

VOLUME II, CHAPTER 1, ACCIDENT INVESTIGATION

1. ACCIDENT INVESTIGATION

(May 2007)

I. POLICY

It is the policy of the Department to respond to accidents involving death, personal injury, hit-and-run, impaired drivers, and disturbances between principals. In addition, the Department will investigate accidents resulting in property damage occurring on roadways if the damage disables one or more vehicles.

When dispatched to an accident scene, officers shall respond without unnecessary delay and in accordance with the response classification assigned by Public Safety Communications (PSC).

II. CHECKLIST

The first officer to arrive at the scene of a motor vehicle accident shall:

- ❑ Immediately check for injuries, provide first aid and summon medical assistance. Although injured parties may refuse medical attention, officers shall request an ambulance in instances where they suspect serious injury
- ❑ Identify hazardous materials, dangerous conditions, or fire threats. Officers shall request assistance and protect the public from those threats or conditions when possible. When hazardous materials are involved, officers shall comply with the procedures detailed in **VOLUME II, CHAPTER 30, HAZMAT & RADIOACTIVE MATERIALS**
- ❑ Locate witnesses
- ❑ Preserve evidence, pending a determination of investigative responsibility, for processing and analysis
- ❑ Protect involved persons and property from further injury or damage through the positioning of the police vehicle, direction of traffic, or using flares or other warning devices
- ❑ Restore traffic flow around accident scene, relieve congestion, remove involved vehicles and debris from the roadway as quickly as possible, unless investigative or rescue considerations require they be left in place. If a driver requests that a vehicle be left at the scene, officers shall ensure the vehicle is legally parked and secured
- ❑ Ensure safekeeping of property for accident victims who are incapable of caring for their property
- ❑ Give the parties the CCN and inform them that the accident report will be available at the District Station after 72 hours. Copies of the accident report may be purchased for five dollars by money order at the station or by mail from the Records Section

III. DEFINITIONS

Critical Injury: Any injury where death is expected or medical personnel believe it is probable

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Fatal Accident: Any traffic accident in which the victim dies of injuries sustained in the accident and death occurs within 30 days

Personal Injury: Any injury that is visible or obvious, or for which an involved person is transported by ambulance

IV. FORMS

- Maryland Automated Accident Reporting System (MAARS) Report (MSP Form #1)
- Incident Report (PGC Form #3529)
- Continuation Report (PGC Form #3529A)
- Vehicle Accident Letter (English/Spanish) (PGC Forms #2301/2301A)
- Prince George's County Police Motor Vehicle Accident Report Supplement (PGC Form #4492)
- Prince George's County Police Accident Diagram (PGC Form #4494)

V. PROCEDURES

1. Accident Scene Duties

Officers shall review and comply with the duties detailed in section **II. CHECKLIST**. Officers may request assistance from other officers, the fire department, government agencies, or utility companies to carry out these duties.

On accidents with serious injury, officers shall contact the appropriate hospital prior to the end of watch to determine the status of injured parties to ensure that notification to the Collision Analysis and Reconstruction Unit (CARU) is not required. Officers should be aware that the Health Insurance Portability and Accountability Act of 1996 (HIPAA) prohibits healthcare providers from releasing certain patient information.

Investigations

After the scene is stabilized, officers shall examine the facts of the accident to determine whether an investigation and accident report are required. They shall base their determination on:

- Interviews of witnesses and drivers
- Observations of vehicles and the accident scene
- Other physical evidence
- Status of vehicle registration and driver's licenses

Officers shall assist involved parties in exchanging driver's license, registration, and insurance information. They shall also take time to answer questions.

Officers shall initiate a computer check on all drivers and vehicles involved in an accident even if the involved parties display valid vehicle registration and drivers licenses. If the computer system

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is not in service, and the license and registration validity cannot be verified, officers shall complete a MAARS report and any other required supplement reports.

An investigation and accident report are required for motor vehicle accidents involving:

- Buses with passengers (other than drivers) or any bus without passengers owned by WMATA or a government agency
- Collisions between a train and motor vehicle
- Collisions with buildings regardless of whether damage to the building is evident. Officers shall request notification to a County building inspector via PSC
- Damage to electrical, natural gas, water, or commercial utilities
- Damage to street signs and other government fixed assets
- Departmental accidents
- Fatal accidents
- Government vehicles, or accidents alleged to have been caused by these vehicles, including vehicles of municipal, county, bi-county, and federal agencies, WMATA, or volunteer fire companies. Maryland State Police (MSP) shall investigate all accidents involving State vehicles
- Injury, visible or obvious, or for which a person involved is transported by ambulance
- Must appear traffic offenses whether or not a citation is issued, and unregistered motor vehicles
- Issuance of a citation
- Property damage occurring on a roadway that results in disabling damage to a motor vehicle, other than flat tires
- Vehicles with valid temporary tags or transporter stickers (Note: Vehicles bearing dealer tags and recycler tags are considered registered.)

Investigations and reports are required even if vehicles have been moved before the officer's arrival. However, if any of the vehicles have left the general vicinity and cannot be examined by the officer, and information has been exchanged between the involved drivers, the incident may be cleared as CODE 309 (no report written, information exchanged), provided:

- No building was struck
- No damage occurred to electrical, natural gas, water, or commercial utilities
- No government vehicle or County-owned fixed asset was involved
- No fatality or critical injury occurred
- No person at the scene requires ambulance transport
- No vehicle was impounded
- No hazardous materials were spilled

Officers may issue traffic citations when probable cause of a traffic law violation exists. When officers issue citations, they shall summons all involved witnesses.

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2. Accident Occurred or Discovered Earlier

An officer shall not be dispatched to investigate an accident that occurred on, or was discovered on a previous date, and delay in contacting police renders investigation of no value.

3. Parties/Vehicles Left Scene

Response of an officer is optional for accidents where all involved vehicles and persons have left the scene and there is no indication that debris or site damage poses a public hazard.

For hit and run allegations occurring on a previous date, employees shall tell the caller he or she may file a report with any District Station desk officer or the Telephone Reporting Unit (TRU).

4. Determination of Investigative Responsibility

Usually, patrol officers will be the first units dispatched to investigate accidents. When appropriate, other personnel shall be requested to conduct the accident investigation:

- ❑ Accidents involving critical injury or death, (including Departmental accidents) shall be investigated by an Accident Reconstructionist/CARU. Supervisors approve all requests for Accident Reconstructionists and may request their call-out when none are on duty
- ❑ A supervisor shall investigate accidents involving PGPD vehicles, except that CARU investigates fatal or critical injury accidents
- ❑ Maryland State Police (MSP) investigates accidents involving State government vehicles. If MSP is unavailable, patrol officers will investigate the accident

Accident Reconstructionists may be requested to assist with any accident in which the topography of the scene, equipment defects, or other unusual circumstances are believed to be factors.

When a disagreement arises regarding a Reconstructionist's response, the decision of the Reconstructionist prevails, unless overruled by a Command Officer.

5. Death of Victim Within 30 Days of Accident

When an individual dies within 30 days of an accident not investigated by CARU, the investigating officer shall:

- ❑ Immediately notify the OIC, CARU
- ❑ Provide CARU with copies of reports and other available documents associated with the accident
- ❑ Submit a CIR documenting the death and the date and time of notification to the OIC, CARU; attach a copy of the original MAARS Report to the CIR

CARU shall perform duties stipulated by their SOP for fatal accidents, provided the time delay has not rendered such performance impractical.

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6. Uniform Crime Reporting Procedures (UCR)

UCR procedures require a traffic death resulting from violation of traffic laws be classified as manslaughter. However, it is not necessary for anyone to be charged with a traffic violation, only that a violation occurred. Motor vehicle fatalities will be cleared as follows:

- ❑ When a violating driver or pedestrian are the only fatality the case is cleared unfounded
- ❑ When a violating driver or pedestrian is killed, but other fatalities also occur, the case is cleared exceptionally
- ❑ When a violating driver or pedestrian is not killed, but other fatalities do occur, the case is cleared by arrest

Notification of the clearance is made as follows:

- ❑ When a case can be cleared immediately as unfound or exceptional, this information will be placed on the report
- ❑ When clearance is determined as unfounded or exceptional after submission of the report or when a case is closed by arrest, this information will be placed on a supplemental accident report

If an accident reconstruction is completed, the reconstructionist shall enter the proper clearance on the reconstruction report.

7. Snow Emergencies

Response by officers to accidents during snow emergencies is required when any of the following exist:

- ❑ The accident is a hit-and-run
- ❑ There is damage to County property
- ❑ A public hazard exists from debris or site damage
- ❑ Injuries are involved
- ❑ Vehicles are inoperable

If any of these conditions exist, officers shall be dispatched to the scene.

8. Accident Reports Optional

Subject to the requirements in this section, accident investigations are optional in the following cases:

- ❑ Single-vehicle property damage accident in which the vehicle is not disabled and publicly-owned property is not involved
- ❑ Property damage accident occurring on private property, regardless of the extent of damage

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- ❑ Property damage accidents occurring on public roadways not resulting in disabling damage to any involved vehicle

Procedures

Officers shall respond to the scene and determine:

- ❑ Vehicle registration
- ❑ Validity of drivers' licenses
- ❑ VIN plates against registration documents and plates
- ❑ Wanted status of drivers and vehicles

If discrepancies exist, officers shall investigate the accident, complete a MAARS Report, and take proper enforcement action.

When not formally investigating the accident, officers shall not make judgments concerning fault or issue citations.

When a MAARS Report is not written, officers shall instruct the parties to exchange driver's license, registration, and insurance information. Officers shall provide the participants with a Vehicle Accident Letter in English or in Spanish.

Officers will identify owners of damaged property, notify them of the damage, and give them information regarding the vehicle operator.

When an officer initially declines to write an accident report in accordance with the provisions of this directive, he or she is not required to write a report on a later date because of new information, provided that the facts known to the officer at the time of the initial decision did not require an investigation.

Exceptions are:

- ❑ An individual dies of injuries sustained in the accident (CARU)
- ❑ It is later determined that an involved party fraudulently or incorrectly identified himself with the intent to commit a hit-and-run

In these instances, officers shall complete a MAARS Report and required supplementary reports.

9. Report Submission

Officers shall complete MAARS Reports for all traffic accident investigations except for hit-and-run accidents which meet the criteria listed in section **13. Incident Report Authorized for Hit-and-Run** of this chapter.

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A MAARS Report will not be completed if:

- ❑ Information required for completion of the report is not known, and “UNKNOWN” is not an acceptable entry for a particular field in the report
- ❑ The report would be rejected by the State if the field were not complete

When above conditions are present, officers shall complete an Incident Report in lieu of a MAARS report. Officers shall indicate “MOTOR VEHICLE ACCIDENT” in the TYPE OF INCIDENT block. The narrative will contain the following:

- ❑ Date and time of the accident and best available description of the location of occurrence
- ❑ Driver’s license information for known drivers
- ❑ An explanation why a MAARS report could not be submitted
- ❑ Vehicle registration and insurance information
- ❑ Names and addresses of known vehicle occupants
- ❑ Details of the accident, including cause and responsibility, if known

Officers investigating traffic accidents involving criminal offenses (e.g., stolen vehicle used in a robbery) shall not report the criminal offense on the MAARS report. Instead, officers shall use an Incident Report to document the criminal offense and include “SEE ACCIDENT REPORT, SAME CCN” in the narrative.

When a vehicle is impounded as a result of an accident, officers shall complete and submit an Incident Report for each vehicle impounded in addition to the MAARS Report. **See: VOLUME II, CHAPTER 31. IMPOUNDS & VEHICLES.**

Additional Vehicle Occupants

When a MAARS Report has insufficient space to record the names of all vehicle occupants, either of the following methods may be used:

- ❑ *Continuation Report*: the top fields must be completed; the pre-printed MAARS number (from block 1 of the original MAARS Report) and the agency code “DA” shall be included in the first lines of the narrative
- ❑ *Prince George’s County Police Motor Vehicle Accident Report Supplement*: the top fields must be completed as on a MAARS Report; the pre-printed MAARS number (from block 1 of the original MAARS Report) and the agency code “DA” shall be used

Supplemental Diagram

The Prince George’s County Police Motor Vehicle Accident Report Diagram features a large blank field for detailed diagrams. The top fields must be completed as on a MAARS Report. The pre-printed MAARS number (from block 1 of the original MAARS Report) and the agency code “DA” shall be used.

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10. Photography

Officers will ensure that they photograph vehicles, physical evidence, and the accident scene for accidents involving government vehicles (including volunteer fire companies and WMATA vehicles) or a fatal or critical injury accident.

Accident scene photographs will be developed for negatives. Prints will not be made unless the accident involves a PGPD vehicle. To receive prints from a non-Departmental accident, officers shall contact Police Records at least 30 days before the needed date. Prints shall be requested for official business only.

11. Notification to Risk Management

When an accident involves the following circumstances, the investigating officer shall instruct the parties to contact the Risk Management Section of the Office of Finance for resolution of liability claims, and give them a Claims Instruction Form:

- Accidents involving a non-departmental County vehicle or alleged to have been caused by a non-departmental County vehicle
- Damage to County-owned signs or other fixed assets. "Prince George's County Government" shall be noted as the T/A in the PERSONS section

Officers shall forward a copy of the MAARS Report to the Risk Manager, Strategic Management Bureau before the end of watch. If the report is not completed by the end of the watch, officers shall forward a copy of the partially completed report with a notation that the report is incomplete.

12. Hit & Run Accidents

Investigator's Duties

Officers handling hit-and-run accidents shall attempt to identify the striking vehicle and the vehicle's driver. They shall make reasonable efforts to collect physical evidence and develop investigative leads.

When a suspect description is available, a lookout shall be broadcast from the scene.

When investigative leads are developed, officers shall automatically conduct a follow-up investigation. Leads requiring an automatic follow-up include, but are not limited to:

- Suspect registration information
- Eyewitness identifications of suspects
- Physical evidence suitable for forensic examination

When the striking vehicle's registration information is known, the investigating officer shall document all efforts to contact the registered owner on either the initial report or supplementary

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reports. Officers shall include any explanations or relevant statements the owner may have offered. Officers shall document all follow-up activities regardless of whether an arrest occurs.

Arrests of Suspects

Full custody arrests of hit-and-run suspects are authorized, but not required. Officers may issue citations, or they may apply for a warrant.

13. Incident Report Authorized for Hit-and-Run

In cases where information or physical evidence fails to identify the striking vehicle, officers may document the incident on an Incident Report in lieu of the MAARS Report. When an Incident Report is completed, officers shall:

- Indicate "PROPERTY DAMAGE" in the TYPE OF INCIDENT block
- Ensure that the VEHICLE section is completed
- Write a detailed narrative
- Provide the reporting person with the CCN
- Advise the reporting person that copies of the Incident Report may be purchased by mailing a money order to the Records Section

14. Follow-Up Investigations

With supervisory approval, officers may continue investigations outside of their assigned area, as well as extend their investigations to subsequent tours of duty. Examples necessitating a continued or extended investigation include:

- Collecting additional evidence
- Obtaining witness statements
- Preparing reports
- Testing vehicles and safety equipment
- Duties associated with accident reconstruction.

In unusual circumstances, officers may enlist the assistance of technical experts during a follow-up investigation. They may include physicians, mechanics, surveyors, and engineers. Except for vehicle inspections, requests for these arrangements shall be approved in advance by the investigating officer's Commander/Director, and in writing by the Fiscal Affairs Division, if the specialist is to be paid.

15. Mechanical Defects Inspections

When an investigating officer suspects a mechanical defect or failure caused or contributed to a fatal or critical injury accident, he or she shall impound the vehicle. Before the end of the following business day, the investigating officer shall contact the OIC, CARU to determine whether CARU or MSP Automotive Safety Enforcement Division (ASED) will conduct an

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inspection. When an ASED inspection is to be conducted, the OIC, CARU shall arrange for the inspection. They shall ensure the investigating officer receives the results.

16. Suspension of Follow-Up

Supervisors may authorize officers to cancel or suspend follow-up investigations when the investigation is unlikely to result in prosecution for violations of traffic or other criminal laws. Investigations shall not be continued merely to improve any party's civil or insurance claim. When deciding whether to authorize suspension of investigative activity, supervisors shall consider whether:

- Investigative leads exist and whether they are of meaningful quality
- Manpower and workload factors provide opportunities for follow-up work
- Physical or forensic evidence is likely to identify the suspect vehicle or driver
- Severity of injuries and property damage justify the continued commitment of law enforcement resources
- Suspect vehicle's registration address is geographically close enough to the County to make further investigation practical
- Witnesses can identify the suspect driver in court

17. Aircraft, Boat, or Train Accident

Aircraft Accidents

MSP investigates aircraft accidents within the County. Officers responding to aircraft accidents shall preserve the scene and take life-saving action.

Officers who perform significant assistance such as rendering rescue and first aid services or collecting evidence shall complete an Incident Report and a Commander's Information Report.

Boating or Drowning Accidents

The Maryland Natural Resources Police (MNRP) investigates boating accidents on County waterways and those controlled by public agencies. Such accidents occurring on privately owned bodies of water are investigated at MNRP discretion. Officers responding to boating accidents shall:

- Take appropriate life-saving action
- Preserve the scene
- Notify MNRP
- Standby pending the arrival of an MNRP officer.

If the MNRP officers cannot or will not respond, officers shall conduct a basic investigation and submit an Incident Report.

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MNRP officers have legislated authority to investigate fatal boating accidents or accidental drowning on waters owned or controlled by public agencies. However, in any water-related incident involving a death, officers shall notify the Homicide Unit regardless of the MNRP response status. The Homicide Unit shall conduct an investigation, or assist MNRP, following consultation with MNRP officials. The Homicide Unit shall investigate drownings in swimming pools. There will be no notification to MNRP.

Train/Motor Vehicle Accidents

Investigation of train accidents involving a motor vehicle shall be conducted in accordance with the MAARS reporting system, which does not define trains as motor vehicles. Since the train information will not be included in the vehicle fields of the report (e.g., Vehicle #1, Vehicle #2) the following information shall be placed in the narrative:

- ❑ Name and addresses of passengers who are visibly injured or who inform officers of an alleged injury. Identities of uninjured passengers need not be included
- ❑ Names and assignments of engineers, brakemen, conductors, and other crew members
- ❑ Train company name, engine number, and the specialized name or schedule number for the train

The train may be detained at the scene while preliminary investigation and rescue efforts are in progress. Investigating officers shall allow the train to depart as soon as these efforts are complete. When necessary, officers may request a member of the crew or a company representative to remain behind for additional interviews.

Officers shall notify the National Response Center (NRC) through PSC in the event of:

- ❑ An evacuation of the train or surrounding community
- ❑ Fuel leakage
- ❑ A grade crossing accident involving death or injury
- ❑ A hazardous material spill
- ❑ A train derailment

Officers shall also prepare a CIR for a motor vehicle accident involving a train.

Pedestrian/Train Accidents

A Homicide investigator shall investigate accidents in which a pedestrian is struck and killed by a train.

District Investigators investigate non-fatal train/pedestrian accidents to determine whether foul play or attempted suicide is involved.

The first officer on the scene of such accidents shall take appropriate life-saving and protective action. Additionally, officers shall preserve the scene pending the arrival of the investigator. The

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investigating officer shall detain witnesses and involved persons. The train shall not leave the scene.

Unless directed otherwise by the investigator, officers shall submit an Incident Report, CIR, or Special Report when applicable. Other reports and notifications shall be the responsibility of the investigator. No MAARS Report will be submitted in pedestrian/train incidents.

The inter-agency agreement with WMATA stipulates that PGPD will investigate deaths and serious injury accidents on WMATA property. Therefore, provisions of this section apply to Metro train accidents, including deaths of persons contacting the electrified third rail. **See: VOLUME II, CHAPTER 12. CONCURRENT JURISDICTION & EXTRA-JURISDICTIONAL INCIDENTS IN THE COUNTY, section 4. Mutual Aid Agreements, Washington Metropolitan Area Transit Authority (WMATA)**

Notifications to federal agencies are required for train/pedestrian accidents.

Train Derailment

The railroad and appropriate federal transportation officials investigate accidental train derailments not involving a struck motor vehicle or pedestrian. The PGPD shall render rescue services, crowd, traffic control, and other assistance, as needed.

Officers shall notify the NRC through PSC of all derailments. Officers shall submit a CIR and Incident Report indicating:

- Date/time of notification to NRC
- Name of person making notification
- Name of the NRC official who received notification
- Names of the federal officials and the agencies to which they are affiliated that responded to the scene
- Name of the engineer and senior company officials at the scene
- Name of the railroad, the train's specialized name or schedule number, engine or locomotive number
- Services performed or actions taken by Departmental personnel

When deaths have occurred, officers shall notify the medical examiner and federal investigators to determine the agency responsible for death reports. The Homicide Unit shall be notified and respond to the scene if federal officials are not responding.

If the derailed train is a WMATA train and a death report is to be prepared by the local police agency, a PGPD officer shall prepare the report.

When evidence exists that a derailment occurred other than by accident, the incident shall be treated as a crime scene. When deaths occur, officers shall notify a Homicide Investigator and the

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investigator shall respond. Authority for the investigation may eventually transfer to a federal agency (e.g., FBI) if appropriate.

18. Organ Donor Victims

As soon as possible following the death of an individual involved in an accident, the investigating officer shall determine, either through visual inspection or computer inquiry, whether the deceased's driver's license designates them as an organ donor. If the deceased's driver's license indicates they are an organ donor, and the body is still at the accident scene, the investigating officer shall arrange for it to be transported to a medical care facility as soon as investigative and evidentiary considerations allow.

Investigating officers shall ensure that the staff at the hospital is aware of the organ donor status of all critically injured or deceased individuals. They shall also ensure that the hospital will make notifications to transplant agencies. Officers shall note the names of the staff members notified, and the date and time of notifications on the CIR. Officers are not expected to contact agencies personally, although they may contact them when the hospital's response is inadequate.

19. Traffic Direction

Officers shall provide manual traffic direction as assigned or necessary to provide efficient traffic flow. Normally, only uniformed employees trained in the use of standard signals and gestures will direct traffic. Employees shall wear traffic safety vests when directing traffic.

Manual traffic direction includes the use of highway flares or temporary traffic control devices such as cones. When necessary, officers may enlist the assistance of the Department of Public Works & Transportation (DPWT) or the State Highway Administration (SHA) to:

- Operate electronic signal boxes
- Provide temporary traffic control devices

Those agencies may provide temporary traffic control devices when traffic direction may be required for more than one hour. A supervisor shall request their assistance.

Employees with traffic box keys may phase lights to flash or turn them on or off. Only DPWT or SHA personnel should reprogram electronic signals.

20. Evaluating Equipment & Manpower Needs

Officers will evaluate the area requiring traffic direction by considering the following:

- Traffic count
- Visibility
- Environmental conditions
- Number of lanes available to traffic

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- ❑ Complexity of traffic flow
- ❑ Speed limit

A minimum of two officers shall provide direction at any intersection where two of the roadways have three or more through lanes.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 61.2.1, 61.2.2, 61.2.3, 61.2.4, 61.3.2, 82.2.1, 83.1.1, 83.2.6

VOLUME II, CHAPTER 2, ALARMS

2. ALARMS

(December 2005)

I. POLICY

(County Code, Sec. 9-130)

Officers shall respond to alarm calls subject to the provisions of this directive.

County Code Section 9-131 regulates responsibility for the proper operation and serviceability of alarm systems. It also mandates the imposition of sanctions against those operators having systems that malfunction excessively or are frequently operated negligently.

II. CHECKLIST

Officers shall use caution when responding to any alarm call. Due to the high volume of these calls, complacency may erode the use of sound officer safety tactics. In addition to other officer safety tactics, the following should be considered when approaching the target location:

- Do not rush to the target location
- Park away from the target location and approach on foot
- Attempt to approach the location in a manner that prevents being seen by suspects
- Watch for fleeing suspect and vehicles during the approach

III. DEFINITIONS

False Alarm: Departmental response to the activation of an alarm for which the responding officer finds no evidence of a criminal offense or attempted criminal offense. False alarms include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; or signals purposely activated to summon the police in non-emergency situations. Response to an alarm that is cancelled by the alarm user or alarm company prior to the officer's arrival is not a false alarm.

IV. FORMS

- Commercial Alarm User Permit Registration Form (FARU Form #102)
- False Alarm Notification (PGC Form #4451)
- Incident Report (PGC Form #3529)
- Residential Alarm User Registration Form (FARU Form #103)

V. PROCEDURES

1. False Alarm Notification Pamphlet

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Alarm users must register their systems with False Alarm Reduction Unit (FARU) before using them. Failure to register an alarm system is a violation of County Code Sections 9-132 and 134, and is punishable by fine, civil citation, or the denial of police response to future alarms.

A False Alarm Notification pamphlet shall be completed and left at all alarm locations. This procedure shall be followed even if the owner/resident is on the scene.

Officers may provide the business agent with the Commercial Alarm User Permit Registration Form, or the homeowner with the Residential Alarm User Registration Form, or refer the individual to FARU.

2. Alarms at Public Schools

County officers will be dispatched to all alarms at public schools regardless of municipal boundaries or the availability of municipal officers.

When responding to alarms at public schools, officers shall determine:

- Whether the facility was entered
- Whether apprehensions were made
- Whether the alarm was caused by a school employee and, if so, that individual's identity

Municipalities serviced by their own police departments will be notified of the type of call and our response.

3. *REDACTED*

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 41.2.1, 81.2.13, 82.2.1, 82.2.2

Legislation:

- County Code, Sections 9-131, 9-132, & 9-134

VOLUME II, CHAPTER 3, ANIMAL COMPLAINTS

3. ANIMAL COMPLAINTS

(December 2005)

I. POLICY

Officers will respond to calls for sick, wounded, dangerous, vicious, or rabid animals as well as animal bites. Public Safety Communications (PSC) shall direct routine animal complaints to the Prince George's County Animal Management Division.

The Animal Management Division is responsible for impounding animals. Officers will provide reasonable assistance to confine animals pending the arrival of an animal control officer.

II. CHECKLIST

Officers responding to animal bites shall:

- Complete an Animal Bite Report
- Notify the owner and quarantine the animal
- Notify the Animal Management Division and the Health Department within 24 hours

Officers destroying rabid, dangerous, or vicious animals shall:

- Notify their supervisor
- Notify SIRT
- Notify the Animal Management Division to remove the carcass, and remain on scene until an animal control officer arrives
- Ensure that no one touches the animal
- Ensure that other animals do not touch the carcass
- Complete an Incident Report, noting "Animal Management Division" in the COPY TO block
- Complete a Use of Force Report *See: VOLUME II, CHAPTER 51. USE OF FORCE.*

III. DEFINITIONS

Dangerous or Vicious Animal: Any animal that has attacked, bitten, or injured an individual, or an animal that has shown a propensity to attack human beings without provocation

Pit Bull Terrier: A Staffordshire Bull Terrier, American Staffordshire Terrier, American Pit Bull Terrier, a dog having the predominant appearance of one of the above breeds, or a dog registered at any time as a pit bull terrier

IV. FORMS

- Animal Bite Reports (PGC Form #Z-6)
- Animal Control Violation Notice (PGC Form #3419)
- Commander's Information Report (PGC Form #1545)
- Discharge of Firearms Report (PGC Form #2930)

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- ❑ Incident Report (PGC Form #3529)
- ❑ Use of Force Report (PGC Form #5150)
- ❑ Void Notice (PGC Form #3378)

V. PROCEDURES

1. Animal Bites

The Prince George's County Health Department monitors animal bites by warm-blooded animals for rabies infection. The Department assists the Health Department by completing Animal Bite Reports and forwarding them to the Animal Management Division and the Health Department within 24 hours.

Officers shall complete an Animal Bite Report when a bite, scratch, or exposure to saliva through an open wound or mucous membrane has occurred, even when the victim or their family owns the animal.

Officers shall attempt to find the animal, and ensure that it is quarantined. The owner of the animal shall be served with their copy of the Animal Bite Report. Officers shall notify the owner of the Conditions of Quarantine and complete this section of the form. If the owner refuses to agree to the conditions and sign the quarantine agreement, the officer shall notify the owner that this will result in the seizure of the animal by the Animal Management Division. The officer shall write, "REFUSED" in the owner's signature line on the form.

The victim shall be provided with their copy of the Animal Bite Report and advised to contact the Health Department.

When the animal owner is known, but the officer believes that the owner will not or cannot comply with the conditions of quarantine, the officer shall immediately contact the Animal Management Division through PSC and stand by for their arrival.

A supervisor shall review and approve the Animal Bite Report, and ensure that it is faxed to the Animal Management Division and the Health Department within 24 hours. The supervisor shall then sign the reverse of the Animal Bite Report. When fax equipment is not in operation, the supervisor shall ensure the Animal Management Division and Health Department are notified by telephone. The "Police Department" copy shall be forwarded to the Records Section.

Incomplete Animal Bite Reports must still be faxed to the Animal Management Division and the Health Department within 24 hours. Once completed, the report shall be faxed again.

2. Rabid, Dangerous, & Vicious Animals

Any mammal can contract rabies. Raccoons, bats, foxes, skunks, groundhogs and unvaccinated cats and dogs are particularly susceptible. In this County, rabies strikes raccoons more than other

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animals. Rabid animals may be aggressive, unusually friendly, paralyzed, or sick. A lack of motor coordination in the rear legs may be a sign of rabies.

The disease may be transmitted to other animals or humans through a scratch or bite that breaks the skin, or other exposure to saliva through open wounds or mucous membranes. An officer or citizen can contract rabies by touching the fur of a rabid animal or by touching an animal that has fought with a rabid animal.

Domestic Animals

Domestic animals may be confined on the owner's premises for the duration of the quarantine period provided by law following exposure to a rabid animal. The Animal Management Division may take the animal into custody.

Officer's Responsibilities

If an officer becomes aware of a dangerous or vicious animal that is contained and poses no immediate threat, the officer shall complete an Incident Report and note Animal Management Division in the "COPY TO" block. A supervisor shall ensure the report is faxed to the Animal Management Division within 24 hours.

Officers responding to calls involving dangerous or vicious animals which pose an immediate threat, and those suspected of being rabid shall attempt to find the animal and contain it without endangering himself or the public. Once contained, officers shall notify the Animal Management Division through PSC, and remain on the scene until an animal control officer arrives. Citizens shall be detoured from the area pending their arrival. If the animal cannot be confined and poses an immediate threat to public safety, the officer shall destroy the animal.

If the animal cannot be located, officers shall complete an Incident Report that includes a thorough description of the animal and its behavior, and forward it to the Animal Management Division within 24 hours.

Destroying Animals

The preferred method of destroying animals is by shotgun, preserving the head when rabies is suspected. If a shotgun is not available, officers may use another authorized firearm.

Where an officer discharges a firearm for the purpose of humanely destroying an injured animal, the involved officer will complete an Incident Report, CIR, and a use of force report including the Discharge of Firearms portion. A use of force review shall not be conducted.

If an officer destroys an animal for any other purpose, a use of force review shall be conducted.

See: VOLUME II, CHAPTER 51. USE OF FORCE.

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Any discharge of a firearm to destroy an animal under this section requires notification to SIRT. A SIRT investigator will determine the level of response by SIRT, if any. If SIRT does not respond, all reports shall be forwarded to SIRT by the reviewing supervisor.

3. Pit Bull Terriers

Ownership Prohibited

(County Code, Section 3-185.01)

County law prohibits the ownership, keeping, and harboring of pit bull terriers in the County. An exception is granted under the law to individuals who possessed a pit bull terrier prior to November 1, 1996, under the following conditions:

- The animal shall be registered by the administrator of the Animal Management Division, and must always wear a tag provided by the administrator
- The owner must pay a \$50.00 annual fee to the administrator
- The owner must keep the dog within a building or kennel
- Whenever the dog is removed from the building or kennel, it shall be secured by an unbreakable leash and maintained under the control of an adult

An individual may temporarily hold a pit bull terrier in the County for the purpose of showing the dog in a place of public exhibition, contest, or show sponsored by a dog club or association.

Dogs employed or owned by the County and trained to perform official police, correctional, fire, or search and rescue service are exempt from the provisions of this act.

Violations

Violations of the County Code pertaining to pit bulls are criminal offenses. Any individual found in violation of any provision of this section may be fined up to \$1,000.00 or sentenced to not more than six (6) months of imprisonment.

Officers shall not issue criminal citations for violations of this act since the penalties exceed those enumerated for such citations. Officers wishing to place charges against an animal owner in these cases must make a full-custody arrest.

4. Animals Used for Assault

(Section 3-201, Criminal Law Articles)

Persons who intentionally inflict injury upon others by causing an animal to attack them are subject to arrest under the criminal charge of assault. These cases shall be handled by on-scene officers or by District Investigators.

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5. Assisting Animal Control

(County Code, Section 3-116.01, 3-185.01)

The Animal Management Division has primary responsibility for enforcing animal control laws. When its employees investigate incidents and have probable cause to believe violations have occurred, they may apply for criminal charges. The Department will assist animal control officers only after a warrant has been issued.

Other violations of State or County laws and regulations not amounting to criminal charges are the responsibility of the Animal Management Division. Their investigative staff has authority to conduct investigations and obtain arrest or search warrants under State law and the County Code.

6. Animal Control Violation Notice

Officers may use the Animal Control Violation Notice to cite owners of animals when violations of the County Code are observed. This form contains all animal related offenses, including:

3-134 Excessive noise by animal

3-135 Animal running at large

3-141 Theft of animals

3-145 License required for dog, cat, or ferret

3-180 Cruelty to animals

3-186 Failure to vaccinate for rabies

In addition to any reports written as a result of an animal complaint, officers shall refer citizens with animal complaints to the Animal Management Division.

When an officer receives an Animal Control Violation Notice book, the officer shall complete the receipt record, and forward it to the Records Section. Officers shall not lend, borrow, or share violation booklets. Officers shall return unused portions of violation books upon separation from the Department.

Upon issuing a violation notice, officers shall inform the violator that complete information and instructions are printed on the reverse side of the violator's copy. Violators shall be referred to the Animal Management Division for other questions.

If an officer makes an error while writing a violation notice, the officer will complete a Void Notice, and forward the form and Void Notice to the Chief, Patrol Services Bureau.

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7. Arrestee in Possession of an Animal

Officers will contact the Animal Management Division to assist with the removal of animals in the possession of an individual arrested or detained when no one else will take responsibility for it. The notification will be documented on the Incident Report.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.1, 1.3.2, 1.3.6, 1.3.7, 41.2.5, 82.2.1, 82.2.2

Governing Legislation:

- Section 3-201, Criminal Law Articles
- County Code, Section 3-101
- County Code, Section 3-116.01
- County Code, Subtitle 3, Section 3-137
- County Code, Section 3-185.01

Reference:

- Strategic Management Bureau, Special Investigative Response Team SOP

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4. ARREST, TRANSPORT, & PROCESSING

(May 2012)

I. POLICY

It is the policy of the Department that the arrest, transportation, and processing of detainees will be made in a manner that maximizes the safety of arresting officers, persons arrested, and members of the public.

In some cases, the issuance of a citation is more appropriate than a physical arrest. When a citation is issued instead of a physical arrest, fingerprints and photographs will not be obtained.

II. CHECKLIST (N/A)

III. DEFINITIONS

Adult Arrest: Any arrestee age 18 years or older and any juvenile charged as an adult

Arresting Officer: The officer responsible for completing the charging documents and other reports related to an arrest

Body Cavity Search: A physical intrusion and probing into an individual's mouth, nasal passages, ears, anus, genital area, or other body part

Custody Officer: The officer responsible for the security, custody and safety of a detainee or arrestee

Desk Officer: Usually an officer from the Department of Corrections (DOC) assigned to a Regional Processing Center

Detainee/Arrestee: A person temporarily held in custody for the purpose of processing

Full-Custody Arrest: An arrest that involves an individual being taken into physical custody by a law enforcement officer for the formal placement of criminal charges

Juvenile Delinquent Offender: Any juvenile charged with an offense for which an adult can be charged, but who is subject to the jurisdiction of the juvenile court

Juvenile Non-offender: Any juvenile who has committed an offense for which adults cannot be charged, such as runaway or truancy

Juvenile Status Offender or Non- Offender Processing Areas: Designated unlocked areas outside secured detention areas where juvenile status offenders or non-offenders may be temporarily housed

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Other Authority: Governmental entities and agents thereof, entitled by law, court order or detention authority, to take or relinquish custody of any arrestee or detainee; these include DOC employees and the U.S. Marshal's Service

Outside Agency: Special police officers (SPOs), law enforcement agencies having jurisdiction within the County

Positional Restraint Asphyxia: Death occurring as a result of body positioning that interferes with an individual's ability to breathe

Processing Areas: Designated areas used for fingerprinting, photographing, testing, interviews, and completion of arrest documents

Processing Officer: The DOC officer assigned to the processing area at regional processing facilities

Regional Processing Facility: Processing area staffed by DOC personnel for the purpose of completing arrest paperwork and arrestee presentment before a District Court Commissioner

Search Incident to Arrest: A thorough examination of an individual's clothing, possessions, and immediate surroundings to find weapons or contraband

Secure Areas: Areas designed to physically restrict the movement and activities of persons in custody

Strip Search: The removal of any clothing permitting a visual inspection of the genitals, buttocks, anus, breasts, or innermost undergarments of an arrestee

Squat Search: A search requiring an arrested individual to crouch or squat while the undergarments and other clothing are removed to expose the genital or anal area; permits contraband or other material concealed in the genital or anal area to become visible or dislodged

Temporary Detention Cell or Area: A cell or area within a District Station that is not designated as a regional processing facility, which is used for interviews, questioning, temporary detention and where all weapons are prohibited

IV. FORMS

- Application for Statement of Charges (Form #DC/CR1)
- Arrest Case Jacket Checklist (PGC Form # Pending)
- Arrest Report (PGC Form #3245)
- Application for Statement of Charges, Continued (Form #DC/CR 1A)
- Detainee Medical Release Form (PGC Form #5188)
- Detainee Processing Log (PGC Form #5097)

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- ❑ Incident Report (PGC Form #3529)
- ❑ Maryland Uniform Criminal Citation (Form #DC/CR 45)
- ❑ Maryland Uniform Municipal Infraction/Civil Citation (Form #DC28)
- ❑ PGPD Fingerprint Card (PGC Form #930)
- ❑ Prisoner Property Form (PGC Form #3379)
- ❑ Processing Facility Inspection (PGC Form #5098)
- ❑ Processing Information Sheet (PGC Form #519)
- ❑ Property Record (PGC Form #4360)
- ❑ Request for Witness Summons (Form #DC/CR 92)
- ❑ Statement of Charges (Form #DC/CR 2)
- ❑ Statement of Charges, Continued (Form #DC/CR 2A)
- ❑ Statement of Probable Cause (Form #PC DC/CR 4)
- ❑ Statement of Probable Cause, Continued (Form #PC DC/CR 4A)
- ❑ Statement of Victim/Witness/Suspect (PGC Form # 2998)
- ❑ Uniform Juvenile Civil Citation for Alcohol and Tobacco Offenses (Form #DC 31)

V. PROCEDURES

1. Maryland Uniform Criminal/Civil Citations

The Maryland Uniform Criminal Citation may be used for adult criminal charges carrying penalties of less than three months or \$500, as well as misdemeanor thefts that may carry higher penalties. Use of the citation is an alternative to a physical arrest.

The Maryland Uniform Municipal Infraction/Civil Citation may be used for adult civil violations involving alcoholic beverage offenses for individuals between 18 and 20 years of age.

The Uniform Juvenile Civil Citation for Alcohol and Tobacco Offenses may be used for juveniles.

Citation Issuance

Each citation shall reflect only one charge. A citation may be issued to a defendant if the officer is satisfied with the defendant's evidence of identity and reasonably believes the defendant will comply with the citation.

Maryland Criminal Citations shall not be issued:

- ❑ For a criminal offense where the punishment exceeds 90 days in jail or a \$500 fine (except misdemeanor theft)
- ❑ For violations of the Maryland Transportation Article
- ❑ For parking violations
- ❑ When an officer is not satisfied that the suspect will appear in court as required
- ❑ When the suspect refuses to sign the citation

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- ❑ When the suspect cannot satisfactorily identify themselves

Alcohol Violations

(Sections 10-113 through 10-116 of the Maryland Criminal Law Articles)

An individual may not refuse to furnish proof of identification and age upon request of an officer issuing a citation for:

- ❑ False documentation
- ❑ Misrepresentation of age
- ❑ Obtaining for underage consumption
- ❑ Possession of alcoholic beverages on school property
- ❑ Underage possession

Additional Criminal Charges

When an officer conducting a pat down or search of an individual being issued a Criminal or Civil Citation finds contraband, and intends to charge the individual for this additional violation, the officer must make a full custody arrest. The officer must be able to articulate probable cause for the search. In these cases, standard arrest procedures and the use of associated documents will be followed.

2. Civil Violations for Adults & Juveniles

(Maryland Criminal Law Article Sections 10-113 through 10-118)
(Education Article Section 26-103)

Adult Civil Violation

The Adult Civil Violation applies to persons aged 18 through 20 years, when used for alcoholic beverage related offenses.

Juvenile Civil Violation

(Maryland Criminal Law Articles Sections 10-113 through 10-116)

The Juvenile Civil Violation shall be issued to those juveniles violating alcoholic beverage and tobacco offenses.

Issuance of Municipal Infraction/Civil Citation

Passengers in a motor vehicle possessing an open container of an alcoholic beverage are charged on the same citation for violating the provisions of Section 10-125, Open Container in Passenger Area.

3. Full-Custody Arrests

Verifying Existence of Warrants

The Supreme Court has recognized the Police Team concept. If any law enforcement officer holds a warrant, it is deemed held by all.

Civil burdens for arrests in these circumstances lie with the agency generating the warrant. Before officers make an arrest on the strength of a warrant, they must make every reasonable effort, through Public Safety Communications (PSC) or otherwise, to verify that it is still outstanding.

Arrests by Off-Duty Officers

When off-duty officers in the Personal Car Program make an arrest, they will ordinarily transport the arrestee themselves unless:

- ❑ Their assigned cruiser is not available
- ❑ They have family or passengers in the cruiser
- ❑ An on-duty officer handles the arrest processing

Arrests by Plain-Clothes Officers

Plainclothes officers shall request the assistance of uniformed officers when serving any arrest warrant, unless the situation dictates otherwise. To minimize the potential for injury, plainclothes officers shall, whenever practical, schedule the time and location of the arrest.

Uniformed officers in marked vehicles shall be assigned to assist plainclothes tactical operations. Only uniformed officers and marked vehicles shall be used to make arrests or effect investigative stops during these operations. Exceptions shall be approved by supervisors and will only be allowed where no other alternative exists.

For large-scale warrant service operations or forced entries, the Special Operations Division shall be contacted for assistance.

Warrantless Arrest in Defendant's Home

The U.S. Supreme Court decision of *PAYTON v NEW YORK* requires officers having probable cause to make an arrest to obtain a warrant (where time permits) as opposed to merely responding to the suspect's home and making an arrest based on probable cause. The decision prohibits law enforcement officers from entering a defendant's home to make a routine arrest without a warrant.

Arrests of Military Personnel

When an officer arrests a member of the military, or a reservist on active military duty, the officer shall contact the military police of the arrestee's service branch in the Washington metropolitan

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area. The following information regarding the service member shall be provided:

- ❑ Name
- ❑ Social security number
- ❑ Assigned unit

Arrests of Military Deserters

Desertion from active military duty is a violation of the Uniform Code of Military Justice. It is not a crime for which civil authorities are authorized to make an arrest. Officers will refrain from arresting persons for desertion unless:

- ❑ The individual has a criminal warrant on file with NCIC charging them with desertion or other written documentation authorizing the individual's arrest
- ❑ An individual is in custody for other violations and it is discovered that they are a deserter. Military authorities will be notified.

Officers are prohibited from accepting a bounty or other gratuity from the Federal Government for arresting a deserter. If an inquiry is made regarding payment of such a bounty, the government representative will be directed to forward such remunerations to the County Government.

Illegal Aliens

Officers shall not initiate arrests merely to determine a suspected alien's status. When an individual booked on a criminal charge is suspected of being an illegal alien, the processing officer shall:

- ❑ Contact Immigration and Customs Enforcement (ICE) to determine the individual's immigration status
- ❑ Include information from ICE in the narrative of the Arrest Report
- ❑ If illegal immigration status is confirmed, forward copies of all paperwork to the Office of Intelligence and Protective Services

Felony Arrests

Whenever a felony arrest is made, the officer will attempt to contact the appropriate CID or District Investigative Section to facilitate an interview of the suspect. A copy of the Arrest Report shall be forwarded to the appropriate unit.

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4. Warrantless Felony Arrests by Persons Other Than Officers or Special Police Officers (SPOs)

When an officer investigates an incident where a suspected felon is detained, the officer will examine the probable cause. If it is determined that the detention is lawful, they will obtain a signed statement from the complainant, using the Victim/Witness/ Suspect Statement Form.

They will then transport the arrestee to a processing facility and complete the arrest, summoning all witnesses.

Misdemeanor Arrests

(Criminal Procedure Article – Title 2 Subtitle 2)

Before making a warrantless arrest for a misdemeanor not committed in his or her presence, the officer must have probable cause to believe that the suspect has committed one of offenses listed below, and unless the suspect is immediately arrested may:

- Not be apprehended
- Cause physical injury or property damage to another
- Tamper with, dispose of or damage evidence

Misdemeanors offenses for which an officer is authorized to make a probable cause arrest without a warrant include the following:

- Manslaughter by vehicle or vessel
- Malicious Burning
- Malicious Mischief
- Theft under \$1000 or an attempt
- Giving or causing to be given a false alarm for a fire
- Indecent exposure
- Crimes related to controlled dangerous substances
- Wearing, carrying, or transporting a handgun
- Carrying or wearing a concealed weapon
- Prostitution and related crimes
- Stalking
- Domestic abuse (If the report is made within 48 hours of the incident)

When an officer cannot establish probable cause for an arrest, or the violation is a misdemeanor not listed above, the officer shall:

- Provide the suspect's identity to the accuser or witness and advise them to contact a District Court Commissioner to file an Application for a Statement of Charges

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- ❑ If identity cannot be determined, provide the accuser with available information and advise them to attempt to obtain a Statement of Charges

Misdemeanor Arrests by Persons Other than Police Officers or SPOs

The law prohibits the issuance of charging documents to citizens. All warrantless arrests must be processed via a charging document prepared by a police officer or SPO.

When an officer is assigned to transport a detainee for persons other than officers or SPOs, the officer shall examine the probable cause for the arrest and initiate wanted checks on the detainee. The officer shall transport the detainee on receipt of a warrant hit and confirmation.

The officer will not transport the detainee unless the provisions for warrantless arrests listed in the section *Misdemeanor Arrests* have been met.

When a detainee cannot identify themselves to the officer's satisfaction or is not a Maryland resident, the detainee may be arrested, based on probable cause.

If the officer determines that an arrest is justified, the officer will:

- ❑ Obtain a signed statement from the complainant using the Statement of Victim/Witness/Suspect Form
- ❑ Transport the arrestee to a processing facility and complete the arrest

If the officer decides not to arrest the suspect the officer shall:

- ❑ Obtain supervisory concurrence
- ❑ Give the complainant the suspect's identity and CCN
- ❑ Advise the complainant to contact a District Court Commissioner to apply for a statement of charges
- ❑ Complete an Incident Report listing the suspect, circumstances of the incident, and the date and time of the wanted check

If a full-custody arrest is not warranted and the suspect is a juvenile, the transporting officer will:

- ❑ Obtain supervisory concurrence
- ❑ Comply with applicable provisions of **VOLUME II, CHAPTER 33. JUVENILE PROCEDURES**, section **14. Taking Juveniles Into Custody Without Formal Charges** and/or section **12. Youth Field Report (J-2)**

Warrantless Arrest for Domestic Violence

The Maryland Criminal Procedure Article provides warrantless arrest authority when an officer has probable cause to believe:

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- ❑ The victim is the perpetrator's spouse or cohabitant, and
- ❑ There is evidence of physical injury

And, unless the perpetrator is immediately arrested, may:

- ❑ Not be apprehended
- ❑ Cause further injury to the victim or others
- ❑ Cause further damage to the victim's property
- ❑ Tamper with, dispose of, or destroy evidence

These conditions justify a warrantless arrest as long as a police report was made within 48 hours of the alleged incident.

In such cases, a warrantless arrest should be made. Officers will use professional judgment in deciding whether to arrest. When the above requirements have been met, the preferred response of the PGPD is to make an arrest.

Upon making a warrantless arrest, victims shall be advised to contact the SAO, Domestic Violence Unit, to obtain information regarding the criminal justice system and identify available County support services.

Amendment to Title 18, United States Code, Gun Control Act of 1968

This amendment makes it unlawful for any individual convicted of a misdemeanor crime of domestic violence to ship, transport, possess or receive firearms or ammunition.

It also makes it unlawful for any individual to sell or otherwise dispose of a firearm or ammunition to any one the individual knows or believes has been convicted of such a misdemeanor. This act also applies to all law enforcement officers.

This is true whether or not the state statute or local ordinance specifically defines the offense as a domestic violence misdemeanor.

Arrests for Violation of Protective Orders

The following violations of protective orders are misdemeanors under Title 4, Subtitle 5, of the Family Law Article:

- ❑ Abusing or threatening the petitioner
- ❑ Contacting or harassing the petitioner
- ❑ Refusing to vacate or stay away from the petitioner's or family member's residence, school, place of employment, temporary residence, and all surrounding areas

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Officers shall arrest, with or without a warrant, an individual whom the officer has probable cause to believe is in violation of a protective order, even if the violation occurs with the petitioner's consent. A full custody arrest shall be made for such violations.

Violations of other conditions of a protective order are not misdemeanors and therefore are not enforceable by an officer. The officer should refer the petitioner to the court for relief. *See:* **VOLUME II, CHAPTER 20. DOMESTIC VIOLENCE STALKING & HARASSMENT**

5. Handcuffing Arrestees

All persons taken into custody shall be handcuffed, except as noted. The arrestee shall be secured with his or her hands behind his or her back or in front with the handcuff chain passed through the belt. Handcuffs shall always be double-locked unless circumstances require immediate transport of the arrestee.

The handcuffing of disabled or injured persons is discretionary, based on mobility of the individual and apparent escape potential.

Whenever officers elect not to employ a restraining device, they may enlist the assistance of other officers for added safety.

Uncertainty surrounding particular situations shall be resolved by the use of a restraining device.

Handcuffing Injured or Ill Persons

When transporting sick or injured arrestees, the decision to handcuff shall be based on the type of injury, demeanor of arrestee, and safety considerations. When restraining devices could aggravate an injury, officers may forego the use of handcuffs.

When transporting a suspected mentally ill individual, an appropriate restraining device shall be used. Violent arrestees may be handled and secured in the safest and most expeditious manner possible.

Certain Types of Restraint Prohibited

To minimize the chances of positional restraint asphyxia, arrestees will not be "hog-tied" or restrained in a manner that increases the possibility of positional restraint asphyxia. The chances of positional restraint asphyxia increase when:

- ❑ The restrained individual's normal breathing is affected, such as when the subject is restrained face up or face down with pressure on the back or chest
- ❑ The restrained individual violently struggles against officers' restraint attempts, thus tiring the respiratory muscles
- ❑ The restrained individual is intoxicated by CDS or alcohol

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- ❑ Chemical agents such as OC Spray are deployed and affect normal breathing

Handcuffing Without Full-Custody Arrest

The use of handcuffs is generally restricted to instances where a crime has occurred, or the officer has probable cause to believe a crime has occurred, and a full-custody arrest takes place.

When an officer has articulable suspicion that an individual is involved in criminal activity, the officer may use handcuffs to briefly detain the individual for questioning without making a full-custody arrest.

Handcuffing alone does not constitute a use of force or an arrest. Instead, the following factors determine arrest status:

- ❑ Length of the detention
- ❑ Investigative activities during the detention
- ❑ Whether the suspect is removed to a detention or interrogation area

When investigative measures fail to establish probable cause for an arrest, the officer shall immediately remove the restraints. The officer shall provide persons who are handcuffed, but not arrested, an explanation for the handcuffing.

A use of force review is not required when:

- ❑ A full custody arrest is made and transport occurs, but the subject is released without being charged, i.e. handcuffed and released
- ❑ An individual is handcuffed for officer safety and released

Handcuff and release incidents shall be documented on an Incident Report that details the circumstances of the incident.

See: VOLUME II, CHAPTER 51. USE OF FORCE.

6. Arrestee Transport

Searches of Transport Vehicle

For officer and arrestee safety and security, the transporting officer shall inspect the seating areas of the transport vehicle. This shall be done at the beginning of each tour of duty, and before and after the transport of an arrestee or civilian passenger. If off-duty, the vehicle shall be inspected before and after the transport.

Non-Invasive Searches & Transport of Arrestee by Arresting Officer

Absent a threat of imminent serious bodily injury to the officer or others, the custody officer shall handcuff and search an arrestee before transport.

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If the search reveals any weapons, evidence, contraband, or items that could injure an individual or aid in their escape, the officer shall secure them. If the items are transported in the same vehicle as the arrestee, they shall be secured in the trunk.

Exigent circumstances, such as an unruly crowd, may interrupt the search. If an individual must be transported from an arrest location without being searched, the transporting officer shall transport the arrestee to the nearest safe location where they can conduct a search.

The officer shall then search the arrestee and the immediate area of the transport vehicle where the arrestee is seated. The arrestee shall then be immediately transported to a processing facility.

Upon arrival at the processing facility, each officer who accepts custody of an arrestee will search that arrestee again. For these types of searches, arrestees are generally searched by officers of the same sex.

If possible, an officer will have a witness present when searching an arrestee of the opposite sex.

7. Searches & Transports by Officers

Searches

Transporting officers shall search arrestees coming into their custody, regardless of whether they had been previously searched. If possible, transporting officers will be the same sex as the arrestees. For female arrests, male officers will determine if a female officer is available to respond to the scene to make the transport. The reverse is true for male arrests by female officers.

Officers shall not delay transport solely to provide this arrangement. Supervisors shall balance the propriety of such arrangements against staffing considerations and workload at time of transport.

Strip/Squat Searches

Strip/squat searches require the approval of a supervisor the rank of Sergeant or above.

Strip/squat searches will be conducted professionally and efficiently. They will be conducted in a private area within a Departmental facility that cannot be observed by persons not involved in the search.

Strip/squat searches will be conducted and witnessed by officers of the same sex as the arrestee. The minimum number of officers necessary to safely accomplish the search will conduct these searches. Civilian personnel will not be used to conduct, assist, or witness a strip/squat search.

A strip/squat search may be approved when the arrestee is the subject of a full custody arrest and the officer has reasonable suspicion, based on articulable facts that the arrestee is concealing:

- ❑ A weapon

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- ❑ Implements to facilitate an escape
- ❑ Contraband, evidence, or fruits of a crime

Strip/squat searches shall not be conducted on persons contacted during routine field interviews or stop and frisk situations.

If potential evidence is observed protruding from a body orifice, the search will immediately cease and the arrestee shall be brought to a hospital for removal of the evidence. Such removal constitutes a body cavity search and the procedures in this chapter governing ***Body Cavity Searches*** shall be followed.

If exigent circumstances exist and the safety of officers or others is threatened, a strip/squat search may be conducted before transport. Before this search, officers must get approval from a commissioned officer. If a commissioned officer is not available in the affected sector, one from another sector or the ODC shall be contacted for approval.

Commissioned officers shall only approve exceptions when failure to conduct the strip/squat search before transport would place officers, citizens, or suspects in imminent danger.

The approving Commander will ensure that a full custody arrest was made, prior to granting the exception.

Whenever a strip/squat search is conducted, the custody officer shall complete an Incident Report and a CIR, placing "40" in the SPECIAL STUDIES block of the Incident Report. The officer shall note the following information in the narrative section:

- ❑ The fact that the strip/squat search was conducted
- ❑ The names of the approving supervisor and the witnessing officer

The custody officer shall write "STRIP/SQUAT SEARCH" in the TYPE OF INCIDENT block on the CIR. This report will include the following information:

- ❑ The reason or basis for the search
- ❑ A complete inventory of the items found
- ❑ The name of the officer conducting the search
- ❑ The name of the officer witnessing the search and the Departmental facility where it was conducted

The supervisor who authorized the search will sign the appropriate approval blocks on the Incident Report and the CIR.

Body Cavity Searches

Officers will not conduct body cavity searches. When potential evidence is protruding from a body

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orifice during a strip/squat search, the search will immediately cease and the arrestee shall be transported to the closest designated hospital in Prince George's County.

Body cavity searches shall only be conducted by trained medical personnel. The arrestee must be the subject of a full custody arrest and the officer must have reasonable suspicion, based on articulable facts, that the arrestee is concealing any of the following within the arrestee's body:

- ❑ A weapon
- ❑ Implements to facilitate an escape
- ❑ Contraband, evidence or fruits of a crime

Body cavity searches may be conducted incident to a lawful arrest or pursuant to a search warrant. Body cavity searches may be conducted without a search warrant only when the intrusion is minimal. An Assistant State's Attorney (ASA) should be consulted, if time permits, before a body cavity search is made incident to an arrest.

Searches more than minimally intrusive or those involving a high level of privacy require search warrants. Courts have ruled the reasonableness of any body cavity search will be decided by weighing the individual's privacy interests against the State's interest in conducting the search.

Arrestees transported in cruisers shall be secured with the vehicle's safety belts and they shall be segregated from public contact during transport.

Arrestees shall be removed from the arrest scene without unnecessary delay and transported directly to the appropriate facility (i.e., police, processing, or hospital).

Partially or fully disrobed arrestees shall be removed from the public's view and covered before transport. Disrobed arrestees will not be placed in a transport vehicle with arrestees of the opposite sex.

Officers shall not transport juveniles with adults, or males with females unless no other transport vehicle is available. Officers may transport arrestees in this manner when the arrests are a part of the same incident.

Officers will transport juvenile status offenders and non-offenders separately from juvenile delinquent offenders and adult arrestees.

Transports

The primary transport vehicle for use during normal operations is the cruiser.

One officer may transport one arrestee, who will occupy the right front seat. For vehicles equipped with transport partitions, arrestees will occupy the right rear seat.

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With two officers aboard, the passenger officer shall sit behind the driver and the arrestee will occupy the right rear seat. If transporting two arrestees, one arrestee will be placed in the right rear seat; a second arrestee shall occupy the right front seat. For vehicles equipped with transport partitions, both officers shall sit in the front compartment. If there are two arrestees, both will sit behind the partition. Disorderly or violent arrestees shall be transported by two officers when possible.

When transported in police vans, arrestees shall be handcuffed, seat belted (when available), and the vehicle's rear doors will be locked. One officer may transport arrestees by van, enlisting assistance to off-load them. Vans used primarily for arrestee transport should have a safety barrier separating the driver from arrestees.

Informing PSC of Transport

When an officer begins an arrestee transport, they shall transmit their mileage and destination to the dispatcher. Upon arrival at the destination, the officer shall transmit "ARRIVAL," followed by the odometer reading. The dispatcher will acknowledge the officer with a time check. Officers will advise the dispatcher whenever a transport is interrupted and again when it is resumed, giving destination and mileage each time.

Security During Transport

Officers are responsible for the security and safety of arrestees in their custody. As such, they shall maintain visual contact with arrestees during transport. Officers shall not routinely divert or delay the transport of an arrestee.

Officers may take emergency police action when arrestees are aboard. Such circumstances include those where the safety of police officers or citizens is jeopardized. When emergency police action is taken, the transporting officer must ensure arrestee safety and minimize escape opportunity.

If an officer is involved in a transport outside Prince George's County, and the duration of such a transport warrants a meal stop, the officer shall select the meal site at random and shall not leave the arrestee unattended.

Essential Medications for Arrestee

Essential medications are those that prevent life-threatening conditions and are required to maintain an arrestee's functional stability. Officers shall comply with an arrestee's request to transport essential medications.

Transporting Sick or Injured Arrestees by Officers

Arrestees shall be transported to a hospital without delay and prior to being taken to a processing facility for processing when the arrestee:

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- ❑ Exhibits erratic behavior
- ❑ Has an alleged or obvious injury
- ❑ Has ingested any non-food or non-prescribed substance immediately before arrest

Officers shall transport or shall ensure transportation of arrestees to the closest Prince George's County hospital to avoid custody issues. These hospitals include:

- ❑ Doctor's Community Hospital
- ❑ Fort Washington Medical Center
- ❑ Laurel Regional Hospital
- ❑ Prince George's Hospital Center
- ❑ Southern Maryland Hospital Center

When an arrestee has been evaluated on the scene of an incident by an Emergency Medical Technician (EMT) or Paramedic, and it is determined that no other medical treatment is required, they may be transported directly to the Department of Corrections Upper Marlboro. The arrestee must be accompanied by a Detainee Medical Release Form completed by the attending EMT or paramedic.

The Detainee Medical Release Form shall be given to the Regional Processing Officer upon arrival at the facility.

Transport of Arrestee by Ambulance

When arrestees are transported to a hospital by ambulance, an officer shall either follow the ambulance or accompany the arrestee in the ambulance. A decision to accompany arrestees in the ambulance may be based on the following considerations:

- ❑ Arrestee's temperament
- ❑ Whether the arrestee is ambulatory
- ❑ Arrestee's escape risk
- ❑ Desire of ambulance personnel

Arresting officers may request that arrestees be transported to a specific hospital, but Fire/EMS personnel have the final authority to determine the hospital.

Security Considerations at Hospitals

At any hospital the custody officer may seek the assistance of the facility's security personnel. For safety and security, they may secure firearms and weapons, and will comply with security procedures unique to the facility. When conflicts exist between such procedures and Departmental regulations, a police supervisor should be consulted.

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When in a hospital outside the County or on a military reservation, the officer will contact security personnel to ensure that lawful custody is maintained.

In all cases, the custody officer in a hospital is responsible for security of the arrestee until formally transferred to another authority. The officer shall, at all times, remain with the arrestee, ensuring the arrestee's security until the transfer of custody to another officer or security personnel.

Hospital Records

Whenever an arrestee is taken to a hospital for treatment, the transporting officer will:

- Provide the admitting authority their name, ID number, agency name, CCN
- Request that the CCN be placed on their forms
- Provide the arrestee description and address information
- Provide notification that responsibility for payment of incurred expenses lies with the arrestee, not the Department

When the hospital's records are prepared for the arrestee, the officer shall request the patient instruction copy. This paper will accompany the arrestee when transferred to another authority or given to them when released from custody.

Arrestees Requiring Admission

When an arrestee requires immediate surgery, the custody officer will accompany them to the surgical suite and remain there until evidence has been removed and placed in the officer's custody.

When an arrestee is admitted to a hospital, the custody officer will notify his or her supervisor. Security of the arrestee shall be maintained by the custody officer or by officers from the District Station or unit involved in the arrest. Individuals arrested for violent or serious crimes will not be released from custody or left unattended at a hospital before a District Court Commissioner conducts an initial appearance hearing. When an officer requires the services of a District Court Commissioner away from the commissioner's duty assignment, they shall comply with procedures of the District Court Administrative Judge.

When commitments are issued for arrestees at a hospital, the custody officer will notify the Prince George's County Department of Corrections (DOC) to arrange for transfer of custody.

Notifications & Commander's Information Report

Whenever an arrestee is taken to a hospital or is administered any pharmaceutical, the custody officer shall complete an Incident Report and a CIR. The narrative sections will contain:

- A summary of how the arrestee's injuries were sustained
- Type of medical treatment given

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- Disposition of the arrestee

Photographing Injured Arrestee

When an arrestee is injured, or if an arrestee alleges an injury by police, the officer shall photograph the arrestee. Photographs should be taken before and after the arrestee's injuries have been cleaned.

8. Transporting Arrestees By Aircraft *(49 Code of Federal Regulations 1544)*

Airline Authority Over Weapons & Arrestees

Airline officials have final authority regarding the transportation of weapons and arrestees aboard commercial aircraft. Officers will comply with airline requests or make alternative arrangements.

Advanced Notification to Transportation Safety Administration (TSA) Prior to Flight

TSA requires officers who are flying armed to submit a message via NLETS at least 24 hours prior to travel. The NLETS message must be sent by PGPD.

Once the NLETS message is received by TSA, an NLETS response message containing a unique eight-character alphanumeric authorization will be sent to PGPD. The authorization will be used for verification at the Law Enforcement Officer check-in position at the TSA screening checkpoint on the day of travel.

Authorization Requirements

The Federal Aviation Administration (FAA) requires officers traveling on official business to have their badge and photo identification in their possession at all times.

Preparation for Flight

Transporting officers will do the following when making a flight with an arrestee:

- Search the arrestee thoroughly before boarding the aircraft
- Contact airline security officials at least one hour before departure
- Introduce themselves to flight attendants
- Deplane after passengers
- Not carry OC spray aboard aircraft

Arrestee Security Aboard Aircraft

Between the time an officer and arrestee board the aircraft and the time they deplane, arrestees will be:

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- ❑ Seated in the rear of the aircraft, away from the emergency exit or lounge area, with the officers seated between the arrestee and aisle
- ❑ Restrained at the officer's discretion or in accordance with respective airline policy
- ❑ Physically escorted at all times

Officers or arrestees will not consume alcoholic beverages.

Transporting Dangerous Arrestee

When transporting a dangerous arrestee, at least two officers will be required. No more than one dangerous arrestee will be transported on any single flight.

Transporting officers will determine if an arrestee is dangerous by considering their demeanor, past actions and propensity for violence.

Trouble Aboard Aircraft During Flight

In the event of trouble aboard the aircraft during the transport, officers will take no action, except:

- ❑ When irreversible catastrophe is imminent
- ❑ When the officer's assistance is requested by the captain of the aircraft or a member of its crew

9. Arrestee Escapes

Officer's Responsibilities

In the event an arrestee escapes while being transported, the transporting officer shall immediately broadcast a comprehensive radio lookout with the following information:

- ❑ Exact location of escape and last known direction of travel
- ❑ Escapee's name and full physical and clothing description
- ❑ Purported dangerousness of the arrestee
- ❑ Nature of the offense for which the arrestee was being transported
- ❑ Possible destination information

The officer will determine if air support is warranted and will assist in the search effort.

Supervisor's Responsibilities

The responding supervisor shall:

- ❑ Notify the shift Commander
- ❑ Define the scope of, and coordinate any search effort
- ❑ Ensure the custody officer's responsibilities have been carried out
- ❑ Notify the custody officer's supervisor and forward copies of all reports, via the chain of command

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- Notify PSC at termination of search or of an apprehension

The scope of any search will be determined by examining the danger to the community, nature of the charge, and likelihood that the arrestee may be located later. The supervisor may decide against a comprehensive search in cases of arrestees charged with minor offenses. The decision shall be documented on a CIR, which shall be completed by the supervisor.

For escapes that occur outside the County a supervisor shall respond to the scene if feasible. Regardless of whether a response is made, the supervisor will ensure that:

- All possible cooperation is provided to the other agency
- The custody officer's responsibilities have been carried out
- The custody officer's supervisor is notified and that all reports are forwarded, via the chain of command
- Additional information is provided to the other agency as required

The transporting officer's supervisor will conduct an administrative investigation into the circumstances of the escape.

