CALVERT COUNTY

SHERIFF'S OFFICE

Administrative
&
Operational Manual

CALVERT COUNTY SHERIFF'S OFFICE
ADMINISTRATIVE & OPERATIONAL MANUAL

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CHAPTER 0
INTRODUCTION

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EFFECTIVE DATE **January 29, 2009**	**OFFICE OF THE SHERIFF CALVERT COUNTY, MD**	
	Subject: **INTRODUCTION**	Chapter **0**
	Affects: **ALL PERSONNEL**	
	Rescinds:	Amends: **0-105, 107, 300, 303, 401 on 11/8/19**

0-100 ADMINISTRATIVE AND OPERATIONAL MANUAL

This is the *Administrative and Operational Manual*, hereafter referred to as the "Manual", of the Calvert County Sheriff's Office (CCSO). The rules, policies and procedures in this Manual are binding upon all persons who work under the authority of the Sheriff of Calvert County, Maryland.

This Manual will be the sole repository of permanent written guidance for the CCSO. The only exception is that guidance may be issued by General Order of the Sheriff, pending its incorporation into this Manual.

All Sheriff's Office employees are able to access the Manual via the Sheriff's Office "T" drive / CCSO Manual / Admin & Operational Manual.

0-101 NATURE OF THE MANUAL

This Manual is an administrative document. It does not create or modify law. Violations of the rules, policies and procedures set out in the Manual may expose employees to administrative sanctions. The Manual is not, however, intended to create a greater civil or criminal liability than would otherwise be available under law.

0-102 TERM OF THE MANUAL

The Manual is effective as of the date displayed at the lower right corner of each page. The most recent amendments and rescindments for each chapter are noted at the top of the first page of each chapter, along with the effective date. All material contained in the Manual is valid until replaced, changed or rescinded in writing. The Manual remains in effect through changes in administration of the Sheriff's Office, unless the Sheriff specifically revokes it in writing.

0-103 ORDER OF PRECEDENCE AND SAVING CLAUSE

This Manual is superior to any and all other conflicting documents with the CCSO. Any portion of any other document, which is in conflict with the Manual, is void. Other documents or portions of documents, containing rules, policies or procedures that are not in conflict with the Manual, remain in force until replaced or rescinded.

If any part of this Manual is found to be in conflict with any law of Maryland or of the United States, or decision of any Court of competent jurisdiction, that part of the Manual, so in conflict

is null and void. However, all other parts of the Manual will remain in full force. In the event of any conflict between any sections of the Manual, the most recently dated section will control.

0-104 KNOWLEDGE REQUIRED

All employees of the CCSO will read and be familiar with the contents of the Manual. Sworn personnel will know from memory those sections of this Manual, which deal with arrest, use of force, handling of prisoners, the emergency operation of vehicles and the vehicle pursuit policy.

Commanders and supervisors are required to instruct their subordinates concerning information contained in the Manual; and they are required to ensure that the employee understands the relationship the Manual has to the employee's position. This does not relieve the employee of the obligation to know the contents of the Manual, and no defense of lack of supervisory instruction will prevail in a disciplinary situation.

0-105 MAINTENANCE OF MANUAL

Employees will be continually alert for areas of the Manual in need of revision or change. When it is evident that some area of the Manual should be changed, added to or deleted, a memorandum should be addressed to the Administrative and Judicial Services Bureau (AJSB) Commander explaining the circumstances. All Agency personnel may submit recommendations for improvements to the Manual. These may be as simple as a citation of the area of the Manual and why or how it should be changed; or the submission of a completed example of the change or addition.

The AJSB Administrative Aide will ensure that the electronic Manual on the “T” drive is kept up to date with all additions and revisions.

0-106 STANDARD OPERATING PROCEDURES

Policies and procedures, which generally affect only the personnel and functions of one particular bureau/unit of the Agency, are governed by the commander of that bureau/unit. Those policies and procedures are at the back of this *Administrative & Operational Manual* under the tab marked “Standard Operating Procedures.”

Commanders are hereby required to establish and keep updated the SOP’s that affect their bureau/unit, when the provisions of this Manual are not sufficient for the purposes of the bureau/unit. All SOP’s are required to conform to policies and procedures contained in the Manual. All personnel, within the bureau/unit for which the SOP is established, are bound by the dictates of that SOP.

The SOP ’s will be kept current and all revisions or additions will be distributed up the chain of command. Any superior officer in the chain of command of the issuing section, may disapprove or modify any provision of these SOP’s, subject to approval, or delegation of approval authority, by the Sheriff.

0-107 DIRECTIVES OF SUBORDINATE UNITS

It is the goal of the CCSO to include all operational procedures in this Manual. However, there may be times when a commander will need to issue guidance, which will apply to their command only. Commanders have the authority to issue such written directives.

However, before issuing any such directives, they will discuss them with the Assistant Sheriff. The purposes of the discussion will be:

- to assure that the directive is consistent with this Manual, and
- to determine whether the guidance the directive provides needs to be incorporated in this Manual.

0-108 NEW MATERIAL

A copy of each revision and new directives for this Manual will be provided to every CCSO employee electronically via email and will also be available on the Sheriff's Office "T" drive. These written directives include policies, procedures and special orders. Any changes, deletions or additions will be underlined and highlighted to draw the reader's attention to the new material.

Supervisors will have the employees acknowledge receipt of revisions on a *Receipt of General Order* distribution form. Any questions should be directed to the employee's supervisor. Supervisors are accountable to ensure all subordinates have read the directive(s) and are in compliance. Generally, roll call training will be administered for directives considered high risk or otherwise requiring additional explanation or instruction.

0-109 GRAMMATICAL CONSTRUCTION

If practical, the use of masculine and feminine pronouns is avoided within the Manual. In those cases where the writer uses the masculine pronoun in referring to Agency personnel in general, the feminine pronoun is hereby specifically included. Similarly, plural references include the singular, and vice versa. "Will" and "shall" are mandatory verbs, and "may" is permissive.

0-110 OTHER WRITTEN GUIDANCE

In addition to this Manual there are several other sources of Agency-wide guidance and information:

- General Orders. As noted previously, new, permanent information may be issued in General Order form until it can be incorporated into this Manual. An electronic copy of every General Order will be given to each employee. In the hard copy Manual, it can be filed in Chapter 23. The order will also be available on-line via the Sheriff's Office "T" drive.

- Special Orders. The Sheriff may issue Special Orders to transmit temporary information to all employees. Special Orders will generally have expiration dates. Special Orders are filed behind General Orders in Chapter 24 of the hard copy Manual.

- Personnel Orders. The Sheriff will issue Personnel Orders to notify staff of new employees, changes in assignments, and similar matters. They are filed behind Special Orders in Chapter 25.

- Memoranda. Memoranda will be used to notify staff of short-term information of which they should be aware. Memoranda have expiration dates and are filed behind Personnel Orders in Chapter 26.

- Standard Operating Procedures (SOP's). Policies and procedures which generally affect only the personnel and functions of one particular section of the Agency, are

governed by the commander/supervisor of that section. Those policies/procedures are contained within the Standard Operating Procedures (SOP) section of this Manual. These procedures are filed in Chapter 27. All SOP's are required to conform to other policies and procedures contained in this Manual. All personnel, within the section for which the SOP's are established, are bound by those dictates.

Those orders which have expired shall be purged.

0-200 ORGANIZATION OF THE MANUAL AND CITATION

The Manual is divided into chapters, sections and sub-sections for ease of use and referral. Citations of the Manual are in the following manner: 3-401.6 where 3 is the chapter, 401 the section and 6 the subsection. Alternately the reference could read: Chap. 3, Sec. 401.6.

Some of the material contained within the Manual is a compilation or synopsis of other sources. When this is specifically relevant to a particular section of the Manual, citations to the reference materials are provided. Persons using this Manual are required to consult these sources in cases where more information is necessary.

0-300 REVISION OF THE MANUAL

The AJSB Commander is responsible for developing revisions of the Manual. Whenever it comes to the attention of the AJSB Commander that there is a need to revise, add to, or delete from the Manual, they will follow the steps below:

- Conduct research appropriate to the subject matter of the Manual revision.
- Create a file to contain all materials associated with the revision.
- Create a draft, clearly labeled "Draft," of the proposed revision to the Manual.
- Circulate draft to the Command Staff of the Agency.

0-301 REVIEW OF DRAFTS

Drafts will be circulated to the Agency command staff and/or supervisor(s) it affects. Those management personnel, who receive drafts of proposed revisions to the Manual, will review the drafts and determine if any change is needed. The draft (unless it is specifically marked "confidential") may be circulated among any subordinate staff in order to receive advice from those who have special expertise in a particular area.

Management personnel will indicate suggested changes in writing preferably on the draft, or electronically using "Track Changes," and forward them to the AJSB Commander by the date indicated on the distribution memorandum circulated with the draft. The changes will identify the suggesting author in order that the AJSB Commander may contact that person for clarification, as necessary.

In some cases, there may be a need to expedite this process and, in those cases, with the approval of the Sheriff, the draft review outlined in this section may be omitted.

0-302 SHERIFF'S APPROVAL

The final form of the Manual revision will be presented to the Sheriff who will review and, if concurs with the change, will approve it for publication.

0-303 DISTRIBUTION

Upon approval of the Sheriff, the AJSB Administrative Aide will have sufficient copies of the policy revisions or additions made for supervisors to review with those under their command. The AJSB Administrative Aide will ensure that all Sheriff's Office employees receive an electronic version of the policy revisions/additions via email and will also keep an updated version of the Manual and the current General Orders on the "T" drive / CCSO Manual.

Each commander and supervisor will distribute revisions to their employees and have the employees acknowledge receipt of that revision on a *Receipt of General Order* distribution form. Component commanders and supervisors will be responsible for returning the completed distribution sheets to the AJSB Administrative Aide for filing.

The shift commanders for the Patrol Bureau and the first sergeants or detective sergeants for the remaining bureaus will be responsible for ensuring that they review all new and updated policies with their personnel.

The Administrative Aide will maintain a file of all distribution forms distributed and those received as completed from the various components of the Agency.

0-304 SHERIFF'S PREROGATIVE

Nothing in this section is intended to limit the Sheriff's prerogative to unilaterally make changes to this Manual, in any manner, as he may see fit. The procedures in this section will, however, be followed, unless the Sheriff approves deviations.

0-400 DEFINITIONS AND ACRONYMS

0-401 DEFINITIONS

Accountability - the responsibility of any employee to discharge their assigned duties or execute rights and privileges in a lawful, professional manner.

Agency - the Calvert County Sheriff's Office (CCSO).

Area of Responsibility - a specific geographic territory, group of physical assets, or group of tasks or combination of all of these. For example, the area of responsibility for a patrol deputy might be a patrol sector of the County. The area of responsibility for the Patrol Bureau Commander is all the tasks assigned to Patrol Bureau, the physical office space and the equipment assigned to the Bureau. It is incumbent upon each employee to manage their area of responsibility in the most efficient and effective manner possible, in order to achieve Agency goals.

Assistant Bureau Commander - a deputy who holds the rank of first sergeant or detective sergeant and assists the bureau commander and deputy commander with the daily operations of the bureau.

Authority - the right to act or exact action by others; the power to decide and to require that decisions be acted upon.

Bureau - one of the major components of the Agency.

Bureau Commander - a deputy with the rank of captain, who commands a bureau and is directly responsible to the Assistant Sheriff.

Chain of Command - the hierarchy of authority that extends from the top to the bottom of the organization.

Command Staff - the Sheriff, Assistant Sheriff, captains (bureau commanders) lieutenants, and first or detective sergeants.

Command - the authority and responsibility to direct and control subordinates in order to accomplish missions. It includes the authority to assign tasks, designate objectives, and supervise their execution.

Commanding Officer - any deputy in charge of an Agency component.

Commissioned Officer - a deputy holding the rank of lieutenant or higher.

Commissioner - a commissioner of the District Court of Maryland. Commissioners have statutory authority to conduct initial appearance hearings for persons charged as adults with crimes in order to evaluate the propriety of their pretrial release.

Component - any organization element. Each organizational component under the direct command of only one supervisor.

Conflicting Order - an order given contrary to prior instructions or directives. (See also 1-801(3)(4)

Deputy - as used in this Manual, unless otherwise specified, a sworn employee of the CCSO (except the Sheriff), regardless of rank.

Deputy Bureau Commander – a deputy who holds the rank of lieutenant and assists the bureau commander with the daily operations of the bureau.

Designation of Authority (Designee) - the authority conferred upon supervisory employees and commanding officers to delegate responsibilities to officers and employees under their supervision or command.

Employee - a deputy or civilian appointed or assigned to the Agency in a permanent or temporary paid position.

Lawful Order - any order issued by a superior employee or relayed from a superior employee by an employee of the same or lesser rank, to any subordinate which is not in violation of any law, ordinance or any written directive. Employees will obey all lawful orders. (See also 1-801(3)

Manual - the Administrative and Operational Manual (AOM) of the CCSO.

May / Should - indicates an action which is permissible.

Non-Commissioned Officer - a deputy holding the rank of first sergeant/detective sergeant or below.

Personnel - Agency employees.

Patrol Area - a geographical subdivision of the County.

Seniority - is established first, by rank or position within the organizational structure, and second, by the total time served in rank or position, whether on a regular, assigned or temporary basis.

Standard Operating Procedures - directives written at the bureau or lower level, which contain procedures unique to the particular component. SOP's may restrict, but not enlarge, the authority granted through the AOM. They are issued on the authority of the bureau commander.

Superior Officer - a deputy holding a higher rank or position according to the established rank precedence.

Supervisor - an employee assigned by superiors to positions authorizing the exercise of immediate supervision over other employees, including:

- Employees assigned in an acting or TDY capacity and / or
- Specific employees granted a supervisory role for purposes not otherwise contrary to specific policy; e.g., a deputy first class granted supervisory authorization by a sergeant; and / or
- Specified employees exercising direct supervision over a component during the absence of the supervisor or commander.

Sworn Officer - any sworn deputy sheriff of the CCSO, as defined by §2-101(c), the Criminal Procedure Article of the Code of Maryland.

Temporary Duty Assignment (TDY) - an assignment in which an employee is transferred, on an interim basis, to an assignment different from their permanent assignment.

Will - indicates an action, which is mandatory.

Written Directives - written Agency documents, which guide the performance or conduct of employees; e.g., AOM, SOP's.

0-402 ACRONYMS

Acronyms allow for less wordy and more efficient communications within the Agency. The following listed acronyms are used throughout this Manual and should also be employed in other CCSO documents and correspondence. Acronyms should not be used in documents or correspondence designed for use outside the Agency because their meanings may not be clear in that context.

ACRS	-	Automated Crash Reporting System
AHB	-	Administrative Hearing Board
AJSB	-	Administrative and Judicial Services Bureau
AOM	-	Administrative and Operational Manual
AWOL	-	Absent from duty position Without Leave Approval
CCDC	-	Calvert County Detention Center
CCSO	-	Calvert County Sheriff's Office
CDS	-	Controlled Dangerous Substances

CHRI	-	Criminal History Record Information
CIB	-	Calvert Investigative Bureau
CIR	-	Criminal Investigation Report
CO	-	Commanding Officer
COPS	-	Community Oriented Policing Services, U.S. Department of Justice
CTAU	-	Maryland State Police, Chemical Test for Alcohol Unit
DARE	-	Drug Abuse Resistance Education
DNR	-	State of Maryland Department of Natural Resources
DO	-	Duty Officer
DRE	-	Drug Recognition Expert
DUI	-	Driving Under the Influence/Impaired
EEO	-	Equal Employment Opportunity
FBI	-	Federal Bureau of Investigation
FOP	-	Fraternal Order of Police, Lodge #109
FT	-	Full Time (when used with reference to an employee)
FTO	-	Field Training Officer
K-9	-	Canine
LEOBR	-	Law Enforcement Officers' Bill of Rights
LWOP	-	Leave Without Pay
MAB	-	Medical Advisory Board
MAFIS	-	Maryland Automated Fingerprint Identification System
METERS	-	Maryland Electronic Telecommunication Enforcement Resource System
MO	-	Modus Operandi
MPTC	-	Maryland Police Training Commissions
MSDS	-	Material Safety Data Sheet
MSP	-	Maryland State Police
NCIC	-	National Crime Information Center
NCO	-	Non-Commissioned Officer
OIC	-	Officer-In-Charge
RAFIS	-	Regional Automated Fingerprint Identification System
SAO	-	Office of the State’s Attorney for Calvert County
SCO	-	Sheriff’s Communications Operators
SOP	-	Standard Operating Procedures
SOT	-	Special Operations Team
T/A	-	"Trading As," common reference for a business
TDY	-	Temporary Duty Assignment
US	-	United States of America
UUV	-	Unauthorized Use of a (Motor) Vehicle
VIN	-	Vehicle Identification Number

CHAPTER 1
JURISDICTION, MISSION, VALUES, GOALS, AND STANDARDS OF CONDUCT

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	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **JURISDICTION, MISSION, VALUES, GOALS, & STANDARDS OF CONDUCT**	Chapter **1**
	Affects: **ALL PERSONNEL**	
EFFECTIVE DATE **January 29, 2009**	Rescinds:	Amends: **TOC; 1-831 (New) on 5/31/17**

1-100 JURISDICTION

The Maryland Constitution and the laws of the State establish the Calvert County Sheriff in order to provide law enforcement functions within Calvert County. The Calvert County Sheriff's Office is the primary law enforcement agency in Calvert County. The Calvert County Sheriff's Office (CCSO) through the auspices of the Calvert County Detention Center is responsible for the care and custody of prisoners held in confinement within Calvert County. The CCSO is also responsible for the security of the courts, and such enforcement actions and official document services as may be required by a court. The CCSO is responsible for the transportation and return of prisoners who are extradited from other states, in most circumstances. Additionally, the CCSO is responsible for the maintenance of order and the delivery of police services to the citizens of Calvert County.

The jurisdiction of the CCSO is Calvert County, Maryland, including the incorporated towns of Chesapeake Beach and North Beach. Calvert County is a peninsula, bounded by the Chesapeake Bay on the east and the Patuxent River on the west. Calvert County is approximately 219 square miles; the County is nine miles wide at its widest point, 45 miles from Washington, D.C., and 35 miles from the Anne Arundel County line to Solomons.

1-200 MISSION STATEMENT AND CODE OF ETHICS

It is the mission of the Calvert County Sheriff's Office, as the primary law enforcement agency for Calvert County, to provide exceptional law enforcement services to the citizens of Calvert County and to prevent crime and the fear of crime through innovative law enforcement efforts. We will accomplish such tasks with the utmost professionalism, integrity, compassion and respect in order to maintain the highest standards of public trust and confidence.

The CCSO has adopted the Code of Ethics of the National Sheriff's Association and the Law Enforcement Officer's Code of Ethics. They can be found in Appendix 1-A. All deputies must abide by the Law Enforcement Officer's Code of Ethics.

All CCSO personnel are required to participate in ethics training biennially. Ethics training for sworn personnel will be conducted during in-service training. Civilian personnel will receive ethics training electronically via email or hard copy. It must be read and acknowledged by signing a *Receipt of General Order* form and returned to the AJSB Commander. The current instructor assigned to the Southern Maryland Criminal Justice Academy will develop the lesson plan for this training.

1-300 VALUE STATEMENTS

The men and women of the Calvert County Sheriff's Office are bound by a high standard of conduct, as exemplified in the following values:

Life - We believe the protection of life is our highest priority.

Respect - We believe in individual human dignity and the preservation of human rights under the rule and spirit of law, always treating others as we would like to be treated.

Integrity - We believe in maintaining the public trust by holding ourselves accountable to the highest moral and ethical standards.

Fairness - We believe in the delivery of service that provides fair and equal treatment to all citizens without regard to age, gender, race, creed, color, religion or national origin.

Trust - We believe in order to provide effective service we must develop and maintain the confidence of the community.

Partnerships - We believe in working in partnership with the community and each other to identify and resolve problems and issues, which affect the safety of our citizens.

Loyalty - We believe in an allegiance to the community, to the organization and to each other.

Professionalism - We believe in delivering a level of service, which will reflect the pride we have in our community and organization.

1-400 GOALS AND OBJECTIVES

The general goals of the CCSO are:

A. To provide professional, effective and efficient law enforcement services to the citizens of Calvert County, and those other citizens, who may be visiting our County.

B. To develop a partnership with the citizens, community leaders, and other government agencies to ensure the safety and security of the Calvert County community.

C. To deliver all services and conduct all activities of the CCSO in a fair and impartial manner which assures all citizens the benefits of these services and activities.

D. To strive continually to achieve a quality of life within Calvert County, which allows the County's residents to go about their daily activities in safety and free from fear of criminal activities.

1-401 FORMULATION AND EVALUATION OF ANNUAL GOALS

Under the direction of the Assistant Sheriff, the CCSO will develop written goals and objectives annually.

A. Annually each commander will provide to the Assistant Sheriff, proposed goals and objectives.

B. The goals will be:

1. Written
2. Measurable, and
3. Developed with the input of subordinates and other appropriate persons

C. The Assistant Sheriff will review the goals and objectives of each component and, in consultation with the Sheriff, will prepare the CCSO's proposed goals for the following year. The Assistant Sheriff will submit the proposed goals to the Sheriff for final approval.

D. Upon approval by the Sheriff, a copy of the goals will be distributed to each CCSO employee.

E. Commanders will pursue their component goals with the vigor necessary to assure their timely accomplishment. Each commander will report on the success of their component in achieving its goals when they submit their goals for the following year. The report will indicate success in achieving the goals and any impediments encountered.

F. All commanders, the Assistant Sheriff, and the Sheriff will meet to review progress and obtain overall input from the command staff.

1-500 PLANNING AND RESEARCH

The activities of the Planning and Research function are by design, to deal with the actual planning of new or amended policies, activities and law enforcement solutions to problems, as well as the development of pro-active measures and activities designed to enhance program effectiveness and law enforcement efforts.

1-501 ORGANIZATIONAL PLACEMENT

Currently, the Calvert County Sheriff's Office does not possess the staffing resources to have a "stand alone" unit devoted solely to planning and research. The Assistant Sheriff, who by position has direct access to the Sheriff, will be responsible for the planning and research functions, and may enlist the assistance of CCSO personnel at any level to assist in this endeavor. The Assistant Sheriff may also seek the assistance of others outside the Agency to assist in planning and research, when necessary.

The end result of any activities concerning planning and research will be submitted to the Sheriff with recommendations for changes and implementation. Any changes to policy or program and/or operational changes will be implemented only by written authority of the Sheriff.

1-502 STRATEGIC MANAGEMENT PLAN

The Calvert County Sheriff's Office currently has a strategic management plan in effect to replace the previous 10-year reorganizational plan. The Plan outlines the goals and objectives of the Sheriff's Office. Although in place, it is only viable with the cooperation of the Board of Calvert County Commissioners, who authorizes funding in order to meet the demands of the plan.

Revisions to the Plan will be made as necessary with the approval of the Sheriff. The Plan includes the following:

- Calculated information based on past activities and performance to determine population, crime, and workload trends.
- Staffing to handle the workload anticipated, dependent upon County funding.
- Anticipated capital improvements or equipment needs, dependent upon County funding.
- Goals to prevent and reduce crime; improve traffic safety; establish and maintain community partnerships; utilize technology to fight crime; improve overall efficiency; and recruit and retain excellent employees.
- Objectives to meet each of those goals.
- The ability to review and revise the plan as necessary.

1-600 OATH OF OFFICE

In addition to the oath prescribed in §2-104 of the Courts and Judicial Proceedings article of the Annotated Code of Maryland, every employee of the CCSO, before assuming sworn status, will take and subsequently abide by the following oath of office:

I, _____ do promise or declare that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ***DEPUTY SHERIFF*** according to the Constitution and laws of this state.

And that I will not for lucre or malice delay any person applying to me for any business belonging to the office I officiate in, and that I will not directly or indirectly ask, take, exact, demand or receive from or charge to any such person to my own use any fee or reward whatsoever for any services I may do as deputy of the said office, and that in making out the office fees, I will not wittingly or willingly charge other or higher fees than are allowed by law.

1-700 DEPUTIES' AUTHORITY

The CCSO has only one category of sworn personnel, the deputy sheriff. Deputy sheriffs are "police officers" as defined in §2-101 of the Criminal Procedure Article of the Annotated Code of Maryland, and have the police powers enumerated in that Article, including the authority to make full custody arrests.

Implicit in the authority to enforce the law and to make arrests is the authority to use force, including deadly force, in doing so when conditions warrant. All CCSO deputies are certified by the Maryland Police and Corrections Training Commissions (MPTC) and authorized to carry weapons in the performance of their duties.

1-800 STANDARDS OF CONDUCT

All employees of the CCSO will comply with the following rules of conduct, with additions and amendments to these rules which may be promulgated, and with all other orders and directives,

either verbal or written, which may be issued by competent authority. The violation of any rule of conduct, procedure, or lawful order, whether written or verbal, subjects the respondent to an investigation, which may lead to disciplinary action.

Ignorance of the rules, procedures, and orders of the CCSO is not a justification for violation. An employee is responsible for his own acts and may not transfer to others responsibility for executing or failing to execute any lawful order or police duty.

1-801 OBEDIENCE TO LAWS, REGULATIONS, AND ORDERS

A. A deputy will not violate any law or any Agency policy, rule, regulation, or procedure.

B. An employee will promptly obey all lawful orders of a superior, including those from a superior relayed by an employee of equal or lesser rank. A lawful order is any order, either verbal or written, which an employee should reasonably believe to be consistent with the performance of their duties.

C. Employees will obey all orders from superiors, whether written or verbal, except when compliance with such orders would require the commission of an illegal act. No employee, without adequate justification, will intentionally issue an order that is contrary to an order issued by a superior. Employees to whom conflicting orders are issued will call immediate attention to the conflict; however, if the conflict is not resolved, the last order will be obeyed.

D. Any order may be countermanded in an emergency. An employee countermanding a prior order will immediately report the reason for the action to their supervisor. Responsibility for all prudent and reasonable action necessary for compliance with orders will remain with the superior issuing the order. Accountability for any action taken in compliance with lawful orders remains with the person taking the action.

E. At the scene of any incident, the assigned deputy will be in charge until relieved at the direction of another sworn deputy, senior in rank.

1-802 CONDUCT UNBECOMING

A deputy will not engage in any conduct or activities on or off duty that reflect unfavorably upon himself/herself, that tends to bring the CCSO into disrepute, or that impairs its efficient and effective operation. This also applies to how a deputy portrays himself/herself on social networking sites, such as My Space and Facebook.

1-803 ACCOUNTABILITY, RESPONSIBILITY, AND DISCIPLINE

Deputies are directly accountable for their actions through the chain of command, to the Sheriff of Calvert County. Deputies will cooperate fully in any internal administrative investigation conducted by the CCSO or other authorized agency and will provide complete and accurate information in regard to any issue under investigation.

During an administrative investigation, an accused employee will, at the request of competent authority, submit to an interrogation and polygraph examination consistent with the LEOBR. The questions to be asked during the interrogation and the polygraph examination will be related specifically, directly, and narrowly to the performance of the employee's official duties and to the subject matter of the investigation.

All procedures carried out under this rule will be related to the performance of the employee's official duties and to the subject matter of the investigation. On the order of competent authority, an employee will submit to the following:

- Fitness for Duty Evaluation
- Psychological Examination
- Polygraph Examination
- Drug/Chemical Testing
- Photo Array

1-804 CONDUCT TOWARD FELLOW EMPLOYEES

A. Deputies will conduct themselves in a manner that will foster cooperation among members of this Agency, showing respect, courtesy, and professionalism in their dealings with one another.

B. Employees will not use language or engage in acts that are demeaning or derogatory, harass, threaten, or intimidate another person.

C. Deputies will be accurate, complete, and truthful in all matters.

D. Deputies will accept responsibility for their actions without attempting to conceal, divert, or mitigate their true culpability. Deputies will not engage in efforts to thwart, influence, or interfere with an internal or criminal investigation, or any other Agency endeavor.

E. Deputies, who are arrested, cited, or who are the subject of an investigation for any criminal or civil offense in this or another jurisdiction, will report this fact to their bureau commander within 24 hours.

F. Deputies, who are named as defendants in civil lawsuits, relating to their duties with the CCSO, will notify the Assistant Sheriff within 24 hours of notice of the suit.

1-805 CONDUCT TOWARD THE PUBLIC

A. In all public dealings, deputies will conduct themselves in a civil and professional manner that connotes a service orientation and that will foster public respect and cooperation.

B. In all public dealings, deputies will treat violators professionally, courteously and in a respectful manner, and avoid conduct that may belittle, ridicule, or intimidate the individual, or act in a manner that unnecessarily delays the performance of their duty.

C. While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, deputies will adhere to this Agency's use-of-force policy and will observe the civil rights and ensure the well-being of those in their charge or custody.

1-806 COMMUNITY INVOLVEMENT

The Calvert County Sheriff's Office participates in community recreational youth programs. The Agency maintains a law enforcement Explorer program, co-sponsored by the Boy Scouts of America; and oversees Camp Jr. Sheriff, a week-long summer camp program aimed towards strengthening the relationship between youths and law enforcement.

Deputies are also encouraged to take an active role in the community by participating as coaches, assisting, or being involved in area recreational youth programs. Their participation makes them visible to the community in a way that proves the Sheriff's Office is committed to Calvert County and interested in investing time in the County's youth.

1-807 USE OF ALCOHOL AND DRUGS

A. Deputies will not consume any intoxicating beverage while on duty, unless authorized by the Sheriff or the Assistant Sheriff.

B. No alcoholic beverage will be served or consumed on CCSO premises or in CCSO vehicles, unless authorized by the Sheriff or the Assistant Sheriff.

C. A deputy will not be intoxicated in a public place when off-duty to the extent that it discredits the Agency or the deputy.

D. No deputy will report for duty with the odor of alcoholic beverage about their person.

E. No deputy will report to work or be on duty as a law enforcement officer when alcohol, medication, or other substances have impaired their judgment or physical condition.

F. Deputies must report to a supervisor the use of any substance, prescribed or over the counter, prior to reporting for duty, which impairs their ability to perform their duties as a law enforcement officer.

G. Supervisors will order a drug or alcohol screening test when they have reasonable suspicion that an employee is using and/or under the influence of drugs or alcohol. Such screening will conform to the CCSO policy on employee drug-screening and testing.

1-808 SMOKING AND USE OF TOBACCO PRODUCTS

For the purposes of this policy, smoking is defined as any lighted cigar, cigarette, pipe or other lit tobacco product.

Smoking by Agency members is prohibited inside any County building to include the Calvert County Sheriff's Office, all substations and satellite offices. Employees may smoke outdoors within the guidelines of this order provided they properly dispose of the ashes, butts, litter, and other refuse related to the use of tobacco products in a receptacle designed for that purpose. Employees should not smoke in the immediate vicinity of those building entrances which are most frequently used by the public.

Employees of this Agency will not use any form of tobacco while on official business other than undercover assignments. No use of any form of tobacco is allowed while in public view (such as handling a call for service, crime scene, special details, etc.).

1-809 ABUSE OF LAW ENFORCEMENT POWERS OR POSITION

A. Deputies will not use their authority or position for personal or financial gain; for obtaining or granting privileges or favors not otherwise available to them or others except as a private citizen; to avoid the consequences of illegal acts for themselves or for others; to barter, solicit, or accept any goods or services (to include, gratuities, gifts, discounts, rewards, loans, or fees) whether for the deputy or for another.

B. Deputies will report any unsolicited gifts, gratuities, or other items of value that they receive and will provide a full report of the circumstances of their receipt if directed.

C. Deputies will not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, discarded, or recovered property, or any property held or released as evidence.

D. Deputies will not solicit or accept contributions for the CCSO or for any other agency, organization, event, or cause without the express consent of the Sheriff or their designee.

E. Deputies are prohibited from using information gained through their position as a law enforcement officer to advance the personal or financial or other private interests of themselves or others.

F. Deputies who institute, or reasonably expect to benefit from, any civil action that arises from acts performed under color of law will inform their commanding officer.

G. When a deputy's police powers are suspended, they will not wear the uniform of the CCSO or represent themselves in an official capacity as an employee of the CCSO.

H. A deputy may not lend their identification card, CCSO patch or emblem, or badge to another person or permit it to be photographed or reproduced without the approval of the Sheriff.

1-810 OFF-DUTY POLICE ACTION

Deputies will not use their police powers to resolve personal grievances (e.g., those involving the deputy, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases where there is personal involvement that would reasonably require law enforcement intervention, deputies will summon on-duty police personnel and a supervisor.

Unless operating an Agency police vehicle, off-duty deputies will not arrest or issue citations or warnings to traffic violators on sight, except when the violation is of such a dangerous nature that a deputy would reasonably be expected to take appropriate action.

1-811 RELATIONSHIPS AND ASSOCIATIONS

1-811.1 PERSONS ARRESTED OR BEING INVESTIGATED

Deputies, who arrest, investigate, or have custodial authority will not engage in any social relations with the spouse, immediate family member, or romantic companion of persons in the custody of this Agency.

Deputies and civilian employees alike, will not knowingly engage in, or maintain a relationship with, any person who is under criminal investigation, indictment, arrest, or incarceration by this or another police or criminal justice agency, and/or who has an open and notorious criminal reputation in the community (for example, persons whom the deputy knows, should know, or

have reason to believe are involved in felonious activity), except as necessary for the performance of official duties, or where unavoidable because of family relationships.

1-811.2 PERSONAL RELATIONSHIPS

Personal relationships between employees shall not interfere with the performance of their duties, and a professional attitude shall be maintained. Supervisors and commanders shall not have direct supervision of a blood relative or spouse, or with any employee with whom they are intimately involved. Supervisors and commanders are prohibited from having a romantic relationship with a subordinate in their direct-line chain of command. The supervisor or commander has the responsibility to make the relationship known to his commander or the Sheriff to determine if reassignment is required. The final reassignment decision shall rest with Sheriff.

The prohibition of a romantic relationship extends to employees fully or partially responsible for the evaluation of the performance, or oversight of a probationary member. For Academy and training staff this includes all probationary employees. For field training officers this includes the duration of a probationary employee's field training assignment.

1-811.3 ORGANIZATIONS AND ESTABLISHMENTS

Except in the performance of official duties, deputies will not knowingly enter any establishment in which the laws of the United States, the State of Maryland, or Calvert County are regularly violated. Deputies and civilian employees will not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies.

1-812 PUBLIC STATEMENTS, APPEARANCES, AND ENDORSEMENTS

Deputies will not, under the color of law:

A. Make any public statement that could reasonably be interpreted as having an adverse effect upon Agency morale, discipline, or operation of the Agency.

B. Divulge or willfully permit to be divulged, any information gained by reason of their position, for anything other than its official, authorized purpose; or

C. Unless expressly authorized by the Sheriff or their designee, make any statements, speeches, or appearances that could reasonably be considered to represent the views of the CCSO.

D. Endorse, recommend, or facilitate the sale of commercial products or services. This includes but is not limited to the use of tow services, repair firms, attorneys, bail bondsmen, or other technical or professional services. It does not pertain to the endorsement of appropriate governmental services, where there is a duty to make such endorsements.

1-813 POLITICAL ACTIVITY

Deputies will be guided by the following examples of prohibited political activities during working hours, while in uniform, or otherwise as a representative of the CCSO. Deputies will not, under color of law:

A. Engage in any political activity;

B. Place or affix any campaign literature on County-owned property;

C. Solicit political funds from any member of this Agency or another governmental agency of this jurisdiction;

D. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction;

E. Use official authority to interfere with any election or interfere with the political actions of other employees or the general public;

F. Favor or discriminate against any person seeking employment because of political opinions or affiliations; and/or

G. Participate in any type of political activity while in uniform.

1-814 EXPECTATIONS OF PRIVACY

Deputies will not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, CCSO-owned vehicles, file cabinets, computers, or similar areas that are under the control and management of the CCSO. While the CCSO recognizes the need for deputies to occasionally store personal items in such areas, deputies should be aware that these and similar places may be inspected or otherwise entered -- to meet operational needs, internal investigatory requirements, or at the direction of the Sheriff or their designee.

No member of CCSO will maintain files or duplicate copies of official Agency files in either manual or electronic format at their place of residence or in other locations outside the CCSO headquarters without the express permission of the Sheriff.

1-815 REPORTING FOR DUTY

A. An employee of the CCSO will not absent their self without properly approved leave.

B. An employee will report for duty at the time and place specified by their supervisor and will be physically and mentally fit to perform their duty. They will be properly equipped and cognizant of information for the proper performance of duty so that they may immediately assume their duties.

C. An employee, who is unable to report for duty for any reason will, as soon as possible, notify their immediate supervisor of the reasons for the absence, or notify a supervisor on duty at the time the employee becomes aware they will be absent.

D. While off duty, deputies may be subject to call at any time. In the event of an emergency or potential emergency, deputies ordered to “inactive on-call” duty status and those required to leave word where they may be reached, will notify their supervisors of the location and telephone number where they may be contacted.

E. No employee will feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the CCSO as to the condition of their health.

1-816 CITIZEN COMPLAINTS

An employee will courteously and promptly accept any allegation or complaint made by a citizen against any employee of the CCSO. The receipt and processing of all complaints will be in conformance with established procedures. The employee accepting the complaint will notify a supervisor immediately.

1-817 PERSONAL APPEARANCE / TATTOOS

Every employee will maintain a neat, well-groomed appearance and will style their hair and wear their uniform consistent with established CCSO policy and procedures. It is not the Agency's intention to infringe upon any employee's personal freedoms; however, it is within the Sheriff's prerogative to govern the actions and appearance of his employees insofar as they impact the efficient operations of the Agency. Notwithstanding their recent popularity, tattoos continue to present an image which some people find offensive. A significant part of the Agency's mission is accomplished by instilling confidence in the general public, and in doing so; employees should strive to avoid shocking or otherwise making citizens uncomfortable in their presence. Therefore, all Agency employees are prohibited from displaying body art of any kind which, based on societal norms, is likely to offend. See Chapter 3, Section 404 for detailed policy regarding personal appearance/grooming and tattoos.

1-818 USE OF FORCE

Deputies will use force consistent with established CCSO policy and procedures. Non-sworn personnel of the Agency may only use force in those circumstances in which an ordinary citizen would be justified in using force to protect themselves from attack or such other times as may be justified in law. The Sheriff does not convey authority to allow the carrying or use of weapons of any kind to non-sworn employees.

1-819 FIREARMS

An employee will not use, display, or handle any weapon in a careless or imprudent fashion or in a manner not consistent with CCSO policy.

1-820 CCSO EQUIPMENT

A. An employee will use and maintain CCSO equipment in accordance with established procedures and will not abuse, damage, alter or, through negligence, lose any such equipment. An employee will not cause or contribute to the abuse, damage, alteration or loss of any CCSO equipment through negligence or carelessness.

B. Damage to or loss of CCSO equipment will be reported in conformance with CCSO procedures utilizing a *Loss/Damage Report*.

C. An employee will not have any item of CCSO equipment repaired, adjusted, or modified without authorization from their respective commander via a *Detailed Report* through the chain of command.

D. An employee will operate any CCSO official vehicle assigned to him/her in a careful and prudent manner and will not, through negligent or careless operation, incur or cause damage to be incurred to CCSO property or to the property of another. They will obey all laws of any jurisdiction and all local ordinances and will conform to all CCSO

procedures and regulations pertaining to operation and maintenance of CCSO vehicles. An employee will at all times set a proper example for other persons in their operation of a vehicle.

E. Only CCSO employees, or those County employees with express permission, will be permitted to operate or attempt to operate its vehicles, or use its firearms, or use any other of CCSO property. The Sheriff may make specific exceptions to this rule.

F. An employee relieved of their police powers will turn in all CCSO-issued equipment specified in the order, suspending police powers.

1-821 LABOR ACTIVITIES

An employee will not engage in any strike or job action. "Strike or job action" includes, but is not limited to, a failure to report for duty; willful absence from duty; unauthorized holiday; sickness unsubstantiated by physician's statement; stoppage of work; or abstinence in whole or in part from the full, faithful, and proper performance of duty, for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment job action.

1-822 SECONDARY EMPLOYMENT

A deputy will not be employed in any capacity in any other business, trade occupation, or profession, that is not consistent with CCSO policy, and as approved by the Sheriff or their designee. More detailed policy can be found in Chapter 4.

1-823 PAYMENT OF DEBTS

CCSO employees will make every effort to pay all just debts and legal liabilities. Disciplinary action may be taken when judgment has been rendered in favor of the employee's creditor and, although the employee is able to comply with the judgment, they fail to do so; or, the effects of the indebtedness have adversely affected the employee's ability to perform their duties or have negatively reflected on the reputation or effectiveness of the CCSO.

Disciplinary action will generally not be appropriate when the employee has made a sincere effort to pay the debts; or the employee has filed for bankruptcy.

1-824 PERFORMANCE OF DUTY

All employees shall perform their duties as required or directed by law, agency rule, procedure, policy, or order, or by order of a superior officer.

1-825 AID TO FELLOW OFFICERS

No officer shall fail to aid, assist, or protect a fellow officer to the full extent of his capability during a time of need.

1-826 TRUTHFULNESS

All verbal communications and written reports submitted by employees of the CCSO will be truthful. No employee shall knowingly report or cause to be reported any false information. A clear distinction must be made between verbal communications and written reports which

contain false information and those which contain inaccurate or improper information. Evidence must be presented to support such information that shows either verbal communication or written reports are designedly untrue, deceitful, or made with the intent to deceive the person(s) to whom it was directed.

1-827 REPORTING VIOLATIONS

Any employee who has knowledge of other employees, individually or collectively, who are knowingly or unintentionally violating any laws of statutes, ordinances, or rules and procedures of the Agency, shall bring any and all facts pertaining to the matter to the attention of a superior officer. The superior officer shall then take appropriate action. Employees may by-pass official chains of command and directly advise the Sheriff or Assistant Sheriff of the violations.

1-828 ESTABLISHING ELEMENTS OF A VIOLATION

The existence of facts confirming a violation of law, ordinance, rule, policy or procedure is all that is necessary to support any allegation for a charge under this section.

1-829 COMPUTER USAGE

Sheriff's Office computers are provided for official business and shall not be used:

A. For any commercial, promotional purpose or personal gain;

B. For any illegal activity;

C. To violate public laws relating to privacy;

D. To create, retain, publish, disseminate or communicate any pornographic, profane, or obscene material, language or graphics;

E. To create, retain, publish, disseminate or communicate any material of a political nature;

F. To create, retain, publish, disseminate or communicate material that is threatening, defamatory or fraudulent;

G. To create, retain, publish, disseminate or communicate material that is offensive to or disparaging of race, color, sex, religion, national origin, age, and disability;

H. To download or copy commercial software, files or other material in violation of copyright, patent agreements, license agreements, or other intellectual property rights;

I. To provide access to tools/systems/applications by unauthorized users;

J. For any purpose that is against Sheriff's Office, County or public policy, contrary to the Agency's or County's best interest, or harmful to morale.

Refer to the *County Computer Usage Policy*, which can be found on the S drive / Technology Services / Computer Usage Policy Information, for complete policy and operating procedures.

1-830 LENGTH OF SERVICE AWARD PROGRAM (LOSAP)

The Length of Service Award Program (LOSAP) is a program designed to assist communities in recruiting, retaining, and rewarding volunteer firefighters and emergency medical services (EMS) personnel. The Calvert County Sheriff's Office has the highest regard for volunteerism and supports those members of the agency who choose to volunteer in the fire, rescue, and EMS organizations. Members of fire, rescue, and EMS organizations who earn LOSAP credit based solely on volunteer contributions are entitled to certain incentives such as tax credits or monetary payments, if said member serves in the volunteer service for a specified length of time.

Members of the Calvert County Sheriff's Office are prohibited from earning LOSAP credits while they are on-duty or being compensated in any manner by the Calvert County Government. Any member who earns LOSAP credit that will result in a tax or monetary benefit will ensure that those LOSAP credits are earned strictly by volunteering their time. It is the member's obligation to ensure their status (paid or volunteer) during any training, community service, or other LOSAP qualifying activities is clearly communicated to the administrative staff of the affected fire, rescue, or EMS organization.

This section does not prohibit a member of the Sheriff's Office from earning administrative credits for training, calls for service, collateral duties, etc. that do not garner said member with a monetary or financial benefit.

1-831 SOCIAL MEDIA

It is the policy of the CCSO that employees are guaranteed their constitutional right to use personal web pages and social media/networking sites when appropriate. In doing so, it is expected that they will use good judgment, decency, and common sense both on and off duty.
The following guidelines in this policy will help ensure that employees use appropriate discretion in their use, and not discredit or disrespect themselves, other employees, the CCSO, or the Calvert County Government. The absence of, or lack of explicit reference to, a specific site does not limit the extent of the application of the policy.

Employees who are found to be in violation of this policy may be subject to disciplinary action.

1-831.1 DEFINITIONS

For purposes of this policy, the following terms and associated definitions are applicable:

Website - A website is any computerized document, file, menu, or page accessible on the internet and/or worldwide web.

Personal Website - A personal website is a website created or configured by an individual for business, entertainment, or social purposes. This includes, but is not limited to, personal pages posted on social networking sites such as MySpace, Facebook, and Twitter.

Blog - A blog (short for web-log) is a personal online journal that is frequently updated and intended for general public consumption or viewing. Blogs are defined by their format, usually a series of entries posted to a single page in reverse chronological order. Blogs generally represent the personality of the author or reflect the purpose of the website that hosts the blog. Topics sometimes include brief philosophical musings; commentary on internet and other social

issues; and links to other sites the author favors, especially those that support or reject a point posted.

Chat Room - A chat room is a website where users can actively email back and forth in a group setting. The website may be or may not be password protected.

Social Media - Social media is a category of internet-based resources that integrates user generated content and user participation. This includes, but is not limited to, social networking sites (Facebook and MySpace); micro-blogging sites (Twitter and Nixle); photo and video sharing sites (Flickr and YouTube); wikis (Wikipedia); blogs; and news sites (Digg and Reddit).

Social Networks - Social networks are online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Twitter - Twitter is a free social networking and micro-blogging service that enables its users to send and read messages known as "tweets." Tweets are posts of up to 140 characters displayed on the author's profile page and delivered to the author's subscribers who are known as followers.

1-831.2 BACKGROUND

The proper functioning of any law enforcement agency relies upon the public's confidence and trust in the agency, and its employees, to effectively protect and serve the public. Any matter which brings the agency or its employees into disrepute has the corresponding effect of reducing that confidence and trust and may impede the ability to work with and serve the public.

Professionalism is the most significant factor in providing the highest level of service to the public. While the CCSO employees have the right to use personal web pages and social networking sites while off duty, as employees they are public servants who are held to a higher standard than the general public with regards to ethical and moral conduct.

The CCSO has the obligation to protect the reputation of the agency and its employees, as well as guard against liability and potential legal risk. Therefore, the CCSO reserves the right to monitor web pages and social networking sites, to the extent the law allows. Employees are advised of the following:

- CCSO employees must be aware that the content of web pages and social networking sites can be subject to subpoena and utilized in criminal and civil proceedings to impeach the employee's character or reputation.

- CCSO employees must realize that any reference to their employment with the Sheriff's Office while using social networking sites could compromise their safety and the safety of their family or others.

- All electronic means of communications accessed, created, received, or stored on equipment/systems owned, leased, or otherwise utilized by the CCSO are the property of the CCSO and not the author, recipient, or user.

1-831.3 GENERAL GUIDELINES

The CCSO supports employee's rights under the First Amendment guaranteeing freedom of speech. This includes the employee's right to have or use personal web pages or social networking sites to express themselves and seek communication with other individuals for personal relationships, friendship, or other correspondences. Social networking sites include, but are not limited to, sites such as MySpace, Facebook, or Twitter.

When using websites and social media/networking sites, employees should consider possible adverse consequences of inappropriate uses or postings, such as future employment, cross-examination in court proceedings, and public as well as private embarrassment.

Employees are encouraged to seek the guidance of supervisors regarding any use or posting that may adversely reflect upon the CCSO, the employee, a fellow employee, or a citizen.

1-831.3.1 PROCEDURES

A. Employees of the CCSO will not release agency documents, records, or information, or discuss or divulge agency business, through social media networks/sites, unless necessary for the performance of their duties, and prior permission is obtained from their supervisor.

B. Employees of the CCSO will not conduct any personal or agency related business through social media networks/sites which could have the potential of compromising an investigation, or unnecessarily reveal the identity of any suspect, victim, or witness.

C. Employees who have personal web pages, or who utilize other types of internet posting, which can be accessed by the public, will not:

1. Participate in or post any information including images which would likely have an adverse effect on the reputation of the employee, another employee, or the CCSO when that posting is related to a personal complaint and grievance about conditions of employment that are not matters of public concern.

2. Display photographs, videos, artwork, caricatures, or other depictions of agency badges, patches, uniforms, vehicles, or other property, which would likely have an adverse effect on the reputation of the employee, another employee, or the CCSO.

3. Display sexual, lewd, violent, racial, ethically derogatory material, comments, pictures, artwork, images, video, or other references which would likely have an adverse effect on the reputation of the employee, another employee, or the CCSO.

D. Employees are responsible for all postings on their personal web pages and social media sites. Should a third-party post information on an employee's social media site which does not conform to the policies of the CCSO, it is the employee's responsibility to remove the adverse posting immediately.

E. Prior to engaging in social networking, employees are strongly encouraged to review CCSO policies and check with their immediate supervisor for guidance.

1-831.4 SHERIFF'S OFFICE OFFICIAL WEBSITES

The CCSO maintains its own website within the Calvert County Government website, and a social media website on Facebook. The maintenance of those sites is the responsibility of the Sheriff or their designee.

Unauthorized postings to those sites are prohibited. This does not preclude personnel from posting comments as long as those comments are in compliance with CCSO policies.

1-831.5 ADMINISTRATIVE OR INTERNAL INVESTIGATIONS

Employees who are under administrative or internal investigation as it relates to this policy, may be asked to provide access to the social media and/or social networking platforms which they maintain or participate for investigative purposes.

1-900 IMPARTIAL POLICING

It is the policy of the CCSO that all investigative and enforcement traffic stops, field contacts, searches and asset seizures and forfeitures will be based upon articulable and constitutionally valid suspicions.

1-901 PURPOSE

This subchapter clarifies the circumstances in which race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or other identifiable groups or other potentially improper criteria can legitimately be used as factors establishing reasonable suspicion or probable cause. It reinforces procedures that serve to assure the public that the CCSO is providing services and enforcing laws fairly, equitably, and impartially.

Specific instructions for the CCSO's implementation of § 25-113 of the Transportation Article of the Maryland Code, *Race-Based Traffic Stops*, is found in Chapter 12, Section 800.

1-902 DEFINITIONS

Investigative stop - A stop based on reasonable articulable suspicion or knowledge of criminal activity. Information may originate with another deputy or by independent investigation.

Enforcement stop - A stop initiated as a result of an observed violation of the criminal or traffic code.

Reasonable and articulable suspicion – Actions taken by the deputy must be reasonable under the existing circumstances and based on the deputy's knowledge at the time. Deputies must be able to point to and describe the specific factors that raised suspicions and led them to take action in connection with the traffic stop.

***Whren* or "pretext" stop** - The U.S. Supreme Court has determined that a law enforcement officer who observes a traffic violation may stop the violator, even though the true reason for the stop is the officer's interest in investigating whether the motorist is involved in other criminal activity. The constitutional reasonableness of a traffic stop does not depend on the actual motive of the individual officer. These types of traffic stops are known as *Whren* or "pretext" stops.

Seizure - In the context of traffic stops, a seizure takes place when a deputy makes an investigative or enforcement stop. Seizures during all traffic stops are subject to Constitutional constraints.

Subsequent seizure - This form of seizure occurs when the original reason for the stop has been satisfied and the deputy continues to detain the motorist and passenger(s). Once the underlying basis for the initial stop has concluded, a police-driver or police-passenger encounter, which implicates the Fourth Amendment, is constitutionally permissible only if (1) the driver and passenger(s) consent to the continuing intrusion, or (2) the deputy has, at a minimum, a reasonable, articulable suspicion that criminal activity is afoot.

1-903 GUIDING PRINCIPLES

A. Law enforcement officers have a duty and authority to investigate suspicious activities that may be associated with the violation of criminal and motor vehicle laws. This duty does not include pursuing hunches or stereotyping, but is limited to reasonable articulable factors, which would likely lead any knowledgeable, reasonable deputy to the same conclusion, i.e. that a violation is occurring or has occurred.

B. All enforcement actions, such as investigative detentions, traffic stops, arrests, searches and seizures, etc., will be based on reasonable suspicion or probable cause as required by statutes and the Fourth Amendment of the US Constitution.

C. Deputies must be able to articulate specific facts, circumstances, and conclusions that support probable cause or reasonable suspicion for all enforcement actions.

D. Deputies may take into account the reported race, ethnicity, gender, or other potentially improper criteria of suspects based on credible, reliable, locally-relevant information that links persons of specific descriptive criteria to particular criminal incidents, or links specific crimes in specific areas to groups of individuals of specific descriptive criteria.

E. Nothing in this or other provisions alters the deputies' authority to conduct enforcement actions or otherwise fulfill their enforcement obligations.

1-904 PROHIBITION OF PROFILING

The Calvert County Sheriff's Office prohibits bias based profiling in traffic contacts, field contacts and asset seizure and forfeiture actions. This policy is intended to reaffirm the Agency's commitment to unbiased policing.

While Section 1-903 permits a deputy to take into account the reported race, ethnicity, gender, or other potentially improper criteria of suspects, it does so only when credible, reliable, locally-relevant information that links persons of specific descriptive criteria to particular criminal incidents, or links specific crimes in specific areas to groups of individuals of specific descriptive criteria.

When those specific conditions do not exist, deputies will not consider race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or other identifiable groups or other potentially improper criteria in establishing either reasonable suspicion or probable cause.

Persons will not be singled out or otherwise treated differently because of their race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or other identifiable groups or other potentially improper criteria.

1-905 TRAINING

Deputies will receive annual training in subjects that promote and encourage impartial policing. Applicable training subjects may include, but are not limited to deputy safety, courtesy, cultural diversity, search and seizure, asset seizure and forfeiture, interview techniques, interpersonal communication skills, and constitutional and case law.

1-906 POLICE-CITIZEN ENCOUNTERS

Police-citizen encounters, when done properly and professionally, have the potential to be positive community relations tools and can be a means of confronting adverse anecdotal information.
Deputies will, as necessary and professionally appropriate, use techniques and strategies to advance the reality of impartial policing. These techniques and strategies include, but are not limited to:

A. Being courteous, polite, and professional.

B. Providing deputies' names and CCSO information and explaining reasons for the stops as soon as practical, unless doing so compromises the safety of deputies or others.

C. Ensuring the lengths of traffic stops, investigative detentions, field contacts, etc. are no longer than necessary to take appropriate actions.

D. Answering questions citizens may have, including any options for dispositions of related enforcement actions.

E. Explaining the credible, reliable, or locally relevant information that lead to stops or contacts, when no enforcement actions were taken.

