, DVDs, thumb drives, etc., for viruses, if the Boonsboro Police Department allows the use of personally owned devices. (See the Boonsboro Police Department Personally Owned Device Policy)
5. Data backup and storage—centralized or decentralized approach.
 - a. Perform data backups and take appropriate measures to protect all stored CJI.
 - b. Ensure only authorized vetted personnel transport off-site tape backups or any other media that store CJI that is removed from physically secured location.
 - c. Ensure any media released from the Boonsboro Police Department is properly sanitized / destroyed. (See Sanitization and Destruction Policy)
6. Timely application of system patches—part of configuration management.
 - a. The agency shall identify applications, services, and information systems containing software or components affected by recently announced software flaws and potential vulnerabilities resulting from those flaws.
 - b. When applicable, see the Boonsboro Police Department Patch Management Policy.
7. Access control measures
 - a. Address least privilege and separation of duties.
 - b. Enable event logging of:
 - i. Successful and unsuccessful system log-on attempts.
 - ii. Successful and unsuccessful attempts to access, create, write, delete or change permission on a user account, file, directory or other system resource.
 - iii. Successful and unsuccessful attempts to change account passwords.

- iv. Successful and unsuccessful actions by privileged accounts.
 - v. Successful and unsuccessful attempts for users to access, modify, or destroy the audit log file.
 - c. Prevent authorized users from utilizing publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
- 8. Account Management in coordination with TAC
 - a. Agencies shall ensure that all user IDs belong to currently authorized users.
 - b. Keep login access current, updated and monitored. Remove or disable terminated or transferred or associated accounts.
 - c. Authenticate verified users as uniquely identified.
 - d. Prevent multiple concurrent active sessions for one user identification, for those applications accessing CJI, unless the agency grants authority based upon operational business needs.
 - e. Not use shared generic or default administrative user accounts or passwords for any device used with CJI.
 - f. Passwords
 - i. Be a minimum length of eight (8) characters on all systems.
 - ii. Not be a dictionary word or proper name.
 - iii. Not be the same as the Userid.
 - iv. Expire within a maximum of 90 calendar days.
 - v. Not be identical to the previous ten (10) passwords.
 - vi. Not be transmitted in the clear or plaintext outside the secure location.
 - vii. Not be displayed when entered.
 - viii. Ensure passwords are only reset for authorized user.
- 9. Network infrastructure protection measures.
 - a. Take action to protect CJI-related data from unauthorized public access.
 - b. Control access, monitor, enabling and updating configurations of boundary protection firewalls.
 - c. Enable and update personal firewall on mobile devices as needed.
 - d. Ensure confidential electronic data is only transmitted on secure network channels using encryption and *advanced authentication when leaving a physically secure location. No confidential data should be transmitted in clear text. **Note: for interim compliance, and for the sole purpose of meeting the advanced authentication policy, a police vehicle shall be considered a physically secure location until September 30th 2013. For the purposes of this policy, a police vehicle is defined as an enclosed criminal justice conveyance with the capability to comply, during operational periods.*
 - e. Ensure any media that is removed from a physically secured location is encrypted in transit by a person or network.
 - f. Not use default accounts on network equipment that passes CJI like switches, routers, firewalls.
 - g. Make sure law enforcement networks with CJI shall be on their own network accessible by authorized personnel who have been vetted by the Boonsboro

Police Department. Utilize Virtual Local Area Network (VLAN) technology to segment CJI traffic from other noncriminal justice agency traffic to include other city and/or county agencies using same wide area network.

10. Communicate and keep the Boonsboro Police Department informed of all scheduled and unscheduled network and computer downtimes, all security incidents and misuse. The ultimate information technology management control belongs to Boonsboro Police Department.

Front desk and Visitor Sponsoring Personnel

Administration of the Visitor Check-In / Check-Out procedure is the responsibility of identified individuals in each facility. In most facilities, this duty is done by the Front desk or Reception Desk.

Prior to visitor gaining access to physically secure area:

1. The visitor will be screened by the Boonsboro Police Department personnel for weapons. No weapons are allowed in the agency except when carried by authorized personnel as deemed authorized by the Boonsboro Police Department.
2. Escort personnel will acknowledge being responsible for properly evacuating visitor in cases of emergency. Escort personnel will know appropriate evacuation routes and procedures.
3. Escort and/or Front desk personnel will validate visitor is not leaving agency with any agency owned equipment or sensitive data prior to Visitor departure.