Required Reports

Among any other reports that may be necessary or required, the transporting officer shall complete and submit an Incident Report prior to the end of the watch. If the arrestee is apprehended as a result of follow-up action, a Continuation Report will be prepared.

10. Arrestee Processing Facilities

Officers taking an arrestee to a District Station processing area, DOC-operated regional processing facility, or juvenile processing center shall comply with the SOP for that facility. Only those rooms or areas designated specifically for processing detainees will be used.

Prior to entering any processing area or facility, officers shall ensure that their weapons are secured in the designated storage facilities.

When a temporary detention cell or interview room is used at a PGPD facility that is not DOC operated, the period of time that an arrestee shall be held without continuous control or supervision by PGPD personnel shall not exceed two hours.

The Commander shall ensure that a copy of the SOP concerning the operation of processing areas and cells is maintained in the processing area. Officers shall be responsible for knowing and complying with specific security considerations contained in the SOP.

In all processing areas, males will be separated from females, and juveniles from adults (unless the juvenile is being charged as an adult). Juveniles not being charged as adults should be transported

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to the Juvenile Processing Center. Juveniles to be charged as adults will be transported to one of the Regional Processing Centers.

Maintenance of Processing Areas & Temporary Detention Facilities

The District/Division Commander is responsible for the operation of temporary detention and processing areas under their command. They shall ensure that all personnel authorized to monitor temporarily detained individuals in the facility are provided with training on the use of the temporary detention room(s) or area(s), and refresher training at least every two years.

Commanders shall ensure that a written emergency evacuation plan is posted conspicuously in the processing areas. The plan shall specify the location of designated emergency exits, with directions to hazard-free areas. It shall also specify the route of evacuation. Officers utilizing processing areas shall be familiar with the fire evacuation routes and the location of the nearest fire extinguishers and fire alarms.

Arresting officers and processing officers shall ensure that no detainees smoke or have in their possession any tobacco products, lighters and paraphernalia.

In addition, Commanders shall ensure that their processing areas are:

- ❑ Clean, orderly, and free of obvious fire hazards
- ❑ Equipped with current, functional fire extinguishers in easily accessible locations
- ❑ Equipped with an adequate supply of bedding and ready-to-eat meals that require no utensils, to be provided to an arrestee, should an emergency or unforeseen circumstances require the arrestee to be held more than eight hours

Furthermore, a written notice must be posted and visible to arrestees, which describes the procedures for accessing emergency medical treatment. The notice shall state that any costs incurred from such services are the responsibility of the individual receiving the services.

Inspection of Facilities

For officer and detainee safety, any room, cell or area occupied by a detainee will be inspected prior to and after use by the custody officer.

Commanders shall ensure that the inspections listed below are documented on the Processing Facility Inspection Sheet and maintained for two years:

- ❑ Daily safety and security inspections
- ❑ Testing of fire alarms and detectors as required by the County Fire Code
- ❑ Weekly sanitation inspection of the processing areas and cells
- ❑ Weekly inspections of first-aid kits, ensuring that scissors and other sharp objects are not present in the kits

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- ❑ Weekly security inspections of the processing area and cells, including a search for weapons and contraband (defective security equipment shall be noted on the Processing Facility Inspection Sheet, and promptly acted on)
- ❑ Weekly inspection of fire extinguishers

Any fire extinguisher or alarm found to be inoperable shall be reported immediately by the person finding the deficiency to the station Property/Supply Clerk or, in the case of the Juvenile Processing Center, a processing officer.

Criminal Arrests to be Processed

All full-custody adult criminal arrestees are to be fingerprinted and photographed.

Traffic Offenses to be Processed

Adults arrested for traffic charges are processed at the officer's discretion. Fingerprints are submitted without a PGID number on the PGPD Fingerprint Card.

Mug cameras may not be used to photograph adults arrested for traffic offenses, unless a PGID number has been assigned. Photos may be taken and retained by the officer.

Regional Processing Facility

On arrival at a regional processing facility, arresting or transporting officers are responsible for supervision and accountability of their arrestee until custody is relinquished to DOC personnel. After taking custody of the arrestee, DOC personnel will obtain fingerprints and photographs and check the wanted status of arrestees.

PGPD officers shall complete the charging documents, including the Arrest Record. Upon completion of the charging documents, DOC personnel will present the arrestee to a District Court Commissioner.

Security & Control

All arrestees will be searched before entering a District Station or DOC operated processing facility.

For accountability purposes, the name of the DOC officer accepting custody will be obtained by the arresting or transporting officer and reflected in the Arrest Record and Detainee Processing Log sheet.

Temporary Detention/Processing Facilities in District Stations

For officer safety and to minimize escape opportunities, officers utilizing temporary detention areas, processing and testing rooms, or cells are responsible for the supervision and accountability

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of their detainee. Prior to entering the facility, the arresting or transporting officer shall ensure that the detainee has been searched. Officers shall adhere to the direction of any personnel staffing the facility. In addition, processing officers shall ensure that all doors leading to the outside of the processing area are secure and prevent unauthorized persons from entering or exiting. Anyone discovering a situation that could potentially threaten the security of a facility shall immediately report the situation to his or her supervisor, or in the case of the Regional Juvenile Processing Center, to an on-duty processing center officer.

All arrestees will be searched before entering a District Station or DOC operated processing facility.

In addition to any safety precautions required by the District station processing areas SOP, prior to entering the processing area, the arresting officer shall ensure that the station's front desk clerk is notified that they are in the processing area and that they will, at minimum, be visually monitored by closed-circuit television (CCTV). In order to summon assistance, officers will either:

- ❑ Possess a police radio, or
- ❑ *REDACTED*
- ❑ *REDACTED*

Supervision of arrestees is the responsibility of the custody officer, unless turned over to DOC personnel.

Anytime a detainee occupies a room inside a district station processing area used for DUI chemical testing, the detainee shall never be left unattended, and shall always be under the constant, personal, direct supervision of an officer.

When an arrestee is secured in a cell, interview room, or any other locked space within a District Station temporary detention/processing facility, and the custody officer has ended their direct continuous supervision of the arrestee, the custody officer shall observe the arrestee in-person at least once every 30 minutes. The custody officer shall document these personal observations on a Detainee Log Sheet.

Between the in-person checks every 30 minutes, closed-circuit television (CCTV) cameras and monitors may be utilized by officers to monitor detainees.

Custody officers will be alert for signs of altered consciousness or mental status deterioration. Any uncertainty regarding the arrestee's condition shall be resolved by summoning an ambulance. If necessary, have the individual transported to a hospital.

In processing facilities not operated by the DOC, officers are responsible for the supervision and accountability of their arrestees. They shall ensure that access to water or restroom facilities is provided to an arrestee in a timely manner, keeping officer safety, facility security, and the

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detainee's well-being in mind. Restroom breaks and the provision of water or any meals shall be documented on the Detainee Processing Log sheet in the area where 30-minute checks are listed.

Removing Restraints at District Station Processing Area & DOC

Persons brought into processing areas shall be under control at all times, in accordance with the provisions of this directive and the SOP for the respective facility. Officers will not remove restraining devices from arrestees until they are placed into a cell or they are ready to be processed. Detainees will not be secured or locked into any area or room not specifically designated for processing. If an arrestee is placed in a temporary detention cell, interview room, or processing area by a PGPD officer and the removal of one of the handcuffs is necessary, that handcuff shall only be secured to an immovable object designed and intended for such use (i.e., handcuff ring, processing bench). Officers will not remove restraints from arrestees while at a DOC regional processing facility. This will be the responsibility of the DOC officer.

Arrestee Property & Accountability

All property will be removed from arrestees except the following:

- Clothing being worn (belts and ties removed)
- Shoes (laces removed)
- Eyeglasses/contact lenses

An itemized inventory will be made of any property taken from an arrestee on a Prisoner Property Form. When conducting an inventory of an arrestee's money or valuables, the form will be signed by a witness. The property and the Prisoner Property Form will be placed in an evidence bag, which will be kept in a secure storage area. The Arrestee's valuables or money will not be placed in a narcotics mailbox. The arrestee's property will be the responsibility of the arresting officer or custody officer pending arrestee disposition.

When arrestees are in possession of large amounts of personal property or perishable food products that won't be accepted at DOC, attempts shall be made to contact a relative or friend to take possession of the property. The method of notification and whether or not it was successful should be noted in the Incident Report. If no one can take custody of the property, the arresting officer shall place the items in the property room.

Release of Property to Persons Other Than Arrestee

When custody of an arrestee is transferred, the receiving officer will document the transfer on records generated for the arrestee. The officer will receive arrestee property and any documentation (such as medical release forms) from transporting officers.

When an arrestee is released, the Prisoner Property Form will be signed. The Form will then be forwarded to the District/Division Commander's office to be filed for 90 days.

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Release of an arrestee's property to another individual is prohibited unless the arrestee gives written consent to do so.

Detainee Log Sheet

The arresting or custody officer will interview the arrestee and complete the Detainee Processing Log sheet. Separate log sheets will be maintained for adult arrestees, juvenile delinquent offenders and juvenile status/non-offenders. All areas of the Detainee Processing Log Sheet shall be completed.

If the detainee was under constant personal supervision by the officer, the Detainee Log Sheet will so indicate.

Completed log sheets are forwarded to the Commander's office, where they will be retained for three years, then destroyed.

Whenever arrestees are transported from a temporary detention facility to a regional processing facility, the appropriate paperwork shall accompany the arrestee. This includes medical releases, commitment orders and charging documents.

After completion of the Detainee Log Sheet, the custody officer will search the arrestee's property for photographic identification. The identification should be kept with the arrestee's personal property so that the arrestee can be positively identified upon release or transfer. If no photographic identification is found, the custody officer will take a photo. The arrestee's name, date of birth, CCN, and arrest number will be placed on the back of the photo. The arresting officer may retain the photo for court identification purposes.

Safety & Security Checks of Cells or Rooms at District Stations

Before and after placing an arrestee into a cell or interview room at a District Station that is not a regional processing facility, the custody officer shall conduct a check for weapons, contraband, and evidence. Any weapons, contraband or evidence found will be reported to the Shift Commander. A Property Record shall be completed and the items placed in property.

Being mindful of officer safety, the safety of the facility, and the arrestee's privacy, the arresting officer shall regulate access to the processing area. Only essential persons, i.e., officers, designated staff, and Fire/EMS personnel, are permitted entry. Access of non-essential persons shall be prohibited except in emergencies involving security and safety hazards.

Arrestees Requiring Special Handling

Juvenile offenders shall not be held in secure custody for longer than six hours. This time period begins when the juvenile enters a secure facility and ends when the juvenile is either released or transferred to another authority. If the six-hour limit is exceeded for any reason, the custody

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officer shall notify the supervisor, who shall forward a memorandum to the Deputy Chief, Bureau of Patrol, via the chain of command. The memorandum, intended solely to facilitate legally mandated statistical reporting, shall document the juvenile's identity and the reasons why the time limit was exceeded.

Juvenile delinquent offenders held in secure custody at a District Station shall be completely separated by sight and sound from adult offenders.

Officers shall ensure that juvenile status offenders and juvenile non-offenders are not housed in secure detainee processing areas. The custody officer shall maintain constant supervision of such offenders until their release to parents, guardians or other authority. Juvenile felony offenders charged as adults shall be processed and detained as adult offenders.

Female arrestees shall be separated by sight and sound from male offenders while in cells, and at other times when not under the continuous supervision and control of an officer.

When processing an arrestee at a District Station, officers shall ensure that arrestees have access to a toilet, washbasin and drinking water.

Arrestees under the influence of alcohol or other drugs, or who are violent or self destructive, shall be segregated from other arrestees. They shall remain under close observation to minimize the potential for injury to themselves or others. If an arrestee's condition deteriorates, the custody officers shall summon an ambulance, and, if necessary, provide for removal to a hospital.

When an officer becomes aware that an arrestee is suicidal, is an escape risk, or is otherwise a security threat, they shall inform the officer to whom custody is relinquished. The officer relinquishing custody shall request the District Court Commissioner and/or physician be advised so that the information can be included with the custody documents. Officers shall include this information on the Incident Report.

Emergency Extension of Detention Period

If emergency circumstances require an extension of the detention period beyond eight hours, arrestees shall have access to bedding.

Meals shall be provided to all arrestees held for extended periods. Three meals shall be provided during each 24-hour period with no more than 14 hours elapsing between each.

Medical Treatment for Arrestees & Administering Pharmaceuticals

Pharmaceuticals (prescribed drugs and non-prescription legal drugs) shall be taken from arrestees, listed on a Prisoner Property Form and stored with the arrestee's other property.

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When an arrestee exhibits abnormal behavior or physical signs that could be related to the deprivation of pharmaceuticals, the custody officer shall immediately request an ambulance. If the arrestee has prescribed medication for specific, life-threatening conditions, such as chest pains, asthma, or other serious medical condition, the officer may allow the arrestee to take a dose of that medication while awaiting the arrival of the ambulance.

The officer shall first read the medicines instructions to ensure that the arrestee takes the correct dosage. The remaining medication shall be turned over to ambulance personnel. In all other cases, officers shall not administer any medication to an arrestee.

Processing Arrestees Infected With HIV

Known infected arrestees shall be isolated from other arrestees if their behavior is violent, unpredictable, or they are unable to control body fluids. If the arrestee is transferred, the custody officer shall notify the receiving agency before the transfer that the arrestee has an infectious disease. This notification shall be restricted to those with a need to know and shall be documented in the narrative section of the appropriate report.

Respecting Arrestee's Privacy

An officer may supervise arrestees of the opposite sex. Unless an arrestee is suicidal or a security risk, the officer shall respect the privacy of arrestees using toilet facilities or attending to other personal needs. If audio/visual monitors are used in cells with toilet facilities, such monitors shall be controlled to ensure the arrestee's privacy.

Telephone Access by Arrestees

Generally, arrestees may be allowed to call a family member, attorney, or bail bondsman. However, telephone usage by arrestees shall be at the discretion of the custody officer.

Efforts shall be made to ensure privacy in contacts between arrestees and their attorneys. An arrestee's opportunity to make bail is not to be impeded.

Arrestee Visits

The custody officer may authorize arrestee visitation. The visits shall be limited to those persons having an immediate need, such as a bondsman or attorney. Visitor information shall be documented in the Incident or Continuation Report, and in any Visitor Log maintained. All visitors shall be searched.

The custody officer shall inspect all incoming items intended for the arrestee. The custody officer will intercept any cash, negotiable instruments, and contraband. Any property not deemed contraband, received from visitors will be receipted, added to the arrestee's property record, and secured with the prisoner's other property.

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Any items that are determined to be a safety threat will be seized, noted on a Property Record and placed in Property.

Fire Evacuation, and Fire Suppression for District Station Temporary Detention/Processing Areas

In accordance with Prince George's County law, smoking is not permitted in any public building. Prior to entering a processing area, all detainees will be searched and any property taken from them and properly stored.

In non-bomb-related incidents, which may require evacuation, the manual fire alarm(s) located in the hallways may be activated.

In the event of an evacuation, supervisory and command notifications will be made pursuant to the provisions of the affected station's SOP. Depending upon the nature of the evacuation, Fire/EMS can be notified either by police radio or processing area red phone. The Fire Department will be required to reset the alarm.

For non-bomb-related evacuations of employees and detainees, upon activation of the alarm, all personnel shall evacuate the facility in adherence with the emergency evacuation map. Personnel shall then proceed to a staging area.

During the evacuation and in any staging area, all detainees must be secured and closely supervised. If possible, detainees should be transported to another District Station, one of the Regional Processing Centers, or, in the case of a juvenile, the Juvenile Regional Processing Center.

In the event of an actual fire, officers are not expected to engage in fire suppression activities or fight fires within the facility. However, they are expected to be familiar with the basic operation of fire extinguishers, in accordance with their level of training and the activation of appropriate alarm systems.

Charging Documents, Adult Arrests

The arresting officer is responsible for ensuring that all documents related to the arrest are completed and submitted to a supervisor for approval.

The charging officer will complete the following documents, which are used by the District Court to track adult arrest information:

- Application for Statement of Charges
- Statement of Charges
- Statement of Probable Cause
- Request for Witness Summons

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Tracking Number Labels

Tracking number labels are affixed to the statement of charges. There are two tracking labels.

The number affixed to the thin label, which includes the defendant's name, primary charge and related cases, is removed and affixed to the top front of the state fingerprint card.

The top right number label shall be affixed in the top block on the reverse side of the state fingerprint card.

Obtaining Arrest Number

Arrest numbers are issued for all arrestees charged as adults. They are obtained from the Records Section, Criminal Arrest Unit. When the Records Section is closed, officers shall use a PGPD fingerprint card with a pre-printed arrest number. Arrestees charged as juveniles are not assigned arrest numbers. The arrest number shall be recorded in the following locations:

- ❑ Arrest Report – Directly above the CCN block
- ❑ Statement of Charges form – Under AR

Identification Numbers

A PGID number shall be assigned to all arrestees for whom an Arrest Report is completed. Officers shall obtain the number from the Criminal Arrest Unit during business hours. When that unit is closed, officers will initiate a PGID number check through the 'Arrest by Name Index System' in the LAN connected computer.

If the offender is charged as an adult and a PGID number has been previously assigned, officers shall use a PGPD fingerprint card with a blank ID number block and a pre-printed arrest number.

If a PGID number has not been previously assigned and the Records Section is closed, officers shall use a PGPD fingerprint card pre-printed with PGID and arrest numbers.

Juveniles are required to have a PGID number when an Arrest Report is written or when they are fingerprinted and photographed.

If the offender is charged as a juvenile and a PGID number has been previously assigned, officers shall use a PGPD fingerprint card with a blank ID number block. If a PGID number does not exist, officers shall use a PGPD fingerprint card with a pre-printed PGID number. Officers shall record the ID number in the locations below:

- ❑ Arrest Report – In block #5
- ❑ PGPD Fingerprint Card – In 'Number' block
- ❑ Statement of Charges form – In the 'OCA' block

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Obtaining Court Identification Numbers

The Court Identification Number is also known as the X number. Officers shall initiate a check of adult arrests in the Adult Case Management System (QURY) through a LAN connected computer. If an arrestee has more than one Court ID Number, the number with the lowest numerical value shall be selected. Unless previously charged as adults, juveniles will not have a Court ID Number.

Officers will record the Court Identification Number in the ID Number block in the defendant section of the Statement of Charges and Statement of Probable Cause.

If the Court Identification Number cannot be found or the CJIS computer is unavailable, leave the ID number space blank.

Federal Bureau of Investigation (FBI) Records

The FBI criminal records history shall be obtained through NCIC via a CJIS terminal. Officers will not directly telephone the FBI.

Metropolitan Police Department (MPDC) Records Check

Information may be obtained by calling the Criminal History Section, Identification and Records Division, MPDC.

Obtaining NCIC Check for Commissioners

Arresting officers shall initiate computer checks on arrival at the processing site to avoid delays caused by slow system response. They will ensure the following checks are performed for all full-custody criminal arrests:

- NCIC check for wanted status
- NCIC check for criminal history via CCH summary
- Adult court record check

A paper copy of these checks shall be provided to the Commissioner at time of presentment.

If NCIC checks are unavailable, officers shall give the commissioner a Report of Unavailability of NCIC Record Check.

Check for Wanted via Office of the Sheriff for Prince George's County (OSPG)

Officers shall conduct an OSPG wanted check through a CJIS terminal for each arrestee. If the system is out of service, the officer shall directly contact OSPG.

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Index Print on Arrest Report

Whenever an Arrest Report is completed at a police facility, the arrestee's right index fingerprint will be rolled in the space provided. When not done, a short explanation will be placed in the same box.

Processing Information Sheet

When an arrestee is processed, a Processing Information Sheet will be completed. Charging information will be identical to that in the Arrest Report. If fingerprints or photographs are the only items submitted, this will be noted on the bottom of the sheet.

Fingerprinting Adult Arrests

Adult arrestees will be fingerprinted on the following:

- Prince George's County Card
- FBI Card
- Maryland State Card

Arrestees will be requested to sign the fingerprint card. If the arrestee refuses to sign the card, the printing officer will enter REFUSED in the signature block.

Officers printing arrestees shall sign all fingerprint cards, placing their name, rank and ID number in the spaces provided.

PGPD Fingerprint Card

The printing officer will complete all blocks that require arrestee information. The palm prints will be placed on the reverse of the PGPD card.

Maryland State Fingerprint Card

The printing officer will ensure that the tracking label from the charging document that includes the arrestee's name, primary charge, and related cases, is affixed to the front top of the card.

The printing officer will ensure a tracking number label is placed in the top block on the reverse of the card. If additional charging documents are used, a tracking label from those documents will be affixed in the blocks for additional arrest labels. Officers will not affix these labels to the print card until fingerprinting has been completed.

Additionally, officers will complete all non-shaded blocks on the rear of the card in accordance with the Maryland Automated Fingerprint Identification System (MAFIS) Manual. Officers will ensure that the OCA number (PGID), FBI number, ORI number and the agency name blocks are completed on the back of the card.

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If an arrestee in police custody has more than four Statement of Charges forms, the printing officer will complete the State Supplemental Arrest Information Card (CJIS-006).

FBI Fingerprint Card

The printing officer will complete all blocks that require arrestee information to include the State and FBI number if available.

Deformed, Injured, or Missing Fingers on Arrestees

If the arrestee has any deformed fingers, or any fingers that are cut, wounded or bandaged in such a way as to prevent successful taking of a fingerprint, the officer will not submit an FBI Fingerprint Card. PGPD and State cards will be completed with an explanation placed in the appropriate boxes as necessary.

If the arrestee is missing a finger, the officer will write either AMPUTATED or MISSING AT BIRTH in the appropriate box of the fingerprint card. If a portion of the first joint is missing, the remaining portion will be printed with the notation, "TIP AMPUTATED," made.

Submission of Fingerprint Cards to the Records Section

All fingerprint cards will be stapled to the Arrest Report before submission to the Records Section. In cases of traffic arrests, the fingerprint cards will be stapled to the citation.

Officers shall submit all fingerprint cards and the Processing Information Sheet before going off duty. Supervisors shall ensure that all cards are completed correctly prior to being submitted to records.

Photographing Arrestees

If arrestees are to be photographed using the Departmental mug camera, officers will ensure that the placard displays the correct PGPD identification and arrestee numbers. A front photo and right profile photo will be taken of the arrestees' face.

Photographing Distinctive Marks

Arresting officers may photograph marks, scars or tattoos of an arrestee. Such photos may be attached to the Processing Information Sheet and forwarded to the Records Section with a notation placed on the reverse of the Processing Information Sheet.

Photographing Felony Arrestees

When an arrestee is charged with a felony, a photograph will be taken and forwarded to the appropriate District Investigative Section or CID supervisor. The following information will be placed on the reverse of the photo:

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- ❑ Arrestee name
- ❑ Date
- ❑ Charge
- ❑ CCN
- ❑ PGID number

11. Uncooperative Arrestees

Arrestees Refusing to be Processed

When an arrestee refuses to be processed, the officer shall note this on all reports and notify the Commissioner. Commissioners cannot make the completion of processing a condition for release.

If an officer believes an arrestee is attempting to avoid identification, the officer may contact the on-duty Assistant State's Attorney (ASA). The ASA may decide to seek a court order requiring the arrestee to submit to processing.

When an arrestee refuses or is unable to provide information for the Arrest Report, the officer shall note "REFUSED" or "UNABLE TO ANSWER" in the appropriate blocks.

Using an Alias to Identify an Arrestee

When an officer cannot establish an arrestee's identity, the arrestee shall be identified by an alias if possible. Officers should avoid the terms "John Doe" or "Jane Doe", unless no alternative exists. On the Statement of Probable Cause form, the officer shall state the reasons why the identity of the arrestee could not be established.

Follow-Up Responsibility of Arresting Officers

When an officer books an arrestee under an alias, the officer shall conduct a follow-up investigation and attempt to identify the arrestee. If the arrestee is not identified within 30 days, officers shall submit a Continuation Report detailing the attempts made, as well as the outcome and conclusion of the search.

If the officer develops additional information in the future, Continuation Reports shall be submitted as necessary.

Arrestee's Age Undetermined

When an officer cannot establish an arrestee's age, the arrestee shall be booked as an adult, unless the officer can assume by observation that the arrestee is a juvenile. When a juvenile is charged as an adult, and is later discovered to be a juvenile, the reporting officer will submit a Continuation Report.

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Charging Adults on a Juvenile Petition

To constitute contributing to the delinquency of a minor, the adult must be contributing to the commission of an act by a minor, which would be unlawful even if the minor were an adult. The Office of the State's Attorney (SAO) must charge adults on a Juvenile Petition.

To constitute the offense of contributing to a child in need of supervision, the adult must be contributing to the commission of an act by a minor that is unlawful for juveniles only, such as, possession of alcoholic beverages, or curfew violations.

When an offender is able to provide identification, the officer will not arrest them unless other violations mandate an arrest. The officer shall obtain the offending adults information and respond to the SAO, Juvenile Division, during normal business hours. The officer will complete an affidavit and the SAO will complete a petition. The adult will then be served.

If, however, the offender cannot be identified they will be arrested. The officer will complete an Arrest Report and Statement of Charges and present the suspect before a commissioner for bond review. The officer will respond to the SAO, during normal business hours, to complete an affidavit. The SAO will then complete a petition and the adult will be served.

Recording Multiple Victims or Suspects on Arrest Reports

The following guidelines will be followed when completing the arrest report:

- ❑ Multiple victims, one arrestee: Complete one Arrest Report with additional victims listed in the narrative
- ❑ Multiple arrestees, one victim: Complete a separate Arrest Report for each arrestee, using the same CCN for each report. Separate arrest numbers and I.D. numbers are needed for each defendant.

12. Preparing Arrests for Prosecution

Case Screening by SAO

Screening is necessary even though a preliminary hearing will be held. Failure to screen a case in a timely manner cannot be remedied by attending the preliminary hearing. If a felony charge is dismissed because of noncompliance with this subsection, the defendant may be recharged with supervisory approval.

To schedule a screening appointment, officers shall contact the Screening Division, SAO, within 72 hours after an arrest. Appointments shall be scheduled to occur within fourteen calendar days following the arrest. If the Screening Division cannot accommodate the fourteen-day limit, the appointment shall be scheduled for the next available date. Field Training Officers shall accompany their recruit officers to all screening appointments.

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When a juvenile is charged as an adult with a felony, notification must be made to the SAO via procedures above, to avoid dismissal of charges at the preliminary hearing. The court will set a preliminary hearing within fifteen days of arrest for juveniles charged as adults.

Attorneys from the Screening Division screen arrests with CID on a regular basis. Officers assigned to investigative sections may use this option in lieu of scheduling an appointment. The case must be screened during the next available screening session at CID.

Defendants Charged as Adults

Cases will be screened as follows:

Felonies: Except as provided in the section, *Certain Cases Not Subject to Screening*, Assistant State's Attorney's will review all felony cases. The Homicide Division, SAO, will screen homicides and police shootings, the Criminal Trials Division, SAO, will screen other cases.

Serious Misdemeanors: Cases shall be screened through the SAO, District Court Division.

Fatal Motor Vehicle Accidents: Cases will be screened by the SAO, Criminal Trials Division.

Defendants Charged as Juveniles

The SAO, Juvenile Division, screens felonies and serious misdemeanors.

Arrest Case Folder

All patrol officers, including Special Assignment Teams, shall complete a case folder for all full custody arrests, including felonies and misdemeanors. The folder shall be completed in the order and manner prescribed in the Arrest Case Jacket Checklist (including being placed in the approved blue folder). The officer shall take the completed folder to the SAO screening appointment.

Supervisors shall review two arrest case folders per month for each officer under their command. The supervisor will complete a supervisor comment sheet regarding the case. The comment sheet will be removed from the arrest case folder and placed in the employee's Departmental personnel file and reviewed during the annual past performance appraisal process.

Documents Required at Screening Appointment

The investigating officer shall give the screening attorney the following documents, when available:

- Incident report
- Statement of charges
- Arrest warrant
- Commander's log (if requested)

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- ❑ Dictated report/continuation reports
- ❑ 911 CD
- ❑ CAD
- ❑ Property record
- ❑ Witness statements (all witness statements should be reduced to writing)
- ❑ Defendant(s) statement (written and/or videotaped)
- ❑ Translation of all statements made, including the name, address, and telephone number of the person who translated the statement
- ❑ Substance of any oral statements from the defendant
- ❑ Interview log
- ❑ Witness videotape/CD
- ❑ Miranda form
- ❑ Commissioner/presentment waiver form
- ❑ Names and cellular telephone numbers of all officers/detectives and supervisors who had contact with the defendant during arrest and interview
- ❑ Name, address, and telephone number of all victims and witnesses
- ❑ NCIC for each defendant
- ❑ Voice stress test
- ❑ Hospital records for defendant, victims, and witness(es)
- ❑ All photographs
- ❑ Chain of custody for all property/items recovered
- ❑ Informant/confidential source payments
- ❑ Videotape from cruiser cameras
- ❑ ROPE logs/reports
- ❑ FEU report/test fire certificates
- ❑ Evidence report
- ❑ DNA report
- ❑ Fingerprint report
- ❑ All detectives and officer notes
- ❑ Photographic array (color) and viewing sheet
- ❑ Search warrant(s) and return(s)
- ❑ Video surveillance tapes
- ❑ A complete and legible copy of the case file

Certain Cases Not Subject to Screening

The following felonies fall within the jurisdiction of the District Court and are excluded from the screening process:

Bad Checks: Section 8-103 of the Criminal Law Articles

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Felony Theft Cases: When a felony theft case appears routine and supervisory approval has been granted, the case need not be screened, but can be sent directly to the District Court.

Cases that require special attention, or those cases when doubt exists about which way the officer should proceed, shall be directed through the SAO, District Court Division.

To decide whether a case should be screened, officers shall consider:

- The defendant's criminal history
- The amount of money or property involved
- The complexity of the case
- Whether it is newsworthy

Multiple Cases, One Defendant

When an adult has committed numerous felonies, but is charged with only some of the crimes, the investigating officer shall notify the SAO of this fact at the time of screening, and supply them with the following:

- Copies of all Incident Reports
- All documents as required in the section

Documents Required at Screening Appointment

When an adult commits multiple misdemeanor offenses, which result in significant property loss or personal injury, the SAO District Court Division shall be notified. The officer shall supply the SAO with copies of all offense reports upon request.

When a juvenile commits multiple offenses, which results in property loss or personal injury, the Arrest Report shall be cross-referenced by CCN to all incidents committed by the juvenile. Upon request, the officer shall supply the SAO with:

- Copies of all Incident Reports
- Documents required in the section ***Documents Required at Screening***

13. Release or Transfer of Arrestees

Before an arrestee is released or transferred, officers shall confirm the arrestee's identity by checking his or her identification or photograph secured at the time of processing.

Arrestee Released From Police Custody

When an arrestee is released, the arrestee's personal property will be returned only if it is not contraband and its ownership is not in dispute. The arrestee will be requested to sign the Prisoner Property Form to acknowledge receipt. If the arrestee refuses to sign, the releasing officer shall

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write "REFUSED TO SIGN." The releasing officer will secure the signature of another employee, who will serve as a witness.

Arrestee Transferred to Other Custody

When an arrestee is transferred, the official accepting custody will sign the OFFICIAL ACCEPTING CUSTODY space of the Prisoner Property Form. The arrestee's property and a copy of the form will then be turned over to that official. The releasing officer shall forward the Prisoner Property Form to the District/Division Commander's office.

Arrestees transferred to the custody of the DOC will only be permitted the following items:

- Medications, glasses or dentures
- Address book or similar information
- Cash, checks or money orders
- Family pictures
- Legal papers
- Personal clothing worn at the time of the transfer
- Religious materials
- Wallets
- Jewelry

Any item not listed is prohibited and shall be submitted to the Property Section for safekeeping.

Accepting Arrestee from Other Authority

When arrestee custody is accepted from another authority, the officer accepting custody shall:

- Identify the relinquishing officer by name, ID number, and assignment
- Search the arrestee
- Verify the authority to detain the arrestee by Telex, court commitment, official documentation, or confirmation by a County officer familiar with the circumstances of the transfer
- Notify OSPG for transport

Arrestee Transferred from Detention Center

Officers removing arrestees from the DOC or other correctional facility are responsible for the custody, security, and safety of that arrestee.

Officers seeking temporary custody of an arrestee from DOC custody shall obtain a court order from the SAO. Once obtained, the officer shall fax a copy of the court order to the DOC Records Section and follow up with a telephone call. The DOC Records Section will arrange to have the arrestee prepared for transport. During non-business hours, officers shall contact the DOC Shift Commander.

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Upon arrival at the facility to pick up the arrestee, officers will ensure that the arrestee is positively identified by checking the individual's identification, photograph, or with DOC staff.

During the transport, officer(s) will have a copy of the court order that authorized temporary custody, along with any other pertinent documents, such as a copy of an arrest warrant to be served on the individual.

When the arrestee is transported from or returned to DOC custody, officers shall ensure that information relating to the arrestee's escape or suicide potential, or other security concern, is recorded and included in the documentation that accompanies the arrestee.

Arrestee Transferred from Regional Processing Facilities

Officers shall ensure that arrestees are interviewed prior to being presented before a District Court Commissioner. Once a commissioner has committed an arrestee to DOC, officers must obtain a court order to remove the arrestee from a regional processing facility.

Persons Arrested by Outside Agencies

If an officer from an outside agency brings an arrestee to a regional processing facility and no officer is available to accept them, the outside agency officer will be directed to remain with the arrestee until an officer accepts custody or the arrestee is transported away from the facility.

SPOs shall complete all paperwork associated with their arrests. The reporting officer or, if available, the desk officer shall:

- Process the arrestee
- Complete all paperwork associated with the arrest of suspects for persons other than police officers or SPOs
- Ensure all booking paperwork is completed

14. REDACTED

15. Processing Facility Procedures

Arrest Reports will be completed in duplicate. The copy of the Incident Report shall be attached to the original of the Arrest Report.

The duplicate of the Arrest Report and photograph should remain at the processing facility to be picked up by the arresting officer.

If not handled by a regional processing facility, the Crime Scene Investigation Division shall photograph and fingerprint all prisoners. They will also process all evidence, contraband and property in accordance with existing policy.

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VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.5, 1.2.6, 1.2.8, 22.3.4, 26.1.1, 41.2.4, 42.2.3, 44.2.1, 46.1.3, 61.1.2, 61.1.3, 71.1.1, 71.1.2, 71.1.3, 71.1.4, 71.1.5, 71.1.6, 71.1.7, 71.1.8, 71.2.1, 71.3.1, 71.3.2, 71.5.1, 72.9.1, 72.9.2, 71.9.3, 72.9.5, 72.9.6, 72.9.7, 74.3.1, 74.3.2, 82.2.1, 82.2.2, 82.3.6, 82.3.7, 82.3.8

Governing Legislation:

- ❑ Payton v. New York
- ❑ Maryland Criminal Procedure, Section 4-101
- ❑ Maryland Rules, Sections 4-102 and 4-202
- ❑ Maryland Criminal Law Article, Sections 10-113 through 10-116
- ❑ Maryland Education Article, Section 26-103
- ❑ Title 18 USC 922 (G)(8) - Gun Control Act of 1968, Amended
- ❑ Family Law Article, Title 4, Subtitle 5
- ❑ Title 49, Code of Federal Regulations (CFR), Section 1544

VOLUME II, CHAPTER 5

5. *REDACTED*

VOLUME II, CHAPTER 6, BICYCLE PROCEDURES

6. BICYCLE PROCEDURES

(December 2005)

I. POLICY

Stolen or recovered bicycles shall be handled in accordance with the below procedures.

II. CHECKLIST (N/A)

III. DEFINITIONS (N/A)

IV. FORMS

- Bicycle Registration (PGC Form #730-M)
- Incident Report (PGC Form #3529)
- Property Record (PGC Form #4360)
- Recovered Property Letter (PGC Form #2746)

V. PROCEDURES

1. Bicycle Registration

When a citizen requests to register a bicycle, the employee shall:

- Complete a Bicycle Registration form
- Issue a Registration Decal and the original copy of the Bicycle Registration Form to the citizen
- Instruct the citizen to place the decal on the down tube of the bicycle
- Forward copies two and three to the Records Section

The officer shall inform the citizen that the registration will be purged three years from the date of registration. Re-registration will be required upon expiration.

2. Reporting Stolen Bicycles

An officer receiving a complaint that a bicycle has been stolen shall complete an Incident Report. If the make and serial or permanent identifying number are known, the Telecommunications Section shall be notified so that the bicycle can be entered into NCIC. If entered into a computerized file, other identifying characteristics may also be included.

3. Recovering Stolen Bicycles

Officers shall check the stolen status of recovered bicycles by serial or other identifying numbers. If a bicycle registration sticker is attached, the officer shall contact the issuing agency to determine ownership. If a Prince George's County registration sticker is attached, the Records Section will be contacted.

Owner information, if available, will be placed on the Incident Report and Property Record.

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Recovery information shall be supplied to the Telecommunications Section, if applicable. Officers shall notify the owner of a recovered bicycle in person, via telephone, or by mail.

4. Release of Bicycles

If the officer is able to contact the owner of a recovered bicycle and he lives in the District where the bicycle was recovered, the officer may deliver it to the owner. The officer shall have the owner sign the back of the Property Record.

If the owner cannot be contacted or lives outside of the District, the bicycle will be placed in storage.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 82.2.1, 82.2.2, 84.1.1

VOLUME II, CHAPTER 7

7. *REDACTED*

VOLUME II, CHAPTER 8, RESPONDING TO CALLS FOR SERVICE & ESCORTS

8. RESPONDING TO CALLS FOR SERVICE & ESCORTS

(May 2007)

I. POLICY

The Department's goal is to respond quickly and safely to all calls for service. Employees shall drive with due care, exhibit exemplary driving behavior, and wear their seatbelts while operating Departmental vehicles. Employees shall respond to calls consistent with the provisions of this directive. Only vehicles equipped with emergency equipment shall operate priority.

II. CHECKLIST (N/A)

III. DEFINITIONS

Priority Response: When the driver of an emergency vehicle operates the vehicle with its emergency equipment (lights and siren) activated to respond to an emergency or pursue a violator/suspected violator of law; when operating priority, the driver of an emergency vehicle is authorized to disregard certain provisions of the Vehicle Law (pursuant to Section 21-106 of the Maryland Transportation Article)

Routine Response: A non-emergency response in which the operation of the police vehicle is in conformance with all traffic laws

IV. FORMS (N/A)

V. PROCEDURES

Responses to calls for service are classified as priority or routine. The first officer on the scene of an incident will notify the dispatcher if a change in response classification is appropriate.

Employees who are advised to cancel their response shall do so immediately. Any employee unable to immediately notify the dispatcher of his or her presence on an incident scene shall do so as soon as practical.

1. Classifications & Dispatch Status

All life-threatening calls will receive a priority response classification and a primary dispatch status.

The following shall receive a priority response:

- Major incidents in-progress or that have just occurred
- Incidents when a suspect may be on the scene

Examples are: officer-in-trouble calls, homicides, robberies, sex offenses, suicides, and hit-and-run accidents with injuries.

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Calls should not be held more than 30 minutes except in cases of operational necessity. The PSC supervisor may assign a unit from an adjacent Sector or District to handle a call for service when delays exceed 30 minutes.

Employees receiving calls for service at a District Station will prioritize the call based on the conversation with the complainant. If the employee has any doubt concerning the exigent nature of the incident, the doubt will be resolved in favor of the higher priority.

Initial Response to Priority Incidents

Primary units are those officers assigned to the call; their response shall be directed by PSC. Other employees will respond routine as backup, unless directed otherwise.

The first officer to arrive on scene shall immediately notify the dispatcher if changes in response classification or additional units are necessary. The dispatcher will determine which units will respond and their response classification.

When an on-scene officer advises that additional officers are not required, those officers shall not respond to the scene and will go in service.

REDACTED

2. Priority Response

(Transportation Article, Sections 21-106 & 21-405)

Although the Department does not place a speed restriction on employees when they are responding priority, it is vital that they arrive safely at the scene of an incident in order to render assistance. As a result, employees shall exercise due care and operate their vehicles in a reasonable manner.

Employees responding priority to an incident shall activate their emergency lights and siren, and ensure that the mobile video recording equipment is activated. Employees operating priority shall consider the following when deciding whether or not certain police privileges allowed during a priority response are applicable:

- The urgency of the incident
- Public and employee safety
- Environmental factors

Officers shall not deviate from provisions of the vehicle law beyond the extent necessary to respond safely to an incident, and are responsible for their actions.

Whenever any employee operates priority, he or she shall inform the dispatcher as soon as possible. Priority response may be initiated prior to notification if justified by the circumstances.

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Employees responding priority shall not proceed through any intersection or against the direction of traffic signals or traffic control devices without first slowing or stopping. Employees shall ensure that they do not drive with reckless disregard for the safety of other road users. Employees shall ensure that they are in a clear position to see that no other vehicles or pedestrians will be encountered. Employees shall not enter any controlled intersection at a high rate of speed.

Under no circumstances shall an employee operate his or her vehicle at a speed so great as to render the vehicle uncontrollable, thereby endangering his or her life or the lives of others.

3. Escorts

SOD is responsible for escorting funeral processions; dignitaries, VIPs, public officials; and oversized or HAZMAT carriers. The Commander of SOD may approve other escorts.

The Motors Unit is available to provide guidance to commercial escort companies.

Officers shall notify the dispatcher prior to commencing any escort.

Routine Response Escorts

Requests for escorts shall be referred to SOD.

A command officer of the rank of Lieutenant or above may authorize an escort by district officers if circumstances preclude referral, provided that the escort does not interfere with Departmental operations.

Priority Response Escorts

Priority escorts of non-emergency vehicles are prohibited.

Shift commanders may authorize a priority escort of emergency vehicles described in the Maryland Vehicle Law Section 11-118 or other vehicles actively transporting lifesaving materials in emergencies.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 41.2.1, 41.2.2, 61.3.3, 81.2.5, 81.2.7

Governing Legislation:

- Transportation Article, Sections 11-118, 19-103, 21-106 & 21-405
- Courts & Judicial Proceedings Article 5-639

Reference:

VOLUME II, CHAPTER 8, RESPONDING TO CALLS FOR SERVICE & ESCORTS

- ❑ Court of Special Appeals ruling in the case *Mayor and City Council of Baltimore v. Michael Lee Hart* (September 2005)
- ❑ Public Safety Communications SOP
- ❑ Patrol Services Bureau, Special Operations Division, Motor Unit SOP

VOLUME II, CHAPTER 9, CANINE OPERATIONS

9. CANINE OPERATIONS

(November 2006)

I. POLICY

The policy of the Prince George's County Police Department is to utilize canine teams to assist officers in the performance of their duties. When utilized, canine teams will operate in accordance with constitutional provisions, federal, state, and local laws.

The Canine Section provides 24 hour coverage.

II. CHECKLIST (N/A)

III. DEFINITIONS

Apprehension: When a canine team is involved in an arrest, an apprehension is defined as follows:

- ❑ **Seizure:** When a canine makes physical contact with a subject
- ❑ **Non-Seizure:** When a canine's presence alone is instrumental in the arrest of a subject

Contact: Any touching of a person by a canine, including, but not limited to, nudging, pawing, biting (including subject's clothing), which may or may not require medical treatment; contact does not include playful or non-aggressive behavior

Canine Handler: An officer who has been certified by a canine trainer to deploy and control a canine

Canine Team: A handler and his or her assigned canine that has been trained and certified to perform patrol and/or detection functions

Deployment: The use of a canine team to conduct a:

- ❑ **Search:** The use of a canine's senses (sight, sound, and/or smell) for the purposes of criminal apprehension, detection, or locating articles
- ❑ **Track:** The use of a canine's senses, predominately the sense of smell, in an attempt to locate an individual

Detection: The deployment of a canine team for the primary purpose of using the canine's sense of smell to detect items such as CDS or explosives

Force: Any physical coercion used to effect, influence, or persuade an individual to comply with an order from an officer

Guard and Bark Methodology: A method used by the Department, where a handler gives a "revere" command directing a canine to hold a suspect at bay and bark, rather than bite, unless such force is necessary to achieve a lawful purpose

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Imminent Danger: Danger that is pending, although not necessarily immediate or instantaneous

Injury: Physical contact between a person and a canine that results in a wound or puncture to the body

Section Commander: A lieutenant responsible for the day-to-day operation of the Canine Section

Shift Supervisor: A sergeant, responsible for the scheduling and management of on- duty handlers

Trainer: A sworn Departmental employee that is MPCTC certified as an instructor, appointed by the Canine Commander

IV. FORMS

- Commander's Information Report (PGC Form #1545)
- Incident Report (PGC Form #3529)

V. PROCEDURES

1. Training

The Prince George's County Police Department carefully selects, trains, and provides continuing training to members of the Canine Section. Each team is certified to a mandated standard of performance, and is recertified annually in criminal apprehension and detection techniques. Teams that fail re- certification are removed from service until such requirements are fulfilled.

2. Deployment

(Canine Section SOP, 8)

Prior to requesting canine, a perimeter shall be established and maintained. Officers may request the services of a canine team without supervisory approval.

If a PGPD canine team is not available, a supervisor may request the assistance of a canine team from an outside agency. The requesting supervisor shall not request an outside agency's canine team if the deployment requirements are in violation of PGPD's canine deployment policy.

If an outside agency's canine team deploys in contradiction of PGPD's canine policies, the on scene primary officer will ensure that he or she advises the outside agency's canine team that they are in violation of PGPD's canine deployment policy. This notification shall be documented on an Incident Report.

The handler will decide whether or not to deploy the canine based on the totality of the circumstances and the capabilities of the canine. In addition, except where specified in the Canine SOP, the handler will determine whether or not to make a warning announcement based on his or her assessment of the tactical situation. Once deployed, the canine handler has tactical control over the incident scene. All on-scene personnel shall adhere to the canine handler's direction.

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Deployment for criminal apprehension shall be approved by a canine supervisor. This requirement does not apply when exigent circumstances exist, or when the search is for a missing person or is a detection search.

When a conflict arises with an on-scene supervisor regarding the deployment of canine, or when a supervisor's request conflicts with the Canine SOP, the handler shall not deploy the canine and shall immediately notify a canine supervisor.

When a canine supervisor denies the deployment of a canine, only the Commander, SOD may override the supervisor's decision.

Instances Where Seizures are Permitted

- ❑ The suspect poses a risk of imminent danger to officers or others
- ❑ The suspect is actively eluding officers after having committed a serious crime as defined in the Canine SOP
- ❑ Other reasonable alternatives to apprehend the suspect have been exhausted, or would clearly be ineffective under the circumstances

Additional situations for which canine deployment may be appropriate include, but are not limited to:

- ❑ Capture of non-compliant suspects who are armed or reasonably believed to be armed or pose a risk of imminent danger to officers or others
- ❑ Searches for suspects wanted for crimes specified in the Canine SOP; examples include: assault, carjacking, murder, rape, and robbery
- ❑ Where deployment of a canine would maximize officer safety (i.e., searches that would normally be conducted without a canine)
- ❑ Building searches when the suspect is reasonably believed to be armed, suspected of violent offenses, and/or known to be violent
- ❑ Missing persons
- ❑ Detection searches

Canine teams shall not be used to apprehend individuals who have only committed traffic offenses.

Generally, canines shall not be deployed in searches for known juvenile offenders or persons known or reasonably believed to be mentally ill.

The exception is if the individual is reasonably believed to have committed a crime of violence, is armed with a dangerous weapon, or poses a risk of imminent danger to officers or others.

3. Assistance by Patrol Officers

Before initiating any search or track, the canine handler should select a patrol officer to assist the team as back up. Excluding exigent circumstances, the handler may request assistance from an adjacent Sector or another canine handler.

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The canine handler will brief the patrol officer regarding his or her responsibilities as back up, including but not limited to:

- ❑ Positioning with the team
- ❑ Providing cover
- ❑ Arrest procedures (including searches and handcuffing)
- ❑ Maintaining communications with the perimeter and dispatcher

If the canine team makes an apprehension without back up, officers on the perimeter may be required to assist with the handcuffing of the suspect.

The handler can terminate the back-up officer's involvement in the search if the officer inhibits the performance of the canine team.

All prisoner processing and arrest procedures resulting from canine apprehensions shall be the responsibility of the officer that requested canine assistance.

When a handler observes criminal activity, the handler will request that a patrol officer respond and assist. If an arrest is required, the patrol officer shall make and process the arrest. If a handler must affect an arrest prior to the arrival of a patrol officer, the patrol officer shall assume custody of the prisoner and process the arrest.

Under no circumstances shall a prisoner be transported in a canine vehicle if the canine is also in the vehicle.

4. Searches & Tracks

(Canine Section SOP, 8)

Searches by canines are generally conducted off lead. All tracks shall be conducted on lead.

Building Searches

Building searches shall not be conducted unless the owner, occupant, or other responsible party has been contacted and verifies that no one is authorized to be in the building.

Model homes can be searched:

- ❑ If there are signs of forced entry, and
- ❑ There is property of value inside other than major appliances, and
- ❑ Contact is made with the owner or other responsible party to verify that no one is authorized to be in the model home

Abandoned properties shall not be searched when renovation tools are the only property of value inside.

Before conducting any building search, a minimum of three officers, in addition to the canine handler, shall be present to secure the building and assist with the search.

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School Searches

(Canine Section SOP, 8)

Per the Canine SOP, before entering a school with his or her canine, a handler shall ensure that a loud canine warning is given from the exterior.

Once inside the school, the canine handler shall give a second warning. The handler will wait a reasonable amount of time after the second warning to give innocent persons the opportunity to leave the school or suspects the opportunity to surrender. After searching a County school, the handler will ensure that PSC makes notification to School Security personnel in accordance with the Canine SOP.

5. Seizure Procedures

(Canine Section SOP, 8)

When a canine apprehends a suspect by seizure, the handler will remove the canine as soon as it can be done safely.

6. Reporting & Investigation of Canine Incidents

(Canine Section SOP, 7)

Canine Handler's Responsibilities

The canine handler shall immediately notify his or her supervisor or another canine supervisor of the following:

- ❑ Canine deployments
- ❑ Canine-related injuries
- ❑ Canine-related seizures
- ❑ Incidents where an individual alleges injury from a Departmental canine

Canine Supervisor's Responsibilities

Per the Canine SOP, the on-duty canine supervisor shall respond to the scene of all apprehensions, canine deployments resulting in contact between the canine and the suspect, or allegations of inappropriate use of force involving a canine handler.

The on-duty canine supervisor shall immediately notify Public Safety Communications and the Commander, Canine Section of the incident. The canine supervisor shall ensure that the injured person is transported to a medical facility for treatment, and shall complete the reports outlined in the Canine SOP. The on-duty canine supervisor shall fax a copy of the completed reports to the assigned SIRT investigator and the Commander, OPR prior to the end of the tour of duty. The supervisor shall also forward copies through his or her chain of command to the Assistant Chief of Police, Patrol Services.

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Patrol Officer's Responsibilities

If a canine apprehension results in an injury, the arresting officer shall transport the injured person to a medical facility for treatment and complete a Commander's Information Report. The arresting officer shall be responsible for custody of the prisoner.

Public Safety Communications Responsibilities

PSC shall notify SIRT and the appropriate District Commander of incidents involving canine-related injuries.

SIRT Investigator's Responsibilities

(SIRT SOP)

A SIRT investigator shall respond to the scene of all canine seizures that cause serious injury or hospital admission and determine investigative responsibility.

In addition to on-scene investigations, SIRT will also examine and evaluate the Canine Section's Use of Force Reviews for all canine seizures and apprehensions.

The purpose of SIRT's investigations and evaluations is to determine whether the apprehension was made in conformance with Departmental policy and applicable laws.

All investigations shall be completed in accordance with the current SIRT SOP.

7. Record Keeping & Statistical Reporting

(Canine Section SOP, 7)

To ensure compliance with Departmental regulations, statistics shall be maintained on activities conducted by Canine Section officers.

The Commander, Canine Section shall ensure compliance with record-keeping requirements as detailed in the Canine SOP.

The Commander, Canine Section shall forward the required reports to the Commander, SOD and the Assistant Chief of Police, Patrol Services.

The Assistant Chief of Police, Patrol Services shall prepare quarterly and annual reports for the Chief of Police on the Canine Section's statistics.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.3, 1.3.6, 1.3.7, 12.1.4, 41.1.4, 41.2.5, 46.1.5
- ❑ Consent Decree between the United States Department of Justice and Prince George's County,

VOLUME II, CHAPTER 9, CANINE OPERATIONS

Maryland, January 22, 2004

References:

- ❑ Patrol Services, Special Operations Division, Canine Section SOP
- ❑ Office of Professional Responsibility, Special Investigative Response Team SOP

10. CHILD ABUSE, CHILD NEGLECT, & VULNERABLE ADULTS

(August 2009)

I. POLICY

Officers shall investigate reports of child abuse and neglect, and similar allegations involving vulnerable adults. They shall coordinate their efforts with the Department of Social Services. Protection of the child or vulnerable adult is the primary goal in these cases.

In accordance with Maryland's Infant Safe Haven Law, it is the policy of the Department to provide a safe haven for newborn infants that have been abandoned. The Department shall involve and cooperate fully with the Department of Social Services to protect these children.

II. CHECKLIST (N/A)

III. DEFINITIONS

Abandoned Child: An individual under the age of 18 years of age that has been intentionally or unintentionally left by his or her parent(s), guardian, or custodian and lacks the proper care and attention required

Adult Protective Services (APS): The division of the Department of Social Services that is responsible for assisting vulnerable adults by providing services to protect their health, safety, and welfare

Child Protective Services (CPS): The division of the Department of Social Services that is responsible for protecting children that appear to have been abused or neglected and assisting parents/guardians in providing proper care and attention to their children; CPS has the authority to remove a child from the home and place them in foster care

Developmental Disability: A chronic disability that is attributable to a physical or mental impairment as opposed to mental illness; for the purposes of this General Order, the disability must result in an inability to live independently

Designated Facility: *Per Maryland's Infant Safe Haven Law* – a hospital, State Police Barracks, or local police department

Exploitation: Any action that involves the misuse of the victim's funds, property, or person

Family Member: A relative by blood, adoption, or marriage

Household Member: A person who lives with or is a regular presence in the home at the time of the abuse

Mental Retardation: A developmental disability evidenced by significantly reduced intellectual functioning and impairment in the behavior of a person

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Neglect: Willful deprivation of food, clothing, medical treatment, rehabilitative therapy, shelter, or supervision

Newborn: *Per Maryland's Infant Safe Haven Law* – an infant that is 10 days old or younger

Physical Abuse: The sustaining of physical injuries as the result of cruel or inhumane treatment or a malicious act

Responsible Adult: *Per Maryland's Infant Safe Haven Law* – an individual, 18 years of age or older, who may reasonably be expected to provide proper care to a newborn left in his or her custody and who is willing and able to immediately take the newborn to a designated facility

Self-Neglect: The inability of a vulnerable adult to provide for his or her physical and mental health

Unharmed: *Per Maryland's Infant Safe Haven Law* – when there is no evidence of physical injury or failure to provide proper care and attention to a newborn

Vulnerable Adult: An adult, 18 years of age or older, who lacks the physical or mental capacity to provide for his or her daily needs

IV. FORMS

- Incident Report (PGC Form #3529)
- Commander's Information Report (PGC Form #1545)

V. PROCEDURES

1. Child Neglect Cases

Child neglect cases involve children in need of assistance or supervision when the parent/guardian is unable or unwilling to care for the child. Child neglect includes when a child is:

- Abandoned or unattended
- Without adequate supervision
- Suffering from malnutrition
- Without proper shelter
- Unlawfully kept out of school
- A chronic runaway or truant
- Emotionally disturbed due to domestic or mental health issues in the home

Juveniles who are runaways or truants may be victims of neglect. Under certain circumstances, neglect cases may rise to the level of criminal child abuse. Officers can obtain guidance concerning these matters from the Child and Vulnerable Adult Abuse Unit (CVAA).

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Officer's Responsibilities

Officers responding to reports of child neglect shall:

- ❑ Notify and brief their supervisor prior to leaving the scene
- ❑ Notify Child Protective Services (CPS)
- ❑ Complete an Incident Report

Officers shall document the following in the report:

- ❑ The circumstances and conditions constituting neglect
- ❑ The source of the information, such as personal observations or statements made by the child, parent, or others
- ❑ The name of the CPS worker contacted and the date and time of the notification

The officer shall write "CPS" and "CVAA" in the COPY TO block of the Incident Report.

In cases involving abandoned/unattended children or children without adequate supervision, the officer shall contact CPS concerning placement of the child. The officer shall not place the child in the care or custody of individuals identifying themselves as neighbors, friends, or relatives unless authorized to do so by CPS.

Supervisors shall carefully review all cases involving children to ensure that CPS has been notified.

2. Child Abuse Cases

To classify an incident as child abuse, an injury must have occurred to the child. As these injuries may not be visible, guidance should be sought from CVAA.

In all cases, the officer shall:

- ❑ Notify and brief his or her supervisor prior to leaving the scene
- ❑ Determine if the situation warrants the immediate removal of the child; if removal of the child is necessary, reasonable force may be used
- ❑ Notify CPS
- ❑ Notify CVAA
- ❑ Complete an Incident Report

When completing the Incident Report, the officer shall:

- ❑ Write "CHILD ABUSE" in the TYPE OF INCIDENT block, and specify whether the abuse is sexual or physical
- ❑ Write "CPS" and "CVAA" in the COPY TO block of the Incident Report
- ❑ Document the date and time of the notifications to CVAA and CPS and the name of the individuals notified

Authority for Taking a Child into Custody

A child may be taken into custody:

- ❑ Pursuant to court order
- ❑ By a law enforcement officer pursuant to an arrest
- ❑ By a law enforcement officer who has reasonable grounds to believe that the child is in immediate danger from his or her surroundings and removal is necessary for his or her protection
- ❑ By a law enforcement officer who has reasonable grounds to believe that the child has run away from his or her parents, guardian, or legal custodian

Assisting CPS with the Removal of a Child

CPS workers have legal authority to enter households and take custody of abused or neglected children. They may act before the issuance of any court orders. Normally, CPS does not require police assistance.

In cases when household occupants deny entry or when violence or physical resistance is anticipated, CPS may request police assistance. A supervisor shall authorize the assistance.

In most cases, the officer shall limit his or her actions to providing protection for the CPS workers as they perform their duties.

In cases where CPS requests an officer to force entry, he or she may do so if there is probable cause to believe that the child is in immediate danger, and entry has been or is being denied by household occupants.

An officer who forces entry under these circumstances shall notify his or her supervisor, and document his or her actions on an Incident Report. The circumstances that led the officer to force entry and the name of the CPS worker shall be included in the report. The officer shall write “ASSIST CPS” in the TYPE OF INCIDENT block and “CVAA” in the COPY TO block. *See: VOLUME II, CHAPTER 28. FORCED ENTRY, HAZARD, & NEXT-OF-KIN NOTIFICATIONS* for additional procedures.

An officer shall not assume custody of a child nor direct the CPS investigation.

3. Abandoned Children

An officer responding to the scene of an abandoned child shall:

- ❑ Ensure that the child is transported to a medical facility for evaluation and treatment
- ❑ Notify the sector supervisor
- ❑ Complete an Incident Report prior to the end of watch; place “CPS” and “CVAA” in the COPY TO block
- ❑ Notify CVAA and document the notification on the Incident Report

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- Notify CPS and document the notification on the Incident Report

The officer shall fax a copy of the Incident Report to CVAA prior to the end of watch.

Maryland's Infant Safe Haven Law

Maryland's Infant Safe Haven Law provides the mother of a newborn the opportunity to safely abandon her unharmed child within 10 days after the birth. A mother who does not express intent to reclaim the newborn shall be protected from criminal prosecution and civil liability as long as she takes the child to a designated facility or leaves the child with a responsible adult who is willing to accept the child.

The responsible adult receiving a newborn must take the child to a designated facility as soon as possible.

Upon receiving an abandoned newborn, the designated facility is required to confirm that the individual abandoning the child is either the mother of the child or has the mother's authorization to relinquish the child.

Within 24 hours of receiving an abandoned newborn, the designated facility shall contact the Department of Social Services. The Department of Social Services is responsible for the long-term care of the child.

Newborn Brought to PGPD Facility

Employees shall take custody of any newborn brought to a PGPD facility to be relinquished in accordance with the Infant Safe Haven Law.

The newborn shall be closely examined to ensure the infant appears to be unharmed. An ambulance shall be requested to respond and transport the newborn to a medical facility.

The employee shall make immediate notification to the following:

- Sector Supervisor
- CVAA
- CPS

Reporting Requirements

The individual relinquishing the newborn is not required to answer any questions. However, the receiving employee shall make every effort to determine if the individual relinquishing the newborn is the child's mother or has the mother's authorization to relinquish the child. The employee shall also attempt to obtain information regarding the newborn's medical history or any known risk factors.

An Incident Report shall be completed when a child is relinquished under the Infant Safe Haven Law. The employee shall include the following information, if available:

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- ❑ The identity of the individual relinquishing the child and his or her relationship to the child
- ❑ The identity of the child's parents
- ❑ The newborn's date of birth or age
- ❑ The newborn's place of birth
- ❑ Any known medical history
- ❑ The reason that the newborn is being abandoned

If possible, photographs shall be taken of the child and attached to the Incident Report.

A Commander's Information Report shall be completed for abandoned child cases. Copies of both the Incident Report and the CIR shall be forwarded to CVAA and the Community Services Division via fax prior to the end of watch. If fax equipment is inoperable, the copies may be sent via Departmental mail.

4. Vulnerable Adult Abuse Cases

Allegations of vulnerable adult abuse shall be investigated, and the investigations shall be coordinated with Adult Protective Services (APS). An officer responding to a report of vulnerable adult abuse shall notify CVAA and APS.

The officer shall complete an Incident Report to include the following:

- ❑ The name and address of the person responsible for the care of the vulnerable adult
- ❑ The caregiver's relationship to the vulnerable adult
- ❑ The whereabouts of the vulnerable adult
- ❑ The nature of the vulnerable adult's incapacity
- ❑ A description of the abuse, neglect, self-neglect, or exploitation
- ❑ The name of the APS worker contacted and the date and time of the notification
- ❑ The name of the CVAA investigator contacted and the date and time of the notification

The officer shall write "APS" and "CVAA" in the COPY TO block of the Incident Report.

The officer shall determine if the immediate removal of the vulnerable adult is necessary due to conditions that present a substantial risk of death or serious physical harm to the individual. If removal is necessary, the officer shall contact APS for assistance and placement of the vulnerable adult. CVAA may be contacted for guidance when dealing with these incidents.

Assisting Protective Services with the Removal of a Vulnerable Adult

If a representative of APS believes that the immediate removal of the vulnerable adult is necessary, he or she may request assistance from the Department. A supervisor shall authorize the assistance.

In most cases, the officer shall limit his or her actions to providing protection for the APS workers as they perform their duties.

VOLUME II, CHAPTER 10, CHILD ABUSE, CHILD NEGLECT, & VULNERABLE ADULTS

In cases where APS requests an officer to force entry, he or she may do so if there is probable cause to believe that the vulnerable adult is in immediate danger, and entry has been or is being denied by household occupants.

An officer who forces entry under these circumstances shall notify his or her supervisor, and document his or her actions on an Incident Report. The circumstances that led the officer to force entry and the name of the APS worker shall be included in the report. The officer shall write "ASSIST APS" in the TYPE OF INCIDENT block and "CVAA" in the COPY TO block. *See: Volume II, Chapter 28. Forced Entry, Hazard, & Next-of-Kin Notifications* for additional procedures.

5. Child & Vulnerable Adult Abuse Unit

The Child and Vulnerable Adult Abuse Unit investigates the following:

- All physical and sexual abuse and exploitation where the victim is less than 18 years of age, and the suspect is a household or family member, *or* a custodial relationship exists between the suspect and victim
- All cases involving the physical or sexual abuse of vulnerable adults
- All cases of parental abduction and custody disputes that rise to the level of a criminal offense
- All cases of child abandonment

When a child dies or is likely to die as a result of suspected abuse, the Homicide Unit is responsible for the investigation. An officer responding to any child death (except traffic fatalities) shall contact the Homicide Unit immediately.

All sexual and physical assaults committed against children by household or family members or custodians shall be investigated by CID. Third and fourth degree sexual assaults committed by individuals other than those mentioned above will be investigated at the District level.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 12.1.4, 41.2.6, 41.2.7, 55.1.3

Governing Legislation:

- Courts and Judicial Proceedings Article, § 5-641
- Code of Maryland Regulations (COMAR) 07.02.27.01, 07.02.27.02, and 07.02.27.03
- 42 USC 629a

VOLUME II, CHAPTER 11, CODE ENFORCEMENT

11. CODE ENFORCEMENT

(December 2005)

I. POLICY

The identification and correction of unsafe or unhealthy conditions is essential to a community's quality of life. The Department will work closely with other County agencies to help ensure a safe environment.

II. CHECKLIST (N/A)

III. DEFINITIONS

Stop Work Order: An order issued by a representative from the County's Department of Environmental Resources which prohibits further work due to code violations

IV. FORMS

- Arrest Report (PGC Form #3245)
- Condition Report (PGC Form #2003)
- Incident Report (PGC Form #3529)

V. PROCEDURES

1. Assisting Inspectors with Enforcing Codes

When a County Inspector requires police assistance, he or she shall contact the appropriate District Station and speak to a supervisor. A shift commander or sector supervisor shall verify the need for assistance and arrange for an officer to assist the inspector. If doubt exists regarding the legality of the situation, the OSA may be contacted for guidance.

Officers assisting inspectors shall familiarize themselves with the situation and the inspector's duties.

2. Violations of Stop Work Orders

(County Code, Section 4-117(a))

It is a misdemeanor for any person to continue work in violation of a Stop Work Order that has been issued by the Department of Environmental Resources (DER).

Officers assisting County Inspectors with violations of Stop Work Orders shall respond to the location and verify that an order has been issued. If an order has been issued, the officer shall advise the individual that continuing to work constitutes a misdemeanor offense and may result in arrest.

The officer shall obtain the individual's identity and provide it to the inspector so that the inspector may apply for a warrant.

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If the individual continues to work in the presence of the officer, an on-scene arrest may be made. When an arrest is made, the officer shall provide the individual's identity and the case number to the inspector and summons him to court.

3. Violations of Plumbing Regulations

After a Washington Suburban Sanitary Commission (WSSC) plumbing inspector obtains a warrant, he or she shall contact the appropriate district and speak to a supervisor to request assistance with serving the warrant. Only after a warrant has been verified shall an officer accompany the plumbing inspector to the suspect's location. Upon arrival, the officer shall serve the warrant.

After the suspect has been arrested, the officer shall transport him to a processing facility and complete an Incident Report and an Arrest Report. The officer shall note "Warrant Service Only" on the Arrest Report.

4. Violations of Liquor Laws *(Maryland Code, Article 2B)*

Officers who observe violations of the liquor laws shall complete an Incident Report.