F. Requesting the presence of supervisory deputies to allow citizens to voice their field contact or enforcement related concerns.

G. Explaining the CCSO's complaint process.

1-907 VIOLATIONS OF POLICY

Violations of this policy, or portions thereof, shall result in counseling, remedial training and/or disciplinary action as set forth in Chapter 4 of this manual.

1-908 ANNUAL REVIEW

The Assistant Sheriff will ensure yearly documented administrative reviews are conducted to examine the CCSO's commitment to impartial policing. Dynamics that are to be included in these reviews include, but are not limited to related General Orders, practices, and citizen concerns.

CHAPTER 2
AGENCY ORGANIZATION

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	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **AGENCY ORGANIZATION**	Chapter **2**
	Affects: **ALL PERSONNEL**	
EFFECTIVE DATE **September 11, 2013**	Rescinds:	Amends: **2-602on 12/1/20**

2-100 AGENCY ORGANIZATION

The CCSO has two major responsibilities -- providing police services to the citizens of Calvert County and court services to the Circuit Court. This chapter of the Manual describes how the Agency is organized to deliver those services.

2-101 RANK PRECEDENCE OF SWORN PERSONNEL

The order of rank precedence of sworn personnel of the CCSO in descending order, from that of most authority, to that of least authority is:

Sheriff
Assistant Sheriff / Rank designated by the Sheriff (either Major or Lt. Colonel)
Captain (CAPT)
Lieutenant (LT)
First Sergeant (F/SGT) and Detective Sergeant (D/SGT)
Sergeant (SGT)
Corporal (CPL) Master
Deputy (MD) Senior
Deputy (SD) Deputy First
Class (DFC) Deputy
Sheriff (D/S)

The abbreviation of rank listed above for each rank is appropriate for all official documents and correspondence. Personnel of this Agency will ensure that these abbreviations are used when it is appropriate to use an abbreviation of rank.

The ranks identified above are used throughout the Agency. Regardless of where in the Agency a position is located, it is equivalent to a position of the same rank elsewhere in the Agency.

2-102 COMMAND PROTOCOL

In the absence or unavailability of the Sheriff, their functions will be carried out by the Assistant Sheriff or another person designated by the Sheriff or Assistant Sheriff.

Chapter 14 of this Manual describes the command structure of the CCSO for unusual occurrences. Where personnel of different commands are engaged in a single operation, a

commander designated by the Sheriff or Assistant Sheriff will have primary responsibility for the operation. That commander will determine the chain of command for the joint operation.

In regular, daily Agency operations, the CCSO will follow the command structure as reflected in the Agency organization chart. The first deputy arriving on the scene of an incident will be in charge of the scene, until relieved by a commissioned or non-commissioned CCSO deputy of higher rank.

2-103 DUTIES AND RESPONSIBILITIES OF COMMAND / MANAGEMENT

Under the direction of the Sheriff and Assistant Sheriff, the Command Staff will ensure that there is communication among all components of the CCSO and that they regularly coordinate their activities. Written communications, including revisions to this Manual, as necessary, are encouraged as a means of transmitting information.

The Sheriff will hold meetings of all supervisors as needed for the purpose of notifying supervisors of new developments. It is the supervisors' responsibility to ensure that their subordinates are briefed of the information presented at the meeting. Each such meeting will be preceded or followed by a meeting of all command staff for the same purpose.

In addition to specific duties and responsibilities particular to their components, commanders and supervisors will:

A. Ensure a uniform standard of discipline.
B. Periodically conduct staff meetings with employees under their supervision. The attendance and minutes of such meetings will be recorded and maintained within the component, for so long as they may be of value, but in no case for less than one year from the date of the meeting. Staff meetings are for the purpose of:

    1. Exchanging information and ideas at all levels of the component;
    2. Identifying problems and seeking solutions.

C. Email the minutes of the supervisors' meeting to all personnel in a timely fashion.
D. Provide for frequent inspection of the facilities, equipment and personnel within the component, and provide for prompt corrections of deficiencies discovered, as a result of these inspections.
E. Ensure that all files and records are accurately maintained.
F. Ensure that all Agency property is properly maintained.
G. Assign personnel to meet workload requirements most effectively.
H. Account for the use of vehicles assigned to their component.
I. Control and direct subordinates through direct supervision and leadership.
J. Maintain such working hours as may be necessary in order to accomplish the duties and responsibilities associated with the supervision of their component.
K. Ensure the proper security, disbursement and accountability of funds entrusted to their component.
L. Provide individual copies of work schedules for personnel who work rotating shifts.
M. Perform, at minimum, a twice-yearly inspection of all property and equipment.
N. Review the monthly activity/statistical reports for components under their supervision.
O. Conduct an annual review of the workload statistics on the components under their supervision and forward a summary to the Assistant Sheriff.

In circumstances where an incident has occurred where there may be a question as to the Agency's liability, or those which may result in heightened community interest, the Sheriff, Assistant Sheriff, and the on-call commander will be notified, outlining the incident that occurred. The following are examples of such incidents as described above; however, it is not an all-inclusive list:

- Deputy involved shooting both on-duty and off-duty
- Deputy involved accident with injuries
- Deputy involved in a domestic violence case
- An arrest of a deputy
- Any incident where a deputy may be arrested for a criminal violation
- A complaint by a citizen that could erupt into violence, such as a racial brutality complaint
- Death or suicide at the Detention Center
- Homicide
- Child abduction
- Critical missing person
- Barricade incident
- High speed pursuit
- Natural disaster

All other circumstances briefing information will be supplied via the Calvert County *Commander's Summary*, email or daily roll call postings.

2-104 WORKLOAD ASSESSMENTS

The intent of this policy is to ensure proper workloads within the organization, along with suitable allocation of personnel to handle such workloads in an equitable manner. The Patrol function, the Investigative function, the Administrative function, and area specialized functions will each be decidedly different in workload assessments. Each function shall rely on similar activities to determine workloads, yet each will vary significantly in workloads handled. Allocation will be based upon need.

All functions shall be evaluated on a consistent basis to determine if the needs of citizens are met in terms of response and performance. An actual review of workload demands and allocation of personnel shall take place as needed, by the commanders of each bureau, with a report submitted to the Sheriff through the Assistant Sheriff. These reports will include their findings and recommendations. The reports will also aid the Assistant Sheriff while preparing the budget for the following fiscal year.

Many factors influence workload demands, allocation and distribution of personnel, such as: number of calls; complexity of calls; frequency of calls; location; time of day; day of the week; officers' time off, to include regular leave, holiday leave, annual and other forms of leave.

The Patrol function will be staffed in suitable numbers to handle the daily calls for service with a minimum of call stacking. Service to the citizen should be in a timely manner and distribution of personnel relates directly to number of calls during any particular time of the day and day of the week. The Agency has established a minimum manpower standard for each shift: early shift and late shift. These standards require that each shift be staffed by a suitable number of deputies to effectively and efficiently handle calls for service. Those standards will be a part of the annual review by the Patrol Commander.

All assessments performed concerning workload and distribution of personnel should be done with the ultimate goals of improvement of performance, effectiveness and efficiency. Assessments should also identify geographic needs and potential changes, along with strengthening staffing allocation needs in specific areas. These assessments and evaluations should impact the operation of the Agency in a manner designed to effect constant improvement in law enforcement services.

2-105 DISTRIBUTION OF PERSONNEL

The Agency manages distribution of personnel based upon need. Need is identified through analysis of work load, crime occurrences, accident occurrences and locations, population-based needs while reviewing calls for service and special crime, investigative and tactical needs.

Decision-making regarding distribution of personnel ultimately rests with the Sheriff. The decisions concerning assignments are based upon input from the commanders of all bureaus within the Agency and the Assistant Sheriff. A careful review concerning need will be conducted, keeping the organizational needs in mind, and reported to the Sheriff for review prior to distribution and assignment of personnel. Allocation of personnel is also reliant upon the budget process. Allocation is based upon importance of need and the numbers reflective of those personnel granted during any given fiscal year through approval of the Board of County Commissioners.

2-200 ORGANIZING PRINCIPLES

Command within the CCSO is based around several organizing principles:

A. When a position is charged with a responsibility for the accomplishment of a particular task, the commensurate authority is conveyed to accomplish the responsibility.
B. Regardless of rank or current assignment, all sworn personnel are required to maintain a level of general health and fitness sufficient to carry out the essential duties of their positions, with or without reasonable accommodation. See 5-200 for more details.
C. All employees are accountable for the use of delegated authority.
D. Each supervisory employee, at every level of the Agency, is accountable for the activities of employees under their immediate control.
E. Each employee is accountable to only one supervisor at any given time.
F. All communications, unless otherwise specifically directed, will follow the chain of command.

The CCSO organizational structure also reflects the principle that each component is under the direct command of only one supervisor.

2-201 SPECIALIZED ASSIGNMENTS

Specialized assignments require special training in the field of endeavor, specific re-training and in some cases certification to perform the specialized function. Experience in the specialized field is encouraged.

The following positions within the CCSO are considered part-time, specialized assignments and are in addition to the deputy's regular assignment:

- Field Training Officer (FTO)
- Hostage Negotiator

- Conflict Management Team
- Stress Management & Resource Team (SMART)
- Honor Guard
- Drug Recognition Expert
- Intoximeter Operator
- Firearms Instructor
- Polygraph Examiner
- Bike Patrol Unit
- Motor Unit
- Crash Reconstruction Unit

The following positions are full-time specialized assignments:

- K-9 Master Trainer (civilian)
- Criminal Detective
- Drug Enforcement Detective
- Southern Maryland Information Center (SMIC) Detective
- Warrant Unit
- Professional Standards Detective
- K-9 Deputies

2-300 DUTIES AND RESPONSIBILITIES OF THE SHERIFF

The Sheriff is an elected State Official who has duties and responsibilities assigned by the Maryland State Constitution, the Common Law and Statutory Law of the State of Maryland. Some of the duties and responsibilities of the Sheriff are found in the following list. This list is for informational purposes and places no additional duty or responsibility upon the Sheriff, not already found in law.

The Sheriff:

- Is the final authority for all matters of policy, operations and discipline.
- Establishes orders, rules and regulations for the administration of the Agency.
- Is the final approval authority for all additions, deletions or changes to the Manual.
- Is the authority for all planning, direction, coordinating, controlling and staffing activities of the Agency.
- Is architect and approval authority for the Agency's organizational structure.
- Provides for the oversight of the efficiency and effectiveness of all Agency operations and functions.
- Provides direction to maintain all Agency functions and operations within the framework provided by law.
- Provides for the maintenance of cordial and effective relationships between the Agency, other government agencies, political entities, the business community, civic organizations and the citizens.
- Provides for Agency staffing by presenting requests for funding to the Calvert County Board of Commissioners, and through such, other avenues of revenues as may be appropriately available for this purpose.
- Administers funds to accomplish the Agency's goals and objectives.
- Provides for the establishment and maintenance of goals and objectives for the Agency.
- Establishes standards of performance and moral character for the Agency's employees.

- Establishes the various duties and responsibilities for components of the Agency and its employees.
- Provides training and leadership to employees in order to accomplish the goals and objectives of the Agency.

2-301 NOTIFICATION OF SHERIFF IN EVENT OF CERTAIN OCCURRENCES

As the CCSO's Chief Executive Officer, the Sheriff will be notified **FIRST** and briefed immediately of certain significant events. Examples of those types of events include the following:

- Homicides
- Other death investigations that are suspicious in nature
- Sexual assaults
- Robberies
- First degree assaults
- Fatal crashes
- Barricades
- Home invasion
- Suicides
- Use of force incidents resulting in death or serious bodily injury
- Departmental crashes involving injury or death
- Departmental shootings
- Domestic violence situations involving a CCSO employee
- Any action by a CCSO employee, which may result in a significant loss of CCSO or citizen property

If the Sheriff cannot be reached via cell phone or at home, the notification will be made to the Assistant Sheriff.

After notifying the Sheriff**, if a commander is not working or on the scene,** the on-call commander will be notified. Notifications will be followed up with a commander's e-mail by either the on-duty supervisor, SCO, or investigator outlining the events.

If the event does not meet the above criteria for an immediate notification to the Sheriff, but circumstances may rise to the level of a command notification, then a **commander's e-mail** will suffice. Examples of those types of events are:

- Commercial Burglaries
- Vehicle Pursuits where there is no injury or damage to person(s) or property
- Unattended Deaths where there are no suspicious circumstances (Provide Name and DOB)
- Departmental Crashes where there is no injury and/or minimal damage to property
- Or any other event, which in a deputy's view, may result in a heightened community or media interest.

2-310 EXECUTIVE ADMINISTRATIVE AIDE

The Executive Administrative Aide performs executive administrative support and office management work in support of the Sheriff and Assistant Sheriff. Her responsibilities include the following:

- Process leave/overtime slips and prepare payroll.
- Monitor and maintain the CCSO budget.
- Order supplies and approve payment of same.
- Maintain personnel files and ensure confidentiality of same.
- Communicate with vendors in reference to services, problems, etc. on behalf of department personnel.
- Ensure compliance with County and departmental policies.
- Oversee petty cash fund and use of Agency credit cards.
- Process Sheriff's fees collected.
- Maintain all office equipment and arrange for repair or replacement when needed.
- Assists callers in making use of departmental services.
- Receive, screen and route mail.

2-400 ASSISTANT SHERIFF – MAJOR OR LT. COLONEL

The Assistant Sheriff is a sworn officer who is designated "second in command," as provided for in the Courts and Judicial Proceedings Article (CJ § 2-310) of the Annotated Code of Maryland. The Assistant Sheriff is responsible to fulfill the duties and responsibilities of the Sheriff during periods of absence or incapacitation of the Sheriff.

In addition to, and/or as enumerated by, the position description for their position, the Assistant Sheriff will have the following duties and responsibilities:

- Provide direct supervision of the bureau commanders.
- Provide the Sheriff with timely and complete information concerning all the activities under the Assistant Sheriff's control, and any information received having a significant impact upon the Agency, its areas of responsibility or its operations.
- Continually monitor the functions and personnel under the command and control of the position of Assistant Sheriff in order to determine their proper functioning.
- Make recommendations to the Sheriff for improvements in policies and procedures in order to enhance the effectiveness and efficiency of the Agency.
- Coordinate efforts in response to unusual occurrences, marshaling the resources of the Agency and acting as advisor to the Sheriff.
- Authorize policy documents for inclusion in the Agency Manual on behalf of the Sheriff.
- Make recommendations to the Sheriff for development of both long and short-term goals.
- Write and manage the Agency budget.

2-410 OFFICE OF PROFESSIONAL STANDARDS

The Office of Professional Standards is responsible for conducting, coordinating, and supervising administrative investigations of Agency employees in accordance with all applicable laws, and LEOBR. Other responsibilities include:

- Communicates with the Sheriff, Assistant Sheriff, and all Bureau Commanders regarding personnel issues.
- Maintains and reviews the following Agency records to include citizen and internal complaints against personnel: Use of force reports, Agency vehicle accidents, vehicle pursuit reports, civil lawsuits, and authorized secondary employment paperwork to ensure conformance with Agency policy and procedures.
- Monitors the Agency's Personnel Early Warning System, and reports activations of the system to the Assistant Sheriff and the appropriate bureau commander.
- Coordinates and provides support for all suspension and administrative hearing boards.
- Coordinates with legal counsel regarding all civil lawsuits brought against the Calvert County Sheriff's Office and its personnel.
- Supports miscellaneous requests from other bureau commanders as assigned by the Assistant Sheriff.

2-411 OFFICE OF PROFESSIONAL STANDARDS COMMANDER

The Office of Professional Standards (OPS) Commander is responsible for all operational and administrative functions of OPS. The OPS Commander reports directly to the Assistant Sheriff.

The OPS Commander's responsibilities include, but are not limited to the following:

- Communicate with the Sheriff, Assistant Sheriff, and Bureau Commanders on a frequent basis regarding OPS investigations, conduct and practices that pose potential negative impact to the agency, and training opportunities and necessities.
- Conduct and oversee OPS investigations.
- Assign professional standards investigations to OPS investigators.
- Administrator of the Professional Standards tracking software IAPRO and Blue Team application.
- Prepare annual OPS statistical information for the Assistant Sheriff.
- Inspect personnel, equipment and other resources assigned to OPS on a regular basis.
- Assist with the preparation of Agency disciplinary hearing boards.
- Other responsibilities at the direction of the Sheriff or Assistant Sheriff.

2-500 PATROL BUREAU

The Patrol Bureau is a proactive bureau within the CCSO, which provides immediate police services to the citizens of and visitors to Calvert County. The Patrol Bureau's primary goal is the development and maintenance of a safe and orderly environment for the people who are within the geographical boundaries of Calvert County. The Bureau provides uniformed patrol coverage, 24-hours per day, 7 days per week in order to respond to calls for service, deter criminal activity and watch for conditions, which pose a public danger.

The Patrol Bureau consists of uniformed Patrol squads, and their supervisors, who work rotating shifts in order to provide immediate, 24-hour law enforcement coverage. It also includes the court scheduling; the Community Action Team; the Crime Suppression Team; the Agency fleet; the mobile data terminal, body camera and in-car video camera systems; Bureau grant projects; Sheriff's communications operators; and civilian personnel, specifically assigned to the Bureau.

2-501 PATROL BUREAU COMMANDER

The Patrol Bureau Commander is a sworn position with the rank of captain and responsible directly to the Assistant Sheriff. He is responsible for the direct supervision of Assistant Patrol

Commanders and the Commander of the Twin Beaches. He is also responsible for the direct supervision of administrative duties pertaining to the daily operation of the Bureau, and the performance of all personnel assigned to the command.

The Patrol Bureau Commander is responsible for, but not limited to the:

- Initial response to all calls for service which are directed to the Bureau.
- Patrol of all areas of the County with the purpose of crime prevention and detection.
- Detection of conditions which present a hazard to the citizens of the County.
- Removal of hazards and/or warning of citizens of such hazards if it is within their ability to do so, using the available resources of the Agency and County.

The Patrol Bureau Commander will inspect the personnel, equipment, facilities and other resources assigned to the command on a regular basis. They will be responsible to maintain these elements of the command in compliance with the policies set forth in this Manual and in other official directives of the Agency.

2-502 PATROL BUREAU DEPUTY AND ASSISTANT COMMANDERS

The Patrol Bureau Deputy and Assistant Commanders are sworn command positions, holding the ranks of lieutenant, or first sergeant respectively. They will assist the Bureau Commander in fulfilling the responsibilities associated with the management of the Bureau and its respective functions.

In the absence of the Bureau Commander, he will designate either the Deputy or Assistant Commander to assume full command of the Bureau with the same responsibilities, objectives, and functions of the Commander.

2-503 PATROL SERGEANTS

Sergeants assigned to the Patrol Bureau are generally responsible for and supervise a Patrol squad consisting of at least one corporal and a complement of deputies first class and deputy sheriffs. Patrol sergeants directly supervise corporals assigned to the Patrol Bureau. Sergeants assigned to the Patrol Bureau serve as the Patrol supervisor while their respective squads are on duty. There will be a sergeant or corporal assigned to assist the SCO during the day and late shifts, as needed, or at the request of the SCO due to a significant increase in the daily workload. The sergeant may be required to serve as duty officer during the early and late shifts in the absence of the SCO. The duty officer will remain in the front office area of the Sheriff's Office to answer phones, greet the public, and make decisions concerning Sheriff's Office business as they present themselves. The sergeant has the authority to designate any sworn member of their respective squad as the duty officer.

Sergeants assigned to the Patrol Bureau have the ultimate responsibility of ensuring that personnel under their command comply with Agency policies and procedures, complete assignments as required, perform the duties of a deputy sheriff, submit required reports and other documents by assigned due dates and in accordance with Agency policy, directives, and state laws.

2-504 PATROL CORPORALS

Corporals assigned to the Patrol Bureau directly supervise DFC's and deputies assigned to their respective squads. Corporals assigned to the Patrol Bureau act as the Patrol supervisor in the absence of the sergeant. Corporals assigned to the Patrol Bureau assume the same

responsibilities as the sergeant with respect to ensuring that personnel under their command comply with Agency policies and procedures; complete assignments as required; perform the duties of a deputy sheriff; submit required reports and other documents by assigned due dates, and in accordance with Agency policy, directives, and state laws.

2-505 PATROL MASTER DEPUTY, SENIOR DEPUTY, AND DEPUTY FIRST CLASS

Patrol master, senior, and deputies first class will have the following duties and responsibilities:

- Patrolling the County
- Conducting business checks
- Seeking to prevent crime
- Apprehending and processing violators of the law
- Enforcing motor vehicle laws and promoting highway safety
- Investigating vehicle collisions
- Serving criminal and civil process
- Rendering assistance to persons, where health or property may be in jeopardy
- Conducting preliminary investigations of all cases where the Criminal Investigation Bureau does not respond, including:
    - Observing all conditions, events and remarks
    - Identifying, locating and interviewing the complainant/victim and all witnesses
    - Maintaining, protecting, processing or arranging for the processing of the crime scene and the collection of evidence
    - Maintaining records, and
    - Preparing reports
- Acting in a supervisory role in the absence of a supervisor

2-506 PATROL DEPUTY

A Patrol deputy has the same responsibilities as a deputy first class (above), except that they do not take a supervisory role in the absence of a supervisor.

2-510 CRIME SUPPRESSION TEAM (CST) / COMMUNITY ACTION TEAM (CAT)

Both the Crime Suppression Team and Community Action Team fall under the authority of the Patrol Bureau and encompass, but are not limited to the following duties and responsibilities:

- Traffic enforcement activities
- Community patrols and enforcement activities
- Drug Abuse Resistance Education (DARE) Program
- Crime prevention activities
- Recruitment activities
- Honor Guard
- Bike Patrol Unit
- Motorcycle Unit

2-511 CRIME SUPPRESSION TEAM / COMMUNITY ACTION TEAM SUPERVISOR

The Crime Suppression Team / Community Action Team Supervisor is responsible to direct and monitor Agency selective traffic and criminal enforcement activities. This responsibility is addressed both by deploying the resources of the CST and CAT, as well as recommending specific locations for special enforcement to supervisors of other bureaus or agency components. When recommendations are made, the specific enforcement actions will be outlined to include the agency's expectations. Traffic, criminal, or community issues requiring special enforcement action will be detailed citing the specific times of day and days of the week when the problems are most likely to occur.

2-520 PATROL CIVILIAN SUPPORT SERVICES

2-521 SHERIFF'S COMMUNICATIONS OPERATOR SUPERVISOR (SCO SUPERVISOR)

The SCO Supervisor supervises the SCO's and answers directly to the Patrol Bureau Assistant Commander. This critical supervisory position is responsible for the daily activities of the Sheriff's Communications Operators assigned to the Calvert County Sheriff's Office. Work involves planning, assigning, supervising, training, assisting and evaluating the work of assigned personnel. Supervisory duties are carried out in accordance with general work instructions and established office practices, procedures and precedents.

2-522 SHERIFF'S COMMUNICATIONS OPERATOR (SCO)

The SCO is assigned to the front office of the Sheriff's Office and answers directly to the SCO Supervisor in reference to all administrative needs, training, and performance evaluations. As the SCO Supervisor does not generally work shift work, the SCO is often under the direct supervision of the Patrol supervisor for daily operations.

The SCO performs general office clerical work in the front office of the Calvert County Sheriff's Office. The work involves learning office functions and procedures such as telephone and visitor reception, computer operation, photocopy machine operation, and other general office clerical tasks. The work requires ability to operate keyboard device and interface with various law enforcement and public safety computer systems. The work is performed under general supervision of sworn staff or higher graded civilian staff.

2-523 PATROL BUREAU OFFICE SPECIALIST II

There is an Office Specialist II (OS II) assigned to the Patrol Bureau. The OS II reports directly to the Patrol Bureau Deputy Commander. The OS II prepares the monthly schedule for the Patrol Bureau, compiles traffic citation data, compiles statistical reports, maintains records for DUI related arrests, maintains files for traffic accident reports, maintains files for racial profiling data collection, maintains files for equipment repair orders, prepares memos and correspondence, schedules meetings, and other duties as they relate to the operations of the Patrol Bureau.

2-524 PATROL BUREAU OFFICE ASSISTANT II

The Office Assistant II (OA II) assigned to the Patrol Bureau is supervised by the Patrol Bureau OS II. Her responsibilities include:

- Processes accident reports and DWI's into computer database, codes and verifies data;

- Transmits accident reports and DWI investigations to the State's Attorney's Office, the courts, other state agencies, and private insurance companies;
- Composes correspondence, reports; and statistics;
- Serves as Smooth Operator Coordinator for the State of Maryland;
- Processes and maintains vehicle impound information;
- Serves as backup to the Patrol Bureau Office Specialist II supervisor; and
- Serves as backup to the Program Administrator for the Delta Plus Software Program.

2-525 AUTOMATED ENFORCEMENT PROGRAM (AEP) ADMINISTRATOR

The AEP Administrator is a sworn contract deputy position, which oversees the Automated Enforcement Program. This position reports directly to the Patrol Bureau Commander.

The Automated Enforcement Program encompasses the Sheriff's Office Speed and Red Light Camera program, as well as the Body Worn Camera, and In-Car Video Programs.

Responsibilities include, but are not limited to, handling telephone inquiries, reviewing and approving citations for accuracy and completeness, resolving any camera issues, reviewing and disseminating body camera and in-car video footage, and conducting other assigned support functions.

The AEP Administrator will be required to complete court packets and other court related documents, as well as testify in court as to the validation of the speed and red-light camera citations.

2-600 CRIMINAL INVESTIGATIONS BUREAU

The Criminal Investigations Bureau consists of the Criminal Investigations Unit; Drug Enforcement Unit; Fugitive/Warrant Unit; Crime Scene Unit, LiveScan fingerprinting; Records Unit; School Liaison Program; SMIC Detective; Orders of Protection; and the Property Management function.

CIB is charged with the responsibility of investigating serious crimes that occur in Calvert County. Detectives also investigate more complex and time-consuming crimes such as identity theft and computer/internet crimes. For a detailed list of crimes handled by CIB, see Chapter 15.

2-601 CRIMINAL INVESTIGATIONS BUREAU COMMANDER

The Criminal Investigations Bureau Commander is a sworn position with the rank of captain. The Commander shall be responsible directly to the Assistant Sheriff for all matters pertaining to the Criminal Investigations Bureau. The Commander is responsible for the administration of all the personnel assigned to the Bureau. The Commander shall:

- Develop programs and policies which foster close cooperation between CIB personnel and other personnel within the CCSO.
- Develop policies to ensure criminal investigations are conducted properly and prepared for presentation before the courts.
- Provide personnel and resources assigned to CIB for response to crime scenes and requests for assistance.
- Assist other law enforcement agencies with ongoing criminal investigations.
- Provide methods for the exchange of information between the CCSO and other law enforcement agencies in matters of mutual interest.

- Evaluate the methods of operation of CIB and make recommendations for its improvement.
- Train subordinate personnel in the operation and management of CIB.
- Inspect or cause to be inspected all personnel and equipment under their command on a periodic basis.

2-602 CRIMINAL INVESTIGATIONS BUREAU DEPUTY AND ASSISTANT COMMANDERS

The Criminal Investigations Bureau Deputy Commander and Assistant Commander are sworn command positions and hold the rank of lieutenant and first sergeant respectively. They report directly to the CIB Commander. These commanders are responsible for the administration and day to day operations of the Bureau, which includes the following units:

- Criminal Investigations Unit
- Drug Enforcement Unit
- Warrant/Fugitive Unit
- School Liaison Unit
- Child and Adult Protective Unit
- Orders of Protection Office Specialist I
- Property/Evidence Function
- Crime Scene Unit
- Records Section
- SMIC
- Crime Analyst
- PIO Press Relations
- Polygraph Unit (6 examiners)
- Special Projects Coordinator (Annual Report)

The Deputy Commander and Assistant Commander shall ensure that all the responsibilities of the various units are handled in the most efficient and effective manner possible. The Assistant Commanders will ensure that the various functions are staffed in a manner which provides support to the Agency Patrol function, while providing for the necessary investigation of the cases currently active within the Bureau.

The Deputy Commander and Assistant Commander will maintain an awareness of the current workloads of the various units within their Bureau and adjust assignments to compensate for uneven workloads. They will be aware of any major investigations currently under way and will ensure that the Criminal Investigations Bureau Commander is kept apprised of the status and progress of such cases. The Deputy Commander and Assistant Commander will keep informed with regard to all the functions of the Criminal Investigations Bureau through close cooperation with the Drug Enforcement Unit Supervisor, Warrant/Fugitive Supervisor and the Bureau Commander. The Deputy Commander will assume the responsibilities of the Bureau Commander in their absence.

2-603 CRIMINAL INVESTIGATIONS BUREAU SERGEANTS & CORPORALS

Sergeants and corporals are detectives with supervisory responsibilities within the Criminal Investigations Bureau. They handle a caseload, along with supervising the detectives assigned to them.

2-604 CRIMINAL INVESTIGATIONS BUREAU DEPUTIES & DEPUTIES FIRST CLASS

Deputies and deputies first class within CIB are assigned as detectives and do the following:

- Stay apprised of current legal decisions and updates which have an effect on investigations (i.e., search and seizure procedures, criminal law updates, revisions, etc.).
- Fairly and impartially investigate all cases assigned.
- Attend all assigned training and notify their supervisor of any relevant training opportunities that arise.
- Periodically attend Patrol roll calls in order to provide for an exchange of information.
- Assist other deputies and outside agencies/investigators with investigations.
- Interview complainants, victims, witnesses, and suspects.
- Document, photograph and recover evidence.
- Arrange for sexual assault forensic exams of victims, when appropriate.
- Obtain and execute search and seizure warrants.
- Obtain subpoenas and releases for information pertinent to investigations from such sources as banks, hospitals, phone companies, and other government or private organizations.
- Document investigations on appropriate forms.
- Cooperate with the State's Attorney's Office to prepare cases for court presentation, and will be prepared to testify in any criminal matter as needed.

2-610 DRUG ENFORCEMENT AND CRIMINAL INTELLIGENCE

2-611 DRUG ENFORCEMENT UNIT

The Drug Enforcement Unit is a section within the Criminal Investigations Bureau. A Sheriff's Office supervisor has been designated as the unit supervisor. The Drug Enforcement Unit is responsible for investigating felony drug violations within Calvert County, concentrating on the sales and distribution of illicit drugs.

2-612 SMIC DETECTIVE

The Calvert County Sheriff's Office participates in the Southern Maryland Information Center (SMIC), which is a multi-jurisdictional task force formed in 2007 to enhance the development and sharing of criminal intelligence in the Southern Maryland region. The Calvert County Sheriff's Office has a minimum of one (1) sworn officer assigned to SMIC. This officer serves as the primary intelligence officer for the agency and is responsible for the regular flow of information between SMIC and the CCSO.

2-613 DRUG INTELLIGENCE PROGRAM COORDINATOR

The Drug Intelligence Program Coordinator is a full-time contract position, whose function is to work with the Drug Enforcement Unit and other law enforcement agencies in researching, collecting data, and investigating drug activities in the County. Other responsibilities include analyzing reports, traffic stops, and drug intelligence; examining overdose cases for prosecutorial purposes; and ensuring partnerships are in place with other agencies for responding to both fatal and non-fatal drug overdoses. They will enter all drug investigations, drug seizures, drug arrests, heroin and opioid overdoses, and other drug related activities into HIDTA's (High Intensity Drug Trafficking Areas) Case Explorer, as well as assist with drug- related cellular phone extraction. The work is performed under the supervision of the Drug Enforcement Unit Supervisor.

2-614 CRIME ANALYST

The Crime Analyst is a non-sworn position specializing in identifying crime patterns, suspect patterns, and possible identification of persons perpetrating crime, and disseminating information that helps develop tactics and strategies to solve crime patterns and trends. Other responsibilities are as follows:

- Networks with other regional crime intelligence analysts and law enforcement agencies to share intelligence, strategies, training, and techniques;
- Reviews calls for service and compares with past reports;
- Reviews other agency bulletins and information, local newspapers, and research material that may have an effect or be connected to crime in Calvert County;
- Prepares crime trend reports and bulletins to include statistical abnormalities, modes of operation, movement patterns, mapping, and charts products based on analysis;
- Disseminates pertinent information to the appropriate bureau commander;
- Uses various law enforcement databases and crime mapping software to discern possible patterns or trends to prepare for CompStat;
- Provides analytical and technical support to the Southern Maryland Information Center; and
- Prepares charts, graphs, statistics, and maps for cases going to trial, as required by investigators, deputies, and the Calvert County SAO.

The Crime Analyst works under the supervision of the Deputy Commander of the Criminal Investigations Bureau.

2-620 WARRANT/FUGITIVE UNIT

The Warrant Unit is responsible for the service of criminal process such as arrest warrants, bench warrants, civil/child support warrants, and criminal summonses.

2-621 WARRANT/FUGITIVE UNIT SUPERVISOR

The Warrant/Fugitive Unit Supervisor is responsible for the daily operation of the unit. The supervisor maintains a close working relationship with the courts and other concerned agencies. The supervisor maintains monthly and yearly statistics for reporting purposes. The supervisor is also responsible for making arrangements for all fugitive extraditions.

2-622 WARRANT/FUGITIVE UNIT DEPUTIES

Deputies assigned to the Warrant/Fugitive Unit are responsible for the service of criminal process assigned to the Calvert County Sheriff's Office. Two of the positions within the unit are grant funded and their primary responsibility is the service of child support warrants.

2-623 OFFICE ASSISTANT III (WARRANT UNIT)

The Office Assistant III assigned to the Warrant Unit is responsible for data entry of civil and criminal warrants/processes. The Office Assistant III enters, modifies, clears, cancels, etc., civil and criminal warrants/processes in the Agency computer system. She ensures that warrants are entered and cleared in METERS and NCIC as needed. The Office Assistant III prepares warrants and other process for assignment to a deputy.

2-624 OFFICE ASSISTANT II (WARRANT UNIT)

The Office Assistant II within the Warrant Unit assists the Office Assistant III with her duties as described above. In addition to those duties, the Office Assistant II assists other administrative staff as needed.

2-630 SCHOOL LIAISON DEPUTIES

Under a mutual agreement with the Calvert County Board of Education, the Calvert County Sheriff's Office provides school liaison deputies to the county middle and high schools, with the elementary schools being covered as needed. The school liaison deputies are assigned to the Criminal Investigations Bureau. The Criminal Investigations Bureau Assistant Commander who supervises the School Liaison Unit will have overall responsibility for the Agency's juvenile operations. However, the responsibility for participating in or supporting the Agency's juvenile operations will continue to be shared by all components and employees of the Agency.

The school liaison deputy is an important part of the Agency's delinquency prevention strategy and mentorship program. It is an intensive education and proactive initiative to intervene in juvenile delinquency before it becomes problematic. It is also a quasi-mentorship program to foster positive relationships between the police and youth, as well as an added educational resource in our schools. School liaison programs provide a forum through which students, parents, faculty, and law enforcement officers can become acquainted and as a result earn mutual respect.

2-631 DUTIES AND RESPONSIBILITIES

The school liaison deputies have the following duties and responsibilities:

- The deputy primarily works in the County high schools, but also works within the middle schools and elementary schools.
- Take appropriate action for any onsite situations requiring police attention and when available, will conduct preliminary investigations involving school students.
- Conduct classroom instruction on prevention of delinquency and education on appropriate subjects to elementary, middle, and high school students, faculty, parents, and staff.
- Inform the various school administrations of current student criminal involvement and criminal trends that affect the safe environment of the school.
- Act as a resource to deputies and detectives regarding juvenile matters.
- The deputy works very closely with the Department of Social Services and assists them with investigations that involve children within the school system.
- Work very closely with the Department of Juvenile Services regarding issues such as truancy and family matters outside of school.
- Provide individual mentoring and guidance to students as necessary.

2-632 ANNUAL REVIEW

Annually, prior to the beginning of each school year, the school liaison deputies meet with various members of the school administrations to review the events and issues of the previous school year to determine what changes/improvements can be made.

2-633 WORK SCHEDULE

The school liaison deputies generally work the hours and days that school is in session. When a deputy is not working on a school day due to leave or some other circumstance, they are responsible for coordinating with the CIB Deputy Commander to ensure that other personnel cover their area of responsibility.

During the summer, when school is not in session, the school liaison deputies participate in juvenile related activities such as, Camp Jr. Sheriff, Camp Cops, and the Junior Police Academy. If feasible, they will also attend annual police in-service training during that time. When not tasked with these duties, the deputies can be temporarily assigned to Patrol duties, investigative duties, or any other duties necessary to assist other units or bureaus within the Agency. The CIB Deputy Commander will be responsible for coordinating these duties.

2-634 COOPERATION WITH THE DEPARTMENT OF JUVENILE SERVICES

All members of the Calvert County Sheriff's Office will cooperate with personnel from the Department of Juvenile Services. Agency policies and procedures relating to juveniles will be provided to personnel from the Department of Juvenile Services for review and comment.

2-640 PROPERTY AND EVIDENCE

2-641 PROPERTY / EVIDENCE MANAGER

The Property/Evidence Manager is a civilian position within the Sheriff's Office. The Property/Evidence Manager maintains safe custody of evidence/property to ensure the accuracy of records and proper cataloging of property. Their work involves the safe keeping and accounting of seized money to include deposits to the Treasurer's Office. The Property/Evidence Manager tracks vehicles at the impound lot and routinely conducts authorized removal of personal property.

2-642 CRIME SCENE TECHNICIAN

Crime scene technicians are civilian positions within the Sheriff's Office Criminal Investigations Bureau. They are responsible for processing the scenes of criminal events to locate, identify, collect, preserve and examine physical evidence. Their duties include lifting latent fingerprints, taking specialized photographs, developing and preparing specialized drawings and diagrams necessary for the prosecution of a particular case, and providing expert testimony in court.

The crime scene techs also oversee all aspects of the LiveScan fingerprinting program: scheduling appointments, fingerprinting, processing, collecting fees, and maintaining records.

2-650 CIB SUPPORT SERVICES

2-651 RECORDS EXECUTIVE ADMINISTRATIVE AIDE

The Records Executive Administrative Aide provides support to CIB, as well as supervises the three Records' office assistants within the bureau. Additionally, the Records Executive Administrative Aide is the Quartermaster and will provide support to the entire agency for issuing and replacing personal protective equipment and uniforms. Their other responsibilities include the following:

- Process and manage the Maryland Uniform Crime Reporting (UCR);

- Oversee and manage Public Safety technology to include software and hardware;
- Provide administrative support;
- Provide supervision for records staff;
- Coordinate, manage, distribute, and maintain the security of all clothing and equipment;
- Provide user training on the Agency Records Management System;
- Process expungements;
- Liaison for CJIS (Terminal Agency Coordinator and Site Security Coordinator);
- Coordinate and manage audits (METERS/NCIC, fingerprint, and juvenile holding);
- Assist CIB detectives by balancing the DEU financial ledger; and
- Investigate and request titles for forfeited vehicles based on court orders.

2-652 RECORDS OFFICE ASSISTANT III

The Office Assistant III is responsible to:

- Process all case reports for both the Patrol Bureau and Criminal Investigations Bureau personnel, by coding and merging data into the Agency Records Management System and scanning accompanying documents;
- Enter monthly Youth Report statistics into the Maryland Governor's Office of Crime Control and Prevention database;
- Enter warrant/summons arrest data for criminal report cases;
- Maintain the missing persons files;
- Back-up for the Records Administrative Aide;
- Assist with processing requests for criminal police reports, and
- Assist with processing criminal background investigations for investigators.

2-653 RECORDS OFFICE ASSISTANT II (1)

There are two Records Unit Office Assistant II's, each with separate duties and some that overlap. The Records Office Assistant II (1) is responsible to:

- Write the weekly crime blotter;
- Respond and process requests for criminal police reports;
- Complete monthly property validations;
- Enter criminal citation data;
- Assist with processing expungements;
- Assist with merging and scanning data in the Agency Records Management System; and
- Assist with processing criminal background investigations for investigators.

2-654 RECORDS OFFICE ASSISTANT II (2)

The Office Assistant II (2) is responsible to:

- Verify and consolidate records in our Agency Records Management System;
- Process criminal background investigations for investigators;
- Back-up for the Orders of Protection Office Specialist II, as needed;
- Verify and conduct the inventory for the entire Sheriff's Office;
- Assist the Warrant Unit's Office Assistant III and Office Assistant II with entering warrants and summonses;
- Assist with processing requests for criminal police reports; and

- Assist with merging and scanning data in the Agency Records Management System.

2-655 ORDERS OF PROTECTION OFFICE SPECIALIST II

The Orders of Protection Office Specialist II (OPOS II) provides support for the Patrol Bureau and Criminal Investigative Bureau during civilian hours, Monday - Friday. They answer to the Criminal Investigations Bureau Assistant Commander. Their responsibilities include:

- Acting as the point of contact for petitioners, respondents and representatives from other agencies for protective and peace orders.
- Court liaison for domestic violence cases.
- Process protective and peace orders.
  - Review and research orders for errors and missing information, and contact applicable parties, courts or agencies to correct or obtain information.
  - Enter orders in local network for reference and to prevent backlogs.
  - Complete required documentation and forward to Control Center for entry in METERS/NCIC.
  - Log orders on *Protective/Peace Order Gun Log Sheet* to be assigned by the Duty Office for service attempts.
  - Research and update personal identifiers in local network for accuracy of records, validations, audits, and to prevent respondents from purchasing registered firearms.
  - Forward Returns of Service to originating Maryland courts and out of state law enforcement agencies, and service updates to the Control Center.
- Apply for domestic violence grants, maintain statistics, and prepare and submit annual and quarterly grant reports.
- Maintain and purge protective and peace order files.

2-656 PUBLIC INFORMATION PROGRAM ASSISTANT (PIPA)

The Public Information Program Assistant is assigned to the Criminal Investigations Bureau and reports to the Sheriff's designee. Their responsibilities will include the day to day release of information to the media as directed by the CIB Commander.

2-657 SPECIAL PROJECTS COORDINATOR

The Special Projects Coordinator reports directly to the CIB Commander and is responsible for the coordination of Agency-wide projects and coordination of assignments or teams to accomplish objectives and goals. Some of the Coordinator's responsibilities include:

- Implementing Public Safety software project initiatives.
- Interacting with various federal, state, and local offices.
- Coordinating Annual Report.
- Tracking purchase orders and other aspects associated with projects when necessary.
- Coordinating facilities management and maintenance work; monitors progress of jobs.
- Liaison between staff and various local and state offices.

2-700 ADMINISTRATIVE & JUDICIAL SERVICES BUREAU

The Administrative & Judicial Services Bureau is responsible for the activities within the Sheriff's Office related to administrative functions and the courts and the judicial process. Specific functions of the bureau include:

- Evaluating and providing security at the Calvert County Courthouse.
- Protecting judicial officers and the courtroom of the Circuit Court.
- Serving civil papers, conducting Sheriff's sales, evictions, and writs of execution.
- Supervision of the deputy assigned to the Southern Maryland Criminal Justice Academy.
- Prepare related forms for retirements, resignations, and terminations for Sheriff's signature, forwarding same to the Executive Administrative Aide.
- Oversight of the hiring process within the Sheriff's Office.

2-701 ADMINISTRATIVE AND JUDICIAL SERVICES COMMANDER

The Administrative and Judicial Services Bureau Commander is a sworn position with the rank of captain. They are responsible directly to the Assistant Sheriff. They are responsible for the performance of all personnel assigned to their command. They are responsible for the direct supervision of subordinates, the performance of administrative duties pertaining to the daily operation of the Bureau, and oversees the promotional process insuring the validity of the entire process.

The Administrative and Judicial Services Commander shall inspect the personnel, equipment, facilities and other resources assigned to their command on a regular basis. They shall be responsible to maintain these elements of their command in compliance with the policies set forth in this Manual and in other official directives of the Agency.

2-702 ADMINISTRATIVE AND JUDICIAL SERVICES BUREAU DEPUTY AND / OR ASSISTANT COMMANDER

The second in command of the Administrative and Judicial Services Bureau is either a Deputy Commander holding the rank of lieutenant, or an Assistant Commander holding the rank of first sergeant. They assist the Commander with their duties as needed. They directly supervise the Administrative and Judicial Services Sergeant and the deputy assigned to the Southern Maryland Criminal Justice Academy. The AJSB Deputy and/or Assistant Commander oversees the training function within the Sheriff's Office.

The Deputy and/or Assistant Commander oversees the hiring process in order to hire and retain the best possible candidates to staff the various positions throughout the Agency. They act as liaison between the Sheriff and the County Department of Human Resources in order to assist the Sheriff with hiring decisions.

The Administrative and Judicial Services Bureau Deputy and/or Assistant Commander acts as the point of contact for matters concerning the Maryland Police and Correctional Training Commission.

The AJSB Deputy and/or Assistant Commander shall inspect the personnel, equipment, facilities and other resources assigned to their command on a regular basis.

2-703 ADMINISTRATIVE AND JUDICIAL SERVICES ADMINISTRATIVE AIDE

The Administrative and Judicial Services Administrative Aide is directly responsible to the AJSB Commander and provides secretarial support to the Commander and Assistant Commander of the Bureau. Their responsibilities include the following:

- Create job postings for deputy and special deputy applicants.
- Use NEOGOV applicant tracking database to rate applications, run reports, create

spreadsheets, and send follow up emails.

- Coordinate deputy application process, including all correspondence and scheduling of interviews and polygraphs for the applicant.
- Compile and review deputy applicant test and interview results for consistent scoring.
- Maintain deputy applicant application and background files; Sheriff's Office deputy evaluations and promotional files and ensure confidentiality of same.
- Maintain contact with all applicants from initial application to final employment disposition.
- Process training requests and make arrangements for registration, travel and lodging as needed. Notify employee when training is approved, denied, or pending. Maintain training files. Create and maintain training spreadsheets.
- Coordinate Hepatitis B vaccination program for deputies and Animal Control officers, including scheduling of appointments for deputies and ACO's with the Health Dept.
- Type, proof, and assemble the Agency Manual. Keep Manual updated, as needed, on the Sheriff's Office "T" drive and redacted edition on the Sheriff's Office website.
- Compile, edit and/or write policy updates; prepare General Orders and Special Orders for Sheriff's approval, distribute to Sheriff's Office; collect and file Receipt of Policy memos.
- Develop and revise forms that are not incorporated in New World.
- Maintain and update Sheriff's Office website.
- Maintain files on Sheriff's Office semi-annual performance evaluations.
- Coordinate and oversee the Sheriff's Office intern and volunteer programs.
- Conduct criminal history and background checks on all intern and volunteer applicants.
- Complete and submit interns' and volunteers' evaluations to their school coordinator or forward to designated supervisor for completion, and verify program participation with outside agencies, if requested.
- Schedule daily activities and training sessions for interns and volunteers.
- Maintain intern and volunteer program files.
- Other duties as assigned by the AJSB Commander.

2-704 ADMINISTRATIVE AND JUDICIAL SERVICES SERGEANT

The Administrative and Judicial Services Bureau Sergeant is responsible for the day to day operations of the Civil Process Unit. They supervise the Courthouse security function to include the supervision of the Court Security deputies. They oversee the civil process function and ensures that all civil process is served in a timely manner. They ensure that the CCSO upholds its legal obligations regarding civil issues.

They also set evictions and maintains the schedule ensuring they are assigned in accordance to the schedule set by this unit. They advise landlords, attorneys, and or agents of the eviction date and guidelines for an eviction.

The AJSB Sergeant oversees the court security function and the court security deputies. They ensure the inspection of the various courtrooms for which he is responsible and provides for their security, making recommendations to the Sheriff, the Circuit Court Administrator and members of the Court Security Committee as may be appropriate. They will develop measures for the overall security of the Calvert County Courthouse.

2-710 CIVIL PROCESS UNIT DEPUTIES

This Unit provides for the service of civil processes including, but not limited to, subpoenas, summonses, evictions and juvenile court papers. It is also responsible for the seizure, and in some cases, the seizure and sale of personal and/or real properties as required by court order.

The Unit is responsible for the service of warrants of restitution without partiality to either the landlord or tenant. It conducts sales and attaches property. Its personnel may at any time be required to assist wherever needed within the organization.

2-711 SHERIFF'S ADMINISTRATIVE & JUDICIAL SERVICES PROJECT MANAGER

This position performs management work for the Administrative and Judicial Services Bureau in directing and performing financial functions, supervisory support, and oversight of countywide programs and program funds. The Sheriff's AJS Project Manager is responsible to:

- Supervise administrative staff assigned to Civil Process.
- Oversee statistical management, data collection, and reporting processes for AJSB and multiple countywide program services.
- Negotiate, prepare and manage Agency Child Support Program contract and associated program funding.
- Perform complex management of countywide programs and software systems by administering County Government Electronic Access Control Systems, Photographic Identification Badge Program, and Video Security System at multiple facilities.
- Annually prepare, manage and submit grant budget for the Agency.
- Develop policies and procedures regarding service and enforcement of court process for the Civil Process Unit, and the explanation of these policies and procedures to the public, law enforcement and State agencies.
- Supervise the fiscal management of fees collected, advise Finance and Budget on their transfer and dissemination, and provide an end of month accounting of same.
- Develop policy and procedures regarding the assignment and tracking of County identification badges, key fobs and hard keys.
- Serve as ombudsman to the countywide Automated Speed Enforcement Program by educating private citizens, investigating, resolving and responding to complaints due to questions and concerns about the program.
- Coordinate Sheriff's Sales.
- Provide research and reference citing Maryland statutes and federal law in support of Agency tasks and functions.
- Draft and prepare legal documents and pleadings in support of casework for the Agency.
- Court and law enforcement liaison for civil cases.
- Representative on the Law Enforcement Records Management System (LERMS) Build Team as it pertains to the design and implementation of the Civil Process application.
- Serve as photographic historian for the Agency.
- Other projects as assigned.

2-712 CIVIL PROCESS OFFICE SPECIALIST I

This position provides support for the Administrative and Judicial Services Bureau and the Civil Process Unit. The Office Specialist I is responsible to:

- Ensure all child support service of process received from local and out of county courts are properly entered into the Department of Human Resources (DHR) Child Support Enforcement System (CSES) network and returned to the appropriate court system or customer.
- Provide new updated child support case history information to DHR personnel through written correspondence.

- Track each child support service of process by entering the final disposition into CSES network and attach a scanned copy of casework to data entry file in the Sheriff's Office local area network.
- Perform quality control check of civil process fees deposited for sheriff service and associated data entry file in the Sheriff's Office local area network.
- Maintain, track and audit records for issued and collected County Government identification badges, key fobs and hard keys assigned to county and non-county government employees due to a promotion, demotion, transfer or termination.
- Schedule appointments and issue County Government identification badges to full-time, part-time and temporary hires, interns or volunteers. Assignment of a seasonal or hourly identification badge are determined on a case by case basis.
- Issue and assign electronic key fobs and hard keys to County Government and non-county government personnel.
- Back-up the Civil Process Specialist and Civil Process Office Assistant II when necessary.
- Point of contact when Civil Process administrative civilian personnel are not available.
- Other duties as assigned.

2-713 CIVIL PROCESS OFFICE ASSISTANT II

This position provides support for the Administrative and Judicial Services Bureau and the Civil Process Unit. The Office Assistant II is responsible to:

- Ensure all process received from local, out of county, or out of state courts are time and date stamped, reviewed for accuracy, classified, and properly entered into the Sheriff's Office local area network.
- Assign process to deputies in the Civil Process Unit according to their assigned areas of service.
- Staff and maintain the AJSB customer service window.
- Provide information to the general public, attorneys, state's attorney, judges, and law enforcement when making inquiries about service or procedures through this Unit.
- Track each service of process and enter the final disposition into the system and return the process to the appropriate court system or customer.
- Collect all monies received through the Civil Process Unit for service of process. Ensure all monies and service of process are accurately totaled before depositing to the Treasurer's Office.
- Maintain and file all officer court date sheets into the Sheriff's Office network for three months under lock and key.

2-720 COURT SECURITY DEPUTIES

Court security deputies are contract deputies, who are responsible for the physical security of the circuit court building and for maintenance of courtroom security. Court security deputies may also be assigned to the Civil Process Unit to serve civil papers and handle evictions, as well as respond to calls for service, if the need arises.

2-721 AUTHORITY, QUALIFICATIONS, UNIFORMS AND LIABILITY

The circuit courthouse security function is comprised of contract deputies, each having a contract stating their hours and duties. Court security deputies are sworn officers having the

same authority, qualifications, uniforms, and equipment as full-time deputies. They are afforded the same protections and liability coverage as that of a full-time deputy with the CCSO.

2-722 SELECTION AND TRAINING

The process of selection is the same for court security deputies as it is for anyone applying for a deputy position with the Sheriff's Office. They must pass the physical agility and written tests, unless they are lateral hires from another agency within the State of Maryland. If a certified police officer laterals from outside the State of Maryland, and the Maryland Police Training Commission (MPTC) does not approve their certification, they must complete a comparative compliance course approved by the MPTC within one year of employment.

The CCSO requires all court security deputies to annually attend and complete training programs equal to that required of full-time deputies. Court security deputies will attend the Southern Maryland Criminal Justice Academy to complete in-service training requirements related to their assigned duties.

Court security deputies are required to carry a service weapon; therefore, they must complete and pass all firearms training and qualifications. Firearms training is conducted on an annual basis as mandated by the MPTC.

2-800 SPECIAL OPERATIONS AND HOMELAND SECURITY BUREAU

2-801 SPECIAL OPERATIONS BUREAU COMMANDER

The Special Operations Bureau Commander is a sworn position with the rank of captain and responsible directly to the Assistant Sheriff. They are responsible for the direct supervision of Special Operations Team supervisors and the performance of administrative duties pertaining to the daily operation of the Bureau. They are responsible for the performance of all personnel assigned to their command. The Special Operations Bureau Commander shall ensure the inspection of the personnel, equipment, facilities and other resources assigned to their command on a regular basis. They shall be responsible to maintain these elements of their command in compliance with the policies set forth in this Manual and in other directives of the Agency.

The Special Operations Bureau Commander acts as the Commander of the Special Operations Team. Additionally, they are responsible for overseeing the law enforcement services enumerated in the agreement between the CCSO and the Dominion Cove Point LNG (Cove Point).

The Commander is responsible for the Calvert County Sheriff's Office's Homeland Security Program. They attend regular Homeland Security meetings at which members are briefed on homeland security issues and exchange information on terrorist threats.

2-802 SPECIAL OPERATIONS BUREAU ASSISTANT COMMANDER

The Special Operations Bureau Assistant Commander is a command level officer, who assumes full command of the Bureau in the absence of the Bureau Commander. The Assistant Commander assumes the same responsibilities, objectives, and functions of the Bureau Commander and directly supervises the sergeants assigned to the Special Operations Bureau.

2-803 SPECIAL OPERATIONS BUREAU SERGEANT

The Special Operations Bureau Sergeant is a second line supervisor within the Bureau. The sergeant is often designated as a team leader and is given additional responsibilities. They

assign Bureau personnel as needed. When necessary, they address disciplinary issues in accordance with Agency policies and procedures. They maintain training records and certifications of assigned personnel. Their duties are similar to that of a Patrol sergeant, i.e. reviewing reports, approving leave, etc.