All Boonsboro Police Department personnel and supporting entities are responsible to report any unauthorized physical, logical, and electronic access to the Boonsboro Police Department Chief of Police.

VI. Penalties:

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and / or termination.

Violation of any of the requirements in this policy by any visitor can result in similar disciplinary action against the sponsoring employee, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

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Chapter 40

User Account – Access Validation Policy

I. Purpose:

To establish requirements for user accounts and access validation for all criminal justice networks to ensure the security of system access and accountability.

II. Scope:

All accounts shall be reviewed annually by the TAC (terminal agency coordinator), Chief of Police or his/her designee to ensure that access and account privileges commensurate with job functions, need-to-know, and employment status on systems that contain Criminal Justice Information. The TAC, Chief of Police or his/her designee may also conduct periodic reviews.

III. Policy:

The TAC, Chief of Police or his/her designee should disable all new accounts that have not been accessed within 30 days of creation. Accounts of individuals on extended leave (more than 30 days) should be disabled. (Note: Exceptions can be made in cases where uninterrupted access to IT resources is required. In those instances, the individual going on extended leave should have a manager-approved request from the designated account administrator or assistant.) The TAC, Chief of Police or his/her designee must be notified if a user's information system usage or need-to-know changes (i.e., the employee is terminated, transferred, etc.). If an individual is assigned to another office for an extended period (more than 90 days), the TAC, Chief of Police or his/her designee will transfer the individual's account(s).

The TAC, Chief of Police or his/her designee will remove or disable all access accounts for separated or terminated employees immediately following separation from the agency. Primary responsibility for account management belongs to the TAC, Chief of Police or his/her designee.

The TAC, Chief of Police or his/her designee shall:

1. Modify user accounts in response to events like name changes, accounting changes, permission changes, office transfers, etc., - Periodically review existing accounts for validity.
2. Cooperate fully with an authorized security team that is investigating a security incident or performing an audit review.

IV. Penalties:

Any violation of this policy may result in network removal, access revocation, corrective or disciplinary action, and termination of employment.

CHAPTER 41

DEPARTMENTAL DISCIPLINARY PROCEDURES

II. Purpose:

To establish a system, approach for the development of effective discipline. The system will employ positive disciplines, (commendations, recognition, for exemplary behavior and work performance), as well as negative disciplines ranging from counseling, forfeiture of money/vacation, to job termination. The goal of the discipline system will be to encourage exemplary behavior through recognition, and to correct such actions as poor work habits, low performance, and misconduct, through progressive negative discipline.

III. Policy:

It is the policy of the BPD to set an effective progressive system of discipline.

A. Positive Disciplinary Action:

The Law Enforcement profession is a stressful and often thankless one, rarely accompanied by recognition for a job well done from the civilian sector. It is the goal of this Department to highlight work performances above the norm, in a formal setting, and to recognize outstanding individuals and achievements in the presence of peers.

A function of discipline is to train and guide personnel into behavior and job performance consistent with departmental goals and expectations. Personnel must be recognized for exemplary performance through tangible means; i.e., time off, training, and commendations. Small achievements should also be recognized by supervisors on the shift level by verbal signs of appreciation and written documentation in evaluation files. Recognizing excellence in job performance encourages positive attitudes, and demonstrates to the employee that supervisors and administrators are aware and observant of good work, and are not cognizant of only negative behavior.

B. Progressive Discipline:

The Department's Disciplinary System will be progressive in nature. It will involve using the minimum amount of punishment possible commensurate with the violation, and then progressively increasing the severity of the penalty if the poor work performance and/or undesirable behavior continues. The steps in progressive discipline are: Training, Oral Reprimand, Written Counseling Form, Suspension, Loss of Leave, less favorable work assignment and demotion in rank, or Fines, and Termination of Employment.