The Records Section shall forward a copy of the report to the Chief Liquor Inspector, Board of License Commissioners. This allows the Board of License Commissioners to monitor establishments that violate the law. If immediate enforcement is required, officers shall take appropriate action.

5. Violations Involving Adult Bookstores *(County Code Section 27-264)*

The Department of Environmental Resources (DER) is responsible for serving notice on property owners who are in violation of provisions of the County Code regarding adult bookstores. This notice directs the property owner to cease the violation.

If the violation has not ceased within 48 hours, DER may notify NED's Intelligence Unit and request that they take enforcement action against the violator.

For a first offense, an NED investigator may verbally direct the individual to stop operating the adult bookstore. This shall be documented on an Incident Report.

For a second or subsequent offense, the individual may be arrested. When an arrest is made, the NED investigator shall provide the individual's identity and case number to DER and summons the DER inspector to court.

6. Condition Report

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Employees shall use the Condition Report to document environmental hazards. The report does not require a CCN. Upon completion, the report shall be forwarded to Records who shall disseminate it to the appropriate agency for follow-up.

The Condition Report may be used for the following:

- Littered lots
- Debris on residential/commercial property
- Junked/unlicensed automobiles on private property
- Grading without a permit
- Sediment leaving site
- Littered roadside
- Mud and debris on road (non-construction related)
- Clogged storm drain
- Littered park

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.5, 74.1.2, 74.3.1, 74.3.2, 82.2.1, 82.2.2

Governing Legislation:

- County Code, Section 4-117(a)
- County Code Section 27-264
- Maryland Code, Article 2B

Reference:

- Investigative Services Bureau, Narcotics Enforcement Division SOP

VOLUME II, CHAPTER 12, CONCURRENT JURISDICTION, MEMORANDA OF UNDERSTANDING,
AND EXTRA JURISDICTIONAL INCIDENTS

12. CONCURRENT JURISDICTION, MEMORANDA OF UNDERSTANDING, &
EXTRA-JURISDICTIONAL INCIDENTS

(October 2009)

I. POLICY

The Prince George's County Charter and Subtitle 18 of the Prince George's County Code provide that the Department is responsible for law enforcement in the County, except where otherwise specified by law.

II. CHECKLIST (N/A)

III. DEFINITIONS

Concurrent Jurisdiction: Two or more law enforcement agencies operating in the same geographic area and sharing authority and responsibility

Emergency: A sudden or unexpected event that calls for immediate action to protect the health, safety, welfare or property of a person from actual or threatened harm or from an unlawful act

Home Jurisdiction: Jurisdiction where an officer is normally employed, such as Prince George's County, for a PGPD officer

Host Jurisdiction: Jurisdiction where an incident physically occurs

Host Agency: A law enforcement agency responsible for providing police services in a given jurisdiction

Primary Jurisdiction: The law enforcement agency ultimately responsible for a geographic area and/or incident

Scheduled Transport: Routine deliveries of a prisoner from one facility to another

IV. FORMS

- Incident Report (PGC Form # 3529)

V. PROCEDURES

1. Authority to Enforce Laws

County officers are empowered to enforce all State laws and County ordinances within any area of the County that is not exclusive jurisdiction, as well as within the boundaries of any municipality in the County.

Officers may enforce State laws in other Maryland counties and Baltimore City if they act in accordance with the provisions of this section.

**VOLUME II, CHAPTER 12, CONCURRENT JURISDICTION, MEMORANDA OF UNDERSTANDING,
AND EXTRA JURISDICTIONAL INCIDENTS**

Officers also have statutory authority to enforce certain federal statutes within the County in which the U.S. Congress has provided such authority (concurrent jurisdiction). Many State law references are found in the MPCTC Digest of Criminal Laws.

2. County Boundaries
(County Code, Subtitle 1)

The County is bordered by:

- Washington, DC to the west
- Montgomery County to the northwest
- Howard County to the northeast
- Anne Arundel County to the east
- Calvert County to the southeast
- Charles County to the south
- State of Virginia to the southwest

Southern and Eastern Avenues lie within Washington, D.C. This includes the sidewalk areas measuring between six (6) and fifteen (15) feet wide on the Maryland side.

Most of the waters of the Potomac River, up to the Virginia tidal shoreline, lie within the County.

3. Geographical Authority
(Prince George's County Code, Section 18-190)

In locations throughout the County where the following agencies have primary jurisdiction, the Department has concurrent jurisdiction:

- Berwyn Heights Police
- Hyattsville City Police
- Maryland State Police
- MNCPPC Police
- Mount Rainier Police
- United States Park Police
- University of Maryland Police

4. Assisting Other Agencies

Charles County

PGPD may assist Charles County with emergency calls for police service. Either County may request support of the other through PSC.

The requesting County shall provide the:

- Reason for the request

**VOLUME II, CHAPTER 12, CONCURRENT JURISDICTION, MEMORANDA OF UNDERSTANDING,
AND EXTRA JURISDICTIONAL INCIDENTS**

- ❑ Location where assistance is needed
- ❑ Number of officers needed

PSC shall notify a supervisor the rank of sergeant or above when Charles County makes such requests. Assisting officers shall complete an Incident Report documenting the type of incident and their actions.

The responding agency will serve as a backup for the minimum time necessary. Responding officers serve at the discretion of the requesting jurisdiction. The assisting jurisdiction may unilaterally withdraw its personnel after notifying the requesting jurisdiction. When entering Charles County to render assistance, all PGPD officers shall follow the provisions, rules, and regulations of the PGPD's General Order Manual. Officers shall only use deadly force as authorized by Departmental regulations.

See: VOLUME II, CHAPTER 51. USE OF FORCE

Officers engaged in the provision of law enforcement services have all immunities from liability, powers of arrest, and exemptions from laws, ordinances, and regulations in Charles County as they do in Prince George's County.

City of District Heights

As outlined in a mutual agreement between PGPD and the City of District Heights, PGPD shall:

- ❑ Provide copies of law enforcement reports, upon request, to the District Heights Police
- ❑ Not take telephone reports for calls for service located in District Heights
- ❑ Subsequent to a serious crime or major incident, provide technical expertise, including evidence collection and investigative services upon request of a supervisory officer

Original and follow-up investigations of crimes or incidents occurring within areas under City jurisdiction shall be handled by

City Police, except for the below listed crimes, which shall be handled by appropriate PGPD Investigators:

- ❑ Homicide
- ❑ Rape
- ❑ Extortion
- ❑ Hostage and Kidnapping
- ❑ Confirmed explosive devices

In all cases investigated by PGPD in the City, PGPD will have sole responsibility for the crime scene. The PGPD will keep the City's Police Chief apprised of the case status upon request, and will provide a final written report within 30 days after completion of the case.

**VOLUME II, CHAPTER 12, CONCURRENT JURISDICTION, MEMORANDA OF UNDERSTANDING,
AND EXTRA JURISDICTIONAL INCIDENTS**

City of Laurel

Pursuant to the terms of a written agreement between PGPD and the City of Laurel pertaining to incidents occurring at public schools in the City, PGPD officers will respond to requests for assistance from the City's Police Chief under the following circumstances:

- ❑ The City does not have sufficient police personnel or equipment;
- ❑ The City does not have sufficient specialized equipment or;
- ❑ The City does not have sufficient expertise immediately available to properly handle the emergency.

The City's Police Chief shall make requests for assistance to the PGPD Chief of Police.

City of Mount Rainier

PGPD investigates the following occurring within the City:

- ❑ Homicides
- ❑ Suspicious deaths
- ❑ Rapes
- ❑ Assaults with intent to rape
- ❑ Armed robberies handled by CID

Mount Rainier police officers may respond and take initial reports of armed robberies. They shall notify CID and send a teletype containing the name of the T/A, suspect description, and M.O.

If a Mount Rainier officer makes an on- scene arrest, they shall charge the arrestee. The assigned investigator shall render assistance.

Hyattsville City

CID shall investigate the following occurring in the City:

- ❑ Homicides
- ❑ Rapes
- ❑ Kidnappings
- ❑ Bank hostage situations

Hyattsville investigators may accompany CID investigators during all phases of the investigation. The Commander, CID, shall ensure a copy of the completed investigative report is forwarded to the Chief, Hyattsville City Police Department within 30 days of the investigation's completion.

PGPD shall honor requests from Hyattsville City Police to have crime scenes processed by forensic services evidence technicians.

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Maryland National Capitol Park (MNCPPC)

MNCPPC has primary police responsibility within parks, to include buildings under the jurisdiction of the commission and that portion of all roads and sidewalks immediately adjacent to park property.

PGPD has concurrent jurisdiction in these areas. When a PGPD officer is required to take immediate action in an area under commission jurisdiction, MNCPPC shall be notified. The Records Section shall forward all reports concerning PGPD action to the appropriate MNCPPC commanding officer within seven calendar days.

In areas of the County outside their jurisdiction, MNCPPC officers are authorized to take action when:

- An actual or threatened commission of a criminal act or motor vehicle violation poses an immediate danger to a person's life or limb
- There's an immediate threat of serious property damage
- Failure to take action may result in the escape or evasion from apprehension of a perpetrator

MNCPPC shall immediately notify PGPD of any action taken by them in areas not under their jurisdiction. Follow-up investigations shall be conducted by PGPD.

Pursuant to the provisions of a written agreement executed between PGPD and the MNCPPC, PGPD will investigate all deaths or serious injuries on MNCPPC property. Upon receipt of notification by either agency of such an incident, the agency receiving the notification shall ensure that the other is immediately notified. The MNCPPC Police will dispatch an officer to complete an initial report, which will serve as the source of Uniform Crime Report data. MNCPPC Police officers shall maintain the integrity of the scene until the arrival of PGPD investigators, who shall assume full responsibility of the investigation. Upon arrival of the PGPD investigator, the Park Police investigative supervisor, or designee, shall provide assistance as needed. PGPD shall be afforded access to the crime scene and any information or requested data that may assist the Park Police.

Maryland Natural Resources Police (MNRP)

The Maryland Natural Resources Police (MNRP) investigates boating accidents on County waterways, and those controlled by public agencies. Such accidents occurring on privately owned bodies of water are investigated at MNRP discretion.

Officers responding to boating accidents shall:

- Take appropriate life-saving action
- Preserve the scene
- Notify MNRP
- Standby pending the arrival of an MNRP officer.

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If the MNRP do not respond, officers shall conduct an investigation within the limits of their training, documenting such on an Incident Report. Assistance from other PGPD units or outside agencies may be obtained with supervisory approval.

If the MNRP officers cannot or will not respond, officers shall conduct a basic investigation and submit an Incident Report.

MNRP officers have legislated authority to investigate fatal boating accidents or accidental drownings on waters owned or controlled by public agencies. However, in any water-related incident involving a death, officers shall notify the Homicide Unit regardless of the MNRP response status.

The Homicide Unit shall conduct an investigation, or assist MNRP, following consultation with MNRP officials.

Maryland State Police (MSP)

In accordance with the terms of a Memorandum of Understanding (MOU) executed between PGPD and MSP, the Maryland State Police has primary jurisdiction along the entire length of the following highways within the County, including the adjacent interchanges:

- All Interstate Highways
- US 50
- US 301
- MD Route 3

MSP has primary traffic enforcement responsibility for the portions of the following highways that lie outside Interstate 95:

- US 1
- MD Route 4
- MD Route 5
- MD Route 198
- MD Route 202
- MD Route 214

PGPD has primary enforcement responsibility on State routes and other major highways not listed above, except those patrolled by other law enforcement agencies with primary jurisdiction.

Additionally, MSP investigates any accident involving:

- A Maryland State Police vehicle
- A vehicle owned by the State of Maryland
- A vehicle owned by the Maryland Toll Facilities Police

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PGPD shall investigate any accident occurring in the County, which involves County-owned vehicles.

MSP refers all calls for service to PGPD unless the principal specifically requests that MSP respond. In areas where PGPD has primary jurisdiction, officers shall respond to, and investigate, all criminal offenses. MSP shall investigate criminal offenses when:

- ❑ An MSP trooper witnesses an offense and makes an on-scene arrest
- ❑ A crime other than murder, rape, armed robbery (or attempts) occurs on one of the highways or access ways where MSP has primary jurisdiction

MSP investigates aircraft accidents within the County. Officers responding to aircraft accidents shall preserve the scene and take life-saving action.

Officers who perform significant assistance such as rendering rescue and first aid services or collecting evidence shall complete an Incident Report and a Commander's Information Report.

PGPD investigates all natural disasters in the County, as well as disasters such as train accidents. The agencies shall share traffic and crowd control assignments as necessary.

PGPD has primary responsibility for providing backup assistance to University of Maryland and Bowie State University police officers. MSP is responsible for long-term commitments and for any planned events for which University of Maryland requests assistance.

MSP has primary responsibility for responding to all calls for service at the Cheltenham Youth Facility. All Part 1 offenses occurring at the facilities shall be investigated by PGPD.

MSP and PGPD are jointly responsible for investigating organized criminal activity and criminal conspiracies affecting either agency. MSP Special Operations Bureau and PGPD investigative components shall exchange information and coordinate investigations as necessary.

MSP and PGPD shall, upon request, exchange monthly statistical reports of all traffic and criminal incidents occurring in the County. This exchange supplements monthly and quarterly UCR information already being distributed.

Maryland Transit Administration (MTA)

PGPD has primary responsibility on MTA transit facilities or rail facilities including, but not limited to MTA vehicles, commuter buses, trains, stations, within fenced-in track areas between stations, and on parking lots located in Prince George's County. PGPD has primary authority to direct, control, coordinate, and will be responsible for all follow-up investigations of the following offenses:

- ❑ Homicide, Murder, Manslaughter
- ❑ Rape
- ❑ Sex offense in the 1st or 2nd Degree

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- Kidnappings
- Robbery, Abduction and Carjacking
- All other crimes of violence as cited in Maryland Code, Criminal law Section 14-101a
- Traffic accidents involving death
- Incidents involving weapons of mass destruction (WMD) involving, but not limited to, chemical, biological, radiological, and nuclear (CBRN) devices
- All attempts, conspiracies, and/or solicitations to commit any of the offenses enumerated above

If the MTA Police are the first to arrive at the scene of an incident involving any of the above-listed offenses, the MTA Police shall notify the PGPD as soon as practical and the MTA Police shall provide initial law enforcement services as necessary, including, but not limited to arrest, filing and proceeding with charges and citations, and aiding in the prosecution, until the arrival of PGPD.

Prince George's County Community College (PGCC)

PGPD will render assistance when requested by the PGCC campus police. In such cases, the campus police shall be subordinate to PGPD officers.

Town of Berwyn Heights

In accordance with the terms of the written agreement between PGPD and the Town of Berwyn Heights, PGPD shall:

- Provide copies of law enforcement reports, upon request
- Provide all available crime information regarding the Town
- Respond to calls for service in the Town if a Town officer is not available or on duty
- Handle calls relinquished by the Town if believed to be in the best interests of time, public safety, or other significant considerations
- Take reports via telephone from Town residents via the Telephone Reporting Unit similar to other parts of the County
- Subsequent to a serious crime or major incident, provide technical expertise, including evidence collection, investigative services, and accident reconstruction upon request of a supervisory officer

Original and follow-up investigations of crimes or incidents occurring within areas under Town jurisdiction shall be handled by Town Police, except for the listed crimes or incidents:

- Homicide
- Rape in the 1st or 2nd Degree
- Sex offense in the 1st or 2nd Degree
- Child abuse, physical or sexual
- Extortion
- Hostage and Kidnapping

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- Commercial armed robberies
- Confirmed explosive devices
- All discharges of firearms by PGPD
- Shootings by Town Police officers in which an individual is struck by a projectile (contact shooting)
- Any allegation of misconduct by a PGPD officer
- Attempts and conspiracies to commit these crimes shall be handled by appropriate PGPD Investigators.

In all cases investigated by PGPD in the Town, PGPD will have sole responsibility for the crime scene. The PGPD will keep the Town's Police Chief apprised of the case status upon request, and will provide a final written report within 30 days after completion of the case.

Town of Bladensburg

PGPD investigates the following occurring within the Town:

- Homicides
- Rapes

The Bladensburg Police Department has primary responsibility for investigating homicides resulting from official acts of a Bladensburg police officer. PGPD may render assistance upon request.

Town of Edmonston

When a Town Police officer is not available, PGPD officers will respond to calls within the Town, rendering aid as required. The Edmonston Police Officer is the officer in charge until such time as that responsibility is yielded.

PGPD investigators handling cases in the Town shall keep the Town Police informed of the status of ongoing investigations.

Whenever a PGPD officer writes a police report that relates to an incident occurring in the Town, the patrol officer shall indicate in the report that a copy of it is to be forwarded to the Edmonston Police Department.

Copies of reports written by Town Police officers will be forwarded to the PGPD Records Section to be filed.

Town of Fairmont Heights

In accordance with the terms of the written agreement between PGPD and the Town of Fairmont Heights, PGPD shall:

- Provide copies of law enforcement reports, upon request

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- ❑ Provide all available crime information regarding the Town
- ❑ Respond to calls for service in the Town if a Town officer is not available or on duty
- ❑ Handle calls relinquished by the Town if believed to be in the best interests of time, public safety, or other significant considerations
- ❑ Take reports via telephone from Town residents via the Telephone Reporting Unit similar to other parts of the County
- ❑ Subsequent to a serious crime or major incident, provide technical expertise, including evidence collection, investigative services, and accident reconstruction upon request of a supervisory officer

Original and follow-up investigations of crimes or incidents occurring within areas under Town jurisdiction shall be handled by Town Police, except for the below listed crimes or incidents, and attempts and conspiracies to commit them which shall be handled by appropriate PGPD

Investigators:

- ❑ Homicide
- ❑ Rape
- ❑ Hostage and Kidnapping
- ❑ Use of explosive devices
- ❑ Arson
- ❑ Robbery

In all cases investigated by PGPD in the Town, PGPD will have sole responsibility for the crime scene. The PGPD will keep the Town's Police Chief apprised of the case status upon request, and will provide a final written report within 30 days after completion of the case.

Town of Forest Heights

PGPD investigates the following occurring within the Town:

- ❑ Homicide
- ❑ Rape
- ❑ T/A robbery

The Forest Heights Police Department investigates confirmed suicides, natural deaths, and street robberies. PGPD may render assistance upon request. PGPD officers responding to crimes in Forest Heights shall ensure that Forest Heights officers are notified. Copies of initial reports by Forest Heights officers are forwarded to the Records Section, and the appropriate unit in CID.

When Forest Heights officers make on- scene arrests involving homicides rapes or robberies, investigators shall assume custody and complete the processing of the suspect. Reports shall be forwarded to the Chief, Forest Heights Police Department, at the conclusion of the case. PGPD issues all press releases regarding these investigations.

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Town of University Park

Except as provided below, the Town Police shall handle a call for service received by the County that is determined to be located within an area under Town jurisdiction, unless the call is relinquished by the Town to PGPD.

PGPD will handle all preliminary and follow-up investigations for the following crimes or incidents:

- Homicide
- Rape in the First or Second Degree
- Sex Offense in the First or Second Degree
- Child Abuse
- Extortion
- Hostage and Kidnapping
- Commercial Armed Robberies
- Contact shootings – all discharge of firearms by PGPD officers
- Criminal investigations of shootings by Town Police officers in which an individual is struck
- Any allegation of misconduct by a PGPD officer

PGPD will keep the Town Police Chief, or designee, apprised of the case status, upon request. If requested by the Town Police Chief, or designee, an Executive Summary prepared by PGPD may be forwarded to the Town Police Chief, or designee, within 30 days after the case is completed. The Executive Summary shall be deemed confidential and used for official law enforcement purposes only. It may not be disseminated without prior notice to the PGPD Chief of Police.

United States Army Research Laboratory (ARL), Adelphi Laboratory Center (ALC) - Federal Property

(Title 50 United States Code, Section 21 – Internal Security Act of 1950)

PGPD responds to calls from designated officials at the ARL-ALC for assistance when officers need backup or when there is a threat to public safety. In those areas around and within the ARL-ALC where PGPD officers normally patrol, or have cause to be, the officers have full authority to take action on violations, or render necessary assistance.

Should a law enforcement situation arise where the need for resources exceeds the capability of the ARL-ALC staff, PGPD may render assistance as required (i.e., Special Operations Division, Emergency Services Team).

United States Fish and Wildlife Service, Patuxent Research Refuge

The Patuxent Wildlife Refuge is a federal reservation on which PGPD officers have law enforcement authority pursuant to the provisions of a written agreement. In accordance with the agreement, PGPD officers:

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- ❑ Shall respond to calls for assistance from designated officials at the Patuxent Research Refuge when law enforcement situations arise and when there is a need for backup or there is a threat to public safety
- ❑ Have full authority to take police action or render assistance in those areas within the Patuxent Research Refuge where PGPD officers might normally patrol, or have cause to be
- ❑ May render assistance, if requested by designated officials at Patuxent, when a law enforcement situation arises.
- ❑ Shall permit the use of District station detainee processing facilities when a Patuxent officer makes an arrest

United States Park Police (USPP)

(Title 16 United States Code, Section 1a-6(b))

USPP has exclusive jurisdiction in the following areas:

- ❑ Beltsville Agricultural Research Center
- ❑ Greenbelt Park
- ❑ Suitland Parkway passing through the Census Bureau and Andrews Air Force Base

PGPD shall provide law enforcement assistance to the USPP upon request. Requests for assistance shall be made through the PSC.

PGPD officers serve as “special police officers” when assisting the USPP, and shall act primarily as backup during such incidents. Officers are considered federal employees for the purpose of worker’s compensation or tort liability claims arising from these incidents.

USPP officers shall normally process arrests. If circumstances require a PGPD officer to make an arrest, USPP processing procedures shall be followed. USPP shall assist PGPD personnel in these instances.

USPP has primary jurisdiction in the following areas, where PGPD has concurrent jurisdiction:

- ❑ Baltimore-Washington Parkway
- ❑ Fort Foote
- ❑ Fort Washington
- ❑ Harmony Hall
- ❑ Marshall Hall
- ❑ Oxon Hill Colonial Children’s Farm
- ❑ Oxon Cove Park
- ❑ Piscataway Park

PGPD officers may enforce State or County laws within these areas. When doing so, they are considered County employees for the purposes of worker’s compensation or tort liability claims.

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When a PGPD officer makes an arrest at these sites, the officer will follow PGPD processing procedures.

If a PGPD officer acts or makes an arrest while within USPP jurisdiction, a supervisor shall be notified and an Incident Report completed. "USPP" will be placed in the COPY TO block of the Incident Report. In emergencies, notification will be made through PSC directly to USPP.

United States Secret Service (USSS) & Bureau of Alcohol, Tobacco & Firearms (BATF)

Responsibilities of the USSS include:

- Protecting certain U.S. officials and foreign heads of state
- Preserving the integrity of American and foreign currency systems
- Investigating the theft or fraudulent use of financial instruments, such as large- scale credit card fraud

Responsibilities of the BATF include the enforcing of federal regulations concerning:

- The specifications, uses and distribution of firearms and explosives
- The production and distribution of distilled spirits
- The payment of taxes on tobacco products.

BATF can track domestic and imported firearms from the manufacturer to the owner. BATF also retains files on registered weapons.

Officers obtaining routine information of potential interest to the USSS or BATF shall include such information on an Incident Report. Officers shall note "INTELLIGENCE UNIT" in the COPY TO block on the Incident Report. An

Intelligence Unit officer shall make the appropriate follow-up.

Officers shall refer the following information to USSS:

- Threats or harmful actions planned toward the President, Vice President, former Presidents or their families; foreign heads of State; major Presidential or Vice Presidential candidates
- Information regarding the forgery or counterfeiting of U.S. or foreign obligations, such as currency or bonds

When officers have information that requires immediate notification, they shall contact the appropriate agency directly by telephone. They shall also make telephone notification to NED. The officer will document the following in their report:

- Name of agency contacted
- Date and time of notification to agency and NED
- Name of agent notified
- Name of NED investigator

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University of Maryland Police (UMPD)

With respect to the enforcement of traffic laws, University of Maryland Police (UMPD) has concurrent jurisdiction with PGPD on U.S. Route 1, Baltimore Avenue, from its intersection with College Avenue to Lakeland Road. UMPD jurisdiction extends to those intersections adjacent to University of Maryland property, by which traffic enters or exits.

UMPD has concurrent jurisdiction with PGPD as it relates to the enforcement of all criminal laws within College Park adjacent to the University of Maryland campus.

When UMPD responds to the following incidents, they shall immediately notify PGPD:

- ❑ All UCR part I offenses
- ❑ Deaths other than those resulting from motor vehicle accidents
- ❑ Child abuse
- ❑ Crimes occurring on Prince George's County school property

Unless apprehension is made on the scene of the crime and immediately after its commission, UMPD may not arrest the perpetrator.

UMPD will attempt to handle civil disturbances occurring within their jurisdiction. If assistance is needed, they will request assistance from MSP, who will assume command from UMPD upon their arrival.

Departmental employees will not respond unless requested by MSP. PGPD will be subordinate to MSP; however, they will not be under the command of the MSP.

Washington Metropolitan Area Transit Authority (WMATA)

WMATA police (Metro Transit) have primary patrol responsibility for WMATA facilities, however, they share concurrent jurisdiction with PGPD on all WMATA facilities in the County.

Metro Transit and PGPD are jointly responsible for reporting incidents occurring at WMATA facilities. Generally, the first officer on the scene of such calls completes the initial report.

Officers who observe violations of the law shall make arrests. When a violation is reported but no officer observed the violation, the first responding officer shall make the arrest if probable cause can be established.

PGPD investigates all traffic accidents occurring on WMATA facilities in the County, including accidents involving a WMATA bus, County school bus, or bus owned by a government agency other than owned by the State. If the accident occurs in a municipality, the municipal police department may investigate the accident. **See: VOLUME II, CHAPTER 1. ACCIDENT INVESTIGATION.**

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When a vehicle must be removed from WMATA facilities, the towing of the vehicle shall be handled by the agency reporting the incident.

Arrests and search warrants shall be executed by the agency holding them. Metro Transit will notify PGPD prior to executing warrants in the County. PGPD shall notify Metro Transit prior to executing warrants at WMATA facilities.

All arrests in the County are processed using PGPD procedures. Metro Transit officers process prisoners at PGPD facilities, and will perform processing as appropriate.

PGPD may assist with prisoner transport when a Metro Transit vehicle is not available. In such cases, the Metro Transit officer will assume custody of the prisoner at the PGPD facility. When an individual arrested by Metro Transit requires medical treatment, they will transport them to the nearest hospital in the County prior to bringing them to any PGPD facility. If PGPD transports a Metro Transit prisoner to a hospital, Metro Transit shall respond and stand by with the prisoner.

Responsibility for follow up investigations rests with the agency filing the report. This includes crime scene processing and evidence collection. PGPD has primary investigative responsibility for:

- Deaths, except suicide by train
- Homicides
- Rapes
- Robberies

Exceptions may be approved upon agreement between Metro Transit and PGPD commanders.

PGPD assists Metro Transit with:

- Examination, storage, and destruction of CDS and firearms seized in the County
- Chemical testing of suspects in DWI cases

5. Out of County Incidents

Except in situations described elsewhere in the GOM, officers shall not patrol or be dispatched to calls for service beyond the borders of Prince George's County. Persons outside the County who desire to file reports shall be referred to the Telephone Reporting Unit (TRU) or advised to file the report upon their return to the County.

Extra-jurisdictional authority applies to emergency situations occurring in a visited jurisdiction within the State of Maryland. Except where task force operations are concerned, it does not apply to continuing investigations that take an officer across jurisdictional boundaries. Therefore, officers who travel to other jurisdictions while investigating County incidents shall not, pursuant to the County case, make arrests or seize evidence. Officers may, however, accept evidence that is voluntarily surrendered by a cooperative witness, and may transport unarrested suspects back to the County if the suspects are willing.

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6. Calls Along County Borders

The PSC shall dispatch units to calls along the County's borders when the exact location or proper jurisdiction is in doubt. Upon arrival, the responding officer shall notify the dispatcher to request the appropriate agency's response if the call is found to be outside the County.

If the call is located outside the County and the other jurisdiction has been requested, the officer does not need to stand by pending the arrival of that officer. However, if circumstances suggest that any person's safety or property will be in danger if the officer departs, the officer shall stand by and, if necessary, take immediate action to protect that person's safety or property in accordance with section 11. Extra- Jurisdictional Incidents Outside the County, of this chapter. Officers shall complete an Incident Report for all actions and citizen contacts occurring in the neighboring jurisdiction.

7. Travel Outside the County in Departmental Vehicles

Employees may remove Departmental vehicles from the County for official business. This includes traveling in areas adjacent to the County border while on duty, performing follow-up investigations, or attending assigned functions. Notification to PSC shall not be made unless deemed necessary for officer safety purposes. Authorization must be obtained from the appropriate Commander/Director for other on-duty use outside the County. **See: VOLUME I, CHAPTER 10. DEPARTMENTAL VEHICLES**

8. Shift Commander Authority

A shift commander may direct an officer to respond outside the County to take an initial report in any serious or sensitive matter in which a delayed preliminary investigation may jeopardize the successful resolution of a case.

9. Response to Out-of-County Hospitals

Public Safety Communications (PSC) accepts requests for service at out-of-county hospitals in the Washington metropolitan area. Prior to dispatching, however, the PSC supervisor shall notify the appropriate sector supervisor, who shall determine whether or not a response is appropriate.

The sector supervisor may cancel a response in minor cases when delaying the taking of a report will not jeopardize the successful resolution of the case or cause physical evidence to be lost.

If the supervisor does not approve a response, PSC shall call the hospital back to confirm cancellation of the call, and explain alternatives regarding TRU or the victim reporting the incident upon their return to the County.

Response is mandatory in the following cases:

- All death cases, including accidental or unattended
- Rapes, attempted rapes and other sexual assaults

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- ❑ All felony assaults, including all shootings and cuttings
- ❑ Suspected or confirmed child abuse cases
- ❑ Robberies or abductions, including attempts
- ❑ Motor vehicle accidents involving incapacitating injury

When an immediate follow-up response by an investigator is likely to be necessary, the supervisor may request that a shift commander direct an investigator to respond and write the initial report, rather than a uniformed officer.

An officer taking a report at an out-of-state hospital shall request a hospital security officer, or police officer from the host jurisdiction, to stand by as a precautionary measure if the suspect is present.

Exceptions

No provision of this section limits the authority of any officer to take action in another jurisdiction when:

- ❑ Pursuing a suspect into a neighboring jurisdiction under the doctrine of fresh pursuit
- ❑ Deployed under a mutual aid agreement
- ❑ Dispatched into a neighboring jurisdiction in response to that jurisdiction's request for assistance
- ❑ Operating in a multi-jurisdictional task force

10. Extra-Jurisdictional Incidents in the County

(Criminal Procedure 2-102)

The Department shall assist officers from other jurisdictions who take emergency police action in the County. Assistance includes, but is not limited to, transporting prisoners, processing evidence, investigative support, and providing fingerprint cards and equipment.

Officers are not required to confirm probable cause or examine the facts of a case before rendering general assistance to officers of another jurisdiction. They shall rely upon a good faith expectation that the officer is acting properly, unless circumstances suggest otherwise.

Prior to any PGPD officer transporting a prisoner, accepting custody of a prisoner, or accepting transfer of investigative responsibility for a case, the facts of the case shall be examined and the probable cause for arrest confirmed. If the responding officers believe that the outside agency officer's conduct is improper, or that the arrest is unlawful, they shall request a supervisor.

If the supervisor concurs, they shall ensure that no transfer of prisoner custody or responsibility for the case occurs. A PGPD officer shall not transport the prisoner. Obtaining an alternative means of transport shall be the outside agency officer's responsibility.

If probable cause is judged insufficient or their actions improper, the outside agency officer shall be allowed to use the Department's facilities, including processing facilities and equipment, to

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expedite the prisoner's presentment to a District Court Commissioner. However, the desk officer shall not accept custody of the detainee and shall limit their control over the detainee to the extent necessary to ensure the safety and security of the prisoner and other persons within the processing facility.

If an officer from another jurisdiction notifies a PGPD officer of extra-jurisdictional action in the County, the PGPD officer shall notify the PSC supervisor.

PSC shall dispatch an officer if:

- The outside officer is still on scene
- The conflict has not been resolved
- A report remains to be taken for a criminal offense that occurred in the County subsequent to the jurisdictional incident

If none of these conditions exist, the PSC supervisor shall notify the appropriate District Investigative Section or CID. The component receiving the notification shall initiate an investigation. The extent of the investigation shall be determined by the circumstances of the incident.

The investigator shall complete an Incident Report and place "034" in the SPECIAL STUDIES block. If no criminal offense is confirmed, they shall title the report, "EXTRA-JURISDICTIONAL INCIDENT." If a criminal offense is confirmed, they shall title the report with the appropriate criminal violation, and write "EXTRA- JURISDICTIONAL INCIDENT" in bold letters across the top margin. The report shall:

- List the outside officer's name, ID number, agency, and telephone number
- List names, addresses, and telephone numbers of all victims, witnesses and suspects
- Describe the actions of the outside officer and the assisting PGPD officers, indicating whether transfer of prisoner custody or investigative responsibility occurred

The Incident Report shall be attached to a CIR, and a copy faxed to the Office of the Chief and Patrol Services before the end of the officer's tour of duty.

Officers who assist outside agency officers, and employees who receive notifications of extra-jurisdictional actions, shall request the outside officer to forward copies of their agency's reports to the Records Section.

The Department may accept custody of detainees and assume investigative responsibility for a case if the outside officer consents. In such instances, the outside officer shall provide a written statement regarding their actions, and be summoned as a police witness. If custody of the detainee is transferred, a PGPD officer shall prepare the report, process the detainee, and present them before a District Court Commissioner.

If the extra-jurisdictional incident involves a felony, the appropriate investigative component shall

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be notified and make an effort to assume investigative responsibility, including accepting custody of all lawfully arrested individuals. If the outside officer refuses to transfer the case, the officer's agency shall be contacted and a request for cooperative transfer made. If the officer's agency refuses, appropriate support will be provided and the refusal shall be noted in the Incident Report.

The Department reserves the right to decline custody of any detainee and responsibility for any case.

11. Extra-Jurisdictional Incidents Outside the County

Any officer who discovers an incident requiring police attention in another jurisdiction in the state of Maryland shall cause notification to the police agency for the area of occurrence.

The officer need not wait for the other agency. However, if immediate action is necessary to prevent personal injury or property damage, the officer may take such action if permitted by law.

When taking action in another jurisdiction, the officer continues to be governed by PGPD written directives.

All provisions of this section apply to on- duty and off-duty actions.

Authority of Officers

Officers may exercise police powers in other Maryland jurisdictions if:

- An emergency, as defined in section III. DEFINITIONS, exists
- Requested by the host jurisdiction's officer or by MSP
- Assisting an officer, even if such assistance was not specifically requested
- Operating in a joint investigation or task force involving other federal, state or local law enforcement agencies, provided that at least one of those agencies has local jurisdiction

When taking action in one of these situations, officers are empowered with full police authority, except that they shall not enforce any motor vehicle law. The officers may make criminal arrests, seize evidence, conduct investigations and take other appropriate actions to enforce state laws.

While performing these duties in the host jurisdiction, the officer enjoys the same immunities from liability that apply in their home jurisdiction, as well as any immunities that apply to MSP officers. The officer remains for all purposes a PGPD employee.

Notifications

Officers who take action in another jurisdiction shall notify the host jurisdiction's police department (or sheriff's department when no police department exists) as soon as practical.

If the incident occurred in a municipality, notification shall be made to the municipal police rather

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than the County agency. If the incident occurred on state owned or controlled property, notification shall be to the appropriate state agency.

When the action is taken pursuant to a task force or joint investigation, the officer shall ensure that notification is made in advance of the action if practical. Notification to the host jurisdiction's participating officer may be sufficient although other procedures may be required for certain agencies.

When making notification, the officer may request that the host agency respond to the scene of any incident. Such a request is mandatory if:

- An arrest is made
- The officer displayed a weapon or used force
- A person was injured
- A felony occurred
- An offense report is necessary
- Evidence is available for processing or unattended property needs to be recovered or guarded
- There is a reason to believe further disturbances will occur after the officer's departure

The officer shall notify the supervisor, PSC, within one hour following completion of an extra-jurisdictional action, except when the action was taken as part of their standard duties in a task force or joint investigation.

PSC Duties

Upon notification that an officer is involved in an extra-jurisdictional action, PSC shall immediately notify the appropriate host agency by telephone unless the officer has already done so. If a local host agency in the State of Maryland cannot be identified or contacted, PSC shall notify MSP.

The PSC supervisor shall ensure that the name and assignment of the host agency official accepting notification is provided to the officer involved in the extra-jurisdictional action.

Transporting Prisoners

If the officer makes an arrest and does not have a Departmental vehicle appropriate for prisoner transport, they shall request that the host agency make the transport. If the host agency refuses, the officer shall contact PSC for guidance from a Command Officer.

Unless authorized by a Command Officer, prisoner transports in privately owned vehicles are prohibited except in emergencies or when timely contact with appropriate authorities is physically impossible, such as arrests occurring in an isolated rural area without phone or radio.

Prisoners shall be transported to a police or court facility in the host jurisdiction and shall not be brought back to Prince George's County, except when transport to a different location is specifically authorized within a task force or joint investigation.

**VOLUME II, CHAPTER 12, CONCURRENT JURISDICTION, MEMORANDA OF UNDERSTANDING,
AND EXTRA JURISDICTIONAL INCIDENTS**

Investigative Responsibility

The law does not require responsibility for a case or custody of a prisoner to transfer to the host agency. However, PGPD officers taking action in other jurisdictions shall offer such transfer unless the officer discharged a weapon, injured a person during their action, or took that action in the course of a joint investigation or task force operation.

If the officer's firearm discharged or injury occurred, the officer shall notify a Command Officer for determination regarding any transfer of the firearm. The officer may consult with a Command Officer in any other situation when they believe transfer may be inappropriate.

If the action occurred as a result of a task force or similar joint investigation, procedures previously agreed upon by participating agencies establish investigative responsibility or identify the person who will make that decision.

The host agency may accept or decline a transfer of investigative responsibility. If the host agency accepts, officers shall yield authority to the assigned host investigator, cooperate with the investigator, and make themselves available as a witness for court.

If the case is not accepted by the host agency, the officer shall have complete investigative responsibility as if the crime occurred in Prince George's County. If they have made an arrest, they shall charge their prisoner on a statement of charges and present the prisoner to a District Court Commissioner in the host jurisdiction. They shall also recover and process evidence, obtain statements, coordinate with the local State's Attorney's Office, and perform all other appropriate follow-up investigation.

The officer's Commander may assign an investigator to assist the officer with follow-up duties if appropriate.

Processing & Reports

Whenever an officer takes action in another jurisdiction, they shall complete an Incident Report upon their return to the County. The report shall:

- Describe the officer's actions and identify the reasons why action was taken
- List the names, addresses and phone numbers of all known victims, witnesses and suspects (if the host agency processes a PGPD apprehended prisoner, list the host agency's processing ID number for that prisoner)
- Record the date, time and method of notification to the host agency and identify, by name, the host agency's official who received that notification
- Describe the host agency's response or supporting actions, and indicate whether a transfer of custody or investigative responsibility occurred
- Place "034" in the SPECIAL STUDIES block
- List the out-of-county address of occurrence in the LOCATION block

**VOLUME II, CHAPTER 12, CONCURRENT JURISDICTION, MEMORANDA OF UNDERSTANDING,
AND EXTRA JURISDICTIONAL INCIDENTS**

If the officer makes an arrest and the host agency accepts custody of the prisoner, the host agency is responsible for prisoner processing and completion of required paperwork. No documents other than the Incident Report are required of the officer.

If the host agency does not accept custody and the prisoner is charged by the officer, the officer shall obtain a PGPD arrest number for use with the charging document, and shall complete a PGPD Arrest Report upon their return to the County. They shall also fingerprint, and, if possible, obtain a photograph of the prisoner using the host agency's facilities and equipment. If the host agency refuses to provide cards or allow use of its equipment, they shall not process the prisoner, and shall note the host agency's refusal in the Arrest Report narrative.

Scheduled Prisoner Transport

Such transports do not include removal of prisoners from the scene of an arrest.

Officers shall maintain custody and control of prisoners during scheduled transports in other Maryland jurisdictions. They are authorized to use the same degree of force necessary to control the prisoner or prevent escape as would be permitted in the County.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.1, 1.2.5, 1.3.1, 2.1.2, 2.1.3, 2.1.4, 41.2.1, 82.2.1

Governing Legislation:

- ❑ Criminal Procedure 2-101
- ❑ Criminal Procedure 2-102
- ❑ Criminal Procedure 2-106

In accordance with Section 18-190 of the Prince George's County Code, personnel of the Department, together with all necessary equipment, may lawfully go or be sent beyond the boundaries of Prince George's County to any point within or without the State of Maryland under the following circumstances:

- ❑ Upon the direction of the Chief of Police or their designee acting at the request of the State of Maryland, another state, the District of Columbia, or a County or municipal corporation
- ❑ Pursuant to a mutual aid agreement
- ❑ Pursuant to any statute of the State of Maryland, an ordinance of Prince George's County, or other lawful authority. (CB-126-1987)

**VOLUME II, CHAPTER 13, CONTACTS WITH DIPLOMATS & ARREST OR DETENTION OF
FOREIGN NATIONALS**

**13. CONTACTS WITH DIPLOMATS & ARREST OR DETENTION OF FOREIGN
NATIONALS**

(February 2011)

I. POLICY

Some foreign nationals in the United States are entitled to diplomatic immunity. When it is established that an individual is entitled to diplomatic immunity, officers will respect their privileges.

It is the policy of the Department to comply with all United States treaty obligations on consular notification and access, and to ensure that prompt notifications of consular officials are made on behalf of foreign nationals that have been arrested or detained.

II. CHECKLIST (N/A)

III. FORMS

- Commander's Information Report (PGC Form #1545)
- Consular Advisement Form (PGC Form #5233)
- Consular Notification of Arrest or Detainment (PGC Form #5197)
- Incident Report (PGC Form #3529)
- Special Report (PGC Form # 3530)

IV. DEFINITIONS

Detention: Refers to periods longer than reasonably required to verify identification, reconcile a minor problem, or record information for a police report

Foreign Mission: Personnel and official premises of:

- A foreign government, including embassies and consulates
- An international organization, including diplomatic missions of the organization
- Missions authorized under the Foreign Mission Act of 1982

Foreign National: Any individual who is not a citizen of the United States, including lawful permanent residents in the United States who have a resident alien registration card ("green card") and undocumented or "illegal aliens"

Full Immunity: Accorded to certain personnel of foreign governments who have been accredited to the U.S. In some cases, this immunity covers both criminal and civil process; in others, only criminal process. Individuals with criminal immunity may not be:

- Detained longer than necessary to verify immunity status
- Arrested
- Prosecuted

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- ❑ Subjected to searches
- ❑ Required to give evidence as witnesses

Functional Immunity or Official Acts Immunity: Individuals are not immune from detention or arrest, but may assert immunity for actions carried out in the course of their official duties as an affirmative defense

Vehicle Representative: Any individual authorized by a foreign mission to be responsible for any vehicle used by the mission, whether it bears diplomatic registration plates or not

Vienna Convention on Consular Relations (VCCR): A multilateral treaty to which the United States and more than 170 other countries are a party and which sets forth international legal obligations designed to ensure that governments can assist their nationals who live and travel abroad

V. PROCEDURES

1. Levels of Diplomatic Immunity

There are three broad categories of immunity:

Full Immunity: The following and their immediate family members are immune from arrest, detention, and prosecution:

- ❑ Diplomats, including those in transit to a diplomatic post
- ❑ Embassy administrative and technical staff members

Staff Employee Immunity: Staff members of international organizations, service staff members, and consular employees may be charged with any crime. Immunity is determined by the courts.

Consular Immunity: Consular officers may be arrested for felonies when a charging document has been issued; they are immune from arrest for other acts or those committed as part of their official business; the courts determine immunity. Honorary consuls have official acts immunity but may be arrested for commission of any crime.

Officers shall contact the U.S. State Department to determine the proper course of action when dealing with individuals who claim diplomatic immunity.

Officers may temporarily detain individuals claiming diplomatic immunity. They shall request that the individual produce identification to verify their claim. Accredited diplomats carry a U.S. State Department identification card. The reverse side of the card lists the level of immunity to which the individual is entitled. If the individual does not have a State Department card in his or her possession, officers shall telephone the State Department.

If immunity is verified, the officer shall release the individual and complete an Incident Report. He shall write "U.S. STATE DEPARTMENT" in the COPY TO block. If the diplomat is a

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member of the U.N., the officer shall write “HOST COUNTRY SECTION, U.S. MISSION TO THE U.N.” in the COPY TO block of the report.

Officers may use necessary force to preserve public safety or stop a battery against anyone. An arrest will not be made; the officer will complete an Incident Report.

When an officer is the victim of a battery by a diplomat, a supervisor shall investigate the incident, and prepare a CIR.

2. Searches & Seizures of Property

Official documents, correspondence, and papers of an individual entitled to immunity may not be searched.

3. Registration Plates

The U.S. State Department issues diplomatic registration plates. Two plates are issued to each vehicle. The registration plates do not determine the level of immunity to which the driver of the vehicle is entitled. Immunity attaches only to an individual; occupants of a vehicle bearing diplomatic registration plates may not have immunity.

Vehicles bearing the following U.S. State Department registration plates are immune from search and seizure:

- Diplomatic plates that begin with the letter “D”
- Staff plates that begin with the letter “S”
- Plates with the words “United Nations” on the upper right corner

Occupants of diplomatic vehicles suspected of being stolen or involved in the commission of a crime may be required to present identification. If the vehicle is stolen or was used in the commission of a crime, its inviolability is suspended, and search and seizure of the vehicle are permissible. Articles within the vehicle remain inviolable.

If the occupants are not authorized to use the vehicle, whether or not they are entitled to immunity, the vehicle shall be released to a vehicle representative or impounded for safekeeping. Such vehicles shall be processed for evidence only at the owner’s direction or with supervisory authorization.

The validity of a diplomatic driver’s license should be verified separately. The status of drivers’ licenses and registration plates issued by the State Department may be queried through NLETS.

4. Traffic Violations

(Maryland Vehicle Law 16-901)

Officers confronting individuals who have committed a moving violation under the vehicle laws or regulations of this State or any local authority, and display a U.S. State Department issued driver’s

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license or otherwise claim diplomatic immunity shall:

- ❑ Contact the U.S. State Department at 202-647-7277 to verify immunity
- ❑ Document all relevant information from the driver's license or identification card
- ❑ Forward to the Motor Vehicle Administration copies of any accident reports, incident reports (write "MVA" in the COPY TO section), citations, or other charging documents issued to the driver within 5 workdays of the incident through the Records Section.

Officers may issue traffic citations for any violation of the Maryland vehicle laws, however:

- ❑ The violator's signature on the citation is not mandatory
- ❑ The violator, if entitled to criminal immunity, shall not be arrested or subjected to any test without his or her permission

When individuals with immunity are detained for longer than several minutes or removed from the scene, they shall be provided with access to a telephone.

Officers shall complete an Incident Report whenever they issue a citation to a diplomatic or consular officer.

When dealing with individuals who are suspected of driving while intoxicated and have diplomatic immunity, officers shall ensure that the individual does not endanger himself or herself or the public. The officer may:

- ❑ Offer field-sobriety or chemical tests
- ❑ Safeguard the violators until they are capable of driving safely
- ❑ Park and secure the violator's vehicle
- ❑ Provide transportation to the violator

Parking Violations

Vehicles bearing diplomatic registration plates may be towed only if necessary to prevent a serious obstruction of traffic. When possible, the officer shall attempt to contact a vehicle representative and seek voluntary removal of the vehicle.

If towed, the vehicle will be moved to the closest available legal parking space. The officer shall request that a vehicle representative accept financial responsibility for the crane service. If the representative is unavailable, unwilling, or unable to do so, the officer shall sign the tow service invoice and advise the crane operator to submit it to the Fiscal Management Division (FMD) for payment. When a diplomatic vehicle is moved by crane at an officer's direction, the officer shall complete an Incident Report, noting "FMD" in the COPY TO block.

Notifications

If a diplomat is seriously injured or dies in the County, the appropriate District Commander or ODC will make notification to:

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- ❑ The diplomat's embassy
- ❑ The U.S. State Department

5. Arrest or Detention of Foreign Nationals

A foreign national is any individual who is not a citizen of the United States. Therefore, everyone arrested/detained who is not a citizen and is in the United States either legally or illegally is a foreign national.

For purposes of the consular notification process, an "arrest" or "detention" which results in a foreign national being incarcerated for more than a few hours triggers notification requirements. A brief traffic stop or an arrest resulting in a citation for a misdemeanor and release at the scene ("citation in lieu") does not trigger notification requirements.

When officers arrest or detain a foreign national in accordance with this policy, (an EPS situation or situation involving a foreign national being quarantined included), they shall determine whether a foreign national's consulate must be notified or whether notification of the consulate is optional. To determine whether an individual's country requires notification of the consulate of the arrest or detention, the officer can:

- ❑ Check the issued *Consular Notification and Access Reference Card*
- ❑ Check the *Consular Notification and Access Manual* (available electronically on the I-Drive in the "Consular Notifications" folder and available in printed form in PGPD facilities)
- ❑ Check the State Department's web site at http://www.travel.state.gov/law/consular/consular_753.html
- ❑ Contact the U.S. State Department at (202) 647-4415 during business hours and (202) 647-1512 after hours

Contacting the State Department for guidance does not trigger a consular notification by them. It is law enforcement's responsibility to notify the consulate. The State Department in this regard is merely a resource as far as questions, guidance, or to ascertain a consulate's phone or fax number.

When encountering a foreign national from a country with which the United States does not have diplomatic relations, the State Department must be consulted.

Should an officer encounter a situation not covered by this directive or the *Consular Notification and Access Manual*, he/she should contact the State Department.

Mandatory Notification

When the treaty with the arrestee's country of citizenship requires notification, the reporting officer shall make the notification as indicated in this directive. The arrestee does not have the right to refuse consular notification when notification is required by treaty.

In order to comply with the VCCR and other agreements with provisions on consular notification and access, the State Department recommends that the Statement Forms in the *Consular*

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Notification and Access Manual be utilized. The manual provides Statement Forms that have been translated into various languages. The *Statement 2* form pertains to those foreign nationals who are from a country for which a mandatory notification of their consulate is required.

For non-English-speaking foreign nationals, he/she should be shown the Statement Forms in the *Consular Notification and Access Manual* so the Statement Form for the language they speak can be located. Once the appropriate Statement Form is located, a blank copy of the form should be made and the foreign national will be afforded the opportunity to read it. After reading it, the foreign national should be asked to sign the form as an indication that he/she received the information. They cannot be forced to sign the form and there is no penalty for their refusal.

If a foreign national refuses to sign the form, the officer will write "Refused to Sign" in the signature area and list their name and I.D. number in the witness area of the form, along with the CCN number(s) in a conspicuous location on the form. The original of this form is submitted with the copy of the report that is forwarded to the Records Management Division. The officer is encouraged to keep a copy of this form for their records.

After completing the aforementioned Statement Form, the foreign national's consulate must be notified without delay. Using a completed *Arrest or Detainment Form* (PGC Form #5197) as the preferred method of consular notification, the officer shall fax the aforementioned form to the appropriate consulate, and retain a copy of the fax verification receipt to confirm that notification was sent. If notification cannot be made by fax, notification of the consulate will be made by phone and the officer shall document:

- The name of the individual notified
- Date and time of the notification
- Name of consulate's country

Notifications by phone shall be documented on the following reports (whichever is appropriate):

- Incident Report
- Alcohol/Drug Influence Report
- Continuation Report
- Special Report

After notification of a consulate has been made by fax or phone, the foreign national will be advised of the notification.

Optional Notification

In many cases, the foreign national has the option to decide whether to have consular representatives notified of their arrest or detention because the treaty does not require their consulate be notified. However, to ensure the foreign national is aware that they may have their consulate notified, a blank *Statement 1* form will be utilized and completed by the foreign national and the officer. If the foreign national indicates that they want their consulate notified (as

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indicated by “Yes” being circled on the *Statement 1* form), the officer will proceed as outlined in the *Mandatory Notification* section of this directive.

If the arrestee declines notification, the word “No” will be circled on the *Statement 1* form, no notification will be made of the consulate, and the foreign national’s declination will be documented in the officer’s report. The original *Statement 1* form will be attached to the report to be forwarded to the Records Management Division. The officer is encouraged to keep a copy of the form for their records.

Consular Access

Detained foreign nationals are entitled to communicate with their consular officers. Any communication by a foreign national to his or her consular representative must be forwarded to the consular post without delay. Subject to security considerations, consular officers shall be permitted to visit and speak with the arrestee and to arrange for their legal representation. The consular officer must refrain from acting on behalf of a foreign national, however, if the arrestee opposes their involvement.

The activities of consular officers are covered by the *Consular Notification and Access Manual*.

6. Death of a Foreign National

When a foreign national dies, the investigating officer shall ensure that the foreign national’s consulate is notified as soon as practicable via fax utilizing a *Notification of Death, Serious Injury, or Illness of a Foreign National of Your Country* form.

While fax is the preferred method of notification, telephone notification is acceptable if fax notification is not possible or is impractical. Notifications, reporting, and documentation will be handled in a manner similar to arrests and detention.

If the death results from a traffic collision, consular notification will be made by the investigating officer. If notification is not made by fax, the investigating officer will document the notification on an Incident Report in conjunction with the MAARS Report.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 1.1.4, 1.2.4, 1.3.1, 55.2.6, 61.1.2, 61.1.3, 61.1.13, 61.4.3, 82.2.1

Governing Legislation:

- ❑ Diplomatic Relations Act of 1978 (22 USC 254)
- ❑ Maryland Vehicle Law 16-901

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Reference:

- Vienna Convention on Consular Relations (VCCR)
- Consular Notification and Access Manual

The matrix found in this directive provides guidance for interacting with diplomats.

The U.S. Department of State publishes the following documents that may aid officers in determining an individual's immunity status:

- Blue Book – Lists accredited diplomatic officers and their spouses
- White List – Lists administrative, clerical and service personnel of diplomatic missions
- Grey List – Lists foreign consular officers in the U.S.
- Consular Notification and Access Reference Card: Instructions for Arrests and Detentions of Foreign Nationals

VOLUME II, CHAPTER 14, EMERGENCIES AT THE COUNTY COURTHOUSE

14. EMERGENCIES AT THE COUNTY COURTHOUSE & COUNTY CORRECTIONAL CENTER

(May 2007)

I. POLICY

The Office of the Sheriff for Prince George's County (OSPG), in cooperation with the Police and Fire Departments, has implemented the following policies and procedures to handle emergency situations at the County Courthouse.

Courthouse identification and weapons policies stress prevention as means of reducing the chance that a serious incident will occur.

II. CHECKLIST (N/A)

III. DEFINITIONS

Emergency: Incidents where serious injury, death, or major property damage is imminent

IV. FORMS (N/A)

V. PROCEDURES

1. County Courthouse

Fire/Smoke

Employees who see smoke or fire shall:

- Activate the nearest fire alarm
- Notify Public Safety Communications (PSC) which will in turn notify the OSPG
- Respond to the parking lot next to the commissioner's entrance to receive an assignment from an OSPG Supervisor

Bomb Threat

If an officer receives information concerning a bomb threat, he or she shall notify an OSPG Building Security Officer.

Officers observing a suspicious package or container shall:

- Notify the OSPG Building Security Officer
- Isolate the immediate area around the suspicious package or container and continue to observe it from a safe distance pending the arrival of the OSPG
- Not touch or tamper with the item

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Assaults, Escape Attempts, & Barricades

Officers who observe a concealed weapon on an individual that is not displaying law enforcement photo identification and badge shall immediately contact a Sheriff's Deputy or OSPG Building Security Officer. Officers shall not take action unless another immediate threat exists.

Warrant Service in Courtrooms and in Other Areas of the Courthouse

When an officer is in a courtroom and observes an individual who he or she knows to have an open warrant, the officer shall inform the Bailiff or Sheriff's Deputy assigned to the courtroom. The Bailiff or Sheriff's Deputy will then coordinate the apprehension of the individual. Absent an emergency situation, officers shall not take police action inside of a courtroom unless directed to do so by the presiding judge.

When an officer is in another part of the courthouse (outside of a courtroom) and observes an individual who he or she knows to have an open warrant, the officer shall inform the nearest Sheriff's Deputy. The Sheriff's Deputy will then coordinate the apprehension of the individual. Absent an emergency situation, officers shall not take police action inside the courthouse.

2. County Correctional Center

Standard Operating Procedures from the following components govern the Department's response to unusual occurrences at the County Correctional Facility:

- CID
- District II
- SOD

Duties of Responding Officers

Any officer made aware of an unusual occurrence at the correctional facility shall immediately notify PSC.

If the officer is on the scene, he or she shall assess the situation, and request appropriate assistance through PSC. If possible, the officer shall attempt to contact correctional representatives. The officer shall remain on the scene in order to brief District II officers upon their arrival.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standard 12.1.4, 46.1.5, 81.2.5

VOLUME II, CHAPTER 15, COURT APPEARANCES & SUMMONS SERVICE

15. COURT APPEARANCES & SUMMONS SERVICE

(May 2012)

I. POLICY

Departmental employees' normal work activities will routinely necessitate their appearance in criminal and civil proceedings. Employees shall accept summonses and subpoenas and shall appear for all legal proceedings when properly served.

II. CHECKLIST (N/A)

III. DEFINITIONS

ASA: Assistant State's Attorney

CLU: Court Liaison Unit

FMD: Fiscal Management Division

FTA: Failure to Appear

HJC: Hyattsville Justice Center

PGSD: Prince George's Sheriff's Department

SAO: State's Attorney's Office

Stand-by: When an off-duty employee is required to be available to return to work and perform duties within one hour of recall

IV. FORMS

- Compensation Request Form (PGC Form #2757)
- Request for Grand Jury/State's Attorney Subpoena Form (PGC Form #5079)
- Sick Notification Log for District Court (PGC Form #4547)
- Court Case Disposition Form (PGC Form #5240)
- Failure to Appear Form (PGC Form #5241)
- Notice of Unavailability (PGC Form #5245)

V. PROCEDURES

1. Court Summonses

Employees, whether on-duty or off-duty, shall accept any legal court, civil, or administrative process served on them personally unless such service directly interferes with an immediate police operation or task.

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Supervisors shall not take employees out of service to enable attorneys or process servers to serve civil subpoenas. Generally, summons or subpoena service should be accomplished before employees go in service.

Employees shall not accept service of process, subpoenas, or certified registered mail on behalf of another. This does not include receiving subpoenas from the SAO or PGSD for criminal cases. The Commander, Records Management Division may designate an employee to accept summonses for an unavailable employee.

All incoming court and administrative hearing summonses, including summonses faxed from the SAO, will be directed to the District's/Division's summons control officer. The following are some examples of administrative agencies:

- Motor Vehicle Administration
- Animal Control Commission
- County Board of License Commissioners (Liquor Board)

2. Summons Control

Each Commander shall appoint a summons control officer. All incoming court or administrative summonses, including summonses faxed from the SAO, will be directed to the District's/Division's summons control officer.

Summons control officers receiving a summons for an employee not under their command shall complete a new transmittal sheet and forward it to the summons control officer at the employee's new assignment. The receiving summons control officer will contact the Court Liaison Office to advise of the employee's current assignment. The receiving summons control officer, after obtaining a signature for the summons, shall return the transmittal sheet to the summons control officer who originally received the summons.

A summons received for an employee that is no longer assigned to the receiving District/Division, and cannot be delivered to the affected employee through Departmental mail in time to prevent an FTA, shall be faxed to the employee's current District's/Division's summons control officer. The summons control officer faxing the summons will also contact the District/Division receiving the fax to ensure that it was received.

The summons control officer will enter all summonses in a logbook, noting the employee's name, summons or case number, defendant's name, and the date. Supervisors will check the log daily and, as necessary, ensure summons distribution. Receiving employees will sign the log reference entry.

If an employee is on extended leave, the supervisor will ensure that the Court Liaison Office is notified. If unable, the supervisor shall notify the Commander's office, which shall ensure that appropriate notification is made using the Notice of Unavailability Form.

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In cases when a prosecuting attorney calls an employee's assignment to discuss a case, the summons control officer or a supervisor shall attempt to notify the employee including calling the employee at home if necessary.

3. **Attendance Required**

The PGPD will accept court summonses from the PGSD or the SAO, provided that there is sufficient time to distribute the summonses to the affected employees before the trial date. If not, the PGSD or SAO is responsible for service. Faxed summonses from the SAO will only be accepted in emergencies.

When employees have been properly served or have received any legal court, civil, or administrative process to appear in a judicial proceeding (in- or out-of-state), they shall appear as ordered unless approved by the SAO for telephone standby, as described below in the Section ***Telephone Stand-by Procedures***. They shall neither leave nor fail to appear at any proceeding unless released by the court or summoning authority.

In the event that employees receive two or more summonses for the same date and time but different locations, they shall:

- ❑ Immediately notify the Court Liaison Office
- ❑ Immediately notify the Assistant State's Attorney for each courtroom (in minor traffic cases, the court clerk); record the names of the individuals notified, date, time, and any directions given
- ❑ Notify their supervisor of the conflict and the individuals who were notified
- ❑ The supervisor shall confirm the notifications to the Court Liaison Office and the ASA/court clerk

Check-in/Check-out Procedures for Court Appearances

All employees shall check-in and check-out of court, whether on-duty or off-duty. Upon arrival to court, employees shall report to Room 273B in the County Courthouse or Room 8 in the Hyattsville Justice Center. Employees shall present their issued keyscan card to a member of the Court Liaison Unit (CLU) who will scan the card and return it to the employee documenting the employee's presence in court. If the employee is off-duty, the CLU staff will provide them with a Compensation Request Form with a date and time stamp indicating when the employee checked-in.

The employee shall report to their assigned courtroom and notify the ASA of their presence. Employees shall sign in on the Law Enforcement sign-in sheet for that courtroom if one is available. Upon conclusion of the employee's appearance, they shall return to the CLU office to check-out. The employee will present their issued keyscan card to a member of the CLU, who will scan the card documenting the time in which the employee concluded their time in court.

All officers shall complete and submit a Court Case Disposition Form. All Officers shall give the completed Court Case Disposition Form to the CLU during their check-out. If the employee is off-

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duty, they shall have the Compensation Request Form provided to them during check-in stamped a second time indicating when they checked-out of court for the day. CLU staff will be available until court is adjourned for the day.

Failure to follow these procedures may jeopardize the off-duty employee's compensation for their court appearance. In addition, an officer's failure to properly check-in and out with the CLU may result in disciplinary action regardless of whether or not the officer signs the Law Enforcement sign-in sheet in the assigned courtroom.

Officers responding to court locations other than Hyattsville and Upper Marlboro, shall check-in and have an overtime compensation request form signed by the summoning authority of that jurisdiction prior to leaving court.

Telephone Stand-by Procedures

When agreed to by the SAO and the officer, the officer may be on telephone stand-by in lieu of physically appearing in court. They shall ensure that the SAO has the necessary information, including a contact phone number where the employee may be reached during court hours.

Officers will not be compensated for telephone stand-by time per the negotiated labor contract.

Multiple On-Duty Officers Summoned for the Same Case

When multiple on-duty officers are summoned to appear in court for the same case, the charging officer will respond to court and determine with the SAO whether the listed witness officers will be needed for trial. The witness officers will remain in service unless requested by the SAO. The charging officers shall list all witness officers not needed for trial on their Court Case Disposition Form.

4. Notification to Court When Sick

When an employee is sick and unable to appear in court they shall call their District's/Division's designated telephone number prior to 0730 hours and leave the following information:

- Employee's name (last name, first name)
- Rank and ID
- Date of court
- Time of court
- Court location (Hyattsville/Upper Marlboro)
- Courtroom number
- Defendant's name (last name, first name)
- Type of court (traffic/criminal)
- Reason for absence
- Employee's squad and shift numbers
- Contact phone number where the employee can be reached during court hours

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The property supply clerk or other employee designated by the Commander shall retrieve the notifications from the answering machine and log the information on the Sick Notification Log for District Court. The Property Supply Clerk or designee shall email a copy to the Court Liaison Office each day prior to 0800 hours.

The sick notification logs shall be maintained at the District/Division level for three years. Logs may then be destroyed.

Any employee who calls in sick for court may not participate in secondary employment for 24 hours following their scheduled court appearance. This limitation may only be waived with the approval of the officer's supervisor with the concurrence of the shift/unit Commander. Any employee who calls in sick for court in excess of three times within 90-days will be subject to a supervisory inquiry. The supervisor will evaluate the absences to determine if there is a pattern and whether disciplinary action should be taken.

5. Off-Duty Appearances at Court

Employees are eligible for court compensation for appearances arising from duties related to County employment. To receive compensation, employees must submit a completed Compensation Request Form to their supervisor.

Compensation is made in accordance with the current negotiated labor agreements.

Employees are not normally compensated for off-duty appearances at:

- Bond review hearings
- Felony screening appointments
- Juvenile intake hearings
- Preliminary hearings

Employees shall attempt to schedule these appearances during their normal duty hours. When employees are notified that an off-duty appearance is necessary they shall notify their supervisor. The supervisor shall contact the official mandating the appearance and attempt to reschedule the appearance for the employee's on-duty hours.

If rescheduling is not possible, the supervisor shall request a memorandum reflecting this from the requesting official and attach it to the Compensation Request Form.

Employees will not be compensated for off-duty appearances at preliminary hearings unless so requested by the Assistant State's Attorney conducting the screening conference. If an appearance is required, the screening attorney shall provide the employee with appropriate documentation which the employee shall submit with the Compensation Request Form.

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Verification for Circuit Court

Employees shall contact the SAO after 1700 hours on the night before a trial by calling the contact telephone number listed on the summons. A recorded message will advise of continuances and special instructions. Employees are not compensated for court appearances if the prerecorded message indicates their appearance is not required.

Former Employees

When a former employee is subpoenaed to a judicial proceeding for actions taken while employed by the County they shall be paid a flat daily fee of \$40. Compensation is available for one calendar year following the date of employment separation.

To request compensation, the former employee shall send a memorandum to the Fiscal Management Division (FMD). The memorandum will contain:

- CCN
- Citation or court docket number
- Court location
- Date and time of appearance
- Type of case

A copy of the court summons and Compensation Request Form, signed by the Court Liaison Unit, shall be attached to the memorandum. The FMD then verifies court appearances and has the County's Office of Finance mail checks to former employees.

Former employees are not compensated for court appearances resulting from actions taken during secondary employment.

6. Testifying for Defense

An employee summonsed or requested to testify on behalf of a defendant in a criminal case shall notify the prosecutor as soon as possible after being summonsed or requested. This notification shall be made by telephone or by email. The employee shall keep a record of the notification. The employee shall note the date, time, and to whom notification was made on the subpoena.

7. Notification to Legal Affairs by Employee

When an employee is served with civil process naming them in a work related matter and/or the County as a defendant, that employee shall notify the PGPD Legal Affairs and the Litigation Section of the County Attorney's Office. This notification shall be made by telephone no later than the close of business on the next business day.