The sergeant may also be given additional duties such as acting as the Agency Taser Coordinator.

2-804 SPECIAL OPERATIONS BUREAU CORPORAL

The Special Operations Bureau Corporal is a first line supervisor within the Bureau. Their duties are similar to that of a Patrol corporal, i.e. supervising personnel in the field, reviewing reports, approving leave, documenting information concerning subordinates (F & I material), etc.

The corporal may also be given additional duties such as acting as the Lead Firearms Instructor/Armorer.

2-805 SPECIAL OPERATIONS BUREAU MASTER DEPUTY, SENIOR DEPUTY, DEPUTY FIRST CLASS, AND DEPUTY

Members in ranking from deputy through master deputy assigned to the Special Operations Bureau are full time members of the Agency's Special Operations Team. Their duties include:

- Responding to incidents as members of the Special Operations Team.
- Responding to incidents as members of the Calvert County Hazardous Materials & Weapons of Mass Destruction Response Team.
- Providing law enforcement service to the Dominion Cove Point LNG (Cove Point) as outlined in the agreement.
- Supplementing other bureaus/units within the CCSO by providing additional manpower and specialized skills.
- Providing manpower at special events such as the Calvert County Fair, high school sporting events, 4th of July activities, etc.
- Assisting with Agency firearms training and qualifications.

2-810 K-9 UNIT (moved to section 2-908)

2-900 OTHER SUPPORT UNITS / PERSONNEL

2-901 DARE PROGRAM

The D.A.R.E. (Drug Abuse Resistance Education) officer is directly responsible to the C.A.T. Supervisor or their designee. They will generally wear the uniform of the day and will maintain duty hours appropriate to their assignment as determined by the C.A.T. Supervisor.

The duties and responsibilities of a D.A.R.E. officer shall include, but are not limited to, the following:

- Conduct an intensive program on drug and alcohol education for elementary and middle school students.
- Establish a rapport with students inside and outside of the classroom.
- Present a positive role model for the students.
- Strengthen the relationship between deputies and youths.

2-902 HONOR GUARD

The Honor Guard Unit is a ceremonial unit for the purpose of representing the Calvert County Sheriff's Office at special functions. These functions include dedication ceremonies, parades, funeral details, Police Memorial Day, and other functions as requested. Members of the Honor Guard may be assigned from any bureau within the Agency. The Crime Suppression / CAT Supervisor is responsible for directing Honor Guard operations.

2-903 BIKE PATROL UNIT

The Bike Patrol Unit provides community-oriented, directed patrol on mountain bicycles. Bicycles are extremely effective in patrolling areas such as boardwalks, bike paths, parks, and special events that draw a large crowd. Additionally, bicycle patrols will be utilized in business districts, neighborhoods, and shopping centers to provide a community-based link between the Sheriff's Office and the community. The unit will strive to resolve community conflict, reduce the opportunity for criminal activity, and reduce citizen fears, while maintaining law and order.

The Crime Suppression / CAT Supervisor oversees the Unit. The Unit is staffed with deputies with at least one year of patrol experience, who volunteer for the program. A more detailed description can be found in the Bike Patrol SOP's.

2-904 MOTORCYCLE UNIT

The Motorcycle Unit is a function within the Crime Suppression / CAT Team Unit. The unit is comprised of members assigned to the various bureaus within the Agency. Members serve on a part-time volunteer basis.

The CAT Sergeant manages the day to day operations of the Motorcycle Unit and all requests for the Motorcycle Unit are coordinated through him.

The primary objective of the Motorcycle Unit is to supplement the Calvert County Sheriff's Office's efforts in promoting traffic safety through fair and impartial enforcement of traffic laws, especially in areas not ideally suited for conventional patrol vehicles. Additionally, the Motorcycle Unit is used for high visibility patrols and special events such as the County Fair, Independence Day celebrations, National Night Out, funeral details, and parades.

Non-probationary deputies wishing to be a part of the Motorcycle Unit will take part in a competitive selection process, which includes submitting a brief summary of their reasons for wanting to be part of the Motorcycle Unit and having their riding skills evaluated on one of the Agency motorcycles.

Upon selection to the Motorcycle Unit, deputies must successfully complete an approved MPTC 80-hour basic police motorcycle operator course. Only Unit members who have successfully completed this course and possess a valid Class M license may operate Agency motorcycles. The CAT Sergeant will schedule training days throughout the year in an effort to allow motorcycle operators to stay proficient in their skills.

Certified members of the Motorcycle Unit are encouraged to operate an Agency motorcycle during their assigned shift, as manpower permits, and upon approval of the member's shift supervisor.

The police motorcycle operator will wear only an approved DOT helmet while operating an Agency motorcycle. The Class C uniform will be the primary uniform along with police motor boots. Members will need to have a Class B uniform for parades and funerals involving fallen members of a police motorcycle unit. The Class B britches will be provided for by the Agency.

Maintenance of the Agency motorcycles is the responsibility of the CAT Supervisor. Members assigned to the Unit will complete the sign-out sheet with information regarding the motorcycle they have been operating. Any damages or repairs will be immediately forwarded to the CAT supervisor. Agency motorcycles will be returned clean and fully fueled unless there is a situation involving inclement weather.

2-905 BREATHALYZER PROGRAM

The Patrol Bureau Commander or their designee shall designate a coordinator for the Breathalyzer Program. Ideally, the person selected will be assigned to the Community Action Team. All breathalyzer operators will strictly follow the procedures and guidelines as established by the State Toxicologist. The Breathalyzer Program Coordinator shall ensure that all logs are completed properly and accurately and coordinates all training for operators.

2-906 CONFLICT MANAGEMENT TEAM

The purpose of the Conflict Management Team is to respond immediately to incidents involving subjects that have barricaded themselves, hostage situations or other critical incidents where negotiations may be needed. Their goal is to establish communications with the subjects involved in the incident and work to obtain a peaceful resolution.

The Calvert County Sheriff's Office has deputies who have been trained in negotiations. Those deputies are available for call-out by contacting Calvert Control Center or the Commander of the Conflict Management Team.

Deputies will be selected to be trained as negotiators with the concurrence of the Commander of the Conflict Management Team and the Sheriff.

2-907 POLYGRAPH UNIT

The Polygraph Unit administers polygraph examinations as a resource for criminal investigations, internal investigations, and as a tool in pre-employment screening. The Unit is comprised of certified polygraph examiners. All examiners will be trained by a certified institution and be graduates of the institution. All examiners will conduct tests using only instruments approved by the Agency.

An examination is a valuable investigative tool but should not be used as a substitute for a thorough investigation. Examinations may be authorized when consistent with state law and Agency policy.

2-908 K-9 UNIT

The K-9 Unit is comprised of a Master Canine Trainer and individual K-9 teams assigned to the Patrol Bureau or the Special Operations Bureau. All K-9 teams come under the supervision of Master Canine Trainer.

2-1000 VOLUNTEER CHAPLAIN SERVICES

The Chaplain Service is composed of various members of the community who are experienced representatives of their particular denominational group. Chaplains are volunteer community members who report directly to the Sheriff. They provide religious guidance, counseling, and assistance to deputies, their families, and the community. They are not law enforcement officers and have no law enforcement authority.

2-1001 SELECTION

All individuals interested in becoming a CCSO volunteer chaplain must:

- Be at least 26 years of age;
- Be a citizen of the United States;
- Possess a valid driver's license;
- Have at least five (5) years' experience in ministry;
- Complete an *Internship & Volunteer Application* and submit to the Administrative and Judicial Services Bureau.

An assigned investigator will conduct the appropriate background check/security clearance of the applicant and forward the results to the AJSB Commander. Upon successful completion of the background check, the Sheriff is then responsible to give final approval.

2-1002 ATTIRE

Volunteer chaplains are not authorized to carry firearms or any other defensive weapon while on duty as a CCSO chaplain. When acting in the capacity of a CCSO chaplain, conservative civilian clothing may be worn with an Agency issued ID badge displayed.

2-1003 DUTIES AND RESPONSIBILITIES

Chaplains will perform the following tasks and other such duties requested by the Agency:

- Assist in the notification of families of employees who have been seriously injured or who have died.
- Comfort and aid injured and sick employees or other members of the police family who may be in our community.
- Provide comfort and aid to employees who have suffered a loss of a family member or who are caring for a seriously ill or injured family member.
- Aid employees who must make death notifications within the community as a result of the performance of their duties.
- Provide moral and spiritual guidance to employees and their families.
- Act as a liaison for the Sheriff and the Agency between the various religious leaders and their congregations, and the Agency in matters of mutual concern.
- Conduct or assist in memorial services, ceremonies, or religious activities.
- Attend departmental graduations and awards ceremonies and offer invocations and benedictions.
- When requested, respond to the scene of death or injury, whether departmental or private citizen, to offer aid and comfort, and notify the person's personal clergy as soon as possible.

If a deputy or staff member requires the assistance of a chaplain for a personal or family matter, they should contact the chaplain directly.

If a deputy requires the assistance of a chaplain for a death notification, or other official business, the deputy will make the request through the Sheriff's Office duty officer who will attempt to contact the chaplain and will inform the deputy of their availability.

CHAPTER 3
ADMINISTRATIVE PROCEDURES

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	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **ADMINISTRATIVE PROCEDURES**	Chapter **3**
	Affects: **ALL PERSONNEL**	
EFFECTIVE DATE **January 29, 2009**	Rescinds:	Amends: **TOC; 3-306.24; 3-1103.6; 402.1.1 on 12/4/19**

3-100 FISCAL MANAGEMENT

As an elected official of the State, and in particular, Calvert County, Maryland, the Sheriff has the authority and responsibility for the fiscal management of the Calvert County Sheriff's Office. State law mandates that the local authority, the Board of County Commissioners, adequately fund the elected office of the Sheriff. Once adopted, the Sheriff is responsible for the fiscal management of their budget.

3-101 BUDGET

The CCSO works within the budget process as set forth by the Calvert County Department of Finance and Budget. The Assistant Sheriff or their designee routinely handles budgetary actions within established guidelines by the County Department of Finance and Budget.

Components within the CCSO annually prepare written budget recommendations, including grants and contracts and forward them to the Assistant Sheriff for review and application within the final budget request. Components within the CCSO include commanding officers and those individuals identified for budget purposes, as those responsible for ensuring needed budget items and requests, which are forwarded to the Assistant Sheriff for action within the budget process.

3-102 ACCOUNTING

The official accounting for the resources allocated to and expended by the CCSO is performed by the Calvert County Department of Finance and Budget.

The CCSO submits invoices for payment to the Department of Finance and Budget, coding the payment to reflect the activity against which the expense is to be charged. An account activity listing showing all of the charges against the CCSO's accounts during the month can be accessed through the automated financing program. The report lists activity by program code and shows:

- Expenditures for the month;
- Expenditures year-to-date;
- The amount budgeted for the year;
- The balance remaining; and
- The percentage of funds expended year-to-date.

To assist the Sheriff in the day-to-day administration of the CCSO, the Executive Administrative Aide keeps an unofficial running tally of availability by account.

3-103 REQUISITION AND PURCHASE OF AGENCY EQUIPMENT & SUPPLIES

All purchasing of Agency supplies and equipment will be in compliance with the administrative procedure of the Calvert County Government. The Quartermaster will cooperate with and assist the purchasing agent for the County in the development of specifications for items requiring standardized purchases, bidding procedures, and criteria for selection of vendors and bidders.

When emergency situations arise involving any circumstances that could not have been anticipated by prior fiscal planning, the Sheriff or Assistant Sheriff must request additional funding from the Board of County Commissioners. Rental agreements will be made in accordance with County policy.

County procedures exist which provide adjustment mechanisms, which the Sheriff or Assistant Sheriff may use to request approval of the transfer of funds from one account to another as shortages and/or overages are respectively identified. Such requests are made to the appropriate employee in the Department of Finance and Budget, and shall include the amounts and reasons therefore.

More detailed information can be found in the *Code of Calvert County* under "Purchasing System."

3-103.1 EMERGENCY PURCHASES

Procedures are in place for the emergency purchase of office supplies using a County-owned credit card. In the event the purchase of an item needs to be completed within a short period of time, it is possible for an emergency purchase order to be issued, following current County policy. In general, in accordance with County policy, a purchase order is required for each and every purchase.

In the event the County gas pumps are down, procedures are in place that deputies may use County approved gas stations (any Fastop in Calvert County) to purchase their gasoline. A receipt must be obtained for each purchase and turned in at the end of the shift to the Executive Administrative Aide, who will approve the purchase and forward the invoice to the Department of Finance and Budget for payment.

3-104 MAINTENANCE OF CASH ACCOUNTS

The CCSO has five cash accounts:

- A petty cash account maintained by the Executive Administrative Aide.
- A receipt account for fingerprinting services, fees for copies of accident reports and other records, maintained by the Executive Administrative Aide.
- A receipt account for service of process fees maintained by the Civil Process Specialist.
- A receipt account for Sheriff's sale monies maintained by the Civil Process Specialist.
- A covert funds account maintained by the Drug Enforcement Unit Supervisor.

For each account, the following minimal standards apply:

- Maintenance of a ledger or balance sheet showing initial balance, credits, debits, and balance on hand.
- Receipts or other documentation for cash received.
- Authorization for cash disbursement.
- Documentation for cash expenditures.
- Accounting of cash accounts at least quarterly.

3-104.1 PETTY CASH ACCOUNT

A petty cash fund of $50.00 has been established for the Calvert County Sheriff's Office. This fund is utilized for sundry purchases (tolls, parking fees, etc.) essential to our mission that are not normally acquired through capital acquisition channels. Receipts are required for all procurements. Sales tax is not paid. Should an employee need the tax-exempt number for the Calvert County Sheriff's Office they should contact the Executive Administrative Aide.

Employees requesting reimbursement for petty cash expenditures must submit accompanying receipts to the Executive Administrative Aide. In order to maintain a sufficient cash balance, the Executive Administrative Aide will periodically submit petty cash expenditure reports, along with receipts to the Department of Finance and Budget. That office will issue a check which will be cashed to replenish the fund.

3-104.2 FINGERPRINTING AND REPORTS ACCOUNT

Fees received for fingerprinting, *Accident or other police reports* may be received in the form of cash, check or money order payable to the Calvert County Treasurer. After the citizen has received the service, they are issued a receipt.

The cash, checks, and money orders, along with the Agency copy of the receipts are given to the Executive Administrative Aide, who secures it in a locked safe in her office. On a regular basis, the Executive Administrative Aide records all of the receipts on a remittance advice and deposits the money with the Calvert County Treasurer's Office. The Executive Administrative Aide retains a copy of the *Remittance Advice* and the associated receipts.

The accounting of money collected at the Sheriff's Office is the responsibility of the Calvert County Treasurer's Office.

3-104.3 SERVICE OF PROCESS AND SHERIFF'S SALE ACCOUNTS

The Service of Process accounts are holding accounts for funds received from two sources:

- The fees the Sheriff may charge for various types of service of process, as permitted by the Courts and Judicial Proceedings article of the Maryland Annotated Code, § 7-402.
- The fees collected from Sheriff's sales.

Fees for process will be handled in the following manner:

- All process received for service by the CCSO will first be reviewed by the Civil Process Office Assistant II (OA II). The Civil Process OA II will remove any cash, checks, or money orders and make a copy of the fees and corresponding transmittal slip or receipt.
- The Civil Process OA II will prepare the fees for deposit and submit them along with a remittance advice to the Calvert County Treasurer's Office. The OA II will also record

the fee, the defendant's name, the case number and the name of the person who paid the fee on the electronic ledger and forward to the Civil Process Specialist.

- Once a month the Civil Process Specialist will balance the electronic ledger and forward to the County Treasurer's Office, along with receipts for deposits, Non-Est Fee Reports, copies of fees to be returned, and copies of the process served.

Sheriff's sale monies are collected by the Civil Process Specialist and deposited in a holding account. The Civil Process Specialist records the deposit on an electronic ledger and submits it to the Calvert County Treasurer's Office, along with a remittance advice and any requests to issue checks from that account, pursuant to ratification of sales by the Court.

For both Service of Process and Sheriff's Sale, the cash, checks or money orders payable to the Calvert County Treasurer will be locked in a secure area in Civil Process until they can be forwarded to the County Treasurer.

The Civil Process Specialist balances the accounts at least quarterly. The accounts are subject to an annual independent audit under the provisions of the Code of Public Laws of Calvert County, Section 5-303.

3-104.4 COVERT FUNDS ACCOUNT

The Agency's budget provides for a covert (confidential) fund of $7,000 to support the operations of vice, drug, and organized crime control functions. These funds can be used to pay informants, make a controlled buy of drugs, etc. Expenditures up to $3,000 over the budgeted amount in the covert fund require the approval of the Sheriff and the State's Attorney. Expenditures between $3,000 and $5,000 require the approval of not only the Sheriff and State's Attorney, but also the County Administrator. If funds are needed that exceed $5,000, approval must be obtained from the Board of County Commissioners.

The supervisor of the Drug Enforcement Unit is responsible for approval of funds and maintaining all internal records to ensure the justification and accounting of funds. The supervisor of the Drug Enforcement Unit shall maintain a master ledger detailing all transactions, which will include:

- Date of transaction
- Log number of transaction with disbursement/receipt form
- Name of detective receiving funds and name of detective disbursing funds
- Reason for transaction (paying informant, controlled buy, etc.)
- Amount of transaction and balance of funds on-hand
- Name of person receiving funds

When an investigator makes a buy or uses money from the fund, he fills-out a chit to account for the money. The chit is completed with the following information:

- Date of Transaction
- Case Number
- Informant Number
- Reason for Payment
- Signature of Supervisor
- Signature of Investigator

When the fund gets low, the Drug Unit Supervisor brings the ledger and chits to the Criminal Investigations Bureau Office Specialist II (OS II) to audit and request additional funds. The OS II makes a copy of each chit, attaches those to a request for additional funds, and forwards them for approval to the Office of Finance and Budget.

3-105 AUDITS

Under Calvert County Code § 5-301, the County Commissioners shall appoint and pay an auditor who annually shall audit the books, records, vouchers, and accounts of all persons, offices, boards, and commissions that collect, handle, or disburse funds of the County. The Commissioners may remove the auditor in their discretion and shall fill all vacancies immediately. All audits shall be conducted by certified public accountants.

3-106 PROPERTY MANAGEMENT SYSTEM

The property management system for Agency-owned property includes the initial identifying, labeling, and recording of existing property, as well as the maintenance of the system as property is added, transferred, replaced, or destroyed.

Employees will be responsible for all items issued/assigned directly to them and will immediately report any lost or damaged items to their supervisor. Equipment assigned to a bureau or unit will be the responsibility of the bureau commander or unit supervisor.

3-106.1 RESPONSIBILITY

Oversight of the property management system is the responsibility of the Assistant Sheriff. The Assistant Sheriff delegates which employees shall be designated as property managers, tasked with managing the specific inventories assigned to them.

3-106.2 PROPERTY SUBJECT TO INVENTORY

The CCSO will maintain an active inventory of the following Agency-owned property:

- Motor vehicles
- Motor vehicle equipment, including:
    - Radar/laser systems
    - Mobile radios
    - Mobile digital video recorders
- Portable radios
- Digital cameras
- Badges
- Firearms and less lethal weapons
- Electronic key fobs, hard keys, and readable ID's
- Computer and office equipment with an initial purchase value of more than $50.00.

3-106.3 PROPERTY ISSUANCE

As property is issued to an employee, an inventory receipt form shall be signed by the employee receiving the property. The signed receipt shall be maintained by the property manager in charge of issuing/managing that inventory.

3-106.4 INVENTORY UPDATE

Addition: As new property is received, the assigned property manager for that property will record and label, if necessary, before it is issued.

Deletion: Non-usable, worn out, or broken items of equipment, or property, will be returned to the assigned property manager. The property manager will update the records for that inventory. Those items are to be removed from the active inventory, and arrangements made for proper disposal of the item.

Return/Reissue: When a serviceable item is no longer required by an employee, the item will be returned to the assigned property manager. Similarly, when an employee leaves the CCSO, he or she will return all issued property to the assigned property managers. As property is returned, the property managers will return the property to the inventory and update the records for that inventory. As items are needed, they will be taken out of inventory and reissued, with the re-issuance recorded as above.

3-106.5 RESPONSIBILITY FOR INVENTORY

Commanders are responsible for maintaining stored Agency property within their bureaus in a state of operational readiness. They will oversee the maintenance and care of equipment and supplies assigned to their bureaus. They will conduct or oversee the conduct of regular inspections to validate the inventory of equipment under their control and its readiness.

Employees receiving assigned equipment or property are responsible for maintenance, care, and upkeep of such equipment or property. Employees will immediately report any lost or damaged items to their supervisor.

Employees are responsible for returning to the assigned property managers, any issued equipment or property when those items are non-serviceable, removed from service, or the employee is no longer employed with the Agency. An employee may request at any time, through the bureau commander, a copy of the inventory of equipment assigned to him/her.

3-200 BADGES AND IDENTIFICATION

3-201 BADGE

Every sworn employee will be issued a badge signifying their status as a law enforcement officer. A deputy will have the CCSO badge, identification card, and MPCTC certification card in their possession at all times.

No deputy will allow another employee of the CCSO, or any other person, to use their badge or any other means of personal identification. A deputy who is suspended is required to surrender their badge(s) and all issued cards, which identify him/her as an employee of the CCSO to the Assistant Sheriff or designee for the period of suspension.

3-202 IDENTIFICATION

Sworn employees are issued CCSO photo identification cards, and Agency identification wrist bands, reflecting their status as sworn law enforcement officers of the CCSO and the State of Maryland. Non-sworn employees are issued Calvert County readable photo identification cards showing name, position, and issue date.

3-202.1 USE OF IDENTIFICATION

No employee will allow another employee of the CCSO or any other person to use their badge or identification card.

CCSO personnel, who are not under cover, will upon request permit any citizen to view their badge and/or identification card.

3-300 UNIFORMS AND EQUIPMENT

The CCSO will provide uniforms and equipment necessary for the performance of the duties of all employees. All uniforms and equipment remain the property of the CCSO. The standards for uniform and equipment are as follows:

A. Uniform and civilian clothes will be kept clean and pressed at all times, with a pressed appearance at the beginning of each tour of duty.
B. Shoes will be free of dirt and shined. Foul weather footwear will be conservative in appearance.
C. Leather and brass will be regularly polished and shined.
D. Sidearms will be clean and serviceable at all times.
E. Mirror-type sunglasses will not be worn by personnel while on duty. They will not be worn off-duty if the employee is operating an Agency vehicle.

3-301 CLASSES OF UNIFORMS

Seasonal fluctuations in temperature and climatic conditions and variations in assignments require flexibility in the type of uniform to be worn. All deputies, regardless of assignment, will have available for use at least one complete Class A, B, and C uniform. The CCSO recognizes five uniform classes:

Class A ***Dress Uniform*** to be worn generally during special events: long-sleeve shirt with tie, slacks, patent-leather shoes, felt Stetson uniform hat, and Sam Browne belt with shoulder strap (non-commissioned officers). Commissioned officers wear the same uniform, without the Sam Browne belt. Commissioned officers will wear the Class A uniform at official functions or public appearances, unless adverse weather conditions necessitate wearing the Class B uniform.

Class B ***Class B Uniform*** is optional for those personnel holding the rank of first sergeant and above. The Class B uniform or appropriate business attire is mandatory for all personnel who must make a Circuit Court appearance.

The Class B uniform includes either the long or short-sleeved shirt, with tie, slacks, felt or straw Stetson hat and gun belt. The issued stocking cap may be worn when the temperature falls below 50°. The issued sweater may be worn at employee's option. The short-sleeved shirt and straw Stetson hat will not generally be worn before April 1 or after November 1, but it is at the discretion of the Sheriff.

All sworn personnel shall maintain, in good order, at least one complete Class B uniform to include trousers, long sleeve shirt, short sleeve shirt, and summer and winter hats. Ties will also be available for use with the Class B uniform. The

Class B uniform will be used for court appearances and any special events designated by the Sheriff. Sworn personnel shall also maintain a Class A jacket.

Class C ***Class C Uniform*** is the Blauer Street Gear dark gray shirt (long and short sleeve) and trousers. The Class C uniform will be worn by sworn personnel for ***all*** shifts. Personnel holding the rank of first sergeant and above may wear either the Class C or Class B uniform at their discretion.

The trousers will not be bloused. The approved Agency ball cap may be worn with this uniform at the discretion of the employee. As an option in cold weather, the knit cap may be worn.

The uniform will be worn with black plain toed boots. A black moisture wicking t-shirt will be worn underneath the short sleeve uniform shirt. A mock turtleneck, mock dickey, or black crew neck t-shirt will be worn underneath the long sleeve shirt. The uniform may also be worn by deputies working secondary employment.

The Class C uniform may be worn for District Court appearances; however, the Class B uniform or appropriate business attire shall be worn for all Circuit Court appearances. ***Under no circumstances will the Class-C Uniform be worn to a formal occasion***.

Class D ***Honor Guard Uniform*** is a Class A uniform, but with patent leather gear and shoes, and a gold cord around the left shoulder.

Class E ***Specialized Uniforms***: Bicycle Patrol, Special Operations Team, or other specialized unit will wear equipment and/or uniform prescribed by the Sheriff.

All Classes Deputies will wear the Agency issued badge, name tag, and collar brass or rank insignia with the uniform. Special unit or bureau insignia pins, merit, valor, lifesaving insignia, or military service pins are optional.

3-302 UNIFORM OF THE DAY

The Sheriff or the Assistant Sheriff will prescribe the uniform of the day. When a class of uniform has been designated as the uniform of the day, it will be worn as described in this manual and may not be altered or modified in any manner.

3-303 SELECTION

The CCSO will maintain consistency regarding the class of uniform to be worn. Under no circumstances will different classes of uniform be worn at an official function in which the CCSO participates.

3-304 WEAR REQUIRED / PROHIBITED

When they are on duty, uniformed personnel will appear in the prescribed uniform at all times. A deputy who has been suspended from duty may not wear the CCSO uniform. A deputy who is on a light duty or non-officer status may not wear the CCSO uniform.

3-305 UNIFORM ALLOWANCE

The uniform allowance for uniformed personnel is a budgetary item that may fluctuate in the amount permissible during each fiscal year. Underwear, socks, shirts and shoes are not included in this allotment.

Shoes or boots can be reimbursed up to $100/year. Receipt for the shoes must be given to the Executive Administrative Aide in order to receive reimbursement.

Detectives and plainclothes officers are provided an allowance, allocated through the budget process each fiscal year, for clothing and $100/year for shoes. The clothing and shoes will be worn to fulfill their specific job function. A receipt for all clothing and shoes must be given to the Executive Administrative Aide in order to receive reimbursement.

3-306 UNIFORM REGULATIONS

The uniform must be worn with pride and in a way to bring credit to the CCSO, since it immediately identifies the wearer as a representative of the CCSO and of the rule of law. The uniform must always be maintained in excellent condition. No decoration or insignia not identified in this section may be worn as part of any uniform without the approval of the Sheriff, who will designate where, when, and in what manner the insignia or decoration may be worn. Similarly, no item of equipment not identified in this section may be worn as part of the uniform or used without the approval of the Sheriff.

The following elements of the uniform are issued by the CCSO:

3-306.1 BLOUSE

Pencils or pens will not protrude from breast pockets.

3-306.2 BREAST BADGE

When worn on the blouse, shirt, or patrol jacket, the badge will be worn in the holder provided.

3-306.3 MOURNING SHROUD FOR BREAST BADGE

Uniformed personnel shall wear mourning bands on the issued Agency badge. Mourning bands shall be worn when an official period of mourning is set by the Sheriff. Generally, the mourning band will be worn:

- For the death of a CCSO deputy who has been killed in the line of duty or who has died from injuries and/or wounds sustained in the line of duty, from the time of death until midnight on the 30th day after the death;
- For the death of a law enforcement officer within the region (any Maryland law enforcement agency, any law enforcement agency in Washington, D.C. or Northern Virginia), from the time of death until midnight on the day of the funeral;
- For the death of out-of-region officers, while attending the funeral or other memorial service;
- On National Peace Officers Memorial Day (May 15), from 0001 hours until 2359 hours;
- Any other time as determined by the Sheriff or their designee.

3-306.4 COLLAR ORNAMENTS (NON-COMMISSIONED PERSONNEL)

With the Class A, B, or C uniform, a deputy will place the collar ornaments on the shirt collar, one on each side, ½ inch back of the collar opening and centered on the collar in a straight line parallel to the collar top.

Exception: On a Class "A" jacket, a first sergeant will wear the rank insignia on the right and left arm ½ inch below the Calvert County Sheriff shoulder patch. The first sergeant rank insignia will be worn on the shirt at all times on both collars.

3-306.5 GUNBELT

The Sam Browne belt, less shoulder strap, will be worn directly over the waist belt and will fit snugly. The Sam Browne belt will be secured with belt keepers. The shoulder strap will be used only by noncommissioned personnel wearing the Class A uniform.

Items listed below are to be worn on the belt. The handgun holster is worn on the strong hand side and the radio carrier is worn on the side opposite the holster.

- Magazine holder;
- ASP baton holder;
- O.C. spray holder;
- Portable radio carrier or clip;
- Handcuffs and case;
- Mini-flashlight holder (optional);
- Taser holster (optional);
- Case for protective gloves (optional);
- Key ring holder (optional); and
- Cellular telephone.

3-306.6 HANDCUFFS AND CASE

All noncommissioned personnel will carry handcuffs. They are optional for commissioned and plainclothes personnel. When carried by uniformed personnel, they will be placed in a handcuff case worn on the uniform gun belt (noncommissioned officer) or waist belt (commissioned officer) where they are conveniently accessible to the wearer.

The carrying and method of carrying handcuffs by non-uniform personnel will be determined by the nature of the individual's assignment.

3-306.7 HOLSTER

Only holsters issued by the CCSO as an item of uniform equipment or those approved for use by the CCSO Firearms Instructor may be worn.

3-306.8 INSIGNIA OF RANK (COMMISSIONED PERSONNEL)

With the Class A uniform, an officer will wear insignia of rank on each shoulder of the blouse, centered at the cross point of the seams, and on the uniform shirt. The designation will be worn on the shirt at all times on both collars, ½ inch back of the collar opening and centered on the collar in a straight line parallel to the collar top.

3-306.9 INSIGNIA OF RANK (NON-COMMISSIONED PERSONNEL)

Rank insignia from deputy first class to sergeant will be worn on the uniform shirt on the right and left arm, ½ inch below the Calvert County Sheriff shoulder patch. This rank insignia will be worn in the same location on the Class "A" jacket. The first sergeant rank insignia will be worn on the shirt at all times on both collars.

3-306.10 OTHER INSIGNIA

Sheriff's commendation insignia will be worn immediately above the nameplate, centered.

Unit insignia will be worn above the Sheriff's commendation insignia. It may be paired with the American flag.

The American flag will be worn above the Sheriff's commendation insignia. It may be paired with the unit insignia.

3-306.11 PATROL JACKET

The patrol jacket may be worn, as needed, with the Class B or C uniform.

Chevrons, nameplates, and badges will be worn on the patrol jacket.

3-306.12 WINDBREAKER JACKET

The CCSO windbreaker jacket may be worn with the Class B and C uniform. The windbreaker jacket may be purchased by the employee as long as it meets standards acceptable by the Sheriff.

3-306.13 SHOULDER PATCH

The CCSO emblem will be worn on both shoulders of the shirt, blouse, and patrol jacket. Each patch will be placed so that the top is ½ inch below the shoulder seam and is centered on the seam.

3-306.14 MICROPHONE

When used with a portable radio, the microphone will be worn in the manner recommended by the manufacturer.

3-306.15 NAMEPLATE

A regulation-issue nameplate will be worn secured over the right breast pocket, centered, and with the bottom edge of the nameplate touching the top edge of the flap of the breast pocket of the blouse or shirt. On the patrol jacket the nameplate will be attached to the holder provided above the right breast pocket.

3-306.16 NECKTIE AND TIE TACK / MOCK TURTLENECK SHIRT

When wearing the Class B uniform, a deputy may wear a mock turtle neck or dickie style shirt in lieu of wearing a necktie and tie tack. The shirt must be solid black with no visible logos or print.

However, a regulation necktie will be worn for all court appearances and with the Class A uniform. The necktie will be secured to the shirt by a regulation-issue tie tack attached to the tie between the third and fourth buttons from the top of the shirt. No tie will be worn with the Class C uniform.

3-306.17 SHIRT

The short sleeve shirt will be worn with the collar unbuttoned. When the short sleeve shirt is worn, the undershirt will not be visible at the neck or bicep. The V-neck undershirt must be white. No medallion, choker, or necklace will be visible at the neck.

In lieu of the V-neck undershirt, deputies may wear a black moisture wicking style, crew neck shirt underneath their body armor. The shirt must not have any visible markings on it.

3-306.18 SHOULDER STRAP

Non-commissioned personnel will wear the shoulder strap with the Class A uniform. It is worn over the shoulder opposite the holster, attached to the gun belt.

3-306.19 SOCKS

A deputy will wear black socks with all classes of uniform.

3-306.20 SOFT BODY ARMOR

The Calvert County Sheriff's Office provides protective vests (soft body armor), which are uniquely fitted to each deputy. Soft body armor is issued to all sworn personnel to provide a measure of protection against assault and to reduce the possibility of fatal or serious injury. The wearing of CCSO-issued soft body armor, while on-duty, is mandatory for Patrol deputies. It is optional for CIB deputies and for commissioned officers. However, all sworn personnel are required to have their body armor readily available at all times while on duty.

Commanders or supervisors will order that soft body armor be worn on especially hazardous pre-planned operations, such as warrant execution.

Under no circumstance may an employee make or attempt to make any alterations to soft body armor. If armor becomes unserviceable, it must be returned to the bureau commander for replacement. Soft body armor will be replaced every 5 years.

3-306.20.1 OUTER VEST CARRIER

The outer vest carrier is body armor that can be worn as an outer garment to enhance safety. Sworn personnel may choose to wear this as an optional uniform modification but will do so at their own expense.

There are currently two approved outer vest carriers, which must only be worn with the class B, C, or secondary employment uniform. The older version is a dress carrier, black in color with the Agency badge and name plate affixed in the same manner as they appear on the class B and C uniform. There will be no patches displayed on the outer vest carrier.

The newer version is the Molle carrier, also black in color, while the Agency badge and name tag are Velcro patches.

3-306.21 UNIFORM PANTS

Regulation issue uniform slacks will be worn by all personnel unless otherwise prescribed.

3-306.22 UNIFORM SHOES / BOOTS

Employees will wear traditional military-style dress shoes or boots with plain toe. Shoes and boots will be constructed of smooth black leather or simulated leather capable of being polished to a high luster and will have no ornamentation. Their design will be such that the uniform slacks will not ride up on the heel opening.

Boots may not be worn when attending court.

3-306.23 UNIFORM HATS

Employees will wear the felt Stetson hat with the Class A uniform. The felt Stetson hat will be worn with the class B uniform during cold weather months and the straw Stetson hat during the warmer weather months. See 3-301 for exact details.

The Agency-issued stocking cap may be worn with the Class B or C uniform when the temperature falls below 50°. The Agency-issued baseball style cap may be worn with the Class C uniform only.

3-306.24 GLOVES

White gloves for special occasions are issued by the agency as needed. Gloves worn during regular duty assignments must be a solid color black. Gloves that are reinforced with any "knuckle plating" or "weighted" in any way are prohibited. Knuckle plated gloves are only allowed by the Special Operations Team and only to be used during SOT operations or training.

3-306.25 ATTIRE FOR PLAIN CLOTHES DEPUTIES

Plain clothes deputies conducting operations not requiring an inconspicuous appearance or disguise shall wear civilian business attire consisting of the following:

- Males - suit or sports jacket and slacks, shirt, tie and dress shoes.
- Females - suit, dress, skirt or slacks, blouse, and dress shoes.

Plain clothes deputies conducting covert activities may dress appropriately for their assignment, with bureau commander approval. Note that in some circumstances slacks and a polo shirt can be worn as determined by the CIB Commander.

3-306.26 COURT ATTIRE

Class B and C uniforms are acceptable court attire. In lieu of a uniform, male deputies shall wear civilian business attire consisting of a suit or sports coat with complementary slacks, dress shirt and a conservative tie. In lieu of a uniform, female deputies shall wear civilian business attire consisting of a dress, skirt and blouse, or a business suit. On duty officers summoned to court without advance notice may appear in their normal on-duty attire. Outer garments and hats shall not be worn in the courtroom. They shall be secured in the court security office.

3-306.27 K-9 BDU

The K-9 BDU is an alternate uniform which is authorized for K-9 handlers as a normal duty uniform. When this uniform is worn, the Garrison belt may be worn with the authorized holster in lieu of the Sam Brown belt. On duty K-9 handlers summonsed to appear in court may wear their normal on-duty K-9 BDU uniform.

This uniform consists of the following:

- Black BDU style shirt with shoulder patches
- Black BDU style trousers
- Nylon Garrison belt
- Nylon Sam Brown belt with accouterments
- Embroidered breast badge
- Embroidered nameplate
- Embroidered special unit insignia
- Socks
- Authorized footwear

3-306.28 NON-ISSUE UNIFORM EQUIPMENT

Personal non-issue equipment to be worn as part of the uniform, in addition to or in place of issued equipment, must be approved by the Sheriff or Assistant Sheriff prior to use. Approval will be subject to the following procedures:

A. The employee will complete and submit a written request in the format of a *Detailed Report* to their commander.

B. The commander will evaluate the item for quality, utility, and legality, and determine whether the employee is adequately trained in its use; recording their findings on the request and forwarding it to the Sheriff or Assistant Sheriff.

C. The Sheriff or the Assistant Sheriff will make the final determination, recording it on the request. The request will be returned to the employee and a copy filed in the employee's personnel file.

The CCSO authorizes deputies to carry personally-owned folding knives or similar cutting instruments with a blade length not to exceed six (6) inches. These devices may be used only as tools and not as weapons, except as described in Chapter 8.

3-306.28.1 CONDITIONS FOR USE OF NON-ISSUE EQUIPMENT

Use of non-issue equipment is subject to the following conditions:

A. It must be maintained in proper appearance and repair at the employee's expense;

B. It is subject to personal inspection in the same manner as issued equipment. Inspection reports will contain remarks relative to personal equipment;

C. Commanders may designate which approved, non-issued equipment may be worn by personnel attending special functions;

D. Commanders may immediately suspend, and following recommendation to and approval

by the Sheriff or Assistant Sheriff, discontinue the use of approved non-issued equipment; and

E. Employees misusing approved non-issued equipment may be subject to disciplinary action to the same extent as if the equipment was issued, except in incidents of damage or loss.

3-400 PERSONAL GROOMING

Deputies are required to be neat, clean and well-groomed in their personal appearance at all times, except in a covert investigation assignment where authorized to dress otherwise.

To ensure compliance with the standards prescribed in this section, each deputy will be visually inspected daily. Any uniform dress or appearance issues will be addressed and noted. A record of the inspection will be made on the CCSO *Shift Summary*.

A more detailed inspection will be done quarterly and documented on the *Personnel Inspection Report*.

3-401 FINGERNAILS AND MAKE-UP

Fingernails will be trimmed and free of dirt. Female deputies in uniform may wear only conservative polish or coating.

For female deputies, cosmetics will be in good taste and natural in appearance. Eye shadow, false eyelashes, and excessive lipstick are prohibited.

3-402 HAIR STANDARDS FOR DEPUTIES

Sworn employees must keep their hair neat and well-groomed while on duty. The following regulations are not all-inclusive, and final judgment on acceptability rests with the individual commander.

3-402.1 HAIR STANDARDS FOR MEN

A. The length and bulk of hair on the crown and sides of the head may not interfere with the proper wearing of any authorized uniform headgear.

B. At the front of the hairline, hair may not fall below the band of properly-worn headgear.

C. Hair will be worn in a tapered look and when combed, will not touch either the ear or the collar.

D. Hair will be tapered down to the neck at the back.

E. Sideburns will be neatly trimmed and tapered in the same manner as the hair. They will not extend below the earlobe, will be of constant width (i.e., not flared), and will end with a clean-shaven horizontal line.

F. Wigs or hairpieces will be worn only to cover natural baldness or disfiguration and will conform to all hair regulations.

G. Mustaches will be clean, neatly trimmed, and will not extend over the upper line of the upper lip. The mustache may not extend below the corner of the mouth and may not extend more than ½ inch beyond the corner of the mouth. Extreme styles (e.g. handlebar mustaches) are prohibited.

H. Other facial hair (such as full or partial beards, to include goatees) is prohibited, and employees must report for duty with a clean shave. An exception to this would be a medical condition that prohibits the deputy from shaving. This condition will be documented by a medical dermatologist, as noted in 3-402.1.1 .

3-402.1.1 MEDICAL EXCEPTIONS

When a deputy has been diagnosed by a certified medical dermatologist, with a medical condition that prevents them from shaving, the deputy will submit a Medical Exemption Form through the chain of command to the Sheriff or their designee in order to receive a waiver from shaving.

The Sheriff or their designee will meet with each requester to review the request. It is their decision whether or not to authorize sworn members to wear a beard or maintain an alternate shaving schedule when an existing medical condition restricts or prevents them from shaving.

If the waiver is approved, facial hair will be kept trimmed and neat, not to exceed 1/8" in length. This regulation is also in effect when working secondary employment. Deputies granted a waiver must keep on hand a razor or some type of hair removal system, to immediately remove any facial hair so that a "tight-fitting" respirator can be utilized when needed per OSHA requirements.

Deputies granted an initial waiver must be re-evaluated by their dermatologist every six months to determine if the medical condition persists, and to warrant the continuation of the waiver. If the dermatologist deems that the condition warrants a continued waiver, the deputy must re-submit a new *Medical Exemption* form through the chain of command for inclusion into his medical file.

Deputies who are in violation of the Agency's grooming standards shall be placed on leave until they are able to comply, or they receive a valid waiver. Deputies will also be subject to disciplinary action up to and including termination.

3-402.2 HAIR STANDARDS FOR WOMEN

A. The length, bulk, or appearance of natural hair will not be excessive, ragged, or unkempt. Hair will be neatly groomed and will not hang over the collar. Ponytails and completely plaited hair are prohibited.

B. At the front of the hairline, hair may not fall below the band of properly-worn headgear.

C. Hair coloring must appear natural.

D. Ribbons or other ornaments (except for neat inconspicuous bobby pins or conservative barrettes) are prohibited.

E. Buns and French braids in a neat and attractive manner are permitted on the top or back of the head, provided they do not interfere with the wearing of uniform headgear and do not hang over the collar.

F. Hairpieces or wigs will conform to all hair standards.

3-403 JEWELRY

Earrings are prohibited. Commanders may prohibit the wearing of bracelets (excluding medical alert identification) and any other jewelry, which detracts from the professional appearance of the employee or constitutes a safety hazard.

3-404 TATTOOS

All Agency employees are prohibited from displaying body art of any kind which, based on societal norms, is likely to offend. In general, displaying body art depicting the following is prohibited at any time:

- racism
- sexism
- obscenity
- profanity

A. No visible tattoos will be displayed on the face, head, neck, or hands, with the exception of point "B" below.

B. A commitment band tattoo is allowed and defined as a tattoo around a single finger and is used to replace a ring as a symbol of a significant event or a commitment between two people.

C. Employees with tattoos are encouraged to dress in such a manner as to minimize the possibility of the tattoos being visible to the general public. The Sheriff or their designee reserves the right to order a particular uniform be worn by those individuals with tattoos, if the tattoos are visible to the public and/or determined offensive. The Sheriff or their designee shall render the final judgment in these matters.

D. In order to avoid needing to wear a long sleeve uniform shirt or long pants, all sworn personnel will obtain prior approval from the Sheriff or their designee for any new tattoo that will be visible by the public while in uniform.

3-500 RECOGNITION OF MERITORIOUS SERVICE

The Calvert County Sheriff's Office strives to recognize outstanding performance on the part of individual employees of the Sheriff's Office or groups of employees. The CCSO also strives to recognize the performance of non-employees who have made significant contributions to or rendered significant services to the CCSO or a member of the community or community at large.

3-501 FORMS OF RECOGNITION

Sheriff's Citation - This citation will be authorized for presentation to an employee whose performance has been identified as outstanding, and above and beyond the call of duty, where a definite risk of life by the employee was involved. The recipient(s) of a Sheriff's Citation will receive a ribbon that is black and white in color, bearing a gold eagle.

Sheriff's Commendation - This award will be authorized for presentation to an employee in instances where the performance of an employee has been identified as outstanding and above and beyond the call of duty. Courage and valor may play an important role, but are not

mandatory. The recipient(s) of a Sheriff's Commendation will receive a ribbon that is gold and white in color, bearing a gold eagle.

Sheriff's Excellence in Law Enforcement Award - This award will be authorized for presentation to an employee in instances where the performance of a member(s) is identified as exceptional, thereby exemplifying the highest standards of the police profession. The recipient(s) of a Sheriff's Excellence in Law Enforcement Award will receive a ribbon that is gold and black in color.

Unit Citation - This citation will be authorized for presentation to an entire Sheriff's Office unit, shift or other unit of organization that has demonstrated superior performance during a calendar year that is clearly deemed exceptional and worthy of recognition. The recipients of a Unit Citation will receive a certificate bearing the Sheriff's signature.

Sheriff's Salute - This certificate will be authorized for presentation to persons or organizations, who the Sheriff believes have contributed to the well-being of the citizens of Calvert County, or to the CCSO. The recipient(s) of a Sheriff's Salute will receive a certificate and pin.

3-502 PRESENTATION

Awards and citations will be presented at a regularly scheduled Calvert County Sheriff's Office banquet or at some other function deemed appropriate by the Sheriff.

3-503 DOCUMENTATION

Awards and citations will be publicized within the Agency through a personnel order issued to all employees. A copy of the order and the citation will be placed in the employee's personnel file.

3-600 COMPUTER SYSTEMS MISUSE

Agency computer systems are created and maintained for accomplishing the mission of the CCSO. The introduction of outside computer software into County-owned workstations without the prior approval of the County Information Systems Administrator is strictly prohibited.

The CCSO has imposed the following restrictions. Violation of these prohibitions may result in disciplinary action or criminal prosecution:

- An employee may not access information concerning individuals who are not the subject of legitimate police inquiry.

- Only employees, who have been trained in and authorized access to ACRS/CJIS computers, may use them to access criminal history and motor vehicle information or to enter data. When the system is not in use, the screen will be turned off.

3-601 VIEWING OF PORNOGRAPHIC MATERIAL ON AGENCY COMPUTERS

Pornographic material will not be viewed or obtained on Agency computers, unless done in conjunction with an official investigation. The deputy conducting the investigation will notify their supervisor prior to using the computer for the investigation. Only computers designated by Technology Services may be used for this purpose.

3-700 TELEPHONES

The impression citizens receive when we speak with them over the telephone can help to promote or hinder the good will we need to accomplish our mission. Employees must strive to be courteous and helpful and to leave citizens with the impression that they have been served efficiently by the CCSO.

The policies in this section are equally applicable to land lines and cell phones.

3-701 TELEPHONE PROCEDURES

A. An employee will answer promptly, giving the caller immediate and undivided attention.

B. An employee will be prepared for telephone calls, with Agency phone extension list, as well as pad and pencil available to write the caller's name when it is first mentioned.

C. An employee will answer the Agency telephones by saying: "Calvert County Sheriff's Office, this is (rank and employee's name). How may I help you?" The employee will carefully explain what he or she is doing to address the citizen's concern (e.g., "I am going to transfer your call to Sgt. Smith, who can answer your question." Or, "Please hold the line while I check our records; this may take several minutes, but I will be back.")

D. An employee will offer to assist or forward to an employee extension when a caller asks for another employee who is not present.

E. When a call for service is received, the recipient shall obtain all pertinent information to enter into the New World System, such as the caller's name, address, telephone number, the incident that they are reporting, descriptions of possible suspects, vehicles, weapons, etc. This information is then entered into the New World System for dispatch to deputies in the field.

F. When a caller makes a complaint against another CCSO employee, the employee will notify the on-duty supervisor and obtain all information required to complete a *Blue Team entry* and will advise the caller how to obtain and complete a *Complaint Against Personnel Report*, before terminating the conversation.

3-701.1 AGENCY VOICEMAIL

The CCSO has implemented a voicemail system for both civilian and sworn personnel. When telephone calls are received for specific employees and the employee is either away from their desk or not working that day, the call will be forwarded to the employee's voicemail.

All voicemail calls requiring a response from Agency personnel, will be returned in a timely manner. For those employees working a rotating schedule/shiftwork, voicemail calls will be returned prior to the end of the employees' last scheduled workday.

3-702 PERSONAL CALLS PERMITTED

Personal calls should be limited to emergencies and important matters and should be kept to the minimum duration. Examples of the kinds of brief personal calls permitted are:

- Calls to notify family, doctor, etc. when an employee is injured on the job;
- Calls within the local commuting area to advise family of a change in schedule or to make alternate transportation or child care arrangements when an employee is required to work overtime, or otherwise alters their work schedule without advance notice;
- Calls to locations within the local commuting area that can be reached only during working hours;
- Calls to locations within the local commuting area to make arrangements in an emergency;
- Calls to check on family members;
- Calls of an emergency nature to or from hospitals, doctors, schools, day care, etc.

Whenever possible, outgoing personal calls should be made from public telephones. Abuse of telephone rules may result in disciplinary action.

3-703 PERSONAL CALLS PROHIBITED

The following personal uses are prohibited and may subject an employee to administrative action:

- Use where there is a toll charge to the CCSO, or where the employee intends to reimburse the CCSO for the toll.
- Use which significantly interferes with the conduct of official business.
- Listening in on or recording telephone conversations, except as authorized by appropriate legal authority.

3-704 PERSONAL LONG-DISTANCE CALLS

An employee may make a personal long-distance call from a telephone only if there are no charges to the CCSO. That is, the call must be charged to the employee's home telephone number or another non-CCSO number; be made to a toll-free number; be charged to the called party; or be charged to a personal telephone credit card.

3-705 RECORDING OF INCOMING TELEPHONE CALLS

All telephone lines in the Duty Officer's Area are recorded to include both incoming and outgoing telephone calls. There shall be no expectation of privacy on these telephone lines. There are employees trained to use the recording software and can provide playback of telephone conversations and can create a CD of these conversations when requested. All requests from the public for playback or copies of recorded CCSO telephone conversations will be forwarded to the Sheriff or their designee for review and approval.

3-706 PROVISION OF CELL PHONES

A. The CCSO will provide each sworn command staff member with a cellular telephone. Other cell phones will be assigned depending on the deputy's duty assignment.

B. The CCSO will pay for the basic telephone service, which includes a specified number of monthly anytime minutes. That allowance should be adequate for use of the cellular phone for official business.

C. The bureau commander will make a request in writing of the Assistant Sheriff for a cell phone for an employee, along with justification of the request.

D. A deputy may use the cellular telephone for personal use; however, all charges in excess of the basic charge are the responsibility of the deputy, unless the deputy can demonstrate that more than the base number of minutes were used for necessary CCSO business.

3-706.1 BILLING

Cellular telephone bills will be sent to the CCSO Executive Administrative Aide. Employees are responsible to pay for any excess cost above what the County pays for cellular service. The Executive Administrative Aide will contact the deputy each month with their payment amount. Telephone bills must be paid within seven (7) days of the date received notification from the Executive Administrative Aide.

If there is a billing dispute, the Executive Administrative Aide will contact the Purchasing Department to resolve the dispute with the telephone service provider.

3-706.2 TELEPHONE USE

A. Deputies will carry their cellular telephones with them at all times, turned on and charged.

B. Deputies must be aware that cellular telephone coverage in the County is not universal.

C. Deputies will use their cellular telephones while on duty to relay information, which is too lengthy, too sensitive, or otherwise inappropriate for the mobile radio system.

3-706.3 MAINTENANCE AND REPAIR

Questions about cellular telephone operation, maintenance, or repair should be addressed to the Agency phone administrator(s).

3-800 INSPECTIONS

In order to fulfill the responsibilities of office, the Sheriff must at all times be familiar with the condition of facilities, equipment, and personnel within the Calvert County Sheriff's Office. To maintain this familiarity and awareness, there is established a system of inspections. The system includes the inspection of personnel, equipment, vehicles, supplies, office space, and other physical locations used by the Office of the Sheriff. All command and supervisory personnel are charged on both a random and scheduled basis to continually inspect all that falls within their respective areas of responsibility.

The following is a list of CCSO inspections, their frequency and the form the supervisor is to use to document the inspection:

Inspection	How Often	Form Used
Vehicle Inspection	Quarterly	*Inspection Checklists* form
Mobile Data Computer (MDC)	Quarterly	*Inspection Checklists* form
Uniform/Personal Appearance	Quarterly	*Inspection Checklists* form
Firearms	Quarterly	*Inspection Checklists* form

Unsatisfactory conditions will be explained to the employee and correction required. The inspecting supervisor, or appropriate commander, will follow-up and ensure corrective action is taken. The timing of such follow-up will be dependent upon the perceived amount of time needed to successfully correct the deficiencies. In most cases, the follow-up should not exceed thirty (30) days. Safety deficiencies will be corrected immediately.

The completed reports and checklists must be turned in to the respective bureau commanders each quarter. Upon review, the commanders will designate someone in their bureau to file and maintain the checklists. They are to be kept on file for a period of two years, at which time they will be destroyed.

3-801 COMMANDERS

Each commander shall, when assuming a command, inventory the entire command and accept responsibility for all they find at their disposal as a result of assumption of command. In like manner, each commander in preparation for turning over a command to another, shall inventory their command and formally give an accounting via a *Detailed Report* of that which is to be turned over. Each such inventory shall include personnel inspections, as well as equipment, supplies, vehicles, and physical spaces occupied by the command.

3-802 SUPERVISORS

Patrol supervisors or their designee shall visit Sheriff's Office satellite offices at least once a week and inspect the equipment, cleanliness, forms, and functionality of said satellite offices. Patrol supervisors will document and forward any equipment or supply needs or repairs to the commander of the Patrol Bureau, or their designee, via *Sheriff's Office Memo* (form 71) or email. Upon receipt of requests for equipment repairs/requests, the Patrol Bureau Commander or their designee shall ensure that said repairs/requests are made in a timely manner.

It will be the responsibility of each Patrol supervisor to ensure that all satellite offices are supplied with the necessary forms and office supplies. The Patrol Commander and/or Assistant Patrol Commander, as often as possible, will meet with Patrol supervisors in order to maintain a close working relationship and personally communicate such directions as may be appropriate. The Patrol Commander and the Assistant Patrol Commander shall, on a random basis, attend roll calls to witness the inspection of, or personally inspect Agency personnel.