IV. Role of Supervisor and Levels of Authority

1. The Supervisors play a critical role in the discipline system. Supervisors are in a position to observe the quality and quantity of work performance along with behavior. Supervisors are normally first in the chain of command to observe misconduct, and are often in the best position to initiate corrective action and to recommend appropriate sanctions based on the employee's personality changes, character, and past performance. Supervisors are responsible to initiate commendations and recognitions for exemplary work, as well as negative discipline for misconduct or below average work performance.
2. Supervisors should make recommendations for corrective actions commensurate with the employee's behavior, to the Chief of Police.
 - a. To observe the conduct and appearance of personnel and detect those instances when commendations or disciplinary actions are warranted.
 - b. To investigate allegations of employee misconduct when within the scope of their authority and responsibility.
 - c. To recommend the most effective methods of discipline, taking into consideration the behavior history, circumstances, and personality traits of the personnel under their supervision.
 - d. To implement the type of disciplinary action approved by the Sheriff at the level authorized.
3. Disciplinary actions will be administered in accordance with applicable guidelines. When the necessary action is outside the scope of the supervisor, the supervisor will make specific recommendations for action to higher authority.

4. The maximum levels of supervision authorized to take specific actions are as follows:

a. Sergeant and above

- i. Oral Reprimand
- ii. Written Reprimand
- iii. Emergency suspension with pay pending review by higher authority

b. Chief of Police

- i. Probation Termination
- ii. Written Reprimand (Counseling Statement)
- iii. Less favorable work assignment
- iv. Suspension without pay
- v. Demotion
- vi. Denial of Increment
- vii. Fine
- viii. Suspension without pay
- ix. Dismissal

V. Definitions

- A. Administratively Closed: Disposition of a misconduct charge when the investigation is completed and non-punitive actions are taken such as training.
- B. Counseling: A low level of negative disciplinary action in which poor work habits, low performance and misconduct are discussed between a supervisor and subordinate, means for correction of the behavior, departmental expectations as given in rules and regulations, and the consequences if the misconduct continues.
- C. Discipline: The training in and compliance with departmental policies aimed at promoting self-control, esprit, character, order, and efficiency in departmental operations.
- D. Positive Discipline: Rewarding excellence in job performance and behavior. Rewards may include, but not be limited to:
 1. Granting training which has been requested
 2. Administrative time off with pay
 3. Recognition through commendations and rewards

4. Favorable evaluations that may lead to merit based pay incentives, as set forth by Town Policy
- E. Negative Discipline: Actions ranging from counseling sessions to fines and suspensions with the most severe step being termination of employment. Negative discipline will, whenever possible, be progressive in nature; i.e., progressively more severe in degree if misconduct continues.
 - F. Employee Counseling Form: Form of negative discipline consisting of written documentation on employee actions constituting misconduct, and actions to be taken in poor work performance correction. Counseling forms are filed in the employee's disciplinary record.
 - G. Emergency Suspension: Situation in which an employee is relieved of duty immediately because of factors which threaten the safety of the employee, co-workers, or the public; i.e., employee under the influence of drugs or alcohol.
 - H. Exonerated: The facts in a complaint of misconduct did occur, but the action of the employee was justified, lawful and proper.
 - I. Final Judgment: The final judgment of the Chief regarding the level of punishment administered after a hearing board's findings, conclusions, and recommendations, or in the case where a hearing board was waived or summary punishment accepted, review of the investigative file. Or a final judgment may also come from the Chief without a hearing board being convened in cases where no investigation or interrogation occur in accordance with Maryland Appellate Court decisions, specifically *Leibe vs. Police Department of Annapolis, Maryland*.
 - J. Law Enforcement Officers' Bill of Rights (LEOBR): Annotated Code of Maryland, Public Safety Article, Title 3, Subtitle 1, granting law enforcement personnel procedural rights during the investigation of alleged misconduct. Departmental investigations and any subsequent disciplinary actions will be in accordance with the LEOBR. The LEOBR is incorporated into this order by way of reference.
 - K. Misconduct: For purposes of this Order, misconduct is defined as a violation of a departmental rule and regulation, or a violation of law.
 - L. Non-Sustained: The failure to disclose sufficient evidence to prove or disprove an allegation.
 - M. Policy Failure: The facts as alleged did occur and the actions of the employee were consistent with departmental policy; however, the investigation reveals a need for a revision, change, or correction in departmental policy.

N. Summary Punishment: Punishment imposed by the Sheriff when facts constituting the offense are not in dispute and the accused employee agrees to the punishment. Summary punishment may not exceed three days' suspension without pay, or a fine of \$150.

O. Sustained: The investigation has gathered sufficient evidence to establish a prima facie, (on the face of it), case with respect to the allegation of misconduct.

Unfounded: The investigation indicates the allegation is false, or there is no credible evidence to support the charge.