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In addition, within three days of the service, the employee shall:

- ❑ Hand-deliver copies of any official papers to the Executive Officer for the Office of the Chief of Police
- ❑ Hand-deliver copies of the civil process documents with a written note indicating the date, and manner of service to the Litigation Section of the County Attorney's Office
- ❑ Hand-deliver copies of the civil process documents with a written note indicating the date and manner of service to PGPD Legal Affairs

8. Court Attire

The dress uniform, the winter and summer uniforms, and the winter and summer utility uniforms are all acceptable court attire.

In lieu of a uniform, male employees may wear conservative business attire consisting of a suit or sport coat with complementary slacks, dress shirt, and a tie.

In lieu of a uniform, female employees may wear conservative business attire consisting of a dress, skirt and blouse, or slacks outfit.

On-duty employees summonsed to court without advance notice may appear in their normal on-duty attire.

Officers appearing in a criminal proceeding resulting from official duties may wear the uniform with the authorized firearm.

Officers shall not wear the uniform when appearing in a court proceeding not related to official duties or when prohibited from being armed while in court.

Employee Defendants or Litigants

Employees who are defendants in any criminal proceeding or are litigants in any civil proceeding shall not wear any Departmentally issued uniform. They shall not display any Departmental identification or accouterments, nor carry any firearm or other weapon inside the courtroom during the proceeding.

Employee Witnesses

If the court appearance is related to police services, employees who testify as witnesses in any judicial proceeding may wear an authorized uniform including their firearm.

If the court appearance is not related to police services employees shall not wear a uniform, but those authorized may wear an approved firearm.

Weapons Restrictions – Certain Situations

Officers shall not be armed in a Prince George's County courthouse when:

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- ❑ In the courthouse as moral support for a friend or relative
- ❑ Serving on jury duty
- ❑ Testifying in a personal matter

Courthouse Identification for Plainclothes Officers

Armed officers who are in plainclothes attire are required to present their law enforcement identification for verification to the public service aide before entering the HJC and County Courthouse. Armed officers not in uniform and on official business shall wear their photo identification and badge prominently displayed on their outermost clothing while in the HJC or County Courthouse.

Officers Performing Covert Activities

Undercover officers who can articulate an immediate need, and whose official duties would be otherwise compromised if recognized as a law enforcement officer, may remain armed while in the courthouse without the need to wear conventional law enforcement identification attached to their outermost clothing. Officers in this category must enter the courthouse at the commissioner's entrance and respond to the Sheriff's Building Security Office for instructions for using an alternative identification method.

Alternative identification methods change daily. Officers shall protect the confidentiality of this system.

Officers conducting operations not requiring an inconspicuous appearance or disguise shall wear business attire as described in **Court Attire**.

Court Attire for Civilian Employees

Attire shall be business attire that is neat, clean, pressed, and properly tailored. The wearing of unserviceable clothing is prohibited. Shoes shall be clean and shined.

Civilian employees shall wear clothing suitable to job performance as stated in their official position description. Employees performing similar duties to officers in the same position description shall wear similar non-uniform clothing.

9. Court Security

When an officer delivers a prisoner to any court, they shall notify a court official if the prisoner is a security hazard.

10. Court Hearings

Employees should be prepared to testify at hearings. They shall bring all information pertaining to the case, including drug analysis and photographs, to the hearing.

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Employees shall contact the Asset Forfeiture Unit at the SAO if they are not going to be available for a forfeiture hearing.

Information concerning warrant, screening, and extradition procedures can be found in **VOLUME II, CHAPTER 16. CRIMINAL ARREST WARRANTS, SEARCH WARRANTS, & RAIDS.**

11. Bond Review & Preliminary Hearings

Bond Review

Bond review hearings are held for prisoners who are unable to make bond and who would otherwise be incarcerated until their trial date.

These hearings are usually held at the Prince George's County Correctional Center. Bond review hearings are usually held on the day following the arrest.

Employees do not need to appear at bond review hearings. To transmit additional information to the court, an employee may contact the Court Liaison Office who shall ensure that the information is made available to the court at the bond review hearing.

Preliminary Hearings

Preliminary hearings are held to determine if probable cause exists for a felony arrest and to prevent dismissal of a felony charge when an indictment has not been returned within 30 days of the arrest.

Preliminary hearings are held each day that the District Court is in session.

Cases Approved for Grand Jury

If an employee has screened a case and the case is approved for presentment to the Grand Jury, the employee need not appear at the preliminary hearing unless the screening attorney requests their appearance.

Cases Not Approved for Grand Jury

If an employee has screened a case and the screening attorney does not approve the case for presentment to the Grand Jury, the screening attorney will determine whether the officer must appear for the preliminary hearing.

Whenever a screening attorney requests an employee be present at a hearing, they shall give the employee a memorandum stating such a request.

12. Criminal Appeal Cases

Criminal appeals are undertaken in two circumstances:

- ❑ The defendant charged with a jailable offense in the District Court requests a jury trial

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- The defendant appeals to the Circuit Court following a guilty finding in District Court

When employees become aware that their case has been appealed to the Circuit Court they may contact the SAO, Criminal Appeal Coordinator to ensure that they are notified of future court dates and afforded the opportunity to provide input into plea negotiations.

13. Requests for Information or Grand Jury Subpoenas

Requests for information on cases pending before the Grand Jury or Circuit Court shall be directed to the Division Chief of the Division having jurisdiction over the case at the Office of the State's Attorney.

Requests for Grand Jury summonses shall be directed to the Grand Jury/Screening Division's administrative aide. The Request for Grand Jury/State's Attorney Subpoena Form shall be completed for all requests. The form will be sent directly to the SAO either by fax or electronically.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards: 26.1.1, 42.2.3, 71.1.6
- Negotiated Labor Contracts

16. CRIMINAL ARREST WARRANTS, SEARCH WARRANTS

(April 2012)

I. POLICY

The Office of the Sheriff (OSPG) has primary responsibility for serving legal process in Prince George's County, including all civil legal process and criminal arrest warrants. Upon OSPG request, officers may assist in keeping the peace or enforcing criminal laws at locations where civil process is executed.

Officers shall serve criminal or civil legal process (Protective Orders and Emergency Petitions) during those patrol and investigative functions normally conducted by the Department. Only sworn Departmental personnel shall handle criminal legal process. Civilian employees may assist in collecting evidence related to the execution of criminal process, but shall not participate in the physical apprehension, handling, or transportation of any person detained pursuant to criminal process.

II. CHECKLIST (N/A)

III. DEFINITIONS

Legal Process: Any writ, summons, warrant, body attachment, or other judicially issued written order that accomplishes at least one of the following objectives:

- Compels a person to appear before a civil or criminal court
- Orders the arrest or apprehension of any person
- Judicially authorizes or requires law enforcement officers to take specific enforcement actions, such as searches and seizures

IV. FORMS

- Arrest Report (PGC Form #3245)
- Continuation Report (PGC Form #3529A)
- Incident Report (PGC Form #3529)
- Report of Investigation (PGC Form #67M)
- Suspect Identification Sheet (PGC Form #3019)
- Raid Information Sheet

V. PROCEDURES

1. Arrest Warrants Obtained by Employees

The Department does not routinely enter or remove warrant information into or from any computer system. Officers shall not attempt to enter warrant information into any computer system. The OSPG performs these functions after receipt of a warrant and Suspect Identification Sheet.

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In rare instances, the Director, Public Safety Communications (PSC), may authorize an exception to the above requirement. If so, they shall personally facilitate the entries or removals.

Unless authorized by a supervisor, all warrants shall be immediately forwarded to the OSPG with a completed Suspect Identification Sheet attached. Officers shall ensure that the CCN is recorded in the upper right section of each charging and supporting document.

Officers desiring notification of a suspect's arrest must include that request on the Suspect Identification Sheet. When an officer is notified that a person for whom they hold a warrant has been arrested, the officer shall immediately serve the warrant or turn it over to the OSPG.

The warrant shall be placed in the OSPG mailbox at the officer's facility and entered on the transmittal log for that mailbox. The OSPG Deputy will pick up the warrant.

If an initial offense report has not been written, the officer shall document the issuance of a warrant on an Incident Report. Otherwise, officers shall document the issuance of a warrant on a Continuation Report.

Arrest Warrant Retention

A supervisor may authorize retention of an arrest warrant within the Department for a maximum of five days if service by an officer is deemed beneficial to the case. When retained, the original warrant and one copy shall be kept. Copies of the warrant and the Suspect Identification Sheet shall be immediately forwarded to the OSPG.

OSPG does not enter warrant information into the computer until it receives the original warrant. Therefore, the supervisor shall consider that retaining the warrant will delay computer entry.

2. Sheriff's Arrest Report; Case Disposition

When OSPG makes an arrest on a warrant initiated by the Department, the Records Section receives a copy of the Arrest Report completed by OSPG. Records shall then forward a copy to the OIC of the originating component. The OIC shall ensure that the investigating officer is notified and properly closes the case. Closing reports shall include the date of arrest, original case number, and complete suspect description.

3. Arrest Warrant Service

The OSPG has primary responsibility for serving arrest warrants. However, officers may attempt to serve warrants obtained by officers during PGPD investigations. They shall arrest persons wanted on other arrest warrants if contact is made during normal police duties.

Custody of persons arrested on a warrant shall be transferred to a regional processing facility for processing and presentment to a commissioner. In such cases, OSPG ensures that warrant information is removed from the computer.

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Officers shall carry a copy of the warrant or confirm its existence before making an arrest. Confirmation may occur through a computer hit for local warrants, teletype, or contact with a District Court Commissioner who is in possession of the warrant. Officers may access the Central Warrant System 24 hours per day, through telephone contact with the OSPG dispatcher or by direct computer link where available.

For purposes of this section, juvenile writs of attachment are treated as arrest warrants.

4. Service of Warrants Obtained by PGPD

Before transferring a wanted person to the regional processing facility, the arresting officer shall determine whether a PGPD officer initially obtained the warrant. If so, the arresting officer shall transport the prisoner to a police facility and notify the obtaining officer's component.

Transfer of the prisoner to CID is mandatory if the obtaining officer was a member of CID. The obtaining officer's component shall accept custody in cases where the original warrant is physically held by that component. In other situations, custody may be transferred to the obtaining officer or their component at the discretion of that component's supervisor.

When CID or the obtaining officer's component accepts custody, the arresting officer shall complete an Incident Report. The component accepting custody becomes responsible for the prisoner.

If the warrant has already been transferred to the OSPG, the arresting officer shall complete the top portion of the Arrest Report and give the report to the regional processing facility intake officer. The regional processing facility intake officer will complete the Arrest Report, process the prisoner, and present them to a District Court Commissioner.

When an officer serves their own arrest warrant, the officer must give the defendant a copy of the statement of charges prior to transporting the defendant to the regional processing facility. The officer must sign the reverse of the warrant, indicating service of the warrant.

5. Warrants Held by Commissioner

When an officer arrests a person on a warrant that is still in the possession of a District Court Commissioner, the officer shall complete an Arrest Report.

6. New Charges on Wanted Persons

When an officer makes a warrantless arrest and later discovers that the prisoner is wanted on an unrelated warrant, the officer shall ensure that all processing for the original arrest, including presentment to a commissioner, is completed before custody is transferred to another agency for warrant service.

7. Warrant Service Within PGPD Primary Jurisdiction

Patrol officers who serve arrest warrants, shall document service on an Incident Report. A copy of the report shall be maintained in their case file. The documentation shall include:

- Officer's name and ID number
- Wanted person's name, race, sex, and date of birth
- Jurisdiction issuing warrant and warrant number
- Offense(s) charged on warrant
- Date, time, and address of service
- Disposition
- Name of persons contacted during warrant service
- Method of service; personally or other means

In cases when an investigator serves or attempts a PGPD initiated warrant, the investigator shall document their actions on a Continuation Report under the original CCN, rather than on a separate Incident Report. The investigator shall also make an entry on the Suspect Identification Sheet attached to the copy of the warrant.

When an officer serves an arrest warrant and an Arrest Report is prepared, the officer shall note the following information in the narrative of the Arrest Report:

- Warrant number
- Warrant date
- Victim's name
- PGPD case number (if PGPD case/charges)

For warrant service attempts, officers will carry copies of the warrant, if available. The original warrant will remain in a file or be forwarded to the OSPG. Unsuccessful warrant service attempts shall be documented in the investigator's case file or the Suspect Identification Sheet.

If the warrant service is successful, this information will be placed on the Arrest Report (if the warrant is retained by the Department) or an Incident Report (if warrant has been sent to the OSPG).

When the arrestee is processed, the custody officer will serve the original warrant and destroy the copy.

When the attempt is made pursuant to a teletype or information provided by another public safety agency, the officer shall document this information on an Incident Report.

8. Warrant Service Outside Prince George's County

Investigators attempting warrant service outside Prince George's County shall request the assistance of the host jurisdiction before the attempt. They shall allow the host jurisdiction to

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make the actual arrest and comply with the host jurisdiction's instructions regarding their conduct at the scene and subsequent transfer of custody.

If the warrant stipulates that the arrested person shall be presented to a court commissioner in the county where arrested or if the arrest occurs in another state and extradition is required, the officer shall request that appropriate processing occur before presentment of the prisoner to court officials. This processing may be conducted by the officer or by the host jurisdiction. The investigator may request an opportunity to interview the arrested person at the host jurisdiction's discretion.

If the warrant stipulates that the arrestee be returned to Prince George's County and the officer subsequently transports the prisoner, processing shall be done following arrival in the County.

9. Fugitive Arrests on Out-of-County Warrants

A supervisor shall approve requests for warrant service assistance from officers of other jurisdictions. If granted, the supervisor shall respond to the scene and direct the apprehension. An arrest shall not be attempted prior to the supervisor's arrival unless circumstances require immediate action.

When officers from another jurisdiction operate as members of a PGPD-participating task force, they need not obtain approval from a PGPD supervisor prior to warrant service.

If the offense alleged on the warrant is for a crime investigated by CID, the officer shall notify CID of the impending warrant service attempt. CID is not required to respond, but may require that an apprehended fugitive be delivered to CID before release to the outside agency.

Unless the outside agency's officer has concurrent jurisdiction or is operating within a PGPD-participating task force, the officer shall not take an active role in the apprehension, except in an emergency. The supervisor shall ensure that the officer understands this requirement before attempting warrant service.

Except when prohibited elsewhere in this section, individuals arrested on warrants from other Maryland jurisdictions may be released directly to officers from those jurisdictions at the discretion of the supervisor. Otherwise, the fugitive shall be transferred to a regional processing facility within the County along with a copy of the warrant or a telex message indicating that the warrant is open.

The teletype shall also indicate whether the fugitive can be presented to a commissioner in Prince George's County or must be returned to the originating jurisdiction. If presentment is to be made in Prince George's County, it shall be made only by an officer from a regional processing facility.

Fugitives from other states have legal rights regarding extradition. Officers are prohibited from transferring custody of such fugitives to agents of any non-Maryland jurisdiction unless the warrant is federally issued and the agent is a federal officer. Prisoners shall not be transported to DOC, Upper Marlboro until a teletype verifying the warrant and that the prisoner will be extradited

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has been received by the PGPD teletype section. The teletype section shall fax a copy of the teletype confirmation from the originating agency to DOC, Upper Marlboro. Prisoners wanted on non-federal out-of-state warrants shall then be transferred to the Regional Processing Facility, Upper Marlboro

10. Warrant Service by EST or Tactical Units

Except in emergencies, officers preparing to serve a warrant shall seek guidance from the Commander, Special Tactical Teams in any situation when:

- ❑ Circumstances indicate that a barricade situation is likely to develop if warrant service is attempted
- ❑ Circumstances indicate that the suspect is likely to offer armed or potentially lethal resistance
- ❑ The suspect's mental condition is known to be unstable and potentially violent

If the Commander, Special Tactical Teams is unavailable, any SOD Command Officer may be consulted. If an on-duty SOD Command Officer is unavailable, the District/Division Commander shall determine whether an SOD Command Officer shall be contacted at home.

The decision to deploy EST or a tactical team is at the discretion of the SOD Command Officer. Factors to be considered in making that decision include, but are not limited to the:

- ❑ Nature of the offense named on the warrant
- ❑ Suspect's known propensity for deadly violence
- ❑ Experience, training, and capabilities of the requesting component
- ❑ Likelihood of a barricade occurring, the physical characteristics of the site and the degree of danger to which the nearby public might be exposed if a barricade situation developed and EST was not immediately present

If deployment is authorized, the SOD Command Officer shall give the requesting officer specific instructions regarding containment and surveillance pending EST's arrival. Those instructions shall not be deviated from except in emergency situations.

11. Warrant Service Matrix & Categories

The matrix at the end of this chapter describes the seven different categories of warrant service and the requirements for each category.

When completing an Incident Report, the officer shall identify the appropriate category in the TYPE OF INCIDENT block. When completing an Arrest Report, the officer shall include the category in the CHARGES block.

12. *REDACTED*

13. Screening Unserved Felony Warrants

An officer who obtains a felony warrant that is not immediately served, shall within 30 days, schedule an appointment with OSA to screen the warrant.

Upon receiving reliable information that the suspect is outside of the metropolitan area, the officer will immediately telephone the OSA to schedule a screening appointment.

When an unserved felony warrant has been screened and the OSA decides to present the case to the grand jury pending arrest of the suspect, officers need not re-screen the case upon arrest. However, they shall contact the OSA to provide additional information or evidence as developed.

14. Immediate Extradition Required

If the suspect is found outside the metropolitan area and the officer requires immediate authorization for extradition, the officer shall contact the OSA, Extradition and Detainer Coordinator. During non-business hours, the officer shall request assistance from the on-call Assistant State's Attorney via PSC.

15. Screening Dispositions, Defendant at Large

If an investigator has obtained a warrant, but the defendant remains at large, the investigator may screen the case with the OSA. The screening attorney will decide whether the case will be presented to a Grand Jury or referred to District Court. The screening attorney will also advise the officer whether extradition will be authorized, and the type of extradition for the NCIC entry. The officer will contact OSPG to confirm the NCIC entry and request appropriate modifications.

If the screening attorney believes a case has insufficient evidence for grand jury presentment, they may refer it back to the officer for further investigation (RBF).

16. Documents Required at Screening

The officer shall give the screening attorney copies of the following:

- All incident, investigative, and accident reports pertaining to the defendant to include Arrest Records
- Statement of Charges, along with the Application for Statement of Charges or Statement of Probable Cause
- Any citations issued
- Copies of any warrants for search or electronic surveillance to include Consent to Search forms
- Criminal records (local, State and federal) and driver's license and registration printouts, if applicable
- Property Records and Chain of Custody Logs
- Advice of Rights and Waiver Forms and any statements made by the defendant
- All victim & witness statements
- Forensic laboratory reports/request forms

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- ❑ Pertinent photos and photo spreads
- ❑ Names and ID numbers of all employees who had any involvement in the case

17. **Request for Legal Assistance, Search Warrants or On-Scene Assistance**

For assistance with the preparation of search warrants or when on-scene legal advice is required, an Assistant State's Attorney will be requested via PSC. The contact for homicides and police shootings is the Chief, Homicide Division, or the Chief, Narcotics Division of the OSA. The primary contact for other cases is the Chief, Criminal Trials Division.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.1, 1.2.3, 1.2.4, 1.2.5, 41.2.8, 42.2.3, 42.2.7, 43.1.5, 46.2.1, 74.1.2, 74.3.1, 74.3.2, 82.2.1, 82.2.2, 82.3.8, 84.1.1

Governing Legislation:

Art. 26, Maryland Declaration of Rights

Constitutional provisions regarding search warrants apply only in cases where a search is conducted without the consent of the occupant of the premises. When permission to search is granted, either by the occupant or their agent, a search warrant is not necessary.

Stop & Frisk: *Terry v. Ohio*

When officers observe unusual conduct that leads them to reasonably conclude, in light of their experience, that criminal activity may be afoot and an individual may be armed and presently dangerous, officers shall identify themselves and make inquiries of such individual.

If nothing in the inquiry dispels the reasonable fear for the safety of the officer and others, the officer may conduct a carefully limited search of the individual's outer clothing in an attempt to discover weapons. Such searches are reasonable and any evidence obtained is admissible.

Exigency & Mobility: *Carroll Doctrine, Chambers v. Maroney*

Warrantless vehicle searches are justified if there is probable cause that the vehicle contains contraband, and mobility is possible (exigency). Probable cause that justifies making an arrest is also generally sufficient for authorizing a search, given exigency (mobility). The search is justified by exigency, not as a search incident to an arrest. The Carroll Doctrine is not dependent upon a lawful arrest.

Search Incident to Arrest: *New York v. Belton*

A warrantless search of a vehicle's entire passenger compartment may be made to include containers in the compartment, as a search incident to an arrest, for protection of the officer, and to

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prevent the removal or destruction of evidence. *Belton* is based on a search incident to an arrest, and not on the Carroll Doctrine.

Search Incident to Arrest: *Arizona v. Gant* (clarifies *New York v. Belton*)

In 2009 the Supreme Court decided the case of *Arizona v. Gant*. This case explained a common misinterpretation by law enforcement of *New York v. Belton*. Law enforcement had historically misinterpreted the *Belton* case, believing officers could automatically search a vehicle incident to the arrest of a driver or recent occupant of a vehicle.

Gant clarified that decision holding that officers cannot automatically search a vehicle incident to the arrest of a driver or occupant without another independent reason.

Gant explained that officers may search a vehicle incident to the arrest of a driver or occupant if one of the following situations applies (unless one of the other exceptions to the warrant requirement exists as explained below):

- ❑ If it is reasonable to believe that the arrestee might access the vehicle at the time of the search (for example, if the arrestees outnumber officers on scene and cannot be secured), or
- ❑ If it is reasonable to believe that the vehicle contains evidence of the offense for which the arrestee is being arrested (for example, in an arrest for DWI/DUI, the officer could articulate that evidence such as beer cans, cups with alcohol, etc., might be found within the vehicle)

As noted above, officers may still conduct searches of vehicles if one of the other exceptions to the warrant requirement exists, such as:

- ❑ Probable cause to believe the vehicle contains evidence of a crime (example, the odor of marijuana or a drug dog alert)
- ❑ An item of contraband/evidence of a crime is located in plain view of the officer
- ❑ Reasonable suspicion that leads to a Terry frisk of the person and the auto
- ❑ An impound inventory of the vehicle (when conducted pursuant to General Orders)
- ❑ Consent to Search the vehicle has been received

Inventory Search: *South Dakota v. Opperman*

Inventory searches of a vehicle are justified if they are:

- ❑ Pursuant to a lawful impoundment
- ❑ Routine and standard in practice
- ❑ Not a pretext concealing an investigatory police motive

Search of Vehicle Related to a Crime: *Barrow v. Maryland*

A vehicle may be searched at the scene of a crime if probable cause exists that the vehicle is related to the crime and could contain evidence.

Limitations of an Arrest Search: *Chimel v. California*

The Supreme Court has rendered a decision limiting areas that may be legally searched by police when a search of premises is made incident to an arrest.

The decision does not limit searches by consent, searches made under the authority of a search warrant, or searches of vehicles. It relates to searches of areas under the control of the arrestee incidental to a legal arrest. Fruits of a crime, instrumentalities, contraband, or evidence connected with the crime may reasonably be expected to be located in the area where the arrest is made.

Court established guidelines:

- ❑ An arrested individual may be searched for weapons and evidence
- ❑ A search of the area in the immediate control of the arrestee may be conducted, and is defined as the area from which the arrestee might gain possession of a weapon or destroy evidence

Area Extended: *Scott v. Maryland*

The search area is extended to include areas where an arrestee might move to get to a weapon or evidence before an officer could restrain the arrestee.

Maryland Attorney General Opinion, Search of Premises Subsequent to Arrest

Officers in possession of an arrest warrant may enter a residence if there is probable cause that the accused is present; any area in which the accused could hide can be searched and the courts have not excluded evidence and contraband found during such a search.

Searches beyond Chimel require a search warrant; search warrants may be served along with arrest warrants.

When an arrest is made on a premise without an arrest warrant and the officer develops probable cause for a search warrant, the officer may remove the arrestee and post a guard until a search warrant is obtained; if a guard is inside a residence and someone entitled to legal possession of the premises demands the officer leave, the officer should leave.

Accused Located: *Honest v. Maryland*

Searches of premises for an accused by warrant are valid, but once the accused is found, the officer's right to search is ended.

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17. REDACTED

VOLUME II, CHAPTER 18, RESPONDING TO DEATH SCENES & TRANSPORT OF DECEASED PERSONS

18. RESPONDING TO DEATH SCENES & TRANSPORT OF DECEASED PERSONS

(December 2005)

I. POLICY

All deaths are traumatic to family and friends of the deceased, sudden and violent deaths more so.

Officers responding to death scenes shall preserve the scene and determine whether or not the death is suspicious.

Officers should be conscious of the effect that these incidents have on others, present a professional demeanor to those who may be grieving, and be prepared to deal with individuals in emotional distress.

II. CHECKLIST

- Detain suspects
- Detain and separate any witnesses
- Secure the crime scene
- Protect physical evidence
- Request an evidence technician
- Complete an Incident Report which details actions taken and notifications made

III. DEFINITIONS (N/A)

IV. FORMS

- Incident Report (PGC Form #3529)
- Property Record (PGC Form #4360)
- Special Report (PGC Form #3530)

V. PROCEDURES

In all incidents involving death, the reporting officer must closely inspect the body and the scene to determine whether the death appears to be natural, or due to suspicious circumstances. Relatives and witnesses may be questioned as appropriate. In all cases, the reporting officer shall notify the Homicide Unit and document the notification on the Special Report. Homicide Investigators are responsible for determining which scenes they will respond to.

1. Natural Death Scenes

After determining that the cause of death appears to be natural, the officer shall:

- Contact a forensic investigator
- Ensure proper disposition of the deceased's property

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- ❑ Ensure security of the deceased's home
- ❑ Notify next of kin
- ❑ Complete a Special Report
- ❑ Complete a Property Report as needed

2. **Suspicious Death Scenes**

Accidental deaths, suicides, and deaths involving unusual or unexplained circumstances must be referred to the Medical Examiner for autopsy. In these cases, the Homicide Unit must be notified immediately. *See: CHECKLIST.*

3. **Transport of Deceased Persons**

A relative of the decedent should arrange for transportation of the body in cases where it is not transported to the medical examiner for autopsy. Officers should help the family with contacting a funeral home or transport service, after the family has decided which funeral home they want to use. All arrangements and costs are the family's responsibility.

If a relative cannot be contacted to facilitate transport, or the family is indigent and unable to make arrangements, the Anatomy Board of Maryland may be requested to provide transportation.

4. **Coordination With the Fire Department**

The Fire Department provides emergency transportation for sick or injured persons to medical care facilities. The Fire Department is not responsible for the routine transportation of deceased individuals.

5. **Requesting Transport by the Anatomy Board**

The Anatomy Board will transport deceased persons if all of the following conditions are met:

- ❑ The body is donated or unclaimed
- ❑ The body is located where no morgue facility exists
- ❑ The attending physician has signed the death certificate, or the medical examiner has released the body

Officers shall notify their supervisor and obtain their approval prior to requesting transport by the Anatomy Board. Supervisors should ensure that all reasonable attempts to obtain transportation services by a family member have been exhausted, and that the requisite criteria for Anatomy Board transportation have been satisfied.

Information Required by the Anatomy Board

Subsequent to a request for transport, a funeral director from the Anatomy Board should arrive.

If the medical examiner has released the body, a death certificate should be left for the funeral director.

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If an attending physician has been notified and will sign the death certificate, the funeral director will need the physician's name, address, and telephone number. If a physician will not sign the death certificate, the medical examiner will be contacted to obtain assistance.

6. Emergency Transport by a Funeral Home

The Anatomy Board has limited funds available to pay for the emergency transport of a deceased person by a local funeral home.

If a delay in transport of one hour is unreasonable due to the location and condition of the body, the Anatomy Board will pay the expense of providing an immediate transport by a local funeral home. To obtain expedited service, the Anatomy Board must be notified of the circumstances when the transport is requested.

The Anatomy Board will contact a local funeral home and arrange for an immediate transport. This procedure is only to be used in emergencies.

If the Anatomy Board cannot be contacted to make the transport, Public Safety Communications may contact a local funeral home and arrange for transport to the local morgue or funeral home. In such cases, information concerning the death certificate or responsible physician must be given to the funeral director making the immediate removal. The Anatomy Board will pay for the transport, provided that exigent circumstances existed at a time of transport.

Whenever a local funeral home is used for an emergency transport, the circumstances and identity of the authorizing supervisor will be documented on an Incident Report.

7. Transportation in Medical Examiner Cases

In cases of suspicious death or homicide, all transportation arrangements will be made by the Medical Examiner.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards: 41.2.5, 42.1.4, 42.2.1, 42.2.2, 55.1.3, 55.2.6, 82.2.1, 82.2.2, 84.1.1

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19. DEPARTMENTAL PROGRAMS

(November 2007)

I. POLICY

The Department is committed to the development of community crime prevention programs. Employees shall acquaint themselves with specific crime prevention techniques.

II. CHECKLIST (N/A)

III. DEFINITIONS

Accreditation: The process of certifying an organization that has demonstrated compliance with a prescribed set of standards

IV. FORMS

- Language Skills Form (PGC Form #4609)
- Request for Analysis Form (PGC Form #4449)
- Ride-Along Application and Waiver Form (PGC Form #4540A-D)

V. PROCEDURES

1. Law Enforcement Accreditation

Administered by the Commission on Accreditation for Law Enforcement Agencies (CALEA), accreditation is a voluntary process in which law enforcement agencies evaluate and assess themselves to determine their compliance with several hundred professional standards. Every three years, a team of assessors representing CALEA conducts an on-site assessment of the Department's compliance with the standards.

The standards, as amended from time to time, were originally developed in the early 1980's by four major law enforcement membership associations – The International Association of Chiefs of Police (IACP), The National Organization of Black Law Enforcement Executives (NOBLE), The National Sheriff's Association (NSA), and The Police Executive Research Forum (PERF).

Although maintaining compliance with the accreditation standards is a Department-wide effort, the Accreditation Unit of the Policy Research, Management, and Accreditation Division (PRMA) is responsible for coordinating and managing the process.

2. Watch Your Car Program

“Watch Your Car” is a voluntary vehicle registration program designed to deter vehicle theft, assist police with the apprehension of auto thieves, and recover stolen vehicles. The program requires vehicle owners to sign an agreement stating that their vehicles are not normally operated between 0100 and 0500 hours. It also requires the owner to place “Watch Your Car” decals on the front and rear windshield of his or her vehicle. If an officer observes the vehicle being operated during these

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hours, he or she may stop the vehicle and verify owner information without additional probable cause.

In order to comply with the provisions of this program:

- ❑ Traffic stops between 0100 and 0500 involving a vehicle displaying a “Watch Your Car” decal shall be cleared either 376D “No Report” or 576D “Report”
- ❑ Stolen/recovered vehicles in the “Watch Your Car” Program shall be coded “39” in Box # 4, “Special Studies” of the Incident Report

3. **Project Disarm**

(18 US Code 922(g), 924(c), & 924(e))

Project Disarm is designed to reduce gun-related violence by targeting and apprehending violent offenders with prior felony convictions and/or narcotics traffickers known to carry firearms. It is a partnership between the PGPD, the US Attorney’s Office, the Office of the State’s Attorney for Prince George’s County, and the Bureau of Alcohol, Tobacco, and Firearms (BATF). Project Disarm assists local authorities by bringing federal prosecutions against dangerous offenders under the United States firearm statutes. These laws require mandatory sentencing without the possibility of parole or probation.

The Disarm Project enforces:

- ❑ Federal statute 18 USC 922(g), which prohibits anyone previously convicted of a crime punishable by more than one year in jail from possessing a firearm or ammunition
- ❑ Federal statute 18 USC 924(c), making it a crime to possess a firearm and/or ammunition while trafficking drugs
- ❑ Federal statute 18 USC 924(e), enhancing the penalty for a defendant who has three or more prior convictions for violent felonies or a serious drug offense

Southern Maryland Arms Reduction Task Force (SMART)

In conjunction with Project Disarm, the Department and the BATF have formed the Southern Maryland Arms Reduction Task Force (SMART). The purpose of this task force is to:

- ❑ Target groups and organizations that commit violent crimes with firearms/explosives while trafficking illegal drugs
- ❑ Target career criminals that use firearms to commit crimes of violence
- ❑ Conduct criminal investigations and engage in undercover operations

Cases handled by SMART are prosecuted in Federal Court. The guidelines for Federal prosecution using existing statutes require the defendant to have two prior felony convictions that are deemed crimes of violence by the US Attorney’s Office.

SMART investigators may be contacted through PSC for questions concerning firearms.

Investigators will respond on a case-by-case basis to assist.

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Officer's Responsibilities

In all firearm arrests, officers shall:

- ❑ Process the firearm and/or ammunition recovered for latent prints prior to submission to FEU and complete a Request for Analysis Form
- ❑ Notify a SMART investigator through PSC to screen the case for Federal prosecution
- ❑ Forward a copy of the following documents via facsimile (301-397-2679) or through Departmental mail to the CID Disarm Unit within 72 hours of the arrest:
 - ❑ Incident Report
 - ❑ Commander's Information Report (CIR)
 - ❑ Advice of Rights Form
 - ❑ Search Warrants
 - ❑ Arrest Report
 - ❑ Statement of Charges
 - ❑ Property Record(s)
 - ❑ Defendant's statement
 - ❑ Witness statement(s)

The name of the investigator notified shall be documented on the Incident Report.

Supervisor's Responsibilities

Supervisors shall ensure that a SMART investigator is contacted regarding all firearm arrests before the arrestee is turned over to a regional processing facility and that all documentation is forwarded to CID within 72-hours.

4. Special Programs in Apartment Complexes & Commercial Properties

Programs established by the Department to meet the needs of apartment complexes and commercial properties shall be carried out at the District level.

All programs shall conform to guidelines approved by the Chief of Police. The PRMA shall maintain the guidelines. Commanders of Districts where these programs are implemented shall incorporate these guidelines into their District's Standard Operating Procedures (SOPs) before implementation. Changes to programs must be requested through PRMA and approved by the Chief of Police.

Commanders/Directors who develop new program proposals shall contact the PRMA for assistance in drafting guidelines.

Management Authorized Trespass Enforcement Program (MATE)

MATE is an enforcement program intended to deter loitering in areas where high levels of drug distribution, public drunkenness, and other disruptive behaviors exist. Under this program,

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specially trained officers are empowered by the owners of apartment complexes, shopping centers, and similar properties to initiate trespassing enforcement on those premises.

MATE operations shall occur only after:

- ❑ A written authorization/waiver has been signed by the property owner or manager
- ❑ A command officer from the District has ordered enforcement for that day

Only officers who have received MATE training are authorized to issue trespassing citations or make arrests under this program.

This section is not intended to restrict an officer who is working extra duty employment from acting as an agent of the property owner to enforce trespass laws.

Families Insisting on Safe Tenancies Program (FIST)

The FIST Program is intended to assist apartment complex managers who seek to prevent drug distribution on their properties. Under this program, the Department disseminates arrest information regarding drug traffickers arrested on FIST properties to apartment management personnel.

The District Commander's office shall facilitate the release of information. Release shall not occur until the authorized property management representative signs all required forms.

Participation in this program requires pre-registration by the apartment complex and approval by the Chief of Police.

5. Public Nuisance Abatement

(Real Property Article of Md. Code, Section 14- 120)

Although there are common law crimes relating to public nuisances, for a property to be considered a nuisance under this statute, one of the following must occur inside:

- ❑ The property must be used by subjects who assemble for the specific purpose of selling CDS
- ❑ The property must be used for the manufacture or distribution of CDS or controlled paraphernalia
- ❑ The property must be used for the storage or concealment of CDS in sufficient quantity to reasonably indicate an intent to manufacture, distribute, or dispense CDS or controlled paraphernalia

The nuisance abatement statute applies to both residential and commercial properties. Although used primarily against rental properties, remedies may differ depending upon whether the property is rented or owned, residential, or commercial.

Reporting Procedures

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All nuisance abatement cases must be sent to the Narcotic Asset Forfeiture Unit (NAFU) of the Narcotics Enforcement Division (NED) for review.

Nuisance abatement cases do not require an Incident Report. However, officers shall document all complaint information in a memorandum and forward it through the chain of command to the NAFU. The memorandum shall include:

- ❑ The property address and the name of the complex
- ❑ The names and ages of the lessee and all occupants
- ❑ Witnesses' names, addresses, and telephone numbers, if available (complaints may be anonymous)
- ❑ Whether or not the housing is a Section 8 property

The officer should obtain and attach the following to the memorandum:

- ❑ A copy of the lease
- ❑ CHRI on the lessee and occupants
- ❑ Prior calls for service at the property
- ❑ Any written information from community associations that substantiate the complaint

NAFU will obtain case numbers if the case is approved for investigation, and then forward it to the Asset Forfeiture Unit (AFU) of the Office of the State's Attorney (OSA). Once approved, the case will be filed in District Court.

Court Hearings

Public nuisance abatement hearings are held in District Court. Officers should be prepared to testify at these hearings. They shall bring any additional information that may not have been forwarded to NAFU. The officer shall contact the State's Attorney if he or she is not going to be available for a hearing.

6. Breath Testing Program

The Prince George's County Police Department participates in the State of Maryland's Alcohol Testing Program. Breath Test Operators are responsible for assisting officers by conducting breath tests on drivers suspected of driving while under the influence of alcohol. For more information, *See: VOLUME II, CHAPTER 21. DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS*, section 6. Chemical Tests, *Breath Test Operators*

7. School Safety Patrol Program

Sponsored by the American Automobile Association (AAA), the School Safety Patrol Program is supported by the Department. The Youth and Family Services Division coordinates the Department's school safety efforts and provides an annual Safety Patrol Officer's Training Camp. Students that attend the Safety Patrol Officer's Training Camp learn the proper techniques needed to become a good safety patrol officer.

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8. School Liaison Program

The Department's school liaison program is geared toward making the learning environment and areas around schools safer. While assisting members of the school system's security Department, PGPD officers and other members interact with students, faculty, staff, and parents by hosting or providing educational, training, and information-sharing opportunities. The Department provides officers as guest speakers and guest instructors on an as-requested or as-needed basis. The Department also makes available, if deemed appropriate, some of its facilities for gatherings, meetings, or tours.

If necessary, an officer may be assigned to a school to assist school officials with problem solving or for short or long-term needs.

9. Fingerprinting Services

The Department's fingerprinting program is provided by the Police Explorer's Program.

10. Victim Outreach Program

(Victim Services SOP)

The Department's Victim Outreach Program assists victims with their concerns. The Victim Services Manager is assigned to the Criminal Investigations Division and oversees this program.

Certain victims are entitled to pursue financial compensation, make victim impact statements, and to be informed of the release of offenders charged or convicted in their case. Services provided to victims may also be available to witnesses, victims' families, or survivors.

Patrol Officer's Duties

When an officer writes an Incident Report, he or she shall provide each victim with "The Crime Victims and Witnesses, Your Rights and Services" pamphlet and shall document the provision of the pamphlet in the report. In addition, the officer shall provide each victim with:

- His or her name and ID#, the CCN, and the telephone number for the unit that will be investigating the case, if applicable
- Information about the Department's Victim Services Manager, if deemed necessary.

The officer may also provide this information to any witness that has significant involvement in a case.

Property crimes and minor assaults do not automatically trigger a response. Officers shall be alert for victims of these crimes who may be in particular need of victim outreach services (for example, the elderly, children, or persons who are disabled or display unusually strong emotional distress). When an officer feels that volunteer contact is needed, he or she shall contact the Victim Services Manager.

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Under urgent circumstances, officers will attempt to contact the Victim Services Manager by telephone and arrange for immediate contact. Officers shall notify their supervisor when they believe that the victim is in danger.

Supervisor's Duties

If the supervisor determines that the victim or any witness faces a continuing imminent threat from a suspect, he or she shall ensure the following actions are performed and documented on a CIR:

- ❑ An area check is initiated and CAD premise history entered
- ❑ The appropriate investigative component is contacted
- ❑ The victim or witness is given crime prevention advice and informed regarding the appropriate steps to take if the suspect attempts further contact

When circumstances suggest further victimization is likely, the supervisor may request that temporary security be provided for the victim. Approval of a command officer is required prior to allocating Departmental resources for such purposes.

Services for Employees

When employees of the Department are victimized, the Commander/Director of the affected component will coordinate the victim/witness assistance response.

11. Use of Privately Owned Four-Wheel-Drive Vehicles

(County Administrative Procedure 503)

When inclement weather renders police vehicles inoperable, the Chief of Police may authorize the use of privately owned four-wheel-drive vehicles.

The Office of Emergency Management (OEM) is responsible for the volunteer four-wheel-drive program and has final authority over the recruitment, assignment, and operation of four-wheel-drive vehicles supplied by private citizens.

Four-wheel-drive vehicles supplied by officers are not subject to the provisions of Administrative Procedure 503. They are under the exclusive direction of the Department.

Citizen Volunteers

Citizen volunteers and/or their four-wheel-drive vehicles shall not be used for police activities unless previously approved by OEM. A current list of approved citizen volunteers is maintained by OEM at its Emergency Operations Center (EOC). That list shall be checked before a private citizen's vehicle is placed in police service.

Citizen volunteers may be requested through the OEM, which has final authority over the assignment of volunteers.

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The Department may also recruit citizen volunteers specifically for police use, and OEM shall permanently assign these police-recruited volunteers to the Department. These volunteers must still be processed by OEM and appear on that agency's approval list prior to service with the Department.

Required paperwork for recruitment of volunteers (application form and provider agreement) may be obtained from OEM.

Officer Volunteers

Administrative Procedure 503 prohibits County employees from participating in the volunteer four-wheel-drive program. On-duty officers using their personally owned vehicles to carry out assigned duties during a weather emergency are not considered volunteers. Use of officer-owned four-wheel-drive vehicles is authorized when the officer is on-duty.

No application, written agreement, or other authorizing paperwork is necessary. The County indemnifies on-duty officers against property loss and personal injury resulting from the authorized use of their personally owned four-wheel-drive vehicles.

Supervisor's Responsibilities

The following procedures apply to vehicles owned by officers and vehicles donated by private citizens:

- ❑ A supervisor shall inspect each volunteer vehicle before use; he or she shall document any damage and ensure that all safety-related equipment is functional on the Assignment Sheet available from OEM. The completed sheet shall be submitted to the District/Division Commander's/Director's office and retained for the duration of the calendar year, or for no less than 6 months. If the vehicle is involved in an accident while in service, the sheet shall be permanently retained in the accident investigation file.
- ❑ Following inspection, the supervisor shall notify PSC that the vehicle is being placed in service, and provide vehicle description, owner information, and the identity of assigned officers for entry into the CAD system.
- ❑ The supervisor shall ensure that compensation forms for officers on call back are submitted.

Use of Four-Wheel-Drive Vehicles

Volunteer vehicles may refuel at County refueling facilities. Codes will be established and disseminated as necessary.

Volunteer four-wheel-drive vehicles may be operated by the vehicle owner or by an assigned officer if that officer is familiar with the operating characteristics of such vehicles. Officers unfamiliar with those operating characteristics shall not operate volunteer vehicles except in emergencies.

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Volunteer four-wheel-drive vehicles are not authorized emergency vehicles, regardless of the employment status of the driver or the type of activity engaged in. Red or blue emergency lights shall not be affixed to volunteer vehicles, although flashing yellow caution lights may be used at the officer's discretion.

Volunteer vehicles shall be operated in accordance with vehicle laws and prudent driving practices, with particular attention given to the limitations imposed by harsh weather.

While on patrol in a citizen-owned vehicle, the officer is responsible for the vehicle and any police operations. Officers shall attempt to minimize the danger to which citizen volunteers are exposed. Citizen volunteers are used only as drivers, and have no law enforcement authority beyond that of an ordinary citizen. They are expected to comply with officers' instructions. Officers shall ensure that citizen volunteers understand and abide by these requirements and limitations.

If a citizen volunteer fails to comply with an officer's instructions, interferes in police duties, or attempts to exert police authority, the officer shall immediately terminate use of the volunteer vehicle.

The officer's supervisor shall be notified and the reasons for the termination documented in a memorandum to the appropriate Commander/Director, who shall review the incident and forward a summary and recommendation to OEM.

Traffic Accidents, Property Damage & Injuries

A supervisor shall investigate traffic accidents involving volunteer four-wheel-drive vehicles.

In cases where the vehicle driver is a citizen volunteer, a MAARS Accident Report shall be submitted with the original Assignment Sheet attached for permanent filing at the Records Section. Photographs shall be taken. The investigator shall ensure that all parties involved in the accident are aware that the citizen volunteer's insurance provides the primary liability coverage.

In cases where the volunteer vehicle driver is an officer, the accident shall be treated as a Departmental accident regardless of whether the vehicle is owned by the officer or a private citizen. A copy of the Assignment Sheet shall be placed in the accident file.

If the authorized volunteer vehicle is owned by an on-duty officer, the County indemnifies against property damage and injury liability, and the other parties involved in the accident should be referred to the County's third party claims administrator for settlement of claims.

Non-traffic incidents involving property damage to volunteer vehicles shall be documented on an Incident Report, with a photocopy attached to the Assignment Sheet. Incidents resulting in minor damage may be investigated by an officer at the supervisor's discretion. Cases involving serious damage or allegations that damage was caused by officer negligence shall be investigated and photographed by a supervisor.

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All incidents resulting in injury or alleged injury to a citizen volunteer shall be investigated by a supervisor and documented on the appropriate incident or accident report form. A Workers' Compensation Notification Form shall be completed and submitted for the injured citizen volunteer in the same manner as a permanent employee.

Duties of Commander/Director

Each Commander/Director shall maintain a list of assigned personnel who are willing to use their personally owned four-wheel-drive vehicles for Departmental use during weather emergencies.

When assigned personnel cannot meet a District's/Division's four-wheel-drive needs, the Commander/Director shall direct the recruitment of citizen volunteers in accordance with the above section, *Citizen Volunteers*.

Those citizen volunteers shall then be added to the list of volunteering assigned personnel. Recruitment may be accomplished with the assistance of the PAO. Requests for such assistance should be submitted to that office no later than October 1 for the upcoming winter.

Commanders/Directors shall maintain Assignment Sheets submitted by supervisors, and shall use these sheets to compute total annual mileage for each volunteer vehicle at the end of the calendar year. The Commander/Director shall then forward an Annual Mileage Report (forms available from OEM) to each citizen or officer volunteer by January 31, for use in preparation of income tax filings.

Commanders/Directors shall review reports of incidents involving citizen volunteers and forward summaries and recommendations to OEM as provided in section **11. Use of Privately Owned Four-Wheel-Drive Vehicles**.

12. Educational Intern Program

The Intern Program provides learning opportunities for persons interested in law enforcement. Persons placed in this program do not have the authority of sworn law enforcement officers. Interns must be associated with an educational institution or other organization that sponsors internships as part of a course of instruction. Persons seeking volunteer positions or unpaid work experience should be handled under the Citizen Volunteer Program.

Interns are placed according to their field of study, and provide research or support to the Department. The precise placement and task assignment will be made upon request and approval of the Commander/Director and agreement of the intern. Wherever placed, all interns will receive training appropriate for their duties and responsibilities. The Department may limit the number of interns accepted based upon the Department's needs and workload.

Office of Communications Responsibilities

The Director, Office of Communications shall designate a staff member to serve as the Intern Coordinator. The Intern Coordinator shall have oversight responsibility for the program.

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The Intern Coordinator shall:

- ❑ Serve as the Departmental point of contact to organizations providing interns
- ❑ Supervise the recruitment and selection process
- ❑ Conduct an initial interview and background check
- ❑ Make placements and maintain permanent intern files
- ❑ Obtain concurrence of the requesting Commander/Director and intern before finalizing an intern assignment

Individual Commanders/Directors may recommend interns, but no intern may be used until all applicant procedures have been completed and the Intern Coordinator has granted approval.

Commander's/Director's Responsibilities

Commanders/Directors may contact the Intern Coordinator to request the assignment of an intern to their command. No person shall be offered or placed in an internship except by the Intern Coordinator. If a Commander/Director wishes to recommend a candidate for an internship, the information shall be given to the Intern Coordinator so that the applicant procedures can be completed.

No intern shall be placed before completion of the initial interview and background check. The requesting Commander/Director shall participate in the final interview of an intern considered for assignment to his or her command.

After placement of the intern, Commanders/Directors shall exercise managerial authority over interns and shall assign either a sworn or civilian employee to monitor his or her progress. The assigned supervisor shall prepare any evaluations or reports required by the intern's sponsoring organization. Copies of all reports and a final evaluation shall be sent to the Intern Coordinator for inclusion in the intern's permanent file.

The Intern Coordinator is the only person authorized to terminate an intern from the Program.

Commanders/Directors dissatisfied with the performance of any intern may request that the Intern Coordinator reassign or terminate the intern. Under urgent circumstances, the Commander/Director may suspend the intern from active duty, and notify the Intern Coordinator. A written memorandum describing the circumstances shall be submitted to the Personnel Services Division (PSD) no later than the next business day.

13. Volunteers in Policing

Citizen volunteers provide support to the Department. They are not sworn officers.

Depending on the need, volunteers may perform clerical work, data entry, or any other assigned duties that do not expose them to the hazards which sworn employees are exposed to.

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Volunteers shall be appropriately attired. They are not permitted to wear the police uniform, or carry any unauthorized equipment or weapons. If a uniform is worn, it will clearly distinguish them from sworn officers.

Recruitment

Volunteers may be recruited by:

- ❑ Commanders/Directors through the Citizen's Advisory Councils, graduates of the Citizen's Police Academy, COPS, and other public contacts
- ❑ Department computer web site
- ❑ County's Voluntary Action Center

Commander's/Director's Responsibilities

Commanders/Directors are responsible for the recruitment, screening, investigation, and retention of citizen volunteers. They may assign citizen volunteers to their commands after completing a screening process that includes:

- ❑ CJIS criminal record check
- ❑ Motor Vehicle Administration record check
- ❑ Personal interview by the Commander/Director

Commanders/Directors shall forward completed applications to the PSD. PSD maintains lists of past and present citizen volunteers and a copy of each application. They shall forward a second copy through the chain of command to their Bureau Chief or Assistant Chief.

Commanders/Directors shall exercise managerial authority over citizen volunteers. They shall assign a Departmental employee to supervise the volunteer. The supervising employee shall determine the scope and duties of each individual volunteer. The Commander/Director shall ensure that the citizen volunteers receive appropriate training to perform their assignments.

Commanders/Directors are responsible for ensuring facility security. They will authorize the issuance of a volunteer ID card prior to the assignment of the volunteer.

Commanders/Directors may terminate a citizen volunteer's participation in the program. When doing so, they shall notify their Bureau Chief or Assistant Chief in writing, detailing why participation was terminated. Commanders/Directors will ensure receipt and transfer of ID cards to PSD upon termination of the volunteer's services.

Commanders/Directors will submit reports in January and July to the Chief of Police summarizing:

- ❑ Number of volunteer applicants
- ❑ Recruitment efforts
- ❑ How volunteers are used
- ❑ Impact of volunteer's services on District/Division operations

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The Bureau Chiefs and Assistant Chiefs shall:

- Maintain a list of volunteers in their Bureau
- Maintain copies of volunteer applications submitted to their bureau

PSD Responsibilities

PSD shall archive original volunteer application forms and background investigations. They will also issue volunteer ID cards once authorized by the appropriate Commander/Director, and collect ID cards from the Commander/Director upon termination of the volunteer's service.

Chaperones for Police-Related Events

Chaperones are citizen volunteers whose services are required for a specific event (usually less than one day). The Departmental employee sponsoring or coordinating the event shall screen volunteers by completing a:

- CJIS criminal record check
- Motor Vehicle Administration check

The name, address, and results of the record check for each chaperone shall be documented on a memorandum and forwarded to the appropriate Commander/Director prior to the event.

14. Ride-Along Program

(Executive Order 7-1972)

Individuals requesting to ride with an officer must complete a Ride-Along Application and Waiver Form. Juveniles must have a parent or guardian sign these forms, and may be required to be accompanied by an adult. Participation is limited to two sessions per year, except:

- Student Interns
- Police Chaplains
- Others authorized by the Chief of Police

Ride Along Program participants:

- May not be permitted to accompany officers during the response to some calls or incidents that are inherently dangerous
- Must have their own transportation to and from the Police District facility
- Shall never accompany a field-training officer with a recruit officer
- Must be hygienically acceptable and cannot wear jeans, shorts, sweat shirts, T-shirts, tennis shoes, or sandals
- Shall wear their seat belt and shoulder harness at all times while the police vehicle in which they are riding is being operated

Supervisor's Duties

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The on-duty supervisor shall:

- ❑ Review applications for approval (CHRI or objectionable demeanor may justify rejection)
- ❑ Transmit a memorandum to the Assistant Chief of Police, Patrol Services for those rejected
- ❑ Ensure that the participant is properly attired and hygienically acceptable

The on-duty supervisor selects an officer to conduct the ride along and gives the officer a copy of the ride-along guidelines, follow-up form, and return envelope pre-addressed to the appropriate District Commander. The application and waivers are retained at the District level until the ride along is complete. When completed, all ride-along documents are forwarded to the Records Section for filing.

Officer's Responsibilities

When possible, officers shall not engage the participant in dangerous situations. An officer not permitting a Ride Along Program participant to accompany the officer to a dangerous call or incident shall drop the participant off at a safe location so that another officer can pick up the Ride Along participant while the host officer responds to scene. In addition, officers:

- ❑ Shall not allow ride-along participants (including media representatives) to enter the home or residence of a suspect, complainant, or reporting person unless invited by the person authorized to do so
- ❑ Should encourage the Ride Along participant to ask questions about the law enforcement profession and police work in general
- ❑ Should advise the participant that he or she may be required to appear in court at a later date in the event that he or she observes an event during the ride along and his or her testimony is deemed necessary
- ❑ May end the ride-along for objectionable behavior or interference and shall return the participant to the location where the officer picked him or her up, documenting his or her actions on a memorandum to their supervisor
- ❑ Upon completing the ride-along, shall ensure that the participant is given the program's follow-up form and envelope

15. Citizens & Youth Police Academies

The Citizens and Youth Police Academies are programs that are designed to provide citizens who live, work, or attend school in the County with the opportunity to learn about the Department. The goal of the academies is to:

- ❑ Facilitate understanding of police operations
- ❑ Enhance awareness of the Department's roles, capabilities, and limitations
- ❑ Develop realistic expectations of the Department
- ❑ Bridge the gap between the Department and the community by building trust and cooperation
- ❑ Provide a forum for police and citizens to dialogue

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- ❑ Enhance citizens' understanding of the criminal law, patrol procedures, use of force policies, and crime prevention techniques

16. Strategic Management Program, Goals & Objectives for Organizational Components

Goals and objectives guide the Department and provide a means to track the effectiveness and efficiency with which it operates.

Each Commander/Director shall, on an annual basis and/or when designated by the Chief of Police, submit written goals and objectives for the upcoming calendar year.

This submission must include the goals and objectives from the previous year which shall indicate whether those goals were met and how they were attained.

After review and approval, the Chief of Police shall ensure that the Department's goals and objectives are compiled and submitted to the Office of the Comptroller. The Comptroller shall ensure that they are submitted for eventual publication in the County's approved budget.

Once notified that the Chief of Police has approved the goals and objectives, Commanders/Directors shall ensure that they are made available to all affected employees.

Review of Goals & Objectives

Commanders/Directors shall be responsible for monitoring and evaluating the on-going progress made toward the attainment of the goals and objectives that were submitted for their organizational component. They are accountable for accomplishment of the goals and objectives and shall be prepared to report such progress to the Chief of Police when directed to do so. The Chief of Police may request the report during command staff meetings, briefings, through written communications, or in other ways designated by the Chief of Police.

17. Grant Programs

The Commander, PRMA is responsible for the Department's grants agenda. Personnel aware of a beneficial grant opportunity shall contact the Grants Manager in PRMA.

Delegation of Tasks

The Grants Manager may delegate selected tasks associated with the preparation of the application to those components that will eventually implement or perform grant program activities, such as:

- ❑ Submission of background information and statistical data
- ❑ Writing descriptive narratives
- ❑ Activities requiring specialized expertise of the affected component

The Grants Manager may not delegate tasks pertaining to the County's administrative review process or Departmental representations to the grantor.

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All other aspects of the Grants Program shall be handled according to the PRMA SOP.

18. Bicycle Patrol Program

The Bicycle Patrol Program provides an alternative method of patrol while enhancing officer-community interaction. Use of the bicycles will be with supervisory approval only, and a minimum of two officers is required. Officers may be used to provide an enhanced police visibility in:

- ❑ Apartment complexes
- ❑ Shopping centers
- ❑ Area parks
- ❑ Jogging and bike paths
- ❑ Area schools

Bike patrol officers also provide support for traffic control during major community events. From a tactical perspective, bicycle patrol officers are able to operate in stealth-like fashion, which gives them an advantage over the criminal element. When patrolling at night, officers must ensure that their bicycle's front headlight is utilized.

Only officers that have attended and successfully completed a PGPD-authorized training for bicycles may ride them.

Individual officers are responsible for the general maintenance and upkeep of the bicycle to which they are assigned. A bicycle requiring repairs beyond routine maintenance shall be taken to a County-authorized service facility. Only the equipment listed in the Bicycle Unit SOP shall be carried on or affixed to PGPD bicycles. A list of officers trained to ride PGPD bicycles shall be maintained at each District Station. *See: VOLUME II, CHAPTER 35. UNIFORM AND GROOMING REGULATIONS.*

19. Crime Solvers Program

See: Volume II, Chapter 17. CRIMINAL INVESTIGATIONS section 13. Crime Solvers

20. Language Assistance Program

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient or "LEP." These individuals may be entitled language assistance with respect to a particular type or service, benefit, or encounter. The Department has established the Language Assistance Program as a means to provide that assistance.

Language Assistance Resources

The Department has access to the following resources:

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- ❑ PGPD Certified Interpreters
- ❑ Language Line Services
- ❑ Andrews Air Force Base Language Translation Service
- ❑ Catholic Charities

Realizing that not all barriers to communication are related to language, the Department shall also provide interpreting services for the deaf (TTY).

The Department shall ensure that notices describing the available language assistance resources are conspicuously displayed in each PGPD facility. These notices shall detail how LEP citizens can request free translation services to assist them with law enforcement matters.

PGPD Certified Interpreters

Employees who possess additional language skills and wish to use them to enhance the service provided by the Department are eligible to apply to be Certified Interpreters. Employees can be certified in any foreign language or sign language. Employees who meet the established criteria shall receive language skills TEC pay as provided for in negotiated labor agreements.

To be certified as an interpreter, an employee must demonstrate that he or she has a proficiency level of two or above in a second language. Skill levels shall be assigned to employees through authorized language examinations and are as follows:

- ❑ S-0: No Proficiency
- ❑ S-1: Elementary Proficiency
- ❑ S-2: Limited Working Proficiency
- ❑ S-3: General Professional Proficiency
- ❑ S-4: Advanced Professional Proficiency
- ❑ S-5: Functional Native Proficiency

The Department will assume all costs associated with testing employees through the Foreign Services Institute. Employees already certified by a recognized language services program may submit documentation of certification. The Director, Personnel Services Division shall review all certification documentation and make recommendations to the Chief of Police.

The Director, Personnel Services Division shall provide Language Skills Forms as requested. When an employee submits a Language Skills Form and meets the required proficiency level, the Director, Personnel Services Division shall approve the employee's request to be an interpreter.

Interpreters must submit a new Language Skills Form each year to receive their annual language skills TEC pay. Employees requesting language skills TEC pay shall submit the Language Skills Form through their chain of command to the Director, Personnel Services Division.

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Following initial certification, employees must be re-certified every three years to qualify for the annual language skills TEC pay. Failure of employees to retain their certifications shall result in termination of the language skills TEC pay.

The Director, Personnel Services Division shall maintain a record of all employees who have been certified as interpreters. The record shall contain the employee's name, ID number, social security number, and the language for which the employee has been certified. In the case of sign language, the record shall state the employee's certification in American Sign Language or other appropriate sign language.

Public Safety Communications (PSC) shall maintain a list of PGPD Certified Interpreters. Every effort will be made to utilize on-duty employees when translation services are needed. In the event that an off-duty employee must be used, compensation for call-back will be in accordance with current negotiated labor agreements.

Using PGPD Certified Interpreters

Employees needing translation assistance shall utilize one of the Department's Certified Interpreters, if possible. Requests for interpreters shall be made through Public Safety Communications (PSC). PSC shall attempt to locate a Certified Interpreter that is currently on-duty. If an on-duty interpreter is not available, a PSC Supervisor may contact an off-duty interpreter for translation services.

If a PGPD Certified Interpreter is not available and officers need immediate assistance with an LEP person, they may utilize other resources as available.

The Language Line

The Language Line provides interpreters/translators for more than 150 languages. This service is available via telephone, 24 hours a day, 7 days a week.

Employees needing to use the services of the Language Line shall call 1-800-523-1786 and provide the Department's identification number (530081) and personal code (officer's ID #).

Conversations that occur via the Language Line are not recorded by the service. To aid in prosecutions, employees shall ensure that statements taken with the assistance of a Language Line interpreter/translator are recorded. Employees needing to record victim, witness, suspect, and/or defendant statements shall contact PSC prior to calling the Language Line to arrange for the call to be recorded. All parties involved in these calls must be informed that the call is being recorded.

Andrews AFB Language Translation Service

Andrews AFB provides emergency, non-certified Spanish translation services to the Department. This is a voluntary community service offered by Andrews Air Force Base and is available Monday – Friday from 0730 to 1630 hours. The contact number is 301-420-5170.

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Catholic Charities

Catholic Charities also provides non-certified Spanish translation services to the Department Monday through Friday from 0830 hours until 1630 hours. The services are provided by the Catholic Charities Outreach Center located at 7949 15th Avenue, Suite 100, Langley Park, Maryland. If possible, PSC shall notify the program administrator prior to officers arriving at the Outreach Center.

Interpreting Services for the Deaf (TTY)

When an auxiliary aid or service is required to ensure effective communication, the Department must provide an opportunity for individuals who are deaf to request auxiliary aids and services. Auxiliary aids and services include certified interpreters, written materials, note pads, and other effective methods of communicating with deaf individuals. Employees shall make every effort to provide the auxiliary aid or service requested by the individual.

The Department's Disabilities Liaison Officer shall be contacted when interpretation services are requested. If the Disabilities Liaison Officer is not available, interpretation services are provided on a contract basis. All requests for sign language interpretation shall be made through PSC.

The Americans with Disabilities Act requires use of the TTYs or an equally effective telecommunications system to communicate with individuals who use TTYs.

PSC maintains TTYs for citizens with hearing/speech impairments. If a TTY is not available, employees may use the Maryland Relay Service by calling 711. If the phone has a three-digit block on it, employees may call 1-800-735-2258 and wait 35-40 seconds after the TTY tones sound for an operator. Employees using the service will communicate with the system operator by voice and will carry on a conversation with the TTY user through the operator.

Notices about Departmental hearings or meetings should include a statement that sign language interpreters are available upon advance request.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation of Law Enforcement Agencies, Standards 11.5.1, 11.5.2, 11.6.1, 11.6.2, 15.2.2, 16.4.1, 16.4.2, 16.4.3, 22.2.5, 33.5.3, 41.1.4, 42.1.5, 44.2.4, 45.2.1, 55.2.2, 55.2.3, 61.1.10, 61.3.6

Governing Legislation:

- ❑ 18 US Code 922(g), 924(c), & 924(e)
- ❑ Real Property Article of Md. Code, Section 14-120
- ❑ County Administrative Procedure 503
- ❑ Executive Order 7-1972

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- ❑ Title VI of the Civil Rights Act of 1964, and the Omnibus Crime Control and Safe Streets Acts of 1968 (Safe Streets Act), as amended

Reference:

- ❑ Investigative Services Bureau, Criminal Investigations Division, Victim Services SOP
- ❑ Patrol Services Bureau, Bicycle Unit SOP

VOLUME II, CHAPTER 20, DOMESTIC VIOLENCE, STALKING & HARASSMENT

20. DOMESTIC VIOLENCE, STALKING, & HARASSMENT

(December 2005)

I. POLICY

(MD Criminal Procedure Article, Title 2)

Officers will respond promptly to incidents of domestic violence, stalking, and harassment.

Being especially sensitive to the needs of victims of these crimes, the Department will assist these individuals, and if necessary their family members, in order to prevent further victimization.

II. CHECKLIST (N/A)

III. FORMS

- Incident Report (PGC Form #3529)
- Commander's Information Report (PGC Form #1545)
- Continuation Report (PGC Form #3529A)
- Domestic Violence Supplemental Report

IV. DEFINITIONS

Cohabitant: An individual who has had a sexual relationship with the respondent or has resided with the respondent in the home for a period of at least 90 days within one year prior to filing for the petition

Course of Conduct: Pattern of separate acts occurring at different times, but appearing to have a common purpose or objective

Defusion: When disputants have stopped engaging in verbal or physical combat, and calmed down

Domestic Violence: Domestic violence occurs when an individual commits or attempts to commit one of the following offenses against a current or former spouse, or a person with whom the individual has, or had, an intimate relationship:

- An act that causes physical injury
- An act that places one in fear of physical injury to self or others
- A property crime
- Violation of a Protective Order
- An act of false imprisonment

Harassment: Maliciously engaging in a course of conduct that alarms or seriously annoys an individual, with the intent to harass, alarm or annoy that individual after receiving a warning or request to stop

Petitioner: An individual who files a petition

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Protective Order: A court issued order, which provides protection to a victim of domestic abuse. There are three types of Protective Orders:

Interim: This order is effective until the first or second available day on which the District Court may hear the petitioner.

Temporary: Effective for no more than seven days after service, however, it may be extend up to 30 days to effectuate service. The order may direct the respondent to do any of the following:

- Vacate the home immediately
- Stay away from places frequented by the petitioner, such as the petitioners residence, temporary residence, residence of family members, workplace and or school

The Protective Order may also:

- Allow a respondent to retrieve personal effects
- Decide the custody of minor children
- Order mandatory counseling or mediation between the petitioner and respondent

Final: The final protective order states the maximum time that the order is effective, which can be from 90 days to 12 months

Respondent: The individual alleged in the petition to have committed the abuse

Stalking: Malicious course of conduct including approaching or pursuing another individual with the intent to place that individual in fear of serious bodily injury or death

V. PROCEDURES

1. Domestic Violence

Complaints of domestic violence or spousal abuse will be taken seriously, even when clear evidence of an assault is lacking. The complaint taker will record the following information from the caller:

- Whether any party is injured
- Location and description of the assailant
- Weapons and their location
- Whether children are present
- The nature of the disturbance
- Other persons on the scene
- Use of drugs or alcohol
- History of mental illness
- History of prior disturbances
- Existence of a temporary peace order or protective order against any party
- Sexual assault

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If the victim has been sexually assaulted, Public Safety Communications (PSC) shall advise the victim not to use the bathroom, bathe or shower, or change clothes.