3-803 EMPLOYEES

All equipment, uniforms, supplies, vehicles, physical spaces and all other things owned or under the control of the Calvert County Sheriff's Office, which are assigned to the keeping of an individual employee, are subject to inspection and audit by both Sheriff's Office personnel and outside agencies, who have been given the authority to conduct audits. If an individual employee under these circumstances places any personal security device in place, the employee's immediate supervisor will be supplied with the means to access the security device for purposes of inspection. Any personal property of any kind, which is placed within the vehicles or physical spaces owned or controlled by the Sheriff is the responsibility of the individual employee placing it there. The CCSO assumes no responsibility or liability for such items. All such items are subject to the inspection procedure of this Agency. No item, which would violate any rule, policy or law by its possession or use, will be allowed in vehicles, physical spaces, or in the possession of employees of the Calvert County Sheriff's Office.

3-804 AGENCY VEHICLES

Sergeant, corporal, deputy, and DFC's Agency vehicles shall be inspected quarterly by supervisory personnel and documented on the *Vehicle Inspection Checklist*. First sergeant and detective sergeant Agency vehicles will be inspected quarterly by their lieutenants. Lieutenant Agency vehicles will be inspected quarterly by their captains and/or the Assistant Sheriff.

Agency vehicles shall be inspected visually by those assigned to them prior to beginning their tour of duty, upon new assignment of a vehicle, or when turning in a vehicle due to reassignment or any other reason to ensure the vehicle is in safe operating condition and equipped with all materials needed to carry-out assigned duties. Any damage or equipment problems will be reported immediately to the employee's immediate supervisor and documented on the appropriate Agency form. It will be the employee's responsibility to contact, via email, Calvert County Fleet Maintenance, and make arrangements to have the equipment problem repaired a soon as possible through Calvert County Fleet Maintenance, radio repair, individual car dealerships, etc. Any repairs made, with the exception of scheduled maintenance or radio repair, shall be documented by receipt of service or work order and forwarded to the Patrol Bureau for inclusion to the vehicle file. When vehicle damage or equipment problems come to the attention of supervisory personnel, that supervisor will determine if the vehicle can be operated until said problem can be corrected, or take the vehicle out of service. If a vehicle is taken out of service, the affected supervisor will make arrangements for a replacement vehicle and notify the Agency Fleet Manager via *Sheriff's Office Memo* or email.

Agency personnel will visually inspect the interiors of their assigned vehicles prior and subsequent to transporting prisoners or passengers to ensure that no contraband, weapons, or any other items or objects have been left behind or purposely secreted by said prisoners or passengers. Any contraband, weapons, or other items shall be brought to the attention of the affected employee's immediate supervisor, documented as "found property" on a Calvert County Sheriff's Office *Property Record Sheet*, placed into property held for inclusion to any pending investigation file or to be destroyed, and a CCSO *Case Report* completed.

3-900 LOSS OF / DAMAGE TO CCSO EQUIPMENT

The purpose of this Section is to establish a uniform procedure dealing with the reporting of lost or damaged CCSO equipment.

3-901 DEFINITIONS

CCSO Equipment - equipment or parts thereof owned and issued by the CCSO. This term does not include expendable equipment.

Loss - includes accidental loss and/or theft.

Damage - includes any physical damage. This term does not include malfunction or normal wear.

3-902 SCOPE

The sections following pertain to procedures and reports that apply in all cases involving the loss or damage of Agency equipment, including damage to an Agency vehicle, when the apparent extent of the damage is less than $1,000.00 and there is no injury to Agency

personnel or others. For more details on procedures and reports to be filed for motor vehicle accidents, see 13-200.

3-903 RESPONSIBILITY

Employees are held responsible for their uniforms, motor vehicles, and other equipment issued to them. Where it is established that equipment has been damaged or lost through negligence, the employee may be obligated to replace the item at their own expense. Every employee of the CCSO will assume personal responsibility for all County property issued to him/her or placed in service for their use or convenience.

3-904 INITIAL NOTIFICATION

The employee assigned any equipment, which is damaged or lost, or the first employee having knowledge of such damage or loss, will report it immediately to their immediate supervisor.

3-905 REPORT REQUIRED

In each case of damage to or loss of equipment, the employee making the initial notification or another employee designated by the immediate supervisor will complete an *Equipment Loss/Damage Report*. If the incident involves the loss of capital equipment, non-capital equipment that can be identified by number, or any other equipment of significance, appropriate field reporting procedures are initiated. Equipment that can be identified by number is entered into the METERS computer system.

3-906 SUPERVISORY REVIEW

The supervisor receiving the *Equipment Loss/Damage Report,* or another supervisor designated by the Assistant Sheriff, will initiate an appropriate investigation into the incident and report the facts and appropriate recommendations to the employee's commander.

3-907 ADMINISTRATIVE REVIEW

Upon completion of the supervisory review, the *Equipment Loss/Damage Report* will be submitted to the employee's bureau commander for initial administrative review. The bureau commander will determine, considering all the facts and circumstances, whether disciplinary action is warranted. Any such discipline will be taken in accordance with Chapter 4 of this Manual. The report will be forwarded to the Assistant Sheriff for final administrative review.

3-908 DISTRIBUTION OF REPORT

The report will be filed by the Executive Administrative Aide as follows:

1. A report involving any type of damage to a motor vehicle will be filed in the motor vehicle history file;
2. A report involving damage to or loss of personal issue equipment will be filed in the employee's personnel file.

3-909 RESTITUTION TO CCSO

If the report involves the theft of or damage to equipment by a third party from whom restitution may be gained, the Assistant Sheriff will be responsible for monitoring the progress of the case

through the courts. The Assistant Sheriff will be responsible for obtaining a certified copy of and acting upon a certified copy of any court decision ordering restitution in favor of the CCSO.

3-1000 APPEARANCE OF FACILITIES

All facilities will be maintained in a clean and orderly fashion. Commanders are responsible for the cleanliness and orderliness of areas under their control. Commanders will encourage all personnel to practice energy conservation measures to ensure efficient use and management of utilities.

There are neighborhood associations throughout the County that permit deputies to use space in their building as a satellite office. When using these satellite offices, deputies shall keep them clean and functional at all times. They shall adhere to any guidelines or policies that the association sets for its use. Satellite offices shall be used for official business only.

3-1100 SECURITY OF FACILITIES

The responsibility for security at each work area or facility rests with the respective bureau commander. The goal of security procedures is to provide adequate protection to personnel and property. During night time and other hours of limited operation, all areas will be secured, with the exception of an entrance for the public. Offices used by personnel will be secured when not occupied. Only authorized employees will be issued keys.

Each Commander is responsible for securing CCSO property under their control so as to prevent public access.

3-1101 ELECTRONIC ACCESS AND VIDEO SECURITY SYSTEMS

Electronic and video security equipment are utilized for the protection of personnel and property located at Calvert House, the main courthouse, and other County facilities as assigned. Under the supervision of the Sheriff, these systems are administered and monitored by the Calvert County Sheriff's Office Administrative and Judicial Services Bureau (AJSB) and supported by the Calvert County Government.

3-1101.1 ELECTRONIC ACCESS CONTROL SYSTEM

The Electronic Access Control Systems direct and monitor all exterior and primary interior doors of County buildings assigned to be monitored by the Agency. Under the supervision of the Sheriff, administration and monitoring of the systems are the responsibility of the Sheriff's Administrative & Judicial Services Project Manager (Systems Administrator). The AJSB Office Specialist I is the Systems Manager. Due to the significant level of protection required to guarantee the security of the Agency's property rooms, a secure working environment for County employees and confidence in personnel issues, access to the software and data generated in the system is limited to the Administrator, Manager, Technology Services Systems Analyst II, Infrastructure Manager, and Network Administrator I.

Employees must possess an electronic key or readable I.D. to enter and exit doors. Admittance to an area is based on an individual's job duties and access is received through written approval by a department head. Electronic keys and readable I.D.'s are issued by the Administrator or Manager for all approved employees. It is the responsibility of the department head or supervisor to ensure that the employee understands the specific purpose for which the electronic key or readable I.D. is to be used and the impact of its misuse. Recipients must sign

a waiver that acknowledges that there is a replacement fee charged for lost electronic keys and readable I.D.'s.

The Court Administrator and department heads determine the scope of access to their section with allowances given to the impact it has on other departments and agencies.

The Electronic Access Control Systems are capable of generating reports detailing personnel movement through secured areas. As a basis for punitive action, supervisors may request a system generated report for employees assigned to them for managerial purposes. Requests for reports will be in writing and fulfilled on a weekly or monthly basis and cannot be generated daily.

Electronic keys and readable I.D.'s are user specific and must not be used by anyone other than the employee it has been issued to. It is the responsibility of the supervisor or department head to ensure that electronic keys and/or readable I.D.'s are returned prior to personnel leaving their employ, and that immediate notification is given to the System Administrator or Manager, so the key/I.D. may be de-activated or reassigned to the employee's replacement.

3-1101.2 VIDEO SECURITY SYSTEMS

The Video Security System monitors and records activity in assigned County buildings. Under the supervision of the Sheriff, administration of the system is the responsibility of the Sheriff's Administrative and Judicial Services Project Manager as the Electronic Security Systems Administrator assigned to the Administrative and Judicial Services Bureau.

Camera monitors are installed in the Duty Office, deputies' room, the holding cells, and security checkpoint at the main courthouse for surveillance purposes. Recordings are on the County's secured network maintained by Technology Services, which has access, but under limited circumstances.

A department head or supervisor may request a video clip, as related to a security or personnel issue. Requests for video clips should be made to the Systems Administrator immediately following the event.

3-1102 HEADQUARTERS BUILDING KEY

Each CCSO employee is assigned and given a traditional style key in addition to the electronic key fob or readable I.D. In the event CCSO Headquarters loses power, this key will unlock both the front lobby and rear doors at the CCSO Headquarters. Additionally, the key will unlock the booking trailer at the Detention Center. These keys are issued by Administrative & Judicial Services Bureau staff. Their supply of keys is obtained from the County Buildings and Grounds Department. These keys are not to be duplicated except by Buildings and Grounds personnel.

If a key is found to be missing, an on-duty supervisor or commander shall be notified immediately. The employee responsible for the key will submit a *Detailed Report*, fully describing all known circumstances surrounding the loss or disappearance of the key, through the chain of command to the Administrative & Judicial Services Bureau Commander.

3-1103 USE OF STATIONARY METAL DETECTOR AT SHERIFF'S OFFICE

The Sheriff's Office is the central location for law enforcement related activity in Calvert County. Every day, members of the public enter the Sheriff's Office for various reasons. The security of

those individuals and Sheriff's Office personnel is a top priority. A stationary metal detector has been installed just inside the main entrance of Sheriff's Office Headquarters and the lower level handicap entrance. In addition, a hand-held metal detector, and a personal property tray have also been placed in the same location. This equipment is to be utilized as enumerated below.

3-1103.1 PROCEDURES FOR MEMBERS OF THE PUBLIC

Any Sheriff's Office employee, sworn or civilian, who brings a member of the public beyond the front lobby of Sheriff's Office Headquarters (the secure area) for ANY law enforcement-related business (except for detainees brought in by sworn members through the ground level detention area, subsequent to arrest) will adhere to this order. Members of the public will be informed prior to entering the secure area that they must pass through a metal detector, and may be subject to search of their person and any belongings in their possession, i.e., purses, bags, backpacks, etc. Signage will be posted in the Sheriff's Office lobby making members of the public aware of this policy, in addition to verbal notification.

3-1103.2 PROCEDURES FOR ARMED SWORN PERSONNEL ESCORT

Only armed sworn personnel will escort members of the public through the metal detector and conduct any necessary subsequent searches. Should any civilian employee need to bring a member of the public into the secure area, the employee must have an armed, sworn member meet them in the front lobby. The sworn member will escort the member of the public through the metal detector, ensure the member of the public has no weapons or contraband, issue the member of the public a visitor's badge, and advise the civilian employee it is safe to conduct their business with the member of the public. There will be NO exceptions to this directive.

3-1103.3 PERSONAL PROPERTY TRAY

Members of the public will be asked to empty their pockets of any metallic items into the personal property tray prior to passing through the metal detector. Members of the public will be encouraged to leave items such as purses, bags, backpacks, and any other item capable of concealing a weapon or contraband, in their vehicles or with someone not entering the secure area. If the individual chooses to bring an item described above into the secure area, the item will be searched.

3-1103.4 METAL DETECTOR

If the metal detector sounds an alert as a member of the public passes through, the individual will be asked to pass through a second time. If the metal detector sounds an alert the second time, the individual will be scanned with the hand-held metal detector. If a situation arises that requires a search beyond what is described in sections 3-1103.1 – 3-1103.3, a sworn member will conduct a physical pat-down of the individual. When a pat-down is necessary, it will be performed with tact and professionalism, and when possible, in the presence of another sworn member. If the individual is a female, every effort will be made to have a female sworn member perform the pat-down.

3-1103.5 WEAPONS OR ITEMS THAT COULD BE USED AS WEAPONS

Any item that is clearly a weapon, or could be easily used as one, i.e., box cutters, sharp tools, personal protection canisters of mace or pepper spray, etc., will be held for safekeeping in the Duty Officer's area, and returned to the individual as they exit the building. If an individual is

brought into the secure area and found to be in possession of any illegal weapons or contraband, the individual will be arrested immediately.

3-1103.6 LAW ENFORCEMENT OFFICERS

No person, other than sworn law enforcement officers, will be allowed to carry a firearm on property or in buildings owned or controlled by the Sheriff without prior authorization from the Sheriff or their designee. All law enforcement officers entering the secure area shall display their badge and or photo identification. ALL other individuals entering into the secure area shall wear a visitor's badge, green or yellow, on their person that is clearly visible.

Requests for authorization to carry firearms will be in the form of a *Request to Carry Firearm Memo*, addressed to the Assistant Sheriff or their designee. Authorization will be granted on a case-by-case basis.

Should at any time the employee's status to carry a firearm change, the employee will notify the Assistant Sheriff immediately.

3-1200 DETAILED REPORT

The *Detailed Report* is used by all personnel to transmit an official report within the Sheriff's Office. Unless otherwise indicated elsewhere in this Manual, the *Detailed Report* is used to report all official business whether in the form of information, explanation, suggestion, or request and is submitted through the chain of command.

The official report writing format is used as a guide when a *Detailed Report* and/or subsequent endorsement are necessary. An electronic example can be found on the Sheriff's Office "T" drive under SO Forms/Detailed Report (Example). The report consisting of the original is typed and signed in ink by the person submitting the report.

3-1300 COURT ATTENDANCE

Prior to appearing for a District or Circuit Court case, a deputy will sign the *Court Appearance Form,* which is located in both the Circuit Court and District Court State's Attorney's Office.

For criminal cases and "must appear" traffic cases in the District Court, the deputy will call the *State's Attorney's Office Call-Off List* telephone number, 410-535-6459, between 1700 hours the evening prior to the court date and 0830 hours the morning of the court date. The deputy will listen to the recorded message to determine if they have been excused from appearing for the case.

For criminal cases in the Circuit Court, the deputy will contact the prosecuting attorney prior to the court date to determine if their appearance is necessary and to find out when and where to report.

With the prosecuting attorney's permission, a deputy may be placed "on-call" for a court appearance. The deputy will provide a contact telephone number for the State's Attorney so that he can be immediately notified if needed for court. Deputies should be cautioned that if they cannot be reached when needed for court, they could face disciplinary action and/or the Court may deem that they have "failed to appear."

It is the responsibility of each deputy to immediately notify their immediate supervisor of any conflicts that would prevent the deputy from being available for a court appearance, or any other

court related conflict that presents itself. When a deputy has pre-approved leave or training and will not be available for court, the deputy will submit an e-mail to the designated State's Attorney Office Assistant for District Court and the District Court Clerk. The e-mail will outline the days they are not be available for court. The deputy will "CC" their sergeant or corporal and the Assistant Patrol Commander.

3-1400 SMOKING PROHIBITED

Smoking or carrying lighted smoking materials or using chewing tobacco or snuff is prohibited in all facilities. See Chapter 1-808 for detailed Agency policy on smoking and use of tobacco products.

CHAPTER 4
PERSONNEL ADMINISTRATION

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	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **PERSONNEL ADMINISTRATION**	Chapter **4**
	Affects: **ALL PERSONNEL**	
EFFECTIVE DATE **January 29, 2009**		Amends: **TOC, 4-1400 to 1408 on 12/1/20**

4-100 PERSONNEL ADMINISTRATION

The CCSO recognizes that its employees are its public face to the citizens it serves; the primary means by which its mission is accomplished; and its most valuable asset. The CCSO strives to compensate employees fairly, to provide meaningful assignments, which demonstrate the dignity of work, and to treat every employee in an equitable manner.

4-200 EQUAL EMPLOYMENT OPPORTUNITY, HARASSMENT AND WORKPLACE VIOLENCE

The CCSO will conduct all its personnel activities in a manner which will assure equal opportunity for all persons on the basis of merit, without regard to political affiliation, race, color, religion, national origin, gender, marital status, age, disability or other non-merit factor. This policy is in accordance with Part 2, Article II, § 86-1-201 of the Calvert County Government Personnel Policies.

4-201 STATEMENT OF POLICY

It is the policy of the Board of County Commissioners to comply fully with Federal Government and State regulations with regard to equal employment opportunity. It is, and shall continue to be, the policy of the Board of County Commissioners to provide employment, training, compensation, promotion, and other conditions of employment in the County service based on merit and without regard to race, color, religion, national origin, disability not affecting work performance, sex, or age, except where age or sex are essential bona fide occupational requirements.

The Board of County Commissioners shall continue to direct its employment and personnel practices toward ensuring equal opportunity for everyone in the County service. Therefore, the Board of County Commissioners intends that all matters related to recruiting, hiring, training, benefits, tuition, grants, compensation, promotion, transfer, layoff, disciplinary action, termination, and all treatment on the job be free from discriminatory practices.

All County personnel who are responsible for recruiting, hiring, training, supervising, promoting, transferring, and assigning employees are governed by this policy.

The CCSO has a separate Equal Employment Opportunity Plan, which is found in *Appendix 4A.*

All employment-related notices, such as advertisements for vacancies, will indicate that the CCSO is an equal-opportunity employer.

4-202 SCOPE

This policy applies to all aspects of the employment process, including hiring, pay, benefits, assignment, promotion, transfer, layoff, training, and general personnel administration.

4-203 DISCRIMINATION PROHIBITED

A supervisory or managerial employee of the CCSO who violates this policy will be subject to the disciplinary process.

4-204 APPEALS

A sworn employee who believes he or she has been discriminated against on one of the prohibited bases identified above may file a grievance in accordance with the procedure described in this Manual. A non-sworn employee may file a grievance in accordance with the Calvert County Government, set out in its Personnel Policies and Procedures, Part 10, Article II, §86-10-205 and 206.

4-300 CLASSIFICATION AND PAY

Except for the position of Sheriff, which is established by the Constitution of the State of Maryland, and the position of Assistant Sheriff, who is appointed by the Sheriff, every position in the CCSO is established pursuant to the Calvert County Classification Plan. A copy of each position description is maintained by the Department of Human Resources and is available for review by employees. The position descriptions can by located on the "S" drive of the in-house computer under the "Human Resources" file in "Class Specifications."

4-301 BASIC PAY

Grade and step levels for CCSO employees are in accordance with Part 3, Article I – *Pay Plan and Adjustments* of the Calvert County Government Personnel Policies.

4-302 ENTRANCE LEVEL

It shall be the policy of the Board of County Commissioners to administer a pay plan on the basis of job classification and years of service. Employees shall, as a general rule, begin employment with the County and the CCSO at the base rate of the grade in which the position is classified.

4-303 PAY GRADES

Sworn employees are paid, based upon their ranks, under the *Calvert County Government's pay scale "**Sheriff".***

Non-sworn employees are paid, based upon their grade levels, under the *Calvert County Government's pay scale **"70-hour or 80-hour".***

Under both scales, the starting salary for a position is the first step of the grade appropriate to the position.

4-304 ADVANCEMENT WITHIN GRADE

The Board of County Commissioners annually determines whether to make an adjustment to the pay scales. In the event of an increase in the approved pay scale, the increased pay rates shall apply to all merit employees, including those in the probationary period, part-time, and grant employees, subject to the availability of funds, and any other class of employees designated by the Board of County Commissioners.

4-305 STEP INCREASES

Subject to the availability of funds and the terms of the pay scale, the Board of County Commissioners grants step increases once per fiscal year, at the beginning of the fiscal year as described below.

A. The following employees shall be eligible for step increases:

1. Merit employees that have received a satisfactory or better performance evaluation.

2. Full-time grant funded employees that have received a satisfactory or better performance evaluation.

3. Part-time employees unless the Sheriff recommends that it be withheld and provided, they have completed six months of service.

4. Employees serving in a probationary status following a promotion or other status change.

B. If a part-time employee moves to a job with a different title, they must complete six months of service in the new title prior to receiving the increase.

C. If the Sheriff has established an initial probationary period in excess of one year, deputy sheriffs shall be eligible for a step increase upon completion of one year of service, and each July thereafter, if they have received a satisfactory performance evaluation and a favorable recommendation from the Sheriff and if their probationary period began prior to the first day of the pay period that the increase was granted. The granting of such a step increase shall not be construed as successful completion of the probation.

D. All step increases shall be effective at the beginning of the pay period that is closest to July 1. If July 1 falls exactly in the middle of a pay period, the step increase shall be effective at the beginning of that pay period.

4-306 RELATIONSHIP TO RANK

The deputy levels in the classification system correspond to the CCSO rank structure:

Deputy Sheriff
Deputy First Class
Senior Deputy
Master Deputy
Corporal
Sergeant
First Sergeant/Detective Sergeant

Lieutenant
Captain
Assistant Sheriff (Major or Lt. Colonel)
Sheriff

4-307 OTHER SALARY ADJUSTMENTS

A. Demotion

The salary rate upon demotion shall be established at the step within the new range which shall provide a six percent decrease in the regular straight time hourly rate, except for the ranks of senior deputy, master deputy, and lieutenant. The salary rate upon demotion to the rank of senior deputy or master deputy shall be established at the step within the new range, which shall provide a two percent decrease in the regular straight time hourly rate. In the event the salary rate falls between two steps, the employee shall be granted the lower of the two. The salary rate upon demotion for the rank of lieutenant being demoted to a lower rank in the Sheriff's Office shall be established at the step within the new range which shall provide a twelve percent decrease in the regular straight time hourly rate. In the event the salary rate falls between two steps, the employee shall be granted the lower of the two.

B. Detail

During an approved official detail to a higher graded position, an employee's salary shall be computed as if the action were a promotion. This shall be effective commencing with the 31st consecutive calendar day of performing the majority of duties and responsibilities of any other position that is vacant or where the incumbent is on extended leave and shall be retroactive to the first day of the approved official detail. Upon expiration of the detail, the former salary rate shall resume. In the case of a detail to a position of an equal or lower grade, the employee's salary shall not be affected.

C. Promotion

The salary rate upon promotion shall be established at the step within the new range that shall provide a six percent increase, or the minimum of the higher grade, whichever is greater in the regular straight time hourly rate, except for the ranks of senior deputy, master deputy and lieutenant. The salary rate upon promotion to the rank of senior deputy or master deputy shall be established at the step within the new range which shall provide a two percent increase in the regular straight time hourly rate. In the event the salary rate falls between two steps, the employee shall be granted the higher of the two. The salary rate upon promotion to the rank of lieutenant in the Sheriff's Office shall be established at the step within the new range that shall provide a twelve percent increase in the regular straight time hourly rate. In the event the salary rate falls between two steps, the lieutenant shall be granted the higher of the two.

D. Transfer

1. For CCSO sworn employees who are transferring to another position within their current rank, their step shall remain the same.

2. For civilian employees who are transferring to a position on the same salary schedule, their step shall remain the same.

3. For civilian employees who are transferring to a position on a different salary schedule, their salary rate shall be established at the lowest step that provides the same regular straight time hourly rate within the new range as the employee received immediately prior to transfer. In the event the salary rate falls between steps, the employee shall be granted the higher of the two. If steps have the same salary rate, they shall be placed at the step that shall not delay a salary rate increase when next eligible.

E. Augmentation

Field training officers (FTO's) are eligible to receive "field training pay." FTO's will receive an additional one dollar per hour for every hour spent training a new deputy.

F. Reclassification

This applies only to civilian employees, as sworn employees are part of a rank and file promotional system that does not include reclassification. For civilian employees:

1. The salary rate upon reclassification to a higher grade shall be computed as if the action were a promotion.

2. The salary rate upon reclassification to the same grade shall be computed as if the action were a transfer.

3. The salary rate upon reclassification to a lower grade shall be computed by first providing any step increase due and then placing the employee at the step within the new range that provides no decrease in the hourly rate. If the rate after step increase exceeds the maximum of the new range, the rate shall be frozen until the maximum exceeds it. At such time the employee shall be placed at the step rate that provides no decrease in the hourly rate.

4. These provisions may be superseded by the terms of implementation of special study at the discretion of the Board of County Commissioners.

G. In accordance with the Fair Labor Standards Act, the Board of County Commissioners may make deductions in the amount of compensation paid to an exempt employee from the exempt employees' salary to the extent that it is warranted and permitted by federal and state wage and hour laws and regulations. If an employee believes that such a deduction has been made and that the deduction is inconsistent with his or her exempt status, the employee shall immediately report the matter to their supervisor, the Sheriff or the Department of Human Resources. The Board of County Commissioners shall investigate any alleged improper deductions, shall reimburse the employee if it is deemed that the deduction was in violation of federal or state wage and hour laws and regulations, and shall take whatever action it deems necessary to ensure compliance in the future. The Board of County Commissioners is committed to investigating and resolving all complaints promptly and accurately.

4-308 PREMIUM PAY

Sworn employees not exempt from the Fair Labor Standards Act will be paid premium pay when, in a work period of 28 consecutive days, their tour of duty exceeds 171 hours or the average length of tours of duty during a 28-day work period, or in a work period of at least seven

but less than 28 days, the employee's total number of hours exceeds the ratio of 171 hours during 28 days.

Paid leave time shall be counted as hours worked for purposes of calculating entitlement to paid overtime or compensatory leave.

The CCSO does not provide salary supplementation based upon special skills or augmentation based upon special duties.

Canine deputies are scheduled to work one-half hour less per shift per K-9 dog than other deputies in recognition of the time required to care for their animals. If the canine deputy has two K-9 dogs, they will deduct one hour per working day from their regularly scheduled duties. On regularly scheduled days off the canine deputy will be compensated .75 hours of compensatory time per K-9 dog.

4-309 SHIFT DIFFERENTIAL PAY

Employees eligible for shift differential pay are those who receive and dispatch emergency and non-emergency calls from the public regarding public safety and law enforcement issues. This includes sworn members of the Sheriff's Office.

Shift differential is paid to eligible employees working qualifying shifts as set forth below:

- Qualifying shifts are shifts that begin before 6:00 a.m. or after 9:00 a.m.
- Shift differential will be paid for hours worked between 4:00 p.m. and 8:00 a.m. by an eligible employee working a qualifying shift.
- Shift differential is not paid for hours on paid or unpaid leave.
- The shift differential rate is established in each approved annual budget for the County.
- The Director of Personnel and the Director of Finance and Budget or their designee must review all requested shifts to ensure compliance with policy.

4-310 HOLIDAY PAY

Holiday pay is premium pay granted to eligible employees who are required to work on legal holidays observed by the County. Merit employees and part-time and grant funded employees, regularly scheduled to work 50% or more of the normal pay period, are eligible for holiday pay up to the number of hours of a regularly scheduled day in accordance with the terms of this article. Any hours worked over a regularly scheduled day shall be paid at the appropriate overtime rate. Contractual employees are eligible for holiday pay only if such pay is granted by an express term of their employment contract.

A. Eligible employees who observe legal holidays on the date observed by the County who are required to work on a legal holiday shall be paid for the hours worked. They shall also receive additional pay at their regular hourly rate or time off equal to the number of hours worked as chosen by the CCSO.

B. Eligible employees **(Shift workers)** who observe legal holidays on the actual calendar date occurrence (not the observed date) of a legal County holiday who are required to work on a holiday shall be paid for the hours worked at the rate of 1 ½ times their regular hourly rate. They shall also receive additional pay at the regular hourly rate or time off

equal to the number of hours worked as chosen by the CCSO. If a shift worker is on approved paid leave when a holiday falls, the employee shall not be charged leave.

C. In the event that the observed and calendar holiday dates are the same, employees required to work shall be compensated in accordance with Subsection B above.

D. Time off in lieu of a holiday shall be scheduled at the time chosen by the CCSO.

4-311 OVERTIME PAY

A. Overview

The Board of County Commissioners pays overtime in accordance with the requirements of state and federal law. In some instances, the Board of County Commissioners pays overtime not required by state or federal law as specified herein.

B. Exemptions

Appointed officials and executive, administrative, and professional employees are ineligible from the payment of overtime.

C. Overtime Compensation

1. Nonexempt full-time employees may earn compensatory leave at the rate of 1 ½ hours for each hour worked or overtime pay at the rate of 1 ½ times their regular hourly rate, including shift premiums if applicable, for all hours worked in excess of their regular daily schedule, unless another schedule is elected. Either overtime pay or compensatory leave may be provided by the Sheriff.

2. Nonexempt part-time and temporary employees may earn compensatory leave at the rate of 1 hour for each hour worked or overtime pay at the rate of 1 time their regular hourly rate for each hour worked in excess of their regular schedule for that day up to 40 hours in any one workweek, unless another schedule is elected. Either overtime pay or compensatory leave may be provided by the Sheriff.

3. Nonexempt part-time and temporary employees may earn compensatory leave at the rate of 1 ½ hours for each hour worked or overtime pay at the rate of 1 ½ times their regular hourly rate, including shift premiums if applicable, for all hours worked in excess of the statutory maximum of 40 hours in any one workweek, unless another schedule is elected. Either overtime pay or compensatory leave may be provided by the Sheriff.

4. Exempt full-time, part-time and temporary employees may earn compensatory leave at the rate of 1 hour for each hour worked in excess of their regular schedule for that day, for emergency situations as determined. This policy is in accordance with § 86-3-204 of the Calvert County Government Personnel Policies unless another schedule is elected by the Sheriff.

5. For partially-exempt public safety employees, the Sheriff may establish an extended work period not to exceed 171 hours in any twenty-eight-day period. If so established, such employees may earn compensatory leave at the rate of 1 ½ hours for each hour worked or overtime pay at the rate of 1 ½ times their regular hourly rate, including shift premiums if applicable, for hours worked in excess of 171 in the

extended work period. Either overtime pay or compensatory leave may be provided by the Sheriff.

6. Paid leave time shall be counted as hours worked for purposes of calculating entitlement to paid overtime or compensatory leave.

D. Procedure: An employee who works scheduled or unscheduled overtime hours will have their overtime documented on the back of their time sheet and verified by the supervisor on duty when the overtime was performed, or by the supervisor who assigned the overtime. Overtime not verified may be denied.

4-312 ESSENTIAL EMPLOYEES

A workday is a twenty-four-hour period commencing at 0001 hours and ending at 2400 hours. The Sheriff has designated personnel within the Patrol Bureau as essential employees. All Patrol personnel regularly scheduled to work shall report to work and remain on duty when the County Government is closed during normal business hours in accordance with the above.

The Patrol Bureau Commander, Patrol Bureau Deputy Commander and the Patrol Bureau Assistant Commander are also designated as essential employees and shall work their regular schedule.

4-313 EMERGENCY CALL IN

Employees who are called in to work from off-duty to respond to an emergency (as determined by the Agency and approved by the Sheriff) shall be compensated for a minimum of two hours, inclusive of travel time to and from the emergency site. Except as specified below, nonexempt employees shall be paid at the rate of 1 ½ times their regular hourly rate, and exempt employees shall receive straight time compensatory leave. When the difference between the time of commencement of the call-in and the beginning of their next scheduled work hours is less than two hours, the employee shall be paid only for the difference. At the beginning of the scheduled hours, the regular hourly rate shall apply. Employees shall be eligible to receive call- in pay only once during a 24-hour period.

4-314 NO COMPOUNDING

There shall be no compounding of overtime, leave, holiday and other payments unless otherwise specified. Only one rate, the highest, shall apply.

4-315 FUTURE AMENDMENTS / CONFLICTS

The Board of County Commissioners may, from time to time, amend this policy in any manner not inconsistent with law. County documents or resolutions which conflict with this policy are hereby repealed to the extent of such conflict.

4-316 EFFECT ON SCHEDULED PAID LEAVE

Those employees scheduled to be on paid leave during a workday in which the County Government closes shall be credited with leave hours equal to the length of the County closing.

4-317 LIBERAL USE OF LEAVE

In cases where the Board of County Commissioners decide to open County Government instead of granting administrative leave, it may declare a liberal leave policy to be in effect. The Sheriff may grant requests for use of accrued annual or personal leave or leave without pay on an individual basis for civilian employees of the CCSO. Employees must contact their supervisors to request such leave. **Essential** employees required to report for work shall be paid at their regular rate.

4-318 APPROVED ABSENCES

Provisions for accrual and use of annual leave, sick leave, holidays, personal days, military leave, educational leave, funeral leave, family and medical leave, jury duty, subpoena, and leave without pay are fully described below.

4-319 ANNUAL LEAVE

Annual leave is paid leave granted to eligible employees for their personal use. Merit employees, part-time and grant funded employees regularly scheduled to work 50% or more of the normal pay period are eligible for annual leave in accordance with the terms of this article. Contractual and appointed employees are eligible for annual leave only if such leave is granted by an express term of their employment contract or appointment, respectively.

4-319.1 ACCRUAL

A. Annual leave is paid leave granted to employees for their personal use. Employees shall earn annual leave at the following rate:

1. 0-2 years of service: 10 leave days per year
2. 3-5 years of service: 12 leave days per year
3. 6-10 years of service: 15 leave days per year
4. 11-19 years of service: 20 leave days per year
5. 20 or more years of service: 25 leave days per year

B. Annual leave shall be accrued but may not be taken during the initial six-months of probation for civilian employees and during the initial six-months of service for sworn personnel. If the probation period is extended for civilian employees due to reasons of performance or absence, annual leave may not be taken during the extension. It is only accrued when an employee is in a pay status. It may be used to the extent that it is accrued, and there are no advances of annual leave.

4-319.2 ANNUAL LEAVE REQUESTS

The taking of leave is a privilege and shall be approved or disapproved based on the operations and work load of the department, employee's leave record, and in consideration of the leave requests from other employees.

Annual leave requests must be presented to the supervisor utilizing the chain of command at least 30 days in advance of leave being taken. The employee **must** notify the District and Circuit courts in writing of the planned leave dates that will be taken.

4-319.3 EXCESS ANNUAL LEAVE

A. Employees may carry over into a new calendar year, a maximum of 30 days of annual leave during the first five years of employment.

B. Starting with the sixth year of employment, an additional five days per year may be carried over to a maximum of 100 days.

C. Any excess annual leave over these amounts is automatically converted to sick leave.

D. Employees may elect to accept compensation rather than time off for up to 10 days of annual leave each year.

E. A notice will be posted at the end of each year showing the year hired and how many hours maximum of annual leave you are eligible to carry over into the next calendar year.

4-319.4 SEPARATION FROM SERVICE

Upon separation from County service for non-disciplinary reasons when employees give proper notice (two weeks), non-introductory employees or their beneficiaries shall be paid for their accrued annual leave. This payment may be withheld at the request of the Sheriff for employees who do not give proper notice.

4-320 PERSONAL LEAVE

Personal leave is paid leave granted to eligible employees that may be used for any purpose. Merit employees and part-time and grant funded employees regularly scheduled to work 50% or more of the normal pay period are eligible for personal leave in accordance with the terms of this article. Contractual and appointed employees are eligible for personal leave only if such leave is granted by an express term of their employment contract or appointment respectively.

4-320.1 ACCRUAL

Eligible full-time employees who successfully complete the introductory period of six-months and who are hired between pay periods one and 13 shall be credited with, and may request the use of, 2-1/2 days of personal leave the first full pay period following completion of the probationary period (or six months of service where a longer probationary period has been established) and five personal leave days each year thereafter. For those employees whose initial probationary period has been waived, five days of personal leave shall be credited upon initial employment. Those employees who successfully complete a probationary period, and who are hired between pay periods 14 and the last pay period in the pay year, shall be credited and may request the use of five personal leave days the first full pay period following completion of the probationary period (or six months of service where a longer probationary period has been established), and five personal leave days each year thereafter. For those employees where the probationary period has been waived, 2-1/2 days of personal leave shall be credited upon initial employment.

Eligible part-time employees who are hired between pay periods one and 13 shall be credited with, and may request the use of, 1-1/4 days of personal leave the first full pay period following completion of six months of service and 2-1/2 personal leave days each year thereafter. For those employees where the six months of service has been waived, 2-1/2 days of personal

leave shall be credited upon initial employment. Those employees who are hired between pay periods 14 and the last pay period in the pay year shall be credited with and may request the use of 2-1/2 days of personal leave the first full pay period following completion of six months of service and 2-1/2 days of personal leave each year thereafter. For those employees where the six months of service has been waived, 1-1/4 days of personal leave shall be credited upon initial employment.

For purposes of this section, the number of hours in a credited personal leave day shall equal the number of hours in the regular equivalent full-time pay period divided by 10.

4-320.2 PERSONAL LEAVE REQUESTS

Leave requests must be presented to the supervisor (24) hours in advance of the effective date; however, the bureau commander may waive this requirement if it does not pose a hardship on the operation of the Sheriff's Office. Leave is not a right; it is a privilege and shall be approved or disapproved based on the operations and work load of the department, employee's leave record, and in consideration of the leave requests from other employees.

4-320.3 SEPARATION FROM SERVICE

Personal leave may not be carried over from one year to the next. It must be used prior to the beginning of the first full pay period following January 1.

Upon separation from County or CCSO service for disability or non-disciplinary reasons, employees who are eligible to request the use of personal leave or their beneficiaries shall be paid for all of their unused personal leave. This payment may be withheld at the request of the Sheriff for employees who do not give proper notice in accordance with § 86-2-601 of the Calvert County Government Personnel Policies.

4-321 HOLIDAY LEAVE

The Board of County Commissioners shall observe the following holidays:

New Year's Day	Columbus Day
Martin Luther King Day	General Election Day
President's Day	Veterans' Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day
Labor Day	

These shall be observed on the same day as the state unless otherwise authorized by the Board of County Commissioners.

4-321.1 ACCRUAL

Holiday leave is paid leave granted to eligible employees who do not have to work on legal holidays observed by the County. Merit employees and part-time and grant funded employees regularly scheduled to work 50% or more of the normal pay period are eligible for holiday leave in accordance with the terms of this article. Contractual and appointed employees are eligible for holiday leave only if such leave is granted by an express term of their employment contract or agreement, respectively. Holiday leave shall be earned in proportion to the number of hours

they would normally have been scheduled to work on the holiday. Employees must be in a pay status their regularly scheduled workday before and after the holiday in order to receive holiday leave.

If a shift worker is on approved paid leave when a holiday falls, the leave shall be charged against the employee's leave if the holiday has been included in the employee's leave schedule.

Employees who work according to the normal County business schedule (regular hours occur during Monday through Friday) shall observe holidays on the date observed by the County.

Employees who work shifts in order to provide continuous service shall observe holidays on the actual calendar date. Other employees, who do not typically work the normal County business schedule, shall observe holidays on the actual calendar date when they fall on a Saturday or Sunday and on the date observed by the County when the actual calendar date falls Monday through Friday. An employee may observe only one day for each holiday. When a holiday occurs on a full-time employee's normally scheduled day off, they shall be granted another day off, at a time chosen by the CCSO.

4-321.2 HOLIDAY LEAVE REQUESTS

Leave requests must be presented to the supervisor (24) hours in advance of the effective date; however, the supervisor may waive this requirement if it does not pose a hardship on the operation of the Sheriff's Office. Leave is not a right; it is a privilege and shall be approved or disapproved based on the operations and work load of the department, employee's leave record, and in consideration of the leave requests from other employees.

4-322 COMPENSATORY LEAVE

A. FLSA non-exempt employees may earn compensatory leave in lieu of, and at the same rate as, overtime pay.

B. FLSA exempt employees may earn compensatory leave in lieu of overtime pay at the rate of an hour worked for an hour off.

C. An employee may accrue up to a maximum of 240 hours of compensatory leave in a leave year.

D. Employees shall be permitted to use accrued compensatory leave after making a request provided the requested use shall not unduly disrupt the operations of the County and the affected departmental unit(s). Compensatory leave must be used within six months.

E. Upon termination, an employee shall be paid for unused compensatory leave at the average regular rate during the last three years of employment, or the employee's final rate, whichever is higher, as per *Calvert County Personnel Manual*, Section 86-3-205D.

4-323 JURY LEAVE

Merit employees and part-time and grant funded employees regularly scheduled to work 50% or more of the normal pay period is eligible for jury leave in accordance with the terms of this section.

Contractual and appointed employees are eligible for jury leave only if such leave is granted by an express term of their employment contract or appointment, respectively. Employees not eligible for jury leave shall be entitled to an unpaid leave of absence in accordance with § 86-4-1101 of the Calvert County Government Personnel Policies.

An eligible employee who serves as a member of any jury, shall be permitted to be absent from work without loss of pay and without charge against leave. Jurors may retain compensation received for jury service.

Any employee called for jury service must present their orders to their supervisor upon receipt. Any time during the period of jury service on which it is determined that the employee's service is not required as a jury member, or upon completion of service for the day, the employee shall immediately report to their supervisor for duty.

4-324 COURT APPEARANCE (SWORN EMPLOYEES)

If a sworn employee is a defendant in a civil or criminal case, the employee must use leave for their court appearance.

The sworn employee appearing in court as a defendant shall wear appropriate civilian attire and the employee will not wear the CCSO uniform or have any badge displayed. The sworn employee appearing in court as a defendant will not be armed in any capacity.

If the court appearance involves a sworn officer as a defendant for a criminal case, the sworn employee must report the outcome to their supervisor within 24 hours of the resolution of the court case.

4-324.1 COURT APPEARANCE (CIVILIAN EMPLOYEES)

Merit employees and part-time and grant funded employees regularly scheduled to work 50% or more of the normal pay period are eligible for court appearance leave in accordance with the terms of this article.

Contractual and appointed employees are eligible for court appearance leave only if such leave is granted by an express term of their employment contract or appointment, respectively. Employees not eligible for court appearance leave may be entitled to an unpaid leave of absence in accordance with §86-4-1101.

An employee summoned to appear in court as a witness shall be excused from duty without loss of pay and without charge against leave, except that this leave provision is not extended to an employee initiating or defending against legal action. Any employee summoned to appear in court as a witness must notify the supervisor in advance.

Any time during the court appearance leave on which it is determined that the employee's service is no longer required or upon completion of service for the day, the employee shall immediately report to their supervisor for duty.

4-325 MILITARY LEAVE

An employee who is a member of the National Guard, the Army, Navy, Air Force, Coast Guard, or Marine Reserve shall be entitled to military leave for military training. Merit employees and part-time and grant funded employees regularly scheduled to work 50% or more of the normal pay period are eligible for military leave in accordance with the terms of this section. Contractual and

appointed employees are eligible for military leave only if such leave is granted by an express term of their employment contract or appointment, respectively. Employees who are called for military training and who are not eligible for military leave are entitled to leave without pay as required by federal law and in accordance with §86-4-1101 of the Calvert County Government Personnel Policies. Approved military leave shall be paid at the regular rate of pay for not more than 10 workdays per year. Any employee required to report for military service must give the supervisor as much advance notice as possible.

4-326 ADMINISTRATIVE LEAVE

Merit employees and part-time and grant funded employees are eligible for administrative leave in accordance with the terms of this section. Contractual and appointed employees are eligible for administrative leave only if such leave is granted by an express term of their employment contract or appointment, respectively.

4-326.1 ACCRUAL

Paid administrative leave may be granted to eligible employees for regularly scheduled hours during which they are not required to work under the following conditions:

A. Leave which may be granted by the Board of County Commissioners:

   1. To relieve an employee of duty for an indeterminate time pending the resolution of any issue involving such employee, if in the judgment of the Board of County Commissioners, the effectiveness of Government would be best served by granting such leave.

   2. When the County Government closes or opens late due to an unforeseen event which prevents employees from reaching their workplace or which may affect their safety and welfare during the course of the normal workday.

   3. For other reasons at the discretion of the Board of County Commissioners.

B. Leave which may be granted by department heads:

   To relieve an employee of duty for an indeterminate time pending the resolution of any issue involving such employee, if in the judgment of the department head, the effectiveness of Government would be best served by granting such leave. Department heads shall inform the Board of County Commissioners of this action.

The Board of County Commissioners, for purposes of continuation of health insurance coverage, may grant unpaid administrative leave to eligible employees who are unable to work and who have a pending claim for disability retirement. The following conditions shall apply:

A. The employee must have exhausted all annual, personal, sick, compensatory and family and medical leave;

B. The employee shall pay his or her portion of the premium for health insurance benefits;

C. The grant of unpaid administrative leave shall expire in 180 days or until a determination is made on the pending disability retirement application, whichever occurs first. Every 30 calendar days, the employee shall file a status report with the Department of Finance and Budget and the employee's supervisor outlining the status of the employee's

disability claim. The Director of Finance and Budget, Director of Personnel, and the employee's department head shall review the status report and make any recommendations to the Board of County Commissioners concerning the continuance of the employee on unpaid administrative leave. Failure to submit the reports may be grounds for revocation of the grant of administrative leave and/or termination.

D. The employee's former position may be filled. The employee relinquishes any right to return to their former position.

An employee desiring unpaid administrative leave should address their request to the Board of County Commissioners through the department head, Director of Finance and Budget, and Director of Personnel.

4-327 SICK LEAVE

Sick leave is paid leave granted to eligible employees for their personal use. Merit employees and part-time and grant funded employees, regularly scheduled to work 50% or more of the normal pay period, are eligible for sick leave in accordance with the terms of this article. Contractual and appointed employees are eligible for sick leave only if such leave is granted by an express term of their employment contract or appointment, respectively. Section 86-4-1001 of the Calvert County Government Personnel Policies governs the leave policy of the Calvert County Sheriff's Office.

4-327.1 SICK LEAVE ACCRUED

Sworn employees accrue the formulated hourly rate of 4.616 hours per pay period, totaling (15) work days of sick leave per year. All accrued sick leave may be carried over from year to year.

Sick leave is earned only when an employee is in a pay status.

4-327.2 AUTHORIZED USES

Sick leave may be used for:

A. Incapacitating sickness or disability, including maternity when medically necessary on the part of the mother of the infant.

B. Quarantine confinement.

C. Child care responsibilities associated with adoption, immediately following and not to exceed five days per adoption.

D. Paternity responsibilities associated with birth; not to exceed five days per birth.

E. Illness of a family member living in the home of the employee, or an employee's parent or child regardless of their place of residence, when no other responsible adult is available to care for the family member and care is required. For purposes of this subsection, the term "parent" means the biological parent of the employee or employee's spouse or an individual who stood in loco parentis (in place of a parent) to an employee or employee's spouse when the employee or employee's spouse was a child. The term "child" means a biological, adopted or foster child, a stepchild or a legal ward of an

employee or employee's spouse or an individual to whom the employee or employee's spouse stood in loco parentis when the individual was a child.

F. Necessary medical or dental appointments of the employee or an individual as described above when unable to attend the appointment alone and when no other responsible adult is available.

G. Death in an employee's family including death of a spouse, child, parent, sibling, grandparent, or in-law, not to exceed three days per death.

If an employee becomes ill or injured while on annual, personal, compensatory, or other paid leave, the period of such incapacity may be changed to sick leave if the employee so requests. A supervisor may request medical documentation from a physician.

4-327.3 INCENTIVE

Any eligible full-time employee who is employed on the first workday in a pay year and who uses two or fewer sick leave days during a pay year is eligible for the incentive bonus which is equivalent to one day's pay. Eligible part-time employees who use the equivalent of a full-time employee's standard workday or less of sick leave shall be credited with half of the pay granted to the full-time employee. An employee who donates leave shall not be penalized for such donation for the purpose of computing eligibility for the extra pay. For purposes of this section, the number of hours in a day for full-time employees shall equal the number of hours in the standard equivalent full-time pay period divided by 10.

4-327.4 SICK LEAVE REQUESTS

An employee who intends to use sick leave must notify the duty officer not less than three (3) hours prior the employee's normal reporting time each day, unless the employee is under a physician's care for an extended period with the supervisor's knowledge, or there is a medical emergency. The employee will also notify their immediate supervisor.

The duty officer will complete the initial *Accident and Sickness Report* for the employee. If an employee fails to provide proper notification, the employee may be charged unpaid absence without leave up to the time of notification and may be subject to disciplinary action. Upon returning to work, the employee must submit a leave request form utilizing the proper chain of command.

When an employee knows in advance of a need to use sick leave, the employee must request the leave in advance.

4-327.5 ATTENDANCE CONTROL OFFICER

Attendance Control Officer - The Sheriff has designated the Executive Administrative Aide as the Attendance Control Officer for the CCSO. They are responsible for the control of sick leave usage among Sheriff's Office Personnel.

4-327.6 ACCIDENT AND SICKNESS REPORTS

The CCSO *Accident and Sickness Report* (*A & S Report*) is used to transmit information concerning employee illness or injury through channels to the Attendance Control Officer and is maintained as part of the employee's permanent medical file.

Employees report on the *A & S Report*, all illness, injuries or health care appointments:

A. That are job related.

B. That result in an absence from duty.

C. That are incurred because of any of the following conditions:

1. Alcoholism
2. Cerebral Palsy
3. Diabetes
4. Drug Addiction
5. Epilepsy
6. Heart Condition
7. Multiple Sclerosis
8. Muscular Dystrophy
9. Stroke

D. All other illnesses in which there was a lapse of consciousness; blackout or seizure.

E. Illnesses or injuries or the use of medication which would impair the employee's ability to perform their assigned responsibilities, including prescription drugs or controlled dangerous substances prescribed by a licensed physician.

F. Pregnancy or illness precipitated by pregnancy.

G. Coming into contact with persons who might have contracted a communicable disease to include the type of illness the person is suspected of having.

H. Injuries or illnesses that require the hospitalization of an employee.

I. Non-job-related accidental injuries, which cause the loss of a full day's work.

J. Injuries involving Agency vehicle accidents.

When an employee uses sick leave for a health care appointment, a supervisor, bureau commander, or the Attendance Control Officer may require the employee to submit an appointment certification signed by their physician indicating the date and time of the appointment. This certification is attached to an *A & S Report* and submitted to the Attendance Control Officer for proper filing.

If an employee incurs prolonged illness or injury, they submit an interval *A and S Report* every seven (7) days after submission of the initial report unless otherwise directed by the Assistant Sheriff or the Sheriff. When sick or accident leave is used for prolonged incapacitation, the disabled employee must provide a *Disability/Return to Duty Certification* form, from their attending physician with their second interval *A and S Report*, and every fourteen (14) days thereafter, unless otherwise authorized by the Assistant Sheriff or the Sheriff.

Employees submit a final *A and S Report* when they have recovered from illness or injury. Employees must be on a full duty status before a final *A and S Report* may be submitted.

4-327.7 SUBMISSION

All *Accident and Sickness Reports*, *Disability/Return to Duty Certification* and *Appointment Certifications* are submitted, through channels to the Attendance Control Officer, who is responsible for their review. It is also their responsibility to ensure that all *A and S Reports* are forwarded to the employee's medical file.

Should an employee have an illness that is of a confidential nature they must complete an initial *A and S Report* marked "Confidential" and submit directly to the Sheriff or Assistant Sheriff. All Subsequent *A and S Reports* are marked in the same manner and submitted directly to the Sheriff or Assistant Sheriff.

All required initial *A and S Reports* are submitted as soon as possible after the onset of an employee's illness/injury/special condition or following the realization that their illness/ injury/special condition is or has become one that requires reporting. Responsibility for the submission and content of all *A and S Reports* is that of the employee, unless they are incapacitated to the extent that they cannot personally submit them. Timely notification to the on-duty shift supervisor will satisfy this responsibility. In instances where the information for the *A and S Report* is supplied by someone other than the employee, the contributor's name must appear on the report. When an employee is hospitalized, their supervisor will secure and forward progress reports through the Attendance Control Officer to the Assistant Sheriff. These reports are forwarded without delay.

Employees intending to report themselves off-duty on sick leave will report to the duty officer. This notification is made as soon as possible but not less than three (3) hours prior to the scheduled work starting time on the first day of illness. At this time the supervisor will obtain an estimate of the amount of time the employee feels will be needed to recuperate sufficiently to return to duty. If this estimate needs to be revised, it will be incumbent upon the employee to notify their supervisor and supply the supervisor with a new return to duty date. This procedure will not be necessary when an extended period of sick leave is involved. Submission of a *Disability/Return to Duty Certification* form by the employee's physician will serve as an estimate of when the employee will be expected to return to work. Procedures as set forth in this policy will prevail in these cases. An initial *A and S Report* is completed by the on-duty Patrol supervisor receiving notification as described above, and such report is submitted to the Attendance Control Officer as soon as practical after notification of an employee's illness or injury. The employee is responsible for submission of an *A and S Report* and a Calvert County Sheriff's Office *Request for Leave* form, prior to a scheduled medical appointment that requires the use of sick leave. The employee is also responsible for the submission of the Calvert County Sheriff's Office *Request for Leave* for all sick leave used in connection with illness or injury. The *Request for Leave* is submitted upon the employees return to duty. In cases of extended sick leave, the *Request for Leave* must be submitted on or before the last day of the bi-weekly work period.

Interval *A and S Reports* are submitted under the following circumstances:

- Every seven (7) days after the submission of the previous report.
- After an employee's duty status changed.
- When an employee is admitted to or released from a hospital.
- When an employee returns to duty and is not fully recovered.
- When information must be added or when information appearing on any previous report must be amended.

During an extended illness or injury, the employee may request an extension on the time between submission of *A and S Reports* and *Disability/Return to Duty Certification* forms. The request for extension should be submitted to the Attendance Control Officer on an interval *A and S Report*. The Attendance Control Officer will submit the *A and S Report* to the Assistant Sheriff, who will notify the Attendance Control Officer if the extension is granted. Until approval is received, reports must be submitted in accordance with the standard procedures.

A final report must be submitted when the employee is completely recovered from his illness or injury, when visits with a physician are no longer required and the symptoms of the illness have been stabilized. Request for such cases to be reopened are made on an interval *A and S Report* accompanied by a *Disability/Return to Duty Certification* and a detailed medical report containing the diagnosis, prognosis and reasons for reopening the *A and S Report*.

Generally, an *A and S Report* marked "Initial" and "Final" will be acceptable for routine health care appointments.

4-327.8 RESPONSIBILITY FOR REPORTS

Except where specifically exempted, it will be the employee's responsibility to submit all reports and records required of him/her in this section.

Failure of an employee to submit the *Disability/Return to Duty Certification* form from the attending physician when required, or failure to comply with any reasonable directive from the Sheriff or his designee, will result in the denial of sick leave or accident leave and its immediate conversion to paid leave or leave without pay, if paid leave is not available.