Two officers shall be assigned to the call. If the assailant is on the premises, officers should comply if a victim requests to meet them at an alternate location, such as a neighbor's home.

Response classification will be in accordance with **VOLUME II, CHAPTER 8. RESPONDING TO CALLS FOR SERVICE & ESCORTS.**

Officer's Responsibilities

There are five basic steps to effective intervention in domestic violence calls:

- ❑ Safety
- ❑ Defusion
- ❑ Communication
- ❑ Assistance and resolution
- ❑ Referral

Officers should await backup when responding to domestic violence calls. Upon arrival at the scene, officers will identify themselves and request permission to enter the home. Generally, officers should only enter homes when invited and opposition is not stated. If the officer's presence creates antagonism, the officer should employ non-confrontational methods to help the abused spouse, such as transporting the individual to another location or convincing one party to temporarily leave.

If, upon arrival, officers are confronted by an individual who denies there is a problem, officers should insist that the spouse come to the door in order to determine whether an assault has occurred.

Officers may make a forcible entry to end a violent altercation, remove children whom the officer believes to be in immediate danger, or for other exigent circumstances.

Officers shall use reasonable judgment to determine the propriety of making a forcible entry in these cases. Officers will not forcibly enter a home merely to obtain clothing or personal items. *See: Supervisor's Responsibilities in Domestic Standby* in this chapter.

After stabilizing the situation, officers should determine if there are injuries involved and if medical attention is required. Officers shall provide the victim protection against further injury. This protection may include the seizure of firearms or weapons. When on the scene of an alleged act of domestic violence, an officer may remove a firearm from the scene if:

- ❑ There is probable cause to believe that an act of domestic violence has occurred; and
- ❑ The firearm has been observed

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A resident of the premises may lead an officer to the location of other firearms at the residence. A premise search may not be conducted without a search warrant.

Officers may transport victims away from the scene when no other means of travel is available.

Officers will not assist in removing children from a home in which one spouse opposes that removal unless the circumstances indicate that the children are in imminent danger.

Crime Victims & Witnesses Pamphlet

The State of Maryland has established guidelines for the treatment and assistance of crime victims and witnesses.

Officers are responsible for directing citizens to appropriate community resources. In all cases, officers will provide complainants or injured parties with a Crime Victims and Witnesses pamphlet and note the CCN on the front. This shall be documented in the Incident Report, or noted in the call clearance if no report is written.

Reporting Procedures

When an individual alleges to have been assaulted by a spouse or cohabitant, or there is evidence of physical injury, an Incident Report and a Domestic Violence Supplemental Report shall be completed. The reporting officer shall write "29" in the SPECIAL STUDIES block. Both reports shall be forwarded to the District Investigative Section by the supervisor prior to the end of shift.

The District Investigative Section shall forward a copy of the Incident Report and the Supplemental Report to the OSA and their District Commander.

If the reporting officer feels that future violence may occur, the officer may request a premise history entry and notify the District Investigative Section.

When the necessary elements for an arrest are present, but an arrest is not made, the reporting officer will document this on the Incident Report noting why, and what actions were taken to ensure the safety of the victim.

Optionally Reportable Situations

If officers respond to a domestic violence call but a crime has not been committed, the call shall be coded appropriately. Officers shall advise the dispatcher of the following:

- Any Weapons present and their location
- Use of drugs or alcohol
- Any referrals made for assistance

The dispatcher will include this information in the CAD.

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Evidence Collection

The following are examples of evidence that shall be collected in domestic violence cases:

- ❑ Photographs of injuries
- ❑ Photographs of the crime scene
- ❑ Photographs of injuries one to three days later
- ❑ Copies of 911 tapes
- ❑ Copy of Protective Order

Supervisor's Responsibilities in Domestic Standby

It is important that persons requesting domestic standby services be afforded these services as guaranteed by law. It is important that officers ensure that they are not assisting an individual in violating the "vacate or stay away" portion of a protective order. Conditions of most existing protective orders can be verified through MILES.

Supervisors shall determine the level of response to a request for a domestic standby. If available, the supervisor will respond to assist the officer. The supervisor shall ensure that assistance is limited to removing essential items, such as a change of clothing, personal effects or medicines for themselves or their children.

District Investigative Section

The District Investigative Section will review reports of domestic violence noting when multiple incidents or particularly violent behavior have occurred. Investigators shall:

- ❑ Contact the victim and refer them to available assistance
- ❑ Notify the Department of Social Services and other agencies, as necessary
- ❑ Take appropriate steps to prevent future violence against victims or responding officers
- ❑ Ensure copies of Incident and Supplemental Reports are forwarded to the Office of the State's Attorney and their Commander

Domestic Violence Coordinator's Responsibilities

The domestic violence coordinator shall:

- ❑ Collect, analyze and combine monthly and yearly statistics from the District Investigators into quarterly and yearly reports
- ❑ Ensure the statistics and analyses are provided to the Chief, Patrol Services Bureau (PSB), and the Domestic Violence Coordinating Council
- ❑ Attend the Domestic Violence Coordinating Council meetings and provide pertinent information to Departmental personnel

2. Domestic Incidents Involving Law Enforcement Personnel

Employees are encouraged to seek confidential assistance through the Department's Psychological Services Division (PSD) or the County's Employee Assistance Program (EAP) in order to prevent a problem from escalating into criminal misconduct.

Officers with knowledge of abuse or violence involving a fellow officer shall report such information to their supervisor in a timely manner. Failure to do so will subject the officer to an investigation, disciplinary action, and possible sanction or criminal charges.

All officers should be aware of the possibility of victim or witness intimidation. If an officer suspects that this is occurring, the officer will notify a supervisor (Sergeant or above). The supervisor will prepare a CIR and immediately notify the Director, Office of Professional Responsibility (OPR).

Officers who attempt to interfere with cases against fellow officers by threatening, harassing, stalking, or otherwise engaging involved parties will be subject to investigation, disciplinary action and/or criminal charges.

Domestic Disputes Involving Departmental Employees

In order to ensure that the response to domestic disputes involving Departmental employees are appropriately documented, even if no allegation or evidence of a physical assault exists, officers responding to such domestic disputes shall:

- Request a supervisor's response to the scene
- Complete and submit an Incident Report by the conclusion of the shift

Notification to SIRT is not necessary.

A supervisor the rank of Sergeant or above will respond to the scene and shall:

- Notify the affected employee's Commander
- Complete a confidential Commander's Information Report (CIR) to be forwarded to the involved employee's Commander, as well as the Commander of the District in which the incident occurred.

Domestic Disputes Involving Sworn Members of Other Law Enforcement Agencies

Officers responding to a domestic dispute involving sworn members from other law enforcement agencies that does not involve an allegation or evidence of physical abuse shall:

- Request a supervisor's response to the scene
- Complete and submit an Incident Report by the conclusion of the shift. Notification to SIRT is not necessary.

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A supervisor the rank of Sergeant or above will respond to the scene. The supervisor shall notify the sworn member's Commander. A copy of the Incident Report shall be forwarded to the Commander of the District in which the incident occurred.

Domestic Violence Involving Departmental Employees *(Lautenberg Law)*

Federal law prohibits officers convicted of misdemeanor domestic violence assaults from carrying firearms. Officers convicted of domestic violence shall have their police powers revoked.

Officers responding to a domestic violence call involving Departmental employees shall determine if there are allegations or evidence of physical assault. If so, the officer shall:

- ❑ Request the presence of a supervisor
- ❑ Secure any Departmental firearms
- ❑ Make an arrest, if probable cause exists, and remove any privately owned firearms observed on the scene
- ❑ Complete an Incident Report by the conclusion of the shift

Upon arrival, supervisors shall:

- ❑ Ensure that the officer's responsibilities have been completed
- ❑ If the employee is an officer, contact SIRT personnel, who will evaluate the need to respond to the scene
- ❑ Contact the commander of the accused employee
- ❑ Complete a confidential Commander's Information Report (CIR).

Domestic Violence Involving Employees of Other Law Enforcement Agencies

Officers responding for a report of domestic violence or a violation of a Protective Order involving Departmental employees of other law enforcement agencies shall determine if there are allegations or evidence of physical assault. If so, the officer shall:

- ❑ Request the presence of a supervisor
- ❑ Make an arrest, if probable cause exists, and remove any privately owned firearms observed on the scene
- ❑ Complete an Incident Report by the conclusion of the shift

A supervisor the rank of Sergeant or above and the Shift Commander will respond to the scene and do the following:

- ❑ The Sergeant will ensure that the officer's responsibilities have been completed
- ❑ The Sergeant will initiate a premise history through the communications supervisor for at least 90 days
- ❑ The Shift Commander will notify the affected officer's on-duty Commander

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- ❑ The Shift Commander shall prepare a CIR, documenting the name of the Commander notified within the other agency, the other agency's response, and all notifications made within this Department.

Response to Violations of Protective Orders

A PGPD officer that is served with a Protective Order will notify his or her Commander/Director. The Commander/Director shall immediately notify SIRT so that a determination regarding the suspension of police powers, consistent applicable laws, can be made.

The Commander/Director shall direct the involved employee to schedule and attend an appointment with PSD and ensure attendance within five days of the incident.

Officers responding for a report of a violation of a Protective Order involving employees of another law enforcement agency shall:

- ❑ Confirm that the employee is in violation of the Protective Order
- ❑ If the employee is in violation of the Protective Order the officer shall make a full custody arrest and notify the shift supervisor

For officer safety, officers shall pay particular attention to section 7, which may list firearms owned by the employee and the block in section 8, which reads, "To turn over firearms to a law enforcement agency."

Supervisors responding to the scene shall follow the procedures detailed in the section titled ***Domestic Violence Involving Sworn Members of Other Law Enforcement Agencies*** below.

3. Stalking & Harassment

(MD Annotated Code, Criminal Law, Section 3- 801 through 3-803)

(County Code Sections 14-167, Et seq.)

Stalking Reports

Officers shall complete an Incident Report and CIR for all stalking complaints, or any situation where stalking appears to have occurred. Officers taking reports shall:

- ❑ Notify the CSA supervisor
- ❑ Notify the District Investigative Section if instructed to do so by the CSA supervisor
- ❑ Transport the victim to the District Investigative Section or stand by with the victim pending the arrival of the investigator
- ❑ Classify the type of incident as Stalking
- ❑ Write "33" in the SPECIAL STUDIES block
- ❑ Note the name of the investigator notified, if applicable
- ❑ Broadcast a lookout for the suspect

The state stalking law authorizes making a warrantless arrest for this crime.

Supervisor's Responsibilities

When a supervisor is notified of a stalking incident, the supervisor shall determine whether an imminent threat to the victim's safety exists. Factors to be considered include, but are not limited to the suspect's:

- ❑ Past behavior
- ❑ Criminal record
- ❑ Psychological stability
- ❑ Ability to harm the victim
- ❑ Access to the victim
- ❑ Use or access to weapons

If an imminent threat to the victim exists, the supervisor shall direct the officer to notify the District Investigative Section immediately. The supervisor shall document this on a CIR.

If an investigator is not immediately available, the supervisor shall notify the Shift Commander. The Shift Commander shall find another investigator elsewhere in the county, or call out an off-duty investigator.

Investigative Section Responsibilities

If notified of a stalking complaint where an imminent threat exists, the investigator shall immediately initiate an investigation. The investigator shall broadcast a lookout for the suspect and any related vehicles. The investigator shall also arrange an area check and premise history for the victim's home and workplace. If either location is outside Prince George's County, the investigator shall notify the primary law enforcement provider for that jurisdiction.

Investigators shall follow the procedures outlined in the Criminal Investigations Manual. The investigation shall be active until the situation is resolved or all avenues of investigation are exhausted. Attempts to arrest the suspect shall only be suspended with the approval of a District Investigative Section Supervisor, or in the supervisor's absence, higher authority.

The investigator shall advise the victim to notify the Investigative Section of all future contacts with the suspect.

If an investigator determines that a victim is voluntarily maintaining contact with the suspect, the investigator may instruct the victim to obtain a warrant and close the case on a Continuation Report. The report shall document the victim's voluntary interaction with the suspect.

All stalking reports, regardless of initial urgency, shall be assigned to an investigator. In routine cases, the victim may be advised to obtain a warrant if they know the suspect and is not in imminent danger.

The District's Investigative Section Supervisor may re-classify a stalking case from priority to routine if it is determined that an imminent threat no longer exists.

Harassment Reports

When an individual complains of harassment, the officer shall write an Incident Report documenting the nature of the harassment and specifying that no threats to personal safety were made. The officer shall instruct the victim to contact a commissioner to obtain a warrant if the complainant desires criminal prosecution. Harassment reports do not require follow-up attention.

4. Warrantless Arrests

The Maryland Criminal Procedures Title 2, Subtitle 2 provides warrantless arrest authority when an officer has probable cause to believe:

- ❑ The victim is the perpetrator's spouse or cohabitant, and
- ❑ There is evidence of physical injury and, unless the perpetrator is immediately arrested, the perpetrator may:
 - ❑ Not be apprehended
 - ❑ Cause further injury to the victim or others
 - ❑ Cause further damage to the victim's property
 - ❑ Tamper with, dispose of, or destroy evidence

These conditions justify a warrantless arrest so long as a police report was made within 48 hours of the alleged incident.

In such cases where the criteria of Title 2, Section 2-204 exist, the preferred response of the Department is to make an arrest unless there are clear reasons why an arrest would be counter-productive. Officers will use professional judgment in deciding whether to arrest.

Upon making a warrantless arrest, victims shall be advised to contact the OSA, Domestic Violence Unit, to obtain information regarding the criminal justice system and identify available County support services.

5. Protective Orders

The Annotated Code of Maryland prohibits a respondent of a Protective Order from possessing a regulated firearm. An individual that is named as a respondent in a Protective Order, if so ordered by the judge, must surrender all firearms owned or possessed by them. They are also prohibited from purchasing firearms while they are named as a respondent in a domestic violence proceeding.

The following violations of Protective Orders are misdemeanors under Title 4, Subtitle 5, of the Family Law Article:

- ❑ Abusing or threatening the petitioner
- ❑ Contacting or harassing the petitioner
- ❑ Refusing to vacate or stay away from the petitioner's or family member's residence, school, place of employment, temporary residence, and all surrounding areas

Officer's Responsibilities – Protective Orders

Officers may verify the existence of Protective Orders by contacting the Office of the Sheriff for Prince George's County (OSPG). If the order has been filed but not served, and the subject named in the order is present, the officer will serve the order. The petitioner's copy may be served on the respondent. Another copy of the order may be obtained from the courts.

If service is made, the officer can order the respondent to vacate the home, advising the respondent that to disregard the Protective Order is a misdemeanor, which lead to an arrest.

Arrests for Violation of Protective Order

The following violations of a protective order are misdemeanors under Title 4, Subtitle 5, of the Family Law Article:

- Abusing or threatening the petitioner
- Contacting or harassing the petitioner
- Refusing to vacate or stay away from the petitioner's and/or family member's:
 - Residence
 - School
 - Place of employment
 - Temporary residence
 - All surrounding areas

Officers shall arrest, with or without a warrant, an individual whom the officer has probable cause to believe is in violation of an active Protective Order, even if the violation occurs with the petitioner's consent. A full custody arrest shall be made for such violations.

Violations of other conditions of a protective order that are not misdemeanors or felonies are not enforceable by an officer. The officer should refer the petitioner to the court for relief.

6. Protective Orders Issued by Another State

In 1994, Congress enacted the Violence Against Women Act (VAWA) directing jurisdictions to give full faith and credit to valid orders of protection issued by other jurisdictions.

A Protective Order issued by a court of another state or Indian tribe will be accorded full faith and credit by a court of Maryland and enforced as an order of Maryland.

Under Maryland law, in order to enforce an out of state protective order:

- The order must be in effect at the time of the violation
- The petitioner must display or present a copy of the order that appears valid on its face
- The defendant must have violated an arrestable provision of the order

7. Temporary Protective Orders

Persons that are eligible for relief include:

- ❑ The current or former spouse of the respondent
- ❑ A cohabitant of the respondent
- ❑ An individual related to the respondent by blood, marriage, or adoption
- ❑ A parent, stepparent, child, or stepchild of the respondent who resides or has resided with the respondent for at least 90 days within one year before filing for the petition
- ❑ A vulnerable adult
- ❑ An individual who has a child in common with the respondent

Temporary Protective Orders are issued through the District Court, Monday through Friday, 0830 to 1500 hours. A District Court Commissioner may issue the order when neither the Clerk of the District or Circuit Court is open for business.

If an officer serves an order issued by a commissioner, the return of service shall be returned to the commissioner or the District Court Clerk.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.1, 1.2.4, 1.2.5, 22.2.10, 26.1.1, 41.2.1, 41.2.5, 42.1.2, 42.1.3, 42.1.4, 42.2.1, 42.2.2, 42.2.3, 44.2.2, 55.1.3, 55.2.3, 55.2.4, 74.2.1, 81.2.5, 81.2.7, 81.2.8, 82.2.1, 82.2.2, 83.2.2

Governing Legislation:

- ❑ Maryland Criminal Procedures Title 2, Subtitle 2
- ❑ Title 4, Subtitle 5, of the Family Law Article
- ❑ Title 18 USC (G)(8)- Gun Control Act of 1968 Amended

This amendment makes it unlawful for any individual convicted of a misdemeanor crime of domestic violence to ship, transport, possess or receive firearms or ammunition.

It also makes it unlawful for any individual to sell or otherwise dispose of a firearm or ammunition to any person the individual knows or believes has been convicted of such a misdemeanor. This act also applies to all law enforcement officers.

This is true whether or not the state statute or local ordinance specifically defines the offense as a domestic violence misdemeanor.

Reference:

- ❑ Criminal Investigations Manual

VOLUME II, CHAPTER 21, DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

21. DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

(December 2005)

I. POLICY

Identifying and stopping motorists that are operating or attempting to operate a motor vehicle while under the influence of alcohol or drugs (DUI) is a priority for officers.

Arrests for DUI shall be based on probable cause that, at the time of the offense, an arrestee was in actual physical control of a vehicle. Probable cause shall be developed by observation and/or witness account.

II. CHECKLIST (N/A)

III. DEFINITIONS

D.U.I.: Driving Under the Influence, a blood alcohol concentration of 0.08% or higher

D.W.I.: Driving While Impaired, a blood alcohol concentration of 0.07%, but less than 0.08%

IV. FORMS

- Commander's Information Report (PGC Form #1545)
- Maryland Uniform Complaint and Citation (MVA Form #DR-49)
- Alcohol/Drug Influence Form (PGC Form #3381)
- Advice of Rights (MVA #DR-15)
- Officer's Certification and Order of Suspension (MVA #DR-15A)
- Preliminary Breath Test Advice of Rights (MSP Form #102)
- Result of Test for Alcohol Concentration (MSP Form #33)
- Log of Tests for Alcohol Influence Arrests (MSP Form #36B)
- Statement of Probable Cause Arrest on Traffic Charges, (Form #DC/CR1)

V. PROCEDURES

When preparing to stop a motor vehicle, officers shall consider the following:

- A stop location that maximizes the safety of the officer and the violator
- Positioning the police vehicle in such a manner that alerts other motorists of the officer's presence
- A suitable area where roadside sobriety tests can be administered

1. DUI Traffic Checkpoints

A trained member of SOD shall be the DUI Checkpoint Manager. He or she shall be responsible for ensuring that checkpoint operations are safe for the public and officers. The Commander of SOD shall be contacted by a District Commander to schedule a checkpoint in their District.

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Checkpoint Locations

The checkpoint manager shall select the checkpoint location. Site selection shall be based on:

- Public and officer safety
- Minimizing inconvenience to motorists and unnecessary delays to traffic
- Providing sufficient space to deploy officers and marked police vehicles in plain sight
- Allowing the placement of warning signs

Statistical data shall be used to determine a site location. Data may include, but is not limited to, calls for service, citizen complaints, and accident reports.

Before conducting a traffic checkpoint on private property such as apartment parking lots, shopping center parking lots and driveways, written permission will be obtained from the property owner or authorized agent.

Authorization to Initiate Checkpoints

Checkpoints may be initiated only upon the written approval of the Commander of SOD. Requests shall be made on an inter-office memorandum via the chain of command and include the following information:

- Purpose of checkpoint
- Location of checkpoint
- Date and time of checkpoint

The Commander of SOD shall notify the Chief, Patrol Services Bureau of all checkpoint approvals.

Notifications

Before initiating a checkpoint, the checkpoint manager shall notify the following of the date, time, and location site:

- Sector Supervisor or Sector Commander
- District Commander
- Public Safety Communications
- MSP barrack servicing the area (for traffic-related checkpoints)

Legal Considerations

Traffic checkpoints must be conducted in strict compliance with legal guidelines. The checkpoint manager shall ensure the following:

- An official sign will be placed to give motorists adequate warning that a checkpoint is ahead and the opportunity to choose an alternate route

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- ❑ All official signs used at checkpoints must have the prior approval of the appropriate Commander of SOD
- ❑ Officers manning checkpoints shall be in uniform
- ❑ At least one marked police cruiser will be used at each stop location
- ❑ All vehicles will be stopped
- ❑ If traffic becomes congested, the checkpoint manager may temporarily suspend the operation until the congestion is relieved
- ❑ Motorists who do not wish to stop shall be allowed to make a legal U-turn prior to the checkpoint and follow a different route
- ❑ Officers will not search vehicles, nor interrogate drivers or passengers unless probable cause exists to search the vehicle, or an arrest is made

Initial Stop & Contact

The initial stop and contact shall last approximately one minute or less. Officers conducting the initial stop and contact shall:

- ❑ Identify themselves
- ❑ State the reason for the stop
- ❑ Tell the motorist that all motorists are being stopped
- ❑ Thank the driver for his cooperation

If an officer develops probable cause to believe that the motorist is driving while under the influence of alcohol, the officer shall direct the motorist to a location designated for vehicles that are to be detained, and pursue the matter for a reasonable time. If the motorist refuses to cooperate, the motorist may be detained and the officer may investigate further.

If the officer does not develop probable cause during the initial contact, the motorist will be instructed to proceed.

Arrest Procedures

Persons arrested at checkpoints will be transported and processed in accordance with established procedures, *See: VOLUME II, CHAPTER 4. ARREST, TRANSPORT, & PROCESSING.*

After Action Report

The checkpoint manager will ensure that a CIR is completed at the conclusion of the operation. Copies of the report will be forwarded to the Commander of SOD, the affected District Commander, and Chief, Patrol Services Bureau. The report shall include, but not be limited to the following:

- ❑ Purpose, date, time, and location of the checkpoint
- ❑ Number of vehicles stopped
- ❑ Number of arrests made

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- Description of charges made

2. Sobriety Tests

Individuals suspected of DUI shall be requested to perform roadside sobriety tests, unless they are physically unable. If possible, tests should be administered in a well-lighted and level area. Prior to administering any tests, officers will briefly explain and demonstrate them.

When attempting to determine impairment, only officers trained to administer the Standardized Field Sobriety Tests (SFST) will attempt to administer them and shall follow all procedures and scoring criteria established by the National Highway Traffic Safety Administration (NHTSA) when doing so. The SFST include:

- Horizontal Gaze Nystagmus (HGN)
- Walk and Turn
- One Leg Stand

An officer not SFST-trained, shall not attempt to administer the tests listed above, but may attempt to administer the tests listed below, which include, at a minimum:

- **Walk and Turn Test:** With the left foot on a line, place the right foot in front of it with the right heel touching the left toe; walk nine steps down the line in heel to toe fashion, turn, and take nine steps back in the same manner
- **One-Leg Stand Test:** Stand with heels together and arms at sides, raise one leg approximately six inches off the ground and hold that position for 30 seconds while counting aloud 1001, 1002, continuing until 1030

3. Preliminary Breath Test (PBT)

A PBT may be used to develop additional probable cause to detain an individual. The PBT does not replace conventional roadside sobriety tests or chemical tests.

Only officers that have been trained and approved by the State Toxicologist shall administer a PBT.

A PBT may be administered after an operator has been advised of the rights outlined in the Preliminary Breath Test Advice of Rights form. The operator does not have the right to speak with an attorney before deciding whether to submit to a PBT. PBT results may not be used as evidence, but the results should be included in the reasonable grounds section of the DR-15A form.

The use of PBTs shall conform to the regulations of the State Toxicologist. PBT operators shall record PBT test results in the State of Maryland Preliminary Breath Test Log.

A PBT may be used to test any principal of a crime that is suspected to be under the influence of alcohol.

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4. **Advice of Rights, DR-15**

(Transportation Article, Section 16-205.1)

Officers will ask arrestees to submit to a chemical test to detect alcohol concentration for the following offenses:

- DUI/Impaired Driving
- Driving in violation of an alcohol restriction (including the restriction of persons under the age of 21)
- Driving in violation of Maryland Traffic Law Section 16-813 (commercial motor vehicle)

Officers shall follow these procedures for violations not involving the death of another:

- Read the DR-15 Advice of Rights to the arrestee, comply with the instructions at the bottom of the form, and complete applicable blocks
- Distribute copies to persons named at the bottom of the form's pages
- Complete the officer's Certification and Order of Suspension when appropriate
 - The grounds for stopping the vehicle must be comprehensive and observations such as vehicular actions, locations observed, and the condition of the operator must be included
 - "Alcoholic Beverage" is the only description permitted to describe the odor of a fermented liquid in the narrative of the reasonable grounds section. In addition, the fact that the person listed on the form was operating the vehicle and had an odor of an alcoholic beverage on their breath must be indicated.
 - In the reasonable grounds section, describe the circumstances that led to the submission or refusal of a chemical test

For violations where death occurs, officers shall:

- Inform the arrestee that by law, they must submit to a chemical test and read the arrestee the DR-15 Advice of Rights form. Officers must be able to articulate that there is reasonable suspicion to believe that alcohol is present
- Not advise the arrestee of Miranda rights unless questioning the arrestee, or as instructed by the Office of the State's Attorney (OSA)

5. **Documentation**

The following documents are required for all DUI arrests:

- Alcohol/Drug Influence Form
- Advice Of Rights - required in all non-fatal accident cases
- Officer's Certification and Order of Suspension - required only when the test result is .08% or higher or the arrestee refuses to submit to a test – and is used to:
 - Confiscate a Maryland Driver's License

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- Issue a temporary license
 - Order a suspension
 - Request a driver's hearing
 - Record the officer's statement of reasonable grounds
 - Record results of a test for alcohol concentration
 - Provide evidence of refusal
- ❑ State of Maryland Preliminary Breath Test Log - required for all PBT tests
 - ❑ State of Maryland Alcohol Program Testing Log - required for all alcohol or drugged-driving arrests

If an arrestee submits to a breath test, the Breath Testing Operator will log the arrest. If an arrestee is not given a breath test, the arresting officer shall compile copies of all citations, reports, and MVA Forms listed on the DWI checklist before clearing the incident. The arresting officer shall place the copies in the designated place near the breath-testing instrument. The station DWI Liaison Officer will log the arrest and then submit the copies to the OSA, DWI Coordinator.

The DWI Liaison Officer shall record tests administered for a PGPD officer at another agency. This test shall be recorded on the State of Maryland Alcohol Program Testing Log located at a PGPD facility.

6. Chemical Tests

Breath Test Operators

Operators shall conduct all breath tests and simulated tests in accordance with the rules and regulations established by the State Toxicologist.

Each operator will maintain an Operator's Log. They shall record all arrestee and simulated tests in this Log and the State of Maryland Alcohol Program Testing Log. Exceptions from conducting simulated tests are allowed for sick leave, extended annual leave of two or more weeks, temporary assignment outside the area, or the absence of the instrument due to repairs. The reason for failing to perform required tests will be entered on the Operator's Log.

Supervisor's Duties

Supervisors of breath testing operators shall examine each subordinate's Operator's Log twice a month to ensure the required tests have been conducted and entries added correctly. Examinations shall be between the first and 15th, and the 16th and the end of the month.

Administration of Chemical Tests

Generally, the chemical test administered shall be the breath test, except that blood tests shall be administered if the:

- ❑ Arrestee is unconscious or incapable of refusing a chemical test

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- ❑ Arrestee's injuries require their removal to a medical care facility
- ❑ Equipment to administer a breath test is unavailable

The breath or blood specimen shall be taken within two hours following the time the arrestee was apprehended. Circumstances may complicate the consent procedures. An arrestee may:

- ❑ Repeatedly change their mind about submitting to a chemical test
- ❑ Submit to a chemical test only after conferring with an attorney. Officers shall allow the arrestee a reasonable period of time to contact and consult with an attorney
- ❑ Officers shall advise arrestees that failure to take a chemical test due to evasive behavior or inability to contact an attorney will be treated as a refusal
- ❑ If the two-hour time limit passes without a chemical test being administered, the officer shall document a test refusal

Breath Testing

An officer requesting a breath test for an arrestee shall:

- ❑ Request a breath testing operator after the arrestee has agreed to take a chemical test
- ❑ Observe the arrestee for 20 minutes before the test, ensuring that the arrestee does not smoke or ingest any substances until the test is completed
- ❑ Officers shall not administer breath tests to their own arrestees

When the Result of Test for Alcohol Concentration is completed, the Breath test operator shall provide the arrestee with a copy of the results. The arresting officer shall retain the original and place the copy for the DUI Case Coordinator in the designated place near the breath-testing instrument to be mailed by the DUI Liaison Officer.

Test Refusal or Test Result of .08% or Higher

The officer shall:

- ❑ Confiscate the Maryland driver's license
- ❑ Within 72 hours, send the confiscated driver's license, copies of MVA forms, and any Results of Test for Alcohol Concentration to the MVA
- ❑ Complete the Officer's Certification and give a copy to the arrestee
- ❑ Advise the arrestee that he or she has 10 days in which to mail the hearing request form to request a hearing to show cause why their license should not be suspended
- ❑ Give the arrestee the "Driver's Copy" of the Officer's Certification and Order of Suspension to use as a temporary driver's license, provided the arrestee has a valid Maryland Driver's License and signs the Officer's Certification and Order of Suspension

An arrestee already in possession of a temporary license is treated the same as if he or she had a regular license.

Blood Testing

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Prior to having medical personnel draw blood utilizing the two test tubes found in the State Toxicologist-approved blood collection kit, the arresting officer should ensure that the kit's expiration date, usually found on the front of the kit, is still current. The kit contains directions, which shall be followed.

A physician, nurse, or person who withdraws blood in the course of their duties in the emergency room shall utilize the contents of the kit.

The arresting officer (in their absence another officer) shall:

- Witness the withdrawal of blood
- Ensure the test tubes are filled completely
- Immediately after the blood is collected, mix the blood with the anticoagulant powder by slowly and completely inverting the test tube five times (*Do not shake vigorously*)
- Complete the four evidence seals contained in the kit
- Seal each of the test tubes with an evidence seal
- Place the sealed test tubes in the original box and seal the ends of the box.

Officers shall not have blood samples drawn by military personnel.

Officers shall avoid having blood samples drawn within the District of Columbia, as these may be inadmissible as evidence.

As test results are not immediately available, officers will place the appropriate charges against arrestees based upon known facts.

Submitting Blood Tests

Blood specimens must be forwarded to MSP for analysis and must be accompanied by the Alcohol Analysis-Medical Personnel Payment Authorization. The arresting officer shall ensure that the form includes the signature and Social Security Number of the person withdrawing the blood, and the hospital address. They shall retain the arresting officer's copy, and immediately transmit the following to the Chemical Test for Alcohol Unit (CTAU), MSP, Pikesville, MD 21208:

- Copies #1 through #4 of the MSP Form #34
- Blood test kit. Do not place kit in an outdoor mailbox during freezing weather

Follow-Up Blood Test Procedures

Officers shall follow the following procedures, not those found on pages 5-7 of the Administrative Per Se in Maryland, A Police Officer's Guide to Forms and Procedures.

Following analysis of blood samples, MSP shall forward the Department's copy of the Result of Test For Alcohol Concentration form and #34 to CARU. The DWI Program Coordinator shall distribute three copies of the test results to the arresting officer and the copy of the MSP Form #34 to the Fiscal Affairs Division.

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For test results .07% or below, the arresting officer shall:

- ❑ Fill in the test result that was left blank on the Log of Tests for Alcohol Influence Arrests
- ❑ Complete the three copies of the Result of Test For Alcohol Concentration form, furnish salutation, citation number, and officer's signature
- ❑ Immediately forward defendant copy of Result of Test For Alcohol Concentration to the arrestee via Certified U.S. Mail, restricted delivery.

U.S. Postal Service Form 3800 and 3811 shall be affixed to the mailer per instructions on these forms, available from the District/Division Property Supply Clerk

- ❑ On an arrestee's receipt of the Result of Test for Alcohol Concentration, the Postal Service returns PS Form #3811, bearing the arrestee's signature, to the arresting officer, the officer retains this form as evidence. If the Postal Service is unable to serve the certified letter, the form will be returned to the arresting officer stamped as such; the officer retains this form as evidence
- ❑ Immediately forward the OSA's copy of the Result of Test For Alcohol Concentration and other required documentation, via courier, to the DWI Case Coordinator, OSA District Court Division Courthouse, Upper Marlboro

For test results .08% or higher, the arresting officer shall:

- ❑ Complete the DR-15A, except for the following:
 - Order of Suspension-issue date
 - Surrender of the Driver's License
 - Drivers Certified Statement
 - Temporary License Block
- ❑ Submit the DR-15A and the MVA copy of the Result of Test For Alcohol Concentration form to the MVA

7. Persons Incapable of Refusing a Chemical Test

If an officer has reasonable grounds to believe that an arrestee has been driving or attempting to drive while under the influence of alcohol or while impaired and determines the arrestee is unconscious or incapable of refusing to take a test, the officer shall:

- ❑ Arrange for the arrestee to be transported to a hospital
- ❑ If a test would not jeopardize the health of the arrestee, direct a qualified medical person to collect a blood sample with an authorized blood collection kit

If the arrestee regains consciousness, or otherwise becomes capable of refusing the administration of a chemical test before it is administered, officers will follow the established procedures for obtaining consent.

VOLUME II, CHAPTER 21, DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

8. Processing Drug Suspects

Persons suspected of driving while under the influence of drugs are processed in the same manner as persons driving under the influence of alcohol.

If the arrestee submits to a chemical test, the test can be used to determine the extent of alcohol influence. A low test result, especially a result of 0.0%, together with the officer's observations, may support the probability of drug use.

An officer shall not confiscate an arrestee's driver's license for driving under the influence of drugs, unless the officer is a certified Drug Recognition Expert (DRE). DREs are officers specially trained to detect drivers under the influence of illegal drugs, prescription and over-the-counter medications, and inhaled products. They may be contacted through PSC.

Drugs found on the arrestee or in their vehicle shall be submitted to a laboratory for analysis by the arresting officer. The results of the analysis may be used as corroborative evidence.

If the arrestee was injured and transported to a hospital, the arresting officer will contact CARU for assistance with requesting the OSA to subpoena the hospital's blood test results.

Taking prescription medication is no defense against a charge of driving while under the influence of drugs.

9. Disposition of Arrestee

The officer may release an arrestee, providing the arrestee signs all citations and MVA forms. Otherwise, they shall be presented, without unnecessary delay, before a District Court Commissioner. If the officer releases the arrestee, they shall take reasonable steps to ensure the arrestee has transportation away from the police facility.

Arresting officers shall consult with the OSA, Criminal Trials Division, before placing charges against an arrestee involved in a fatal accident.

10. Summoning Witnesses

Arresting officers shall subpoena essential witnesses by checking the witness block and completing the back of the #1 copy of the citation. If additional space is necessary, a Request for Witness Summons will be completed.

Essential witnesses include the following:

- Officers who had custody of the arrestee
- Witnesses who observed the arrestee driving
- Individual that withdrew blood from the arrestee

The OSA transmits subpoenas for breath testing operators and chemists analyzing blood samples.

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11. Case Disposition

The arresting officer shall note the court disposition of the case in the State of Maryland Alcohol Program Testing Log within 72 hours of adjudication.

Disposition of Alcohol Chemical Test

In cases where a blood test was given, the arresting officer shall complete the Disposition of Alcohol Chemical Test when the court case and appellate process are concluded to facilitate the disposal of blood samples. Officers shall mail the form to the CTAU.

12. License Restrictions

(Transportation Article, Section 16-113)

Persons suspected of driving in violation of an alcohol restriction are processed similarly to persons driving under the influence of alcohol. Instead of using the Officer's Certification and Order of Suspension, if a person consents to a breath test, officers shall use a:

- Certificate of Police Officer, Violation of Alcohol Restriction
- Certificate of Police Officer, Test Results of 0.04 or More, Commercial Motor Vehicle

Alcohol restrictions on a Maryland Driver's License may take the following forms:

- Licensees less than 21 years of age are prohibited from having a BAC of 0.02 or greater
- Licensees with a designated alcohol restriction are prohibited from having any alcohol in their blood

Arrests for either of these violations are handled in the same manner as a DWI violation including chemical testing and charging of the arrestee. Officers shall complete and submit the Certification of Police Officer, Violation of Alcohol Restriction, as the MVA documentation needed after an arrestee submits to a chemical test. Chemical test refusal shall be handled as a regular refusal to submit to a chemical test.

13. Commercial Driver's License

Commercial drivers (when exercising their privilege as commercial licensees) are prohibited from having any alcohol in their system. Officers who encounter any commercial driver with the odor of an alcoholic beverage on their breath, shall request the driver to submit to a chemical breath test. DWI regulations concerning chemical testing and charging apply in these types of arrest. The officer shall complete and submit the Certification of Police Officer, Test Result of 0.04% or More, Commercial Motor Vehicle for MVA documentation.

A truck inspector shall place commercial drivers (when exercising their privilege as commercial licensees) who have any alcohol concentration in their system, or refuse the breath test, out of service. The truck inspector will advise them that they cannot drive a commercial vehicle for at least 24 hours.

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14. All Other Traffic Violation Arrests

In addition to DUI arrests, all other traffic arrests will be made pursuant to the provisions of Section 26-202 of the Maryland Transportation Article. For example, an officer may arrest without a warrant a motorist operating a vehicle on a cancelled, suspended, refused or revoked license in violation of Section 16-303, due to a failure of the motorist to appear for court.

The Officer needs to complete the traffic citations and a Statement of Probable Cause Arrest on Traffic Charges, form DC/CR1, when the violator is to be presented before a District Court Commissioner.

When making a traffic arrest, officers will use only the force necessary to accomplish lawful objectives.

If an arrest is made with a citation, the issued CCN will be placed in the right margin of the citation. Witness information is placed on the reverse of the court copy. Citations will be submitted to a supervisor for review within 24 hours of issuance.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.3, 1.2.4, 1.2.5, 61.1.2, 61.1.5, 61.1.7, 61.1.8, 61.1.10, 61.1.11, 82.2.1, 82.2.2

Governing Legislation:

- ❑ The Maryland Vehicle Law, Section 21-902 and 26-202
- ❑ Transportation Article, Section 16-205.1
- ❑ Delaware v. Prouse (440 U.S. 648, 99 S.Ct.1391)
- ❑ Little v. Maryland & Odom v. Maryland (300 Md. 485, 479 A.2d 903)
- ❑ Michigan Department of State Police v. Sitz (496 U.S. 444, 110 S.Ct. 2481)
- ❑ Indianapolis v. Edmond (531 U.S. 32, 121 S.Ct. 447)

Reference:

- ❑ Administrative Per Se in Maryland, a Police Officer's Guide to Forms and Procedures
- ❑ "Checkpoint Strikeforce" Maryland State Police Sobriety Checkpoint Case Law, March 2004

VOLUME II, CHAPTER 22, DRUG TAX LIABILITY

22. DRUG TAX LIABILITY

(December 2005)

I. POLICY

County Code permits a tax of 30% on the value of CDS sold, used, stored, or consumed within the County. The tax is payable for each separate violation, and every person who is a party to the event is jointly and severally liable for payment of the tax. The County's Office of Law and Office of Finance are responsible for litigation and tax collection.

II. CHECKLIST (N/A)

III. DEFINITIONS (N/A)

IV. FORMS

- Vehicle/Asset Forfeiture Summary Report (PGC Form #4321)

V. PROCEDURES

The Department will evaluate CDS-related arrests to determine the eligibility for tax liability based on the following criteria:

- The arrestee is an adult
- The arrestee is believed to possess identifiable property, personal and/or real, within the County

1. Reporting Procedures

Officers will complete a Vehicle/Asset Forfeiture Summary Report, describing the circumstances of the seizure of the CDS and identifying the assets of the arrestee. Officers will not attempt to compute the tax. CHRI-protected information or information that would be discoverable by a defense attorney will not be included. The officer may contact the Narcotic Enforcement Division (NED) or the Office of Law for assistance.

The completed report will be forwarded to NED prior to the end of the officer's shift.

2. NED Responsibilities

NED will:

- Assist officers during any phase of the process
- Review reports for accuracy and completeness
- Distribute the report to the Office of Law

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For assets not readily identifiable, reports will be sent to NED for assignment to a financial investigator. The Commander, NED shall ensure that the financial investigation is completed and forwarded as appropriate.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standard 43.1.2, 74.2.1, 74.4.1, 82.1.9, 82.2.1, 82.2.2

Governing Legislation:

- County Code Section 10-228

VOLUME II, CHAPTER 23, EMERGENCY PETITIONS

23. EMERGENCY PETITIONS & RESPONSES TO INDIVIDUALS WITH MENTAL DISORDERS

(November 2006)

I. POLICY

Any individual may be affected by a mental disorder. Dealing with these individuals presents law enforcement officers with unique challenges.

The Department acknowledges that mental disorders are not the result of weakness, lack of character, or poor upbringing. Mental illness can disrupt a person's thinking, feeling, moods, and capacity for coping with the demands of life. They are generally treatable with medication and supportive counseling.

The Department's policy is to provide a comprehensive response to individuals who display symptoms of a mental disorder. Where the requirements of the law are met, the responding officer will file a request for an emergency evaluation petition for the individual.

II. CHECKLIST

In accordance with officer safety techniques, steps that can be taken to de-escalate a situation involving a person suspected of having a mental disorder include:

- When possible, turn off emergency lights and sirens
- Disperse crowds
- Assume a non-threatening manner when approaching the individual
- Communicate with the individual in a calm fashion and attempt to determine what is bothering them
- Always be truthful when dealing with an individual with a mental disorder; if he or she becomes aware of deception, he or she may withdraw in distrust or retaliate in anger

III. DEFINITIONS

(Health-General Article, Sec. 10-622)

Designated Hospital: A medical facility within Prince George's County that is equipped to assist the mentally ill; they are:

- Doctor's Community Hospital
- Greater Laurel Beltsville Hospital
- Prince George's Hospital Center
- Southern Maryland Hospital

Emergency Evaluation Petition: A process by which an individual suspected of having a mental disorder is evaluated by a mental health professional in a clinical setting

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Mental Disorder: A physical or psychological impairment manifested by behavioral symptoms that indicate a clear disturbance in mental functioning; mental retardation is not a mental disorder

Mobile Crisis Team: The primary outreach component for the Prince George's County Crisis Response System. Members of the team are trained mental health professionals who provide assistance to officers in dealing with persons with mental disorders and others in crisis. Team members may provide immediate intervention for families in crisis, assistance in making referrals to hospitals or other psychiatric care, or, as appropriate, with filing an emergency evaluation petition.

Petitioner: Any of the following individuals who, after examination or observation, request an emergency evaluation of an individual:

- Mental health professionals (In this section, physicians, psychologists, licensed clinical social workers, licensed clinical professional counselors, health officers or designee's of health officers)
- Law enforcement officers
- Any other interested person

Psychological Services Division: Provides comprehensive services to all Departmental personnel and their families who request professional intervention; the Division applies behavioral science skills as a means to solve problems and to enhance both organizational and individual well being

IV. FORMS

- Emergency Evaluation Petition Checklist (PGC Form #5175)
- Commander's Information Report (PGC Form #1545)
- Incident Report (PGC Form #3529)
- Maryland District Court Form #DC 13
- Maryland District Court Form #DC 14

V. PROCEDURES

(Health-General Article 10-622)

1. Symptoms

Some symptoms of a mental disorder include, but are not limited to:

- Disorientation
- Loss of memory regarding their identity, time, or place
- Displaying inappropriate or impulsive behavior
- Hallucinations or feelings of persecution
- Paranoia
- Talking to themselves
- Describing unrealistic physical symptoms

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Officers responding to calls involving subjects with these symptoms shall use extreme caution because their behavior may be unpredictable.

Maryland law recognizes that law enforcement officers are not trained in medicine or psychology. It merely requires that the officer have reason to believe that the individual:

- ❑ Has a mental disorder, and
- ❑ Presents a danger to the life or safety of himself or herself or others

Officers shall establish this belief based on observation of the subject, or on information they obtain that is pertinent to the circumstances giving rise to the petition such as the statements of witnesses. Officers may file petitions on individuals whose symptoms are only known via credible witness accounts. Officers may also consider the physical aftermath of the individual's behavior, such as wounds inflicted on himself or herself or others, or property damage.

2. Arrest Alternatives

Arrest is the least desirable alternative when dealing with an individual who is believed to be suffering from a mental disorder.

Based on the circumstances, officers should consider initiating an emergency evaluation petition instead of filing criminal charges. This consideration applies only when dealing with minor violations, and is not appropriate when the subject has committed a serious crime. If criminal charges have been filed, and the officer believes that mental health treatment is necessary, he or she may initiate an emergency evaluation petition in addition to the criminal charges.

The determination whether or not to commit a subject is made by a physician.

Officers shall articulate the totality of the circumstances that led to the arrest or petition in their documentation.

3. Interrogations

An officer interrogating an individual may not know that the person has a mental disorder until after the interrogation has begun. If an officer suspects that a person to be interrogated has a mental disorder, special precautions must be taken to ensure that any statements made are volunteered and credible.

Efforts should be made to gather information about the person's mental condition from credible sources such as witnesses and family members, or reports of forensic analysis. Officers shall corroborate the individual's statements with information obtained from these sources.

4. Mental Health Professionals as Petitioner

A physician, psychologist, licensed clinical social worker, professional counselor, or a health officer or his or her designee may complete an emergency evaluation petition. The law obligates an

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officer to serve a petition when presented to him or her by a physician.

When providing assistance at a physician's office or health clinic, sufficient officers will be dispatched to restrain and transport the individual to the nearest designated hospital.

If a mental health professional completes a petition, the officer shall:

- ❑ Question the petitioner to ensure that the individual is a danger to the life or safety of himself or herself or others
- ❑ Ensure that the petition is completed and signed
- ❑ Explain the content and meaning of the petition
- ❑ Advise the petitioner of the serious nature of the petition, and sign the document in the space provided
- ❑ Attach a copy of the petition to the Incident Report and Commander's Information Report

Individual on the Scene

If the individual is present, the officer will take custody of him or her, and transport him or her to the closest designated hospital.

Individual Not on the Scene

If the individual is not present, the officer will obtain all available information concerning the situation, and the individual's likely location.

The officer will then notify his or her supervisor. Upon obtaining supervisory approval, the officer shall attempt to locate and take custody of the individual.

There is no expiration date when a mental health professional or law enforcement officer signs the petition.

5. Petition Unavailable to Physician

When a petition is not available to the mental health professional, he or she should be requested to accompany the officer and individual to the closest designated hospital to complete one.

If he or she is unable to do so, and circumstances indicate that the individual is a danger to the life or safety of himself or herself or others, the officer will take custody of the individual and transport him or her to the closest designated hospital.

6. Law Enforcement Officer as Petitioner

When an officer has reason to believe that an individual has a mental disorder, the officer shall immediately stabilize the situation and take steps to ensure his or her safety and that of the public.

An officer may be the petitioner when he or she has personally observed the individual or the individual's behavior, has reason to believe that the individual has a mental disorder, and presents

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a danger to the his or her life or safety or that of others. If an officer does not have reason to believe this as required by Maryland law, the officer shall not initiate a petition.

In non-emergency situations, officers shall attempt to locate family members and ensure that they are aware of the services of Assessment Stabilization Center at Prince George's Hospital and the Mobile Crisis Team, and encourage them to contact either for assistance. Officers shall notify the Mobile Crisis Team through Public Safety Communications while on scene, and may telephone either for assistance with determining the best course of action.

If the officer must act as the petitioner, he or she shall notify the designated hospital prior to transport to ensure that the required facilities are available.

The following procedures shall be followed:

- ❑ Obtain supervisory approval to initiate the petition
- ❑ Take custody of the individual in the same manner as a prisoner
- ❑ Obtain the assistance of a second officer to facilitate transport
- ❑ Transport the individual to the closest designated hospital
- ❑ Consult with the hospital staff and complete a petition for emergency evaluation using Maryland District Court Forms #DC 13 and #DC14
- ❑ Remain with the individual until a physician has taken custody of him or her, unless the physician requests that the officer remain because of the violent nature of the individual
- ❑ Complete an Incident Report and Commander's Information Report
- ❑ Obtain a copy of the petition and attach it to the reports

It is necessary to obtain supervisory approval to remain with the individual. State law requires that if the individual is violent, the supervisor shall allow the officer to remain with him or her. State law further requires that physicians examine the individual as promptly as possible if the officer is required to remain.

When an individual is refused evaluation at any facility, the officer shall request a supervisor to respond. The supervisor will speak with the hospital officials and attempt to have the individual admitted for evaluation. If the facility still refuses, the officer will transport the individual to the next closest designated hospital. The supervisor will document the refusal on a Commander's Information Report and transmit a copy to the Assistant Chief of Police, Patrol Services.

Admission Authorized

If the individual is admitted, the officer shall leave the individual and the original copy of the petition at the hospital. The officer will clearly articulate the behavior exhibited by the individual in the petition. A court appearance will not be required of the officer.

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Admission Denied

Based on their evaluation, if the hospital staff denies admission of the individual, the officer may return him or her to the location of their initial contact.

The officer must complete an Incident Report and a Commander's Information Report including the:

- Name of the evaluating physician
- Name of the facility
- Circumstances of the contact, and
- The address the individual was returned to, if applicable

Arrest

When an arrest and processing are necessary, the officer shall:

- Advise the sector supervisor of the circumstances and obtain approval prior to transport
- Articulate his or her observations regarding the arrestee's mental condition in the probable cause section of the charging document
- Advise the District Court Commissioner regarding his or her observations of the arrestee's mental condition
- Advise correctional officers of the arrestee's mental condition prior to transferring custody

7. Transport by Police Officer

Police transports are authorized only when the officer is:

- The petitioner
- Serving a petition signed by a mental health professional
- Serving a court order

If the individual to be transported is non-compliant, the procedures detailed in **VOLUME II, CHAPTER 4. ARREST, TRANSPORT, & PROCESSING** shall be followed.

Officers shall not transport an individual that has been committed from a designated hospital to any other facility.

Individual Transported to a Non-Designated Hospital

If for medical reasons, an individual is transported to a medical facility other than a designated hospital, officers shall determine whether the individual will be treated and released within a reasonable amount of time. If so, the officer will await the individual's release, and then take him or her to the nearest designated hospital for evaluation. If the individual is admitted, the officer shall attempt to notify interested persons such as the complainant or family members.

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The officer shall also notify the hospital staff that he or she believes the individual is in need of an emergency evaluation based on the circumstances known to the officer.

If the individual is transported to a hospital in another jurisdiction, the officer will contact the local law enforcement for assistance.

Officers shall note the name, address, and telephone number of each person notified on the Incident Report. This includes hospital staff members, and any law enforcement officers when in another jurisdiction.

Reporting

An Incident Report and Commander's Information Report will be completed whenever:

- The officer completes a petition; the name of the supervisor approving the petition must be documented in the Incident Report
- An officer presents a civilian petitioner and a petition before a judge
- Hospital staff decline a petition after an officer has taken custody of a person

In each instance, a copy of the petition shall be attached to the Incident Report and Commander's Information Report.

Officers shall utilize the Emergency Evaluation Petition Checklist when preparing their reports to ensure that all of the required information is included in the reports.

When clearing a call involving a mentally disordered individual, the suffix "M" will be added to the clearance code.

8. Interested Parties as Petitioner

Citizens requesting information regarding emergency evaluation petitions will be referred to the Assessment Stabilization Center at Prince George's Hospital.

Unless a judge has referred an individual to the Assessment Stabilization Center for screening, interested parties requesting commitment of a family member must complete an emergency evaluation petition obtained from a District Court Commissioner, and present the petition to the court for review. It is not the officer's responsibility to do so.

The Office of the Sheriff for Prince George's County serves petitions signed by a judge, which are valid for five days from the date they are signed.

9. Suicide Attempts

Public Safety Communications is responsible for receiving and classifying calls for service. Calls for service will be prioritized based on the call taker's conversation with the complainant.

Questions concerning the legitimacy of a suicide threat shall be resolved in favor of a higher priority response.

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Upon arrival at the scene, officers shall locate and take custody of any firearms on the premises, and determine whether the individual intentionally ingested medication or foreign substances.

If any substance was intentionally ingested, officers shall:

- ❑ Locate and take custody of the container(s) of the substance(s)
- ❑ Follow the procedures for an emergency evaluation petition in this section
- ❑ Notify hospital staff regarding substances that may have been ingested by the individual

10. Escaped Mental Patients

A mental patient who has been criminally charged and committed by a court of competent jurisdiction that escapes from confinement may be arrested. The escaped mental patient will be charged with escape and brought before a District Court Commissioner.

11. Voluntary Admissions

If an individual wants to be voluntarily admitted, officers should attempt to arrange transportation to an appropriate medical facility for the individual. An officer will not transport an individual seeking voluntarily admission.

If the mental condition of the individual is severely disturbed, transportation by ambulance may be appropriate.

In cases of suicide threats, officers should consider initiating an emergency evaluation petition for the individual's safety.

Civilly or voluntarily committed individuals who leave an institution without authorization are not subject to arrest but may be detained for criminal violations.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standard 1.1.3, 1.2.1, 1.2.3, 1.2.5, 1.2.6, 1.2.7, 41.2.8, 71.3.1, 71.3.2, 74.2.1
- ❑ Memorandum of Agreement Between the United States Department of Justice and Prince George's County, Maryland, January 22, 2004

Governing Legislation:

- ❑ Annotated Code of Maryland, Health-General Article, Sections 10-620 through 10-626. (*See also: Digest of Criminal Laws, Revised August 1, 2003*)

References:

- ❑ A Police Officer's Guide to Intervention Strategies and High-Risk Populations

VOLUME II, CHAPTER 24, EXTORTION

24. EXTORTION (December 2005)

I. POLICY

Extortion investigations shall be coordinated through the Commander of the Robbery Section.

II. CHECKLIST (N/A)

III. DEFINITIONS

Extortion: The receipt of property or money by force or threat of violence, property damage, or harm to reputation

IV. FORMS (N/A)

IV. PROCEDURES

1. Receiving Extortion Complaints

The employee receiving a complaint shall attempt to obtain the following:

- Name, address, and telephone number of the complainant
- Name, address, and description of the victim
- Location of incident

Once the above information is obtained, the employee receiving the complaint will notify PSC. Once notified, PSC shall dispatch the most available plainclothes officer to the scene to verify the incident.

2. Officer's Responsibilities

Officers shall remain away from the incident scene unless specifically directed to respond by PSC or a supervisor.

3. Investigative Responsibilities

After confirming an extortion, an investigator will be respond to the scene and assume responsibility for the investigation.

The priority of investigative assignment shall be:

- Robbery Section Investigator
- Other CID Investigator
- District Investigator

Primary responsibility for the supervision of an extortion investigation is assigned to the Commander, Robbery Section. They will coordinate investigative efforts regardless of the

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assignment of the investigator.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standard 41.2.1, 42.1.4, 81.2.5, 81.2.6, 82.2.1, 82.2.2

Governing Legislation:

- Annotated Code of MD CR§ 3-701

VOLUME II, CHAPTER 25, FAILURE TO PAY COMPLAINTS

25. FAILURE TO PAY COMPLAINTS

(December 2005)

I. POLICY

Although the failure to pay for property or services is classified as theft under Maryland criminal law, not all complaints alleging a failure to pay are criminal in nature. When a legitimate disagreement arises regarding the amount of money owed, or when it is alleged that the contracted property or services have not been delivered as promised, responding officers will carefully evaluate the circumstances to determine if the incident may be a civil matter.

II. CHECKLIST (N/A)

III. DEFINITIONS

Property: Anything of value which includes, but is not limited to, real estate, money, a commercial instrument, an admission or transportation ticket, food or drink, electricity, gas or water (Maryland Criminal Code)

Services: Something accomplished for payment, such as labor or professional work; telecommunications, public utility, toll facility, or transportation; lodging, entertainment, or restaurant accommodations; use of computers, data processing, or other equipment (Maryland Criminal Code)

IV. FORMS

- Incident Report (PGC Form #3529)
- Arrest Report (PGC Form #3245)

V. PROCEDURES

Officers responding to a failure to pay complaint shall examine the circumstances for indications of criminal intent. If such intent is not apparent, and the failure to pay appears to result from a sincere disagreement, the officer shall attempt to mediate the dispute.

If a mutually satisfactory resolution cannot be worked out, the involved parties shall be advised to seek civil redress through the courts.

If criminal intent is apparent, the officer shall attempt to verify the suspect's identity. The officer shall provide the suspect's information to the complainant, and advise the complainant to apply for a charging document with a District Court Commissioner. When the officer cannot verify the suspect's identity and sufficient probable cause exists to indicate that a crime has been or is being committed, the officer may make a full custody arrest.

VOLUME II, CHAPTER 25, FAILURE TO PAY COMPLAINTS

1. **Disputes Involving a Licensed Vendor**

Officers shall verify current license information for any vendor or service provider, such as taxi drivers or contractors, involved in a failure-to-pay complaint. In cases determined to be civil in nature, officers shall provide license information and the name of the licensing agency to the other party.

2. **Reporting Procedures**

An Incident Report shall be submitted when:

- An arrest is made
- Parties are advised to obtain charging documents
- Fraudulent intent is indicated, or
- Licensing violations are discovered

VI. **GOVERNING LEGISLATION & REFERENCE**

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.6, 1.2.7, 42.1.4, 42.2.1, 42.2.2, 55.1.3, 82.2.1, 82.2.2

Governing Legislation:

- Maryland Criminal Code, Sections 7-101 and 7-104

VOLUME II, CHAPTER 26, FIELD INTERVIEWS

26. FIELD INTERVIEWS

(December 2005)

I. POLICY

Officers must understand the legal basis and authority for conducting field interviews. Legally conducted and properly documented field interviews can contribute greatly to crime analysis and solution. They also serve as sources of information, a means of developing suspects and witnesses, and a crime deterrent.

II. CHECKLIST (N/A)

III. DEFINITIONS

Articulate Suspicion: A collection of facts which, when considered together, would lead a reasonable police officer to believe that a temporary detention and/or frisk is legally justified. A suspicion is articulable if the facts supporting it can be spoken or written. Articulate suspicion is more than a hunch, but less than evidence amounting to probable cause.

Probable Cause: A collection of facts which, when considered together, would lead a reasonable person to conclude that a specific crime has occurred and the suspect was responsible

Temporary Detention: A brief stop of an individual; the length and extent of the stop is dictated by the facts known to the officer at the time of the stop

IV. FORMS

- Incident Report (PGC Form #3529)
- Warning/Field Observation Report/J-2 (PGC Form #5088)

V. PROCEDURES

There are three levels at which an officer may intrude upon an individual if there lacks probable cause to make an arrest or conduct a search:

- Conversation
- Temporary detention (Terry Stop)
- Stop and frisk (Terry Frisk)

1. Conversation

An officer can approach, talk to, and ask questions of an individual at any time. At this stage, an officer has no authority to detain the individual or otherwise make the individual respond to any inquiry. When the individual indicates, by speech or action, a desire not to talk to the officer or desires to leave, the officer must honor the individual's wish. Information derived from this contact can be used to create articulable suspicion or probable cause.

2. Temporary Detention (Terry Stop)

When an officer has articulable suspicion that leads them to believe that an individual may have just committed, is committing, or is about to commit a crime, the officer can stop and temporarily detain the individual to inquire about that individual's conduct or get additional information. This allows the officer to make a brief inquiry of the individual, seek other information, or locate evidence to determine if their initial suspicions were accurate.

Information derived from this temporary detention can be used to establish articulable suspicion that the individual may be armed and dangerous or to establish probable cause of a crime. An officer must articulate sufficient facts to show that it was reasonable to believe that a crime was or is being committed. Hunches, training and experience, or officer safety issues do not suffice for specific facts that justify articulable suspicion.

Officers may consider the following circumstances in determining whether articulable suspicion exists to justify a stop (the list is not all-inclusive):

- ❑ The actions, appearance, or demeanor of the individual
- ❑ The time of day or night
- ❑ Clothing of the individual, including suspicious bulges appearing through the clothing or objects carried
- ❑ Inappropriateness of the presence of the individual in a given location
- ❑ The individual's proximity to a known crime scene
- ❑ The officer's prior knowledge of the circumstances (for example, the individual's prior record, or information from an informant or third party)

3. Stop and Frisk (Terry Frisk)

A stop and frisk (Terry frisk) is lawful only when the officer has met the requirements of a temporary detention ("Terry stop") and has articulable suspicion that the individual may be armed and dangerous. Once both conditions are met, the officer may combine the temporary detention with a pat down of the suspect's outer garments to determine if that individual is carrying a weapon that may harm the officer. The officer may remove an item detected in this pat down if one of the following conditions exists:

- ❑ The officer reasonably believes that the item located is a weapon
- ❑ It is apparent, based upon feeling through the outer garments alone, that the item is contraband or evidence of a crime

If there is articulable suspicion that the individual is carrying a handgun, Section 4-206 of the Maryland Criminal Law requires officers to ask preliminary questions (the individual's name, address, and, if the individual is in a vehicle, license, and registration) to determine whether that individual is in lawful possession of the weapon. The requirement for this questioning is not so

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great as to make officers place themselves at additional risk. Circumstances known to the officers may require immediate action prior to such questioning.

Stop and Frisk Report

When an officer conducts a pat down or frisk for a weapon, regardless of whether an arrest is made, the officer shall submit a Warning/Field Observation Report, or an Incident Report titled Stop and Frisk, prior to the end of the shift. This report shall include the officer's observations that led that officer to believe that the individual was armed and dangerous.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standard 1.2.3, 1.2.4, 41.2.4, 82.2.1, 82.2.2

Governing Legislation:

- Terry v. Ohio – When officers observe unusual conduct and they reasonably conclude, in light of their experience, that criminal activity may be afoot and an individual may be armed and presently dangerous, the officers shall identify themselves and make inquiries of such individual.

If nothing in the inquiry dispels the reasonable fear for the safety of themselves and others, the officers may conduct a carefully limited search of the individual's outer clothing in an attempt to discover weapons. Such searches are reasonable and any evidence obtained is admissible.

VOLUME II, CHAPTER 27, FINANCIAL CRIMES

27. FINANCIAL CRIMES

(November 2006)

I. POLICY

The mission of the Financial Crimes Unit (FCU) is to determine the criminal or civil status of cases and to conduct investigations into the passing of bad checks, the theft of money orders, forgery and uttering, credit card offenses, embezzlement, theft from deception, identity theft, and home improvement fraud.

Cases investigated by FCU must be reported in person, by appointment only.

II. CHECKLIST (N/A)

III. DEFINITIONS

Bad check: A check that is passed (uttered) and not honored by a financial institution

Credit card offense: Occurs when a person obtains services or merchandise by means of an illegally obtained credit card, as described in Section 8-203, 205 of the Criminal Law Articles

Embezzlement: The fraudulent misappropriation of financial instruments such as money, stocks, or securities by a person to whom they have been entrusted or into whose hands they have lawfully come; under Maryland law, it is a theft but classified separately for crime analysis purposes

Forgery: The false making, forging, alteration, or counterfeiting of deeds, currency, wills, written obligations, bonds, or other negotiable instruments

Identity Theft: A person may not knowingly, willfully, and with fraudulent intent obtain or aid another person in obtaining personal identifying information of an individual without the individual's consent, for the purpose of using, selling, or transferring that information to obtain any benefit, credit, goods, services, or other item of value in the name of that individual; furthermore, a person may not knowingly and willfully assume the identity of another with fraudulent intent to obtain any benefit or item of value, to avoid payment of a debt or other legal obligation, or to avoid prosecution for a crime

Uttering: The passing or presenting of a forged document

IV. FORMS

- Incident Report (PGC Form #3529)
- United States Postal Service Certified Letter, Return Receipt Requested (PS Form #3811)

V. PROCEDURES

1. Bad Check Cases

Bad check cases can be resolved through the Prince George's County State's Attorney Bad Check Restitution Program or through the FCU.

Bad Check Restitution Program

When an officer responds to a report of a bad check, he shall determine if:

- ❑ The amount is \$2000 or less, or there are multiple checks written by the same person not exceeding \$2000
- ❑ The check is written on a closed account or written on an account with insufficient funds
- ❑ The check was received in Prince George's County in exchange for goods or services

If all three criteria are met, the officer shall inform the complainant the following:

- ❑ A certified letter demanding payment must be sent through the United States Postal Service (return receipt requested) to the writer of the check allowing 10 days to make the check good
- ❑ If payment is not received following 10 days from the post marked date on the return receipt, contact the Prince George's County State's Attorney Bad Check Restitution Program for a crime report
- ❑ The Bad Check Restitution Program must receive the crime report within 90 days from the date on the check

Financial Crimes Unit

If an officer responds to a report of a bad check, and it is determined that:

- ❑ The amount is over \$2000, there are multiple checks written by the same person that exceeds \$2000, or the check is written on a closed account or an account with insufficient funds totaling over \$2,000
- ❑ The check was received in Prince George's County in exchange for goods or services the officer shall inform the complainant of the following:
 - ❑ A certified letter demanding payment must be sent through the United States Postal Service, return receipt requested, to the writer of the check allowing 10 days to make the check good
 - ❑ If payment is not received following 10 days from the post marked date on the return receipt, contact the FCU during normal business hours for a screening appointment

Officers will not make on-scene arrests, nor will they take custody of any evidence such as checks or postal receipts.

Normally, officers will not complete an Incident Report. However, if the suspect is present, the officer shall:

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- ❑ Complete an Incident Report
- ❑ Write “FIELD OBSERVATION” in the TYPE OF INCIDENT block and “FCU” in the COPY TO block

2. **Stolen Checks, Credit Cards, ATM & Bank Card Cases**

FCU does not investigate or write Incident Reports for the theft of checks, credit cards, ATM cards, or bank cards. In all cases of stolen checks, credit cards, ATM and bank cards, the reporting officer shall:

- ❑ Conduct a preliminary investigation
- ❑ Complete an Incident Report
- ❑ Write “THEFT” in the TYPE OF INCIDENT block and “FCU” in the COPY TO block before the end of watch
- ❑ Include in the Incident Report the account number and name of the bank the check, credit card, ATM or bank card is drawn on, printed number on checks (if known) and the quantity of checks stolen

The reporting officer shall also advise the complainant to contact his or her respective bank to report the incident and provide them with the CCN.

3. **Stolen Money Orders**

In cases involving stolen money orders, the reporting officer shall advise the complainant to:

- ❑ Contact the money order company and request a trace
- ❑ After the trace has been completed, and if the money order was cashed in Prince George’s County, contact the FCU during normal business hours

Officers will not complete an Incident Report, nor will they take custody of any evidence.