The Attendance Control Officer will be responsible for processing all *A and S Reports*, *Disability /Return to Duty Certification* forms and other records used to administer the sick leave program. It will be the responsibility of the Attendance Control Officer to see that reports are submitted as required in this section.

4-327.9 REPORTING PREGNANCIES

As soon as the pregnancy is verified, the employee submits to the Attendance Control Officer, an *A and S Report* indicating her pregnancy, the date she is expecting to leave work, the expected date of delivery. The *A and S Report* must be accompanied by a corroborating statement signed by her physician. The Attendance Control Officer will forward the *A and S Report* and the physician's statement to the Sheriff. Upon receipt of the statement from the employee's physician that she is pregnant, the Sheriff or his designee will consult with the employee's physician via the employee in order to establish a date beyond which the employee would not be able to perform the total job responsibilities of a full duty law enforcement officer. The light duty policy will apply for pregnant employees no longer able to perform as a full duty law enforcement officer.

Interval *A and S Reports* need not be submitted unless an employee loses time from work, in which case they shall be submitted at the prescribed intervals. The diagnosis on the interval *A and S Report* must indicate that the employee's absence is because of her pregnancy or a complication related thereto. The employee will also be required to provide a *Disability/Return to Duty Certification Report*, from the attending physician, for any absence due to pregnancy of three (3) or more consecutive working days. A final *A and S Report* will be submitted when the employee returns to full duty status following termination of the pregnancy.

After the employee's six (6) week checkup, she will forward the Attendance Control Officer, a certificate from her physician indicating the date that she expects to return to full duty.

If the employee must take a protracted period of sick leave before the seventh month of pregnancy or when the sick leave extends beyond the sixth week after the pregnancy is terminated, a physician's consultation report explaining the need for these extensions must be

submitted by the employee to the Attendance Control Officer. The Attendance Control Officer will advise the Sheriff when this report is received.

4-327.10 LIGHT DUTY

Light Duty status may be authorized under the following conditions:

A. This status must be requested in writing by the employee via the chain of command.

B. The duration of a light duty status will be based on a case by case basis and consultation with the employee's physician and/or the County's physician. Light duty status is at the discretion of the Sheriff or the Assistant Sheriff.

C. No County vehicles may be operated while on light duty status unless authorized by the Sheriff or the Assistant Sheriff.

D. Arrangements must be made with the supervisor to have assigned vehicles parked at the Sheriff's Office.

E. A physician's certificate is required stating the limitations and duration of light duty status.

F. Duty assignments will be considered that meet the physician's requirements and serve a needed benefit to the Office.

G. Personnel may be required to be examined by a County-appointed medical professional to determine status.

H. If no light duty assignment is available, the CCSO is under no obligation, and the employee may be refused the right to work until capable of performing in their position at 100% capacity.

I. Business attire is the required standard of dress. For male employees a tie will be worn with a collared shirt for day work. A tie is not required for late shift or midnight shift. No blue jeans, sweats or shorts will be worn.

J. Personnel must submit for and receive written approval to work any secondary employment while on a light duty status. Any law enforcement related secondary employment is prohibited while on light duty.

K. Duty weapons and CCSO identification will be retained by the employee while on light duty status; however, no police action may be taken while on or off duty during a light duty status.

L. Cases in which all leave has been exhausted will be reviewed by the Sheriff as a financial hardship.

M. In all cases, full duty status must be predicated on the ability of the individual to perform <u>all</u> law enforcement duties required by members of the Sheriff's Office. The Sheriff may request additional medical evaluations when determining if an employee can return to full duty status.

4-327.11 DUTY STATUS / MEDICAL STATUS

All employees when submitting an initial *A and S Report* will indicate their duty status at the time of the illness or injury as either on duty or off duty. Interval and final reports will reflect their medical status consistent with the definitions in this subsection.

Full Duty - A full duty status indicates that an employee is able to perform all law enforcement duties without restriction. Employees may report themselves on full duty provided the illness or injury is such that medical attention is unnecessary.

Light Duty - The Sheriff may, after reviewing the employee's *A and S Report*, change their reported medical status and will designate such change by Special Order. No employee may designate himself on light duty nor change this medical status. Change in medical status will be requested on an *Interval A and S Report* and such requested change cannot become effective until so designated by Special Order. Whenever *an Interval A and S Report* includes a request for change in light duty or medical status, a copy of the *Interval A and S Report* will be forwarded to the Sheriff or the Assistant Sheriff.

Off-Duty - This duty status will indicate an inability of the employee to perform their normal duties. An employee may report their self off-duty until such time as they are able to return to duty, their condition can be evaluated by a physician, or they are directed to return to work by the Sheriff after a review of the employee's medical status.

Please refer to Chapter 8, sections 101 and 102 regarding authority to carry Agency firearms while in off-duty / non-officer status.

4-327.12 ADMINISTRATION

As long as an employee is in a “pay status,” leave will accrue. When an illness extends into the employee's regularly scheduled leave days or holidays, reporting will be handled as follows:

All employees will take their regular leave days and holidays as originally scheduled. When an illness of one day or more occurs during a period of annual leave or personal leave, such period of illness may be carried as sick leave, provided the employee presents a certificate signed by his physician authenticating the period of illness.

Return-to-Duty Certificate

A. Absences of three or more consecutive working days due to illness or injury will not be credited to sick leave until the employee has submitted a *Disability/Return to Duty Certification* from the employee's physician. This certificate must contain the employee's name; diagnosis; first and last date of consultation; "Statement of Fact" the employee was disabled and unable to report for duty and on what dates; and printed or typed name of medical provider. The physician's certificate must be signed personally by any of the following licenses or certified medical providers: physician, physical therapist, clinical psychologist, dentist, oral surgeon, chiropractor, podiatrist, certified nurse practitioner, certified nurse, midwife, or an accredited Christian Science Practitioner. No rubber stamps or certificates signed by a second party and initialed will be accepted.

B. Should an employee be unable to have the *Disability/Return to Duty Certificate* form completed within fourteen (14) calendar days from their return to duty for sick leave taken, such time must be charged to other earned leave.

C. Should an employee apply for retirement benefits or resign while on sick leave, a *Disability/Return to Duty Certificate* must be submitted covering the period of sick leave involved. Salary benefits for the period of sick leave cannot be authorized unless this certification has been submitted.

4-327.13 SICK LEAVE CONTROL PROGRAM

Purpose – The control of sick leave is one of the primary responsibilities of management personnel at every level and must be an integral part of the management process. Excessive use of sick leave is an individual problem, so careful consideration should be given to special problems that the employee may be experiencing that may cause their sick leave usage to be excessive. It is recognized that the major responsibility for controlling absenteeism of any kind rests with first line supervisors.

Effective control of sick leave is enhanced when supervisors are aware of the reasons for the employee's absence on every occurrence, regardless of the individual employee's record of absenteeism. This program has been developed to assist supervisory personnel in the control of sick leave. All levels of management are expected to support supervisors in carrying out program policy, and where indicated, are responsible for assuring that the policy is understood and consistently and intelligently applied.

4-327.14 UNAUTHORIZED USE OF SICK LEAVE

Unauthorized Use - Sick leave taken for any purpose other than that specified in this section, which results in the conversion of duty time, regular leave time, annual leave or personal leave time to sick leave shall be considered unauthorized.

Unauthorized use may be exemplified by:

- Abnormal usage, e.g., frequent instances of sick leave for an unsubstantiated illness or injury without the apparent need for a physician.
- Patterns of sick leave usage which appear to circumvent the true intent of sick leave, e.g., the use of sick leave to extend the employee's other leave time, or to effect work schedule modifications.
- Use of sick leave when the employee is neither ill nor injured.

Administrative Action

A. In all instances when an employee of the Sheriff's Office reports off-duty on unauthorized sick leave, they will be subject to disciplinary action.

B. In those instances where an employee's use of sick leave is questionable; their medical appointments consistently interfere with their work activities; or when, because of lack of motivation, personal problems, or a conflict with other employee goals or commitments, chronic absenteeism results, the first line supervisor will counsel the employee. Such counseling should be initiated as soon as the problem becomes apparent but in no case later than the third instance of questionable sick leave use. Counseling should be directed at identifying and correcting the cause of absenteeism.

C. In every case where an employee has been counseled because of questionable sick leave use, detailed written documentation of the counseling session will be made, via an *Employee Counseling Form*. The original will be forwarded to the Sheriff and a copy retained for inclusion in the employee's personnel file.

D. In those instances where through counseling questionable sick leave was found to be legitimate and justifiable, written documentation of the counseling session shall be placed in the employee's personnel file.

E. When there is indication that an employee is abusing sick leave privileges, the Sheriff may require the employee to submit a *Disability/Return to Duty Certificate*, completed and signed by a licensed physician authenticating every usage of sick leave. Such a requirement cannot be imposed unless the employee has been absent on sick leave at least five (5) occurrences in a twelve-month period. This will be the twelve months prior to and including the current sick leave status which may be initiated by the Sheriff or may be imposed by him in response to a written recommendation from the employee's commander.

   After six (6) months, if the employee's record has shown significant improvement, they may submit a written request through his commander to the Sheriff for this reporting procedure to be discontinued. The intent of this special reporting procedure is to control those employees who abuse the sick leave program.

F. If an employee has been placed on a special sick leave reporting status and an extended undesirable pattern of sick leave usage continues, they may be ordered by the Sheriff to report to the County Physician for a physical examination. Based on this examination, the Sheriff may refer the employee to a specialist for an examination to obtain opinions in a specific field of practice. If at any point during the process, the Sheriff determines that the employee's sick leave has not been used for a bona fide reason, they shall forward their findings to the employee's commander with a recommendation that disciplinary action be taken.

G. Sick leave usage may also impact the employee's evaluation/job assessment and promotional rating.

H. Sick leave of Sheriff's Office employees serving a probationary period should be given close attention and the propriety of retaining those employees whose sick leave usage is excessive or appears to be unauthorized should be questioned.

I. In every case where disciplinary action has been taken against an employee for unauthorized sick leave usage, or where a special sick leave reporting status has been instituted, detailed written documentation of all such action will be made. The original report will be routed through channels to the Sheriff for inclusion in the employee's personnel file. A copy will be routed to the Attendance Control Officer.

4-328 OCCUPATIONAL LEAVE

4-328.1 ELIGIBILITY

A County employee absent from duty because of illness or accident which was incurred as a result of duty, and which qualified for Worker’s Compensation, shall be granted occupational leave.

During occupational leave the employee shall receive full pay less the amount paid for the disability by the Worker's Compensation. A written statement showing the amount paid is required. The employee shall receive full benefits while on occupational leave.

If, however, the physician indicates that the employee may perform light duty, the Sheriff shall attempt to find an appropriate light duty situation in that or any other department in lieu of occupational leave.

4-329 UNPAID LEAVE OF ABSENCE – LEAVE WITHOUT PAY (LWOP)

It is the policy of Calvert County to grant unpaid leaves of absence for justifiable reasons to eligible employees. Leave of absence is a privilege and shall be considered on an individual basis. Merit employees and part-time and grant funded employees are eligible for an unpaid leave of absence in accordance with the terms of this article. Contractual and appointed employees are eligible for an unpaid leave of absence only if such leave is granted by an express term of their employment contract or appointment, respectively.

Employees not eligible for military, court appearance, or jury leave may be entitled to an unpaid leave of absence under this article.

4-329.1 LEAVE WHICH MAY BE GRANTED BY THE SHERIFF

The Sheriff may grant an employee an unpaid leave of absence not to exceed 30 calendar days per occurrence, if the leave shall not jeopardize the County's best interests. Requests exceeding 30 calendar days must be approved by the County Administrator.

4-329.2 LEAVE WHICH MAY BE GRANTED BY THE COUNTY ADMINISTRATOR

The County Administrator, upon recommendation of the department head and Director of Personnel, may grant an employee an unpaid leave of absence not to exceed 90 calendar days per occurrence. Requests for extensions, which would bring the total length of the leave of absence above the above stated amounts, must be approved by the Board of County Commissioners.

4-329.3 LEAVE WHICH MAY BE GRANTED BY THE BOARD OF COUNTY COMMISSIONERS (LONG-TERM LWOP)

The Board of County Commissioners, upon recommendation of the department head, Director of Personnel, and County Administrator may grant an employee an unpaid leave of absence not to exceed 12 calendar months.

4-329.4 REASONS FOR GRANTING AN UNPAID LEAVE OF ABSENCE

LWOP may be granted at the sole discretion of the employer for the following reasons:

- To retain an employee whose accumulated sick, annual, or personal leave balance, as appropriate, has been exhausted
- For educational purposes which shall contribute to the individual's effectiveness as a County employee
- Active duty military service
- Maternity, paternity, or adoption
- Other reasons, personal to an employee

4-329.5 PROCEDURES AND CONDITIONS

An employee must submit a request to the department head at least two weeks in advance of the date requested leave is to begin, indicating the dates the leave is to begin and end, and the

reason. Requests for LWOP for medical reasons in excess of one workweek must be accompanied by a medical certificate. This may also be required for shorter periods of LWOP. If the leave is to be of a duration that further approval is necessary, the department head shall forward this recommendation to the Director of Personnel, who shall in turn forward it to the County Administrator or the Board of County Commissioners.

An employee on approved LWOP must remain in an LWOP status for the entire approved period unless otherwise approved by the department head. An employee cannot return to work or take paid leave before or after a holiday in order to receive holiday leave. An employee must be in a pay status the regularly scheduled workday before and after a holiday in order to receive holiday leave. An employee on LWOP is in a non-pay status and does not earn annual, sick, or holiday leave.
An employee is not required to use accrued leave before being granted LWOP.

4-329.6 RETURN TO WORK

In the case of long-term LWOP, the department head must consider whether they shall be able to make the employee's position available to him/her upon return and must so indicate during the approval process. Unless otherwise stated, it is assumed that the position shall be guaranteed. Upon return from LWOP, the employee shall be restored to the position as agreed during the approval process. If the department head is not able to make a position available, the employee may request to receive vacancy announcements of all available positions for a period of 12 months following an employee's separation which shall allow employees to apply for positions on an in-house basis for a period of 12 months. Employees must meet minimum qualifications for the position and must complete an employment application by the closing date of the announcement. Employees shall be subject to § 86-2-402.

Upon return from LWOP for medical reasons in excess of one workweek, or a shorter period at the discretion of the department head, the employee must provide a doctor's release. No employee shall be allowed to return without a release.

An employee who does not return to work upon expiration of the approved period of LWOP is assumed to have resigned, unless the employee provides proof of extenuating circumstances to the satisfaction of the department head. Extensions of LWOP must be requested in advance.

Upon return from LWOP an employee shall be granted any salary increases that would normally have occurred during the absence. If, however, the absence was of a duration that the department head cannot fairly evaluate the employee's performance, a step increase which should have occurred or is forthcoming, may be withheld for the period of time equal to the length of the absence. In the case of a probationary employee, the probationary period may be extended for a period of time equal to the leave of absence.

4-329.7 CONTINUATION OF INSURANCE AND RETIREMENT BENEFITS

An employee on LWOP, for a duration such that a paycheck is missed, is required to pay the full cost (both the employee's and the County's share) of insurance. The employee must make payment arrangements in order to continue coverage. If the coverage is dropped, the employee may not reenroll until the next open enrollment period. In requesting an unpaid leave of absence, employees are responsible for considering the impact it may have on retirement benefits. Only certain reasons for leave and only certain durations of leave are allowable under various retirement plans. Others may constitute a break in service. Employees may be required

by their retirement plans to apply in advance for the leave of absence or service credit before taking the leave. This may also affect the death benefit.

4-330 ABSENCE WITHOUT LEAVE (AWOL)

Absence without leave is a non-pay, non-approved status. An employee who is absent without a specific grant of leave for any period of time is subject to disciplinary action or may be considered to have abandoned their position as specified in accordance with § 86-2-602. A department head may approve conversion of AWOL to other leave, provided the employee furnishes a prompt request and acceptable explanation of the absence and reason for not following proper procedures.

4-331 FAMILY AND MEDICAL LEAVE ACT

The County is committed to complying with applicable federal regulations concerning the Family and Medical Leave Act of 1993 (FMLA). This article provides information in regard to the subject matter covered and shall be interpreted by the Director of Personnel. In the event of any inconsistencies between this article and the federal law, the federal law shall govern.

4-331.1 ELIGIBILITY

Family and medical leave (FML) is the equivalent of 12 workweeks of job protected leave granted to eligible employees who have been employed for at least 12 months, and who have 1,250 hours of service during the previous twelve-month period. Only one grant of FML pursuant to this article can be approved within a calendar year.

4-331.2 DEFINITIONS

For purposes of this article only, the following terms have the following meanings:

Continuing Treatment

1. A period of incapacity of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves two or more treatments by a health care provider or treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment;

2. A period of incapacity due to pregnancy, or for prenatal care;

3. A period of incapacity or treatment for a "chronic" serious health condition which requires periodic visits for treatment by a health care provider, continues over an extended period, and may cause episodic rather than a continuing period of incapacity;

4. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or

5. A period of absence to receive multiple treatments for an injury or condition which would result in incapacitation of more than three days if not treated.

Health Care Provider – A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices, or any other person determined by the Secretary of Labor to be capable of providing health care services.

Parent -- A biological parent of an employee or an individual who stood in loco parentis (in place of a parent) to an employee when the employee was a child.

Serious Health Condition -- An illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.

Son or Daughter -- A biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (in place of a parent). The child must be under 18 years of age, or 18 years of age or older and incapable of self-care because of mental or physical disability.

Workweek -- Standard number of hours an employee is regularly scheduled to work in seven consecutive calendar days. If a part-time employee's schedule varies from week to week, a weekly average of the hours shall be used for calculating the employee's normal workweek.

4-331.3 AUTHORIZED USES

FML may be granted for:

A. Birth of a son or daughter of the employee and in order to care for such son or daughter.

B. Placement of a son or daughter with the employee for adoption or foster care.

C. Care of the spouse, son or daughter or parent of the employee, if such spouse, son or daughter or parent has a serious health condition, hereinafter referred to as illness of a family member.

D. A serious health condition that makes the employee unable to perform the essential functions of their position, hereinafter referred to as illness of an employee.

E. Care for a covered service member with a serious injury or illness (up to 26 weeks of job protected leave in a “single 12-month period”).

F. Any “qualifying exigency” arising out of the active duty or call to active duty status of a spouse, son, daughter or parent.

4-331.4 PROCEDURES AND CONDITIONS

The entitlement to leave for birth or placement of a child shall expire at the end of the twelve-month period generally beginning on the date of birth or placement and shall not be taken by an employee intermittently or on a reduced leave schedule, unless the employee and the employer agree otherwise.

If an employee requests intermittent leave or leave on a reduced leave schedule for illness of a family member or an illness of the employee that is foreseeable based on planned medical treatment, the employer may require the employee to transfer temporarily, to accommodate recurring periods of leave, to an available alternative position for which the employee is qualified and that has equivalent pay and benefits. Intermittent leave or leave on a reduced leave schedule should be limited solely to treatment, recovery from treatment or recovery from illness.

The employee may choose to substitute any available accrued paid leave to which they may be entitled, i.e.; annual, sick, personal, compensatory leave, etc. in accordance with the authorized

uses of such leave as prescribed in the corresponding articles of this chapter. All paid leave taken shall be subtracted from the 12 workweeks of FML entitlement so that an employee shall have a cumulative total of 12 workweeks of paid and/or unpaid FML.

If spouses are employed by the same employer, they are entitled, in aggregate, to a total of 12 work weeks of FML within a calendar year if the leave is because of the birth or placement of a child or illness of a parent. Otherwise, married employees are entitled to the same individual leave usage as other employees and may take FML at the same time.

4-331.5 EMPLOYEE RESPONSIBILITIES

An employee shall provide at least verbal notice to make the employer aware that the employee needs FML qualifying leave and must follow up with a request for *Family and Medical Leave* form. The completed form must state the reason for the leave, the type of leave (paid or unpaid), duration of the leave, the starting and ending dates of the leave, and other pertinent facts. An employee who intends to use FML which is foreseeable as a result of birth or placement of a child, must give their employer at least 30 days written notice before the date leave is to begin. If the date of the birth or placement of the child requires leave to begin in less than 30 days, the employee must provide notice as soon as practicable.

Employees who intend to use FML for illness of a family member or for themselves, and where foreseeable medical treatment is planned, shall make a reasonable effort to schedule treatment so as not to unduly disrupt the operations of the employer. The employee shall also provide the employer with not less than 30 days' notice before the date the leave is to begin; except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as soon as practicable.

4-331.6 DESIGNATION OF LEAVE

It is the employer's obligation, whenever possible, to designate leave as FML before the leave starts, and the designation of FML may be made only on the basis of information provided by the employee. The employer may not designate leave that has already been taken as FML after the employee returns to work, with two exceptions:

- If an employee is out for a reason that qualifies for FML and the employer does not learn of the reason for the leave until the employee returns to work, the employer may designate the leave as FML within two business days of the employee's return; or

- If the employer has provisionally designated the leave under FML and is awaiting receipt from the employee of documentation. Similarly, an employee may not retroactively claim that paid or unpaid leave was for an FML purpose.

4-331.7 MEDICAL CERTIFICATION OF LEAVE

A request for FML for illness of a family member or employee must be supported by a *Medical Certification Statement* from within 15 calendar days. If it is not practicable under the circumstances to obtain and/or complete the above form, a doctor's certificate is required stating the following information:

- The patient's name (if other than employee) who is in need of care and approximate amount of time employee is needed to care for the patient.

- Description of the "serious health condition" and medical facts which support medical certification.

- Approximate date on which the condition commenced.

- Probable duration of condition.

- The regimen of treatment to be prescribed, if any.

- A statement as to whether the employee is able to perform the essential functions of the employee's position. (It is the responsibility of employees to provide a copy of their current class specifications to the health care provider for review of essential job functions.)

Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided.

In any case where the employer has reason to doubt the validity of the initial medical certification provided, the employer may require a second doctor's opinion (not regularly employed by the County) designated by and at the expense of the County.

In any case where the second opinion differs from the original opinion, the employer may require a third opinion from a mutually agreed upon doctor at the employer's expense. The third opinion shall be considered to be final and shall be binding on the employer and the employee. The employer may require the employee to obtain subsequent medical re-certifications, designated by and at the expense of the County, on a reasonable basis. The employer may request such re-certifications not more often than every 30 calendar days unless:

- The employee requests an extension of leave.

- Changed circumstances occur regarding the illness or injury.

- The employer receives information that casts doubt upon the continuing validity of the most recent certification.

4-331.8 MAINTENANCE OF BENEFITS DURING ABSENCE

During an approved period of FML, the employer must maintain coverage under its group health plan at the level and under the condition’s coverage would have been provided if the employee had continued to work for the duration of such leave. If paid leave is substituted for unpaid FML, the employer shall deduct the employee's portion of the health plan premium as a regular payroll deduction. If the employee's leave is unpaid, the employee must contact the Department of Finance and Budget to make arrangements to pay the employee's portion of the health plan premium, as well as any other payroll deductions and to complete applicable retirement forms. Any employee who is in a non-pay status is not entitled to retirement credit or to earn annual, sick, personal, or holiday leave. If an extension is needed beyond the 12 workweeks of FML, paid leave or an unpaid leave of absence may be approved.

4-331.9 RETURN TO WORK.

Upon completion of FML and return to work, the employee shall be reinstated in the position held by the employee or be restored to an equivalent position with employment benefits, pay,

and other terms and conditions of employment as when the leave commenced. An employee who returns to work after the employee's serious illness must submit a *Return to Work Medical Certification* form. If it is not practicable under the circumstances to obtain and/or complete the above form, a doctor's certificate is required stating the following:

- Date of planned return to work; and
- Statement and signature from the health care provider that employee is able to resume performing the essential functions of the position with or without a reasonable accommodation.

The employer may require periodic reports on the status and intention of the employee to return to work. The employee may not be permitted to resume a position with employer until a completed *Return to Work Medical Certification* form or a doctor's certificate is provided to employer.

An employee who does not return to work or obtain approved paid leave or an unpaid leave of absence is considered absent without leave (AWOL).

An employee who does not return to work may be required to reimburse the employer for all premiums paid to maintain their health coverage during the unpaid FML period, provided their failure to return to work is for a reason other than the continuance, recurrence or onset of an illness of a family member or employee, or other circumstances beyond the employee's control. An employee who is unable to return to work for continuance, recurrence, or onset of an illness of a family member or employee shall provide a medical certification from the appropriate health care provider in accordance with § 86-4-1308. If the employee fails to furnish the requested certification within 30 calendar days of the employer's request, the employer may recover the health insurance premiums if paid during the period of unpaid leave.

4-331.10 POSTING REQUIREMENT

It is the responsibility of Calvert County Government to post and keep posted on its premises, in conspicuous places where employees are employed, a notice explaining the Act's provisions and providing information concerning the procedures for filing complaints of violations of the Act with the Wage and Hour Division.

4-332 EMPLOYEE BENEFITS

The Calvert County Sheriff’s Office provides a comprehensive benefits package to its employees, which is described in Calvert County Government Personnel Policies. The Calvert County Department of Human Resources is available to provide employees and their families with assistance in the full range of employee benefits, including retirement, health benefits, life insurance, and liability protection. Employees may make an appointment to meet with a member of the Department of Human Resources. The Department of Human Resources also has brochures and other materials available for all employee benefit programs.

4-332.1 RETIREMENT, DEATH, AND DISABILITY BENEFITS

Sworn employees are covered by the Calvert County Sheriff’s Office Pension Plan. Non-sworn employees are covered by the Calvert County Government Pension plan. Employees are provided copies of a booklet describing costs and benefits and further information about the plan from the Calvert County Government Pension plan.

Both programs also provide benefits for employees and survivors in the case of service connected or non-service-connected disability or death.

4-332.2 HEALTH INSURANCE

Full time and permanent part-time employees are eligible for coverage under the County health insurance plan. An employee may obtain a copy of the document describing costs and benefits and further information about the plan by contacting the Finance Director of the Calvert County Government.

4-332.3 LIFE INSURANCE

Full time employees are covered by a County-paid life insurance policy. An employee may obtain a copy of the master policy and further information about the plan by contacting the Finance Director of the Calvert County Government.

4-332.4 LIABILITY PROTECTION PROGRAM

Under the State Government Article of the Maryland Code, §6-106, the Attorney General of the State of Maryland is responsible for defending the Sheriff and CCSO deputies in matters which arise from carrying out their functions of service of process, courtroom security, transportation of prisoners and certain administrative matters, so long as their actions are within the scope of their employment.

For all other areas, Calvert County carries insurance intended to provide protection for employees and the County in the event of legal action against the employee and the County, as well as the cost of damages to citizens' property and injury to citizens. The insurance only covers actions by employees that are within the scope of their employment.

Any legal action which is instituted against an employee or the County as a result of willful neglect of duty or purposefully harmful action is the sole liability of the employee involved.

An employee of the CCSO who is served as a defendant in a lawsuit related to his or her official duties will notify the Assistant Sheriff with 24 hours of service and may request appropriate legal representation.
The employee should prepare a memorandum for the Assistant Sheriff making the request and attaching copies of all court documents received. The memorandum should note the date, time and manner of service of the documents. The request for representation will be reviewed by the employee's bureau commander who will then forward the request to the Assistant Sheriff. The Assistant Sheriff will review the request and forward it to the Attorney General's Office on CCSO letterhead. If a determination is made that the Attorney General's Office will be the representing entity, the employee may need to fill out additional forms as mandated by the Attorney General's Office.

Employees will not make any statements, or otherwise furnish information regarding an incident or allegation of liability against the Sheriff or the CCSO to anyone outside the Agency without first notifying the Assistant Sheriff and the Attorney General's Office. Approval must be obtained from the Attorney General's Office to make the statement or to furnish the information. An employee filing a lawsuit as a plaintiff must provide sufficient written information at the time of notification so that a determination can be made as to whether the cause of action arose during the course of employment.

Employees will not compromise, discharge, or settle any claim arising from the performance of their duties of employment against their personal or property interests, or against the State or County's property or interests, without the consent of the Assistant Sheriff and the Office of the Attorney General.

4-332.5 TUITION REIMBURSEMENT

A. Tuition Assistance Policy can be found on the "S" drive: Personnel/Training Library and Tuition Assistance/Tuition Assistance Policy. The County will provide tuition assistance to employees on a reimbursement basis, in accordance with the policies and procedures outlined below. Successful completion of one or more courses is not a guarantee of job advancement, although it is hoped that coursework will enhance the quality of work and improve the employee's chance for advancement.

   The intent of this program is to reimburse employees who are taking traditional courses at an accredited institution. All other courses will be considered on a case by case basis.

   Courses must be taken at a college or university, accredited through either the "U.S. Department of Education" (www.ed.gov) or the "Middle States Commission on Higher Education" (www.msche.org).

   In general, education approved under this program must be undertaken on the employee's normally scheduled off-duty hours. It is understood that an employee's first responsibility is to their assignment with the CCSO and in no case shall an employee's educational pursuits be allowed to interfere with job performance or attendance.

B. Eligibility

   The program is open to the following full-time positions: merit, grant funded, contractual and appointed employees subject to the terms of their employment contract or appointment, and employees of the Sheriff. Employees must successfully complete their initial probationary period or six months of employment prior to applying for assistance, whichever is greater.

   Part-time employees regularly scheduled to work 50% or more of the normal pay period, are eligible for one-half of the benefits in accordance with this policy.
   Employees on an approved long-term leave of absence without pay in excess of thirty days will be ineligible to receive tuition assistance for any semesters in which the leave falls.

4-332.5.1 APPLICATION AND REIMBURSEMENT

An employee who would like to be reimbursed for educational courses must obtain a *Tuition Assistance Application* and submit it for approval prior to or immediately after enrollment. Upon recommendation of the Sheriff, the completed application should be submitted to the Personnel Director of the Calvert County Government. The Personnel Director will consider the appropriateness of the request in relationship to the employee's development plan and the needs of the County. The form will then be forwarded to the Director of Finance and Budget of the Calvert County Government to determine availability of funds and then to the County Administrator for final approval. Payment will only be made for courses approved prior to or immediately after enrollment.

Employees are given a copy of the *Tuition Assistance Application* form once the appropriate signatures are received. Employees who do not receive a copy within two weeks of submitting it should contact the Department of Human Resources of the Calvert County Government to ensure receipt of the application. There is a section on the application that informs the employee if the request has been approved or disapproved.

4-332.5.2 CONDITIONS OF REIMBURSEMENT

An employee may be reimbursed for no more than six (6) credits per semester and a total of no more than 12 credits per fiscal year. Non-credit or audited classes, classes that are assigned continuing education units (CEUs), and seminars are not eligible for reimbursement under this policy.

Semesters are defined as follows:

Summer	- course ends by September 1
Fall	- course ends by December 31
Spring	- course ends by June 30

The employee must receive at least a Grade of "C" for undergraduate (or Pass in a pass/fail course) and at least a Grade of "B" or better for graduate courses in order to be reimbursed. No reimbursement will be made to employees who withdraw from or for any reason fail to successfully complete a course as stated. No reimbursement will be made for auditing of courses regularly offered for credit.

A report card, as well as an itemized receipted bill and proof of payment, such as a canceled check or credit card bill, must be submitted to the Department of Finance and Budget.

Reimbursement must be requested within three weeks after the end of the semester. Failure to do so may result in forfeiture of the reimbursement.

4-332.5.3 AMOUNT OF REIMBURSEMENT

The course must be job-related or degree required. If degree required, the degree must be job related. Job-related is defined as helping an employee do a better job in a current position or for career development within their current career field as determined to be appropriate and necessary by the Sheriff.

The employee is responsible for completing the Tuition Assistance Application thoroughly to show how the course or degree qualifies for the program. Specific work examples will be helpful. The Sheriff must confirm the relevance of the course or degree prior to authorizing the form. No application will be considered by the Department of Human Resources until all sections are completed thoroughly. Costs covered by the program are 80% of the tuition cost. Registration, lab and telecourse fees will be reimbursed at 80%. Other itemized costs, such as activity, instructional, late registration, and drop/add fees, books, supplies, and transportation will be borne by the participant.

Tuition reimbursement may be taxable.

The Calvert County Government will reimburse courses taken at in state institutions at the current tuition rate of the institution.

Courses taken at an out of state institution will be reimbursed at no more than 80% of the current tuition rate of the University of Maryland.

The Calvert County Government may require a transcript from the current school the employee is attending or from a previous institution that the employee attended.

4-332.5.4 EXCEPTIONS

Exception requests will be reviewed by the Personnel Director and County Administrator and may be approved if:

1. The exception requested is for assistance for non-traditional courses due to work/college schedule conflict; or

2. The exception is requested to provide for 80% reimbursement of the out of state tuition rate if the course or major is not available at an in-state institution.

4-332.5.5 MULTIPLE DEGREES

The Calvert County Government may reimburse an employee for one associate's, one bachelor's and one master's degree. If the employee possesses a degree at a certain educational level, the employee is no longer eligible to take classes at that level, even if the class is job-related. If an employee currently possesses a degree above the bachelor's level, i.e., master's, law, PhD, the County will not pay for any further college classes, even if the class is job-related.

4-332.5.6 EMPLOYEE OBLIGATION

Employees who receive tuition reimbursement from Calvert County must continue CCSO employment for one year for each semester, commencing with the semester's ending date. An employee who leaves CCSO service prior to fulfilling this requirement shall repay the Calvert County Government any reimbursement made for the semesters to which the service requirement applies. This will not apply if employment is terminated for non-disciplinary reasons. The service requirement for different semesters may overlap and be fulfilled concurrently.

4-400 AUXILLIARIES

4-401 CCSO EXPLORER POST

The Calvert County Sheriff's Office Explorer Program is in affiliation with the Law Enforcement Exploring Program, a subsidiary of the Boy Scouts of America. The intent of this program is to educate and involve youth in police operations. Through their involvement, youth in the Explorer Program develop an awareness of the complexities of police service.

Explorers are volunteers and are not considered to be employees of the Calvert County Sheriff's Office. The Explorer Post is made up of young men and women ranging in age from 14 to 21 years old. Explorers must have parent/guardian approval, must maintain a minimum grade point average of 2.0 or higher, and must pass a background check.

The Post holds meetings bi-monthly for the purpose of conducting Post business, conducting training and other related activities. The meetings are led by the Post officers and the

advisor/associated advisors. All community service events are supervised by an adult or deputy, as appropriate for the event.

4-401.1 ORGANIZATION OF POST

The overall operation of the Explorer Post #91 is overseen by the School Liaison Supervisor, who shall appoint sworn members of the Agency to act as the Explorer Post advisor and associated advisors. The advisor and the associated advisors have the responsibility to oversee the daily operations of the Post.

A formal rank structure will be set up within the Explorer Post. The Explorers will be taught the chain of command and thereafter, adhere to the chain. The Sheriff shall be the final authority on all matters pertaining to the operation and procedures of the Calvert County Sheriff's Office Explorer Post.

The rank structure of the Post will be as follows:

- Explorer
- Corporal
- Sergeant (Elected)
- Lieutenant (Elected)
- Chairman of the Adult Committee/Adult members of the Committee
- Post Associate Advisors (Sworn Law Enforcement Officers)
- Post Advisor (Sworn Law Enforcement Advisor)

The Explorer Post secretary and treasurer positions are held by Explorer sergeants. They are monitored through the Post advisors. The duties for each elected position are outlined in the Post's Constitution and By-Laws. Elections are held annually in accordance with the Constitution and By-Laws. A copy of the Constitution and By-Laws is maintained by the Post.

4-401.2 DUTIES, ROLE, AND SCOPE OF AUTHORITY

Explorers are not sworn officers and shall have no authority to perform law enforcement functions of the Agency that must be performed by a sworn officer. Explorers shall not be assigned any duty requiring a sworn officer. Examples of duties performed by Explorers are:

- Citizen fingerprinting
- Assisting with child passenger safety seat inspections
- Assisting Agency personnel with missing or lost children
- Participating in the ride-along program (after approval from within the Post)
- Appearing at and assisting with community events (i.e. County Fair)
- Staffing Sheriff's Office informational displays or booths
- Assisting with any other community service requests or events as approved by the Post advisor

From time to time, an Explorer may be assigned to assist sworn officers with non-enforcement related activities. In such cases, the Explorer shall be provided all necessary instruction, equipment and training to perform the assigned task.

4-401.3 RIDE-ALONGS

Explorers may be given the opportunity to participate in a ride-along program sponsored by the Agency and certified by Learning for Life/Boy Scouts of America (LFL/BSA). The ride-along program provides the Explorer with the opportunity to observe the officers as they work in the field. It is only one element of the total law enforcement Explorer Program and should be managed in a judicious and well supervised manner. While participating in this program, the Explorer is considered an observer and is not granted any authority to act as a law enforcement officer. Explorers will be treated as any other civilian participating in the program. Explorers, riding with a sworn law enforcement officer in the ride-along program, will sign a *Ride-Along Release Form* prior to the ride-along; and conduct themselves within the guidelines set forth in that policy.

Explorers shall only ride with a non-probationary deputy, who doesn't have any compromising disciplinary actions on file. Explorers under the age of 18 are prohibited from riding on any shift after midnight. The use of body armor is required, as available, when doing a ride-along. It is prohibited for an Explorer to wear/carry any firearms, chemical sprays, batons, or handcuffs while doing a ride-along. Explorers will not drive Agency vehicles unless permission is expressly granted by the Sheriff. This will be on a case by case basis.

4-401.4 UNIFORMS

The uniform worn by the Explorers and any equipment used by the Explorers shall be approved by the Patrol Bureau Commander. The Agency will provide uniforms for the Explorers. The uniform will be such that it cannot be mistaken for any uniform worn by sworn members of the Agency. Uniforms and equipment will only be worn to meetings and on specific occasions as set forth by the Post advisor.

4-402 STUDENT INTERN PROGRAM

The Calvert County Sheriff's Office understands the importance of a close working relationship with the community it serves. The Student Intern Program is a prime example of this relationship. The Student Intern Program gives students an opportunity to observe and participate in designated activities within the Agency. Student interns are potential police applicants, and this program gives the Agency an opportunity to observe these potential applicants in action. Student interns are not sworn officers and shall only perform duties and activities that do not require a sworn officer.

4-402.1 PROGRAM RESPONSIBILITY

The responsibility for the coordination of this program is assigned to the AJSB Administrative Aide. Specific responsibilities include coordination with local colleges and universities, interviewing prospective interns, evaluating intern eligibility, coordinating necessary form completion, and program evaluation.

4- 402.2 PROGRAM ELIGIBILITY

Candidates shall meet the following requirements to be eligible to participate in the program:

- Junior or senior in college; minimum of 18 years of age.

- Currently enrolled as a student in a Maryland college or university, or a Calvert County resident enrolled in an out of state college or university, taking criminal justice courses and earning credit(s) for participation.
- Have the approval of the faculty advisor.
- Successful completion of a criminal history check and oral interview conducted by the AJSB Administrative Aide.
- Completion of an *Internship / Volunteer Application*, *Liability Waiver* and *Internship and Volunteer Program Agreement*.

4-402.3 OPERATIONAL PROCEDURES

Upon successful completion of the oral interview, the criminal history check and all necessary forms, the student intern will be given a tour of the Sheriff's Office for familiarization purposes.

The AJSB Administrative Aide has been designated to coordinate the placement of interns within the Agency. The intern will be given as many diverse assignments as feasible. Once assigned, commanders shall exercise normal supervisory/managerial authority over interns and shall assign either a sworn officer or senior civilian employee to monitor the intern's progress.

- Student interns shall receive training appropriate to any assigned duties.
    - If there is a need for an intern to have access to New World Systems, they will be subjected to a complete background investigation and polygraph examination.
- Interns will be issued a photo I.D. card identifying them as such.
- Interns will not wear uniforms, but their dress will be consistent with the County civilian attire policy.

An intern may be removed from the program at any time, if circumstances warrant such action for the benefit of the Agency. Recommendations for removal shall be directed to the Administrative and Judicial Services Bureau Commander.

4-403 VOLUNTEER CITIZEN PROGRAM

The Calvert County Sheriff's Office understands the importance of a close working relationship with the community they serve. The Volunteer Citizen Program is an example of this relationship. The Volunteer Citizen Program gives citizens an opportunity to volunteer their time in support of the Agency. Volunteers are not sworn officers and shall only perform duties and activities that do not require a sworn officer.

Generally, volunteers perform administrative tasks such as filing, shredding, and assisting with special events.

4-403.1 PROGRAM RESPONSIBILITY

The responsibility for the coordination of this program is assigned to the AJSB Administrative Aide. Specific responsibilities include interviewing prospective volunteers, evaluating their eligibility, overseeing necessary form completion, and assigning duties.

4-403.2 PROGRAM ELIGIBILITY

Candidates shall meet the following requirements to be eligible to participate in the program:

- Minimum of 18 years old.
- Successful completion of a criminal history check and oral interview conducted by the AJSB Administrative Aide.
- Completion of an Internship / Volunteer Application, liability waiver and Internship and Volunteer Program Agreement.

4-403.3 OPERATIONAL PROCEDURES

Upon successful completion of the oral interview, the criminal history check and all necessary forms, the volunteer will be given a tour of the Sheriff's Office for familiarization purposes.

The AJSB Administrative Aide has been designated to coordinate the placement of volunteers within the Agency based on requests received from the various units. Volunteers shall be assigned either a sworn officer or senior civilian employee to monitor their progress.

- Volunteers shall receive training appropriate to any assigned duties.
    - If there is a need for a volunteer to have access to New World Systems, they will be subjected to a complete background investigation and polygraph examination.
- Volunteers will be issued a photo I.D. card identifying them as such.
- Volunteers will not wear uniforms but will wear appropriate civilian attire.

A volunteer may be removed from the program at any time, if circumstances warrant such action for the benefit of the Agency. Recommendations for removal shall be directed to the Administrative and Judicial Services Bureau Commander.

4-500 RECRUITMENT AND SELECTION

The Commander of the Administrative and Judicial Services Bureau or their designee is responsible for the CCSO recruitment program. The purpose of the recruitment program is to recruit, hire and retain the most highly qualified persons for all positions, both sworn and civilian. In order to accomplish this purpose, the Commander will cause the Agency to be represented at job fairs and events where a significant pool of applicants may be present.

The AJSB Commander and Deputy/Assistant Commander are familiar with the Agency's needs, opportunities within the Agency, the County's requirements, and the importance of a representative workforce.

All deputies serve as CCSO ambassadors and recruiters simply by virtue of their presence in the community. They may be aware of individuals as potential recruits and should refer the names of those individuals to the AJSB commanders. Before any deputy is given a specific recruiting assignment, they will be thoroughly briefed by the Commander on the audience to be briefed and the message to be presented.

The AJSB commanders will be mindful of the recruiting needs of the Agency and will search for applicants in areas where the likelihood of finding under-represented segments is the greatest.

4-501 RECRUITMENT PLAN

The CCSO believes that it will best serve Calvert County when its employees reflect the County's ever-changing diversity. It is the goal of the CCSO to achieve a workforce, which is representative, by race, ethnicity, and gender, of the county it serves. The CCSO has adopted a recruitment plan, found in Appendix 4B, as a means to achieving that goal. An analysis of the Recruitment Plan shall be conducted annually to monitor the progress of recruiting efforts and to ensure that outlined objectives are being met. The Recruitment Plan shall be revised/reissued as needed.

4-502 VACANCY ANNOUNCEMENTS

All vacancy announcements for entry-level CCSO positions will:

- Identify the position, required education and other minimum qualifications.
- Include salary and benefits information.
- Be advertised in print media, our website, and occasionally on local television stations.
- Advertise that Calvert County and the CCSO are equal opportunity employers on the announcement and the application form.
- Explain how to obtain an application, and the deadlines for filing.

Vacancy announcements will be sent to churches and other community service organizations. The Sheriff will seek the assistance of key community leaders in filling vacancies.

4-503 APPLICANT RELATIONS

Maintaining contact with applicants and keeping them apprised of the status of their applications are essential parts of an effective recruitment program. The CCSO will inform applicants within 30 days:

- When they do not meet minimum qualification requirements.
- Whether they are or are not in the pool of candidates to be interviewed.
- Whether they are or are not selected for final processing; and
- Whether they are or are not finally selected. Candidates will be kept informed of the final approval process.

Applications will not be rejected for minor omissions or deficiencies that can be corrected before the testing or interview process.

4-504 SELECTION GUIDELINES

Appendix 4-C, Selection Guidelines, fully describes the CCSO's selection procedures.

4-505 PROBATIONARY PERIOD ON INITIAL APPOINTMENT

Every newly-appointed law enforcement officer must complete a 2-year probationary period upon initial appointment. The probationary period begins on the day the deputy is hired.

At least thirty (30) days prior to a deputy's end of probationary period, the deputy's immediate supervisor will submit the deputy's progress in a *Probationary Status Form* to the Assistant Sheriff via the chain of command. If an extension of probation or termination is recommended, reasons for doing so should be listed on the form and accompanied with documentation.

Special areas of importance or unusual situations not addresses above should be included.

If the deputy's progress report during the probationary period was satisfactory, the deputy will obtain permanent status upon completion of the probationary period. An extension of up to six (6) months may be granted if necessary, to further evaluate the employee.

If at the end of the six (6) month probationary extension, the supervisor has documentation that the employee is still unable to perform on their own, an additional six (6) month extension shall be implemented. At the conclusion of the second six (6) month extension, a decision will be made as to the retention of the employee. The decision will be a collaborative effort with the employee's prior FTO(s), first and second line supervisors, bureau commander, and the Assistant Sheriff. Every measure will be taken during the periods of extended probation to ensure the best results for the employee.

4-506 SELECTION FOR SPECIALIZED ASSIGNMENTS

Openings for any specialized assignment, or any newly created specialized assignment, will be announced Agency-wide and will describe the selection criteria for the position to be filled. Deputies will usually be asked to express their interest in writing.

When the opening is for a full-time position (e.g. K-9), a *Transfer Request* and a *Detailed Report,* to include the applicant's background and experience will be required.
In some cases, a written test and/or a physical agility test, and an oral interview will be incorporated into the selection process. Selection will be based upon some or all of the following: requirements of the specialized assignment; the results of the tests and interview; the applicant's length and breadth of experience; training; and specialized skills. Performance ratings and disciplinary records may also be a factor.

The final selection will be made by the team or unit leader. The Sheriff or Assistant Sheriff may override the decision at his discretion.

4-600 TRAINING AND CAREER DEVELOPMENT

It is the policy of the CCSO to provide comprehensive employee training to ensure the delivery of the highest level of effective law enforcement services to the citizens of Calvert County.

4-602 PROGRAM RESPONSIBILITY

The Director of the Southern Maryland Criminal Justice Academy, in conjunction with the AJSB Deputy/Assistant Commander, is responsible for overseeing the development and delivery of training programs, as well as ensuring all sworn personnel receive their yearly mandated training hours.

4-603 ATTENDANCE AT TRAINING

Training is like any other work to which deputies are assigned, and attendance at training programs for assigned deputies is therefore, mandatory. The employee's supervisor may excuse legitimate absences, such as illness, court appearance, vacations, etc. Those deputies will have to attend make up classes when rescheduled. It will be the deputy's responsibility to contact the Southern Maryland Criminal Justice Academy to reassign a training date(s). A suitable certificate may recognize deputies, who successfully complete assigned training sessions, and all training records will be maintained in the deputies' training files.

4-604 PAYMENT OF EXPENSES INCURRED FOR TRAINING

Deputies and civilian personnel who are assigned training classes are eligible for reimbursement of mileage (if traveling by privately owned vehicle), lodging, and meal expenses, as appropriate and consistent with the travel regulations of Calvert County. Note that the County does not compensate for travel time over and above the regularly scheduled work hours. For employees assigned to training, all tuition, books, fees, and related expenses will be paid by the Calvert County Sheriff's Office. The Executive Administrative Aide will make arrangements for the payment or reimbursement of expenses.

4-604.1 REPORT OF EXPENSES

When Agency funds are spent with regard to training, a final accounting will be made to the Executive Administrative Aide at the completion of training. All receipts for all expenses, except meals paid by per diem, even if no out-of-pocket expenses were incurred, will be submitted to the Executive Administrative Aide for reimbursement within 24 hours of return from training. Additionally, the rules explained in the following sections shall govern the character and amount of expenses, which may be reported. Only those allowed expenses, which are the direct result of the business purpose for which the travel is approved, would be allowed.

4-604.2 TRANSPORTATION

All travel shall be by the most direct route reasonably available. Side trips and detours for personal reasons are not allowed and will not be reimbursed. The most economical mode of transportation is the preferred method of travel. All factors shall be considered in deciding the most economical. For example, if the choices consisted of traveling by air or by car, the car trip would include the computed cost of the vehicle mileage, plus the meals in transit, plus the lodging if the trip required an overnight stop, plus the cost of any overtime hours spent driving, plus tolls and so forth.

In most cases involving a trip by automobile, a Sheriff's Office vehicle shall be used. Civilian employees attending training classes should contact the supervisor of fleet vehicles, to see if a suitable pool vehicle is available for their use. If no vehicle is available, an alternate method may be used.

If the employee has a marked vehicle, which would be inappropriate for the trip and/or no suitable pool vehicle is available for the employee's use, the employee may use a personal vehicle. The current standard mileage allowance will be reimbursed for personal vehicle use in an approved business capacity. The current standard mileage amount will be obtained through the Executive Administrative Aide.

When public transportation is the preferred method of travel, the actual fare for the transportation shall be reimbursed. The ticket receipt or coupon is the proof of the cost of the transportation, not a charge receipt. The most economical class of travel shall be used. Other miscellaneous transportation expenses, when incurred during business travel, which will be reimbursed are: tips, bus fares, subway fares, parking fees, tolls, telephone calls, and taxi fares. The employee must document reimbursement for tips, detailing the purpose, date, and amount.

4-604.3 LODGING

Lodging may be provided to employees who are required to attend a business function, which is more than 60 miles away from Prince Frederick. This applies if the employee will work a full business day at the location of the function, and it is impractical, because of the time required to

travel to and from the function in the same day. It will, in most cases, be considered impractical, if any expenses incurred (overtime and meals, if applicable) by traveling during non-work hours, would be greater than the expense of lodging and meals incurred by an overnight stay. Additional circumstances that may be considered and approved for overnight stay with supervisor approval are:

- When the employee is required to be at the function before 8 a.m. or stay after 8 p.m.
- The employee has some presentation or leadership role in the function that requires being on site prior to the start of the activity.

The ASJB Administrative Aide will make reservations at a cost within published per diem rates. If an employee opts for accommodations in excess of the per diem rate, he will be responsible for any amount in excess, unless a prior approval has been granted because the function attended is held in the place of lodging, and it would be impractical or more expensive to stay elsewhere when all expenses related to that stay are considered.

All lodging receipts shall be itemized daily, and only allowed business expenses, in addition to the room rate shall be reimbursed. Such expenses as movie or television rental and room bar bills will not be reimbursed. If an employee travels with a family member who stays in the same room, any added expenses incurred as a result are the employee's responsibility and will not be reimbursed. Receipts shall not show non-allowable expenses.

4-604.4 MEAL EXPENSE

While on overnight travel, employees shall be eligible for meal expenses that are not included in the training fee. Eligibility for a given meal is dependent upon the following circumstances:

If the travel is connected with an overnight stay, the first day of travel, the employee's lunch and dinner are eligible for reimbursement, and breakfast is eligible if the employee was required to leave home on a trip outside of the 60-mile radius of Prince Frederick. On the last day of travel connected with an overnight stay, the employee is reimbursed for breakfast and lunch. When training does not require an overnight stay and does not meet the standards as established for per diem, employees will not be eligible for meal expenses.

In an effort to standardize travel distances to comply with the 60-mile radius of Prince Frederick, the Sheriff's Office has adopted Map Quest to compute the trip distance. Map Quest is easily accessible through the Internet at www.mapquest.com® and does a quality job with travel arrangements and detailed, clear maps.

All meal pre-payments and reimbursements are based upon the current annual rates as published by the IRS. Daily rates are listed for particular cities or if not listed, there is a rate, which applies to all other places in the Continental United States, which will be used. Individual meal payments are determined by calculating 20% of the daily allowance for breakfast, 25% of the daily allowance for lunch and 55% of the daily allowance for dinner.

Meal receipts are required if per diem has not been pre-paid to the employee. The employee should contact the Executive Administrative Aide for any questions in this matter. No reimbursement will be made for the cost of alcoholic beverages.

When an official or employee is attending a meeting, seminar or convention where a meal is part of the program and the employee must pay for the meal with his own money, the expense

of such a meal will be reimbursed. If meals are provided as part of a function, they will be deducted from the per diem reimbursement.

4-605 PERFORMANCE OBJECTIVES

Written performance objectives will be established for all training programs. The use of performance objectives acquaints the training participants with the information they are required to know, the skills that must be demonstrated, and the circumstances under which the skills will be used. Performance objectives will:

- Focus on the elements of the job task analyses for which formal training is needed.
- Provide clear statements of what is to be learned.

4-606 LESSON PLANS

The CCSO requires the development of lesson plans for all internal training. Development of lesson plans ensures that the subject to be covered in training is addressed completely and accurately and is properly sequenced with other training materials. Lesson plans establish the purpose of instruction, set forth the performance objective, relate the training to critical job tasks, and identify matters that will be taught.

Lesson plans should include:

- References
- Teaching techniques
- Relationship to job tasks
- Responsibilities of the participants for the material taught
- Plans for evaluation of the participants

Among the instructional techniques that may be employed are:

- Conferences (debate, discussion groups, panels, and seminars)
- Field experiences (field trips, interviews, operational experiences, and operational observations)
- Presentations (lecture, lecture-discussion, lecture-demonstration)
- Problem investigations (group inquiry)
- Simulations (case study, games, and role play)

4-607 TESTING

Generally, testing methods used in training classes will be competency-based tests based on performance objectives that measure participant knowledge of and ability to use job related skills. Test questions may be true/false, multiple choice, short answer, matching, or any other approved format. The minimum passing score on internal training will be 70 percent. Those tests that require a skill performance must be performed to the satisfaction of the grading official.

4-608 APPROVAL OF LESSON PLANS

Lesson plans will be submitted to and approved by the Director/Board of Directors of the Southern Maryland Criminal Justice Academy. If lesson plans are to be used in courses to satisfy the Maryland Police Training Commission's in-service or firearms training requirements,

they must also be approved by the Maryland Police Training Commission, issued an MPCTC approval number and resubmitted every three (3) years for renewal of approval.

4-609 REMEDIAL TRAINING

Remedial training will be used to upgrade necessary knowledge and skills of Agency personnel. As they conduct regular inspections of personnel, supervisors must be alert to signs that remedial training may be required. Among the criteria used to determine the need for remedial training are:

- Complaints from prosecutors, citizens, or fellow employees.
- Recommendation from a supervisor based on, but not limited to:
    - Poor job performance
    - Improper conduct
    - Poor personal appearance
    - Physical, emotional, or mental inability to perform job-related duties
    - In-service or specialized training test results below the passing level

There are two basic types of remedial training:

1. Training, which requires administrative approval and/or supervision
2. Training, which may be handled within the shift or bureau

The immediate supervisor or designee will be responsible for providing deputy remedial training, which is minor in nature and may be handled by counseling. The Director of the Southern Maryland Criminal Justice Academy may be consulted for resource material and personnel to assist the employee in obtaining the needed training.