4. **Forgery & Uttering Cases**

In cases involving check forgery and uttering the reporting officer shall:

- ❑ Determine from what jurisdiction the check was stolen
- ❑ Determine in which jurisdiction the check was forged and uttered

If the check was stolen within the County, but was forged and uttered in another jurisdiction, the reporting officer shall:

- ❑ Complete an Incident Report and place “FCU” in the COPY TO block before the end of the watch
- ❑ Write “Theft” in the TYPE OF INCIDENT block
- ❑ The officer will not take custody of the evidence but will advise the citizen to place the check in an envelope, handling the check as little as possible

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- ❑ Advise the complainant to contact his or her bank
- ❑ Provide the complainant with the CCN of the theft report

If the suspect is on the scene and the responding officer verifies the theft, they may make an arrest, seize evidence, and handle the incident.

If the check was stolen or lost in another jurisdiction, but was forged and uttered within the County, the officer shall:

- ❑ Complete an Incident Report and place “FCU” in the COPY TO block before the end of the watch
- ❑ Write “THEFT,” and in parenthesis “Forgery,” in the TYPE OF INCIDENT block
- ❑ Advise the complainant to notify their bank of the incident
- ❑ If the complainant has further questions, advise them to contact FCU during normal business hours

The officer will not take custody of any evidence.

If the suspect is on the scene and the responding officer verifies the forgery and uttering, the officer may make an arrest, seize evidence, and handle the incident.

In cases regarding the forgery and uttering of other documents, the officer shall direct the citizen to contact FCU during normal business hours.

5. Credit Card Offenses

Officers responding to this type of call shall:

- ❑ Complete an Incident Report and write “THEFT” in the TYPE OF INCIDENT block, and place “FCU” in the COPY TO block
- ❑ Detail the theft of the credit card in the report
- ❑ Advise the complainant to contact his or her credit card company to report the incident and provide them with the CCN
- ❑ If the credit card company does not reimburse the complainant, advise the complainant to contact FCU

FCU does not investigate the theft of credit cards. In most cases, the credit card company will reimburse the victim’s account. The credit card company will then pursue criminal charges through FCU.

If the suspect is on the scene and the responding officer verifies the credit card theft, the officer may make an arrest, seize evidence, and handle the incident.

6. Counterfeit Currency

In cases involving counterfeit currency, the responding officer shall:

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- ❑ Complete an Incident Report and place “FCU” and “USSS” in the COPY TO block before the end of watch
- ❑ Write "COUNTERFEIT CURRENCY" in the TYPE OF INCIDENT block
- ❑ Contact the U.S. Secret Service via telephone (Washington Field Office) and document the name of the agent in the narrative section of the Incident Report
- ❑ Take custody of the evidence and place “to be released to the U.S. Secret Service only” on the Property Record after the “Last Item” notation

If the suspect is on the scene and the responding officer verifies the theft, the officer may make an arrest. If an arrest is made, the officer shall notify the USSS and document the name of the agent in the narrative section of the Incident Report.

7. **Counterfeit Checks**

In cases involving counterfeit checks, the responding officer shall determine if it is a personal check or a business check.

Personal Check(s)

If it is a counterfeit personal check, the Financial Crimes Unit shall handle the incident. The responding officer shall:

- ❑ Complete an Incident Report and place “FCU” in the COPY TO block before the end of watch
- ❑ Write “THEFT-COUNTERFEIT PERSONAL CHECK” in the TYPE OF INCIDENT block
- ❑ Advise the victim to contact FCU by phone during normal business hours to make an appointment
- ❑ Take custody of the evidence

If the suspect is on the scene and the responding officer verifies the theft, the officer may make an arrest.

Business Check(s)

If it is a counterfeit business check, the United States Secret Service (USSS) shall handle the incident. The responding officer shall:

- ❑ Complete an Incident Report and place “FCU” and “USSS” in the COPY TO block before the end of watch
- ❑ Write "THEFT-COUNTERFEIT BUSINESS CHECK" in the TYPE OF INCIDENT block
- ❑ Contact the U.S. Secret Service via phone (Washington Field Office) and document the name of the agent in the narrative section of the Incident Report
- ❑ Take custody of the evidence and place “to be released to the U.S. Secret Service only” on the Property Record after the “Last Item” notation

If the suspect is on the scene and the responding officer verifies the theft, the officer may make an arrest.

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If an arrest is made the officer shall notify the USSS and document the name of the agent in the narrative section of the Incident Report.

8. **Theft by Deception, Home Improvement Fraud**

In all theft by deception and home improvement fraud cases, the responding officer shall:

- Conduct a preliminary investigation to determine how the complainant knows an offense has occurred
- Complete an Incident Report and place "FCU" in the COPY TO block before the end of watch with the following information:
 - Name, address and phone number of the person who conducted the transactions and whether the complainant can identify suspect
 - A complete description of the suspect
 - A description of any conversation between the suspect and complainant
 - Advise the complainant to contact FCU

The officer will not take custody of the evidence. If the suspect is on the scene and the responding officer verifies the theft, the officer may make an arrest and seize evidence.

9. **Embezzlement**

In cases when an officer responds for embezzlement, the officer shall:

- Complete an Incident Report and place "FCU" in the COPY TO block before the end of watch
- Write "THEFT-EMBEZZLEMENT" in the TYPE OF INCIDENT block
- Advise the complainant to contact FCU by phone during normal business hours for an appointment

No on-scene arrest will be made, nor will the officer take custody of any evidence.

10. **Identity Theft**

In this section, an individual's personal information includes any of the following:

- Name
- Date of birth
- Address
- Telephone number
- Driver's license number
- Social security number
- Personal identification number
- Credit card number
- Employee identification number
- Mother's maiden name
- Bank or other financial institution account numbers

VOLUME II, CHAPTER 27, FINANCIAL CRIMES

In all identity theft cases, the reporting officer shall:

- ❑ Complete an Incident Report and place “FCU” in the COPY TO block and “IDENTITY THEFT” in the TYPE OF INCIDENT block before the end of watch
- ❑ Not take custody of any evidence

If the suspect is on the scene and the responding officer verifies that one or more elements of the offense has occurred, the officer may make an arrest and seize evidence.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standard 42.1.4, 82.2.2, 82.2.2

Governing Legislation:

- ❑ Criminal Law Article, Section 8-203,205

VOLUME II, CHAPTER 28, FORCED ENTRY, HAZARD, & NEXT-OF-KIN NOTIFICATIONS

28. FORCED ENTRY, HAZARD, & NEXT-OF-KIN NOTIFICATIONS

(December 2005)

I. POLICY

It is the policy of the Department to facilitate timely and accurate notifications to the public regarding sensitive matters that concern them.

II. CHECKLIST

Officers who must force entry shall:

- Notify a supervisor
- Attempt to notify the resident or owner of the property
- Complete an Incident Report and write "RISK MANAGEMENT DIVISION" in the COPY TO block
- Complete a Damage Notification Form and attach a copy to the Incident Report
- Provide the resident or owner with a copy of the form, or leave the form in a conspicuous location
- Photograph any damage and submit the undeveloped film to the Records Section using the Photo Processing Report Envelope
- Ensure that the dwelling or property is properly secured if the resident or owner is not on the scene
- Complete a Commander's Information Report

III. DEFINITIONS

Next-of-Kin: Closest relative of an individual as determined by blood or marriage

IV. FORMS

- Commander's Information Report (PGC Form #1545)
- Damage Notification Form (PGC Form #4283)
- Incident Report (PGC Form #3529)
- Photo Processing Report (PGC Form #952)

V. PROCEDURES

1. Forced Entry & Damage to Property

Any officer who forces entry into a building, causes damage to property, or assists the Fire Department with a forced entry shall comply with the procedures detailed in this directive under **II. CHECKLIST**.

VOLUME II, CHAPTER 28, FORCED ENTRY, HAZARD, & NEXT-OF-KIN NOTIFICATIONS

2. Hazards

Officers will promptly notify PSC of any condition that constitutes an immediate public hazard, including damage to or malfunction of any public utility equipment. This includes roadway hazards, such as large potholes, missing or damaged traffic signs, and objects in the roadway.

Officers shall provide the location of the problem and, when available, identification number of malfunctioning equipment.

Officers will take necessary actions to protect the public until the condition has been corrected or other authority relieves them.

3. Next-of-Kin Notifications

Within Prince George's County

Reporting officers will ensure that next-of-kin notifications are made in person, promptly and considerately in the following cases:

- Death
- Gravely ill or injured persons
- Injured juveniles
- Missing persons

Departmental chaplains are available to assist in making death notifications, and may be requested through Public Safety Communications (PSC).

Officers will not broadcast names or addresses of persons associated with notifications of death or for gravely ill or injured persons.

The officer making the notification will attempt to evaluate the health of the individual receiving the news prior to making the notification. Appropriate measures shall be taken to ensure the health of the recipient if they are determined to be frail or ill.

When unable to contact next-of-kin, a person responsible for the victim may be notified.

If the reporting officer is unable to make contact with the next-of-kin by the end of the tour of duty, the supervisor shall be notified. The supervisor shall notify the oncoming supervisor for follow-up.

If the oncoming supervisor is unable to locate the next-of-kin the supervisor shall:

- Check with the U.S. Postal Service for a current address
- Coordinate a neighborhood canvass in the area that the next-of-kin is believed to be residing

VOLUME II, CHAPTER 28, FORCED ENTRY, HAZARD, & NEXT-OF-KIN NOTIFICATIONS

Outside Prince George's County

When the next-of-kin resides outside of Prince George's County, the police agency providing services to the jurisdiction in which the next-of-kin resides shall be notified by telephone and requested to make the notification.

In addition to the notification by the outside agency, the reporting officer shall send a certified letter to the next-of-kin's address with a return receipt requested.

In cases where the Homicide Section assumes investigative responsibility, the investigator shall be responsible for all notifications.

All notifications attempted or made by the reporting officer shall be documented in the report.

The provisions of this directive shall be complied with before any release of information to the news media.

Notifications for Outside Agencies

Following the above procedures, the Department may make next-of-kin notifications upon request from outside agencies. A supervisor will evaluate the propriety of the request.

The employee receiving the request will document all available information from the requestor, and then enter the request into the CAD system. The dispatcher will direct the assigned officer to contact the employee receiving the request by telephone to receive the details of the assignment.

If necessary, the officer assigned the notification may contact the original requestor to obtain additional information prior to making the notification. The officer may document the notification in a report, or code the call and provide a concise disposition to PSC.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order Addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standard 16.4.1, 55.2.6, 61.4.1, 61.4.2, 81.2.5, 81.2.6, 81.2.11, 82.2.1, 82.2.2

VOLUME II, CHAPTER 29, HATE INCIDENTS

29. HATE INCIDENTS

(December 2005)

I. POLICY

The Department will respond to and aggressively investigate incidents that are motivated by race, religion, ethnicity, or sexual orientation.

II. CHECKLIST (N/A)

III. DEFINITIONS

Hate Crime: A criminal act motivated or perceived to be motivated by race, religion, ethnic background, or sexual orientation

IV. FORMS

- Incident Report (PGC Form #3529)
- Commander's Information Report (PGC Form #1545)

V. PROCEDURES

1. Hate Crimes

(Maryland Criminal Law Article, Section 10-301)

Upon arriving at and verifying a hate incident (exclusive of cross burnings) the officer shall:

- Request that a supervisor respond
- Conduct a preliminary investigation
- Complete an Incident Report, placing "HATE INCIDENT" in the TYPE OF INCIDENT block, "27" in the SPECIAL STUDIES block, and "NED" in the COPY TO block
- Complete a CIR and attach a copy to the original Incident Report

CSA Supervisor's Responsibilities

The CSA supervisor shall respond to the scene immediately and:

- Notify the shift commander, or in their absence, the ODC
- Notify the NED Intelligence Unit
- Initiate an area check

In the absence of the shift commander, the CSA supervisor shall execute their responsibilities.

Shift Commander's Responsibilities

The shift commander shall respond to the scene and:

- Personally contact the victims

VOLUME II, CHAPTER 29, HATE INCIDENTS

- ❑ Contact the Investigative Section commander
- ❑ Within one hour, contact the Human Relations Commission (HRC) and provide pertinent details of the incident to include the case number. If no answer, leave these details on the voice mail system along with a contact name and phone number

Within 24 hours of the incident, the shift commander shall submit a case summary to the Chief, Patrol Services Bureau (PSB), including:

- ❑ Date, time, and manner of notification to the HRC
- ❑ Case status
- ❑ Name of investigator, if applicable

Investigative Section's Responsibilities

Hate incidents are the responsibility of the District Investigative Section. They are documented in a Report of Investigation (ROI), which shall be completed within 30 days of the incident. The Commander, Investigative Section, shall submit copies of all investigative reports to the Chief, PSB. The Commander shall ensure that an area check is continued for 60 days. They shall submit a status report every 30 days to the Chief, PSB.

2. Cross Burnings

PGPD and Fire Department investigators will conduct concurrent investigations of cross burnings.

PGPD's Office of Communications, Public Affairs Office (PAO), shall be responsible for the press releases.

Upon responding to the scene and verifying a cross burning, officers shall request that the following respond to the scene:

- ❑ CSA supervisor
- ❑ NED Intelligence Unit investigator
- ❑ Fire Department investigator

Officers shall also:

- ❑ Preserve evidence
- ❑ Identify witnesses
- ❑ Brief the CSA supervisor and investigators
- ❑ Complete an Incident Report, placing "HATE INCIDENT - CROSS BURNING" in the TYPE OF INCIDENT block, "27" in the SPECIAL STUDIES block, and "NED" in the COPY TO block
- ❑ Complete a CIR and attach a copy to the original Incident Report

VOLUME II, CHAPTER 29, HATE INCIDENTS

CSA Supervisor's Responsibilities

The CSA supervisor shall respond to the scene immediately and:

- ❑ Inform the victim(s) that the police and fire departments will investigate the incident concurrently
- ❑ Notify the shift commander
- ❑ Notify the OIC, NED Intelligence Unit
- ❑ Initiate an area check

In the absence of the shift commander, the CSA supervisor shall execute their responsibilities.

Shift Commander's Responsibilities

The shift commander shall respond to the scene and:

- ❑ Personally contact the victims
- ❑ Immediately notify the ODC (if working)
- ❑ FAX a copy of the CIR to the Chief, PSB
- ❑ Ensure an area check is continued for 60 days

Within 24 hours of the incident, the shift commander shall submit a case summary to the Chief, PSB, including:

- ❑ Case status
- ❑ Name of NED Intelligence Unit investigator
- ❑ Name of Fire Department investigator, if known

The shift commander shall submit a status report to the Chief, PSB every 30 days.

Narcotic Enforcement Division's Responsibilities

A NED Intelligence Unit investigator shall respond to the scene and conduct a criminal investigation in accordance with the General Order Manual, Criminal Investigations Manual, and NED Standard Operating Procedures.

The investigator shall be responsible for notifying and briefing PAO.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 41.2.5, 42.1.4, 42.2.1, 42.2.2, 55.1.3, 81.2.5, 82.2.1

Governing Legislation:

- ❑ Maryland Criminal Law Article, Section 10-301

30. HAZARDOUS & RADIOACTIVE MATERIALS

(December 2005)

I. POLICY

Incidents involving radioactive and hazardous materials present unique challenges for law enforcement personnel, especially first responders. The primary consideration on the approach to and at the scene of such incidents is the safety of first responders.

To ensure that Department members are adequately prepared to respond to incidents involving radioactive and hazardous materials, the Department will ensure the provision of appropriate equipment and training.

PGPD personnel will operate under the Incident Command System (ICS) for all incidents involving radioactive and hazardous materials.

II. CHECKLIST

- Personal Protective Equipment (PPE)
- Emergency Response Guidebook

III. DEFINITIONS

Corrosive: Substances that cause visible destruction or permanent changes in living tissue at the site of contact

Hazardous Material: Materials in a solid, liquid, or gaseous state that may pose significant risks to human beings or the environment

Incident Command System: A tool for command and control of a response, which provides a means to coordinate the efforts of responders as they work toward the goal of stabilizing an incident, and protecting life, property, and the environment. *See: VOLUME II, CHAPTER 32. INCIDENT COMMAND SYSTEM*

Oxidizer: A chemical which supplies its own oxygen and which helps other combustible material to burn more readily

Radiation: The excess energy emitted from an unstable atom until it stabilizes

Radioactive Material: The property of some substances to emit invisible and potentially harmful radiation

Radioactivity: The process by which an atom changes from an unstable state to a more stable one by emitting radiation

Radiological Incident: An event that involves the release of potentially dangerous radioactive materials in the environment

IV. FORMS (N/A)

V. PROCEDURES

1. **Radioactive Materials**

Radiation cannot be seen, tasted, smelled, or felt. The Department of Transportation (DOT) and the Nuclear Regulatory Commission (NRC) strictly regulate the transportation and storage of radioactive materials. Vehicles transporting large quantities must display a placard that indicates that radioactive materials are aboard.

Radioactive materials emit different types of radiation, each of which presents its own danger to the body. Some types of radiation can penetrate the skin and travel through the body. Other types of radiation are more dangerous when the radioactive materials are taken inside the body by inhaling contaminated air, getting the radioactive material in open wounds, or ingesting contaminated substances. Therefore, appropriately trained and equipped personnel must deal with radiological incidents

2. **Radiation Hazard Assessment**

The Office of Emergency Management (OEM) maintains a list of persons trained in the use of radiological monitoring equipment (RADEF).

Order of Escalation, Assessment Responsibility

- First arriving public safety officer trained in and equipped with radiological monitoring equipment
- OEM personnel trained in radiation hazard assessment
- State Department of the Environment, Center for Radiological Health

3. **Hazardous Materials**

Hazardous materials (HAZMAT) are classified as:

- Explosives
- Gases
- Flammable Liquids
- Flammable Solids
- Oxidizers
- Toxic Substances
- Radioactive Materials
- Corrosives
- Miscellaneous (products, substances, or organisms)

VOLUME II, CHAPTER 30, HAZARDOUS & RADIOACTIVE MATERIALS

Officer's Responsibilities

All officers shall carry the Emergency Response Guidebook in their police vehicles. The guidebook, printed by the U.S. Department of Transportation, is a ready reference for initial actions to be taken to protect officers and the public immediately following an incident involving hazardous materials.

The guidebook lists the materials by the four-digit identification number displayed on placards or orange panels on the ends or sides of tanks, vehicles, and rail cars. Once the material is identified by number or name, the officer can turn to the appropriate guidebook page for information.

Some basic strategies for officers to consider on their approach to and at the scene of a radioactive or hazardous materials incident, include, and may not be limited to:

- ❑ Use of issued protective clothing and equipment
- ❑ Plan approaches to the scene from a position that is upwind/upstream and assume the area has been contaminated until otherwise directed
- ❑ Secure the scene and surrounding area by establishing inner and outer perimeters
- ❑ Carefully assess the situation, keeping in mind that any efforts to rescue persons, protect property or the environment, must be weighed against the possibility that the rescuer could become a victim or a carrier of the contaminant
- ❑ Do not assume that gases or vapors are harmless because of a lack of smell, nor walk into or touch spilled materials
- ❑ Avoid and prevent contact with smoke, fumes, and dust emanating from the area
- ❑ Avoid eating, drinking, or smoking in the area
- ❑ Minimize personal contact with possible contaminated surfaces, objects, and clothing
- ❑ Avoid moving vehicles or wreckage directly involved with hazardous materials transport vehicles, except as necessary for rescue purposes
- ❑ If a contaminated vehicle or wreckage must be moved, it should be moved the shortest possible distance until monitored for contamination
- ❑ Coordinate their efforts with Fire Department HAZMAT personnel

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 46.1.2, 46.1.11, 61.2.1, 61.2.2

Governing Legislation:

- ❑ OSHA, Code of Federal Regulations 29 CFR 1910.120

Reference:

- ❑ United States Department of Transportation Emergency Response Guidebook

VOLUME II, CHAPTER 31, IMPOUNDS & VEHICLES

31. IMPOUNDS & VEHICLES

(August 2009)

I. POLICY

The towing and impounding of vehicles shall be done in accordance with the provisions of Title 25 of the Maryland Transportation Article and Division 10, Subtitle 26 of the County Code.

II. CHECKLIST

When officers impound vehicles, they shall:

- ❑ Verify the VIN by visual inspection of the public VIN; employees shall not place VIN information obtained from a registration card, other document, or a computer check on any report in place of this physical inspection
- ❑ Remove tags not issued to the impounded vehicle and submit them in accordance with directives contained in **VOLUME II, CHAPTER 41. PROPERTY & EVIDENCE**
- ❑ Conduct a tri-state (MD/DC/VA) listing on the vehicle. If there is no record tri-state, document this attempt in the narrative and attach the MVA listing to the Incident Report. In these instances, the Impound Notification Letter does not need to be completed
- ❑ Include an inventory list and note the condition of the vehicle on the reverse of the report. Submit all money from the vehicle to the Property Warehouse Unit in accordance with directives contained in **VOLUME II, CHAPTER 41. PROPERTY & EVIDENCE**
 - **Exception:** For vehicles impounded for evidence processing, officers shall not physically enter the vehicle. Only the items visible from the outside will be listed as inventory. The evidence technician shall submit all money and property found in the vehicle to the Property Warehouse Unit
- ❑ Complete an Incident Report, place “TCU” in the COPY TO block, and explain in narrative why the vehicle was impounded
- ❑ Affix a Tow Company Impound Sticker to the inside of the driver’s door window (or other conspicuous inside window location when the driver’s door window is missing) with the CCN, tow company, location towed from, and officer’s name and ID number on the sticker
 - **Note:** Stickers shall not be affixed to vehicles impounded for evidence processing
- ❑ Remain with the vehicle until its removal
- ❑ Notify the Telecommunications Unit within one hour of the impound with details of the impound
- ❑ If the citizen is on the scene, the impounding officer shall issue a Vehicle Release-Show Cause Hearing Notification Form after verifying proof of ownership; advise the owner that he or she is responsible for storage fees following this notification
- ❑ Contact the vehicle owner in person or via telephone to notify him or her of the impound. Also, complete the Impound Notification Letter and place it in the outgoing mail slot prior to the end of the officer’s watch

VOLUME II, CHAPTER 31, IMPOUNDS & VEHICLES

III. DEFINITIONS

Abandoned vehicle: *Per County Code*, any vehicle, trailer, or semi-trailer that is inoperable and left unattended or remains illegally on public property for more than 48 hours. Abandoned vehicles include those displaying expired registration plates or registration plates issued to another vehicle

Authorized Tow Company: A tow company licensed by Prince George's County and used by the Department for routine police impounds

County Contract Crane: The authorized tow company that is responsible for evidence impounds, narcotics impounds, and VIN violation impounds

Inoperable vehicle: Any vehicle that has one or more of its major components missing or broken; major components include, but are not limited to, the engine, transmission, drive train, and wheels

Impound: The removal and temporary storage of a vehicle by an authorized tow company

PGIM System: Contains information on vehicles impounded in the County to include police impounds, Department of Environmental Resource's Vehicle Audit Unit (DER/VAU) impounds, private impounds, and vehicle repossessions; it is accessed via computer and contains information on the vehicles and their status

Private Property: Property that has been posted by the owner against unauthorized parking according to the provisions of the County Code

Property Owner: Includes the owner of property or any person possessing an interest in the property

Public VIN: The vehicle identification number (VIN) plate located on the dashboard of the vehicle, visible through the windshield

Vehicle Audit Unit: The unit of the Department of Environmental Resources that is responsible for impounding abandoned motor vehicles

IV. FORMS

- ❑ Abandoned Motor Vehicle Violation Notice Sticker (PGC Form #3889)
- ❑ Evidence Bay Processing Log (PGC Form #3410)
- ❑ Impound Notification Letter (PGC Form #3881)
- ❑ Incident Report (PGC Form #3529)
- ❑ Tow Company Impound Sticker (PGC Form #2165)
- ❑ Unattended Vehicle Tag (PGC Form #2384)
- ❑ Vehicle/Asset Forfeiture Summary Report (PGC Form #4321)
- ❑ Vehicle Release-Show Cause Hearing Notification Form (PGC Form #3744)
- ❑ Abandoned Vehicle Log (PGC Form #5146)

V. PROCEDURES

1. Impounds of Vehicles Involved in Accidents

A motor vehicle involved in an accident shall be impounded if it cannot be driven, and:

- ❑ The vehicle creates a hazard, or
- ❑ All persons having custodial interest in the vehicle have left the scene

A vehicle involved in a serious or fatal accident believed to have a mechanical defect that contributed to the accident shall be impounded and CARU notified. The officer shall:

- ❑ Place “DO NOT RELEASE” on the Incident Report
- ❑ Advise the Telecommunications Unit to indicate “DO NOT RELEASE” in the PGIM entry

2. Impounding Vehicles for Evidence Processing

This subsection does not apply to Evidence Unit personnel.

If the vehicle is part of a CID or District level investigative case, the officer shall have the vehicle taken to the Evidence Bay unless otherwise directed.

Officers shall not enter a vehicle that is being impounded for evidence processing to complete an impound inventory. They shall document items of value that are in plain view on the reverse of the Incident Report. The evidence technician that processes the vehicle will complete a thorough inventory.

For Evidence Bay impounds, the officer shall advise the dispatcher that the vehicle is an Evidence Bay impound to ensure that the County’s contract crane is used. The officers shall also follow the vehicle to the Evidence Bay and:

- ❑ Obtain a key to the Evidence Bay from the Evidence Unit
- ❑ Complete an entry for the vehicle in the Evidence Bay Processing Log located in the Evidence Bay
- ❑ Secure the bay after the vehicle has been placed inside and return the key
- ❑ Advise an employee from the Evidence Unit that the vehicle that it is in the bay; place the name and ID number of the employee notified on the Incident Report
- ❑ Deliver a copy of the Incident Report to the Evidence Unit; if no evidence technician is available, leave the copy with the processing log
- ❑ Notify the Telecommunications Unit within one hour of the impound and advise them to indicate “DO NOT RELEASE” in the PGIM entry

Once processing is complete, the evidence technician shall:

- ❑ Contact the County’s contract crane to remove the vehicle
- ❑ Document the notification on the Evidence Bay Processing Log

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- ❑ Contact the assigned investigator and inform him or her that the vehicle is now ready for release

The assigned investigator shall then contact the Telecommunications Unit and advise them to remove the “DO NOT RELEASE” notation in PGIM entry. The investigator shall also contact the vehicle owner and inform him or her that the vehicle is ready to be claimed.

The County normally pays tow service fees only in cases of crimes when the vehicle operator is a violent crime victim and the vehicle is processed. Payment is limited to the tow fee to the Evidence Bay and then to the storage facility, plus one day’s storage fee. Payment is not authorized when the vehicle is impounded for safekeeping.

Vehicles used in serious crimes investigated at the District level may be impounded for evidence processing only if they cannot be processed on the scene.

Recovered stolen vehicles shall not be routinely taken to the Evidence Bay.

3. Impounding Vehicles with Missing, Altered, or Questionable VIN

Vehicles with missing, altered, or questionable VINs, and those not displaying a public VIN shall be impounded for inspection by an Auto Theft Unit (ATU) investigator. The County’s contract crane will be used to tow vehicles with VIN violations to the County impound lot.

The officer shall:

- ❑ Notify the dispatcher that the impound is for a VIN violation to ensure that the County’s contract crane is used
- ❑ Affix a Tow Company Impound Sticker to the inside of the driver’s door window (or other inside window when the driver’s door is missing) with the CCN, tow company, address from which the vehicle was towed, and the officer’s name and ID number on the sticker
- ❑ Advise the crane driver to take the vehicle to the County impound lot (Dille Tract)
- ❑ Remain with the vehicle until its removal, the officer need not follow the vehicle to the impound lot
- ❑ Notify the Telecommunications Unit within one hour of the impound and advise them to indicate “DO NOT RELEASE” in the PGIM entry
- ❑ Before the end of watch, fax a copy of the report to ATU, who will complete the Impound Notification letter
- ❑ On the Incident Report, circle “N” in the MAY VEHICLE BE RELEASED block and write in “CONTACT ATU”
- ❑ Inventory the vehicle and include a list on the reverse of the Incident Report

The officer shall not remove VIN plates from the vehicle. If the license plates do not belong on the vehicle, they shall be removed and submitted in accordance with directives contained in

VOLUME II, CHAPTER 41. PROPERTY & EVIDENCE.

VOLUME II, CHAPTER 31, IMPOUNDS & VEHICLES

4. **Impounds of Illegally Parked Vehicles**

Vehicles shall not be routinely impounded for parking violations. If practical, the officer will allow reasonable opportunity for the vehicle to be moved. Officers may immediately issue violation notices. Immediate impoundment is authorized for the following vehicles:

- Parked or standing impeding the movement of traffic
- Parked or standing blocking a driveway or entrance
- Parked or standing unattended on any road, highway, alley, or parking lot in a manner constituting a threat to public safety, such as a vehicle on cinder blocks or a vehicle with broken windows
- Parked in a fire lane, interfering with access to a fire hydrant or the passage of an emergency vehicle
- Parked on a snow emergency route during a snow emergency
- Unlawfully parked at an off-street County parking facility

Vehicles parked in violation of County Code Sections 26-122 (parked more than 72 hours) or 26-123 (commercial vehicles) will not be impounded unless one of the above criteria is also met.

5. **Impounds from Private Property**

Generally, officers are not permitted to impound vehicles from private property. It is the responsibility of the property owner to have vehicles removed. Officers shall direct property owners to contact the Department of Environmental Resources for information regarding the removal of vehicles from private property.

6. **Impounds of Diplomatic Vehicles**

Vehicles operated by persons with diplomatic immunity will not be impounded unless requested by the diplomat.

If the vehicle creates a safety or traffic hazard, the officer shall:

- Request that the dispatcher contact a crane to move the vehicle to the closest available legal parking space
- Complete an Incident Report
- Forward a copy of the Incident Report to the District Commander and the TCU

If the vehicle is impounded, the officer shall notify the Telecommunications Unit within one hour of the impound.

7. **Impounds of Vehicles with Defective Equipment**

Vehicles with defective, deficient, or altered equipment may be impounded only if the continued operation of the vehicle poses a hazard to its operator or the public.

VOLUME II, CHAPTER 31, IMPOUNDS & VEHICLES

8. Impounds from the Woodrow Wilson Bridge

(Vehicle Law, Section 25-301)

Officers shall immediately impound disabled or abandoned vehicles from the Woodrow Wilson Memorial Bridge to prevent or alleviate traffic congestion. These impounds are authorized regardless of political jurisdiction or location on the bridge.

9. *REDACTED*

10. Holding Impounded Vehicles

A hold is placed on a vehicle when release is not immediately authorized. Officers holding vehicles shall advise the Telecommunications Unit to place “DO NOT RELEASE” in the PGIM entry.

Vehicles shall only be held for the following reasons:

- ❑ Pending examination following involvement in a serious or fatal accident (CARU must authorize release)
- ❑ VIN violation (the Auto Theft Unit must authorize release)
- ❑ Pursuant to court order or forfeiture proceedings (the Department or County agency with custody must authorize release)
- ❑ Evidence processing (the assigned investigator must authorize release)
- ❑ Telex or written request of another law enforcement agency (the impounding officer must authorize release)

Once the vehicle can be released, the appropriate unit/employee must immediately notify the Telecommunications Unit to release the hold. The employee shall notify the owner verbally and by mail that the vehicle may be released. The employee shall document these notifications on the Incident Report.

11. Impound & Release on Scene

When an officer impounds a vehicle not subject to hold and the owner is present, the officer shall issue a vehicle release on the scene.

When a vehicle release is issued on the scene of a vehicle impound, the officer shall place the word “RELEASED” along with the date and time released in the CASE STATUS block of the Incident Report. The officer shall notify the Telecommunications Unit within one hour and inform them that a vehicle release was issued.

Officers performing a patrol function shall maintain a supply of Vehicle Release – Show Cause Hearing Notification forms in their vehicles.

VOLUME II, CHAPTER 31, IMPOUNDS & VEHICLES

Release Prior to Crane Hookup

When a crane has been requested for an impound and the owner arrives at the scene before crane hookup, the officer will release the vehicle to the owner without compensation to the crane operator. A vehicle release is not required in this situation.

Release After Crane Hookup

If the crane has hooked up to the vehicle, but has not departed the scene before the owner arrives, the officer shall release the vehicle on the scene and allow the owner to negotiate the fee with the crane operator. A Vehicle Release – Show Cause Hearing Notification form shall be completed.

Once a vehicle release has been issued, the payment issue becomes a civil matter.

12. Release of Vehicle

Employees are only authorized to release vehicles impounded by PGPD officers. Vehicles impounded by other agencies must be released by the impounding agency.

A Vehicle Release – Show Cause Hearing Notification Form shall be provided to any person providing documentation that entitles him or her to a vehicle, unless a hold has been placed on the vehicle.

Documentation verifying ownership shall be photocopied and attached to the original release form. If a release is issued on the scene of an impound, the officer shall note the documentation used to verify ownership in the narrative of the Incident Report.

Prior to issuing a vehicle release, employees shall determine legal ownership through close examination the proof of ownership documents presented or computer inquiry. Only a vehicle's owner is authorized to receive a release form. When any other person seeks to obtain a release, that person must have a notarized authorization or power of attorney from the owner.

Documentation for Release

Examples of acceptable documentation are (non-inclusive list):

Certificate of Title – Certificates of Title with the owner's name and information machine-printed on the front. A title with owner information entered on reverse is not acceptable documentation. A release shall not be issued to any person presenting a title with only his or her or an alleged owner's name on the reverse. If the vehicle is to be titled in Maryland, the person shall be directed to the MVA to apply for title and return with a completed MVA form #VR-277, receipt for title application showing fees paid and vehicle information including title number.

Current Registration – The computer-generated registration card issued by the registering state. Temporary registration cards may also be accepted. The bearer must produce photographic identification with signature along with the registration.

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Notarized Power of Attorney or Notarized Authorization – The power of attorney or notarized authorization must contain the name of the owner and the name of the bearer. The bearer must produce photographic identification with signature along with the document. Most commonly, lien holders or insurance company agents will possess these types of documents.

When there is doubt concerning the adequacy or validity of documents, the employee may contact a District auto theft investigator, the Tow Coordination Unit, or a sector supervisor for assistance.

An owner will not be denied a vehicle release solely because he or she refuses to sign a citation.

Show Cause Hearing Notification

(County Code, Section 26-167)

If an employee other than the impounding officer issues a vehicle release, the employee will use the PGIM System to confirm approval of the release. The issuing employee will ensure that:

- ❑ The owner/claimant is authorized to receive the release
- ❑ A CCN is recorded on the form along with related CCNs
- ❑ Vehicle owner/claimant signs the upper and lower signature lines. On refusal to sign, the releasing employee shall note “REFUSED” on those lines
- ❑ Distribute the copies in accordance with the distribution list printed on the form, except that the VAU copy no longer needs to be transmitted

Denial of Release

When an owner/claimant is denied a vehicle release, the Show Cause section of the form shall be completed. The issuing employee shall:

- ❑ Write “DENIED” across the vehicle release section of the form
- ❑ Record the CCN on the form
- ❑ Request that the owner signs the form. If the owner refuses, write “REFUSED” on the signature line

If release of the vehicle is later authorized, a second vehicle release form shall be completed and distributed.

13. Vehicle Left on Scene After Incident or Arrest

If an arrested individual’s vehicle can be lawfully parked or the owner/operator can arrange for removal, it need not be impounded. The officer may impound the vehicle if he or she cannot reasonably establish authorized possession. Vehicles shall not be impounded solely because the operator lacks proof of ownership.

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When a vehicle is left lawfully parked on public or private property after an incident, the officer shall advise the owner/operator of the provisions of the 72-hour parking ordinance. The officer shall ensure that the vehicle is secured.

14. Recovered Stolen Vehicles

All recovered stolen vehicles shall be processed for latent prints by the recovering officer, unless a squad or a station evidence officer is available and can process the vehicle. The results of the processing shall be documented in the Incident Report.

In rare instances, vehicles may not be processed for latent prints. The decision to not process a recovered stolen vehicle must be approved by a sector supervisor. If a vehicle is not processed, an explanation shall be included in the narrative of the Incident Report.

If a recovered stolen vehicle is operable, the officer shall attempt to contact the owner and request immediate response to the scene to take custody of the vehicle. If the owner is unable or unwilling to respond to the recovery location within a reasonable period of time, the vehicle shall be impounded.

15. Assisting Stranded Motorists

Officers will provide timely help and protection to stranded motorists and roadway users. If a vehicle is disabled in the traveled portion of the roadway or in a hazardous location, the officer shall protect the vehicle and provide ample warning to other motorists using his or her cruiser, flares, or manual traffic control. If the officer cannot ensure public safety by these measures, he or she shall impound the vehicle. Any vehicle causing more than minor traffic congestion shall be moved or impounded.

16. Citizen's Request for Tow Service

When a stranded motorist requests towing assistance, the officer shall notify the dispatcher that the motorist is requesting a crane and provide:

- A description of the vehicle and tag number
- The nature of the trouble
- The location of the vehicle
- The name of the tow service requested

If the motorist expresses no preference, an area tow service may be contacted. The officer will provide the motorist with the name of the tow service. If possible, the officer will await the crane's arrival. If necessary, the motorist shall be directed or transported to a safe location.

The citizen is responsible for compensating the tow company.

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17. Unattended Vehicles on Public Property Other Than Roadway

When investigating unattended vehicles on public property, the officer shall check the vehicle's VIN and registration plates to see if the vehicle is stolen. If the vehicle is not stolen and the officer determines that the vehicle is not a public hazard, no further action is necessary by the officer.

If the vehicle is a public hazard, the officer shall protect it and provide ample warning to other motorists by use of the cruiser, flares, or manual traffic control. If public safety cannot be assured by these measures, the officer shall impound the vehicle.

18. Abandoned Vehicles

If a vehicle is obviously inoperable and has been unattended on public property for more than 48 hours or is in violation of the abandoned motor vehicle law, the officer shall:

- Affix an Abandoned Motor Vehicle Violation Notice Sticker (green) on the driver's side window of the vehicle
- Complete an Abandoned Vehicle Log and fax it to the Department of Environmental Resources Vehicle Audit Unit (DER/VAU)
- Transmit the original of the Abandoned Vehicle Log

Pursuant to Section 26-162 of the County Code, and in addition to the definition listed in Section III of this directive, a motor vehicle is presumed to be abandoned if it is partially dismantled, wrecked, or junked.

If an abandoned vehicle presents a public hazard, the vehicle shall be impounded. If the engine or transmission is missing from the vehicle, the officer shall advise the Telecommunications Unit to note that information in the PGIM entry.

19. VIN Examination

When requested, officers shall examine vehicle VIN plates to verify information on transfer documents required by a motor vehicle licensing authority. Such situations often occur when military personnel move and must have a police officer certify their title and examine the VIN plate.

20. Reporting Stolen Vehicles

An officer shall complete an Incident Report for allegations of auto theft when the complainant has:

- No knowledge of who took the vehicle
- Minimal acquaintance with the suspect

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Officers shall:

- ❑ Check the PGIM system to verify that the vehicle has not been impounded or repossessed
- ❑ Complete an Incident Report
- ❑ Notify the Telecommunications Unit prior to clearing the call

21. Unauthorized Use of Vehicle

No report is taken on initial receipt of an allegation of UUV. The citizen wanting to report the vehicle stolen shall be directed to contact the appropriate judicial authority to obtain a charging document for the suspect. After a warrant or juvenile petition has been issued, the vehicle will be entered into the NCIC as stolen. When a summons has been issued, the vehicle will not be entered into NCIC.

Officers may contact the Office of the State's Attorney or standby State's Attorney for guidance.

Instructions to Complainant

The employee will provide the following information, as applicable, and inform the complainant that a report will not be completed until a charging document is issued.

Adult Suspect

In cases involving adults, the officer shall direct the complainant to respond to a District Court Commissioner to apply for a statement of charges. Once obtained, the complainant should contact the police to file the report. The information regarding the charging document including the tracking number must be included in the report.

Commissioners may issue an arrest warrant or summons for either misdemeanor UUV or felony theft.

Juvenile Suspect

In juvenile cases, the officer shall direct the complainant to contact the Department of Juvenile Services to complete a Juvenile Complaint Form and receive further instruction.

Responsibility of Officer Receiving Follow-Up Contact

An officer receiving follow-up contact shall:

- ❑ Verify that a warrant or petition has been issued
- ❑ Complete an Incident Report, including the tracking number of the charging document
- ❑ Contact the Telecommunications Unit and provide vehicle and warrant information for entry into NCIC

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22. **Repossessions**

(Annotated Code of MD, Commercial Law Article, Section 12-624)

A secured party may repossess a motor vehicle when a buyer has defaulted on a security agreement. This may be done without legal process provided the secured party can take possession without breaching the peace or using force.

Officers called to mediate a dispute between a secured party or agent thereof and a buyer in default shall request a copy of the writ of replevin from the secured party. If a writ of replevin for the vehicle is produced and the vehicle is readily accessible, the secured party may take possession of the vehicle.

An officer shall not force entry into any garage or storage facility to allow the secured party to repossess a vehicle. If the dispute cannot be resolved, the secured party shall be referred to the OSPG for assistance.

If the secured party or their agent is unable to provide a copy of the writ of replevin, he or she shall be advised to cease his or her attempts to repossess the vehicle, obtain a writ of replevin from the District Court of Maryland, and contact the OSPG for service.

23. **Board of Education Vehicles**

Officers impounding County Board of Education vehicles will request a Board of Education wrecker. If impractical, a contract tow service shall be requested from the dispatcher and an explanation included in the Incident Report.

24. **Watch Your Car Program**

See: VOLUME II, CHAPTER 19. DEPARTMENTAL PROGRAMS

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 61.1.3, 61.1.13, 61.4.1, 61.4.3, 74.4.1, 82.2.1, 82.2.2

Governing Legislation:

- ❑ Maryland Vehicle Law, Sections, 25-201, 25-202, 25-203, 25-204, 25-301
- ❑ Annotated Code of Maryland, Criminal Procedures Article 12, Subtitle 2, Seizure, Section 12-204
- ❑ Misdemeanor UUV, Maryland Criminal Code, 7-203
- ❑ Felony Theft, Maryland Criminal Code, Sections 7-104 or 7-105
- ❑ County Code, Section 26-122 (parked more than 72 hours)
- ❑ County Code, Section 26-123 (commercial vehicles)

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- ❑ County Code, Section 26-142 (towing & impoundment of motor vehicles from private property)
- ❑ County Code, Section 26-160 (removal and impoundment)
- ❑ County Code, Section 26-161 (removal of obstructions to vision)
- ❑ County Code, Section 26-162 (abandoned vehicles prohibited)
- ❑ County Code, Section 26-166 (impoundment without prior notice)
- ❑ County Code, Section 26-167 (impoundment after prior notice)
- ❑ County Code, Section 26-168 (notice to owner)
- ❑ County Code, Section 26-163.02 (outstanding traffic & parking violation notices)

32. INCIDENT COMMAND SYSTEM & GREATER METROPOLITAN WASHINGTON AREA POLICE AND FIRE/RESCUE SERVICES MUTUAL AID OPERATION PLAN

(November 2007)

I. POLICY

The expanding scope and sophistication of emergency operations, along with increased possibilities of acts of terrorism, require law enforcement agencies to act quickly to stabilize and take control of emergency situations.

Normal police services may still be necessary in one part of the County during a critical incident in another part of the County. Immediate and decisive action is required to minimize loss of life, reduce property damage, and permit involved authorities to fulfill their responsibilities.

The Incident Command System (ICS) is designed to present a clear set of procedures to be followed by employees. The ICS is a part of the County's Emergency Operation Plan. It ensures that all County employees operate under the same guidelines. When ensuring public safety becomes a joint effort, it is imperative that all agencies know and understand their roles in the plan.

II. CHECKLIST (N/A)

III. DEFINITIONS

Incident Action Plan: A plan, either written or verbal, that details the actions that have taken place during a given incident

Incident Command System: A management protocol that is a standardized, on-scene, all-hazard incident management system

Command Post: The physical location of the field headquarters from which the Incident Commander exercises command and control over the incident

Incident Commander: The person who is in charge of the incident; in a Unified Command situation, a team of "responsible agency" leaders will form the Unified Command, with the agency bearing primary responsibility as the lead Incident Command spokesperson

Incident Management Team: The group of personnel in direct control of the crisis, including the Incident Commander, Section Chiefs, Division and Group Supervisors, and other persons including those from assisting jurisdictions deemed appropriate and necessary by the Incident Commander

Mutual Aid: Assistance rendered in an emergency by one or more law enforcement agencies (provider agencies) to another law enforcement agency (requesting agency)

Section Chief: A person who is responsible for the management of multiple Divisions and/or Groups operating within one of the four functional Sections; Operations, Planning,

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Finance/Administration, and Logistics; this person would normally be from one of the lead agencies in the affected jurisdiction

Group Supervisor: A person who is responsible for the management of a specific task; this person is under the direction of a Section Chief or the Incident Commander and would normally be from one of the lead agencies in the affected jurisdiction

Division Supervisor: A person who is responsible for the management of a specific location or area; this person is under the direction of a Section Chief or the Incident Commander and would normally be from one of the lead agencies in the affected jurisdiction

Establishing Command: The first arriving officer determines the need to implement the ICS and establishes command (example: “Adam 10 out at Route 1 and the Beltway, with a large accident, establishing the Route 1 Command”)

Passing Command: The first arriving officer determines that the ICS will be necessary, but that their immediate functional participation in the incident takes precedence - they PASS command (example: “Charlie 10 out at Route 1 and the Beltway with shots fired, I'm returning fire, passing command”)

- ❑ Ensures that all responding officers are completely aware of what's going on and that the next arriving officer will need to establish command
- ❑ It is unacceptable for everyone to determine that their functional participation in the incident takes precedence, in that case no one will be in charge

Assuming Command: A higher-ranking individual arrives on the scene and may assume command from the Incident Commander; the decision to “assume or not assume” can be quickly determined by the higher-ranking individual considering the following:

- ❑ Is the situation "under control"?
- ❑ Are the right people, in the right places, doing the right things?

If yes, the incident and the ranking authority may be better served by allowing the lower ranking officer to maintain command, while the higher-ranking authority assumes an advisory role; the higher-ranking individual always maintains the authority and responsibility to assume command should the incident degrade or the Incident Commander not be in control.

Note: Assuming command may also be necessary based on the nature of the incident, i.e., SOD personnel assume command of barricades, Fire/EMS personnel assume command of hazardous materials incidents, etc.

IV. FORMS

- ❑ After-Action-Report in memorandum form

V. PROCEDURES

1. Incident Command System

This directive:

- ❑ Identifies the types of incidents for which the ICS should be activated
- ❑ Identifies the procedures for activation
- ❑ Provide guidelines so that all personnel are familiar with the ICS structure and can function effectively within it

When mass arrests are a result of an incident for which the ICS or an emergency response plan has been activated, the procedures in this manual shall be followed. *See: VOLUME II, CHAPTER 4. ARREST, TRANSPORT & PROCESSING.*

Criteria for Activation

(29 CFR 1910.120)

The incident command system may be activated for any of the event or incident that will commit resources for a significant period of time, for any incident that is unusual in scope and commitment, or for any incident deemed appropriate by the on scene officer in charge at the time. Additionally, the ICS shall be activated for the following:

- ❑ Barricades
- ❑ Active searches for critical missing persons
- ❑ Hazmat incidents
- ❑ Major incidents involving a mutual response by Departmental employees and other agencies

Operating Procedures

The same general incident command system principles are utilized for each call for service. In small-scale incidents, patrol officers respond to the scene and resolve the incident without the involvement of other Departmental components.

During the initial response to an incident, the first officer on the scene will establish command and act as the Incident Commander until relieved by an authorized authority who is assuming command.

A common and frequent example of this is a call for service that evolves into a barricade situation. The first officer on the scene establishes command and acts as the Incident Commander until relieved by a supervisor, who is assuming command. Upon their arrival at the barricade, SOD personnel assume command from whomever is acting as the Incident Commander at that time.

The first arriving officer will either establish or pass command, and if establishing command, shall remain in command until relieved by higher authority who assumes command.

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For all incidents in which the Incident Command System is activated, an Incident Action Plan (IAP) will be developed. If the incident spans multiple operational periods, the IAP will be in writing and used to brief the incident commander and others arriving for the next operational period.

Unified Command

A unified command allows all agencies with responsibility for an incident, either geographic or functional, to manage an incident by establishing a common set of incident objectives and strategies. It does not mean that the agency gives up or loses any of its authority, responsibility, or accountability.

Unified command may be applied to incidents that:

- ❑ Affect jurisdictions that share or border the County
- ❑ Involve other County agencies such as Public Works, Fire/EMS, the Health Department, or DER
- ❑ Impact multiple geographic areas and agencies and that require a collaboration of Federal, State and County officials working together

When acting under a unified command system, employees shall cooperate fully in order effect a successful resolution of the incident. Employees are still accountable to Departmental policies and procedures.

During an ICS event, officers shall be cognizant of and adhere to the Department's chain of command and order of rank precedence.

Nothing in this General Order relieves employees of following established procedures for other incidents outlined elsewhere in the GOM.

Training

At least annually, the Department shall conduct a documented ICS training exercise that will involve as many personnel as possible. The exercise may range from a tabletop to a full-scale exercise, and may be conducted in conjunction with outside agencies.

Employees shall familiarize themselves with the Incident Command System through this General Order. Additional training shall be conducted when new General Orders or Standard Operating Procedures are implemented that deal with the ICS.

All training conducted shall be documented through procedures established by the Community Policing Institute.

Reporting Procedures

Following each activation of the Incident Command System, an Inter-Office Memorandum shall be

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used to prepare an After-Action Report that describes actions taken, results, and suggested improvements, if any.

2. Greater Metropolitan Washington Area Police and Fire/Rescue Services Mutual Aid Operation Plan

The Department is a party to the Greater Metropolitan Washington Area Police and Fire/Rescue Services Mutual Aid Operation Plan. The purpose of this plan is to facilitate cooperation among law enforcement and fire/rescue agencies in the Metropolitan area, and to ensure the maintenance of order, enforcement of law, and public safety during a state of emergency beyond the capacity of any of the signatory jurisdictions. The Chief of Police, Assistant Chiefs, Bureau Chiefs, and District/Division Commanders will maintain copies of the plan.

Release of information regarding the disaster requiring implementation of the plan shall be the responsibility of the affected jurisdiction through their Public Affairs Office.

Criteria & Procedures for Requesting Assistance

A State of Emergency shall exist, and the Department shall have committed or anticipate committing all available resources.

The Chief of Police is authorized to request assistance from designated officials in jurisdictions from which aid is sought. The Police Mutual Aid Radio System (PMARS) is the primary method of notification, alert, and means by which requests for assistance are made. Such requests shall be verified by telex initiated by the appropriate official.

Command & Control

The jurisdiction in which the incident occurs shall have command and control.

When jurisdiction is uncertain, two or more jurisdictions are affected, or question exists as to responsibility for command, the first unit from the affected jurisdictions to arrive on the scene shall establish command and exercise command and control authority.

The CSA supervisor or commander whose units were first to arrive on the scene shall assume the role of Incident Commander, as necessary, and exercise command and control authority until relieved or replaced by authorized authority who is assuming command.

The Incident Commander heads the incident management team, and shall consult with team members in decision-making. In multi-jurisdictional incidents, senior officials from each affected jurisdiction shall be included in the incident management team.

Normally, the Police Department will have command and control authority during law enforcement incidents, and the Fire/EMS department during fire/rescue operations. If issues related to command and control cannot be reconciled among the ranking public safety officials, the County Executive shall resolve them.

REDACTED

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 46.1.2, 46.1.4, 46.1.5, 46.1.11, 82.2.1

Governing Legislation:

- Homeland Security Presidential Directive (HSPD) 5
- 29 Code of Federal Regulations (CFR), Section 1910.120

Reference:

- Prince George's County Police Department All Hazards Plan

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33. JUVENILE PROCEDURES

(December 2005)

I. POLICY

The Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. All components and personnel shall share responsibility for participating in and supporting the Department's juvenile operations function and delinquency prevention efforts. Officers dealing with juvenile offenders shall use the least coercive among reasonable alternatives.

II. CHECKLIST (N/A)

III. DEFINITIONS

Child: A person 17 years of age or younger who has not been emancipated

For purposes of enforcing curfew violations: A person 16 years of age or under who has not been emancipated

CINA: Child in need of assistance

CINS: Child in need of supervision

Custody: Legal or physical control of an individual in an area or facility or while in transit

Delinquent Offenders: Juveniles who commit violations of criminal law

Juvenile: As used in this directive, a child; the terms are interchangeable

Legal Guardian: Any adult person having temporary or permanent care, custody, or control of a juvenile

Non-Offender: A juvenile who is not charged with any offense, usually a child in need of assistance or supervision (CINS or CINA)

Operator: Individual or corporation operating a business open to the public

Place Open to the Public: Any privately owned place of business operated for profit to which the public is invited

Public Place: Any place to which the public has access, including, but not limited to streets, shopping centers and parking lots

Secure Custody: When an individual is physically detained or confined in a locked area or cell for the purpose of processing, questioning, or testing

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Status Offenders: Any juvenile who has committed an offense for which an adult cannot be charged; examples include runaways, truants, and curfew violators

IV. FORMS

- Arrest Report (PGC Form #3245)
- Arrest Report Supplement (PGC Form #3245A)
- Approval to Use Juvenile as Informant Form (PGC Form #4313)
- Detainee Processing Log Sheet (PGC Form #5097)
- Immediate Apprehension Affidavit of Probable Cause and Statement of Need (PGC Form #3010)
- Juvenile Recognizance Form (PGC Form #2290)
- Maryland Secure Juvenile Holding Log (PGC Form #5077)
- Order for Immediate Apprehension, Writ of Attachment (PGC Form #3009)
- Processing Information Sheet (PGC Form #519)
- Warning/Field Observation/J-2 Report (PGC Form #5088)

V. PROCEDURES

1. **Taking a Juvenile Into Custody**
(§3-814, Courts and Judicial Proceedings Article)

Children in Need of Assistance (CINA)

A child may be taken into custody:

- In accordance with an order of the court
- If an officer has reasonable grounds to believe that the child is in immediate danger and that removal is necessary for that child's protection
- In accordance with §5-709, Family Law Article, regarding the temporary removal of a child from a home without court approval when an officer accompanies a representative from the County's Department of Social Services (DSS) to a home and the representative believes that the child is in serious, immediate danger

Whenever an officer takes a child into custody in accordance with this section, the officer shall:

- Immediately notify the child's legal guardian
- Immediately notify the DSS
- Maintain custody of the child until the DSS either takes custody of the child or authorizes the child's release
- Return the child to the legal guardian if the officer determines that it is safe to do so

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Children Other Than CINA

Pursuant to the provisions of §3-8A-14, Courts and Judicial Proceedings, an other-than-CINA-child may be taken into custody:

- Pursuant to an order of the court
- By a law enforcement officer pursuant to the law of arrest
- By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe the child is in immediate danger and removal is necessary for that child's protection
- By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe that the child has run away from the a legal guardian

If an officer takes a child into custody in accordance with this section, the officer shall:

- Immediately notify, or cause to be notified, the child's legal guardian
- Release the child to the a legal guardian, or to any other person designated by the court, upon their written promise to bring the child before the court when requested
- Deliver the child to the court or place of detention or shelter care designated by the court

2. Arrest & Processing of Juveniles

When arresting a juvenile, the same laws of arrest apply to juveniles as adults. On-view and hot pursuit criteria are also the same regardless of the age of the offender.

Arrestee Transport

Transporting officers shall search juveniles regardless of whether they had been previously searched. When possible, transporting officers will be the same sex as the juvenile. Officers shall not delay transport solely to comply with this provision. Supervisors shall balance the propriety of the above against staffing and workload considerations at the time of transport.

Juveniles shall be segregated from public contact. They shall be removed without unnecessary delay from the scene, and transported directly to the appropriate police, detention, or hospital. Officers shall examine their vehicle, both prior to, and following the transportation of juveniles.

Partially or fully disrobed juveniles shall be immediately removed from the public's view and covered before transport. Under no circumstances will disrobed juveniles be transported with the opposite sex.

Officers shall not transport adults with juveniles or male juveniles with female juveniles unless:

- No other transport vehicle is available
- The arrests stem from the same incident

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Officers shall transport juvenile status offenders and non-offenders separately from juvenile delinquent offenders and adult arrestees.

Detention & Separation

Officers will ensure that juvenile status offenders and non-offenders are housed in non-secure status offender/non-offender processing areas. The custody officer shall maintain constant supervision of status and non-offenders until their release to a legal guardian, or other authority.

Juvenile delinquent offenders shall be completely separated by sight and sound from adult offenders. Juvenile offenders charged as adults shall be processed and detained as adult offenders.

Male and female detainees shall be separated by sight and sound. The period of time that a detainee may be held without direct, continuous supervision will not exceed two hours.

After taking a juvenile into custody, the arresting officer shall notify the juvenile's legal guardian. If a legal guardian cannot be located, the officer shall make notification to the Department of Juvenile Services (DJS). All notifications shall be documented on the appropriate report.

Accused juvenile offenders shall not be held in secure custody longer than six hours. This time period begins when the juvenile enters a secure facility and ends with the juvenile's release or transfer to another authority. If the six-hour limit is exceeded for any reason, the officer shall notify a supervisor, who shall forward a memorandum, documenting the juvenile's identity and the reason(s) why the time limit was exceeded, to the District Commander. A copy of the Detainee Processing Log Sheet shall be attached to the memorandum.

The arresting officer shall also complete the Maryland Secure Juvenile Holding Log for juveniles placed in secure custody.

3. Charging Juveniles

Officers shall complete an Arrest Report when a juvenile is arrested. An officer will request charges against a juvenile by checking "YES" in the shaded petition block of the Arrest Report in the following instances:

- Felonies
- Delinquent acts that involve weapons, are gang-related, or involve serious assaults
- Destruction of Property
- Thefts

Officers shall also request charges when the juvenile:

- Is a repeat offender
- Is on parole or probation
- Has cases pending

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In other instances, officers may seek guidance from their supervisors if they feel that charges are warranted.

The Arrest Report narrative must establish probable cause for each offense for which a charge is requested. An Arrest Report Supplement shall be used as necessary.

Arrestee's Age Undetermined

When the officer cannot establish the arrestee's age, the arrestee shall be processed as an adult. If a juvenile is charged as an adult, and later determined to be a juvenile, the reporting officer will document this on a Continuation Report. Once the offender's age has been determined, the regional processing facility is responsible for ensuring compliance with the core protections of the Juvenile Justice and Delinquency Prevention Act (JJDP).

Screening Requirements

The Juvenile Section of the Office of the State's Attorney (OSA) screens felony cases, serious misdemeanor cases and minor misdemeanor cases involving multiple offenses.

The arresting officer shall contact the Juvenile Section, OSA within 72 hours of arrest for a screening appointment. The officer must provide copies of all reports and written statements at the time of screening.

For cases that are not screened, officers must forward a packet containing copies of all reports and written statements to the Victim/Witness Coordinator for the Juvenile Section, OSA, within 72 hours of arrest.

When a juvenile is arrested for multiple crimes involving multiple complainants, the officer must screen the charges with the Juvenile Division of the OSA. All case numbers will be cross-referenced on the Arrest Report.

Identification Numbers

A PGID number shall be assigned to all juveniles for whom an Arrest Report is completed. Officers will initiate a PGID number check through the "Arrest by Name Index System" in the CJIS terminal (PIX3). If the juvenile already has a PGID number, officers shall use that number. If no PGID number has previously been assigned, officers shall obtain a number from the Criminal Records Unit of the Records Section. When the Records Section is closed, officers shall obtain a PGID number from a pre-numbered PGPD juvenile fingerprint card.

If the juvenile is charged as an adult, the officer shall ensure that an adult PGID number is assigned.

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Obtaining Arrest Numbers

Arrest numbers are issued for all arrestees charged as adults. They are obtained from the Criminal Records Unit of the Records Section. When the Records Section is closed, officers shall obtain an arrest number from a pre-numbered PGPD fingerprint card. Arrestees charged as juveniles are not assigned arrest numbers.

4. Charging Juveniles as Adults

(Criminal Law Article 4-203)

(Criminal Law Article 4-204)

When a juvenile is charged as an adult, the juvenile shall be processed in the same manner as an adult. All charges will be heard in adult court.

Juveniles shall be charged as adults if any one of the following criteria is met:

- 14 years or older charged with any offense for which the maximum penalty is either death or life imprisonment
- 16 years or older charged with robbery with a deadly weapon, or attempt thereof
- 16 years or older charged with wearing, carrying, or transporting a handgun; or, unlawful use of a handgun in commission of a crime

When a juvenile is charged as an adult, the adult block of the Arrest Report will be checked. Shaded juvenile areas of the Arrest Report will be left blank.

In certain circumstances, officers may petition to have a juvenile case waived up to adult court. Officers shall contact the OSA for assistance in these cases, and must appear at all waiver hearings. Juveniles whose cases have been waived to adult court must be charged and taken before the commissioner within 24 hours of the court granting the waiver. A copy of the waiver must be presented to the commissioner.

The core protections of the JJDP continue to apply until a juvenile offender is officially waived to criminal (adult) court, unless the juvenile offender meets the listed criteria.

5. Juvenile Interviews

Juveniles have the same rights as adults regarding statements and confessions. Special efforts will be made to ensure that juveniles understand their rights, as well as PGPD and juvenile justice system procedures.

Custodial interrogations of juveniles shall not exceed six hours, absent exigent circumstances. No more than two officers shall engage in the interrogation of a juvenile. Investigators may confer with a legal guardian to discuss the interview and interrogation process. The conference may be held before, during, or after the interview or interrogation, as considered appropriate by the investigator.

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6. Fingerprinting Juveniles

Juveniles charged with criminal offenses shall be printed on the PGPD and State Fingerprint Cards. Juveniles charged as adults will be fingerprinted on PGPD, Maryland State, and FBI cards.

Juveniles charged with status offenses will only be printed on the PGPD Fingerprint Card. This shall only be done to verify identity. Whenever a juvenile is fingerprinted without being charged, the legal guardian will be notified that the fingerprinting does not constitute a criminal record.

Officers shall submit fingerprint cards and the Processing Information Sheet prior to the end of their tour of duty. If the fingerprinting is conducted at a regional processing facility, officers shall submit the fingerprint cards and Processing Information Sheet as soon as they become available.

Officers shall fingerprint juveniles charged with:

- Any CDS Offense
- Any Felony
- Any Sex Offense
- Auto Theft or attempted Auto Theft
- Breaking and Entering
- Concealed Deadly Weapon or Handgun Violations
- Driving Under the Influence or Driving While Impaired
- Hit and Run
- Tampering
- Unauthorized Use of a Motor Vehicle (UUV)

Juveniles who are charged with criminal offenses not listed above, and juveniles who commit status offenses with a request for charges (petition) being filed, may be fingerprinted at the officer's discretion.

7. Arrest Reports

For juveniles charged with the above listed offenses, the portion of the Arrest Report titled "PETITION" should be marked "YES." The name, address, and telephone number of legal guardians, spouses, relatives, accomplices, associates, complainants, or witnesses must be placed in Box 24. If the witness is a juvenile, the juvenile's legal guardian shall also be summoned. In this case, W/P shall be placed in the code area of Box 24, followed by the legal guardian's name, address, and telephone number.

When an officer completes an Arrest Report but does not request charges, the portion of the Arrest Report titled Petition should be marked "NO."

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Restitution For Crimes

DJS and the courts handle restitution. If requested, it should be indicated on the Arrest Report. Inquiries by the complainant should be referred to DJS.

8. Disposition of Juveniles Taken Into Custody

Officers will process the juvenile and without delay:

- Release the juvenile
- Deliver the juvenile to a court
- Deliver the juvenile to a detention or shelter care facility

Prior to the release of any juvenile, a records check shall be done for outstanding writs.

Release of Juvenile

Juveniles shall only be released to a legal guardian. The legal guardian accepting custody must present valid photo identification and must print their name and sign the Arrest Report in Box #28, JUVENILE RELEASED TO. The form of identification presented will be noted on the Arrest Report, and a photocopy attached.

If a legal guardian cannot provide valid photo identification, but is able to establish their identity to the officer's satisfaction, the juvenile may be released. If the officer is not satisfied with the identification, DJS shall be contacted and the procedures detailed in *Legal Guardian Unable To Be Located* below shall be followed.

The Juvenile Recognizance Form must be sign by a legal guardian when picking up a juvenile that has been charged with a crime. If a juvenile is not charged with a crime, the Juvenile Recognizance Form is not necessary.

Legal guardians that sign a Juvenile Recognizance Form will be given the goldenrod copy. The CCN shall be placed in the upper right corner of the form. The remaining copies of the Juvenile Recognizance Form shall be stapled to the Arrest Report.

Recognizance forms must be sent to Youth and Family Services Division (YFS) along with the arrest report, fingerprint cards, and the Processing Information slip.

Legal Guardian Unable to be Located

If the legal guardian cannot be located, DJS shall be contacted. The officer will deliver the juvenile to DJS at the courthouse in Upper Marlboro on weekdays between 0800-1500 hours. On weekends, State holidays, and between 1500 hours and 0800 hours on weekdays, the officer will telephone DJS night intake worker at the Cheltenham Youth Facility.

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Approval for detention will be obtained from the night intake worker before transporting the juvenile. The officer shall print the name of the DJS official who accepted custody of the juvenile in Box #28 of the Arrest Report.

Once a juvenile is placed with DJS, responsibility for locating a legal guardian rests with DJS. Copies of all reports will accompany the juvenile when custody is relinquished.

9. Detention of Juveniles

When seeking detention of a juvenile, the Arrest Report must contain sufficient probable cause for the arrest. The following statement, endorsed with the officer's signature, will be placed on the reverse side of the canary copy of the Arrest Report:

- "I do affirm under the penalty of perjury and upon personal knowledge that the contents of the attached complaint are true."

This eliminates the necessity to affirm the probable cause statement before a district court commissioner.

Criteria

Juveniles held for detention must meet one of the following criteria:

- Currently on probation for the offense charged
- Non-Maryland resident 12 years of age or older charged with any offense
- Non-Maryland resident under 12 years of age charged with a felony
- Legal guardian refuses custody or cannot be located
- Reasonable belief that the juvenile will leave the court's jurisdiction

10. Charging Juvenile Without Custodial Arrest

If an officer charges a juvenile with a misdemeanor crime and a custodial arrest is not warranted, the officer shall:

- Complete an Incident Report noting, "For more information, see Arrest Report, same CCN," in the suspect section
- Complete an Arrest Report noting, "JUVENILE CHARGES REQUESTED" across the top of the form in bold letters and forward the original to YFS along with a copy of the Incident Report

The juvenile need not be contacted. Do not list the names of juvenile suspects. Recording the names of juvenile victims or witnesses is acceptable.