The following apply to remedial training, which requires administrative approval and/or supervision:

- Prior to the initiation of a formal remedial training program, the supervisor of the affected employee will submit a letter to the bureau commander outlining the problem, to include recommended corrective measures.
- Following approval of the formal remedial training program, it will be the responsibility of the Bureau Commander or their designee to schedule the training and assist the employee in the program.
- An employee assigned to a remedial training program will be observed, retrained, and evaluated until they have successfully demonstrated the necessary skills, knowledge, and ability.
- A designated time frame for achieving fully acceptable performance will be established by the employee's supervisor. The maximum time frame allowed for achieving fully acceptable performance will be established according to the individual situation and need.
- The employee's supervisor will file a detailed report when the time frame is exhausted and forward the report to the Sheriff.
- If the performance evaluation is not fully acceptable, the Sheriff will make a determination on what action should be taken. Action may include, but is not limited to:
    - Re-testing
    - Disciplinary action
    - Discharge from employment

4-610 TRAINING RECORDS

Following the completion of a training assignment, the Director of the Southern Maryland Criminal Justice Academy will ensure that proper documentation of the training is maintained on file. A training file will be maintained on all employees to include:

- Type of training
- Date of training
- Training certificates received
- Attendance record
- Test scores

The Calvert County Sheriff's Office will also maintain a record of each training class conducted internally. The record will include:

- Lesson plans
- Name of attendees
- Performance of individual attendees, as measured by tests, if administered

4-611 NEW RECRUIT TRAINING

In accordance with the Maryland Police and Correctional Training Commission, all newly sworn deputies shall complete a basic entry-level, police training program prior to their assignment in any capacity that allows the carrying of weapons or places them in a situation to effect an arrest. Deputies hired and awaiting recruit training will be utilized in positions that do not require the carrying of any weapons, the enforcement of laws, or the making of an arrest. Even if a newly hired deputy is an experienced law enforcement officer, who has already been certified by the Maryland Police and Correctional Training Commission (MPCTC), the deputy must successfully complete the 60-day field training portion of the following recruit training program. This training program includes:

- A curriculum based on job task analyses of the most frequent assignments of law enforcement officers who complete basic training.
- Use of evaluation techniques designed to measure competency in the required skills, knowledge, and abilities.

This policy does not affect deputies, who are attending academy training and carry weapons as part of the structured curriculum. Nor does it affect deputies participating within the guidelines of the field-training program.

4-612 SOUTHERN MARYLAND CRIMINAL JUSTICE ACADEMY

The Southern Maryland Criminal Justice Academy (SMCJA), serving Calvert, Charles, and St. Mary's Counties, is fully accredited by the Maryland Police and Correctional Training Commissions. It is an institution supported by the Calvert County Sheriff's Office through monetary payments and dedication of personnel. The Sheriff of each county serves as a member of the Board of Directors, with equal input on all decisions. The Director of the SMCJA is responsible to the Sheriffs of Charles, St. Mary's, and Calvert Counties collectively, for the operation of this institution. However, the personnel assigned from the Calvert County Sheriff's Office to staff the institution are assigned to the Administrative and Judicial Services Bureau of the CCSO. The AJSB Deputy/Assistant Commander will monitor the activities of the personnel assigned to the SMCJA and determine their job performance is to the credit of the Sheriff's

Office. The AJSB Commander and Deputy/Assistant Commander will assist the Sheriff in maintaining an awareness of the programs and operations of the SMCJA.

SMCJA conducts both law enforcement and corrections training in Southern Maryland. It is the institution of choice for mandated sworn and correctional officer entry-level training, and for mandated in-service training of these officers. Established in 1988, the Academy provides entrance level, in-service and specialized training for law enforcement and correctional officers, as well as any other person in the criminal justice system who is mandated to receive, or desires training to further their knowledge and careers. The Sheriffs of Calvert, Charles and St. Mary's Counties, contribute to and support its operation by providing personnel, equipment and funding. The general goals of the Academy are to:

A. Provide professional, effective and efficient training to the law enforcement and correctional officers in Southern Maryland.
B. Deliver all training and conduct all activities of the Academy in a fair and impartial manner.
C. Develop partnerships with government agencies, law enforcement agencies and law enforcement training academies to help accomplish Academy goals.
D. Continually evaluate the training needs to develop and present training that is current and applicable to job tasks.

In addition to the training and skills taught at the Southern Maryland Criminal Justice Academy, the CCSO Administrative and Judicial Services Bureau is responsible for providing instructions in policies and procedures that are specific to the Calvert County Sheriff's Office. This training can be provided for sworn personnel prior to or at the completion of the Southern Maryland Criminal Justice Academy.

4-612.1 ACADEMY ORIENTATION MATERIALS

The SMCJA provides orientation materials to all new recruit personnel at the beginning of training. The material includes information on:

- Organization of the Academy
- The Academy's rules and regulations
- The Academy's rating, testing, and evaluation system
- Physical fitness and proficiency skill requirements
- Daily training schedules

4-613 FIELD TRAINING OVERSIGHT

The Patrol Commander has overall responsibility for the Field Training program. The Patrol Commander will assign the new deputy or deputies to their permanent Patrol squad. The FTO Program Coordinator will assign the new deputies to their Field Training Officers (FTO's).

4-613.1 FIELD TRAINING

After successful completion of the basic academy training, the deputy will be assigned to a Field Training Officer (FTO) for a minimum of 60 days. The purpose of field training is to give the new deputy a solid grounding in the essential elements of the CCSO patrol function, and to permit him or her to operate alone and effectively as a CCSO deputy. During this period, the new

deputy will be thoroughly indoctrinated in CCSO policies, procedures, rules and regulations. The deputy is rotated through all aspects of the patrol function, including but not limited to vehicle operation (including radio, video recording and radar operation), service of process, processing arrests, transporting prisoners, traffic stops, report writing, CCSO forms, crime and accident scene processing, criminal investigation, taking statements, and court testimony.

During this period the FTO reviews with the new deputy the essential elements of this Manual and of CCSO police work in a structured fashion. Each day, the FTO will complete a CCSO *Daily Field Training Evaluation* form, indicating the materials covered, the training conducted (i.e., whether by discussion, observation, demonstration or actual performance), the new deputy's performance on the training element, and any deficiencies noted and submit it to the FTO Program Coordinator. The FTO Program Coordinator will review the form and forward it to the Patrol Commander.

The FTO will review all reports written by the new deputy to identify deficiencies, especially ones of spelling, grammar, neatness, attention to detail and general organization of thought. After the 60-day training period, the new deputy will then be evaluated for a minimum of 24 hours by a squad supervisor. After the evaluation period, the FTO Program Coordinator and the Patrol Commander will decide, with input from the FTO, if the deputy is ready for solo duty or is in need of additional field training.

4-613.2 FIELD TRAINING OFFICERS

Field Training Officers serve as role models for newly-hired deputies in the development of the knowledge, skills, and abilities needed to perform patrol duties and the practical application of the training received at the Academy. While performing the duties of the FTO, a deputy gains experience and knowledge that increases leadership, training, and evaluation skills which may enhance career opportunities.

The FTO Coordinator will make Patrol supervisors aware of the availability of an FTO assignment and will solicit their recommendations for FTO's. To be eligible, a deputy must have attained the rank of deputy first class. The FTO Coordinator will endorse the recommendations, as appropriate, and forward them to the Patrol Commander. The FTO Coordinator will consult with the Patrol Commander in making the selection of FTO's. Among the criteria considered are:

- Knowledge of the Patrol deputy function.
- Demonstrated commitment to the CCSO and to the field training program.
- Personal appearance, bearing and demeanor.
- Ability to communicate effectively, both orally and in writing.

All FTO's must satisfactorily complete an MPCTC approved FTO training course. Prior to the first FTO assignment and before each subsequent assignment, FTO's will be trained by the FTO Coordinator using the CCSO *Daily Field Training Evaluation* form. The FTO Coordinator will provide practical, one on one instruction on:

- The importance of the field training experience.
- Planning training assignments.

- How to use the form to provide feedback to the new deputy.
- The necessity of communicating clearly and effectively, both with the new deputy and with the Training Coordinator and the Patrol Commander, concerning the new deputy's progress.

The Field Training Coordinator will evaluate field training officer(s) at the conclusion of each training cycle. Any potential issue(s) identified during the evaluation process will be addressed accordingly.

The FTO will report to the Patrol Bureau Commander any matter of concern in the new deputy's training.

4-615 IN-SERVICE TRAINING

For recertification as a law enforcement officer, the CCSO complies with the MPCTC standard that requires a deputy receive at least 18 hours of training each year. The in-service training program is overseen by the CCSO Training Coordinator.

In-service training may consist of refreshing or maintaining existing skills or obtaining new skills. In addition to technical skills improvement, it will include such areas as: review of Agency policy, with emphasis on changes to policy; and changes to statutory or case law which affect the way in which deputies perform their jobs.

The in-service training described above is in addition to the two-hour firearms classroom refresher, which is conducted at least once each year.

4-616 ROLL CALL TRAINING

A. The Sheriff's Office shall have a roll call training program, the objectives of which shall be to educate, increase awareness, stress training objectives, increase effectiveness, re-establish goals and priorities, and advise of specialized enforcement programs.

   The Patrol Commander shall designate a person to act as the Roll Call Training Coordinator. The Coordinator will determine:

   1. When training will be conducted;
   2. What materials will be presented; and
   3. Who will conduct the training.

B. Agency members becoming aware of a training need shall contact the Coordinator.

C. Various instructional methods and materials may be used to conduct roll call training, i.e., PowerPoint, video, hand-outs, etc.

D. If possible, roll call training should be brief, generally lasting less than thirty minutes.

E. Agency personnel should provide feedback concerning roll call training to determine whether the program is meeting their needs.

4-617 SPECIALIZED TRAINING

The primary purpose of specialized training is to prepare sworn and non-sworn personnel for new job assignments and/or to enhance the employees' skills, knowledge, and abilities in their current job assignment. Personnel assigned to positions requiring specialized training should receive such training prior to or within one year of their transfer date not including on the job training. All specialized training shall be maintained as required by the Maryland Police and Correctional Training Commission and/or required by the issuing certification company to include re-certification and/or remedial training until transferred into a position not requiring such specialized training. Specialized training positions within the Calvert County Sheriff's Office that may require specialized training to perform their duties are, but not limited to:

Crime Scene Technician
Detective/Investigator
Drug Investigator
Field Training Officer
Firearms Instructor
DARE Officer/School Resource Officer
K-9 Handler
Hostage Negotiator
Defensive Tactics Instructor
Drug Recognition Expert
MPCTC Certified Instructor
EVOC Instructor
Polygraph Examiner
CPR Instructor
Accident Reconstructionist
Bike Patrol Unit Member

Coordination will be made with the MPCTC and other law enforcement practitioners to determine the formal training courses most suited to particular specialist areas. Specialized training should include:

- Development and/or enhancement of the skills, knowledge, and abilities particular to the specialization.
- Management, administration, supervision, personnel policies, and support services of the function or component.
- Calvert County Sheriff's Office policies, procedures, rules, and regulations specifically related to the function or component; and supervised on the job training.

All of the training requirements for some of the specialized positions listed above are as follows:

Crime Scene Technician: The Commander of the Criminal Investigations Bureau will ensure that all crime scene technicians receive the appropriate amount of field training and attend the appropriate formal courses to ensure that they are proficient in the skills necessary for the position. This training will include basic evidence collection, DNA evidence collection, photography, and latent fingerprint recovery. There is no retraining requirement for crime scene technicians.

Detective/Investigator: The Commander of the Criminal Investigations Bureau will ensure that all new detectives receive the appropriate amount of field training prior to being permitted to perform in a solo capacity. All new detectives will attend a basic investigator/detective course within the first year of their new assignment. Detectives assigned to the Drug Enforcement Unit will attend a basic investigator/detective course or a basic drug investigator course, if available. There is no retraining requirement for detectives/investigators.

D.A.R.E. (Drug Abuse Resistance Education) Officer: The Commander of the Patrol Division will ensure that all D.A.R.E. officers receive the appropriate training to be certified to teach the copyrighted curriculum. This is an 80-hour training mandated by D.A.R.E. America to deliver

the curriculum to elementary and middle school children. The officers also must complete an on-line test after completion of the 80-hour training as required by D.A.R.E. America.

Trained deputies must teach one 10-lesson rotation of the elementary curriculum and attend either the State D.A.R.E. In-service or the National Conference yearly to remain certified.

Hostage Negotiator: The supervisor of the Hostage Negotiations Team will ensure that all hostage negotiators receive at a minimum (40) hours of classroom instruction prior to being permitted to fill an assignment on the Hostage Negotiations Team.
The Hostage Negotiations Team will retrain at a minimum (2) times per year to practice their special skills and hone their abilities to function as a team. Included in the training program will be simulated scenarios acted out by negotiators. The Hostage Negotiations Team and the Special Operations Team will train together at a minimum (1) time per year to ensure that both teams work effectively as a unit.

Polygraph Examiner: The supervisor of the Polygraph Unit will ensure that all polygraph examiners complete a polygraph examiners school certified by the American Polygraph Association. After the completion of the polygraph examiners school the polygraph examiner in training will conduct a minimum of (30) examinations to include applicant and criminal specific tests. The supervisor of the Polygraph Unit will review all of these examinations. Once these examinations have been completed and approved by the supervisor of the Polygraph Unit the polygraph examiner in training will be considered a full polygraph examiner.

Each polygraph examiner is required to attend at a minimum (16) hours of classroom retraining on an annual basis. The American Polygraph Association will sponsor this retraining and each examiner at the conclusion of the retraining will obtain a certificate of completion.

Bike Patrol Member: The supervisor of the Bike Patrol Unit will ensure that all Bike Patrol Unit members attend a “Police Cyclist” course certified by the International Police Mountain Bike Association prior to riding a mountain bike on patrol or a special assignment.

Each member of the Bike Patrol Unit will be required to attend at a minimum (3) retraining days per year. All retraining days will emphasize safety and members will hone their skills practicing proficiency with the bike at the same time maintaining a high level of exertion for physical conditioning.

Defensive Tactics Instructor: The Maryland Police and Correctional Training Commission requires an individual instructing defensive tactics training as part of an entrance level police or corrections training program, as well as police or corrections in-service programs, complete a defensive tactics instructors course approved by the Maryland Police and Correctional Training Commission. Once certified as a defensive tactics instructor, you must re-new your certification through MPCTC every 4 years. This doesn’t include retraining requirements by the defensive tactics instructor’s course. Defensive tactics instructor’s courses retraining requirements will vary dependent upon which course you attend (i.e. PPCT, Controlled force, Survival Management, etc.).

Maryland Police and Corrections General Instructor. The Maryland Police and Correctional Training Commission require individuals teaching an approved police or corrections training program complete an instructor training program approved by MPCTC. Once certified as a police or corrections general instructor, you must re-new your certification through MPCTC every 4 years. This certification doesn’t authorize an individual to teach firearms or emergency vehicle operations training. These are separate certifications/training required by MPCTC.

Drug Recognition Expert (DRE) – needs to be certified in standardized field sobriety tests by NHTSA. The deputy must apply to and be accepted by the DRE program. Upon acceptance, the deputy must attend a two-day (16 hour) DRE pre-school, then a seven-day (56 hours) DRE school. Upon completion, the deputy enters the certification phase, which varies, and is followed by the DRE final exam. In order to become a certified DRE, the deputy must receive 100% on the final exam.

To keep certification current, the deputy must attend one, eight-hour in-service class a year and be observed two times. The class is taught by a NHTSA certified DRE instructor.

Breath Tech Operator for Intoximeter EC/IR – must successfully complete a 40-hour course conducted by MSP Chemical Test for Alcohol Unit to be eligible to operate the Intoximeter EC/IR. To keep certification current, breath tech operators must attend one, eight hour in-service class a year. The class is given by the MSP Chemical Test for Alcohol Unit.

Field Training Officer (FTO) – The Commander of the Patrol Bureau will ensure that all field training officers receive the appropriate amount of training as mandated by the Southern Maryland Criminal Justice Academy and the Maryland Police and Correctional Training Commission. This training will cover the criteria that a field training officer must adhere to while training a new recruit. The training will also stress the importance of documenting the actions of the recruit officer on a daily basis.

Emergency Vehicle Operations Course (EVOC) Instructor - The Commander of the Patrol Bureau will ensure that EVOC instructors receive the appropriate amount of training as mandated by the Southern Maryland Criminal Justice Academy and the Maryland Police and Correctional Training Commission. All EVOC instructors will attend the basic two-week instructor course, a train the trainer course, and receive a minimum of two evaluations within one year. EVOC instructors will successfully complete any mandated training in order to maintain their instructor certification.

Accident Reconstructionist – The supervisor of the CCSO Crash Reconstruction Unit will ensure that all reconstructionists attend the training courses that are sponsored by the Baltimore County Police Department or the Maryland Crash Reconstruction Unit. The training received in order to be considered a basic reconstructionist will be no less than 160 hours. Reconstructionists will receive training as needed to ensure that their proficiency level is maintained. Specialty training will be provided to reconstructionists as trainings present themselves.

Fire Arms Instructor

- Must have a certified firearms instructor's course recognized by the Maryland Police Training Commission.
- Must have completed the Training for Trainers class hosted by the Maryland Police Training Commission.
- Must be certified as an instructor in pistol, machine gun and long-range weapon systems.
- Must have attended armorer's training.
- Must be a certified police officer, certified through the Maryland Police Training Commission.

4-618 SPECIAL OPERATIONS TEAM TRAINING AND READINESS

Special Operations Team members receive initial training in basic special weapons and tactics for law enforcement officers in a course of at least two weeks duration. In addition, the Special Operations Team maintains a high level of operational readiness by training in special weapons and tactics minimally two times per month.

Special Operations Team members also engage in special weapons training and qualification at least two times each year. At least once each year, the Calvert County Sheriff's Office hostage negotiators accompany the Special Operations Team during a training operation so that they may be re-familiarized with Special Operation Team operations.

4-619 CCSO TRAINING INSTRUCTORS

The Calvert County Sheriff's Office provides training instructors to be assigned to the Southern Maryland Criminal Justice Academy (SMCJA). The selection process for CCSO training instructors will include identifying the candidate's skills, knowledge, and abilities of the training course, as well as teaching theories, methods and practices. Instructors assigned to this training function in a full-time or part-time capacity as instructors, shall complete an enhanced instructor training course certified by the Maryland Police and Correctional Training Commission. This training should be periodically updated and geared to meet any specific instructional problems of the Agency. The training shall consist of:

- Lesson plan development
- Performance objective development
- Instructional techniques
- Testing and evaluation techniques
- Learning theories
- Resource availability and use

The Sheriff shall have the final authority in the selection process for instructors with recommendations from the deputy's bureau commander and SMCJA Commander. All CCSO personnel who are selected and trained as training instructors will be expected to be available as instructors for a minimum of five (5) years. These requirements are in addition to any other requirements set forth by the Southern Maryland Criminal Justice Academy to include oral board review and physical fitness testing.

4-620 CIVILIAN TRAINING

All newly hired civilian employees will receive the following training:

- Orientation to the CCSO role, purpose, goals, policies, and procedures
- Working conditions and regulations
- Responsibilities and rights of employees

4-620.1 ONGOING CIVILIAN TRAINING REQUIREMENTS

All civilian employees will be trained to perform the duties identified in their job descriptions.

- The SCO supervisor requires training for all SCO's to be certified for access to

METERS/NCIC.

- The Special Projects Coordinator, and others who may be designated to this task, require training in order to accomplish the CCSO's UCR reporting requirements.
- Civilian employees will receive retraining to update their skills, knowledge, and abilities, as needed.

4-621 TRAINING ON PROMOTION (SWORN EMPLOYEES)

All newly promoted personnel within the Agency shall receive training which will commensurate with their new duties and shall take place either prior to promotion, or within the first year following promotion.

As required by the Maryland Police Training Commission (MPTC), newly promoted first-line supervisors (corporals) and first-line administrators (first sergeants) will attend an approved training course within a year's time frame of their date of promotion. Supervisors will also receive training in career counseling and career development. This training will increase their knowledge of techniques used in managing, counseling, and assessing their subordinates' skill levels, knowledge, and abilities.

4-621.1 TRAINING ON PROMOTION (CIVILIAN EMPLOYEES)

Training is to be provided as required.

4-622 CAREER DEVELOPMENT PROGRAM

All commanders and/or their trained designees are responsible for career development of personnel assigned to their respective command.

A. Personnel assigned to career development activities shall have undergone a period of orientation to increase knowledge and or skills in at least the following areas:

   1. General counseling techniques
   2. Skills, knowledge and abilities (SKA) assessment techniques
   3. Salary, benefits and training opportunities in the Agency
   4. Educational opportunities and incentive program
   5. Awareness of the cultural background of ethnic groups in the Agency's program
   6. Recordkeeping techniques
   7. Career development programs of other jurisdictions
   8. Availability of outside resources

B. Career counseling is a vital component of the career development program. In addition, counseling is an integral part of employee performance evaluation, the supervisory process in dealing with performance, and the process of setting and achieving both Agency and individual goals and objectives. All commanders are responsible for career counseling and development of assigned personnel. Commanders will utilize the SKA inventory in performance evaluation and career counseling.

   Supervisors in counseling (performance evaluation) sessions, should identify individual employee strengths and weaknesses; assist the employee in developing a plan of self-improvement including outside resources; and setting a timetable for performing key

activities. As part of the rating process, supervisors will utilize employee feedback in making recommendations for career development.

C. The performance evaluation form as executed by the supervisors will be used as an evaluation checklist to determine whether the employee has reached an effective level of performance in career development. The performance evaluation form will be used by the supervisor to assess the employee's strengths and weaknesses and will alert the supervisor to particular areas on which the counseling process must focus. The supervisor will comment on the employee's skills, knowledge and ability on the evaluation form as to the timetable for attainment of mutually agreed upon objectives.

   Individual deputies are responsible for self-analysis and identification of skill areas or other developmental goals they would like or need to fulfill. Deputies should consult freely with their supervisor.

D. All deputies below the rank of first sergeant are required to attend state mandated in-service training, 18 hours each year. The Southern Maryland Criminal Justice Academy annually offers a number of different subject matter in-service programs. Skill areas training, which assists in developing career specialties and enhancing the overall potential of the employee for upward mobility, is an essential part of the career development process. Each deputy should develop new areas of interest and specialization, and in turn, be able to share these with other deputies not possessing the skills.

   The Agency maintains written records of all proficiency and career specialty area in-service training of personnel.

E. Deputies are encouraged to seek specialized training relevant to their current assignment. Deputies can request specialized training by completing the *Training Request* form. The form will be forwarded via the chain of command for approval.

F. Employees are encouraged to continue their education by enrolling in college level courses and potentially earning a degree. The policy of Calvert County Government is to reimburse an employee for up to 6 credits per semester and a total of up to 12 credits per fiscal year.

4-700 PROMOTION

The CCSO believes that promotion of employees within the ranks and the selection of leaders are among the most important factors in creating and maintaining a high-quality law enforcement agency. The CCSO is committed to making selections for promotion solely on the basis of fitness and merit.

4-701 AUTHORITY AND RESPONSIBILITY

The authority for advancement of sworn CCSO employees and the selection of employees for supervisory and managerial positions is vested in the Sheriff. At the direction of the Sheriff, the Commander of the Administrative and Judicial Services Bureau is responsible for administering the CCSO's promotion program and the Assistant Sheriff will oversee all aspects of the promotional process.

Eligibility requirements for promotion to the ranks of corporal through lieutenant are listed below in 4-703. Promotion to the rank of lieutenant or higher is determined at the sole discretion of the Sheriff. The final decision on all promotions in the CCSO is made by the Sheriff.

4-702 PROMOTION TO THE RANK OF DEPUTY FIRST CLASS

Promotion to the rank of deputy first class (DFC) is not a competitive promotion and there need not be a vacancy. To be considered for promotion to deputy first class, a deputy must have completed three years of progressively responsible law enforcement experience, **TWO YEARS** of service which **MUST** have been as a deputy sheriff with the Calvert County Sheriff's Office.

A certified deputy, who has transferred laterally to the CCSO and satisfactorily completes the 2-year probationary period (after initial hire), is eligible for promotion to DFC. All other deputies must wait until they have completed three years of service with the CCSO.

There **shall** be a written examination administered for promotion to the rank of DFC. A deputy who scores a minimum of 70% on the written examination will then be promoted to the rank of DFC.

At least thirty (30) days prior to a deputy's eligibility date, their immediate supervisor will submit a *DFC Promotional Eligibility Form* to the Assistant Sheriff via the chain of command recommending the deputy for promotion to deputy first class. To be eligible for promotion, the deputy must not have received a "below satisfactory" performance evaluation for the last two (2) evaluation periods preceding the eligibility date.

Tests will be administered biannually on the 1st Tuesday of each June and December. The examination will be administered by the Commander of the Administrative and Judicial Services Bureau or his designee. Eligible deputies will be scheduled to take the test on the date that falls immediately prior to the first date they are eligible for promotion.

If the deputy fails to score the minimum necessary for promotion, they must wait for the next regularly scheduled examination date.

4-702.1 PROMOTION TO THE RANK OF SENIOR DEPUTY

Promotion to the rank of senior deputy is not a competitive promotion and there need not be a vacancy. To be considered for promotion to senior deputy, a deputy must have completed 10 years of progressively responsible law enforcement. The **TEN YEARS** of service **MUST** have been as a deputy sheriff with the Calvert County Sheriff's Office. Correctional deputies, who transferred from the Calvert County Detention Center to the CCSO prior to August 15, 2019, will receive one-half year credit for each year completed with the CCDC.

4-702.2 PROMOTION TO THE RANK OF MASTER DEPUTY

Promotion to the rank of master deputy is not a competitive promotion and there need not be a vacancy. To be considered for promotion to master deputy, a deputy must have completed 15 years of progressively responsible law enforcement. **FIFTEEN YEARS** of service **MUST** have been as a deputy sheriff with the Calvert County Sheriff's Office. Correctional deputies, who transferred from the Calvert County Detention Center to the CCSO prior to August 15, 2019, will receive one-half year credit for each year completed with the CCDC.

4-703 ELIGIBILITY REQUIREMENTS FOR PROMOTION TO THE RANKS OF CORPORAL THROUGH CAPTAIN

Nothing in this promotional policy shall be construed to require the promotion of any deputy because eligibility requirements are met. Many factors including, but not limited to budget and administrative considerations, impact the decision of the Sheriff to authorize promotions.

In all cases where a time period in grade or with the Agency is required as qualification for promotion, that period is required to be continuous and uninterrupted service. This qualification may be waived in the case of a deputy called to active military duty.

In grade service must be within the Agency segment, position, rank or grade specified. For example, service in the rank of corporal within Corrections would not qualify for promotion to the rank of sergeant within the Sheriff's Office rank structure.
Sworn judicial contract deputies have no avenues of advancement through the sworn ranks. However, they may apply for a position as an entry level deputy sheriff or correctional officer, if they meet the established qualifications.

A deputy will be ineligible for promotion if they receive a "below satisfactory" performance evaluation in either of the two evaluation periods preceding the promotional process or the deputy has been placed on disciplinary probation.

In cases where the deputy is the subject of an Agency internal investigation, the Sheriff, with input from the deputy's bureau commander and the Office of Professional Standards supervisor will determine, based on the immediate facts of the investigation, the deputy's eligibility for permanent status or promotion.

CORPORAL

To be considered for promotion to corporal, the candidate must have completed four years of progressively responsible law enforcement experience, **THREE YEARS** of service which **MUST** have been as a deputy sheriff with the Calvert County Sheriff's Office, and one year of which must have been in the previous rank.

SERGEANT

To be considered for promotion to sergeant, the candidate must have completed five years of progressively responsible law enforcement experience, **FOUR YEARS** of service which **MUST** have been as a deputy sheriff with the Calvert County Sheriff's Office, and one year of which must have been in the previous rank.

FIRST SERGEANT/DETECTIVE SERGEANT

To be considered for promotion to first sergeant/detective sergeant, the candidate must have completed six years of progressively responsible law enforcement experience, **FIVE YEARS** of service which **MUST** have been as a deputy sheriff with the Calvert County Sheriff's Office, and one year of which must have been in the previous rank.

LIEUTENANT

To be considered for promotion to lieutenant, the candidate must have completed seven years of progressively responsible law enforcement experience, **SIX YEARS** of service which **MUST**

have been as a deputy sheriff with the Calvert County Sheriff's Office, and one year of which must have been in the previous rank.

CAPTAIN

To be considered for promotion to captain, the candidate must have completed eight years of progressively responsible law enforcement experience, **SEVEN YEARS** of service which **MUST** have been as a deputy sheriff with the Calvert County Sheriff's Office, and one year of which must have been in the previous rank.

4-704 PROMOTIONAL PROCESS

This system of advancement for sworn deputies is created at the direction of the Assistant Sheriff and the bureau commanders. The system of advancement for the rank of lieutenant and above is created at the sole direction of the Sheriff. The system is established as the formal framework for the selection and promotion of employees within the ranks of these deputies. As appointing authority of the merit system, the Sheriff will authorize permanent status and all promotions.

The promotion potential of candidates is evaluated by means of standardized written examinations, oral review boards, assessment exercises, and resumes, which will include the seniority component, education component, and performance evaluation incentive points.

4-704.1 PROMOTIONAL PROCESS CYCLE

For promotion to the rank of corporal, sergeant, or first sergeant, a two (2) year promotional eligibility list will be maintained. If there are no anticipated vacancies at the end of the two years, there will be no testing process until the need arises. After the testing, a new eligibility list will be created and continue the same cycle.

The Sheriff or the Assistant Sheriff will decide the components of the promotional process. The Administrative and Judicial Services Bureau Commander will send information via a promotional announcement to those eligible at least thirty (30) days prior to testing. The numerical weight assigned to each component will be determined by the Sheriff or his designee with input from the bureau commanders.

After the testing process has been completed, a promotional eligibility list will be created ranking all candidates based on the composite score utilizing the testing components. The eligibility list will remain constant except that performance evaluation incentive points will be re-calculated annually after the second period evaluations have been completed. The composite scores of the deputies on the eligibility list will then be adjusted accordingly.

Any eligible sworn member may apply for a promotional vacancy, regardless of his or her success in an earlier promotional process.

4-704.2 PROMOTIONAL ANNOUNCEMENT

The promotional testing process will be announced in writing and via e-mail. A copy of the announcement will be posted conspicuously within the Sheriff's Office. The announcement will be issued in advance of any testing components, giving deputies ample time to prepare. The announcement will, at a minimum:

1. Describe the eligibility requirements.

2. Establish the means and a deadline for expressing interest in the promotional process.

3. Describe all components of the promotional process. The information will include the expected duration of the entire process; format, length, and duration of the written examination; a summary of the role of the oral interview; minimum passing scores; and a description of the assessment center, if applicable.

4. Provide the date of the written examination. The date(s), times, and locations of all components of the process will be announced at least 30 days in advance.

When the promotion is for a specialized position within the Agency, a description of the position including the salary, duties, responsibilities, skills, knowledge, and abilities required will be included in the announcement.

4-704.3 WRITTEN EXAMINATION

Assembled, written examinations will be conducted at a location that is identified on the written announcement. The examination will be one which has been validated as a predictor for successful performance in the position being filled. The written examination will be conducted in accordance with the instructions, including time limits, provided by the test preparer. Promotional materials such as tests, test forms, and standardized interview booklets are secured in a locked file cabinet with controlled access.

A passing score of 80% on the written test must be achieved for the candidate to proceed in the promotional process.

4-704.4 ORAL INTERVIEW

Oral interviews will be conducted on the basis of uniform questions and rating scales. They will be designed to assess a defined set of personal attributes directly related to the position being filled. The interview results will be recorded on a standardized form.

A Promotional Oral Interview Board will be convened by the Sheriff or their designee and will consist of three (3) law enforcement officers from agencies within the State of Maryland, holding at least one rank higher than the candidate.

Oral interviews will be tape recorded for the raters' review and any appeal process.

4-704.5 ASSESSMENT EXERCISE

Assessment exercises will be structured to measure the characteristics directly related to the promotional opportunity. Those structured elements will include a minimum of the following:

1. A rater(s) selected by the Sheriff or their designee.
2. Techniques designed to elicit a candidate's knowledge of a particular procedure.
3. Multiple written scenarios that would be commonly applied in practice.
4. All scenarios will be job related.
5. The score on the assessment process will not eliminate candidates but will be included as a weighted component.

4-704.6 RESUMÉ

Resumés will be submitted to the Commander of the Administrative and Judicial Services Bureau at the time specified in the written announcement. The Agency will create an on-line template for the resumé and a grading template. The resumé will include a seniority component and the performance evaluation incentive points will factored into the resumé.

4-704.7 REVIEW AND APPEAL

To ensure fairness and impartiality, all candidates will be allowed to review and appeal all scores and evaluations related to their performance in the promotional process. Review dates and the process for appeal will be posted at the time of testing.

The review board will consist of all bureau commanders and the Assistant Sheriff at their discretion. The final decision rests with the Assistant Sheriff.

4-704.8 SECURITY OF PROMOTIONAL MATERIALS

All tests, answer keys, and other associated testing materials will be secured in a locked file cabinet at the direction of the AJSB Commander. Access to this information is limited to the Assistant Sheriff, the AJSB Commander and Assistant Commander, Office of Professional Standards Supervisor and the Office Assistant II for the Administrative and Judicial Services Bureau. Access to secured files by anyone other than the employees listed above will be granted only upon written approval of the Assistant Sheriff via the chain of command. The AJSB Commander or their designee will maintain the original numerical ranking of candidates and will provide it to the Sheriff or Assistant Sheriff upon request.

4-704.9 PROMOTIONAL ELIGIBILITY LIST

Deputies meeting all eligibility requirements will remain on the respective eligibility list until removed by promotion, as directed by a notice of final disciplinary action, or until the list expires. In the event of a tie, deputies will be placed on the eligibility list first by time in grade in current rank. If not resolved, then the deputy with the most seniority as a deputy sheriff with the Agency will break the tie. But if the tie is still not broken, the Sheriff may rank the tied deputy candidates on the basis of whatever criteria he shall establish.

Prior to the promotional process, if a sworn deputy is on extended medical leave for a minimum of one rating period (six months), they will be allowed to participate in the process. However, the deputy will not be eligible for promotion until they have returned to work for a minimum of one rating period (six months) and received an evaluation for that period. Should the deputy be unable to participate due to a medical injury, then the deputy will be ineligible to participate in the process.

Should a sworn deputy whose name appears on the respective eligibility list receive a sustained complaint for a Category “C” violation or higher, the name of that deputy will be removed from consideration for promotion during that promotional cycle.

An employee must serve one year continuously in their current rank in a satisfactory manner to be eligible for promotion to the next higher rank.

No deputy may take the promotional examination for practice purposes.

4-705 PROMOTIONAL SELECTION

The Sheriff by their authority has the "Rule of 5" in selecting personnel for promotion. A ranking list and eligibility list will be compiled as stated above. The Sheriff can select from the top five candidates on the promotional list regardless of the applicant's final score. This is based on the Sheriff's knowledge of the individual's knowledge, skills and abilities, in addition to educational level and specialty training.

The Sheriff or their designee will post the rankings of the candidates. Each person will be provided with their prospective ranking at the conclusion of the promotional process in a timely manner.

4-706 PROMOTIONAL PROBATIONARY PERIOD

When an individual is promoted to the next higher rank, that individual will be considered in a probationary status for a period of six (6) months. Should the individual fail to perform at a satisfactory level in the new rank, the individual **MAY** be placed in their original rank prior to the promotion.

At least thirty (30) days prior to the conclusion of the deputy's probation, their immediate supervisor will submit a *Probationary Status Form* with his recommendation to the Assistant Sheriff via the chain of command.

Promoted individuals will be assessed by their supervisor continuously throughout the probation period. If the deputy's performance is deemed unsatisfactory, they will be given specific instructions on how to improve their performance to a satisfactory level. Should the supervisor believe the individual is still performing below an acceptable level at the conclusion of the fifth (5th) month, the supervisor will meet with their bureau commander to review the employee's performance in detail. If the bureau commander agrees with the supervisor that the employee has not performed satisfactorily during the probationary period, the supervisor will be directed to inform the employee that they will either have their probation period extended an additional six months or be demoted to their previous rank. If the decision is to extend the probation period, the employee will be advised that demotion to their previous rank may occur at any time during the extended six-month period if their performance does not meet required standards. The notification will take place at least one week prior to the expiration of the probationary period.

4-707 ESTABLISHED GRADE AND STEP

When an individual is promoted to the next rank within the structural chain of command, that individual will move within the salary scale as established by the County personnel policy with an increase of no less than six percent when promoted to a non-commissioned rank, except for the ranks of senior deputy, master deputy and lieutenant. The salary rate upon promotion to the ranks of senior deputy and master deputy shall be established at the step within the new range, which shall provide a two percent increase in the regular straight time hourly rate. In the event the salary rate falls between two steps, the employee shall be granted the higher of the two. The salary rate upon promotion to the rank of lieutenant in the Sheriff's Office shall be established at the step within the new range, which shall provide a twelve percent increase in the regular straight time hourly rate. In the event the salary rate falls between two steps, the lieutenant shall be granted the higher of the two.

Promotion to the commissioned rank of lieutenant will be established through County policy with the concurrence of the Sheriff at 12 percent. Promotion to the commissioned rank of captain will be established through County policy with the concurrence of the Sheriff at six percent.

4-708 APPOINTED POSITIONS – SWORN

An Assistant Sheriff, whose rank will be determined by the Sheriff, is appointed by the Sheriff and will serve at their pleasure. These appointments are temporary in nature and employees in them may be removed with or without cause by the Sheriff. Selection to fill this position shall be by the authority of the Sheriff and the selection does not have to be filled within the rank and file of the Calvert County Sheriff's Office. The current highest, permanent rank within the Agency is that of captain.

4-709 DEMOTIONS

It is expected all employees, who are promoted or hired into a particular position within the Agency, will perform satisfactorily. It is recognized in some instances that this may not occur. However, it is in the best interests of the employee and the Agency to have the employee, who has been promoted or hired, succeed in their new position. It is therefore the policy of this Agency for its administrators, managers, supervisors and other employees to work diligently to promote the success of employees who are new to their positions.

If attempts to achieve a satisfactory level of performance in a particular position do not produce that level of performance, the employee shall be removed from the position. The status of the employee in these cases shall be determined in conformation with this section. All demotions will be properly adjudicated and in accordance with the Law Enforcement Officers Bill of Rights.

4-709.1 SWORN DEPUTIES – ENTRY LEVEL AND PROMOTED DEPUTIES

When sworn deputies are unable to perform in an entry level capacity, their employment will normally be terminated. If, however, there is reason to believe the employment and training expenses justify the offer of another position within the Agency, that avenue may be explored. Only vacant positions within the Agency may be considered for this option.

If a deputy has been promoted to a higher rank, and while the employee is in a probationary status in that position, they are found to be unable to satisfactorily perform in the higher position, they will be removed to their former rank. The employee in these cases will lose all title, pay and privileges associated with the higher position, reverting to the status and pay of their former rank.

4-709.2 CIVILIAN EMPLOYEES*

When civilian employees are unable to perform in an entry level capacity, their employment will normally be terminated as outlined in Chapter 86-2-401 through 86-2-406 of the Calvert County Code. If, however, there is reason to believe the employment and training expenses justify the offer of another position within the Agency, that avenue may be explored. Only vacant positions within the Agency may be considered for this option.

If a civilian employee has been promoted to a higher position, and while the employee is in a probationary status in that position the employee is found to be unable to satisfactorily perform in the higher position, employment will normally be terminated. If, however, there is a vacant position within the Agency where it is considered the employee may function satisfactorily, then the employee may be offered that position. If the employee accepts the position, the employee

will revert to the status and pay of this new position. The employee in these cases will lose all title, pay and privileges associated with the former position.

*** All civilian employees are governed by Chapter 86 of the Calvert County Code.**

4-800 PERFORMANCE EVALUATION SYSTEM

One of the most important responsibilities of management is to monitor the work of its employees. This requires ensuring that they understand their job assignments, offering the training they need to perform, and at the same time appraising their performance on a continuing basis, and correcting performance that is poor or needs improvement.

The purpose of the performance rating is to provide supervisors and subordinates with an objective tool for:

- Evaluating subordinate performance on a regular basis.
- Promoting an understanding of job requirements and standards of performance.
- Providing subordinates and supervisors with a two-way avenue of communication. This will allow the subordinate to know how well they are performing and meeting expectations.
- Recognizing, encouraging and rewarding outstanding performance.
- Offering constructive criticism and making the rating a useful tool for increasing productivity.

4-801 RETENTION OF PERFORMANCE EVALUATION REPORTS

All performance evaluation reports for the Sheriff's Office will be retained for a period of at least five (5) years.

4-802 EVALUATION OF RATERS

All supervisors will evaluate raters regarding the fairness and impartiality of ratings given, their participation in counseling rated employees, and their ability to carry out the rater's role in the performance evaluation system. A goal of the Agency is to ensure that all ratings are consistent and uniform.

4-803 RATER TRAINING

All supervisors that rate employees of this Agency will receive initial training and additional training as needed. The Commander of the Administrative and Judicial Services Bureau or his designee will be responsible for conducting the training on the Agency evaluation system.

4-804 PROCEDURES FOR SWORN PERSONNEL

A. A bi-annual performance evaluation is prepared for all sworn members of the Agency through the rank of first sergeant/detective sergeant. The performance evaluation is prepared by the rated deputy's immediate supervisor.

   Those deputies who are in the police academy, or in the field training program, or those who have not completed a full rating period as a solo deputy sheriff during a rating period, will be evaluated using the *Performance Evaluation Rookie* form.

B. The rater will choose the performance evaluation forms specific to the rated employee's assignment for the rating period. For example, if the rater is preparing a performance evaluation for the school liaison deputy, they would use the *Job Description Worksheet* and *Productivity Worksheet* for school liaison deputy.

C. The performance evaluation will act as an instrument to communicate with the deputy as to where they need to make improvements. The supervisor should be prepared to substantiate ratings at the unsatisfactory level, to advise the employee of unsatisfactory performance, and to define actions that should be taken to improve his or her performance, and to show the deputy where they are meeting or exceeding expectations.

D. A conference will then take place between the evaluator and deputy being evaluated. The evaluator has numerous responsibilities to be covered during this conference. The evaluator will discuss strengths and weaknesses with the deputy being evaluated and give examples. Counseling and guidance will be provided by the rater concerning performance. The rater should be able to identify specific training needs and discuss career counseling relative to such topics as advancement. During this conference, questions concerning evaluation criteria may be resolved. Positive tasks and performance expectations, levels, and objectives for future evaluations can be identified and agreed upon. At the same time the deputy being evaluated has certain responsibilities that should be covered in this conference. The deputy being rated should be able to identify the following objectives:

1. An understanding of individual strengths and weaknesses, as perceived by the rater.
2. An understanding of opportunities available to improve areas of strengths and reduce areas of weakness.
3. An understanding of tasks and levels of performance, expected for the next evaluation period.
4. An opportunity to request specific training to further enhance career goals and objectives.
5. An opportunity to clear up any misunderstandings or to verbalize needs not currently being met by the rater.

E. Once the conference is completed, both will sign the completed document. The rated employee will indicate whether or not they concur or does not concur with the evaluation. The employee will also indicate whether or not they wish to appeal their evaluation. The deputy will be given the opportunity to make written comments on the *Performance Evaluation Report* and will receive a copy. The completed evaluation will be forwarded to the respective bureau commander by:

Rating Period	Due Date
January – June (Year)	August 15th
July – December (Year)	February 15th

The bureau commander will then forward the completed evaluation to the Commander of the Administrative and Judicial Services Bureau for filing and retention.

4-804.1 EXTENDED MEDICAL LEAVE PROCEDURES

If a sworn deputy is on medical leave for the duration of a rating period, the deputy will not receive a traditional evaluation, but will be evaluated on a *Rookie Deputy / Extended Sick Leave Performance Evaluation* form. The deputy will either receive a satisfactory or unsatisfactory rating based on the submission of their paperwork and any other requirements of the deputy during that evaluation period.

4-805 ACTIONS BASED ON BELOW SATISFACTORY PERFORMANCE EVALUATIONS

For all personnel**,** both sworn and civilian, counseling for unsatisfactory performance will be made prior to ninety days before the next scheduled evaluation of the employee. This will allow the employee the opportunity to correct the behavior. This provision does not preclude a supervisor from counseling an employee on unsatisfactory behavior when counseling becomes necessary during the ninety days prior to the evaluation.

Any deputy who receives two (2) consecutive below satisfactory bi-annual performance evaluations will be ineligible to receive a step increase during the next fiscal year.

If a deputy receives three (3) consecutive below satisfactory performance evaluations, the Agency shall initiate procedures for termination.

4-806 PROCEDURES FOR COMMISSIONED OFFICERS

Sworn officers holding the rank of lieutenant and above will be evaluated annually. The evaluation will cover the previous calendar year. The rating will be either “satisfactory” or “unsatisfactory”.

4-807 PROCEDURES FOR JUDICIAL CONTRACT DEPUTIES

All judicial contract deputies will receive an annual evaluation once per year by their immediate supervisor. All non-probationary judicial contract deputies will be advised in writing whenever their performance is deemed to be unsatisfactory. Written notification will be given to the judicial contract deputy at least ninety (90) days prior to the end of the annual rating period. The rating supervisor will substantiate ratings at the unsatisfactory level to advise the judicial contract deputy of unsatisfactory performance and define actions that should be taken to improve his or her performance. If unsatisfactory performance continues, this information should be documented in the annual evaluation.

4-808 PROCEDURES FOR APPEAL

In the case of any non-concurrence by the deputy or judicial contract deputy, the rating will be automatically channeled to a Rating Appeal Board. Those not eligible for the appeal process are entrance level probationary employees, and part-time employees.

The rating appeal process is the exclusive remedy for eligible employees to appeal a performance evaluation. Neither the grievance process, nor any other procedure may be used or substituted for the rating appeal process.

The first step in the appeal process is to request a meeting with the reviewer. Upon conclusion of this meeting, the reviewer will advise the employee of his position regarding the rating. If the

employee is still not satisfied, they may file an appeal within fourteen (14) calendar days from the date of the meeting with the reviewer.

The employee will submit a detailed memorandum addressed to the Commander of Administrative and Judicial Services Bureau listing specifically the portion or portions of the evaluation, which are to be appealed. The specific reasons the employee believes the rating is in error shall be stated. A summary of any evidence to be presented shall be given and a copy of any supporting documents shall be attached to the appeal memorandum. The appeal hearing shall be narrowly and specifically limited to the matters and points raised in the appeal memorandum.

The Commander of Administrative and Judicial Services will be responsible for:

- Verification that all requirements have been met by the appealing employee.
- Scheduling of the hearing to include notification of all principles.
- Providing Board members with copies of evaluations being appealed and all related documents.

The Commander of Administrative and Judicial Services will consult with the Assistant Sheriff and appoint a Rating Appeal Board, consisting of three employees, at least one of which will be from the same segment of the Agency and of the same rank as the appealing employee, to act on the appeal. One of these board members will be appointed as the chairperson. The appeal hearing will be in conformance with the following:

- The hearing shall be conducted in an informal manner and shall not be governed by any rules of evidence, or laws of procedure, except that the subject of the hearing shall be limited to the points and matters raised by the appeal memorandum.
- Legal representation for the employee will not be permitted at the hearing.
- The appealing employee will not be compensated for appearing before the Rating Appeal Board.
- The Board shall first hear the presentation of the appealing employee.
- The Board may review any documents which the appealing employee may present.
- Comparison of other employees' evaluations will not be permitted by anyone present at the hearing.
- The Board may ask questions of the appealing employee during the course of the hearing.
- The Board shall refrain from giving personal opinions regarding Agency policy or procedures, since the Board is not recognized as an authority on such matters.
- The hearing will not be recorded or transcribed.
- The rater(s) and the appealing employee shall be present during the course of the hearing.
- The appealing employee shall not be permitted to ask questions of the raters present.

- After the appealing employee is finished with their presentation, the appealing employee's rater(s) shall have the opportunity to make a presentation.

- The rater(s) shall not be permitted to ask the appealing employee questions.

- The Board may ask questions of the rater(s) and the appealing employee and question any other person they believe may have useful information.

- The Board, after hearing the case, shall sit in executive session and discuss the matter. The rating may be raised, lowered or left unchanged as a result of the facts and/or evidence presented. The determination of board will be by majority vote (two or more members).

- In cases where the decision of the Board is to amend a performance evaluation, the Chairman shall make the appropriate entry on the performance evaluation. In all cases a memorandum to the employee's personnel file explaining the Board's actions will be generated by the Chairman and forwarded with the performance evaluation to the Commander of Administrative and Judicial Services.

The Commander of Administrative and Judicial Services will advise the appealing employee, rater(s), reviewer, and the Assistant Sheriff, by memorandum, as to the Board's action. The decision of the Appeal Board shall be final.

4-820 PERFORMANCE EVALUATIONS – CIVILIAN PERSONNEL

All full-time employees shall receive performance evaluations. (For complete details see the County Personnel Manual, Chapter 86). The Director of Personnel shall be responsible for the overall administration of the Performance Evaluation System. The purpose of the performance evaluation is to standardize the nature of the personnel decision-making process, ensure the public that the Agency's personnel are qualified to carry out their assigned duties, and provide job incumbents with necessary behavior modification information, to allow them to maintain behaviors that are appropriate from the Agency's standpoint and to eliminate inappropriate behaviors. The three types of performance evaluations are probationary, annual, and follow-up. For all three types of performance evaluations the employee is rated on a one to five scale. Written justification is required in the remarks' sections for any individual rating of (1) or (5). Remarks are also welcome for other ratings.

Outstanding (5)	Performance exceeds standards in all areas
Very good (4)	Performance exceeds standards at least 50% of time
Satisfactory (3)	Performance meets standard
Poor (2)	Performance is slightly below standards
Unsatisfactory (1)	Performance fails to meet standards

4-821 TYPES OF EVALUATIONS

A. ***Probationary performance evaluations*** are based on service within the probationary period. This evaluation will be conducted on a quarterly basis. Upon receipt of a satisfactory performance evaluation and a favorable recommendation from the department head, a probationary employee shall be retained and shall be granted a step increase in accordance with the step increases provisions.

B. ***Annual performance evaluations*** are based on service within the past year, and shall also be considered for purposes of establishing eligibility for step increases, determining the need for performance related disciplinary actions, selection decisions, and order of layoff. Upon receipt of a satisfactory or better rating, the employee shall be granted a step increase in accordance with the County Personnel Manual.

C. ***Follow-up performance evaluations*** are conducted after six months. In the case of an unsatisfactory or poor performance rating in an annual evaluation, civilian employees will be advised in writing. Written notification will be given to the civilian employee at least ninety (90) days prior to the end of the annual rating period and shall not be considered for purposes of establishing eligibility for step increases.

The rating supervisor will substantiate ratings at the unsatisfactory level, to advise the civilian employee of unsatisfactory performance, and define actions that should be taken to improve their performance. If unsatisfactory performance continues, this information should be documented in the annual appraisal.

If a non-probationary employee is absent from work for more than half of the evaluation period, the department head shall extend the evaluation period equivalent to the length of time absent from work. Upon successful completion of the extended evaluation period, the employee shall be granted a step increase effective the beginning of the next pay period.

4-822 EVALUATION STEPS

A. Each department head, or their designee, shall complete a performance evaluation on all full-time employees working under their command to be made not less than once each year, using the County *Employee Performance Evaluation Form*.

B. The evaluation shall be reviewed and signed by the respective department head. Department heads are to be evaluated by the County Administrator. All evaluations shall be discussed with the respective employee, regardless of the rating. Discussion should include any training that is needed or appropriate for the employee's position, along with the level of performance and goals expected for the coming reporting period.

C. All employees shall sign their evaluations and shall be subject to discipline for failure to sign. Such signature shall be construed as review only and not necessarily concurrence. Employees are entitled to record their comments on the evaluation form. All supervisors shall ensure that evaluations are submitted in a timely manner and may be subject to discipline for late evaluation submissions or failure to perform evaluations. An employee whose step increase is delayed due to a late evaluation shall receive a retroactive increase when the evaluation is forwarded to the Department of Human Resources.

D. Raters shall also be evaluated by their immediate supervisor or bureau commander to ensure impartiality of ratings given, counseling rated employees, and uniformity of ratings given.

4-823 TIMING OF EVALUATIONS

A. Probationary period: Employees shall be subject to a probationary evaluation at least quarterly. The probationary evaluation shall be made as the basis for the determination of retention, extended probation, involuntary demotion, or dismissal of the employee.

B. Annual performance evaluation: The annual evaluation shall be conducted on or before the anniversary date.

C. Follow-up evaluation: Unsatisfactory or poor performance is grounds for disciplinary action at any time. If, however, an employee who receives an unsatisfactory or poor performance rating in an annual evaluation is not dismissed, the supervisor shall conduct a follow-up evaluation of the employee after six months. If after that six-month period the employee's performance is rated as unsatisfactory or poor, the employee may be subject to involuntary demotion or dismissed.

4-824 ACTIONS BASED ON PERFORMANCE EVALUATIONS

A. Probationary Status Employee

1. Upon receipt of a satisfactory performance evaluation and a favorable recommendation from the department head, a probationary employee shall be retained and shall be granted a step increase, (subject to the availability of funds).

2. Upon receipt of an unfavorable recommendation from the department head, an employee may be extended on probation, involuntarily demoted, or terminated, and shall receive two weeks severance pay.

B. Non-Probationary Status Employee

1. Upon receipt of a satisfactory or better performance rating in an annual evaluation, the employee shall be granted a step increase at the beginning of the fiscal year following the anniversary date, (subject to the availability of funds). This performance evaluation is final and not subject to the grievance procedure.

2. Upon receipt of an unsatisfactory or poor performance rating in an annual evaluation, the employee shall be denied a step increase and may be involuntarily demoted or terminated. This performance evaluation is subject to the grievance procedure.

4-825 DISCIPLINARY ACTION

A. Initial failure to meet established performance standards, or comply with work rules, or the Board of County Commissioners' guidelines, shall normally warrant disciplinary counseling intended to correct the situation and curtail further occurrences. Repeated infractions or violations of work rules or policies that can or do adversely affect the person or property of fellow employees or the efficient operation of County Government shall be sufficient grounds for disciplinary action, up to and including immediate dismissal, depending upon the nature and severity of the offense.

B. The immediate supervisor is responsible for identifying performance problems, discussing corrective action with the employee, and documenting discussions and warnings pertaining to disciplinary problems. The department head is responsible for determining whether an employee's misconduct or continued poor performance warrants suspension without pay or termination.

C. The Director of Personnel is responsible for overall administration of this disciplinary action policy. No full-time merit or full-time grant employee shall be suspended or

terminated without review of the department head's proposed action by the Director of Personnel and the County Administrator.

4-826 QUARTERLY PERFORMANCE EVALUATION – CIVILIAN EMPLOYEES

All entry level civilian employees will receive (2) quarterly evaluations for the (6) month probation period. Upon receipt of the satisfactory performance evaluations and a favorable recommendation from the department head, a probationary civilian employee shall be retained and shall be granted a step increase in accordance with the County policy.

4-830 ENTRANCE LEVEL PROBATIONARY EMPLOYEES

All full-time and full-time reduced hour employees will serve an entrance level probation period when newly hired or rehired by the Agency. The following probation periods apply:

New employees:

- Sworn deputy sheriff's – two years from date of hire
- Judicial contract deputies – two years from date of hire
- Civilian employees – six months from date of hire

4-900 GRIEVANCE AND APPEAL PROCEDURES

The grievance process is designed to allow an organizational method of identifying problems and personnel dissatisfaction with the Agency and resolving differences between the employee(s) and the management structure of the Agency.

4-901 SWORN EMPLOYEE GRIEVANCE PROCESS

This policy shall apply only to full-time sworn employees of the Calvert County Sheriff's Office. Employees may not utilize it in their initial probationary period. The process shall not serve as an appeal process for sworn disciplinary action and shall not be applicable to any issue, which is subject to the provisions of the Law Enforcement Officer's Bill of Rights (LEOBR).

It is in the best interest of all segments of the organization to resolve differences expeditiously. Commanders and supervisors should seriously consider each grievance brought to their attention with the purpose of arriving at an equitable settlement of the matter at their level of authority. If that is not possible because of the limits of their authority, or an impasse in negotiations, the matter should be referred cordially to the next level of the grievance process.

The Administrative and Judicial Services Bureau Commander shall be responsible for the coordination and monitoring of the grievance process to ensure they are filed and processed accordingly, until the conclusion of the grievance process. The Administrative and Judicial Services Bureau Commander shall keep the Sheriff and/or his designee informed of all grievances in progress. The Administrative and Judicial Services Bureau Commander will forward all finalized grievances to the Executive Administrative Aide, who is responsible for maintaining all records resulting from filed grievances. The grievance process and all related materials are confidential and are the property of the Calvert County Sheriff's Office, except that an employee who has filed a grievance may have access to his or her file concerning that grievance. Additionally, the Administrative and Judicial Services Bureau Commander will provide an annual analysis report outlining grievances filed for the time period and disposition of

each grievance filed. Copies of the annual report will be forwarded to the Assistant Sheriff and the Sheriff.

4-902 DEFINITIONS

Grievance - for the purposes of this section, the word "grievance" means a complaint by an employee alleging that their wages, benefits, or conditions of employment have been adversely affected by an act or acts of a supervisor and/or command staff personnel contrary to the terms of this section.

Working Days – as used in this section, shall mean the weekdays, Monday through Friday, and does not include Saturdays, Sundays or County recognized holidays.

4-903 EXCLUSIONS

The employee grievance procedure shall not be applicable in the following circumstances:

- Part-time or probationary employees
- Appointed positions
- Contractual employees
- Position classifications
- Performance ratings, unless they are less than satisfactory
- Non-selection for a position or for promotion from a group of properly ranked and certified candidates
- Oral or written warnings
- Action terminating a temporary promotion, which returns the employee to the previous position
- A supervisor's determination of the job responsibilities and performance
- Withholding a merit increase, which is a result of a prevailing less than satisfactory performance
- Separation due to the elimination of a grant funded position
- Separation due to reduction in force from a group of properly ranked employees on a retention register
- Actions taken by the Sheriff, which are policy decisions and not management/ administrative actions

4-904 GRIEVANCE PROCEDURES

Employees are required to be familiar with the grievance process defined by this section and invoke the formal process when informal methods have failed to resolve conflicts. Employees should initially discuss problems and differences with their immediate supervisors. It is important to develop a dialog between supervisors and employees, which deters misunderstandings and solves problems before they become significant.

4-904.1 INFORMAL GRIEVANCE PROCEDURES

The grievable subject shall be discussed with the employee's supervisor within five (5) working days of the occurrence. The supervisor shall attempt to resolve the issue and respond in writing to the employee within five (5) working days of the discussion. The response shall state the proposed resolution and inform the employee of the employee's right to pursue this matter through the formal grievance procedure. A copy of this shall be sent to the Administrative and Judicial Services Bureau Commander.

4-904.2 FORMAL GRIEVANCE PROCEDURE

The formal grievance process will be initiated through a *Detailed Report* to the bureau commander of the grieved employee, and only after participation in the informal grievance procedures. The grievance must be filed within ten (10) working days of the conclusion of the informal grievance.

A. Time Limit

Grievances should be raised and settled promptly. If the aggrieved employee fails to adhere to the time limits set forth in this policy, the grievance shall be deemed to have been waived.

If a supervisor fails to comply with time limits, the grievances shall automatically proceed to the next step. Time limits may be extended upon mutual written agreement, prior to the expiration of allotted time for unusual circumstances. If the grievance is not resolved within the time period provided in any step, the next step may be invoked by the grievant.

B. Format

All grievances must be presented in writing in detailed report format (Chapter 3-1200). The written grievance shall contain all points of contention for which the employee desires resolution in the particular instance. A written grievance must contain the following information:

1. A statement of the facts upon which it is based.

2. The identification of a specific wrongful act(s) committed and harm done.

3. A statement of the remedy or adjustment sought.

4. Names of witnesses.

5. Advance notice as to whether the employee intends to be represented by an employee of the Sheriff's Office or other advocate during any grievance meeting.

No consideration shall be given to any issue not raised in this original written grievance to the bureau commander. This rule is necessary in order that some resolution may be reached.

C. Presentation of Grievance:

1. To Sergeant (2nd line supervisor) – The employee must within five (5) working days of an occurrence that they wish to grieve, file a grievance in detailed report form with their sergeant. If the shift commander is not available, then the grievance shall be turned in to the employee's corporal (first line supervisor). The sergeant or their designee will review the written grievance to determine if it meets all eligibility requirements, as depicted in this policy. When the grievance meets eligibility criteria, the sergeant must meet with the grievant to discuss the problem within five (5) working days, and then respond in writing to the grievant within five (5) working days. If the problem is not solved to the grievant's satisfaction, the grievant has the right to present the grievance to their bureau commander.

2. To appropriate Bureau Commander - The grievant may, within five (5) working days of the date of the supervisor's response, present the unresolved grievance to their bureau commander. It is not necessary for the employee to repeat the facts of the grievance. Only those points in the original written grievance to the sergeant will be addressed by the bureau commander. The bureau commander shall, within five (5) working days, meet with the employee to discuss the grievance and then reply in writing within five (5) working days.

3. To Assistant Sheriff - In the event the grievance is not resolved to the employee's satisfaction, the grievant may within five (5) working days from receipt of the bureau commander's response, present the grievance to the Assistant Sheriff for mediation. The Assistant Sheriff will review the grievance to determine if it was filed in accordance with this policy. If so, a meeting will be scheduled with the employee and the Assistant Sheriff within five (5) working days. The Assistant Sheriff will present a written response within ten (10) working days.

4. To Grievance Review Board - If the grievance is not resolved to the grievant's satisfaction, the grievant may notify the Sheriff in writing within five (5) working days. The Sheriff will schedule a hearing with the Grievance Review Board within fifteen (15) working days.

D. Grievance Review Board

A Grievance Review Board is established as necessary to hear unresolved employee grievances. This board recommends final action for the Sheriff's authorization. The Administrative and Judicial Services Bureau Commander will coordinate the operation of the Grievance Review Board. The Grievance Review Board members will consist of:

1. A bureau commander from the Calvert County Sheriff's Office from a bureau other than the aggrieved employee's bureau, who has not been involved in the grievance process. This person will act as chairman. This bureau commander also ensures that a summary report with a recommendation is forwarded to the Sheriff.

2. One (1) supervisor of the Calvert County Sheriff's Office from the same bureau as the aggrieved employee. This member must be a disinterested party to the grievant.

3. Two (2) members from other police or sheriff's agencies. The members will not be from the same agency and cannot be on entry level probationary status.

4. The following persons shall have access to all Grievance Review Board proceedings:

   a. The Administrative and Judicial Services Bureau Commander or their designee, who will be responsible for process evaluation and who will deliver the records to the record custodian.

   b. The Agency general counsel or Agency representative, who may represent Agency management, and/or provide legal or Agency procedural advice to the Board at the Board's request.

E. Hearing Board Agenda

The Administrative and Judicial Services Bureau Commander will establish the procedures for the hearing to include the setting of time limitations. The Administrative and Judicial Services Bureau Commander, or their designee, may at any time during the proceedings, limit or extend the scheduled time constraints if the hearing is not progressing according to schedule.

The Board will request the grievant to restate his grievance, to present additional information relevant to the grievance and to call any witness who can be expected to contribute materially to the issue except members of the Board and the involved bureau commander.

The Board will request the bureau commander or assistant bureau commander of the employee, with such assistance as may be appropriate to include the employee's sergeant or corporal, to represent management in these proceedings and to present all facts and evidence available to them which bear on the grievance.

The Board will have the opportunity to ask questions and clarify information throughout the hearing.

At the conclusion of the hearing, the employee will have the opportunity to present closing remarks and the bureau commander or assistant bureau commander will have the opportunity to present closing remarks. The Board will then adjourn to consider the case.

The determination of the Board shall be by majority vote. At the conclusion of their deliberations, and within ten (10) working days of the hearing, the Board will inform the grievant in writing of its findings and any action to be taken by management. The Grievance Board will further advise the employee of their right to appeal the findings of the Board to the Sheriff, if the employee so desires.

The Administrative and Judicial Services Bureau Commander will make a record of the proceedings and the findings of the Board.

4-905 FINDINGS OF GRIEVANCE BOARD

In all cases, the Administrative and Judicial Services Bureau Commander will upon receipt of the Grievance Review Board findings, meet with the Sheriff to present the facts of the grievance and the recommended resolution. This meeting will take place as soon after receipt of the Board's findings as possible. Within ten (10) working days of receipt of the Grievance Review Board's findings and in the absence of any appeal, the Board's findings will be acted upon.

4-906 APPEAL PROCEDURES

In the event the action of the Grievance Review Board does not satisfy the employee, they may, within five (5) working days of receiving the Board's findings in writing, appeal the findings of the Grievance Review Board to the Sheriff. Such appeal will be made in writing to the Sheriff who will review the record of the case and, at the Sheriff's discretion, meet with the employee and hear any further evidence relevant to the documented grievance they may desire to present. The Sheriff will notify the employee in writing, within ten (10) working days, of their findings, which will be final and binding.

4-907 REPRESENTATION

A grievant may request a Sheriff's Office employee or other advocate of the employee's choice (at the employee's expense, if other than an employee of the Sheriff's Office), be present and represent the grievant at any step of the procedure. Any Sheriff's Office employee who assists another employee in this manner shall be granted reasonable administrative leave to participate in the grievance process during working hours, providing there is no disruption to Agency operations. Stenographic assistance may be involved at any step of the procedure at the expense of the grievant, if involved on behalf of the grievant, or at the expense of the CCSO, if on its behalf. All proceedings will be recorded. The hearing will be closed to anyone other than those participants noted.

4-908 RECORD RETENTION

Written grievances, appeals, decisions and all associated records or correspondence shall be forwarded to the Administrative and Judicial Services Bureau Commander for review and filing. These records are sensitive and shall be maintained in a secured file. Access to the files shall be limited and approval to review the file shall rest with the Assistant Sheriff or the Sheriff. This record, with all attendant documents, will be preserved for not less than three (3) years in the main personnel file section.

4-909 EMPLOYEE RIGHTS

A. Grievance hearings shall be held during employer's normal business hours.

B. Any Agency employee involved in the grievance process shall not be subjected to reprisal, discrimination or jeopardy as a result of having invoked the grievance process, or for their involvement in the grievance process.

4-910 GRIEVANCE ANALYSIS

The Administrative and Judicial Services Bureau Commander or their designee will provide an annual analysis report outlining grievances filed for that time period and disposition of each grievance filed. Copies of the report will be forwarded to the Assistant Sheriff and the Sheriff.

If no grievances have been filed during the course of the year, a report is not required.

4-911 CIVILIAN PERSONNEL GRIEVANCE PROCESS

The word "grievance" means a complaint by an employee alleging that their wages, benefits, or conditions of employment have been adversely affected by an act or acts of a supervisor or department head. A grievance may not be filed by anyone other than the allegedly affected employee. The grievance process and all related materials are confidential and are the property of the Board of County Commissioners, except that an employee who has filed a grievance may have access to his or her file concerning that grievance.

This policy shall apply only to full-time merit and full-time grant employees, and part-time and part-time grant employees regularly scheduled to work 50% or more of the normal pay period who have completed six months of service. It may not be utilized by employees in their initial probationary period or temporary, seasonal, appointed or contract employees, or part-time or part-time grant employees regularly scheduled to work less than 50% of the normal pay period. The Director of Personnel shall be responsible for overseeing the process of all employee

grievances to ensure they are filed and processed. Supervisors and department heads shall keep the Director of Personnel informed of all grievances in progress.

4-911.1 NON-GRIEVABLE ISSUES

The following are not grievable issues and are not subject to the grievance procedure:

A. Performance ratings, unless unsatisfactory or poor. If the rating results in denial of a merit increase, such denial may be included in the grievance protesting the rating
B. Position classifications
C. Any adverse action taken against an employee during that employee's initial probationary period
D. Non-selection for a position or promotion.
E. Action terminating a temporary promotion and returning the employee to position previously held
F. Job descriptions, including objectives and critical elements of performance standards
G. A separation due to reduction in force from a group of employees on a retention register and due to lack of funds or abolishment of position
H. Board of County Commissioners' policy or non-disciplinary actions or decisions by the Board of County Commissioners or the County Administrator
I. Action taken by the Director of Personnel in the course of administering the grievance procedure
J. Personal conduct of another employee, unless it involves alleged sexual harassment in which case, a complaint may be filed in accordance with the Board of County Commissioners' stated policies and procedures where alleged sexual harassment is concerned
K. Verbal Counseling
L. Lack of pay increase due to a Board of County Commissioners' decision not to fund or provide same

4-911.2 ELIGIBILITY FOR SEEKING REDRESS

Any full-time merit or full-time grant employee, and part-time or part-time grant employee regularly scheduled to work 50% or more of the normal pay period, who has successfully completed their initial probationary period and thereafter, believes that their wages, benefits, working conditions or employment have been improperly affected by an act or acts of a supervisor or department head has the right to seek redress of their grievance in the following manner:

4-911.3 INVOKING THE GRIEVANCE PROCEDURE

A. Within five working days following the occurrence of the event or events other than an involuntary demotion, suspension or termination that constitute the basis for the employee's grievance, the employee must file a written grievance on a *Grievance Report Form* with their immediate supervisor setting forth in succinct terms the reason for the grievance. A copy of the grievance must be lodged simultaneously by the employee with the Department of Human Resources. Failure to file a timely grievance shall constitute a waiver of the aggrieved employee's right to use the grievance procedure.

Step 1. Within five working days of the date on which a timely grievance is filed, the aggrieved employee and their immediate supervisor shall meet to discuss the grievance. Within five working days following the date of that meeting, the

supervisor shall advise the aggrieved employee in writing of the supervisor's position on the grievance.

Step 2. If the grievance is not resolved or explained to the satisfaction of the aggrieved employee at Step 1, then within five working days following receipt of the supervisor's written response, the aggrieved employee may request a meeting with their department head to discuss the matter. The employee and their department head shall meet within five working days after the employee's request is received by the department head. The department head shall state their position in writing to the employee within five working days following their meeting.

Step 3. If the grievance is still unresolved, following receipt of the department head's written position, then the employee within five working days of receipt of the department head's written position, may request the Director of Personnel to meet with him/her and the department head for further discussion of the matter. That meeting shall be held within ten working days following receipt of the aggrieved employee's request by the Director of Personnel.

Step 4. If the grievance involves an involuntary demotion, suspension or termination, the employee may, within five working days of receipt of official notice, request in writing that the Director of Personnel convene a Grievance Board. The grievance Board shall consist of four employees from other than the aggrieved employee's department, two shall be supervisory, and two shall be non-supervisory. No more than one department head, if any, may serve. All shall be full-time merit employees, unless a department head is selected, who may also be a contract employee. The Grievance Board shall meet to hear the unresolved grievance within twenty working days following its appointment. The hearing shall be conducted in accordance with procedures established by the Director of Personnel. The grievant and any witnesses they may wish to testify on their behalf shall have the right to appear before the Grievance Board and present evidence in support of the grievant's position. The aggrieved employee's department head or designee shall have the same right to appear before the Board and present their position, including witnesses in support thereof.

B. The Director of Personnel shall assist the Grievance Board and the parties to the grievance hearing in making sure that all of the evidence and material relevant to the issue is presented to the Grievance Board for its consideration. The Director of Personnel, however, shall not be a member of, or have a vote on the Grievance Board. Within thirty (30) calendar days following the conclusion of the hearing, the Grievance Board shall prepare and submit to the Board of County Commissioners, a written report containing its findings, conclusions, and recommendations. Copies of the Grievance Board's report shall be given to the grievant, the department head, whose decision is at issue, and the Director of Personnel.

C. The Board of County Commissioners shall review the findings, conclusions, and recommendations of the Grievance Board and advise the parties to the dispute of their determination at the next scheduled meeting of the Board of County Commissioners, or no later than thirty calendar days following receipt of the Grievance Board report and recommendation.

D. The Board of County Commissioners shall have full discretion to adopt or reject the recommendation of the Grievance Board in whole or in part, or to remand the matter to the Grievance Board for further hearing and resubmission. The determination by the Board of County Commissioners shall be final and binding on the parties.

4-911.4 RECUSAL OF DIRECTOR OF PERSONNEL

Where a timely grievance is filed by an employee of the Department of Human Resources, the Director of Personnel shall recuse him or herself from participation in the grievance procedure except as the interested department head, and the Director's role in the orderly operation of the grievance procedure shall be assumed and performed by the County Administrator.

4-911.5 GRIEVANCES INVOLVING SUSPENSION AND TERMINATION

A grievance involving an involuntary demotion, suspension or termination may be filed by the aggrieved employee at Step 4 of the grievance procedure within five working days of receipt by the employee of official notice of their involuntary demotion, suspension, or termination.

4-911.6 GRIEVANCE REPORT FORM

All grievances shall be submitted in writing on the standard Grievance Report Form available in the Department of Human Resources and shall include the following information:

- Employee name
- Employee class title
- A succinct statement of the reason for the grievance and the section(s) of this chapter allegedly violated
- The date on which the grievance arose
- The relief sought
- Pertinent information, such as names of witnesses, if applicable

4-911.7 FILING TIMELY GRIEVANCES

A. Grievances must be filed timely in accordance with the grievance procedure provisions in order to invoke the grievance procedure. Once a timely grievance has been filed, it should be processed without delay by all parties, unless there is mutual agreement between the party seeking to extend a time limit and the Director of Personnel on the need for an extension of time to comply with any step of the grievance procedure.

B. In the event a grievant fails to adhere to any of the time limits set forth in this article, the grievance shall be considered satisfied and resolved on the basis of the last statement of position received by the grievant.

C. Where a supervisor or department head fails to adhere to any of the time limits set forth herein, the grievance shall automatically proceed to the next step in the grievance procedure.

D. For the purposes of the time limits, a working day shall mean any day on which the courthouse is open.

4-911.8 EMPLOYEE RIGHTS

An aggrieved employee shall have the right to have a fellow employee present during any step of the grievance procedure, or to be represented by an attorney at a Grievance Board hearing regarding an involuntary demotion, suspension, or termination. The presentation of any grievance without fear of reprisal shall be considered the right of each employee.

4-1000 HARASSMENT

The CCSO is committed to achieving and maintaining a workplace free of harassment, including sexual harassment.

4-1001 DEFINITION

The term "sexual harassment" means the unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature by a County employee when:

A. Submission to such conduct is made either explicitly or implicitly a term or condition of employment.

B. Submission to or rejection of such conduct is used as the basis for employment decisions.

C. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment refers to behavior that is unwelcome, that is personally offensive, and that lowers morale and therefore, interferes with work effectiveness. Sexual harassment may take different forms. Examples of sexual harassment, include but are not limited to:

- Verbal – Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats.

- Non-verbal – Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures, treating an employee differently than other employees when they have refused an offer of sexual relations.

- Physical – Unwanted physical contact, including touching, pinching, brushing the body, coerced sexual intercourse, assault.

It is the policy of the CCSO to encourage employees who feel they have been subjected to sexual harassment to bring these problems immediately to the direct attention of their immediate supervisor or the Administration. There is no need for any employee to file a complaint with an outside third party to receive fair treatment.

4-1002 SUPERVISOR'S RESPONSIBILITY

Each supervisor has an affirmative duty to maintain a workplace free from sexual harassment and to assure all employees that they are not required to endure insulting, degrading, or exploitative sexual harassment.

4-1003 PROHIBITED CONDUCT

All employees shall be expected to comply with this policy and shall take appropriate measures to ensure that such behavior does not occur.

4-1004 DISCIPLINARY ACTION

Any employee who is found after appropriate investigation to have engaged in sexual harassment of another employee, or who has filed a false complaint of sexual harassment, shall be subject to appropriate disciplinary action.

4-1005 NO RETALIATION

There shall be no retaliation on the part of any employee against the complainant or any witness for making a report of sexual harassment.

4-1006 COMPLAINT PROCEDURE

The purpose of this policy is to establish a complaint procedure to fairly address employee claims of sexual harassment.

Any employee who feels they have been subjected to sexual harassment of any kind may file a complaint through the chain of command; however, if a supervisor is the source of the alleged harassment, the employee may go to any member of the command staff. The complaint must be in writing in a *Detailed Report* and set forth all of the material facts. All such complaints and any internal investigation resulting from the complaints will be held in the strictest of confidence.

Upon receipt of a written complaint, the supervisor or administrative staff will immediately conduct a complete and thorough investigation. This investigation will be completed within 15 working days after receipt of the written complaint and the employee will be advised of the findings and conclusion. The Sheriff and the Assistant Sheriff will also be apprised of the findings of the investigation.

4-1100 WORKPLACE VIOLENCE

For the purpose of this policy, the term “workplace violence” means any act or behavior, or threat thereof, intending to cause physical, mental or psychological harm to a person or property in the workplace. This shall include acts or threats via telecommunications devices and shall include violent illegal acts such as disorderly conduct, assault and reckless endangerment.

4-1101 PURPOSE

The purpose of this policy is to provide a work environment free from all forms of workplace violence and intimidation and to establish a complaint procedure that addresses employee claims of workplace violence.

4-1102 STATEMENT OF POLICY

It is the policy of the CCSO to have a workplace free of violence, and to regard it as a very serious matter and prohibit violence in the workplace by any person and in any form. It is the policy of the CCSO to encourage employees who feel they have been subjected to workplace

violence to bring these problems immediately to the direct attention of the administration. Every attempt shall be made to resolve these issues fairly and expeditiously.

No employee shall engage in workplace violence.

4-1103 RESPONSIBILITY

The administration and supervisors at all levels are responsible for implementing and administering this policy and to assure employees that they do not have to endure such behavior. All employees, supervisors and the administration are responsible for following this policy, promptly reporting incidents, cooperating in investigations and assisting in maintaining a violence-free workplace.

4-1104 PROCEDURE

When the accused is known to be a Sheriff's Office or County employee, the following procedures apply:

A. Any employee, who believes they are the victim of workplace violence, is encouraged to report the incident. If they believe there is immediate danger, they should contact 9-1-1. If there is no immediate danger, and after assuring their safety, they should report the situation to their immediate supervisor, providing their supervisor is not the accused, so the situation may be diffused and investigated immediately. If the immediate supervisor is the accused, the employee should report the situation directly to the Sheriff.

B. The immediate supervisor or the Sheriff shall promptly take any steps necessary to diffuse the situation and ensure the initiation of an investigation. The employee who filed the complaint, as well as the respondent, shall be advised of the findings in writing.

C. Employees are encouraged to complete a *Detailed Report* to report violence endured; however, all complaints of violence shall be investigated regardless of whether the *Detailed Report* has been completed. All complaints and internal investigation results shall be held in confidence except to the extent necessary to diffuse, investigate and take appropriate action.

4-1200 DISCIPLINE

As an Agency, we are committed to our collective integrity; such integrity is dependent upon the personal conduct, integrity, discipline, accountability and responsibility of each employee. The Calvert County Sheriff's Office holds these values in high esteem, and through fairness and objectivity, has created Agency guidelines. When employees do not perform or behave in a manner consistent with Agency philosophies, expectations and guidelines, their behavior should be addressed through the disciplinary process to include alternative procedural rights conferred through LEOBR, found in Appendix 4-E.

The CCSO is committed to a progressive disciplinary process. The focus of the disciplinary process is corrective action through individual employee responsibility and accountability. The severity of the chosen disciplinary action shall be determined after consideration of the nature and gravity of the offense and its relationship to the employee's work record, assigned duties, responsibilities, the Disciplinary Matrix (Appendix 4-D), and repetitiveness of the offense.

Remedial discipline, such as problem solving and behavior changes, should be the primary emphasis while punitive discipline is secondary. Punitive discipline shall be for cause and shall follow the basic concepts of due process.

The Agency is committed to maintaining an effective internal disciplinary and citizen complaint system. Such a system maintains high professional standards and improves morale by establishing a fair and thorough means to process complaints, while eliminating arbitrary disciplinary applications.
The CCSO does not discriminate in any manner against current members, potential members of member groups on the basis of sex, ethnic background, race, religion, color, age or physical disability, in any disciplinary or termination process.

4-1201 AUTHORITY OF THE SHERIFF

The Sheriff has the authority to take disciplinary action against any employee of the Agency and to delegate that authority to selected subordinates. The authority to initiate or administer disciplinary action is delegated by the Sheriff to commanders and supervisors, or those deputies in acting capacity of commanders or supervisors in accordance with the procedures set forth in this policy.

The authority to suspend in an emergency situation is delegated to any supervisor in accordance with LEOBR, and will cause an immediate notification, via the chain of command, to the Sheriff. All supervisors will have the authority to make recommendations of disciplinary actions through the proper channels and to the appropriate individual within the chain of command.

Any employee, who observes unethical conduct or a violation committed by another employee, regardless of rank, will report the violation to the offending employee's supervisor.

Only the commissioned officers may suspend a deputy of the rank of sergeant or above.

Only the Sheriff or their designee has the authority to terminate or suspend any sworn officer without pay subject to the provisions of LEOBR.

Only the Sheriff or their designee has the authority to terminate any sworn officer subject to the provisions of LEOBR.

4-1202 COMPLAINTS OF BRUTALITY

In accordance with LEOBR, complaints alleging brutality will be notarized and filed within 90 days of the date of the alleged incident. The Agency will investigate accordingly, based on the known facts.

Citizens responding to the Sheriff's Office to report a brutality complaint will speak with a Patrol supervisor, who will inform them of the appropriate procedures in order for an investigation to be undertaken. If a Patrol supervisor is unavailable, then the complainant will be directed to the appropriate bureau commander or the Professional Standards Unit Supervisor.

The Sheriff's Office will recognize the following categories of force when investigating complaints of alleged brutality:

Unnecessary Force: force inappropriate to effect arrest or control situations; includes use of force when none is necessary.

Aggressive Force: force unreasonable in scope, duration, or severity under circumstances (continued use of force when resistance has ceased).

Excessive Force: intentional malicious, unjustified use of force resulting in injury or potential for injury.

4-1202.1 COURTESY COMPLAINTS

Courtesy complaints apply to any coarse, profane, or insolent language and/or an action performed by an Agency employee, acting in their official capacity, which is deemed offensive to another person. Complaints of this nature will not require the written complaint to be notarized.

Abusive language will not be tolerated. Abusive language is defined as racial or ethnic slurs, sexual innuendos, and other demeaning comments that cast a shadow of bias and/or prejudice on the Agency and the law enforcement profession.

4-1203 SELECTION OF DISCIPLINE – TRAINING AND COUNSELING

When a supervisory CCSO employee observes or detects deficiencies in performance or conduct, which adversely affect a subordinate's ability to carry out the duties and responsibilities of his or her position, the supervisor will determine the appropriate response to those deficiencies. The supervisor may at any time consult with their bureau commander for guidance in carrying out their duties under this section.

There may be some infractions, which are so minor that the supervisor will handle them through informal counseling of the employee, of which no record will be made. However, the supervisor must recognize and deal with deficiencies in performance and conduct in a reasonable and equitable manner in all cases. Failure to do so would be dereliction on the part of the supervisor.

4-1203.1 TRAINING

When the infraction is a first offense and relatively minor, the supervisor should explore training or instruction, which will correct the subordinate's performance or conduct deficiency. Depending upon the nature of the infraction committed, the Agency may elect to utilize training in conjunction with formal disciplinary action.

Training could range from a discussion held in roll call on a particular topic to a formal course of instruction. Because supervisors work closely with their subordinates and generally know their capabilities better, supervisors are usually the best judges of when a subordinate would benefit from remedial training.

When a supervisor elects to utilize training as a function of discipline, the supervisor should:

1. Explain the infraction committed and the expected behavior.

2. Review the rule, policy, or procedure that was violated.

3. Consider discussing the infraction at a future roll call (without naming the offender).

4. Recommend the need for further or more in-depth remedial training to the appropriate bureau commander.

5. Document all of the above steps in the supervisor's Facts and Inference (F&I) file.

4-1203.2 VERBAL COUNSELING

Occasionally, verbal counseling for a minor infraction committed may be more appropriate as a function of discipline rather than formal charges. Appropriate counseling is educational, and also serves as a function of discipline. Supervisory personnel should strive to correct deficiencies through counseling when it is believed by the supervisor that such counseling will have a positive impact.

4.1203.3 EMPLOYEE COUNSELING FORMS

The intent of record of the *Employee Counseling* form is to provide supervisors with an instrument to document positive counseling and recommended corrective actions for minor infractions. The form is designed for use as a management tool in those cases initiated by a supervisor, where counseling and corrective actions are necessary and appropriate, but will not be entered into an employee's personnel file or professional standards file. Instances when a supervisor may consider using the form include any Category "A" violation or other minor infraction not listed.

The form may also be used, at the discretion of the employee's supervisor, for minor citizen generated complaints, where after initial inquiry, the supervisor determines the incident does not warrant taking formal action yet feels the incident should be documented and the behavior corrected through a positive supervisory approach.

For the form to be an effective supervisory tool, the supervisor must determine, after initial inquiry (listening to the complainant, personal observations, or listening to comments from other employees, etc.), whether the incident, even if true, should be handled through the formal disciplinary process or a remedial action. This decision must be made prior to asking the deputy for an explanation of the incident.

If the complaint comes from a citizen, the supervisor should advise the complainant of the formal complaint procedures and that the complaint will be thoroughly investigated. When this form is completed in a timely manner, it will provide a complete record of the incident including the disposition by the supervisor.

4-1203.4 COMPLETION AND MAINTENANCE OF EMPLOYEE COUNSELING FORMS

When a supervisor completes the form, it will be discussed in private with the employee who will be requested to sign it before it is placed into the employee's F&I file. Because this form is an official record that will be inserted into the employee's F&I file for that performance rating period, supervisors completing this form will be sensitive to the rights afforded a deputy pursuant to LEOBR.

The original should be retained by the supervisor as part of their F&I file for that current performance rating period. After the performance rating period, the original should be destroyed.

A copy of the original counseling form should be given to the employee for their records. No copies are to be placed in the employee's personnel file or professional standards file. Under

no circumstances will the form be completed without the employee being given the opportunity to review and make written comments concerning the incident. Signing of the form is optional for the employee.

4-1204 TYPES OF FORMAL DISCIPLINARY ACTION

The types of formal disciplinary action available and their definitions are described in policy to follow.

- Written Reprimand
- Summary Punishment
- Emergency Suspension
- Trial Board Action:
    - Loss of Leave and/or Fine
    - Suspension
    - Demotion
    - Dismissal

4-1205 EFFECT OF PROBATION

An employee serving a probationary period on initial appointment is not covered under LEOBR or this chapter, except in the case of alleged police brutality by a sworn employee.

4-1206 INVESTIGATION

The Agency will accept and investigate complaints of alleged misconduct against its employees, both sworn and civilian. Based upon its findings will exonerate the innocent and establish the guilt of wrongdoers.

In every case of a potential disciplinary action, the administration will direct an impartial investigation to be conducted to the degree necessary to establish the facts and circumstances related to the violation. In the conduct of such investigation, sworn employees will be afforded all of the rights to which they are entitled by LEOBR. In some cases, the investigation will be simple fact finding by the supervisor; in other cases, a more formal investigation may be required. If necessary, the Professional Standards investigator and the effected employee's bureau commander, in consultation with the Assistant Sheriff, will determine the scope of the investigation required. The investigation should reveal:

- Whether an offense was committed.
- Whether the employee was involved in the offense.
- The past disciplinary record of the employee.
- Recommendations as to sustained or non-sustained findings.

4-1206.1 REPORT TO THE ASSISTANT SHERIFF

If the investigation recommends a sustained finding then a review of the Agency's Disciplinary Matrix, Appendix 4-D, will be conducted and the affected bureau commander will recommend disciplinary action to the Assistant Sheriff.

4-1207 WRITTEN REPRIMAND

A written reprimand, placed in the employee's official internal affairs file, is the least severe type of formal discipline.

The written reprimand will be prepared and issued by the immediate supervisor. It will include a full description of the result of the investigation, including the employee's explanations.

Before the reprimand may be placed in the official personnel folder, the sworn employee is entitled to receive a copy of the reprimand and to have their own comments included with the reprimand in the official professional standards file. For non-sworn employees, the reprimand will be forwarded to the County Director of Personnel. A copy of the written reprimand will be retained in the Sheriff's Office personnel file.

4-1208 MORE SEVERE FORMAL DISCIPLINE

The Assistant Sheriff may determine that more formal discipline, more severe than an official reprimand, is appropriate for a sworn employee.

Summary Punishment. Consistent with the provisions in LEOBR, summary punishment may be imposed for minor violations of Sheriff's Office policy and procedures when:

1. The facts which constitute the minor violation are not in dispute.
2. The deputy waives the hearing provided under the LEOBR.
3. The deputy accepts the punishment imposed by the Assistant Sheriff.

Summary punishment may not exceed three days suspension without pay or a fine of $150.00.

In all cases where the formal discipline is more severe than a written reprimand, a sworn employee charged with a violation of CCSO or County rules, policy or procedure may have those charges heard by a hearing board.

If the Assistant Sheriff considers the charge placed against the employee to be minor, he may allow the employee to elect to have those charges disposed of by summary punishment. The authority to impose summary punishment charges the Assistant Sheriff with responsibility of exercising his authority in a fair and judicious manner.

Summary punishment will be of no greater severity than that authorized by the LEOBR and will be imposed consistent with that statute. The offer of summary punishment will be presented to the deputy in writing and they will have the option of acceptance or rejection.

If the facts of the investigation are not in dispute and if a deputy is offered summary punishment imposed pursuant to the LEOBR and refuses, the Assistant Sheriff may convene a one-member hearing board for the penalty phase only. A three-member hearing board will be convened if the deputy feels that the facts are in dispute. If a single member hearing board is convened, that member need not be of the same rank as the deputy for whom the hearing board was convened. The hearing board will have the authority to recommend the sanctions as provided by the Law Enforcement Officers' Bill of Rights (LEOBR).

In general, the employee is asked to complete a detailed written report concerning the incident for which summary punishment is to be imposed. The report will be reviewed by the employee's immediate supervisor, who will endorse it and forward the report to their bureau commander. The bureau commander will review the report, endorse it with the recommended discipline and

forward it to the Assistant Sheriff. The Assistant Sheriff will review and endorse by either concurring with recommended discipline or raise or lower the penalty. The Assistant Sheriff will be the final authority regarding penalty.

When the Assistant Sheriff has decided upon the penalty to be offered, the Administrative and Judicial Services Commander will prepare the *Notification of Charges* form, including the specific charge and facts used to support the allegations. A copy of the completed form will be presented to the employee and the employee's immediate supervisor. The employee will be offered summary punishment or advised summary punishment is not appropriate and that the case will be heard by a hearing board.

Hearing Board. Where the Assistant Sheriff determines that a hearing board is required under the LEOBR, or the employee elects a hearing board in lieu of summary punishment, a hearing board will be convened and administered consistent with the statute.

All members of the hearing board will be appointed from other law enforcement agencies. The Assistant Sheriff will designate a chair of the hearing board. He or she will ensure that the hearing board carries out its functions in accordance with the LEOBR.

In all cases, the Assistant Sheriff will appoint the prosecutor for the CCSO's case. The investigating deputy may not be the prosecutor if they will be a witness at the hearing.

Final Disposition. The hearing board will make its finding and recommendations to the Sheriff, who will, consistent with the LEOBR, determine the penalty to be imposed.

Appeal. Employees have a right to appeal the CCSO's action consistent with the LEOBR. An employee waives their right to appeal when they accept a punishment or penalty.

Appeal Process for Sworn Employees:

A. A deputy may refuse summary punishment offered as the result of an internal investigation by requesting a hearing board.

B. Pursuant to the provisions of the LEOBR, a deputy may appeal a decision rendered by a hearing board to the Circuit Court of Calvert County.

C. Any party aggrieved by a decision of the Circuit Court may appeal to the Court of Special Appeals.

D. The order to appeal, jurisdiction, service of documents on the Agency, notice to other parties and the information required for the petition, will be enumerated in the Maryland Rules.

E. Pursuant to the Maryland Rules and consistent with LEOBR, appeals shall be filed within 30 days from the date of the Agency's decision regarding disciplinary action.

F. In accordance with Maryland Rules, the filing of the appeal to the Circuit Court involves filing of a memorandum with the court that sets forth a concise statement of all issues raised on appeal and argument on each issue, including citations of legal authorities, references to pages of transcript, and exhibits relied on.

G. Maryland Rules also specify that within 30 days thereafter, any other party desiring to be heard, including the appropriate agency when entitled by law to be a party to the appeal, shall file an answering memorandum in the same form.

H. The appellant may file a reply memorandum within 15 days after the filing of any answering memorandum.

I. The court shall affirm, reverse, modify the action appealed from, remand the case to the Agency for further proceedings or dismiss the appeal pursuant to Maryland Rules.

In the case of a non-sworn employee, discipline more severe than a written reprimand and appeals will be handled in accordance with the Calvert County Government Code, chapter 86.

4-1209 REQUIRED ACTIONS BY EMPLOYEE

All employees of the Agency will assume the obligations of their rank and perform their duties accordingly in the investigation of complaints or allegations of misconduct. Employees of the Agency will cooperate fully with the personnel conducting an internal investigation.

Command and supervisory personnel will initiate investigations after conferring with the Professional Standards Unit, when the alleged violation reported or observed is within the scope of their authority. Violations outside of their authority will be reported properly to a higher authority.

Untruthfulness committed by any employee of the Agency is a very serious transgression. Any employee found guilty may be subject to dismissal, or other punishment as may be adjudged.

4-1209.1 NOTIFICATIONS ATTENDANT TO DISCIPLINE

In all cases, the employee will be provided a final written statement citing the reasons for the action, the effective date, and the effect of the action on the employee's fringe and retirement benefits.

4-1210 EMERGENCY SUSPENSION

A. Suspensions with Pay:

1. An employee may be immediately suspended on an emergency basis by a superior officer, when it is in the best interest of the County or the employee. Concurrence of the Assistant Sheriff will be obtained through the chain of command as soon as possible.

2. If a deputy is suspended with pay, the Assistant Sheriff may also suspend the deputy's police powers and reassign the deputy to restricted duties pending the outcome of any pending administrative/criminal charges or final determination by a hearing board.

3. A deputy so suspended will be entitled to a prompt hearing generally within 24 hours during normal working hours.

4. The Assistant Sheriff will keep the Sheriff apprised of all actions involving the suspension of an employee.

B. Suspensions without Pay:

1. The Assistant Sheriff may suspend a deputy without pay, if the deputy has been charged with the commission of a felony.

2. A deputy so suspended will be entitled to a prompt hearing.

4-1210.1 SUSPENSION PROCEDURES

Supervisors who suspend a sworn employee shall do so in writing by using the suspension form located on the Sheriff's Office "T" drive, under SO Forms/Professional Standards Forms. After accessing the Professional Standards forms, the supervisor will then complete the *Suspension Form*, *Waiver of Suspension Hearing Form*, and *Suspension Checklist*. The suspending supervisor shall inform the employee their police powers are suspended with or without pay. The supervisor will clearly state to the employee that they may not take any law enforcement action until the suspension is lifted. In some cases, the employee may be assigned to administrative duties as directed by the employee's bureau commander or assistant commander.

If the suspension is not related to an active open administrative case involving an employee, then the supervisor must complete a detailed report outlining the circumstances which precipitated the suspension.

The supervisor shall inform the employee that they are entitled to a prompt suspension hearing and provide them with the *Waiver of Suspension Hearing Form*. The suspended employee may either choose to waive their right to a suspension hearing or elect to move forward with a suspension hearing.

The supervisor will then collect the employee's Agency property, to include the employee's Agency firearm as outlined in the S*uspension Checklist*. After inventorying the employee's property, the supervisor will then obtain a property held number and list all collected property on a *Property Inventory Sheet*. After completing the *Property Inventory Sheet*, the supervisor will then submit the property to include the firearm to the Property Manager. The supervisor will ensure that the employee and Office of Professional Standards receive a copy of the *Property Inventory Sheet*.

If the employee elects to have a suspension hearing, the supervisor will notify the Commander of the Office of Professional Standards or their designee, who will be responsible for organizing the suspension hearing.

4-1211 SUSPENSION HEARINGS

Suspension hearings are a formal administrative process. They are not judicial proceedings, but will follow a generally structured process, allowing both the Agency and the suspended employee the opportunity to present facts relevant to the suspension. The hearing will be conducted by a member of the CCSO command staff who has no direct involvement in the employee's suspension, or when appropriate by a commander from another agency, appointed by the Assistant Sheriff, and hereafter, referred to as the Hearing Officer, who will rule on all matters relevant to the suspension. There will be a record kept of the hearing by means of audio recording.

The suspension hearing will be concerned only with the need to maintain or not maintain the suspension, and the conditions, which will apply to the suspension. Conditions include pay, job status, and work assignment during the suspension. The suspended employee may be present and represented by counsel if they so desire. There is no requirement the employee attend. The hearing may proceed without the suspended employee or their counsel present.

The suspending supervisor and the employee's bureau commander will attend the suspension hearing. The employee's bureau commander, or when appropriate, the suspending supervisor will present the Agency's position concerning the suspension. The Hearing Officer will be the final authority concerning the proceedings of the hearing. They will decide what testimony or evidence is relevant and all other matters concerning the hearing.

The suspension hearing process is not a public process. Only those persons required for the conduct of the hearing, and such persons as the hearing officer may feel are necessary to present testimony, are permitted access to the hearing. The proceedings of the suspension hearing are confidential and will be handled appropriately by all employees.

4-1211.1 RESPONSIBILITIES OF THE HEARING OFFICER

The Hearing Officer will have the sole responsibility for conducting the suspension hearing. They may hear whatever information or review what evidence they may find of value in making a determination of the need to continue the suspension and/or under what circumstances an employee shall be suspended. The Hearing Officer shall determine if a suspension will be with or without pay. They shall also determine if an employee will be placed on administrative leave without duties, or if the employee will be maintained in some administrative capacity for a period of time, during which the conditions dictating his suspension exist.

When in the opinion of the Hearing Officer the employee must be suspended, or remain suspended, the Hearing Officer will immediately upon conclusion of the hearing, inform the employee and/or their counsel if present. If they are not, they will send by U.S. mail a notification of the results of the suspension hearing. The Hearing Officer will also prepare a written report of their findings and deliver it to the Assistant Sheriff and the Administrative and Judicial Services Bureau Commander.

In cases where the suspension of an employee is deemed appropriate and is to be continued by the Hearing Officer, the suspended employee shall be required to notify the Administrative Bureau Commander, or their designee, of their whereabouts during normal business hours (0830-1630). The suspended employee shall also call in with the Agency's designated contact person at 1000 hours and 1400 hours each normal business day.

The Hearing Officer may also set additional requirements on the suspended employee, as deemed appropriate. Such requirements will be in writing and will be served upon the suspended employee.

4-1212 DISMISSAL OF AN AGENCY EMPLOYEE

The Sheriff's Office considers the dismissal of an employee a very serious matter. Before a decision is made to dismiss an employee, a careful review will be given to the facts and circumstances, which result in this type of action.

After a hearing board finding of guilt and in accordance with the LEOBR, before the Sheriff dismisses a deputy, the Sheriff will review the deputy's personnel file and permit the deputy to be heard. If the Sheriff subsequently dismisses the employee, the employee will be provided with the information described below:

1. A statement citing the reason(s) for dismissal
2. The effective date of the dismissal
3. A statement of fringe benefits including retirement, if applicable
4. A statement as to the content of the employee's record relating to the dismissal.

4-1213 MAINTENANCE OF DISCIPLINARY RECORDS

Because of their sensitivity and confidentiality, all records of a disciplinary nature will be maintained in a secure file by the Professional Standards Unit. The records will be maintained in the file until such time they are expunged, pursuant to the provisions in LEOBR.

4-1214 DISCIPLINARY MATRIX GUIDE

In response to concerns expressed by Agency members, a committee was established to review the Agency's disciplinary process, application, and procedures. By adopting a prompt, consistent, and fundamentally fair disciplinary process, the Agency maintains **FAIRNESS** for all members of the Agency.

The Disciplinary Matrix included in this policy is designed to ensure that similar violations receive similar penalties. Although the matrix does not include all possible charges, which may arise out of a violation of rules, regulations, policies, orders, or law, it provides a representative sampling.

Command and supervisory personnel will use the matrix as a *guide* in determining suggested punishment. Furthermore, in conjunction with matrix use, mitigating and/or aggravating factors, which may suggest a greater or lesser level of discipline, may be applied. Some of these factors might include, but are not limited to:

- The nature of the incident associated with the disciplinary action, and/or
- Any associated injury severity, and/or
- The level or degree of any associated damages, and/or
- The involved employee's intent or lack thereof, and/or
- Any previous record of performance as it might relate to the incident, and/or
- The existence of any mitigating and/or aggravating factors.

4-1214.1 PURPOSE

In an effort to address violations of the rules and regulations of this Agency in a fair and consistent manner, a Disciplinary Matrix applicable to sworn members has been established and can be found in Appendix 4-D.

4-1214.2 POLICY

It is the policy of this Agency to be fair and consistent in the application of discipline. The goal of the Disciplinary Matrix is to encourage appropriate behavior. The Matrix serves as a guide only. Trial board recommendations are not bound by the Disciplinary Matrix. Nothing in the Disciplinary Matrix has the intent or the effect of limiting the Sheriff's authority in determining or rendering the final disciplinary action.

4-1214.3 DEFINITIONS

Matrix – A chart or table of categorized infractions, with suggested corrective actions and penalties.

Category – The level in which infractions are classified. The Disciplinary Matrix separates discipline recommendations into five (5) categories labeled A through E, with A as the lowest level of discipline and E as the highest. In using this matrix, the suggested category for a given violation should be the starting point for assessing discipline. Command and supervisory personnel have the ability to use a lesser or greater category if circumstances dictate. Mitigating and/or aggravating factors explained in the previous section should then be considered. These factors may cause the recommendation to increase or decrease one or more categories. Finally, any previous similar violation, or a history of violations, shall cause discipline to move up one or more categories.

Mitigating/Aggravating – A circumstance, which supports the raising or lowering of the category level of an infraction.

Summary Punishment – Punishment imposed by the highest- ranking officer of a unit or member acting in that capacity, which may be imposed when the facts constituting the offense are not in dispute. Summary punishment may not exceed three days suspension without pay, or a fine of $150.00.

4-1215 FINES VERSUS RESTITUTION

Fines may be imposed as part of the conclusion of a disciplinary case. Restitution, on the other hand, for lost or damaged property is not considered discipline, and therefore, does not require the procedures outlined within the disciplinary policy. Restitution should generally not be over 5% of the deputy's base salary. However, the Agency is not bound by the 5% rate if circumstances dictate a greater amount of restitution.

4-1300 SECONDARY EMPLOYMENT

The nature of the duties and obligations of the personnel of this Agency require that employees work irregular duty schedules, which are subject to change in order to meet deployment needs. Additionally, it is necessary employees have adequate rest to be alert during their tours of duty. The Agency may limit or prohibit secondary employment for these reasons, and because certain occupations inherently conflict with the employee's primary responsibility to serve the Agency, and thereby, the citizens of Calvert County. Security or police related secondary employment may also be limited or prohibited as a result of a disciplinary action.

Such determinations will be balanced against the Agency's capability to execute its responsibilities to ensure full and faithful service to the citizens of Calvert County in return for expenditure of resources. Secondary employment will never be considered an excuse for poor performance, absenteeism, tardiness, or refusal to work overtime.

4-1301 DEFINITIONS

A. Employee – every employee of the CCSO, unless otherwise indicated.

B. Secondary employment – is the rendering of any service or the sale of anything for pay or remuneration from any source other than the Calvert County Sheriff's Office. The

definition includes entrance and/or re-enlistment into the military reserve and any form of self-employment.

1. It does not include engaging in investments in real property or securities as an individual, or sale of an employee's home, or other personal property.
2. Terms of the pay or remuneration and withholding of payroll taxes will be established by and be the responsibility of the off-duty employer or the employee.

C. Security or police related – is defined as that employment in which there is a reasonable expectation of the use of police powers. Such employment would not normally be offered to the employee, if he were not a sworn officer. Examples would be as security at dances or sporting events, security for a car lot or construction site, or as protection against shoplifters at a store.

D. Non-security related – is defined as employment, which has no bearing on the employee's police powers, and the exercise of police powers during this employment would be surprising and unusual. Examples would be as a carpenter, painter, shoe salesman, bus driver or waterman.

4-1302 AUTHORIZATION – SWORN EMPLOYEES

A. A *Secondary Employment Request for Authorization* must be completed and submitted for all secondary employment locations. For security or police related secondary employment, only one request is required to be submitted per location/business. The request will normally be submitted by the deputy who coordinates that particular secondary employment. There is no need for each deputy to submit a separate request. Once approved, security or police related secondary employment may be worked by any deputy who is eligible to work secondary employment as outlined elsewhere in this policy.

B. Secondary security employment, for liability reasons, will be confined to Calvert County only.

C. A bureau commander can give verbal authorization to work a secondary employment location if there is not sufficient time to submit a *Secondary Employment Request for Authorization* in advance. However, the deputy will still submit the form through normal channels indicating that verbal approval was given.

D. All requests for secondary employment will be examined on an individual basis to ensure that no actual or potential conflicts exist within these guidelines.

1. The only types of secondary employment, which will be automatically disapproved, are employments that would be a conflict of interest with the Calvert County Sheriff's Office (i.e. towing service).

2. All other requests for secondary employment will be treated on an individual basis.

3. If a conflict exists with the Calvert County Sheriff's Office directives, the employee will be advised of the possibility of that conflict; and if circumstances permit, the Agency may place certain conditions, as appropriate, on the approval of secondary employment.

4. Permission granted to an employee for secondary employment can be terminated at any time by the Sheriff, the Assistant Sheriff, or a bureau commander.

E. The request, approved or denied, will be forwarded to the Office of Professional Standards for filing. The Office of Professional Standards will conduct a yearly audit of each secondary employment request.

4-1303 REVOCATION

The Sheriff or Assistant Sheriff may revoke official authorization for an employee to pursue secondary employment, if such employment conflicts with their official duties or constitutes a conflict of interest with the Calvert County Sheriff's Office.

A. Temporary authorization may also be revoked or denied when an employee has been placed on a light duty status, and the performance of the secondary employment may adversely affect the injury or illness.

B. Permission for secondary employment may be revoked if the employee's job performance falls below an acceptable level. The revocation will be made in writing.

4-1304 CONDITIONS FOR SECONDARY EMPLOYMENT

A. Deputies must bear in mind that they are sworn law enforcement officers, even when working in secondary employment, and that they must take appropriate enforcement or other action to safeguard life and property when circumstances demand such action.

B. Secondary employment may be approved for employees to work in a business, which sells and dispenses alcoholic beverages. Sworn employees are prohibited from either the direct selling or dispensing of alcoholic beverages, unless otherwise approved by either the Sheriff or Assistant Sheriff.

C. Employees will not be permitted to engage in secondary employment while on sick leave.

D. Secondary employment will not be approved, if it will interfere with the performance of an employee's official duties, including overtime assignments and response to emergency calls.

E. No sworn member of the CCSO shall engage in secondary employment while a student in the police academy and throughout the Field Training Officer Program.

F. Employees working secondary employment will wear the uniform of the day, or the approved secondary employment uniform approved by the Sheriff (i.e. black or gray BDU pants or shorts; and black or gray shirt with the Sheriff star logo on front, and Calvert County Sheriff written on back; black shoes or boots; and badge displayed at the waist or around the neck). Any modification to the secondary employment uniforms must be approved by the Sheriff or Assistant Sheriff and will be approved on a case by case basis.

G. When a deputy arrives at the location of his secondary employment, he will notify the Control Center of his location and that he is working secondary employment. When the deputy has completed his secondary employment, he will notify the Control Center.

H. All sworn members, while working secondary employment, shall conduct themselves in accordance with Agency rules, regulations and procedures.

I. The Office of Professional Standards will review all secondary employment requests on an annual basis to verify each deputy is conforming to the Agency policy for secondary employment.

J. Deputies shall not work more than 16 hours per day during their regular tour of duty. This includes:

1. Regularly scheduled tours of duty
2. Overtime
3. Secondary law enforcement employment
4. A combination of the aforementioned hours

This excludes: Off-duty court appearances

K. Deputy must notify supervisor in the event that they worked 16 hours in a 24-hour period. Deputies may work more than 16 hours per day for an operational necessity, if authorized by their supervisor.

4-1305 LIABILITIES

An injury or illness arising from secondary employment is not compensable by the County. Employees have only their personal, job provided insurance and County sick and vacation leave on which to rely for income while ill or injured. Serious illness or injury may result in being disqualified to resume employment with the Calvert County Sheriff's Office. The exception is an injury resulting from a bona fide law enforcement action taken while working at secondary employment.

4-1306 CRIMES WITNESSED BY DEPUTIES WHILE ENGAGED IN SECONARY EMPLOYMENT

If it becomes necessary to make an arrest as part of secondary employment, the deputy has two options:

1. The arrest can be processed by the arresting deputy.
2. If this is not practical, the arresting deputy can request an on-duty deputy, who will take control and follow through with the arrest.