11. Juvenile Court-Ordered Writ of Attachment

A court-ordered writ must be obtained when:

- ❑ Investigation identifies a juvenile to be the perpetrator of a crime
- ❑ A wanted juvenile has fled the area
- ❑ A legal guardian refuses to surrender a juvenile
- ❑ Removing a juvenile from a temporary detention facility to place additional criminal charges

Obtaining Writ When Court Is In Session

Officers shall:

- ❑ Complete an Incident Report
- ❑ Prepare an Immediate Apprehension Affidavit of Probable Cause and Statement of Need
- ❑ Prepare an Order for Immediate Apprehension, Writ of Attachment
- ❑ Respond to the Department of Juvenile Services' office at the Upper Marlboro Courthouse (0900-1530) with these documents for review and authorization

State law gives DJS authority over cases brought before the Juvenile Court. If authorization for the writ is obtained, the officer shall respond to the OSA. The OSA shall provide the officer with a writ number obtained from the Office of the Clerk for the Circuit Court, Juvenile Division. The officer shall then take the approved documents to a sitting judge for signature.

Obtaining Writ After Hours (Emergencies)

The following procedures shall be used after hours or when court is closed and obtaining a writ cannot be delayed:

- ❑ Complete an Incident Report
- ❑ Prepare an Immediate Apprehension Affidavit of Probable Cause and Statement of Need
- ❑ Prepare an Order for Immediate Apprehension, Writ of Attachment
- ❑ Contact the on-call intake counselor at the Cheltenham Youth Facility for authorization

If authorized, the intake counselor will contact the on-call Assistant State's Attorney for review and approval, and to obtain a writ number. The intake worker will then contact the duty judge. The officer shall respond to the duty judge's location for signature.

12. Youth Field Report (J-2)

The Warning/Field Observation/J-2 Report is used to:

- ❑ Document juvenile contacts when no arrest is made
- ❑ Document suspected juvenile involvement in unlawful activities when probable cause for an on-scene arrest is lacking

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- ❑ Cite juveniles 15 years of age and younger for minor traffic violations such as bicycle or mini-bike offenses
- ❑ Document transport of a juvenile
- ❑ Document juvenile curfew violations ("Curfew Violation") shall be written across the top of the narrative section.

13. Curfew Law

(County Code Sections 14-101 through 14-106.01)

It is unlawful for any juvenile to be or remain in or upon a public place in the County:

- ❑ Between the hours of 2200-0500 hours Sunday through Thursday
- ❑ Between the hours of 2400-0500 on Friday and Saturday nights

When an officer believes a juvenile is violating the curfew law, the officer shall complete a Warning/Field Observation/J-2 Report and order the juvenile to go directly home. Completion of a J-2 is appropriate when:

- ❑ The officer is unaware of prior curfew violations
- ❑ The officer does not have reasonable grounds to believe the juvenile is engaged in delinquent conduct
- ❑ The juvenile's identity is satisfactorily proven to the officer
- ❑ The juvenile is not involved in another act requiring further investigation
- ❑ The juvenile signs the Warning/Field Observation/J-2 Report and receives a copy
- ❑ The juvenile has not caused injury to persons or damage to property
- ❑ The juvenile goes home as directed

The officer shall inform the juvenile that subsequent violations will result in detention at a police facility, and a fine will be assessed against their legal guardian.

If the officer has probable cause to believe the juvenile has not provided a correct name and address, the officer may take the juvenile into custody and charge the juvenile with "Failing to obey the lawful order of a police officer."

Exceptions

When a juvenile is:

- ❑ Legally employed
- ❑ Accompanied by a legal guardian or another adult who is authorized by the legal guardian to supervise the juvenile
- ❑ On an errand as directed by a legal guardian until 0030 hours
- ❑ Returning home by a direct route within one (1) hour of the end of a school or religious activity, or a place of public entertainment such as a movie or sporting event

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- ❑ Exercising their First Amendment rights and a letter, signed by the juvenile and a legal guardian, has been received by the appropriate District Commander's designee, which includes the legal guardian's home address and telephone number, and the specific place, time, and purpose the juvenile will be in a public place during curfew hours
- ❑ Married or has been married
- ❑ Engaged in normal interstate travel with legal guardian consent
- ❑ On the property where the juvenile resides (Common areas such as parking lots or play areas of apartment complexes are not considered property where the juvenile resides, unless the area has been specifically posted by the property owner as a juvenile area and adult supervision is evident)

If a juvenile claims an exception to the curfew law, but the officer cannot verify it, the officer shall proceed as though no exception exists.

Offenses During Curfew Hours

Officers contacting juveniles during curfew hours shall establish if the juvenile is violating the curfew law.

Example: An officer responds to a T/A at 0300 hours for a call of a juvenile shoplifter. Upon the officer's arrival, the T/A owner tells the officer that the juvenile is suspected of stealing candy. Although the officer cannot establish probable cause to arrest the juvenile for theft, the officer must still verify the juvenile's curfew status and document the contact.

Legal Guardian Responsibility & Liability

It is unlawful for a legal guardian having custody of a juvenile to knowingly permit, or by negligence allow the juvenile to remain in any public place under circumstances not constituting an exception to the curfew law.

In this section, the term "knowledge," as used above, includes knowledge a legal guardian would reasonably be expected to have concerning the whereabouts of a juvenile. This requirement of the law is intended to hold neglectful legal guardians to a reasonable standard of responsibility. It is no defense that a legal guardian did not know of the activities, conduct, or whereabouts of such juvenile.

The first violation of the curfew law will result in a warning being issued to the juvenile's legal guardian. County Code requires that the Department send letters to the legal guardians of juveniles who have received written curfew violation warnings. A second violation by a juvenile shall be treated as a first offense by the legal guardian, and a citation shall be issued.

DC Form #28 shall be used by officers to charge guardians when:

- ❑ The officer has firsthand knowledge that the juvenile has been detained for a prior curfew violation

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- ❑ The juvenile's legal guardians have been warned
- ❑ The legal guardian is immediately available to take custody of the juvenile

When a legal guardian responds to retrieve the juvenile, the custody officer shall issue the DC Form #28, and give the guardian the goldenrod copy. Fines are assessed as follows:

- ❑ First offense, \$50.00
- ❑ Second offense, \$100.00
- ❑ Third and subsequent offenses, \$250.00

Curfew violations are civil offenses for which legal guardians are cited. Juveniles violating the curfew law are regarded as status offenders, and shall not be issued a DC Form #28.

Business Owner or Operator Liability

Business owners or operators may not knowingly permit juveniles to remain at a place open to the public after curfew.

When a juvenile is cited for violation of the curfew law using the Warning/Field Observation/J-2 Report, and the violation involves a business establishment, the officer shall also complete an Incident Report. The officer shall document the circumstances, which led to the belief that the business was in violation of the law. The manager responsible for the business at the time of the offense, as well as the owner or operator of the business, shall be listed in the report. The Warning/Field Observation/J-2 Report and a copy of the Incident Report shall be submitted to YFS, who will then charge the owner or operator as appropriate.

Business owners shall be cited on a DC Form #28. The schedule of fines is as follows:

- ❑ First offense, \$100.00
- ❑ Second offense, \$250.00
- ❑ Third and subsequent offenses, \$500.00

An owner or operator is exempted from the above provisions when:

- ❑ The juvenile is advised that they are in violation of the curfew law, and
- ❑ The owner notifies the Department that a juvenile is on the premises refusing to leave

This notification may be made in person or by telephone, and should contain sufficient information to identify the juvenile.

Youth Services Officer

Youth Services Officers (YSO) shall:

- ❑ Warn legal guardians and business owners or operators that violations of the curfew law will result in enforcement, including fines

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- ❑ Notify the legal guardians and business owners or operators by mail of curfew violations including whether the infraction is a first, second, third or subsequent violation, and the dates of prior violations
- ❑ Send letters to legal guardians of juveniles who have violated the law more than three times via registered mail, return receipt requested
- ❑ Charge legal guardians and business owners or operators with violations of curfew laws using the Uniform Municipal Infraction/Civil Citation (DC Form #28)

Taking Juveniles Into Custody for Curfew Violations

Officers shall take juveniles into custody and transport them to a police facility when:

- ❑ The officer has knowledge that the juvenile has previously violated the curfew law
- ❑ The officer has knowledge that a juvenile has received a written warning for a curfew violation
- ❑ The officer has reasonable grounds to believe the juvenile has engaged in delinquent conduct

Officers shall handcuff juveniles during transport.

If the juvenile is also charged with a crime, the officer shall complete an Arrest Report.

The officer shall ensure that the juvenile's guardian is notified and instructed to pick up the juvenile within one hour.

Juveniles cited for curfew violations will be released to their legal guardian upon completion of a Juvenile Recognizance Form. The custody officer shall stamp the reverse of the pink and goldenrod copies of the DC Form #28 with a Parental Notification Stamp and give the legal guardian the goldenrod copy.

If the guardian cannot be contacted, or fails to take custody of the juvenile within one hour of notification, the officer shall regard the juvenile as being in need of supervision (CINS). The officer shall notify the Department of Social Services (DSS) for placement of the juvenile.

Juveniles charged with only a status offense, such as a curfew violation, shall not be held in secure detention.

14. Taking Juveniles Into Custody Without Formal Charges

Juveniles may be taken into custody without formal charges for any violation of the law specifically applicable to children.

Non-offenses are:

- ❑ Child in Need of Supervision (CINS)
- ❑ Child in Need of Assistance (CINA)

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Status offenses are:

- Curfew violations
- Runaways
- Truancy
- Underage possession and/or consumption of tobacco products
- Underage alcohol offenses
- Incurrigibles

In CINA cases (for example, child abuse and neglect), notification shall be made to the DSS. In CINS cases, notification shall be made to the DJS. Officers with questions about these types of cases may contact either DSS or DJS for assistance.

15. Traffic Law Enforcement

Juveniles 16 or 17 years of age shall be charged on a Maryland Uniform Complaint and Citation for all non-jailable traffic offenses. When a juvenile is also charged with criminal or jailable traffic offenses, all charges (to include the non-jailable traffic charges) shall be documented on an Arrest Report.

A juvenile may be given a written warning and released to self-custody when they commit a minor traffic offense and:

- Proves their identity to the satisfaction of the officer
- Is not involved in another act requiring further investigation
- Their actions have not caused injury to persons or damage to property

The juvenile will be given the appropriate copy of the warning; other copies will be forwarded to Records.

Request for Juvenile Traffic Charges

Arrest Reports will be used to charge juveniles 15 years of age or younger with committing serious (*driving without a license*) and jailable traffic offenses.

A Warning/Field Observation/J-2 Report may be used to document minor traffic violations, such as bicycle or mini-bike offenses, for juveniles 15 years of age or younger. The J-2 should contain the specific charge and the youth's signature in the narrative section. The juvenile will be given the appropriate copy; two copies will be forwarded to the Records Section. The Records Section will forward a copy to the DJS for disposition.

16. REDACTED

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VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.6, 41.2.4, 42.2.3, 42.2.9, 44.1.1, 44.2.1, 44.2.2, 44.2.3, 55.1.3, 61.1.3, 71.1.6, 72.9.1, 72.9.3, 74.2.1, 82.1.1, 82.2.1, 82.3.6

Governing Legislation:

- Juvenile Justice and Delinquency Prevention Act (JJDP)

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34. *REDACTED*

VOLUME II, CHAPTER 35, LOITERING

35. LOITERING

(September 2013)

I. POLICY

As defined below, loitering is illegal in the County. First time violators shall be given a Loitering Warning Notice. For a second or subsequent written offense, the individual may be charged with the loitering violation. Penalties include a fine, imprisonment, or both.

This section does not prohibit:

- Picketing or orderly demonstrations by labor unions or members of the public
- Persons who have written permission from the owner, lessee, or operator to be present
- Persons from window-shopping under conditions and at a time of the day or night that would be considered conducive to that activity

II. CHECKLIST (N/A)

III. DEFINITIONS

Loitering: A violation that occurs when an individual engages in one or more of the behaviors described below

- Remains (either on foot or in a vehicle) on a public or privately owned street, sidewalk, or pathway, obstructing the free passage of a pedestrian or vehicle after a police officer has notified the individual the action is unlawful and has requested that the individual move
- Refuses or fails to leave a private business, commercial establishment, or parking lot posted with “No Loitering” signs; applies if the business or establishment is closed for business and the owner, their agent, a special police officer, or a police officer has requested that the individual leave
 - *Exception:* When the individual has written permission from the owner, lessee, or operator to be present, or is window-shopping at a time of the day or night considered reasonable for such activity
- Refuses or fails to leave a private business or commercial establishment that is open for business, or a parking lot of the business or establishment, after having been requested to do so by the owner or their agent
- Refuses or fails to leave a public building, public grounds, or a public recreational area (or parking lots of same) after being requested to do so by a police officer or a regularly employed guard, watchman, or other authorized employee of the agency responsible for the building, grounds, or recreational area (or parking lots of same) if the individual has no apparent lawful business or purpose to pursue at that place

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- ❑ Returns, for no apparent lawful business or purpose, to the same public or private property from which the individual was asked to leave within the previous 30 days
(Section 14-139.03 of the Prince George's County Code Subtitle 14. Morals and Conduct)

IV. FORMS

- ❑ Incident Report (PGC Form #3529)
- ❑ Loitering Warning Notice (PGC Form #TBD)

V. PROCEDURES

1. Enforcement

(County Code Section 14-139.03)

No individual shall be charged with loitering unless they have first been issued a written Loitering Warning Notice for loitering at the same location within the previous 30 days.

The Loitering Ordinance is enforceable any time of day or night, subject to the restrictions in this section.

2. Officer's Responsibilities

Officers shall provide a Loitering Warning Notice to the violator. Officers shall obtain a case number and place it on the Loitering Warning Notice and complete an Incident Report. In instances when the violator refuses to sign the warning, "REFUSED TO SIGN" shall be noted on the signature line of the form.

Copies of the Loitering Warning Notice shall be distributed as follows:

- ❑ White Copy, with Incident Report attached – Records Management Section
- ❑ Yellow copy – Officer
- ❑ Blue copy – Loiterer

Officers may reference assistance phone numbers on the back of the Loitering Warning Form for violators indicating a need for social services.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.1, 1.2.6, 1.2.7
Governing Legislation:
- ❑ Prince George's County Code Subtitle 14. Morals and Conduct, Section 14-139.03

VOLUME II, CHAPTER 36, MISSING PERSONS

36. MISSING PERSONS

(December 2012)

I. POLICY

Patrol officers are responsible for conducting preliminary investigations when individuals are reported missing. Reports of missing persons shall be taken immediately using the Maryland Missing Persons Report Form.

II. CHECKLIST (N/A)

III. DEFINITIONS

Critical Missing Person: An individual missing under circumstances that indicate that he or she may be in danger

Lawful Custodian: An individual who is authorized to have custody of and exercise control over a child who is under 16 years of age; this includes an individual who is authorized by a court order (Maryland Family Law)

Missing Adult: An individual who is 21 years of age or older

FOR MISSING PERSONS CASES ONLY

Silver Alert Program: An alert for a missing person who has left the scene in a vehicle and suffers a cognitive impairment including a diagnosis of Alzheimer's disease or dementia to the extent that requires assistance from a caregiver; and whose disappearance poses a threat to the safety of the individual as determined by a law enforcement agency

Missing Child: An individual under the age of 18, including runaways, who is the subject of a missing person report filed with a law enforcement agency and whose whereabouts are unknown

FOR MISSING PERSONS CASES ONLY

Unidentified Child: An individual under the age of 18, generally a smaller child, whose identity is unknown or cannot be determined with certainty; often located or found by someone before they are officially reported missing to police

IV. FORMS

- Commander's Information Report (PGC Form #1545)
- State of Maryland Missing Person Form (MMPRF)
- Continuation Report Form (PGC Form #3529A)

V. PROCEDURES

An employee receiving a missing person complaint shall interview the complainant to determine whether an officer should be dispatched to take a report. An officer shall be immediately

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dispatched to allegations of a critical missing person and juvenile abductions. When any doubt exists regarding police response, the employee shall contact a supervisor.

Officers shall take missing person reports in person. There is no specific age limit or time period that an individual must have been missing before initiating a report.

1. Officer's Responsibilities – All Missing Persons

A missing person report shall be taken for any:

- Individual missing from or last seen in the County
- Resident of another jurisdiction that is missing from a location in this County

The reporting officer shall:

- Personally contact the complainant and conduct a preliminary investigation
- Upon confirmation, notify the sector supervisor to obtain a critical or non-critical classification
- Transmit an initial lookout for the individual and provide the dispatcher with additional information as it becomes available
- Obtain a photograph of all missing persons; place the CCN, name, and date of birth of the missing person on the back of the photograph and attach it to the MMPRF; if a photograph is not available, note "NOT AVAILABLE" on the front of the MMPRF where appropriate
- Contact the Teletype Unit via telephone within one hour to have the missing person entered into NCIC
- Complete a MMPRF prior to the end of the watch; ensure that all notifications are recorded to include the notification to the Teletype Unit

If the missing person is classified as critical, the officer shall:

- Place "HOMICIDE" in the COPY TO block of the MMPRF
- Fax a copy of the report to the Homicide Section prior to the end of his or her tour of duty
- Complete a Commander's Information Report prior to the end of the watch

Additional Duties – Missing Child Cases

(Maryland Family Law, Section 9-402)

In all missing child cases, officers shall determine if the child:

- Participated in the Child Fingerprint Program. If so, obtain the fingerprint card from the legal guardian and submit it, along with a copy of the MMPRF, to RAFIS via Departmental mail
- Has been the subject of a prior missing person report or a child abuse report
- Suffers from a mental or physical disability or illness
- Disappeared under suspicious circumstances
- May have been abducted
- Is less than 18 years of age

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If any of the above conditions exist, the officer shall notify his or her supervisor. If none of the conditions exist, the officer shall transmit a copy of the MMPRF to the District Investigative Section prior to the end of the watch.

If the missing child is missing from foster care or a group home, the officer shall list the foster care agency or placement agency, including the phone number, address, and caseworker name and contact information if available on the State of Maryland Missing Person Report Form, Item #96 Additional Information.

Teletype Unit Responsibilities – Missing Child Cases

(42 USC 5779)

(Public Law 108-21 Sec.204 – Suzanne’s Law)

(MD Family law, Section 9-402)

The Teletype Unit shall immediately enter information regarding each reported missing child under the age of 21 into NCIC and Maryland Interagency Law Enforcement System (MILES).

Additional Duties – Missing Adult Cases

The officer shall indicate whether the case is critical or non-critical in block #96 of the Continuation Report Form and have the reporting person sign block #64 on the MMPRF for all adult missing person cases.

If the missing adult is missing from a facility (example: nursing home, care center, group home), the officer shall list the contact/family guardian’s information including phone, address and/or relationship to the missing adult if available on the State of Maryland Missing Person Report Form, Item #96 Additional Information. This information shall also be listed for an adult who is missing from their own home, but is under guardianship or supervision of another.

Supervisor’s Responsibilities

A supervisor shall classify all cases as critical or non-critical by evaluating the following factors:

- Age of the missing person
- Physical and mental health of the missing person
- Repeated prior instances or absences by the missing person
- Unusual circumstances surrounding the absence of the missing person

Supervisors shall notify the shift commander, or in their absence another commissioned officer, when a missing person case is classified as critical.

Shift Commander’s Responsibilities

Once the shift commander or other commissioned officer is notified of a critical missing person case, he or she shall assess the situation to determine the scope of the investigation and search.

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Reporting Procedures

A supervisor shall review and approve the MMPRF and, if applicable, the CIR. If the missing person is classified as critical, the supervisor shall ensure that the MMPRF is faxed to the Homicide Section prior to the end of watch. A photocopy of the missing person's photograph shall be faxed along with the MMPRF.

When fax equipment is not operational, the supervisor shall ensure that the Homicide Section is notified via telephone. The supervisor shall ensure that a copy of the MMPRF is forwarded to the Homicide Section via Departmental mail prior to the end of watch.

Additionally, the supervisor shall immediately report the Missing Child to the National Center for Missing and Exploited Children and forward a copy of the Maryland Missing Person Report Form to the State Clearinghouse for Missing Children.

2. Critical Missing Person – Field Procedures

On the scene of a critical missing person, the supervisor shall:

- Notify the shift commander
- Establish a command post and advise the dispatcher of its location
- Request additional personnel and equipment if needed
- For confirmed cases involving a Missing Child, when appropriate, enlist the aid of MSP
- Ensure that a thorough search is conducted, including the missing person's home
- Ensure that friends and relatives of the missing person are contacted to establish when the missing person was last seen or heard from
- Request a District Investigator
- For juvenile abductions or custody disputes, ensure that the Child and Vulnerable Adult Abuse Unit is notified
- For cases involving ransom demands, ensure that the Robbery Unit is notified
- For possible homicide cases, ensure that the Homicide Section is contacted
- For cases that meet the criteria for a Silver Alert, ensure that the duty officer at MSP Headquarters is notified and document the duty officer's name and identification number on the missing person report
- For substantiated Missing Child cases, institute appropriate intensive search procedures, including coordination of volunteer search teams

The decision to end the search for a critical missing person will be made by a commissioned officer.

3. Follow-Up & Additional Information – All Missing Persons

If additional information regarding the missing person is obtained after the initial report is submitted, the reporting officer shall:

- Complete a Continuation Report prior to the end of watch

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- ❑ Contact the Teletype Unit via phone within one hour of receiving the information

This notification shall be documented on the Continuation Report with the date, time, and name and ID# of the Telecommunications operator notified.

District Investigator's Responsibilities

Since each missing person case is unique, follow-up contacts with reporting persons or others who might have information about the missing person will be made as dictated by the nature and complexity of the missing person case.

The National Child Search Assistance Act of 1990 requires that all juvenile missing person reports be updated. This update, regardless of whether or not new information is obtained, must take place within 60 days of the original date of entry. It will include any additional information and medical and dental records when available.

This update shall be documented on a Continuation Report and forwarded to the Records Section. Contact will also be made to the Teletype Unit, regardless of whether or not new information is obtained.

Follow-up Investigations

Any follow-up investigation conducted by a patrol officer will be coordinated with the investigator assigned to the case.

Searches for missing persons beyond the checking of neighborhoods, congregating areas, etc., will be conducted as the circumstances warrant and based on available information. If it is believed that air support or canine would aid in the search for a missing person (regardless of age), it should be requested via Public Safety Communications upon supervisor approval.

When a search is conducted, a command post should be established and all persons participating in the search should be briefed and provided with a photograph (if available). Searches shall be methodical and all participants shall be equipped with an appropriate means of communications. Maps of the area to be searched should be present at the command post.

Return of Missing Persons

Upon the return of a missing person, the reporting officer shall:

- ❑ Complete a Continuation Report, documenting the missing person's return and the circumstances surrounding it, prior to the end of watch
- ❑ Contact the Teletype Unit within one hour of receiving this information to have any computer entries cancelled

This notification shall be documented on the Continuation Report with the date, time, and name and ID# of the Teletype operator notified.

VOLUME II, CHAPTER 36, MISSING PERSONS

4. Unidentified Children

The most frequent type of found juvenile call that officers will respond to involve children that have become separated from their parents. Most of the time, these children are very young. Officers shall be especially sensitive and compassionate when dealing with these children.

Unless removal of the child from the area is necessary for his or her protection, every effort should be made by officers to resolve the situation and reunite the child with his or her parents, guardian, or custodian at the location where the child was found.

An officer may take an unidentified juvenile into custody if the juvenile is in danger due to his or her surroundings, *See: VOLUME II, CHAPTER 33. JUVENILE PROCEDURES.*

In addition, the juvenile may be taken into custody for the purpose of an emergency evaluation, *See: VOLUME II, CHAPTER 23. EMERGENCY PETITIONS & RESPONSES TO INDIVIDUALS WITH MENTAL DISORDERS.*

When attempting to determine the juvenile's identity, NCIC should be checked using the "MPN" function (a non-unique inquiry since the person's name is unknown). This function requires physical descriptors only and is generally useful when attempting to identify recovered bodies, a person unable to communicate, or an uncooperative person.

The types of data included in this file are non-unique or uncommon, and include blood type, estimated year of birth, approximate height and weight, jewelry (if worn), medical conditions, and dental characteristics.

There are three different categories for records entered into NCIC's Unidentified Person File:

- Unidentified deceased persons, including victims of a catastrophe
- Unidentified living persons who are unaware of their identities, such as amnesia victims, small children, persons with Alzheimer's disease, etc.
- Body parts

The web site for the *National Center for Missing and Exploited Children* www.missingkids.com can also be checked.

If the officer is unsuccessful in establishing the juvenile's identity, the officer should contact the County's Department of Social Services for assistance.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 41.2.5, 41.2.6 and 41.2.7

Governing Legislation:

VOLUME II, CHAPTER 36, MISSING PERSONS

- ❑ Maryland Code, Health Article, Section 10-622
- ❑ Maryland Family Law, Section 9-301
- ❑ Maryland Family Law, Section 9-401
- ❑ Maryland Family Law, Section 9-402 (2012)
- ❑ 42 USC 5779 – National Child Search Assistance Act of 1990
- ❑ Public Law 108-21 Sec.204 – Suzanne’s Law
- ❑ PGPD Criminal Investigations Manual
- ❑ Maryland Code, Public Safety Article, Title 6, Sections 3-601 and 3-362
- ❑ Annotated Code of Maryland, Public Safety Article, Section 3-604, Silver Alert Program

VOLUME II, CHAPTER 37

37. REDACTED

VOLUME II, CHAPTER 38, OBSCENE MATTER

38. OBSCENE MATTER

(December 2005)

I. POLICY

County Code 14-147 prohibits any person from knowingly selling, displaying, loaning, or allowing the perusal by juveniles of any picture, photograph, drawing, or other graphic, pictorial, or visual representation or image of a person or portion of the human body that depicts nudity, sexual excitement, or sadomasochistic abuse, and that is predominately harmful or potentially harmful to juveniles.

II. CHECKLIST (N/A)

III. DEFINITIONS (N/A)

IV. FORMS

- Incident Report (PGC Form # 3529)

V. PROCEDURES

Upon receiving a call regarding obscene matter, the officer shall respond to the scene and verify the complaint.

If verified, the officer shall complete an Incident Report. The officer shall place "STATE'S ATTORNEY'S OFFICE" and "OFFICE OF LAW" in the COPY TO block of the Incident Report.

If appropriate, the officer shall advise the owner/manager of the establishment of the law, the complaint, and the violation.

Officers shall not make on-scene arrests or charge individuals with violations of County Code 14-147. Obscene matter cases must be reviewed for legal sufficiency prior to individuals being charged.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.6, 1.2.7, 42.1.4, 82.2.1, 82.2.2,

Governing Legislation:

- County Code 14-147

VOLUME II, CHAPTER 39, OBTAINING PRESCRIPTION MEDICATION BY FRAUD

39. OBTAINING PRESCRIPTION MEDICATION BY FRAUD

(December 2005)

I. POLICY

Officers shall respond to and investigate incidents where individuals obtain or attempt to obtain prescription medication by fraud.

II. CHECKLIST (N/A)

III. DEFINITIONS

Forged Prescription: When a person illegally obtains or attempts to obtain prescription drugs using:

- A fraudulent prescription
- A fraudulently called-in prescription
- An altered prescription
- A forged prescription

Uttered Prescription: Occurs when an individual presents a false or altered prescription form

IV. FORMS

- Incident Report (PGC Form #3529)

V. PROCEDURES

This section applies to any of the following offenses:

- Forged prescriptions
- Uttered prescriptions
- Theft of prescription forms
- Theft of pharmaceutical drugs

1. Officer's Responsibilities

In medical prescription cases, the responding officer shall:

- Interview the pharmacy employee who received the prescription
- Contact the issuing physician's office to determine the validity of the prescription
- Seize the original prescription form(s) for evidence. The officer shall photocopy the prescription and write their name and ID#, the CCN, and date on the copy. They shall give this copy to the pharmacist as a receipt
- Complete an Incident Report prior to the end of their watch. Write "FRAUD (PRESCRIPTION)" in the TYPE OF INCIDENT block, "26" in the SPECIAL STUDIES

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block, and “NED/DIVERSION UNIT” in the COPY TO block. Any remarks the suspect made to the complainant shall be included in the narrative

In prescription cases, the doctor is usually the victim, not the pharmacy. If the doctor’s DEA number is printed on the prescription form, it should be listed in the Incident Report. The common name and the scientific name of the prescription drug (i.e., Percocet/Oxycodone) should be listed on the Incident Report and, if an arrest is made, the charging document.

If the suspect is on the scene and the responding officer verifies the prescription fraud, they shall seize the evidence and make an arrest. Officers may contact NED for assistance.

Officers shall seize all evidence related to the prescription violation. Examples include: other doctors’ DEA numbers or addresses; pharmacy names and phone numbers; prescription bottles; and Medicaid, Medicare, or insurance cards not in the suspect’s name. All evidence shall be processed and submitted in accordance with the directives in **VOLUME II, CHAPTER 41. PROPERTY & EVIDENCE.**

Officers shall determine if a security video is available from the pharmacy. If a video is available, the officer shall seize it for evidence or request that the videotape be set aside to ensure that it is not taped over. The officer shall contact the Diversion Unit for follow-up investigation.

Copies of all reports, including a copy of the prescription order form, shall be sent to NED’s Diversion Unit via Departmental mail prior to the end of watch. Whenever possible, a photograph of the suspect shall be attached.

A Diversion Unit investigator shall be contacted when circumstances indicate that the suspect has engaged in multiple forgery or uttering offenses. The officer shall document the name of the investigator and the date and time contacted on the Incident Report.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 41.2.5, 42.1.4, 42.2.1, 42.2.2, 82.2.1, 82.2.2, 83.2.1, 84.1.1

Governing Legislation:

- Maryland Code, Criminal Law, Sections 5-501, 5-601, 5-606

VOLUME II, CHAPTER 40, PRODUCT TAMPERING

40. PRODUCT TAMPERING

(December 2005)

I. POLICY

When an officer responds to a product tampering complaint, they shall conduct a thorough preliminary investigation to determine the complaint's validity. Crime scenes shall be preserved until the scene is relinquished to the proper investigative authority.

II. CHECKLIST (N/A)

III. DEFINITIONS

Product Tampering: Act of intentionally altering a consumer product to cause or threaten harm

IV. FORMS

- Incident Report (PGC Form #3529)

V. PROCEDURES

1. Officer's Responsibilities

Officers responding to complaints of product tampering shall notify the Office of Environmental Health through Public Safety Communications in all cases involving suspected or verified food or drug tampering. This notification shall be made as soon as possible to facilitate notification of other agencies having concurrent investigative authority.

In most cases, environmental health investigators respond, determine which public health agencies have jurisdiction, and make the appropriate notifications.

Officers shall immediately notify the FBI when they determine tampering involves any of the following:

- Death
- Serious threat to human life
- Extortion demands
- Threatened tampering

The reporting officer shall complete an Incident Report detailing the circumstances of the complaint. The following shall be included in the narrative of the report:

- Names of environmental health organizations contacted including the name of the individual notified and their response
- Other agencies contacted as well as their response

VOLUME II, CHAPTER 40, PRODUCT TAMPERING

Officers conducting preliminary investigations of product tampering complaints should bear in mind that they might not be dealing with an isolated incident. Reports shall be detailed and thorough in order to aid in linking similar incidents. Officers may use the below list to assist them with preparing the report:

- Caller's identity
- Caller's message
- Description of the caller's voice
- Location of the product tampered with
- Threats or demands made
- Background noise

2. **District Investigator's Responsibilities**

District Investigators shall respond to complaints of product tampering that evoke an Environmental Health response whether they are verified or not, and complaints that do not fall under the jurisdiction of the:

- FBI
- Food and Drug Administration
- Office of Environmental Health
- U.S. Department of Agriculture

The District Investigator shall aid environmental health officers. District Investigators are also responsible for investigating incidents that do not fall under the jurisdiction of another agency.

3. **CID Investigator's Responsibilities**

CID investigators shall handle cases of product tampering that involve:

- Extortion
- Homicide

VI. **GOVERNING LEGISLATION & REFERENCE**

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standard 42.1.4, 42.2.1, 42.2.2, 82.2.1, 82.2.2

VOLUME II, CHAPTER 41, PROPERTY & EVIDENCE

41. PROPERTY & EVIDENCE

(November 2007)

I. POLICY

It is the policy of the Department to collect, process, and preserve physical evidence in the field. The circumstances under which evidence or property comes into the Department's possession shall be documented on an Incident Report and itemized on a Property Record.

Whenever available, materials and substances will be collected from a known source for submission to a laboratory for comparison with physical evidence collected.

Evidence collection shall be handled in accordance with practices taught in the training academy and written directives.

II. CHECKLIST (N/A)

III. DEFINITIONS

Chain of Custody: The documented continuity of custody of material and items collected as physical evidence; to minimize court challenges, the item introduced as evidence must be proven to be the same item recovered during the investigation.

Evidence: Any type of proof that has the potential to be introduced in a legal proceeding that is intended to convince the judge and/or jury of alleged facts material to the case; it can include records, documents, substances, materials, objects, photographs, fluids, etc.

Handgun: Any pistol, revolver, or other firearm that can be concealed on a person, including short-barreled shotguns and rifles; short-barreled shotguns have a barrel less than 18" long or an overall length less than 26" and short-barreled rifles have a barrel less than 16" long or an overall length less than 26". The following are not considered handguns:

- Any shotgun, rifle, or antique firearm manufactured before 1898
- Any firearm with matchlock, flintlock, percussion cap, or similar type of ignition
- BB or pellet guns
- Starter pistols

Police STOP: A verbal notification from a sworn Prince George's County Police investigator to the pawnshop manager to hold suspected stolen property for later recovery by police

Property: Any item taken into custody by an officer for an official purpose that has no apparent evidentiary value

IV. FORMS

- Adhesive Evidence Label (PGC Form #3645)
- Arrest Report (PGC Form #3245)

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- ❑ Biohazard Warning Label
- ❑ Blue Recovered Property Tag (PGC Form #2618)
- ❑ Custody Log/Request For Analysis/Analysis Report Form (PGC Form #3747)
- ❑ Custody Log/Request For Analysis/Analysis Report Form Continuation (PGC Form #3747A)
- ❑ District CDS Property Log (PGC Form #4586)
- ❑ Fingerprint Lift Cards (PGC Form #24)
- ❑ Incident Report (PGC Form #3529)
- ❑ Latent Evidence Envelope (PGC Form #2619)
- ❑ Notification Letter (PGC Form #2746)
- ❑ Pawn Recovery Sheet (PGC Form #3686)
- ❑ Photo Processing Report Form (PGC Form #952)
- ❑ Property Record (PGC Form #4360)
- ❑ Property Record as Evidence Form (PGC Form #3917)
- ❑ Report of Findings (PGC Form #4548)
- ❑ Request for Analysis Form (PGC Form #4449)
- ❑ Request for Latent Fingerprint Examination Form (PGC Form #2643)
- ❑ Special Report (PGC Form #3529-A)
- ❑ Transmittal Sheet Report (PGC Form #3350)
- ❑ Vehicle/Asset Forfeiture Summary Report (PGC Form #4321)
- ❑ Yellow Evidence Tag (PGC Form #45)

V. PROCEDURES

Officers shall respond to the scene of all calls for service regarding found or recovered property. Citizens shall not be instructed to bring found or recovered property to a police facility.

Employees shall account for property and evidence taken into custody. They shall protect items from contamination, damage, and destruction.

Questions concerning the preservation and submission of property and evidence can be directed to an on-duty supervisor, District Evidence Technician, or the Forensic Services Division.

Submission of property and evidence shall comply with the SOP of the receiving District or Division.

1. Cancellations & Entries to Computer Systems

Employees shall check found or recovered property with unique identifying numbers through NCIC and record the results on the Property Record.

Information on stolen property entered into NCIC must be removed once the property is recovered. The recovering employee shall contact the Telecommunications Unit, providing any identification/serial numbers, a description of the property, and the CCN.

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All stolen property with unique identifying numbers shall be entered into NCIC, MILES, and NLETS via the Telecommunications Unit. Employees will review and be responsible for the accuracy and currency of entries and cancellations.

2. Submission Procedures

Employees shall document all items of property taken into custody on the Property Record. They shall describe the items in enough detail to allow them to be easily identified. The following information shall be recorded:

- Manufacturer
- Model name or number
- Unique identification number

Employees shall submit recovered property along with the completed Property Record to a supervisor prior to the end of their tour of duty. Employees shall affix one of the following to each item of property accordingly:

- Blue Recovered Property Tag
- Yellow Evidence Tag

Employees shall use string or wire to securely attach the tags to the property. Tags may be stapled to property storage bags. Employees shall not use rubber bands, tape, or paper clips to affix tags.

Knives and other objects with sharp edges shall be placed in a Biohazard Sharp Object Disposal Pouch or a Biohazard Tube. Syringes shall be placed in a sealed Biohazard Tube.

Employees shall not substitute one item of property for another, such as one piece of currency for another having the same face value.

Employees shall immediately submit the following property to a supervisor:

- CDS and suspected CDS
- Items recovered from a crime scene
- Jewelry
- Money
- Narcotic-related paraphernalia
- Negotiable paper (*bonds or checks*)
- Firearms

Off-duty employees who recover property of minor value, such as license plates, may retain it for a maximum of 96 hours from the time of recovery.

The supervisor shall ensure that the property is properly packaged and that the Property Record has been completed correctly. The supervisor shall then place the property in the District's/Division's

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secure property storage area. The supervisor shall log the property in and sign the appropriate block on the Property Record. Exceptions include:

- ❑ When an employee transports a firearm directly to the Firearms Examination Unit (FEU) during the watch in which it was recovered
- ❑ When property is submitted to the DNA Laboratory for forensic analysis
- ❑ When CDS evidence is submitted directly to the Drug Analysis Laboratory
- ❑ When property or evidence is submitted by Evidence Technicians assigned to the Forensic Services Division (FSD)

Retention by Officers

Employees shall not retain property solely for court presentation. Non-monetary paper evidence, such as written statements or photographs, may be stored in the case file. Commanders/Managers may authorize exceptions in unusual circumstances.

Retention for Forensic Analysis

Employees are authorized to retain certain recovered property when the component responsible for processing or analyzing it, such as the DNA Laboratory, Computer Forensics Unit (CFU), or Firearm Examination Unit (FEU), is not open.

Employees shall obtain supervisory approval before retaining property. Items shall be packaged based on the nature of the item. This directive and the Evidence Handbook provide guidance on appropriate packaging procedures, *See*: section **11. Forensic Examinations** below.

Employees shall complete a Property Record and write “HELD FOR ANALYSIS” below the description of the property. A supervisor shall place their initials next to the “held” notation, and ensure that the Property Record is submitted to the property supply clerk before the end of watch.

3. Property Storage Area

Designated secured areas shall be used to store only in-custody property and evidence.

The following employees are authorized access to property storage areas:

- ❑ District/Division Commanders/Managers
- ❑ Assistant District/Division Commanders/Managers
- ❑ Shift and Section Commanders
- ❑ Sector supervisors
- ❑ Assistant sector supervisors
- ❑ Drug vault custodians
- ❑ Property supply clerks
- ❑ Property Warehouse Unit personnel
- ❑ Evidence Technicians assigned to FSD

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4. **Evidence**

(Criminal Investigations Manual)

If an employee requires the services of an evidence technician, he or she shall request one through Public Safety Communications (PSC).

5. **Evidence Collection**

The reporting employee is responsible for ensuring that all evidence has been processed and recovered from the scene of an incident. When the crime scene or evidence will not be processed by a specialized unit, e.g. Collision Analysis & Reconstruction Unit (CARU) or the Criminal Investigations Division (CID), the reporting employee shall ensure that the scene and all evidence is processed and recovered.

Whenever a crime scene is not processed, supervisory concurrence will be obtained and documented on the report.

Photographing Incident Scenes - Conventional Photography

Whenever an employee photographs the scene of an incident with a conventional camera he or she shall complete the following prior to the end of his or her tour of duty:

- Write the CCN on the exposed roll of film
- Complete the Photo Processing Report Form, including the name of the photographer, name of the investigator and date
- Place the roll of film in the envelope and forward via Departmental mail to the Records Section
- Any other information deemed pertinent

More than one roll of film from the same incident may be submitted in the envelope.

Photographing Incident Scenes - Digital Photography

When archiving digital images, the following information will be recorded:

- CCN
- Name of photographer
- Name of detective
- Any other information deemed pertinent

Digital photographs shall be archived on a Department approved computer.

For specific guidance on crime scene photography, ***See: Criminal Investigations Manual.***

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Surgically Recovered Evidence

When investigating an incident that has resulted in the hospitalization of a suspect or victim, and items of evidence will be surgically removed, the employee will wait at the hospital to recover the evidence.

When possible, the employee shall speak to a member of the surgical team before the operation, explaining the Department's interest in recovering the evidence as undamaged as possible.

If surgery will not occur immediately, the investigator shall request to be notified when the surgery is scheduled. The investigator shall leave a number by which he or she can be contacted, as well as the number for Public Safety Communications, in the event that he or she cannot be reached.

If the hospital staff notifies the investigator of the pending surgical procedure, he or she will ensure that an evidence technician is present to take custody of the evidence. In the absence of an evidence technician, the investigator will personally respond to the hospital.

The recovering employee will protect the item to ensure its evidentiary value. The investigator shall describe the item on the Property Record, noting the following:

- Name, age, race, and sex of the patient
- Date, time, and location of recovery
- The anatomic location from which the object was removed

The removing physician's printed name and signature shall be noted on the container in which the item is placed. This step is taken to preserve the chain of custody. The recovering employee may provide a receipt of transfer for the evidence to the medical staff if one is requested.

If a patient is transferred to a medical facility outside the County, the investigator shall request assistance from the police agency that provides police service to the medical facility.

Chain of Custody

A chain of custody will be maintained for each item of evidence recovered.

For non-narcotic property, the chain of custody is documented on the reverse of the Property Record and the Evidence Tag when custody is transferred. Receiving employees are responsible for the documentation. This provision does not apply when evidence is submitted to a supervisor for storage pending pickup by the Property Warehouse Unit as long as the recovering employee is present when the item is placed in storage.

Employees shall document chain of custody information when items of evidence are delivered to outside agencies.

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Evidence Retained by Court

Property removed from the Property Warehouse Unit must be returned within 30 days. The Property Warehouse Unit shall maintain a 30-day tickler file to track removed property. Problems with the expeditious return of property will be noted in a memorandum submitted to the delinquent employee's Commander/Manager.

Employees shall complete the Property Record as Evidence Form whenever the courts retain property for evidentiary purposes. The employee shall contact the OSA prior to court to verify which items will be introduced as evidence. The form must be completed in quadruplicate and presented to the OSA or court clerk. The employee may only include those items that will be used as evidence.

If the property has been introduced as evidence, but the employee is excused from court, the court clerk must sign the form and accept custody of the evidence.

The employee will retain Copy #3 for his or her records, and forward Copy #4 to the Property Warehouse Unit within 48 hours.

When the evidence can be released, the court shall contact the Property Warehouse Unit and arrange for retrieval of the property.

6. Property

District Property Files

Each District Station shall maintain a:

- Bicycle file
- Property file
- Property held by employee file
- Property release file

Property Records are filed by CCN.

The *bicycle file* contains records of all bicycles held until picked up by the Property Warehouse Unit.

The *property file* includes all records for property held in storage until picked up by the Property Warehouse Unit.

The *property held by employee file* includes all property records for items held for court or forensic analysis. District Commanders shall ensure that this file is monitored to ensure that no property is held more than 180 days.

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The *property release file* includes all records of property released to the owner or to the Property Warehouse Unit. Copies will be filed at the District Station for two years, and then forwarded to the Records Section for disposition according to the Records Retention Schedule.

Notification to Owner

When property is recovered and the owner is known, the recovering employee shall notify him or her. This may be accomplished in person, by telephone, or by mail. In any case, the employee shall inform the owner that he or she must provide proof of identity and claim the property within 90 days of its recovery.

This provision does not apply for items being held for forensic analysis.

The employee making the notification shall check the appropriate box on the Property Record indicating the method of notification. Notifications by mail are made using the Notification Letter. The employee shall attach a copy of the letter to the Property Record before the property is submitted.

When the property owner is unknown at the time of recovery, the employee shall note that on the Property Record. If the owner information is discovered later, the employee shall notify the owner via the Notification Letter. The employee shall also forward a copy of the Notification Letter to the Property Warehouse Unit to be filed with the Property Record.

Release to Owner

Employees shall use the Disposition section on the reverse of the Property Record to release property to owners.

The Property Warehouse Unit will hold recovered property for 90 days (except seized firearms). If not claimed or returned to its owner within that time, the property will be submitted to the County purchasing agent for disposal.

Once any firearm is logged into police custody, it may only be released through the Property Warehouse Unit. Claimants must provide proper identification and proof of ownership.

Property will not be released to owners if it is:

- Contraband
- Held as evidence
- Money confiscated for vice violations

If ownership cannot be clearly established through provided documentation or the preponderance of facts, the property may only be released with the approval of a command officer the rank of Lieutenant or above. The review and approval shall be noted on the Property Record.

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Release to Finder

When an employee recovers property found by another, and ownership cannot be established, he or she shall notify the finder that the property may be released to him or her if:

- The property is not claimed by the owner within 90 days of the date of recovery
- The finder lays claim within 90 days of the date of recovery
- The property is not contraband or a firearm
- The finder has proper identification

Property Receipts

The goldenrod copy of the Property Record also serves as a citizen's receipt. Employees shall issue receipts to those who find property having monetary value. The finder shall not sign the receipt copy of the Property Record. Employees shall not issue receipts to those who find:

- CDS
- Contraband
- Evidence recovered from a crime scene, whatever its value

Receipts are not issued for inherently worthless items or items that are so extensively damaged as to have no monetary value.

In cases where no receipt is issued, the recovering employee may:

- Discard the goldenrod copy
- Retain it
- Give it to another employee who has interest in the case

7. Assisting the Fire Department with Major Fires

Property recovered by Fire Department personnel as a result of an overhaul operation shall be turned over to an officer. Officers shall accept custody of the recovered property when:

- The items have value and are small enough to be concealed in a person's clothing or are firearms
- A reasonable effort by Fire Department personnel has failed to locate the owner of the property

An officer receiving property from Fire Department personnel shall document the following information on an Incident Report:

- The name, ID number, and assignment of the individual who recovered the property
- The exact location that the property was found
- Efforts made to locate the owner

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8. Submission of Large Sums of Money & Valuables

Submitted money or valuables worth less than \$5,000.00 shall be stored in a narcotics mailbox. The items shall be logged and processed in the same manner as narcotic property.

Money or valuables worth \$5,000.00 or more shall be transported to the Property Warehouse during the shift in which it was recovered. Officers who recover large sums of money shall request that a supervisor respond to the scene. The supervisor shall count the money in the presence of the recovering officer.

A supervisor shall make the determination when doubt exists as to the value of non-monetary property. He or she shall also decide whether the item should be transported to the Property Warehouse. Supervisors may authorize the transport of money or valuables worth less than \$5,000.00. The supervisor shall notify the Property Warehouse prior to transport.

Prior to leaving for the Property Warehouse, the transporting employee shall transmit his or her odometer reading and destination to the dispatcher via police radio. Upon arrival, the employee shall transmit the word "arrival," followed by another odometer reading. The dispatcher shall acknowledge the employee with a time check.

If the Property Warehouse is closed, a supervisor may authorize the storage of money or valuables worth \$5,000.00 or more in the narcotics mailbox. The recovering officer shall print "VALUE EQUALS OR EXCEEDS \$5,000" as appropriate on the Property Record. The property supply clerk shall check submitted Property Records for this notation and notify the Property Warehouse to arrange for the transport of the money or valuables.

Currency Seized for Forfeiture

(Maryland Criminal Procedure Title 12)

Maryland law requires that the County petition for the forfeiture of money and personal property when seized during gambling and CDS investigations. The County's Office of Law handles these proceedings. Petitions must be made within 90 days of the final disposition of the criminal case.

Employees who seize currency for forfeiture as a result of gambling or CDS investigations shall write "CONFISCATED MONEY" in the lower left corner of the narrative section of the Arrest Report. Employees shall forward copies of the following to the Office of Law:

- Arrest Report
- Incident Report
- Vehicle/Asset Forfeiture Summary Report

The Office of Law will monitor cases involving confiscated money through disposition. The Office of the State's Attorney's (OSA) Asset Forfeiture Unit coordinates the processing of forfeiture cases from initial seizure through final court disposition in cooperation with the Office of Law.

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Authority to Seize CDS-Related Currency

Currency may be seized and subject to forfeiture if the currency has a direct relationship to CDS-related violations.

The following are examples of such cases:

- ❑ Currency used to facilitate a CDS transaction
- ❑ Currency located in close proximity to seized CDS (when the CDS constitutes PWID or a felony amount)
- ❑ Currency that is proceeds from the distribution of CDS

Notifications

NED's Narcotic Asset Forfeiture Unit (NAFU) shall be notified of all CDS-related currency seizures in excess of \$1,000.00. The seizing officer shall make telephone notification within 24 hours of the seizure.

Officer's Responsibilities

Upon the seizure of assets in CDS-related cases, the reporting officer shall complete an Asset Forfeiture Summary Report within 24 hours and distribute it as follows:

- ❑ White and pink copies – OSA/Asset Forfeiture Unit
- ❑ Yellow copy – Records Section
- ❑ Green copy – NED/NAFU
- ❑ Photocopy – Commander/Manager

The officer shall also forward copies of the Incident Report and Property Record(s) to NED/NAFU.

Currency Held as Evidence

If currency seized for evidence or forfeiture is needed for legal proceedings, the officer shall:

- ❑ Photograph (not photocopy) the currency
- ❑ Record the serial numbers of each piece of paper currency, by denomination, on as many Property Records as needed

Photographs may be substituted for the currency in criminal cases. Seizures of currency involving more than one bill shall be photographed as a whole, not separately.

Unless the employee advises the Property Warehouse of the need for the actual currency as evidence, it will be deposited in the County treasury.

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Currency Not Needed as Evidence

When currency is recovered but not needed for court or forfeiture proceedings, the officer shall:

- ❑ Photograph the currency
- ❑ Record the total number of bills by denomination on a Property Record

9. Routine Deaths

When an officer determines that the deceased has no living next of kin or relatives or cannot locate any, he or she shall:

- ❑ Contact the Office of the Sheriff (OSPG) to arrange for a court order securing the deceased's property
- ❑ Request that a deputy respond to the scene and take custody of the property

The following information will be supplied to the OSPG:

- ❑ Name of the deceased
- ❑ Address and description of the property to be safeguarded
- ❑ The reason for the request
- ❑ Materials needed to properly safeguard the property
- ❑ Telephone number where the officer can be contacted

After the OSPG has been contacted, it should be no more than two hours until a deputy arrives on the scene with a court order that legally authorizes the safeguarding of the deceased's property.

The requesting officer will note in the report the name and ID number of the deputy who receives custody of the property.

Removing Property from the Deceased

If the deceased is removed from the scene before the arrival of a deputy, the officer handling the case shall:

- ❑ Inspect the deceased for articles of value
- ❑ Remove those articles from the body and inventory them on a Property Record

Upon arrival of the deputy, the officer will have the deputy sign the Property Record and take custody of the items.

If the removal of property from the body would result in damage to the item, destruction of evidence, or desecration of the body, the officer shall:

- ❑ Note the item on the report documenting why it was not removed
- ❑ Photograph the items before the body is removed

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The film will be forwarded to the Records Section for processing and filing of negatives. When photographs are taken, it shall be noted on the Special Report.

The individual accepting custody of the body will be requested to sign for any property that accompanies the deceased.

Release of Property to Next of Kin

Provided that an immediate family member's identity and relationship to the deceased is established to the officer's satisfaction, property belonging to the deceased may be released by the officer at the scene. In cases involving persons that are not immediate family, authorization must be obtained from the Office of Register of Wills to release the deceased's property.

Immediate family includes:

- Parent
- Spouse
- Child

10. Recovering Stolen Property from Pawn Shops

The Pawn Unit is responsible for recovering stolen property from pawn shops. The Unit shall initiate a STOP number, complete a Pawn Recovery Sheet, and forward it to the investigator handling the case. The investigator shall:

- Meet with the victim at the pawn shop to recover the property
- Prepare a Property Record to document the recovery
- Have the victim or his or her designee sign the reverse side of the white copy of the Property Record
- Give the yellow copy of the Property Record to the victim or his or her designee
- Have the victim or his or her designee and the employee from the pawn shop releasing the property sign the Pawn Recovery Sheet
- Distribute the copies of the Pawn Recovery Sheet to the following:
 - Pink copy to the employee from the pawn shop
 - Yellow copy to the Pawn Unit
 - White copy is retained by the investigator
- Send copies of Pawn Recovery Sheet, Incident Report, and Property Record to the Pawn Unit

11. Forensic Examinations

(Evidence Handbook)

This section details submission and examination procedures for the Department's forensic analysis components. The Evidence Unit is the point of contact regarding the submission of evidence for forensic examination outside the Department.

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12. Computer Forensic Unit (CFU)

The CFU collects and examines data contained within computer systems, computer hardware and other devices capable of capturing and/or storing data electronically. The recovered data is then analyzed for its evidentiary value. The CFU also conducts computer crime investigations.

The CFU is the point of contact for investigative sections within and outside the Department when it is believed that a computer crime has been committed. Criminal acts discovered by CFU beyond computer crime shall be referred to the responsible investigative unit.

All requests for examination shall be directly related to an investigation.

Seizure of Computer Media

The CFU has primary responsibility for seizing any devices capable of capturing and/or storing data electronically. Investigators who target computer systems and any other devices capable of capturing and/or storing data electronically in a search and seizure warrant shall notify the CFU at least 48 hours prior to the execution of the warrant. When available, a CFU investigator will respond to the scene and assist by safely shutting down the computer system and collecting items to be analyzed. The CFU investigator will take custody of seized computer items and transport them to the CFU.

Submitting Items to CFU

Investigators who request analysis of electronic media shall transport the items directly to the CFU. Officers are cautioned regarding the properties of electronic storage devices and shall take steps to prevent their exposure to harsh conditions and magnetic fields. Officers intending to transport items to the CFU shall first contact the unit by telephone to ensure that a CFU investigator is available to accept custody of the evidence.

When circumstances prevent a timely response to the CFU, a supervisor may authorize placing the items in temporary storage. Officers shall submit the property as they would under normal circumstances, noting "FOR CFU ANALYSIS" on the Property Record after "LAST ITEM." The requesting officer shall notify the Property Supply Clerk.

The Property Supply Clerk shall ensure such property is held until the requesting officer can transport the items to the CFU. Requesting officers shall transport the items to the CFU as soon as possible. Items to be analyzed shall not be held at a temporary storage facility for more than 96 hours. Upon completion of analysis, CFU will send a Report of Findings to the requesting officer.

Copies of the original evidence, under certain circumstances, may be stored at CFU. If the Office of the State's Attorney requires that the actual item be analyzed, the request will be honored by CFU. CFU will submit analyzed items to the Property Section or back to the submitting officer. This will be indicated in the last paragraph of the analysis report.

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CFU's hours of operation are:

- Monday to Friday
- 0700 hours to 1500 hours

13. Serology & DNA Laboratory

The chemists in the Serology and DNA Laboratory analyze submitted property for the presence of biological evidence, develop DNA profiles, and when possible, determine the source of the evidence.

Biological evidence may include blood, semen, saliva, sweat, hair, bones, tissue, etc.

Handling & Collection Procedures

Proper handling and submission of biological evidence is vital for reliable examination. Officers having questions regarding biological evidence may request guidance from the Forensic Services Division, the DNA Laboratory, or refer to the Evidence Handbook.

Employees shall follow these guidelines when recovering biological evidence:

- Always assume the evidence is a biohazard and handle accordingly
- Always handle the evidence with gloves and/or protective clothing
- Package each item separately in paper or cardboard, not in plastic bags
- Seal each item with evidence tape and sign over the seal
- Label each evidence container with the case and item numbers, and affix a biohazard label
- Items of evidence should not be stored in extreme heat or placed in direct sunlight

Submitting Items for DNA Analysis

All submissions require a Property Record. More than one item may be listed on the Property Record. Each individual item must have an Evidence Tag/Chain of Custody attached.

DNA Laboratory hours of operation are:

- Monday to Friday
- 0800 hours to 1600 hours

DNA Laboratory is closed on holidays.

Crime Scene Clean-up

Employees investigating incidents where biohazards such as bodily fluids exist and require removal will refer the property owner to the Evidence Unit.

Evidence personnel will provide the citizen with the names and telephone numbers of the companies who provide crime scene clean-up services.

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14. Firearm & Toolmark Examination Unit (FEU)

PGPD officers and those from other agencies submit firearms and related items to the FEU. The FEU examines these items as well as toolmark related evidence such as pry marks made by burglary tools.

Firearms

The proper handling and submission of firearms allows for reliable examination by FEU and other investigative entities.

Whenever possible, investigators or evidence technicians shall recover firearms. FEU shall be contacted whenever a firearm needs to be recovered from water. Employees having questions regarding the proper handling of firearms may request guidance from the Evidence Unit or FEU. Loaded firearms shall not be submitted to FEU.

Collection & Packaging

Employees shall never:

- Assume a weapon is unloaded and safe
- Attempt to test fire a firearm
- Clean the barrel, chamber, or cylinder of a firearm
- Disassemble a firearm
- Insert pens, pencils, or foreign objects into the barrel or chamber of a firearm
- Point a weapon at others

Employees shall record the following and provide it to the firearm examiner:

- Whether a fired or unfired round was in the chamber or cylinder
- Hammer position (down, half-cocked, cocked)
- Make, model, serial number, barrel length, and finish of the firearm
- Position of the safety
- Position of the slide

Clips or magazines shall not be stored in a weapon. Ammunition shall not be stored in a clip or magazine. Firearms and ammunition shall be packaged separately and submitted as different items. Any questions shall be directed to FEU or the Evidence Unit.

NCIC Checks

When a firearm is taken into custody that is not listed as stolen in NCIC or cannot be checked through NCIC, the recovering employee shall contact the Telecommunications Unit and provide the:

- Make

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- ❑ Model name and number
- ❑ Serial number or unique identifying number
- ❑ Physical description of the firearm, including size, type, and color

The Telecommunications Unit shall make an entry in the NCIC Recovered Gun File. NCIC retains the information for the balance of the year of entry plus two years. The recovering officer shall document the stolen status and gun file entry on the Property Record.

Submitting Items to FEU

Employees shall submit all firearms or firearms related items that they seize or recover to FEU, and shall itemize all appropriate items submitted for analysis on a Request for Analysis Form when a complete analysis is required. A copy of the Incident Report and Property Record shall be attached to the Request for Analysis Form. A separate Property Record is required for each firearm submitted. Associated ballistic evidence or leather goods shall be packaged separately and submitted on a separate Property Record. Employees shall document the exact address, beat, and District for all firearm seizures and recoveries.

Items that have blood or body fluids on any surface should be submitted after the item has dried. Biohazard labels shall be attached to the packaging for the safety of the examiner.

Employees shall transport all recovered firearms and firearms-related evidence to FEU within 96 hours of recovery or seizure. Chain of custody information and a receipt stamp will be placed on the Property Record by FEU and the officer's copy returned to him or her.

Property Warehouse Unit personnel will only receive recovered firearms from FEU.

Submission hours:

- ❑ Monday to Friday
- ❑ 0730 hours to 1700 hours

FEU is closed on holidays.

FEU Open

Employees who request analysis of a firearm or tool are responsible for transporting such items directly to FEU. Employees intending to transport such evidence to FEU shall first contact the unit by telephone to ensure that an FEU analyst is available to accept the item. When circumstances prevent a timely response to FEU, a supervisor may authorize the requesting officer to place the items in temporary storage as indicated below.

FEU Closed

Officers shall submit the items as they would under normal circumstances, except they shall indicate "FOR FEU ANALYSIS" on the Property Record after the "LAST ITEM" notation. The

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supervisor authorizing the temporary storage shall notify the property supply clerk who shall then ensure such property is held.

In both cases, the authorizing supervisor shall ensure that items to be analyzed are not held at a temporary storage facility for more than 96 hours. Requests for assistance after normal business hours shall be made through the PSC supervisor to the Commander, Forensic Services Division.

FEU shall send an analysis report to the requesting employee through the chain of command when the analysis is complete. FEU shall submit the evidence to the Property Warehouse Unit or notify the outside agency when the analysis is complete. This information shall be noted in the last paragraph of the analysis report.

Submission of Handguns Involving Criminal Charges

Officers seizing handguns when criminal charges are filed shall:

- ❑ Process the firearm and/or ammunition for latent prints prior to submission
- ❑ Complete a Property Record, describing the handgun by make, model, and serial number
- ❑ If the owner is different from the possessor, include the owner's name and address, if known
- ❑ Transport the weapon to FEU or place it in Property prior to the end of watch

Criminal Law Article 4-203 – Wearing, Carrying, or Transporting a Handgun

Handguns seized pursuant to the provisions of Maryland Criminal Law Article 4-203 are subject to forfeiture.

When an officer seizes a handgun pursuant to the aforementioned statute, he or she shall print the words "FOR FORFEITURE" in bold letters in the description section of the Property Record. This applies even if the possessor is not charged with a violation of the aforementioned statute, though he or she may be charged with another crime, such as armed robbery. The Property Warehouse Unit shall notify the owners of these handguns regarding the forfeiture appeal process.

Officers seizing handguns under this law can help expedite the return of a gun to its owner if the gun has been reported stolen. In these cases, "HOLD FOR OWNER" shall be printed in bold letters beneath "FOR FORFEITURE" and the owner will be advised to apply to the Property Warehouse Unit for the return of the gun.

If the handgun has not been reported stolen, the owner shall be referred to the Property Warehouse Unit for retrieval procedures.

Submission of Handguns Not Involving Criminal Charges

Handguns seized, found, or recovered shall be submitted to FEU using the same procedures detailed above. Officers seizing such handguns shall notify the registered owner, if known, and advise him or her to contact the Property Warehouse Unit within 90 days of the notification for retrieval of the weapon.

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Submission of Long Guns Involving Criminal Charges

When a rifle or shotgun is seized and charges are filed, officers shall immediately:

- ❑ Complete a Property Record including the name and address of the owner if different from the possessor
- ❑ Notify the owner
- ❑ Submit the firearm to FEU using the same procedures detailed above

Test Firing

Test firing of recovered or seized firearms is done by FEU. Seizing or recovering employees shall witness test firings. The witnessing employee will be given a letter for use in court certifying that the firearm functions.

Other Weapons

Police employees that seize weapons other than firearms shall handle the weapon in the same manner as other property.

Special Police Officer (SPO) Responsibilities

SPOs are required to follow the same procedures as PGPD officers when submitting firearms for test firing. They are responsible for transporting firearms to FEU during normal business hours. If seized after FEU business hours, the SPO may place the firearm in temporary storage. The supervisor placing the weapon in storage shall inform the SPO that he or she must retrieve and transport the weapon to FEU within 96 hours.

The property supply clerk will send firearms that are not retrieved from storage by SPOs within 96 hours to FEU. FEU shall test fire the weapon according to their procedures and forward it to the Property Warehouse Unit. In such cases, the SPO must:

- ❑ Retrieve the firearm from the Property Warehouse Unit
- ❑ Transport the firearm to FEU for additional test firing

15. Drug Laboratory

Employees seizing Controlled Dangerous Substances (CDS) or suspected CDS shall maintain strict control and supervision over the property until submission. Other employees shall be brought into the chain of custody only as necessary, and every transfer shall be documented on the Chain of Custody Log/Request For Analysis/Analysis Report Form.

On-duty or off-duty officers shall submit seized or recovered CDS immediately, unless custody is transferred to another officer. If the CDS is transferred, the accepting officer shall be responsible for its submission.

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Submission Procedures & Reporting

All submissions of CDS require:

- ❑ A Chain of Custody Log
- ❑ Adhesive Evidence Label
- ❑ Incident Report
- ❑ A biohazard label if the CDS was recovered from a body cavity or is contaminated by body fluids

In addition to these documents, the District Station CDS logbook, which is maintained next to the narcotics mailbox, must be completed by the submitting officer and initialed by the witnessing supervisor.

The Chain of Custody Log must be typed and shall document every transfer of custody. If assigned, the District Court tracking number shall be recorded below the CCN. The Chain of Custody Log and packaged items shall be dropped in the narcotics mailbox.

Weighing CDS

All CDS materials shall be weighed before being packaged for submission. Whenever practical, to ensure the most accurate weight, officers should attempt to remove the CDS from the container or wrapping in which it was seized. The weight of the CDS shall be listed in the DETAILED DESCRIPTION block of the Chain of Custody Log. Property items suspected of containing minimal residue or trace amounts of CDS shall be counted and not weighed.

A supervisor shall witness the weighing or counting of the CDS and place his or her signature in the COUNTING/WEIGHING WITNESSED BY block on the Chain of Custody Log. The supervisor's signature indicates only that he or she witnessed the weighing or counting and submission. The supervisor shall not become part of the chain of custody unless absolutely necessary. The supervisor shall also place his or her ID number, the drop location, and the logbook number in the appropriate spaces on the form.

Packaging CDS

All CDS shall be submitted in clear 9½" x 16" heat-sealable, plastic pouches. Different types of CDS shall be submitted in separate pouches. Items found in different locations or recovered from different defendants shall be packaged separately.

If seized items are too large to be placed in a pouch, they should be placed in a box or other suitable container. The container should then be sealed with evidence tape, initialed, and dated by the submitting officer. A specific description of the contents of the box shall be placed on the outside for the safety of the drug laboratory chemists.

Recovered packaging, such as glass vials, film canisters, and envelopes, shall be placed within the pouch. Glass and fragile containers shall be wrapped with sufficient clear plastic padding to

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prevent breakage. All containers shall be securely taped to prevent leakage or spillage. Sharp edges that might appear on pipes or broken items shall be wrapped or boxed to prevent injury. Syringes shall be packaged as described in the section of this directive titled *Paraphernalia*.

After packaging, the employee shall affix the completed adhesive Evidence Label to the extreme lower right corner of the pouch, and a biohazard label, if required. The pouch shall then be placed in the heat sealer and sealed approximately one inch from the top. The employee shall place his or her initials over the heat seal. Employees shall not fill the pouch to the extent that it would prevent laboratory personnel from opening and resealing it.

After weighing and packaging, the employee shall attach the Chain of Custody Log to the pouch above the heat seal. A maximum of three separately bagged items can be listed on one Chain of Custody Log. The employee shall then drop the CDS in the narcotics mailbox. The supervisor who witnessed the weighing shall:

- Review the paperwork
- Observe the dropping of the CDS
- Place his or her initials next to the submitting employee's logbook entry

The submitting employee shall fill out the necessary blocks on the District CDS Property Log.

If the amount of CDS is too large to fit in the narcotics mailbox, the employee shall personally deliver the CDS to the Drug Laboratory. If the Drug Laboratory is closed, the employee shall transfer custody to a Narcotics Enforcement Division (NED) investigator, who shall arrange storage at the NED facility until the CDS can be delivered to the Drug Laboratory.

Analysis of CDS

The Drug Analysis Laboratory does not analyze all CDS evidence that it receives. Analyses are conducted only on receipt of a subpoena from the OSA or a memorandum from an employee to the Manager of the Drug Laboratory requesting the analysis. This memorandum can go directly to the Manager of the Drug Laboratory.

CDS to be Destroyed

The employee shall write "TO BE DESTROYED" at the top of the Chain of Custody Log. The employee shall also check the TO BE DESTROYED block and sign and date the form.

Paraphernalia

Hypodermic syringes and needles shall be packaged in leak proof, puncture-resistant, plastic Biohazard Tube. The sealed tubes shall be placed in a heat-sealed pouch. Syringes and needles will be inserted sharp end first into the plastic tube and the cap firmly tightened.

Employees shall not attempt to make the needle safe or unusable by resheathing with protective cap, cutting, bending, or removing the needle from the syringe. Syringes will be packaged

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separately from other evidence. Biohazard labels will be placed on the Biohazard Tube and the evidence pouch.

Plants

Whole plants greater than one foot in length shall not be submitted for analysis. Employees shall weigh and photograph the plant in its natural form. They shall cut or break the plant apart and then submit leaves, flowering tops, stems, and seeds for analysis. The remainder of the plant, including mature stalks and roots, shall be submitted on a separate Chain of Custody Log and marked for destruction.

Wet vegetable matter shall not be placed in a pouch. If the material does not dry naturally within the seizing employee's tour of duty, custody shall be transferred to a NED employee. If the material does not dry during the NED employee's tour of duty, he or she shall photograph the material and arrange for its secure storage until the material dries.

The NED employee shall submit a temporary, partially completed Chain of Custody Log to his or her supervisor. The NED employee shall weigh and package the material and submit final paperwork when the material has dried.

Only trained NED personnel or evidence technicians may use hair dryers or other devices to dry wet CDS.

Liquid CDS

Employees seizing suspected liquid CDS shall exercise extreme caution in handling it, considering potentially carcinogenic, toxic, flammable, and explosive properties. If the container is leaking, employees shall not touch it and shall contact either the Drug Laboratory or NED for assistance. They shall wear gloves when handling the containers of suspected CDS and shall not open the container. The seizing officer shall immediately submit liquid CDS seizures to the Drug Laboratory. If the Drug Laboratory is closed, the CDS shall be packaged in compliance with the taping and padding procedures described above in ***Packaging CDS***. For assistance in packaging, officers may consult the Drug Laboratory during normal business hours or NED after hours.

Seizures of one pint or more of liquid CDS require notification to NED. A NED investigator shall respond to the officer's location and take custody of the material.

Employees encountering unknown substances, unmarked CDS containers, raw CDS manufacturing chemicals, or other possible evidence of clandestine laboratories shall immediately notify NED and obtain specific guidance. Employees shall wear protective gloves and handle such items as little as possible.

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Pills, Tablets, & Capsules

Pills, tablets, and capsules shall be counted individually and weighed as a group, provided all items within the group are the same. Different pill types, such as tablets and capsules, require separate groupings.

Pick-up of CDS by Drug Vault Custodian

Drug vault custodians make scheduled visits to facilities that have narcotics mailboxes. In the presence of the property supply clerk, custodians remove CDS submissions from the mailbox. The drug vault custodian shall sign the Chain of Custody Log. He or she shall return the appropriate receipt copies to the property supply clerk. The property supply clerk shall return the employee's copy of the signed Chain of Custody Log to the employee.

The drug vault custodian shall document receipt of the CDS by signing all appropriate entries in the station logbook next to the mailbox. The Property Supply Clerk shall initial each entry, showing that he or she witnessed the transfer of custody.

Only the drug vault custodian and the property supply clerk shall possess keys to the narcotics mailbox. Other personnel, including the submitting employee and witnessing supervisor, are prohibited from opening the mailbox or attempting to remove CDS from it.

Obtaining CDS Evidence for Court

Employees needing CDS evidence for court shall obtain that evidence from the Drug Laboratory on the court date. It shall be returned to the Drug Laboratory immediately following the conclusion of that day's court proceedings. The Drug Laboratory Vault will be open for pick up and return from 0800 to 1600 each day the courts are open.

If the Drug Laboratory is closed when court proceedings end, the employee shall resubmit the evidence using the narcotics mailbox at any District Station. A supervisor shall witness the resubmission. The Chain of Custody Log and the station logbook for that mailbox shall be signed according to normal procedures. Employees shall never possess checked-out CDS evidence overnight.

There is no need to weigh the evidence prior to its resubmission unless the court opened the evidence pouch. If the court opened the evidence pouch, Drug Laboratory personnel will weigh the pouch upon its receipt.

If the court retains possession of the evidence, the employee shall obtain documentation attesting to that fact from the court and immediately deliver that documentation to the Drug Laboratory or the narcotics mailbox at District III.

When returning CDS property to the Drug Laboratory that is no longer needed as evidence, the employee shall write "TO BE DESTROYED" on the top of the Chain of Custody Log and record

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his or her signature and the date. The Drug Laboratory shall then prepare the CDS for the next destruction date.

If forfeitures of money or property are involved in a civil proceeding, the employee shall verify with the County Attorney's Office that the drugs are not needed.

Narcotic Enforcement Division (NED) Notification

If circumstances require a notification to be made to NED, the employee handling the incident shall make the notification. If no NED employees are working, the employee shall request PSC to call one out.

Destruction of Narcotics

The Drug Laboratory will obtain permission to destroy the narcotic property from the reporting employee. Subsequently, all narcotic property will be inventoried to ensure that the documented drugs are present. This inventory shall be conducted by any two of the following witnesses:

- Employee assigned to the Drug Laboratory
- Professional Compliance Division employee
- Any commissioned officer

After the drugs have been inventoried and sealed in boxes for destruction, the witnesses will initial the seal.

An employee assigned to the Drug Laboratory shall transport those drugs to the destruction facility, accompanied by a witness as described above. A team from the Special Operations Division shall escort the transport.

The sealed boxes containing the drugs will be placed in an incinerator for destruction. The assigned employee and witness shall remain until all narcotics have been destroyed, checking the incinerator's contents before leaving to ensure destruction.

The Chain of Custody Log shall be stamped "DESTROYED," the disposition documented at the Drug Laboratory, and the Chain of Custody Log forwarded to the Records Section for closure.

Disposition sheets will be signed and a file maintained at the Drug Laboratory.

All paraphernalia contained in a heat-sealed bag will be removed and inventoried in preparation for destruction.

An employee of the Property Warehouse Unit will transport paraphernalia such as bongs, pipes, or scales to the County landfill in Upper Marlboro. The items will be placed on the ground and a bulldozer used to crush the items. All paraphernalia will then be pushed into a hole and covered. The transporting employee will witness the entire destruction process.

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16. Submission of Fingerprints to RAFIS

All completed latent fingerprint evidence shall be placed in a Latent Evidence Envelope and sealed with red and white evidence tape to maintain the chain of custody. All latent fingerprint evidence shall be submitted to a supervisor prior to the end of the submitting officer's tour of duty. The supervisor shall ensure that the Latent Evidence Envelopes are properly secured with evidence tape and place them in a secure storage container specifically designated for Latent Evidence Envelopes in the District's/Division's property room.

On a bi-weekly basis, an employee designated by the District/Division Commander/Manager shall complete a Transmittal Sheet for the Latent Evidence Envelopes. The employee shall then hand-carry the completed Latent Evidence Envelopes and the completed Transmittal Sheet directly to RAFIS.

RAFIS personnel shall be available to accept latent fingerprint evidence on Tuesdays and Wednesdays during normal business hours. Upon receipt of a District's/Division's Latent Evidence Envelopes and Transmittal Sheet, the RAFIS employee will verify the submission and provide the District/Division employee with a copy of the Transmittal Sheet.

A case requiring immediate or "rushed" analysis by a fingerprint examiner shall be individually hand-carried to RAFIS by an employee of the submitting unit. Prior to responding to RAFIS, the employee shall notify the RAFIS Supervisor or the Commander, Forensic Services Division of the need for immediate analysis. The RAFIS Supervisor or the Commander, Forensic Services Division shall confirm the availability of a fingerprint examiner and shall also determine the priority level of the case.

All requests for examination must be accompanied by a Request for Latent Fingerprint Examination Form.

Only incoming latent fingerprints of sufficient quality to be submitted to the Automated Fingerprint System (AFS) will be entered into AFS and noted on the envelope.

When an officer makes an arrest in a case where latent fingerprints were previously submitted for analysis, the submitting officer shall notify the RAFIS Unit using the Request for Latent Fingerprint Examination Form.

Fingerprint Comparison Cases

Whenever a suspect is identified by latent fingerprints, RAFIS will provide the following information to the submitting officer:

- Name and ID number of the employee who lifted the latent fingerprint
- Name of employee who compared the fingerprints and made the identification
- Name and ID number of the employee who fingerprinted the suspect on the card used to make the identification

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When an examination is made and the results are negative, this information will be noted on the report and a copy returned to the requesting officer.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 42.2.1, 42.2.3, 55.2.6, 81.2.9, 83.1.2, 83.2.1, 83.2.2, 83.2.3, 83.2.5, 83.3.1, 83.3.2, 84.1.1, 84.1.4, 84.1.5, 84.1.7

Governing Legislation:

- ❑ Maryland Criminal Procedure Title 12
- ❑ Criminal Law Article 4-203

Reference:

- ❑ Criminal Investigations Manual
- ❑ Evidence Handbook

VOLUME II, CHAPTER 42

42. REDACTED

VOLUME II, CHAPTER 43

43.*REDACTED*

VOLUME II, CHAPTER 44

5. *REDACTED*

VOLUME II, CHAPTER 45, ROLL CALL

45. ROLL CALL

(December 2005)

I. POLICY

Roll calls are conducted daily for any grouping of officers working a patrol assignment or plainclothes assignment in the community.

For the Patrol Services Bureau, roll call is the starting point of the watch. Roll calls are generally conducted for each watch.

II. CHECKLIST (N/A)

III. DEFINITIONS (N/A)

IV. FORMS (N/A)

V. PROCEDURES

1. Supervisor's Duties

Supervisors shall ensure that officers are logged into the CAD prior to the start of each watch.

During roll call, supervisors, or in their absence the designated OICs, shall:

- Notify officers of work assignments
- Distribute relevant information, such as:
 - Wanted persons and vehicles
 - Revisions to previous information
 - Information regarding other law enforcement operations in the sector such as task forces, etc.
- Providing continued training through:
 - Review of General Orders
 - Critique of specific police incidents
- Providing other county, state, and federal representatives with the opportunity to speak
- Conduct training on different topics, such as Department policies and procedures, officer safety, legal and liability issues, or view videotapes or other recordings relevant to training

Supervisors may use roll call to conduct required inspections to ensure compliance with Departmental regulations. **See: VOLUME I, CHAPTER 30. PERSONNEL INSPECTIONS**

Supervisors may forego normal roll calls for operational necessity. When roll calls are not conducted, supervisors shall provide timely roll call information to officers in the field.

VOLUME II, CHAPTER 45, ROLL CALL

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 12.1.4, 33.5.2, 41.1.3

VOLUME II, CHAPTER 46, RESPONDING TO SCHOOL INCIDENTS

46. RESPONDING TO SCHOOL INCIDENTS

(December 2005)

I. POLICY

Officers shall respond to school property to suppress crime or disorder and take reports. The Department has primary responsibility for all calls for service and alarms at public schools, regardless of the availability of municipal police officers.

II. CHECKLIST (N/A)

III. DEFINITIONS (N/A)

IV. FORMS (N/A)

V. PROCEDURES

General patrol activities of school properties are the responsibility of the patrol officer and the Canine Section. Officers should periodically patrol school properties and the communities in which the school is located for truants, gangs, disorderly subjects and unusual traffic.

School security officials have jurisdiction on school grounds and school buses. All other complaints will be handled by the law enforcement agency with primary jurisdiction.

School officials will report the following crimes to the Department:

- All felonies
- Narcotics violations
- Serious assaults
- Property crimes with losses in excess of \$50.00
- Searches disclosing contraband or the fruits or implements of a crime

1. School Security Responsibilities

School Security is responsible for the following:

- Investigation of misdemeanors occurring on school property, unless such a case results in an extensive investigation in the general community
- Assisting the Department in developing leads and identifying suspects associated with the school community

2. Responsibility for Criminal Investigation

The Department is responsible for the investigation and clearance of all felonies. The PGPD investigator will coordinate activities with any School Security personnel who may have either responded to the scene or possess information pertinent to the case.

VOLUME II, CHAPTER 46, RESPONDING TO SCHOOL INCIDENTS

PGPD will provide assistance with or assume responsibility for misdemeanor investigations that lead into the community. Resolution of investigative responsibility in such cases will be determined through the cooperative efforts of the School Security and the affected police unit.

Whenever the school is the complainant or the incident occurs on school property, final case disposition will be forwarded to the School Security. However, such dispositions will not include the identity of arrested or accused juveniles, nor the identity of witnesses or other persons contacted.

3. Questioning on School Premises

Investigative questioning of students on school premises shall only be conducted in cases involving:

- A crime committed on the premises
- An investigation in which the safety of students or other persons would be unduly endangered if questioning is delayed

A school official shall be present during such interviews, and shall prohibit routine questioning of a student not under arrest.

Students shall not be removed from school premises merely for the purposes of conducting an investigative interview.

4. Search & Seizure on School Property

Officers possessing a search warrant may search that part of the school premises described in the search warrant.

Investigative searches of school premises by officers shall only be conducted pursuant to a search warrant or when a search is essential to prevent imminent danger to the safety and welfare of a student, another person or school property.

Officers shall make reasonable efforts to conduct searches that minimize embarrassment to students and limit disruption to the school routine.

Officers will only search a student who is under arrest, or if the officer has a reasonable suspicion that the student is concealing a weapon. Officers shall not direct a school official to conduct a search of a student. Students' personal possessions, including lockers, will only be searched:

- After regular class hours
- During regular class hours with the student present
- Pursuant to a search warrant
- To prevent imminent danger to students or others
- Whenever school officials have substantial proof that a serious offense has been or is being committed

VOLUME II, CHAPTER 46, RESPONDING TO SCHOOL INCIDENTS

5. Arrests on School Property

When possible, arrests shall be made off school property.

Arrests on school property shall be made in a manner that avoids embarrassment for students, while maximizing officer and student safety.

When an arrest is made on school property during school hours, the officer shall provide a school official with information that will allow the official to notify the parent or guardian regarding the nature of the arrest. The officer shall provide the official with his name, ID number, and the location to which the student was taken.

6. School Disorders

No person other than the principal, his or her assistant; the Director of School Security, his or her designee; or the Superintendent of Schools or his or her designee may request a major deployment of officers to a school.

The ranking officer on the scene, working jointly with the principal and Director, School Security, shall determine the number of officers that respond to the school.

During any crisis, the ranking officers of School Security and the Department will communicate with the principal, and allow him or her to review all actions in advance. Any action taken by School Security or the Department, except during a crisis, should have prior approval of the principal or his or her designee. Once the principal's approval has been given, he or she will not interfere with the operation.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.3, 1.2.4, 1.2.5, 41.2.1, 42.1.4, 44.2.2, 44.2.3

VOLUME II, CHAPTER 47, RESPONDING TO SEX OFFENSES

47. RESPONDING TO SEX OFFENSES

(September 2009)

I. POLICY

Officers shall respond to sex offense incidents and deal with victims while balancing the need to secure evidence against the distress the victim may be experiencing.

II. CHECKLIST (N/A)

III. DEFINITIONS (N/A)

IV. FORMS

Incident Report (PGC Form #3529)

V. PROCEDURES

1. Officer's Responsibilities

Officers responding to these incidents shall:

- Verify the incident
- Provide medical aid to injured persons
- Broadcast a lookout, if appropriate
- Secure the crime scene
- Notify the Sexual Assault Unit (SAU)
- Complete an Incident Report, the narrative for the incident report need not be comprehensive

Officers shall not take investigative action, such as responding to the suspect's home, without prior authorization from the Sexual Assault Unit investigator.

Unless the victim sustains physical injuries requiring immediate medical attention, do not have the victim transported to the Sexual Assault Center at Prince George's Hospital Center, until authorized by SAU. (The victim may, at their discretion, report to the Prince George's County Hospital Center for a sexual assault examination without the approval of SAU or involvement of the PGPD.)

2. Victim at Hospital

The reporting officer shall notify the Sexual Assault Unit. If no investigator is available, the officer will have PSC contact an investigator. An investigator shall respond to the hospital. The investigator shall not request removal of the victim to another location for interviewing.

The reporting officer shall write a statement and an Incident Report and shall document notifications made to SAU on both documents.

3. Police Authorization Not Mandatory for Sexual Assault Exam

A sexual assault victim is not required to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a sexual assault exam.

The victim of a sexual assault may request that a sexual assault exam be performed by the Sexual Assault Center, Prince George's Hospital Center, without PGPD authorization. The victim is not required to provide their personal information and may remain anonymous. When a victim remains anonymous, his or her sexual assault exam will be referenced by a hospital case number and a CCN. An SAU investigator will provide the hospital with the CCN and take an initial report by phone or in person.

Evidence collected from an anonymous sexual assault forensic examination will be sent to the PGPD DNA laboratory and stored for one year for potential forensic analysis in the future.

The victim can request an investigation be pursued at any later date, even if the one year time frame has passed and evidence collected during the sexual assault forensic examination has been destroyed.

4. Use of Polygraph Examinations in Sex Offense Investigations

No officer shall ask or require a victim of an alleged sex offense to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense. The refusal of a victim to submit to any such examination shall not prevent the investigation, charging or prosecution of the offense.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 12.1.4, 41.2.1, 41.2.5, 42.1.4, 55.1.3, 82.2.1
- ❑ The Violence Against Women and Department of Justice Reauthorization Act of 2005, 42 U.S.C. § 3796gg-4(d)
- ❑ The Violence Against Women and Department of Justice Reauthorization Act of 2005, 42 U.S.C. § 3796gg-8

VOLUME II, CHAPTER 48, SICK, INJURED, OR INTOXICATED INDIVIDUALS & SHELTERS

48. SICK, INJURED, OR INTOXICATED INDIVIDUALS & SHELTERS

(December 2005)

I. POLICY

Employees shall render appropriate assistance to individuals in need according to the provisions of this directive.

II. CHECKLIST (N/A)

III. DEFINITIONS (N/A)

IV. FORMS (N/A)

V. PROCEDURES

1. Sick, Injured, or Intoxicated Individuals

An officer encountering an unconscious or unresponsive individual shall attempt to wake them and determine whether the person is sick, injured, or intoxicated. Officers shall use extreme caution when doing so, in case the individual is injured.

If the individual is sick or injured and wishes to be transported to a hospital, the officer will request an ambulance through Public Safety Communications (PSC). If the individual refuses transport to a hospital, and the officer determines that the individual is capable of making a rational decision, no ambulance will be called.

If the person is merely intoxicated, the officer may attempt to transport or send the individual home, or to a medical or detoxification facility. This can only be done with the individual's permission.

If the individual is sent to their home or a medical or detoxification facility via commercial or public transportation, the officer will take reasonable steps to ensure that the cost of transportation is paid in advance.

If the person is unresponsive, they will be transported by ambulance to a hospital.

Medic Alert Warnings

When assisting, taking into custody, or transporting a person believed to be sick or intoxicated, officers will check for a Medic-Alert necklace, bracelet, or other device that describes a medical condition. Officers discovering such devices shall take appropriate steps to aid the person according to the information provided. When the officer transfers custody of an individual wearing a Medic-Alert device, the officer shall notify those receiving custody regarding the device.

VOLUME II, CHAPTER 48, SICK, INJURED, OR INTOXICATED INDIVIDUALS & SHELTERS

2. Shelters

The Department of Social Services (DSS) can render assistance to officers that are handling:

- ❑ Child abuse cases
- ❑ Evictions
- ❑ Incidents involving destitute or stranded individuals

Officers may contact DSS during normal business hours, Monday through Friday (0900-1700 hours). During non-business hours, weekends, and holidays, officers may contact DSS through the Crisis Hotline, or PSC. Citizens may be referred to the Department of Social Services for routine matters.

DSS coordinates emergency shelters for the homeless. Some cold season shelters operate from religious institutions on a rotating basis. A coordinating center authorizes the placement of individuals at shelters. Officers should contact PSC for telephone numbers and shelter locations.

Calls for Service at Shelters

(Administrative Procedure 505)

The Department shall maintain order and removing individuals from shelters when requested.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standard 1.1.3

Governing Legislation:

- ❑ Administrative Procedure 505

VOLUME II, CHAPTER 49, STRIKES, PICKETING & DEMONSTRATIONS

49. STRIKES, PICKETING & DEMONSTRATIONS

(December 2005)

I. POLICY

Negotiation and collective bargaining are legally recognized methods of peacefully settling labor disputes. In such disputes, it is not the function of the Department to deal with the issues involved, but to protect the rights of the public and the disputants by enforcing the law and maintaining order.

Strikes and picketing are not violations of the law. It is the illegal acts that sometimes arise from these activities about which the Department is concerned. The Department's effectiveness is maintained by remaining impartial.

II. CHECKLIST (N/A)

III. DEFINITIONS

Strike: A job action during which workers refuse to work as a means to improve their working conditions or benefits

Picketing: An action that involves one or more persons gathering to demonstrate their disagreement with an issue

IV. FORMS (N/A)

V. PROCEDURES

1. Strikes & Picketing

Officers will not usually be deployed at strike scenes. When such deployment becomes necessary, the appropriate District Commander will be responsible for deterring crime and keeping the peace.

Enforcement of Laws

The Department seeks to minimize criminal violations connected with labor disputes by providing guidelines for the conduct of the parties. These guidelines shall be discussed with management and labor officials. These officials shall be advised that the use of public sidewalks and roadways, the free access to public places, and the rights of persons to enter and leave private premises shall be preserved.

In cases where there is a violation of these rights, the Department will take prompt action. Violations of court orders and injunctions do not ordinarily constitute criminal offenses for which the Department will take enforcement action.

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2. Demonstrations

Upon arrival at the scene of a demonstration, the OIC shall attempt to identify the leader or leaders of the group. If the leader is located, the OIC shall communicate with the demonstrators through them. The demonstrators shall be advised regarding the laws governing the free movement of pedestrians and vehicular traffic.

The OIC shall direct that all violations cease immediately. If they do, no further police action shall be taken.

If the demonstrators do not comply and the OIC determines that arrests are appropriate, the OIC shall estimate the number of persons likely to be arrested and notify the shift commander. When the shift commander determines arrests are imminent, the shift commander shall request the appropriate assistance through Public Safety Communications (PSC). PSC shall notify the Department of Corrections of the situation so additional detention facilities can be made available.

Once these notifications have been made, the OIC shall use a voice amplification system to announce to the crowd the following order:

“I (state your name) of the Prince George's County Police Department hereby inform all persons assembled that you are violating (state ordinance or law violated). I order all of you here assembled to disperse. Failure to do so shall subject each of you to arrest and prosecution.”

The OIC shall wait a reasonable length of time for compliance and repeat the order. If the crowd does not disperse after the second announcement, the OIC shall order the arrest of all remaining persons.

All officers reporting to the scene of a demonstration shall be deployed in squads, under the direction of a supervisor. Each supervisor shall be responsible for dividing his squad into arrest teams. Teams may be rotated or relieved, as necessary, to avoid fatigue.

For processing mass arrests, *See: VOLUME II, CHAPTER 4. ARRESTS, TRANSPORT, AND PROCESSING.*

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.3, 1.2.5, 12.1.2, 41.2.5, 46.1.2, 46.1.3, 46.1.11, 81.2.5

Governing Legislation:

- ❑ Maryland Criminal Law Article 3-904

VOLUME II, CHAPTER 51, USE OF FORCE

50. TRAFFIC LAW ENFORCEMENT

(March 2011)

I. POLICY

The Department is committed to making roadways throughout the County safer through traffic enforcement. Conspicuous patrol in marked cruisers by uniformed officers is the principal means of promoting good driving by deterring traffic violations.

The Department uses both marked and unmarked vehicles to enforce violations of the Maryland Vehicle Law.

When necessary, enforcement efforts will be targeted at specific times and locations, such as certain stretches of roadways or intersections, which experience a large number of accidents or traffic violations.

Officers shall be alert for traffic violations and traffic complaints that come to their attention and have the discretion to issue verbal or written warnings, citations, and to make arrests. Enforcement action shall be based entirely on the violation, not the personality, race, sex, or ethnicity of the violator.

II. CHECKLIST (N/A)

III. DEFINITIONS

Authorized Departmental Vehicle: A vehicle equipped with functioning emergency lights and siren

IV. FORMS

- Commander's Information Report (PGC Form #1545)
- Warning/Field Observation Notice (PGC Form #5088)
- Maryland Safety Equipment Repair Order (SERO) (MSP Form #157)
- Request for Re-Examination of Driver (MVA Form #AJ-39)
- Parking Violation Notice (PGC Form #7-A)
- Void Notice (PGC Form #3378)

V. PROCEDURES

Each District will maintain at least one unmarked cruiser to be used for special enforcement needs. The cruiser will be assigned to an officer whose primary duties are traffic enforcement. The cruiser will be equipped with:

- Spotlight
- Emergency Lights
- Siren with public address system

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Officers may use any of the following methods to enforce the vehicle law:

- ❑ Moving patrol
- ❑ Overt (high visibility patrol intended to discourage violations)
- ❑ Covert (to identify and apprehend violators)

1. **Uniformity of Enforcement**

Officers are prohibited from stopping individuals to issue additional citations after the conclusion of the original traffic stop unless:

- ❑ The officer becomes aware of violations that were unknown at the time of the original stop
- ❑ The investigation has not been completed

Examples include, but are not limited to, DUI, fatal or hit-and-run accidents, and cases where the individual provides false information.

Officers shall not threaten to issue additional citations to a citizen in order to persuade him or her not to challenge citations that he or she has already been issued.

2. **Multiple Violations**

Officers are not limited as to the number of citations, Safety Equipment Repair Orders, or warnings that may be issued to a violator.

Officers will ensure that all citations issued to a single violator are linked using the space at the top of the traffic citation.

Traffic Citations & Criminal Arrests

To establish probable cause in court, officers that make traffic stops that lead to arrests should ensure that the individual is cited for the violation that led to the traffic stop. For example, a driver who commits an unsafe lane change and is subsequently arrested for DUI should be cited for the unsafe lane change. In these situations, officers are encouraged to complete both the arrest paperwork and the traffic citations themselves in order to facilitate the consolidation of charges.

Officers shall ensure that they provide a photocopy of the signed citation(s) to the District Court Commissioner and record the citation number(s) in the top margins of both the Statement of Probable Cause and the Statement of Charges. This will allow the commissioner to request that the criminal and traffic charges be consolidated into one court date.

3. **Legislators**

Legislators, including those of the US Congress, Maryland House of Delegates, and elected politicians of Maryland counties and municipalities, are subject to compliance with the Maryland Vehicle Law. No legal or appellate provisions exempt them from prosecution.

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4. Diplomats

See: VOLUME II, CHAPTER 13. CONTACT WITH DIPLOMATS & ARREST OR DETENTION OF FOREIGN NATIONALS.

5. Speed Measuring Devices

An authorized Departmental vehicle's speedometer may be used to pace vehicles in order to establish a speed violation. Officers who pace a motorist and cite him or her for speeding shall ensure that the speedometer has a current calibration. Speedometer calibrations are valid for 6 months.

Information regarding the use of other types of speed measuring devices and operator qualifications are contained in the Training and Education Division's SOP.

6. Off-Road Vehicles

Officers will investigate complaints concerning off-road vehicles. In cases where they can identify or apprehend violators, officers will follow appropriate arrest or citation procedures. Off-road vehicle accidents will be investigated consistent with the Department policy, **See: VOLUME II, CHAPTER 1. ACCIDENT INVESTIGATION.**

In cases where violators cannot be identified or elude apprehension, the officer may request, through the chain of command, the assistance of motorcycles through SOD. SOD may deploy in problem areas.

7. Public Carrier & Commercial Vehicle Code Violations

Officers may seek guidance regarding public carrier and commercial vehicle code violations from the Collision Analysis and Reconstruction Unit (CARU). CARU has primary responsibility for the enforcement of public carrier and commercial vehicle violations.

8. Traffic Stops

All uniformed officers operating marked Departmental vehicles are responsible for visible traffic patrol to enforce vehicle laws. Plainclothes on-duty officers or off-duty officers operating unmarked Departmental vehicles should refrain from making traffic stops unless the violation creates a significant hazard. Officers should only make traffic stops when operating Departmental vehicles equipped with functioning emergency lights and siren.

Routine traffic stops outside the County are prohibited.

Making Traffic Stops

Officers shall ensure that a violation has occurred, unless the stop is investigatory in nature.

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Officers shall select a safe location for the stop, such as a parking lot or road shoulder, where violators may wait while being issued citations or warnings. The cruiser shall be positioned behind the violator to provide protection from other motorists. When stopped behind motorists, the officer shall activate his or her vehicle's emergency lights or hazard flashers.

When notifying the dispatcher of the stop, officers shall provide the following information in the below order:

- ❑ Location
- ❑ License plate number and state
- ❑ Make and model of vehicle
- ❑ Color of vehicle
- ❑ Number of occupants

When providing the location, officers shall avoid using common identifiers such as "MD 450 at the McDonald's." When giving locations on ramps or spurs, officers shall provide a "from-to" location, such as "ramp from Eastbound MD 214 to Southbound I-95."

Upon contact, the officer shall:

- ❑ Identify himself or herself and greet the violator courteously, using the appropriate title
- ❑ If Mobile Video System (MVS) equipped, advise the violator that he or she is being audio/visually recorded
- ❑ Advise the violator of the reason for the stop
- ❑ Request the violator's driver's license and vehicle registration
- ❑ Avoid debating the merits of the violation, but answer procedural questions concerning the violation
- ❑ Return the violator's license and registration at the conclusion of the stop, unless required as evidence

Selective Traffic Enforcement

When selective speed enforcement is employed on roadways where the posted speed limit is greater than 35mph, use of a laser type speed detection device is preferred.

Traffic accident data supplied by the State of Maryland and other sources is made available to Commanders so that officers can be responsive to areas with high violation/high accident experience.

Traffic collision data is also compiled in databases such as CAD and CLUE. To ensure system accuracy, officers shall provide the dispatcher with a clearance code that best describes the type of call. Doing so allows for the retrieval of accurate information at a later time. Traffic collision data compiled through various databases can be accessed and reviewed by Fusion Center staff for research, reports, statistical analysis, crime meeting presentations, or other official purpose.

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Traffic enforcement officers receiving information from the Fusion Center will review the information as part of their selective enforcement efforts.

Data compiled from sources inside and outside PGPD, including citizen complaints or requests, and DUI arrest locations, may be used by Commanders to enhance selective enforcement efforts. When an enforcement activity is conducted, traffic officers will compile data relative to their efforts and report their results to their Commander or supervisor.

Activity and statistical reports for Traffic Enforcement Unit (TEU) officers will be compiled and forwarded as required by the Unit's OIC for review.

When traffic enforcement is conducted specifically for complaints or reports of traffic accidents at a given location, the traffic officer conducting the enforcement activity will complete a written report for supervisory review. The report will compare the enforcement activity with the number of accidents for approximately the 30-day period before and after the enforcement was conducted. If the review determines the need for traffic engineering assistance, the traffic officer will ensure notification to the supervisor, CARU.

Commanders and supervisors will implement appropriate measures and selective enforcement techniques that may include:

- ❑ The use of speed measuring devices
- ❑ Directed patrol, line patrol, or stationary observation

Prior to an officer being assigned to selective enforcement activities, he or she will be informed by his or her supervisor of the nature, details, and objectives of the assignment.

Selective traffic enforcement activities TEU will be evaluated by traffic officers to determine effectiveness and whether continued enforcement or occasional monitoring is appropriate. At least annually, the TEU OIC will complete a documented evaluation of selective enforcement activities for the year just ended. The evaluation will be maintained in unit files. This review will be in conjunction with any evaluation conducted for the "Click-It or Ticket-It" or "Law Enforcement Challenge" campaigns.

Stop Teams

When conducting selective speed enforcement, during which officers flag down offending motorists from a stationary position, officers shall:

- ❑ Restrict this type of activity to daytime hours
- ❑ Wear a brightly colored reflective safety vest
- ❑ Ensure they have a safe area to retreat to that will protect them from unobservant motorists

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9. Inspecting Vehicle Interior Due to Window Tinting

(US v. Stanfield)

A police officer who lawfully stops a vehicle with windows so heavily tinted that the vehicle's interior is not visible, may open one of the vehicle doors to visually determine if:

- The driver is armed
- There are weapons inside
- Other occupants may pose a danger to the officer

Officers may seize any contraband or evidence they observe in plain view through a lawfully opened door.

10. Maryland Uniform Complaint & Citation

Distribution & Accountability of Citations

Citation books shall be stored in the District's/Division's property room or other secure location. Supervisors shall sign a receipt designated by the property supply clerk noting the quantity of citation books received and their corresponding citation numbers.

When an officer obtains a citation book from his or her supervisor, he or she shall complete the Receipt Card and top portion of the Tally Sheet, staple the two together, and return them to the issuing supervisor. The supervisor shall forward the receipt card to the property supply clerk, who will forward it to the Records Section.

Officers shall not lend, borrow, or share citation books.

Advice to Violator

When issuing citations, officers shall inform the violator whether or not a court appearance is mandatory, the amount of the pre-payable fine indicated on the citation, and the procedures for obtaining a court date. They shall inform the violator that complete information and instructions are printed on the reverse of the defendant's copy of the citation.

When charged with an offense for which the violator is issued a traffic citation, the officer shall advise the violator that:

- The Maryland vehicle law requires the violator to acknowledge receipt of the citation by signing it
- Signing the citation is not an admission of guilt, but the violator's promise to fulfill the requirements listed on the reverse side of the violator's copy of the citation by either paying the fine or appearing in court
- Failure to appear in court or pay the fine may result in the suspension of driving privileges

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When the violator is not presented before a District Court Commissioner, the distribution of copies is as follows:

Forwarded to Records Section:

- Court copy (white)
- Law enforcement copy (yellow)

Retained by Officer:

- Officer's copy (pink)

Given to Violator:

- Defendant's copies (white & blue w/envelope)

If the charges require the violator to appear in court, the violator will only receive the blue copy.

When the violator is presented before a commissioner, the commissioner places the court copy in the criminal file folder. The rest of the distribution is as above.

Actions for Refusal to Sign Citation

Officers shall notify violators who refuse to sign a traffic citation that failure to sign may result in the issuance of an additional citation, as well as lead to their arrest. Upon continued refusal, the officer shall request that a supervisor (Sergeant or above), respond to the scene. If unavailable, a supervisor from another sector shall be requested.

The supervisor shall explain to the violator that signing the citation is not an admission of guilt, but a written promise to either appear in court when notified or pay the fine. The supervisor shall reiterate that failure to sign may lead to the violator's arrest. Upon continued refusal, the supervisor may authorize an arrest.

If a supervisor determines that a violator should be arrested and presented before a District Court Commissioner, he or she shall ensure that a CIR is completed and forwarded to the Assistant Chief of Police, Patrol Services by the end of the tour of duty.

As a substitute for requesting the response of a supervisor, the officer may print "REFUSED" in the signature block of the ticket when the violator possesses identification that allows the officer to positively identify the violator and his or her home address. If the violator's identity and home address cannot be verified, he or she may be arrested as described in this section.

Voiding Citations

A citation that the violator has not signed may be voided administratively.

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If officers make an error while writing a citation, they shall complete a Void Notice and forward it, along with the citation, to the Assistant Chief of Police, Patrol Services. If the Assistant Chief of Police, Patrol Services concurs, the citation will be forwarded to the Chief of Police for disposition.

A citation signed by a violator must be disposed of in Court either through dismissal by a judge or a declaration of nolle prosequi by an Assistant State's Attorney.

11. Warning Notice

The Warning/Field Observation Notice may be issued to any vehicle or violator in lieu of or in conjunction with the issuance of citations.

12. Safety Equipment Repair Orders (SERO)

SEROs shall be issued for equipment violations on motor vehicles or trailers assigned permanent Maryland registrations. In cases involving unsafe vehicles, a Maryland Uniform Complaint and Citation may be issued to the operator of any motor vehicle or trailer. A citation may be issued in conjunction with an SERO.

SEROs shall be disseminated according to the directions on the form.

Certification of Safety Equipment Repair Orders

Officers may certify repairs of defects noted on the order with an asterisk. Orders may only be certified if all repairs are complete. If any defects without asterisks have also been checked, the citizen will be directed to an authorized inspection station for certification.

Inspections will not be conducted during inclement weather or darkness.

If all repairs have been completed, the officer shall enter the following information at the bottom of the SERO in the spaces provided:

- Officer's rank, signature, and ID number
- Date
- Prince George's County Police Department
- "DA" for Agency Code
- Mailing address of certifying officer's assignment

The distribution of copies is as follows:

Returned to Citizen

- Owner copy
- Hard buff copy

Transmitted to the Records Section

- Inspection station copy

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Window Tint Inspection

Only the Maryland State Police, Automotive Safety Enforcement Division is authorized to approve SEROs issued for window tint inspection.

13. Pedestrian & Bicycle Law Enforcement

Maryland's traffic laws apply to pedestrians and bicyclists alike. Officers shall be alert for violations of the traffic laws that jeopardize the safety of the pedestrian, bicyclist, or motorists.

Commanders may authorize selective enforcement efforts in response to Maryland Automated Accident Reporting System (MAARS) data or community requests.

14. Driver Re-Examination

Officers shall be alert for motorists that appear to be unfit, unsafe, or otherwise not qualified to be licensed. Utilizing a Request for Re-Examination of Driver form, officers can request the Motor Vehicle Administration (MVA) to test these motorists. The Physical Defects and Summary sections of the form must provide specific information to assist the MVA, and prevent officers from having to appear at MVA hearings.

The completed form shall be submitted to a supervisor, who will forward it to a Commissioned Officer for approval. The Commissioned Officer will forward approve requests to the Records Section.

15. Use of Reflective Safety Vest

The reflective safety vest shall be worn as the outermost garment whenever an employee or police explorer is engaged in traffic direction or stationary enforcement, except during emergencies or circumstances requiring brief intervention.

16. Parking Enforcement

(County Code Division 8, Section 26)

The Revenue Authority distributes Parking Violation Notice books. An officer receiving a notice book will complete the receipt form, sign, and forward it to the Revenue Authority. Officers are accountable for Violation Notices issued to them and shall not lend, borrow, or share them. Violation Notices will only be destroyed as provided for in this directive.

When issuing a Violation Notice, the hard copy will be placed in a prominent location on the subject vehicle. Completing the owner's information section before placing the Violation Notice on the vehicle is not necessary.

Before submitting the Violation Notice to his or her supervisor, the officer shall complete the owner's information section on the remaining copies only for vehicles:

- That are unregistered

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- ❑ With out-of-state registration
- ❑ With expired Maryland registration
- ❑ With Maryland dealer or transporter registration

The officer will retain his or her copy, and submit the remaining original and copy to his or her supervisor for review within 72 hours.

The supervisor shall review the Violation Notice to ensure that it has been completed correctly. The original Violation Notice shall be placed in the Revenue Authority's Courier pick-up box, located at each District Station. Copies shall be forwarded to the Revenue Authority where a file will be established for each notice book. Copies are not to be sent to the Records Section or the Treasury Division. The Revenue Authority will forward the original copy to the Treasury Division.

The Revenue Authority shall return Violation Notices containing errors to the appropriate Commander/Manager. Commanders/Managers shall ensure that the issuing officer corrects the Violation Notice.

Voiding Parking Violation Notices

This procedure will only be used when notices are issued in error. It is the only voiding procedure.

The issuing officer shall complete a Void Notice and attach it to the Violation Notice. The officer shall then forward both notices through the chain of command to the Assistant Chief of Police, Patrol Services. If approved, the Void Notice and the Violation Notice shall be forwarded to the Revenue Authority.

Owner Information Not Available

When a Violation Notice is issued that requires owner information but such information is not available, an MVA printout will be attached to the copies and forwarded to the Revenue Authority. No further explanation is required. Void Notices will not be needed in these cases.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 61.1.2, 61.1.3, 61.1.4, 61.1.5, 61.1.5, 61.1.6, 61.1.7, 61.1.8, 61.1.9, 61.1.12, 61.1.13, 61.3.2, 82.3.4

Governing Legislation:

- ❑ Maryland Vehicle Law, Title 21, Sub-Title 501
- ❑ Maryland Vehicle Law, Title 21, Sub-Title 1202
- ❑ Maryland Vehicle Law, Title 23, Sub-Title 105
- ❑ County Code Division 8, Section 26

VOLUME II, CHAPTER 51, USE OF FORCE

- US v. Stanfield

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51. USE OF FORCE

(September 2015)

I. POLICY

The use of force by law enforcement is a matter of critical concern to the public and the law enforcement community. Officers are involved on a daily basis in numerous and varied encounters with people, and when warranted to do so, may use force in carrying out their duties.

It is the policy of the Department that each incident involving the application of any degree of physical force upon the person of another must be evaluated based on the facts known to the officer at the time of the incident. The totality of the circumstances will be considered when reviewing use of force incidents.

Under no circumstances may the use of physical force be more than that which is necessary to achieve a lawful purpose. Officers are permitted to use only the amount of force that is objectively reasonable and necessary to protect themselves or others from what is reasonably believed to be a threat of death or bodily harm, to effectuate an arrest, or gain compliance with a lawful order. The use of verbal orders should be used to gain compliance. Whether the use of force is objectively reasonable shall be judged from the perspective of an officer at the time of the incident, based upon facts known or reasonably available to him or her.

Every member of the Police Department shall refrain from using force unnecessarily and shall prevent similar conduct by others. The use of excessive force will subject officers to discipline, possible criminal prosecution, or civil liability. The use of chokeholds and similar carotid holds by members of the Department is prohibited.

The use of reasonable physical force by officers is authorized in situations that cannot be otherwise controlled.

Any time an officer uses force, he or she shall ensure that appropriate medical treatment or first aid is provided to the subject of the force without unnecessary delay.

II. CHECKLIST (N/A)

III. DEFINITIONS

Critical Firearm Discharge: Any discharge of a firearm by a Prince George's County Police Officer with the exception of range and training firings and discharges at animals for the purpose of humanely destroying them

Force: Any physical coercion used to effect, influence, or persuade a subject to comply with an order from an officer; the term shall include the use of chemical irritants and the deployment of canine, but shall not include ordinary, unresisted handcuffing, or unresisted use of the hobble strap and unresisted escort.

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Hard Personal Weapons: Strike applied and intended to overcome a physical assault or active threat of assault upon the officer or another (a strike with a closed fist or a kick)

Less Lethal Force: Any force that is neither likely nor intended to cause death or serious physical injury

Lethal Force: Any force likely to cause death or serious physical injury, including, but not limited to, the use of a firearm

Personal Weapon: Any use of hands, elbows, knees, and feet to deliver strikes for the purpose of stunning or distracting a suspect to overcome resistance

Reasonable Belief: Facts or circumstances that an officer knows or should know that cause a reasonable and prudent officer to act or think in a similar way under similar circumstances

Serious Physical Injury: Bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term impairment of the functioning of the body

Serious Use of Force: Is an incident in which an officer's action resulted in:

- Death, or the likelihood of death
- Hospitalization
- A broken bone
- Loss of consciousness
- Serious disfigurement
- Disability
- All incidents where a person receives a bite from a Departmental canine
- Firearms discharge directed at a person
- All Critical Firearm Discharges

Soft Personal Weapons: Strike applied to a nerve motor point as a stunning or distraction technique to cause a motor dysfunction and balance displacement in order to control a resistant subject (an open hand strike or knee strike to a nerve motor point)

IV. FORMS

- Arrest Report
- Incident Report (PGC Form #3529)
- Use of Force Review Report (PGC Form #5150 rev. 7/10)

V. PROCEDURES

- Officers may use force to:
- Effect an arrest
- Prevent escape
- Overcome resistance to a lawful order or action

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- ❑ Protect others or themselves from bodily harm

1. **Tactical Options**

Engagement

Whenever possible, officers should use communication skills to attempt to control situations. Verbal communication is essential throughout the arrest process to de-escalate the situation. Distance gives an officer more time to evaluate and react appropriately to a threat. An officer should continually reassess his or her options throughout an incident and take into account that high-risk incidents are fluid and continually changing. An officer should look for indicators of imminent assault. An officer should consider using cover and concealment when it is available and movement (dynamic cover) when it is not. Whenever possible, subjects should be allowed to submit to arrest before force is used.

Disengagement

Rushing in to make an immediate apprehension is not always necessary or appropriate. Frequently, such action reduces an officer's range of available options. Methods of tactical disengagement include, but are not limited to:

- ❑ Area containment
- ❑ Surveillance
- ❑ Waiting out a subject
- ❑ Summoning reinforcements
- ❑ Requesting specialized units

2. **Lethal Force**

Officers may only use lethal force when they have an objectively reasonable belief that the suspect poses an imminent threat of death or serious physical injury to the officer or to another person.

A decision to use lethal force can only be justified by facts known to the officer at the time the decision is made. Facts unknown to the officer, no matter how compelling, cannot be considered in subsequent investigations, reviews, or hearings.

Any firearm discharge directed toward a human or animal is lethal force. Firearms shall not be discharged when less than lethal force would suffice.

A verbal warning shall be given before the use of lethal force whenever possible. Except as noted in this section, firearms may only be discharged in defense of self or others when:

- ❑ The officer reasonably believes that the subject poses an imminent threat of death or serious physical injury to himself or herself or to another person
- ❑ No reasonable alternative for apprehending a fleeing subject exists and the officer has probable cause to believe that the person has committed a felony involving the infliction or threatened

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infliction of serious injury or death and escape of the person would pose an imminent threat of death or serious injury to the officer or to another person

It is the policy of the Department not to shoot at occupants of a vehicle; however, there are rare times when shooting at a vehicle may be justified. The following are examples of such instances – these are not all inclusive:

- ❑ The occupants of the vehicle are using deadly force (by means other than the vehicle), and innocent persons would not be unduly jeopardized by the officers' actions.
- ❑ When an officer or person is pinned or being dragged by the vehicle and innocent persons would not be unduly jeopardized by the officers' actions.

Officers must avoid placing themselves in situations where vehicles may strike them.

Firearms may be used to destroy seriously injured animals or those posing an imminent threat to human safety. See: VOLUME II, CHAPTER 52. WEAPONS also.

3. Reporting the Use of Force

Any officer who uses force, including the discharge of OC Spray, shall immediately notify a supervisor. Officers shall also notify a supervisor upon receipt of an allegation of excessive force. See: VOLUME I, CHAPTER 4. COMPLAINTS.

4. Use of Force Review

The use of force review is an administrative procedure intended to assess:

- ❑ Whether or not officers are properly trained in use of force techniques
- ❑ Whether or not the techniques, if properly executed, were effective
- ❑ If the use of force was within Departmental guidelines

Use of force reviews are not investigations, and in no way diminish the rights established by the Law Enforcement Officers' Bill of Rights (LEOBR).

Supervisor's Responsibilities

A supervisor shall respond to the scene of every use of force and ensure that:

- ❑ The situation has been stabilized and all parties are safe
- ❑ The involved officers and subject are examined for injuries
- ❑ Photographs of any injuries to officers and/or the subject are taken
- ❑ The subject is interviewed for complaints of pain
- ❑ An attempt is made to get a statement from the subject
- ❑ Medical attention is provided to those in need
- ❑ Transport from the scene is arranged for any arrestees
- ❑ A use of force number is obtained from PSC

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- ❑ A Use of Force Review Report is completed
- ❑ The officer handling the incident completes an Incident Report

For those incidents that involve the discharge of OC Spray, the supervisor shall additionally ensure that the officer:

- ❑ Documents the basis for the discharge
- ❑ Documents the justification provided for the level of force used
- ❑ Includes the duration of the discharge
- ❑ Includes an estimate of the distance at which the discharge occurred

If OC is discharged at a restrained individual, the supervisor shall notify SIRT. SIRT will determine investigative responsibility for these incidents and will inform the supervisor of such.

If the use of force is serious, the supervisor shall notify SIRT. SIRT shall be responsible for investigating these incidents. For a comprehensive list of Serious Incidents, **See: III.**

DEFINITIONS.

The supervisor shall obtain a use of force number from PSC and document the incident on a Use of Force Review Report. The supervisor shall indicate in the narrative that SIRT will be conducting the use of force review and/or investigation of the incident (if applicable).

Supervisors shall conduct a review of each use of force incident when:

- ❑ An officer under their supervision takes action resulting in or alleged to have resulted in injury of a person whether intentional or accidental
- ❑ An officer strikes a person
- ❑ An officer employs approved pressure points, joint control holds, or takedowns
- ❑ An officer uses a firearm, tactical baton, OC, chemical agent, TASER™, less-lethal launcher, or the WRAP™ restraint system, **See: VOLUME I, CHAPTER 17. EQUIPMENT**

A use of force review is not required when:

- ❑ A full custody arrest is made without the use of force and transport occurs, but the subject is released without being charged, i.e. handcuffed and released
- ❑ An individual is handcuffed for officer safety and released
- ❑ An officer points a weapon at an individual
- ❑ An officer employs an unresisted escort
- ❑ An officer utilizes the Hobble strap without the use of force

Handcuff and release incidents shall be documented on an Incident Report that details the circumstances of the incident. The use of the Hobble strap shall also be documented on an Incident Report. These reports will be reviewed and signed by a shift commander or Acting Shift Commander.

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Reports documenting handcuff and release incidents and the use of the Hobble strap shall be faxed to the following locations prior to the end of the officer's tour of duty:

- ❑ Affected District/Division Commander/Manager
- ❑ Affected Deputy Chief
- ❑ Commander, Internal Affairs Division (IAD)
- ❑ Commander, Training and Education Division (TED)

Documenting the Use of Force

Supervisors will review, evaluate, and document each use of force incident, and will prepare a Use of Force Review Report. The Use of Force Review Report will include a precise description of the facts and circumstances that either justify or fail to justify the officer's conduct. As part of this review, the supervisor will evaluate the basis for the use of force, and determine whether or not the officer's actions were within PGPD policy.

Any supervisor who approves the involved officer's use of force is prohibited from conducting the use of force review. Under this circumstance, a supervisor of equal rank or above will be responsible for completing the review. Supervisors involved in use of force incidents shall not sign and approve their own use of force reports. The supervisor that conducts the use of force review shall approve these reports.

The review shall be completed within 7 days of the incident and shall include:

- ❑ Statements obtained from all civilian witnesses, when feasible
- ❑ The identity of all officers who were involved in the incident or were on the scene when it occurred
- ❑ All reports which indicate whether an injury occurred, whether medical care was provided, and whether the subject refused medical treatment
- ❑ Photographs or videotapes taken of the incident or of injuries, before and after cleaning and treatment
- ❑ Any other relevant documents or observations

Supervisors shall ensure that all of the required information is included on the Use of Force Review Report.

If an officer working secondary employment is involved in a use of force incident, the on duty sector supervisor shall respond and ensure that the steps detailed in this section are completed prior to end of the supervisor's tour of duty. These documents shall be forwarded to the involved officer's supervisor, who shall be responsible for completing the review. Once completed, copies of all documents generated during the review shall be forwarded to the District station responsible for the area where the use of force incident occurred, if different from the involved officer's usual assignment.

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While conducting the use of force review, the supervisor shall critically evaluate all information obtained. If the supervisor becomes aware of facts that he or she believes indicate the need for an internal investigation, the supervisor shall stop his or her review and contact the Commander, Special Investigative Response Team (SIRT). This shall be done to prevent any potential violation of the provisions of the Law Enforcement Officers' Bill of Rights, which could negatively impact the officer or the Department.

If SIRT concludes that an investigation is appropriate, all documents obtained by the supervisor shall be turned over to the assigned investigator.

If SIRT decides that an investigation is not appropriate, the supervisor shall complete the review, noting the individual that was contacted and his or her decision in the Use of Force Review Report.

Based on the review, the supervisor shall conclude whether or not the use of force was justified and within Departmental policy. This conclusion shall be based on the totality of the circumstances, Departmental policy, and training.

Command Review – Concurrence or Non-Concurrence

Upon completion of the review, the Use of Force Review Report, the Incident Report, witness statements, and any other relevant documents shall be forwarded for command review. At any point during the command review, questions that clarify the officer's actions may be directed to the supervisor responsible for conducting the review.

Any reviewing member within the chain of command may attach comments, direct that additional evidence be gathered, or recommend that a formal investigation be conducted.

Each command officer receiving the review shall evaluate the facts and circumstances presented, and either concur or non-concur with the supervisor's findings.

If the reviewing command officer concurs with the supervisor's finding, he or she shall indicate so and sign the in the appropriate place. Additional comments may be added to the Use of Force Review Report but no further action is required.

If the reviewing command officer does not concur with the supervisor's finding, he or she shall indicate so and sign the Use of Force Review Report in the appropriate place. The command officer must document the specific facts or circumstances that form the basis for his or her decision on the Use of Force Review Report. The law, directive, or other governing policy either violated or not violated must be cited, and the actions at issue described.

District/Division Commander/Manager Review

District/Division Commanders/Managers may extend the seven day time limit for supervisors to complete their review due to extenuating circumstances.

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The appropriate District/Division Commander/Manager shall conduct the final review within 14 days of the incident. During his or her review, the District/Division Commander/Manager shall evaluate the use of force reviews conducted by the supervisor, identifying any deficiencies in the review. Any discrepancies noted shall be documented in writing by the District/Division Commander/Manager on the Use of Force Review Report. Supervisors shall be responsible for correcting any deficiencies identified by the District/Division Commander/Manager.

District/Division Commanders/Managers shall hold supervisors accountable for the quality of their reviews. They shall ensure that appropriate disciplinary or corrective action is taken when a supervisor fails to:

- Conduct a timely and thorough review
- Recommend appropriate corrective action
- Implement appropriate corrective action

If the District/Division Commander/Manager concurs with the findings of the Use of Force Review Report, he or she shall forward a copy to:

- Commander, Internal Affairs Division (IAD)
- Office of the Chief
- Affected Deputy Chief
- Commander, Training and Education Division (TED)

The District/Division Commander/Manager shall maintain a file containing the original Use of Force Review Reports, and witness statements, along with copies of all other noted reports. The files shall be kept secure and access shall be limited.

If the District/Division Commander/Manager does not concur with the findings of a review, he or she shall document the specific facts and circumstances that form the basis for his or her decision on the Use of Force Review Report.

If District/Division Commander/Manager deems it appropriate, he or she shall forward the Use of Force Review Report, the Incident Report, witness statements, and any other relevant documents to his or her Deputy Chief, who may request an investigation by SIRT. In other instances, the review shall be maintained as noted above.

5. SIRT Responsibilities

The Special Investigative Response Team (SIRT) will respond to the scene of all serious use of force incidents. Serious incidents include those resulting in:

- Death, or the likelihood of death
- Hospitalization
- A broken bone
- Loss of consciousness

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- ❑ Serious disfigurement
- ❑ Disability
- ❑ All incidents where a person receives a bite from a Departmental canine
- ❑ Firearms discharges directed at a person
- ❑ All Critical Firearm Discharges

OC Used on Restrained Subjects

Whenever an officer uses OC Spray against a restrained person, the officer shall notify his or her supervisor. The supervisor shall notify the Special Investigative Response Team (SIRT). SIRT will determine investigative responsibility for these incidents and will inform the supervisor of such.

The supervisor shall obtain a use of force number from PSC and document the incident on a Use of Force Review Report. The supervisor shall document the notification to SIRT and indicate in the narrative if they will be conducting an investigation of the incident. The supervisor shall ensure that the Use of Force Review Report is faxed to SIRT prior to the end of his or her tour of duty.

SIRT shall review each use of OC on a restrained individual. If appropriate, SIRT shall investigate the incident, to include taking tape-recorded statements from the officer, the subject, and other witnesses when feasible.

Auditing Use of Force Incidents

To ensure that all use of force numbers and related reports are accounted for, IAD will be required to conduct a monthly audit on this information. When a discrepancy is discovered, it will be resolved between IAD and the affected District/Division Commander/Manager.

6. Executive Review Panel Duties & Responsibilities

The Executive Review Panel (ERP) was established by the Chief of Police to review all critical firearm discharges, investigations of serious uses of force, and to conduct evaluations of all uses of force on a quarterly basis. The ERP membership will rotate, but will include a member of the Command Staff, a member of the Training and Education Division (TED), the affected Deputy Chief, and a representative from the County Attorney's Office. Additional board members will be appointed by the Chief of Police.

Duties of the Panel

The ERP meets monthly to review critical firearm discharges and serious use of force investigations. The ERP shall review these investigations for compliance with Departmental policy, as well as for tactical and training issues.

The panel's review shall occur within 90 days of the end of a criminal review of an incident. The panel shall conduct an analysis of all uses of force by members of the Department on a quarterly basis, and forward the results of the analysis to the Chief of Police.

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In addition to these reviews, the ERP shall conduct an annual analysis of critical firearm discharges to detect patterns or problems. This analysis shall be submitted to the Chief of Police by February 1st of the following calendar year.

The ERP will act as a quality control mechanism for all shooting and firearm discharge investigations, with responsibility to return to the investigating unit all incomplete or mishandled shooting or firearm discharge investigations or Use of Force Reviews. The ERP has the authority and responsibility to recommend to the Chief of Police investigative protocols and standards for all critical firearm discharge investigations and Use of Force Reviews.

The ERP has exclusive authority to change the duty status of any officer placed on administrative leave. All requests from District/Division Commanders/Managers for a change in an officer's duty status, including placing the officer on administrative duty, shall be made in writing through the chain of command to the Chief of Police or his or her designee.

Review Procedures

The panel's review shall include investigative files and interviews of the principal investigators and supervisors. The panel shall prepare a written report with their findings and recommendations to the Chief of Police. This report shall become a part of the official investigative file for the incident.

The report shall include a description of the incident including all uses of force. It will also include a summary of all evidence that supports their findings, and an analysis that supports those findings.

The panel shall consider the following in making the recommendation to the Chief of Police:

- Whether the use of force was consistent with Departmental training and policy
- Whether the involved officer used proper tactics
- Whether lesser force alternatives were available

Responsibilities of the Chief of Police

After considering the findings and recommendations of the ERP, the Chief of Police shall advise the Commander, IAD of the final decision regarding closure of the incident.

Confidentiality of Files

The Internal Affairs Division shall retain a copy of the ERP findings for five years, in accordance with the Records Retention Schedule and LEOBR. Access to these files is limited to the Executive Review Panel and IAD.

7. Animals

Where an officer discharges a firearm for the purpose of humanely destroying an injured animal, no use of force review shall be conducted. The involved officer shall complete an Incident Report,

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Commander's Information Report, and a Use of Force Review Report (the Discharge of Firearms portion).

If an officer destroys an animal for any other purpose, a use of force review shall be conducted. The involved officer's supervisor shall complete a Use of Force Review Report including the Discharge of Firearms portion. See: VOLUME II, CHAPTER 3. ANIMAL COMPLAINTS.

8. Civil Disturbances & Barricades

During civil disturbances and barricades, force that is used at the direction of the on-scene commander shall be documented on a single Use of Force Review Report. The supervisor or ranking officer present when force is used shall be responsible for completing the report. The on-scene commander shall ensure completion of an after-action report. SIRT shall conduct the use of force review for any incident when the on-scene commander authorized the involved officers to use force.

Officers who independently use force while involved in a civil disturbance incident or a barricade without the authorization of the on-scene commander will complete a Use of Force Review Report and a supervisor not involved in the incident shall conduct the review.

9. Fed-Ex Field

Situations occurring at Fed-Ex Field shall be handled according to procedures established by the Special Operations Division (SOD) and detailed in the SOD Standard Operating Procedures (SOP).

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 1.3.1, 1.3.2, 1.3.6, 1.3.7, 11.3.1, 26.1.8, 46.1.4, 82.2.1
- ❑ Memorandum of Agreement Between the United States Department of Justice and Prince George's County, Maryland, January 22, 2004

Governing Legislation:

- ❑ Prince George's County Code 18/156
- ❑ Graham v. Connor
- ❑ Tennessee v. Garner

Graham vs. Connor (490 U.S. 386, 109 S.Ct. 1865)

In *Graham v. Connor*, the U.S. Supreme Court determined the standard to be used to judge constitutional claims of excessive force brought by citizens against police officers.

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Facts of the Case

On November 12, 1984, Graham, a diabetic, asked Berry, a friend, to drive him to a convenience store to purchase orange juice to prevent the onset of an insulin reaction. Upon entering the store and seeing the number of people ahead of him, Graham hurried out and asked Berry to drive him to a friend's house instead.

Connor, a city police officer, became suspicious after seeing Graham hastily enter and leave the store. Connor followed the car Graham was riding in and made an investigatory stop.

Although told that Graham was suffering from an insulin reaction, Officer Connor ordered both men to wait while he investigated what had happened in the store.

Backup officers arrived on the scene, handcuffed Graham, ignoring attempts to explain and treat his condition. During the encounter, Graham sustained multiple injuries. He was released when Connor learned that nothing had happened in the store.

Graham filed suit against all the officers involved, alleging the use of excessive force in making the investigatory stop.

Court Review of the Case

During the trial, the District Court considered the following four factors in determining whether the officers used excessive force:

- ❑ The need for the application of force
- ❑ The relationship between the need and the amount of force that was used
- ❑ The extent of the injury inflicted
- ❑ Whether the force was applied in a good faith effort to maintain and restore discipline, or maliciously and sadistically for the purpose of causing harm

Using the above factors, the District Court found that the amount of force used was appropriate under the circumstances. The Fourth Circuit Court of Appeals heard the appeal from the District Court and agreed with the District Court's decision.

Supreme Court Decision

The case was appealed to the U.S. Supreme Court. The Supreme Court determined that allegations of excessive force by law enforcement officers – deadly or not – during an arrest, investigatory stop, or other seizure of a citizen should be analyzed under the Fourth Amendment.

According to the U.S. Supreme Court, the “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the benefit of hindsight. This “reasonableness” must include the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly changing – about

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the amount of force that is necessary in a particular situation. Thus, the test used by the District Court is incompatible with a proper analysis under the Fourth Amendment.

The proper analysis is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, regardless of their underlying motive or intent.

The test of "reasonableness" under the Fourth Amendment cannot be precisely defined. However, its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime, whether the suspect posed an immediate threat to officers or citizens, and whether the suspect actively resisted arrest or attempted to flee.

In sum, the U.S. Supreme Court determined that an officer's good intentions will not make an unreasonable use of force constitutional, nor will an officer's bad intentions make a Fourth Amendment violation out of a reasonable use of force.

Tennessee vs. Garner (471 U.S. 1, 105 S. Ct. 1694)

In this case, the United States Supreme Court held that officers cannot resort to deadly force unless they have probable cause to believe that the suspect has committed a felony and poses an immediate and significant threat to the safety of the officer, or a danger to the community at large. The Court affirmed the Court of Appeals decision limiting the use of deadly force to apprehend a fleeing felon.

Facts of the Case

On October 3, 1974, a Memphis, Tennessee police officer and his partner were dispatched to a call for a prowler inside a residence. Upon arriving on the scene, a neighbor advised that someone was breaking in to the house next door. As his partner radioed for assistance, the officer went to the back of the house where he heard the door slam and saw someone running across the backyard.

The suspect stopped at a six-foot chain link fence at the edge of the yard. With the aid of a flashlight, the officer could see the suspect's face and hands. He saw no signs of a weapon, and though not certain, was "reasonably sure" that the suspect was unarmed. While the suspect was crouched at the base of the fence, the officer ordered him to stop. When the officer took a few steps toward the suspect, he started climbing the fence.

The officer was convinced that the suspect would elude capture if he got over the fence, so the officer shot the suspect. The suspect was taken to a hospital where he died on the operating table. Ten dollars and a purse taken from the house were found on his body.

In using deadly force to prevent escape, the officer was acting under the authority of a Tennessee statute and following department policy.

The Memphis Police Department's Firearms Review Board and Grand Jury reviewed this incident and neither took any action.

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Court Review of the Case

The suspect's father took the matter into the Federal District Court seeking damages for the violation of the suspect's constitutional rights. The claims were dismissed in the United States District Court.

The Court of Appeals reversed and remanded the decision. It held that the killing of a fleeing suspect is a "seizure" under the Fourth Amendment, and the use of deadly force to prevent escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable.

The Tennessee statute did not adequately limit the use of deadly force because it failed to distinguish between felonies of different magnitudes.

Supreme Court Decision

The U.S. Supreme Court held that apprehension by the use of deadly force is a seizure subject to the Fourth Amendment's reasonableness requirement.

To determine whether such a seizure is reasonable, the suspect's rights must be balanced against the police department's need make an arrest and enforce laws. This balancing process stipulates that, even though there is probable cause to seize a suspect, an officer may not always do so by killing him. The use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is unreasonable under the Constitution.

The Supreme Court went on to say that while burglary is a serious crime, the officer in this case could not reasonably have believed that the suspect – unarmed, young, and of a thin build – posed any threat. The Court further held that the fact that an unarmed suspect burglarized a dwelling at night does not automatically mean he is dangerous.

The Supreme Court affirmed the decision of the Court of Appeals on March 27, 1985.

VOLUME II, CHAPTER 52

52. REDACTED

VOLUME II, CHAPTER 53

53. REDACTED

54. RESPONDING TO WORKPLACE DISTURBANCES

(December 2005)

I. POLICY

Prince George's County Government recognizes the need for a violence-free environment for all County employees and visitors. The County will not tolerate violence in the workplace and is committed to maintaining an environment free of all forms of violence, threats of violence, and all forms of intimidation and criminal harassment. The Department's goal with respect to these incidents is the protection of life and property.

II. CHECKLIST (N/A)

III. DEFINITIONS

County Employee: Any person elected or appointed to, or employed by, the County or any County agency, board, commission, or similar entity, whether or not paid in whole or in part with County funds

Workplace: Any location where a County employee is working or assigned

Workplace Disturbance: Any incident involving violence, threat of violence, intimidation, or criminal harassment directed at any County employee that occurs at a workplace

IV. FORMS

- Incident Report (PGC Form #3529)
- Commander's Information Report (PGC Form #1545)

V. PROCEDURES

County government officials who anticipate a disturbance shall be referred to the Commander of the affected District. The Commander's name and telephone number shall be provided to the official making the request.

All calls involving workplace disturbances require an on-scene response.

1. Patrol Officer's Responsibilities

All incidents of workplace violence shall be documented on an Incident Report. The report shall be titled, "WORKPLACE DISTURBANCE." The SPECIAL STUDIES block shall be coded "20."

A Commander's Information Report shall be completed for all incidents of workplace violence.

Supervisors shall ensure that all workplace disturbances are properly investigated and documented.

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2. Commander's Responsibilities

Supervisors from other County agencies may request Departmental assistance for anticipated workplace disturbances. Commanders shall comply with these requests. The Commander shall decide the number of officers, attire, and level of response.

Commanders will review reports of workplace disturbances to ensure appropriate Departmental response and reporting.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 12.1.4, 41.2.1, 41.2.5, 42.1.4, 46.1.2, 55.1.3, 82.2.1

Governing Legislation:

- Prince George's County, Administrative Procedure 513