4-1307 COMPENSATION

Deputies will only be compensated for activities relating to an arrest when the activity occurs outside of the time period in which the deputy is being compensated by the secondary employer. Example: A deputy is working secondary employment at a shopping center from 1800 until 2200. He makes an arrest at 2130 hours. He transports the prisoner to the Detention Center and completes the paperwork at 2300. The deputy would only be compensated by the Sheriff's Office from 2200 until 2300.

4-1308 AUTHORIZATION NON-SWORN EMPLOYEES

The Calvert County Code Chapter § 86-5-101 policy states the following:

"In order to conduct an orderly and efficient operation of the County Government, it is necessary that certain work rules be established. Work rules covering standards of conduct, as well as standard operating procedures are necessary to protect the health and safety of all employees, maintain uninterrupted service, and protect the County's good will and property. The following work rules shall be applicable to all County employees. These rules are not intended to be all inclusive."
For a complete listing of all work rules see Chapter 86, § 86-5-102 Rules.

For off-duty employment, number 10 of Chapter 86, § 86-5-102 states:

"Employees are required to report to the department head any off-duty employment. Employees shall not wear County uniforms to work at an off-duty job site. The department head has the right to reject any request for an off-duty employment if it conflicts with the employee's work or the best interest of the County."

Number 23 of Chapter 86, § 86-5-102 states:
"Employees shall comply with the Code of Ethics provisions as recommended by the Ethics Commission and adopted by the Board of County Commissioners."

Under the Calvert County Sheriff's Office policies and procedures, non-sworn employees are prohibited from working in any secondary employment capacity, which is prohibited to sworn employees, unless they can demonstrate no conflict with their duties or other detrimental influence will prevail because of their engagement in the off-duty employment. Non-sworn employees shall not wear uniforms or equipment associated with the employment with the Calvert County Sheriff's Office.

4-1400 LINE OF DUTY DEATH OR SERIOUS INJURY

The sudden and often violent death or serious injury of a loved one in the line of police duty can be a traumatic experience for survivors. This is a reminder of the dangers that deputies face every day they go to work. It can wreak emotional devastation on family, friends and other co-workers. The Calvert County Sheriff's Office has a responsibility to its personnel to be prepared to provide liaison assistance to the family of any member killed <u>or seriously injured</u> in the line of duty.

This policy establishes procedures to ensure the proper support and emotional care for a member's family following a line of duty death or serious injury. Many of the procedures delineated in this policy resulted from surveys of police survivors conducted by the Concerns of Police Survivors, Inc. (COPS).

In an effort to better assist Agency families affected by a tragedy, the *Line of Duty Death Information Form* can be found on the "T" drive under SO Forms. The information requested on the form is beneficial to the Agency in planning and assisting a grieving family. Once completed, the form will be submitted to the Executive Administrative Aide to be filed in the deputy's personnel file. Completion of this form is voluntary.

It should be noted that this policy is a fluid document and not all inclusive. The policy is dictated by the event; therefore, portions of this policy may only be applicable based on the circumstances.

4-1401 POLICY

The Sheriff or Assistant Sheriff will ensure liaison assistance is provided to the immediate survivors of a member who dies or is seriously injured in the line of duty. This assistance is provided whether the member was feloniously or accidentally killed or seriously injured while performing a police-related function, either on or off-duty and while he or she was an active member of the Agency. The Sheriff may institute certain parts of the policy for cases of a member's natural death. The Agency will also provide a clarification and comprehensive study of survivor benefits as well as emotional support during this traumatic period of readjustment for the surviving family. Funeral arrangements of the deceased member are to be decided by the family; their wishes dictating the level of the Agency's participation in the funeral.

In general, the affected employee's bureau commander or their designee will be responsible for the coordination of events following the line of duty death or serious injury of a deputy. Professionalism and compassion must be exhibited at all times as an obligation to the member's survivors and to the law enforcement community. In order to provide the best possible services and support for the member's family, specific tasks **may** be assigned to selected members of the Agency. Their titles are:

- Notification Officer
- Hospital Liaison Officer
- Family Liaison Officer
- Agency Liaison Officer
- Benefits Coordinator

An explanation of each of these responsibilities is contained in the policy. A member **may** be called upon to perform more than one role and may need to access other departmental staffing and resources to properly conduct the associated responsibilities.

4-1402 PROCEDURES AND RESPONSIBILITIES

A. Members who were on the scene or who arrived moments after a member was critically injured or killed should be relieved as quickly as possible.

B. Police witnesses and other personnel who may have been affected by the serious injury or death of another member **may** be directed by the Assistant Sheriff or their designee to meet with a trained mental health professional for psychological assistance/critical incident debriefing.

4-1403 NOTIFICATION OFFICER

A. It is the responsibility of the Sheriff to properly notify the next of kin of a member who has suffered severe injuries or died. The Sheriff may personally make the notification or designate a **Notification Officer** to inform the survivors.

B. Notification will be made in person and **never** alone. The Sheriff or a designee, police chaplain or close friend may accompany the **Notification Officer**. However, if the aforementioned persons are not readily available, notification should not be delayed until these people can gather. If there is an opportunity to get to the hospital prior to the demise of the member, do not wait for the delegation to gather. The family should learn of the death or injury from the Agency first and not from the press or other sources.

C. The Agency will not release the name of the member before the immediate family is notified.

D. If there is knowledge of a medical problem with an immediate survivor, medical personnel should be available at the residence at the time of the notification.

E. Make a reasonable effort to ensure notification is not made at the doorstep. Ask to be admitted into the house. Inform family members slowly and clearly of the information that you have. If specifics of the incident are known, the **Notification Officer** should relay as much information as possible to the family. Be sure to use the member's name during the notification. If the member has died, relay that information.

F. If the family requests to visit the hospital, they should be transported by police vehicle. It is highly recommended that the family not drive themselves to the hospital.

G. If young children are at home, the **Notification Officer** must arrange for baby-sitting needs. This may involve the transportation of children to a relative or friend's home, or similar arrangements.

H. Prior to departing for the hospital, the **Notification Officer** should notify the hospital staff and the **Hospital Liaison** (by telephone if possible) that a member(s) of the family is en route.

I. The deceased or injured member's parents should also be afforded the courtesy of personal notification whenever possible.

J. If immediate survivor's live beyond the Southern Maryland Region, the **Notification Officer** will ensure that the Calvert Control Center sends a METERS message to the appropriate jurisdiction, requesting a personal notification. The **Notification Officer** may choose to call the other jurisdiction by telephone in addition to the METERS message. Arrangements should be made to permit simultaneous telephone contact between the survivors and the Agency.

K. The Sheriff or a member of the Command Staff should respond to the residence or the hospital to meet with the family as quickly as possible.

L. In the event of an on-duty death, the external monitoring of police frequencies may be extensive. Whenever possible, communication regarding notification should be restricted to the telephone. If the media has obtained the member's name, they will be advised to withhold the information, pending notification of the next of kin.

4-1404 HOSPITAL LIAISON OFFICER

A. The first official, other than the Sheriff or his representative, to arrive at the hospital becomes the **Hospital Liaison**. The **hospital liaison** is responsible for coordinating the activities of the hospital personnel, the member's family, deputies, the press and others. These include:

1. Arranging with hospital personnel to provide an appropriate waiting facility for the family and others requested by the immediate family.

2. Arranging a separate area for fellow police officers to assemble.

3. Arranging a press staging area, if necessary.

4. Ensuring that medical personnel relay pertinent information regarding a member's condition to the family on a timely basis and before such information is released to others.

5. Notifying the appropriate hospital personnel that all medical bills relating to the injured or deceased member are directed to the Worker's Compensation representative or the Calvert County Sheriff's Office. This **may** require the **Hospital Liaison** to re-contact the hospital during normal business hours to ensure that proper billing takes place.

6. Notify the Agency's Worker's Compensation representative that a member has been seriously injured or killed.

7. Ensuring that the family is updated regarding the incident and the member's condition upon their arrival at the hospital and arranging transportation for the family back to their residence.

B. If it is possible for the family to visit the injured member before death, they should be afforded that opportunity. A Sheriff's Office chaplain or other official should prepare the family for what they might see in the emergency room and should accompany the family into the room for the visit if the family requests it. Medical personnel should advise the family of visitation policies and, in the event of death, explain why an autopsy is necessary.

C. A CCSO representative should remain at the hospital while the family is present.

D. Do not be overly protective of the family. Share with the family specific information as to how the member met his or her demise and allow them time with the deceased member.

4-1405 SUPPORT OF THE FAMILY

The Sheriff, or a designee, will meet with the member's family in their home to determine their wishes regarding Agency participation in the preparation of the funeral services. All possible assistance will be rendered.

4-1406 FAMILY LIAISON OFFICER

A. The selection of the **Family Liaison Officer** IS A CRITICAL ASSIGNMENT. An attempt should be made to assign someone who enjoyed a close relationship with the member and his or her family.

B. This is not a decision-making position, but a "facilitator" between the family and the Agency.

C. Responsibilities of the **Family Liaison Officer** include:

1. Ensuring that the needs of the family come before the wishes of the Agency.

2. Assisting the family with funeral or care arrangements and making them aware of what the Agency can offer. If they choose the latter, briefing the family on funeral procedure (i.e., presenting the flag, playing taps, firing party).

3. Apprising the family of information concerning the death or injury and the continuing investigation.

4. Providing as much assistance as possible, including assisting with travel and lodging arrangements for out of town family members; arranging for food for the family; meeting child care and transportation needs, etc., when needed.

5. Being constantly available for the family.

6. Determining what public safety, church, fraternal and labor organizations will provide in terms of financial assistance for out of town family travel, food for funeral attendees following the burial, etc.

7. Notifying Concerns of Police Survivors (COPS), (573) 346-4911. Members are available to provide emotional support to surviving families.

4-1407 AGENCY LIAISON OFFICER

The affected member's bureau commander or their designee will work with the Sheriff and Assistant Sheriff to effectively coordinate resources throughout the community and Agency.

Responsibilities of the **Agency Liaison Officer** include:

A. Working closely with the **Family Liaison Officer** to ensure that the needs of the family are fulfilled.

B. Assist the PIO in handling the news media throughout the ordeal. If the family decides to accept an interview, the PIO should attend to screen questions presented to the family so as not to jeopardize subsequent legal proceedings,

C. Meeting with the following persons to formulate a written itinerary for the funeral activities:

1. Sheriff and Command Staff
2. Funeral director
3. Family priest or minister
4. Cemetery director
5. Director, Calvert County Public Safety
6. Commander, Prince Frederick State Police Barrack
7. Calvert County Sheriff's Office Honor Guard Unit

D. Directing the funeral activities of the Agency and visiting police departments according to the wishes of the family,

E. Issuing a METERS message to include the following:

1. Name of deceased
2. Date and time of death

3. Circumstances surrounding the death
4. Funeral arrangements (indicate if services will be private or a police funeral)
5. Uniform to be worn
6. Expressions of sympathy in lieu of flowers
7. Contact person and phone number for visiting departments to call to indicate their desire to attend or to obtain further information.

F. Establishing a command center, if necessary, to coordinate information and response to the tragedy.

G. Determining if the family desires a burial in uniform and selecting a member to obtain a uniform and all accouterments (except weapons) and deliver them to the funeral home.

H. Assigning members for usher duty at the church.

I. Arranging for the delivery of the member's personal belongings to the family.

J. Briefing the Sheriff and command staff concerning all funeral arrangements.

K. Ensuring that the surviving parents are afforded recognition and that proper placement is arranged for them during the funeral and procession.

L. Coordinating traffic management with other jurisdictions/agencies during the viewing, funeral and procession and arranging for a tow truck to be available along the procession route.

M. Assigning a member to remain at the family home during the viewings and funeral.

N. Maintaining a roster of all agencies sending personnel to the funeral, including:

1. Name and address of responding agencies
2. Name of the Sheriff/Chief
3. Number of officers attending
4. Number of officers attending the reception after the funeral, and
5. Number of vehicles

O. Assisting in making the necessary accommodations for food, lodging, etc.

P. Acknowledging visiting and assisting agencies.

Q. Arranging for routine residence checks of the survivors' homes by Patrol deputies for six (6) weeks following the funeral. This service is necessary because large amounts of money may be passing through the residence and the survivors will be spending time away from the home dealing with legal matters. It also assures the family of the Agency's continued concern for them.

4-1408 BENEFITS COORDINATOR

The Assistant Sheriff will normally be assigned as the **Benefits Coordinator**. The **Benefits Coordinator** will gather information of benefits/funeral payments available to the family. The **Benefits Coordinator** is responsible for filing the appropriate benefit paperwork and following through with the family to ensure that these benefits are being received.

The **Benefits Coordinator** is responsible for:

1. Ensuring Worker's Compensation claims and related paperwork are completed.

2. Contacting the Calvert County Department of Finance and Budget, Risk Management Section, without delay to ensure that the beneficiary receives death and retirement benefits, the member's remaining paychecks and payment for remaining annual and compensatory time.

3. Gathering information on all benefit/funeral payments, to include the Federal Public Safety Officers' Benefits Act, and the Maryland Public Safety Officers Death Benefit, that is available to the family.

4. Setting up any special trust funds or education funds.

5. Notifying police organizations, such as the Fraternal Order of Police, of the death and ensuring that any entitlements are paid to the beneficiary.

6. Meeting with the surviving family a few days after the funeral to discuss the benefits they will receive.

7. Meeting again with the family in about six months to ensure they are receiving the benefits.

APPENDIX 4-A
EQUAL EMPLOYMENT OPPORTUNITY PLAN

1. COMMITMENT

The CCSO will conduct all its personnel activities in a manner which will assure equal opportunity for all persons on the basis of merit, without regard to political affiliation, race, color, religion, national origin, gender, marital status, age disability or other non-merit factor. This policy is consistent with the policy of the Calvert County Government, set out in its *Personnel Policies and Procedures Manual*, Part 2*,* Article II, § 86-1-201.

2. SCOPE

This policy applies to all employees and applicants and to all aspects of the employment process, including hiring, pay, benefits, assignment, promotion, transfer, layoff, training, and general personnel administration.

3. DISCRIMINATION PROHIBITED

A supervisory or managerial employee of the CCSO who violates this policy will be subject to the disciplinary process.

4. HARASSMENT PROHIBITED

The CCSO is committed to achieving and maintaining a workplace free of the effects of illegal harassment, including sexual harassment. That commitment is part of the policy set out and more fully described in the *Calvert County Personnel Policies and Procedures Manual (CCPPPM)*, Part 7.

5. APPEALS

A sworn employee who believes they have been discriminated against on one of the prohibited bases identified above, may file a grievance in accordance with the procedure described in Chapter 4 of the *CCSO Administrative and Operational Manual*. A civilian employee may file a grievance in accordance with CCPPPM, Part 10, Article II.

6. SPECIFIC ACTIONS

   a. Each year the Assistant Sheriff will review all complaints of discrimination which have been filed and any other relevant information (such as grievances, disciplinary actions, citizen complaints, etc.) and determine what changes should be made to this plan. The Assistant Sheriff will recommend to the Sheriff any changes, which are required for the plan in the new fiscal year.

   b. All employment-related notices, such as advertisements for vacancies, and all appropriate materials prepared by the CCSO for public distribution will indicate that the CCSO is an equal-opportunity employer. **(CALEA 31.2.3)**

APPENDIX 4-B
RECRUITMENT PLAN

1. INTRODUCTION

The Calvert County Sheriff's Office is an equal opportunity employer. Equal employment opportunity involves removing barriers that prevent people of all protected classes from being treated fairly for employment purposes. The second concept is the expectation that the agency's sworn workforce will be representative of the population of the service area relative to its composition of minorities and women. Where analysis demonstrates under-representation, the agency must develop a recruitment plan to address that under-representation.

Equal employment opportunity envisions fair and equal opportunities for all people. This plan involves proactive steps that will be taken to encourage members of under-represented groups to seek employment opportunities with the CCSO. This plan does not mandate quotas, nor does it lower legitimate job-related hiring standards of criteria. The CCSO will continue to exercise every effort to ensure that individuals who are hired are well qualified for the jobs involved.

2. PURPOSE

The purpose of this plan is to establish measurable objectives and specific action steps to address under-representation and achieve a sworn workforce that is representative of community composition.

3. COMMUNITY COMPOSITION

The following table is derived from the 2010 Census by the U.S. Census Bureau. It depicts Calvert County's composition in terms of race:

Race	2010 Census	Percentage	U.S. Percentage
White	72,231	81.4%	63.4%
Black	11,930	13.4%	13.1%
Hispanic	2,437	2.7%	16.7%
Other	2,139	2.5%	6.8%

The following table is derived from the 2010 Census by the U.S. Census Bureau. It depicts

Calvert County's composition in terms of gender:

Sex	2010 Census	Percentage	U.S. Percentage
Male	43,713	49.3%	49.2%
Female	45,024	50.7%	50.8%

4. SWORN PERSONNEL COMPOSITION

Race	As of October 1, 2012	Percentage
White	116	92.1%
Black	8	6.3%
Hispanic	2	1.6%

Sex	As of October 1, 2012	Percentage
Male	121	96.0%
Female	5	4.0%

According to the percentages of the Calvert County racial/gender composition, the following chart shows the groups, which are currently under-represented. They are marked with the symbol "●":

	White	Black	Hispanic	Male	Female
Sworn Personnel		●	●		●

5. STATEMENT OF OBJECTIVES

It is the mission of the Calvert County Sheriff's Office, as the primary law enforcement agency for Calvert County, to provide exceptional law enforcement services to the citizens of Calvert County and to prevent crime and the fear of crime through innovative law enforcement efforts. We will accomplish such tasks with the utmost professionalism, integrity, compassion and respect in order to maintain the highest standards of public trust and confidence.

In that endeavor, the Calvert County Sheriff's Office has the following recruitment objectives:

1. Seek out the most qualified applicants who have attributes and values consistent with the CCSO mission;

2. Achieve a sworn work force that is representative of the composition of Calvert

County's available work force;

3. Recruit prospective employees in a manner that is consistent with Equal Employment Opportunity which includes not disqualifying an applicant based on the applicant's race, religion, sex, sexual preference, marital status, pregnancy, color, political affiliation, or disability.

6. PLAN OF ACTION

To achieve these objectives, the Calvert County Sheriff's Office will:

1. Maintain a recruitment page on the CCSO website - www.CalvertCountySheriff.us to reach a large, broad audience including women and minorities;

2. Maintain continual acceptance of applications so that applicants can apply for sworn positions throughout the year;

3. Depict women and minorities in their recruitment literature;

4. Distribute job announcements or information regarding career opportunities with the Agency and/or participation in career fairs at local and regional universities and colleges, especially those educational institutions having criminal justice programs and a substantial student body of minorities and/or women;

5. Conduct recruiting at County events such as the County Fair and the CCSO Open House; and

6. Target recruitment efforts in areas of the community where prospective minority and female applicants are prevalent.

7. ANALYSIS OF PLAN

The Bureau of Administrative and Judicial Services Deputy Commander will conduct an analysis of the CCSO Recruitment Plan, as needed, to evaluate the progress made towards achieving the objectives. This analysis shall include:

1. monitoring the sex and race demographics for the Calvert County workforce and the Calvert County Sheriff's Office;

2. review the hiring and selection process to determine what events contributed to the successful or unsuccessful attempt at meeting those goals; and

3. querying applicants as to how they learned of the openings to determine which recruitment activities are successful.

Based on the analysis, the plan will be revised and reissued as needed.

APPENDIX 4-C
SELECTION GUIDELINES

1. POLICY

The Calvert County Sheriff's Office views recruitment and selection as one of its most important activities. The CCSO will attempt to identify and hire the best candidates available and not merely eliminate the least qualified. The benefits of successful recruitment and selection will be manifest in a lower rate of personnel turnover, fewer disciplinary problems, higher morale, better community relations, and more effective police services for the citizens of Calvert County.

In recognition of its goal to have a workforce, which reflects the community it serves, the CCSO has developed a separate Recruitment Plan, also found as an appendix to this Manual, to increase the employment of women and minorities in the CCSO.

These guidelines describe the procedures for the most commonly filled position in the CCSO: the entry-level deputy sheriff who will perform patrol duties. Adjustments will be made to the procedures described herein for other kinds of positions.

2. PURPOSE

To establish standard operating procedures, accountability and acceptable performance levels for background investigators in all phases of background investigations pertaining to applicants for the following positions:

Deputy Sheriff
Civilian applicants
Calvert County Government applicants, as requested/needed

3. RESPONSIBILITIES

All recruiting, background investigations, and hiring are a component of the Administrative and Judicial Services Bureau. The Bureau is responsible for:

- coordinating background investigations
- attending career fairs throughout the year
- administering entrance examinations
- interviewing applicants
- scheduling oral board interviews, polygraph, psychological and medical examinations
- maintaining application, background files, personnel and medical files
- the preparation of all personnel related paperwork
- maintaining contact with all applicants from initial application to final employment disposition
- ensuring new employees are in compliance with MPCTC standards
- preparing photo identifications for new employees
- adhering to the Agency recruitment plan

4. BACKGROUND INVESTIGATORS

Investigators will be qualified to conduct investigations and have been trained in the collection of information.

Investigators assigned will receive assignments from the Commander of the AJSB or their designee. Assignments consist of conducting background investigations on deputy sheriff; correctional officer; civilian applicants; volunteer applicants; requests from the Calvert County Department of Personnel; and requests from outside law enforcement agencies.

Investigators are required to perform the following job functions:

- Interview immediate family members in person
- Conduct a credit history check
- Fingerprint and photograph applicants
- Interview references, neighbors and employers
- Verification of at least three (3) personal references
- Verification of qualifying credentials
- Review of any criminal record
- Prepare complete, concise reports and make a recommendation or rejection based on the outcome of their investigation
- Maintain a professional appearance in representing the Office of the Sheriff
- Maintain contact with all applicants from initial application to final employment disposition

5. BASIC QUALIFICATIONS

The Maryland Police and Correctional Training Commissions set the minimum qualifications for law enforcement officers in the State of Maryland. They are:

- Age 21 at the time of certification;
- U.S. citizenship;
- High school graduate or GED; and
- Valid driver's license.

The MPCTC also imposes certain requirements upon the agency in connection with certification of an officer:

- Background and criminal history investigations;
- Physical and mental health examinations;
- Oral interview; and
- Drug screening.

6. UNIFORM TREATMENT OF APPLICANTS

All elements of the selection process for all candidates shall be administered, scored, evaluated, and interpreted in a uniform manner. No preference will be given to any candidate which does not derive from as objective as possible an analysis of his or her qualifications or suitability for the position.

7. DEPUTY SHERIFF PROCESSING

A. Advertise all vacancies (newspapers, radio, colleges, military, etc.). Coordinate with Personnel to advertise all vacancies on the CCG webpage. Vacancy announcements include: minimum qualifications or requirements, educational level, salary, equal opportunity announcement and filing deadlines.

B. Select a date and time and secure a location to administer both the physical agility and written entrance examinations for deputy sheriff.

C. Notify applicants that have previously submitted an application, via letter or email, of the date, time and location of testing. In order to recognize those who are disqualified because of drug use, included in the letter or email is a copy of the *MPCTC Substance Abuse Regulations*.

D. Order test booklets from vendor.

E. Obtain equipment, materials, and personnel to administer the physical agility and written tests (exercise mats, drag dummy, pencils, paper, etc.) at least two (2) days prior to test date.

F. Test Day: Applicants sign-in, show photo identification, and turn in the *Waiver of Liability form*. Screen all applications to ensure applicants meet the minimum requirements; introduce those administering the examinations; administer physical agility; administer the written examination to those who have passed the physical agility; hand out *The Hiring Process for the Calvert County Sheriff's Office*. Applicants may not be rejected based on minor admissions or deficiencies that can be corrected prior to the testing or interview process. Applicants who fail the physical agility test may reapply in six (6) months.

G. The next work day: Prepare files for each applicant; make a copy of each applicant's answer sheet for their respective file; mail original answer sheets, via overnight shipping, back to vendor for scoring. Used test booklets are shredded and unused test booklets are sent back to the vendor.

H. Upon receipt of the written test scores (pass/fail), via email from the vendor, mail a letter to those that did not obtain a minimum score of 70%; applicants who fail the written test may reapply in six (6) months; mail a letter to those obtaining a 70% or better score advising them that they did pass, as well as the date, time and location for them to appear before the oral interview board.

I. Upon conclusion of the interviews, the AJSB Commander will prepare a final numerical ranking by adding 40% of the written test percentage score to 60% of the interview percentage score and compile an applicant eligibility list. Those who have otherwise been eliminated for not meeting the minimum qualification standard at any time during the process, will be mailed a letter advising them that they may reapply in six (6) months. Those applicants who have been selected to go on to the next step in the process will be mailed a copy of the *Personal History Statement*. The applicant will be instructed to

complete the *Personal History Statement* in (10) business days and return it to their assigned background investigator.

J. As vacancies for deputy sheriffs occur, applicants will be scheduled for a polygraph examination. At this time the applicants are given a conditional "intent to hire" letter.

K. Investigators will then conduct a thorough background investigation in compliance with the Maryland Police and Correctional Training Commissions (MPCTC), General Regulations, Title 12, Subtitle 04, and COMAR 12.04.01; and prepare a complete report to be forwarded through the chain-of-command for approval. Investigators maintain contact with the applicant throughout the applicant process from initial application to final employment disposition.

L. Applicants passing the polygraph examination and background investigation, will be scheduled an appointment with the psychologist, and a medical examination. Applicants who fail to meet the minimum standards for hire at any time during the background process will be informed in writing of their disqualification and whether or not they are eligible to re-apply in the next hiring phase. Detection of deception on the polygraph test may not be the single determinant factor of non-hire or employment eligibility.

M. Applicant information will be entered into the CCSO Applicant Database and the applicant file is archived in a secure filing cabinet for seven (7) years. After seven (7) years the applicant file (includes background information, polygraph, medical and psychological exams) is destroyed, but the database information is retained. Upon hire, background folders are retained indefinitely in the deputy's personnel file by the Executive Administrative Aide.

8. DISQUALIFICATION OF APPLICANTS

Applicants may be disqualified at a number of points in the selection process, as information about them becomes available. Candidates will be informed in writing of their disqualification as soon as possible, but no later than 30 days after the determination.

While the following list is not all inclusive, it contains the principal reasons that a candidate may be found disqualified:

1. The applicant is not a citizen of the United States.

2. The applicant will not reach his or her 21st birthday before the end of Academy.

3. The applicant is not a high school graduate with a diploma or does not possess an equivalency certificate recognized by the State of Maryland.

4. The applicant may not carry a weapon under federal or Maryland law.

5. The applicant is unable to read or write the English language.

6. The applicant does not possess a valid Maryland driver's license at the time of appointment. Specific requirements of the applicant's driving record are as follows:

a. An applicant may not have been convicted, in any state, of perjury, or making false statements during driver's licensing procedures.

b. An applicant's license may not have been suspended, canceled or revoked in the three (3) years prior to application.

c. An applicant may not have been convicted of five (5) moving violations in the three (3) years prior to the application process.

7. The applicant is determined to be of good moral character and not convicted of a felony or of a crime involving moral turpitude by a thorough background investigation, including a fingerprint search conducted of local, state, and national fingerprint files.

8. The applicant has a history of excessive use of alcohol.

9. The applicant has a history of excessive use of drugs. The CCSO follows the MPCTC *Substance Abuse Regulations.* The applicant must conform to these standards and qualify under these regulations.

10. The applicant, by reason of conscience or belief, opposes the use of force when appropriate or necessary to fulfill their duties.

11. The applicant does not meet physical standards for the position, as determined by the examining physician.

    a. An applicant must have uncorrected vision of not less than 20-100 in either eye, correctable to 20-20, and normal color vision.

    b. An applicant must have normal hearing in each ear or corrected to normal hearing with a hearing device.

12. The applicant may not make a false statement of fact or practice deception in the application or the examinations.

9. CIVILIAN APPLICANT PROCESSING

A. As vacancies occur, the Sheriff will prepare a *Request to Staff* form and forward same to the Office of Personnel. The Office of Personnel forwards the request to Finance and Budget for approval of position funding; then on to the County Administrator for final approval. Upon approval, the Office of Personnel will post the vacancy announcement in the CCG webpage and in the local newspapers.

B. Once the vacancy announcement closes, the Office of Personnel will enter applicant information in their database. Applications will then be scored and interviewed by those individuals chosen by the AJSB Commander with final approval by the Sheriff.

C. The number of vacancies and the score assigned to each application will determine the number of applicants to be interviewed as approved by the Sheriff.

D. The applicants to be interviewed will be contacted by the Office of Personnel by telephone as to the date, time and place of interview.

E. After interviewing, the interview panel will total the applicant's application and interview score to come up with a numerical ranking and make a recommendation through the chain-of-command to the Sheriff.

F. The Office of Personnel will do reference checks (driver's license, employers, verify any college education, etc.) on the individual selected.

G. Once approved by the Personnel Director, the individual is notified by telephone with a job offer and that is followed up with a letter of employment.

10. CIVILIAN DUTY OFFICER PROCESSING

A. As vacancies occur, the Sheriff will prepare a *Request to Staff* form and forward same to the Office of Personnel. The Office of Personnel forwards the request to Finance and Budget for approval of position funding, then on to the County Administrator for final approval. Upon approval, the Office of Personnel will post the vacancy announcement in the CCG webpage and in the local newspapers.

B. Once the vacancy announcement closes, the Office of Personnel will enter applicant information in their database. Applications will then be scored, and a background investigation is begun on those individuals chosen by the AJSB Commander or their designee.

C. The number of vacancies and the score assigned to each application will determine the number of applicants to complete a background investigation and a polygraph examination.

D. The applicant(s) who successfully complete the investigation/polygraph and who is deemed a good candidate for the CDO position, will be chosen by the AJSB Commander or their designee with the approval of the Sheriff.

E. Once approved by the Personnel Director, the individual is notified by telephone with a job offer and that is followed up with a letter of employment.

11. EXECUTIVE ADMINISTRATIVE AIDE'S RESPONSIBILITIES

The Executive Administrative Aide is responsible for the following:

A. Tracking each authorized position within the Agency and maintaining the current status information as to whether the position is filled or vacant. The Executive Administrative Aide will prepare all *Request to Staff* forms and all other related forms, for all vacancies; retirements; resignations; terminations; promotions, etc. for Sheriff's signature, forwarding same to the Office of Personnel, MPCTC, and a copy to the appropriate employee's personnel file for permanent retention.

B. Hold all requests for leave; track Agency personnel's holiday leave, family sick leave usage to ensure employees have sufficient leave to substantiate the request.

C. Review and approve all work reports.

D. Work closely with the County Finance and Budget Office.

E. Assist, as directed by the AJSB Commander, with the promotional process.

F. Ensure that current personnel and medical files are maintained and secure at all times and have destroyed files in compliance with state and/or CCG guidelines.

12. THE HIRING PROCESS FOR DEPUTY SHERIFF

A. The steps taken in the hiring/background process are mandated by The Code of Maryland Regulations (COMAR), Title 12, Subtitle 04, Chapter 01, as defined by the Maryland Police and Correctional Training Commissions.

B. The above-mentioned steps are part of the *Personal History Statement* (PHS)/application which each selected applicant receives and completes as part of the process.

C. The purpose of the steps/background investigation are not only to satisfy the requirements set forth in COMAR, but also to determine an applicant's moral character; reputation; and financial and emotional stability; and to ensure they display the behaviors, both physically and mentally, necessary to perform the duties of a deputy sheriff.

D. Completed background investigations are maintained in the new hires' personnel file, which are subject to audit by the MPCTC, and locked in a file cabinet.

E. Both medical and psychological reports/results are maintained in the new hires' personnel file in a locked file cabinet, along with the background investigation.

F. The polygraph questionnaire and all materials related to the polygraph are kept separate from the personnel file. They are kept in a locked file room and locked file cabinet.

13. SECURITY AND DISPOSAL OF TESTING MATERIALS

A. The written examination portion of the test is ordered by the Assistant AJSB Commander and stored in a filing cabinet in a locked office accessible only by the AJSB Commander, Assistant Commander or designee.

B. Disposal of used examinations is handled by the vendor whom the examinations are obtained from, by mailing them back to the vendor; or they are shredded by the AJSB Administrative Aide on the day after testing.

C. Questions utilized for the oral interview board are securely maintained in electronic format.

D. Completed oral board questionnaires are maintained in the respective applicant's file in a locked file cabinet.

14. ORAL INTERVIEW

The purpose of the oral interview is to assess the ability of the candidates to communicate clearly and thoughtfully and to give them the opportunity to demonstrate their reasoning abilities. While the interview is necessarily a subjective process, that subjectivity is controlled to the extent that 1) a uniform set of questions is asked of all candidates; and 2) there are four interviewers present, each of whom rates each candidate's responses.

Interviewers should bear in mind that the oral interview is not a knowledge test. The primary purpose is to determine whether the candidate has the interpersonal skills and communications skills to function successfully as a deputy sheriff. Oral interviews will be administered as uniformly as possible to all candidates. To ensure uniformity in the way questions are asked, the interviewers will not vary from the text of the questions in the interview booklet.

Each interviewer will have a copy of the interview questions, in which he or she may make contemporaneous comments about and rate the candidate's responses. Immediately after the candidate leaves the interview, each interviewer will rate the candidate on his or her responses. The candidate's overall score on the oral interview will be determined by adding the scores assigned by each interviewer and dividing by four (4). That number will then be converted into a percentage score based on 100 percent.

15. POLYGRAPH

Applicants will be given a polygraph examination by a trained and qualified polygraph examiner. Admissions concerning moral attitudes and illegal activities made during polygraph testing will be reviewed as to their acceptability.

Although the results of the polygraph exam will not be used as the single determinant of employment status, deception to relevant questions during any part of the polygraph examination may eliminate the applicant from further consideration.

If the applicant is currently a correction deputy at the Calvert County Detention Center and was given a polygraph examination within the last three years, the polygraph supervisor will review the entire applicant's prior polygraph folder. The polygraph supervisor will determine if an additional examination is required based on the applicant's polygraph booklet, the recorded charts, and the results of the polygraph examination.

Specific questions will be provided just prior to and at the location of the test so that candidates will have sufficient time to review and understand what will be asked of them.

16. DRUG TESTING

Drug screening/testing for seven different controlled dangerous substances is conducted by a licensed physician as mandated by the MPCTC. Specimens are then sent through Quest Diagnostics Courier to a licensed lab, where they are tested and read.

The results of the drug test are maintained in the personnel folder in a locked file in the Sheriff's Office.

17. PSYCHOLOGICAL TEST

The psychological testing is done by a licensed psychologist and the results of it are also interpreted by them. The testing is done at the expense of the CCSO. The results of the psychological test are maintained in the personnel folder in a locked file in the Sheriff's Office.

18. PHYSICAL EXAMINATION

Prior to being selected, the applicant will submit to a physical examination by a licensed physician, at CCSO expense. To ensure proper interpretation and defensibility, only licensed physicians will be used to certify the general health of candidates.

The physical examination of each candidate will be conducted using valid, useful, and nondiscriminatory procedures. The examining physician, selected by the CCSO, will examine the health of the candidate to identify any medical problems which might inhibit work performance, shorten a career, or contribute to work-related disabilities.

The results of the physical examination are maintained in the personnel folder in a locked file or office in the Sheriff's Office.

19. RE-APPLICATION, RE-TESTING, AND RE-EVALUATION

At the time of their application, candidates will be informed that if they are not appointed to probationary status (employed) they are permitted to reapply, retest, and be re-evaluated for future positions, provided they meet the general requirements of the CCSO selection procedure. Candidates will be required to reapply for consideration.

20. COMPENSATION, BENEFITS AND CONDITIONS OF WORK

Sheriff's Office employees receive a salary and compensation package in accordance with the CCG pay scale for deputy sheriffs and civilians. The salary and benefits package includes, but is not limited to leave, overtime, compensatory time, health insurance, life insurance, death benefits, educational benefits, retirement, etc.

THE HIRING PROCESS FOR THE CALVERT COUNTY SHERIFF'S OFFICE

Deputy positions open to the public are advertised in a local newspaper, on local cable television (Channel 6), the Internet (www.calvertcountymd.gov), and occasionally in other publications. Positions are also posted on the bulletin board outside of the Calvert County Office of Personnel.

Applications are accepted only for positions that are being advertised. A separate *Calvert County Government Employment Application* must be completed for each position when it is advertised (even those with the same title). Application can be made online at www.calvertcountymd.gov, by mail, or you may pick one up by the bulletin board outside of the Office of Personnel (150 Main Street, Prince Frederick, MD 20678). All applicants must complete an application form and respond to the supplemental questions. Other supporting information may be attached. Applications must be submitted online, returned in person or postmarked-by the closing date. If the application is submitted electronically or by mail, an acknowledgment via email or U.S. mail will be provided. If the application is returned in person, a receipt will be given at that time.

Applicants are notified either in writing or email of the date, place, and time to take the physical agility and written examinations by Administrative and Judicial Services personnel, or the County Office of Personnel. A record will be kept of those applicants notified.

A career as a law enforcement officer is both physically and intellectually demanding. The physical agility test assists in determining the applicant's ability to perform similar type physical activities a law enforcement officer is likely to encounter, i.e. running, jumping, physical strength and endurance. Those successfully passing the physical agility test take the written examination immediately afterwards.

The written test helps to determine an individual's ability to write or comprehend what they are reading. It helps to determine an applicant's intellectual baseline and assists in predicting their ability to complete the rigorous academic program of the entrance level academy. The applicant must score at least a 70% to continue to the next step of the hiring process. If there is a large pool of applicants to choose from, the required written test score may be higher in order to narrow the field.

Within 30 days after the testing, the applicants are notified in writing as to whether or not they passed the written examination. Those who passed will also be informed of the date of their oral board interview. The oral board interview is important, as it assists in determining an individual's ability to communicate and think quickly. This is important for a law enforcement officer, since a majority of their work requires good communication skills and many decisions are made with very little time, and only the information available at the time.

The scores of the physical ability test, the written examination and oral board interview are combined to establish a numerical eligibility list. This is done by adding 33% of the physical ability score, 33% of the written score and 34% of the oral board interview. For example, if an applicant scored 90% on the physical ability test, 80% on the written test and 75% on the

interview, their final score would be 81.6%. A list of the highest scoring applicants will be established, and they will be forwarded to the polygraph examination. The polygraph examination is a requirement of the MPCTC. It assists the Agency in determining the truthfulness of an applicant. Integrity and honesty are very important attributes of a deputy sheriff, as they help to determine their credibility, which is important when testifying in court.

At the polygraph appointment, the applicant will receive a copy of the *Personal History Statement*. Once the applicant receives confirmation that the polygraph was completed successfully, the *Personal History Statement* should be completed and returned to the assigned background investigator.

The background investigation consists of contacting employers, references, neighbors, etc. The background investigation involves a thorough investigation of the applicant to determine their emotional maturity levels, as well as their integrity and honesty. It is important that the Sheriff's Office hire only those applicants who have strong moral values, who are professional and have integrity.

As positions become vacant, applicants are notified by telephone of the date they will be given a conditional job offer, as well as physical and psychological examinations and drug screening. The drug screening is also required as a condition of employment by the MPCTC. Applicants **must** be 21 years of age in order to enter the law enforcement academy after hire.

The mental and physical well-being of an applicant is important due to the physical and mental demands placed on law enforcement officers throughout their career. The psychological examination helps to determine an applicant's emotional maturity and their ability to handle stress. It also helps to determine their propensity for violence, as well as their temperament.

A law enforcement officer encounters many demands throughout their career, both physically and emotionally. The body's ability to cope with these physical and emotional conditions, such as strenuous work or stress, is predicated on its physical condition. The physical examination will help determine the applicant's physical condition and their ability to handle the physical and emotional demands of the job.

The entire hiring process may take from three (3) to six (6) months, and in some cases the process may be shorter or longer. The Sheriff's Office will maintain contact with all applicants throughout the hiring process in order to provide every applicant with an equal opportunity of employment.

If the applicant is offered a position, they will serve a two (2) year probationary period upon initial appointment. If an applicant is currently certified in the State of Maryland, their probationary period will begin on their date of hire. If an applicant is certified in another jurisdiction and is required to attend comparative compliance training, then their probationary period begins upon graduation from such training. This is mandatory for all new employees, whether they are former or currently certified police officers from Maryland or any other jurisdiction.

Applicants not successfully passing any phase of the process may reapply, if eligible, and will be required to repeat the process in its entirety. All applicants will be notified in writing of their disposition when they may reapply. Those applicants who are not eligible to reapply will be

notified in writing also. However, the specific reason as to why the applicant was not offered a position will not be provided in this letter. The applicant may inquire of the AJSB Commander or designee as to the specific reason they were not offered a position so that they may rectify the issue in future applications. Applicants who believe the Calvert County Sheriff's Office violated equal employment opportunity laws may contact the Baltimore, Maryland office of the United States Equal Employment Opportunity Commission.

The Calvert County Sheriff's Office is an equal opportunity employer and does not discriminate on the basis of race, sex, creed, color, age, religion, national origin, or physical impairment.

APPENDIX 4-D
DISCIPLINARY MATRIX

CATEGORY "A" VIOLATIONS
(Lowest Level)

APPLICATION:

- First occurrence of a category "A" violation
- Second and/or subsequent violations, within a 12 consecutive month period, may be handled as Category "B" violations

CORRECTIVE AND/OR DISCIPLINARY ACTIONS:

- Training and/or education
- Other non-disciplinary actions
- Mediation
- Written counseling
- Physical examination
- Other non-disciplinary actions
- Psychological Services

CATEGORY "B" VIOLATIONS

APPLICATION:

- First occurrence of a category "B" violation
- Second/subsequent violations of category "A" will be addressed herein
- Subsequent violations of category "B" within 24 consecutive months may move a third such violation to category "C"

DISCIPLINE RANGE:

- Written reprimand and/or loss of leave/suspension without pay for one day and/or a fine of $100.00.

CATEGORY "C" VIOLATIONS

APPLICATION:

- First occurrence of a category "C" violation
- Subsequent violations from category "B" will be handled herein
- Subsequent violations of category "C" within 36 consecutive months may move a third such violation to category "D"

DISCIPLINE RANGE:

- Two to three days loss of leave or suspension without pay and/or a fine of $101.00 to $250.00

CATEGORY "D" VIOLATIONS

APPLICATION:

- First occurrence of a category "D" violation
- Subsequent violations of category "C" may be applied to this category
- Subsequent violations of category "D" within 48 consecutive months will be moved to category "E"

DISCIPLINE RANGE:

- Four – 15 days loss of leave/suspension without pay, transfer and/or fine of $251.00 or more

CATEGORY "E" VIOLATIONS
(Highest Level)

APPLICATION:

- First occurrence of a category "E" violation
- Subsequent violations of category "D" may be applied to this category.
- Subsequent violations of category "E" may be cause for dismissal.

DISCIPLINE RANGE:

- More than 15 days loss of leave/suspension without pay and/or fine of $500.00 or more and/or demotion or dismissal.

APPENDIX 4-D

DISCIPLINARY MATRIX

STANDARDS OF CONDUCT	CATEGORY				
	A	B	C	D	E
Agency personnel inappropriate comments, ridicule of others, etc.		X			
Rude or discourteous actions toward other CCSO employees or the public.			X		
Creating rumors designed to affect morale or undermining the Sheriff's authority.		X			
Use of profane/obscene language or gestures.			X		
Unbecoming conduct.	X	X	X	X	X
Abuse of law enforcement powers or position.					X
Intentional misrepresentation or lying allegations.					X
Off-duty police action.		X			
Insubordination.					X
Obedience to laws, regulations, and orders.					X
Employees shall not become affiliated with any person or organization with questionable character or is known to be involved with criminal activity.				X	
Engaging in sexual behavior on duty.					X
Sexual behavior in Agency vehicle/facility – off duty.					X
Use of illicit / illegal, controlled, dangerous substances.					X
Consuming alcoholic beverages on duty, except for official duties, without the approval of the Sheriff or Assistant Sheriff.					X
Deputy will not be intoxicated in a public place when off-duty to the extent that it discredits the Agency or deputy.				X	
Employee providing alcohol to minors.					X
Deputy reporting for duty with the odor of an alcoholic beverage about his / her person.					X
Drug Test – Positive Result					X
Deputy reporting for work or duty as a law enforcement officer when alcohol, medication, or other substances has impaired his / her judgment or physical condition.					X

SECONDARY EMPLOYMENT VIOLATIONS	CATEGORY				
	A	B	C	D	E
Engaging in secondary employment while on duty.					X
Engaging in secondary employment while on sick leave.				X	
Engaging in secondary employment without authorization.		X			
Engaging in secondary law enforcement/security employment while suspended from duty.					X
Failure to wear approved secondary employment uniform, unless authorized by the Sheriff.	X				

EXCESSIVE FORCE & BRUTALITY	CATEGORY				
	A	B	C	D	E
Unnecessary Force – Force inappropriate to effect arrest or control situations; includes force when none is necessary.				X	
Aggressive Force – Force unreasonable in scope, duration, or severity under circumstances (continued use of force when resistance has ceased).				X	
Excessive Force – Intentional malicious, unjustified use of force resulting in injury or potential for injury.					X

PRISONER- RELATED VIOLATIONS	CATEGORY				
	A	B	C	D	E
Failing to search prisoner incident to arrest.			X		
Improper search of prisoner.		X			
Failure to secure prisoner in designated detention area of CCSO, i.e., prisoner processing area / interview room.			X		
Failure to utilize prisoner restraining device.			X		
Allowing escape of prisoner due to improper procedure/negligence.			X		
Failing to arrange medical treatment for a prisoner.				X	
Improper prisoner security within airport, or during commercial air flight.				X	
Failure to notify superintendent of schools within 24hrs of the arrest of a student that is enrolled in school for a reportable offense or an offense that is related to the student's membership in a criminal gang.			X		
Failure to properly process arrested juveniles, i.e., print cards & photograph.			X		
Juvenile held in a secure area for more than six hours.			X		
Failure to complete CCSO detainee log when necessary.		X			
Failure to document prisoner's personal property on CCSO arrest report.			X		

AGENCY VEHICLES & EQUIPMENT	CATEGORY				
	A	B	C	D	E
Failure to properly maintain and care for Agency-issued vehicle & equipment.		X			
Damaging Agency-issued equipment (unintentional).	X				
Loss of Agency-issued equipment, restitution and punishment.	X				
Damage to Agency vehicle and/or equipment (**intentional**).					X
Operating Agency vehicle without using safety restraint.	X				
Damage to Agency vehicle and/or other property while under the influence of alcohol as cited under Maryland or other State law.					X
Damage to Agency vehicle through reckless driving.				X	
Leaving Agency vehicle unattended without a valid reason, except for a K-9 vehicle, when the dog is in the vehicle during inclement weather or high temperatures.		X			
Operating or taking Agency vehicle out of the County without authorization.		X			
Failure of deputy to wear appropriate attire to perform a police function while operating their agency vehicle on or off-duty.		X			
Employee operating a CCSO vehicle with alcohol in their system without written approval from the Sheriff.				X	
Employee operating a CCSO vehicle while under the influence of alcohol, medication, or a controlled dangerous substance.					X
Altering or modifying CCSO equipment without written approval from the Sheriff.		X			
Agency vehicle accident at fault.	X	X	X	X	X
Failure to report Agency vehicle accident.					X
Failure to check Agency vehicle for weapons & contraband at the beginning and end of each shift, and prior to and after transporting prisoner(s).		X			
Improperly transporting a prisoner(s) in an Agency vehicle.		X			
Intentionally turning off video/audio equipment in performance of duty.					X
Failure to maintain mobile digital video camera equipment per agency policy.		X			
Operating Agency vehicle while on sick leave, light duty status w/o authorization, or on suspension.		X			
Failure to have Agency vehicle serviced when required.		X			
Failure to carry CCSO approved firearm when operating an agency vehicle.		X			
Improper use of Agency vehicle radio.	X				
Intentionally erasing video footage and/or audio transmissions from MDVR equip					X
Talking on a cellphone without utilizing a hands-free device while operating an Agency vehicle in a non-emergency situation.	X				
Reading, composing, or viewing email or text messages while operating an Agency vehicle that is in motion.		X			

INVESTIGATIONS & REPORT VIOLATIONS	CATEGORY				
	A	B	C	D	E
Failure to conduct preliminary and follow-up investigations.				X	
Dissemination of information to unauthorized people.					X
Dissemination of NCIC / METERS information to unauthorized people.					X
Submitting late reports.		X			
Submitting inaccurate reports.			X		
Failure to submit required report.				X	
Intentionally lie/falsify any CCSO report or other document, i.e., work report, productivity report, Case Report, citations, warnings, etc.					X
Failure to return Case Reports, warrants or other reports when required to do so.		X			
Removal of official Agency reports or other documents from Agency property without approval of the Sheriff or Assistant Sheriff.					X
Obstructing or hindering a criminal investigation.					X
Obstructing or hindering an internal affairs or administrative investigation.					X
Failure to comply with interrogations, polygraph, urine sample, line-ups, and other tests (LEOBR) apply.					X

EVIDENCE & PROPERTY VIOLATIONS	CATEGORY				
	A	B	C	D	E
Failure to secure and/or process evidence at crime scene.				X	
Failure to properly store, or release evidence.				X	
Failure to properly store money or CDS prior to completing tour of duty.				X	
Failure to properly store, or release property.				X	
Failure to conduct a property inventory of vehicles that are stored.			X		
Failure to return evidence or other CCSO property when required to do so.		X			
Converting property/evidence to personal use.					X

HARASSMENT, DISCRIMINATION & WORK PLACE VIOLENCE	CATEGORY				
	A	B	C	D	E
Sexual harassment/discrimination.					X
Racial harassment/discrimination.					X
Religious/ethnic harassment/discrimination.					X
Sexual orientation harassment/discrimination.					X
All other harassment/discrimination.					X
No employee shall engage in workplace violence.					X

FIREARMS & TASER VIOLATIONS	CATEGORY				
	A	B	C	D	E
Firearms discharge contrary to Agency use of force policy – on/off duty.					X
Carrying unauthorized firearm – on/off duty.			X		
Carrying unauthorized ammunition – on/off duty.			X		
Failure to secure firearm – on/off duty.			X		
Failure to properly maintain firearm.		X			
Failure to report firearm discharge.					X
Negligent handling of firearm resulting in discharge.			X		
Allowing unauthorized person to handle Agency-issued firearm.				X	
Failure to request medical attention after taser deployment.			X		
Use of taser unlawfully to threaten, coerce, harass, taunt, abuse, or any form of horseplay.					X

NEGLECT OF DUTY	CATEGORY				
	A	B	C	D	E
Failure to maintain proper dress code for non-uniformed personnel.	X				
Failure to wear proper uniform, hat, equipment, etc.	X				
Failure of uniformed personnel to be properly dressed when starting tour of duty.	X				
Failure to notify or report to duty assignment.				X	
Abusing sick leave privileges.				X	
Failure to report use of prescription medications labeled with caution statement, to wit, do not operate machinery, operate a vehicle, etc., or that which would impair the employee's ability to perform their assigned duties.				X	
Sleeping on duty.			X		
Failure of supervisor to take necessary supervisory action.			X		
Failure to report for court.			X		
Failure to submit issued citations at end of tour of duty in which they are written.			X		
Failure to appropriately record witness information on issued citation.		X			
Failure to process a complaint against personnel.				X	
Cover up a complaint against personnel.					X
Lateness to duty assignment.	X				
Failure to answer Sheriff's Department radio.	X				
Failure to assist/back-up other officers.					X
Failure to terminate a vehicle pursuit when there is unnecessary risk to the public, risk is inconsistent with the severity of the violation, or environmental conditions are not conducive to continue a safe pursuit.					X
Intentionally turning off body worn camera during performance of duty.					X
Failure to activate body worn camera during performance of duty.	X	X	X	X	X
Failure to perform duties as required or directed by law, agency policy or procedures, or by order of a superior officer.	X	X	X	X	X

CRIMINAL / TRAFFIC VIOLATIONS	CATEGORY				
	A	B	C	D	E
Misdemeanor/serious traffic violations that could result in incarceration.					X
Driving while intoxicated/under the influence of alcohol, prescription drugs – on/off duty.					X
Failure to notify supervisor when points are assessed on your Maryland driver's license.	X				

MISCELLANEOUS	CATEGORY				
	A	B	C	D	E
Unauthorized ride-along.			X		
Using of official position for financial/personal gain.					X
Agency employee violating personal grooming policy.	X				
Association with persons of questionable character.			X		
Unauthorized use of the NCIC, MILES, CJIS systems.					X
Improper use of the internet contrary to Calvert County Government policy.		X			
Abuse of long-distance phone calls pertaining to personal issues.		X			
Failure to maintain department work station – includes Sheriff's Office sub-stations.	X				
Failure of deputy to supply identification as required.	X				
Employee engaged in political activity in violation of Agency policy.			X		
Failure to follow chain of command.			X		
Employees shall not bring or keep any intoxicants on Agency premises, except when necessary in the performance of their duties.		X			
Failure to make reasonable effort to meet financial responsibilities.		X			
Buying/selling any item of value to victim, complainant, suspect, defendant, prisoner, other involved person in any case which has come to their attention during the investigation, unless authorized by the Sheriff.			X		

Accepting gratuities contrary to Agency policy.		X			
Violation of the use of tobacco products.	X				
Failure of deputy to notify the Assistant Sheriff within 24hrs after being named as a defendant in a civil lawsuit.		X			
MISCELLANEOUS	**CATEGORY**				
	A	**B**	**C**	**D**	**E**
Unauthorized roadblock during a vehicle pursuit.			X		
Engaging in a vehicle pursuit with a non-sworn passenger aboard.			X		
Officers and employees shall address one another using rank or title while in public view.	X				
Failure of a sworn employee to escort a member of the public who has entered the secure area of the CCSO through the stationary metal detector.		X			
Deputy will not provide emergency escorts for private vehicles.		X			
Employees shall not use their official status, name or photograph to endorse any product or service connected with law enforcement for person gain without permission from the Sheriff.		X			
Failure to promptly report to the Sheriff through the shift supervisor, damage to real or personal property while in the execution of official duties.		X			
Failure to follow procedures for a stop transmitting radio code (10-3).	X				

APPENDIX 4-E

LAW ENFORCEMENT OFFICERS'

BILL OF RIGHTS

Md. PUBUC SAFETY Code Ann.§ 3-101

Annotated Code of Maryland
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*** Statutes current through January 1, 2017 and all chapters of the 2016 Regular Session of the Maryland General Assembly ***

PUBUC SAFETY
TITLE 3. LAW ENFORCEMENT
SUBTITLE 1. LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

Md. PUBLIC SAFETY Code Ann. § 3-101 (2017)

§ 3-101. Definitions

(a) In general. -- In this subtitle the following words have the meanings indicated.

(b) Chief. --

(1) "Chief means the head of a law enforcement agency.

(2) "Chief includes the officer designated by the head of a law enforcement agency.

(c) Hearing. --

(1) "Hearing" means a proceeding during an investigation conducted by a hearing board to take testimony or receive other evidence.

(2) "Hearing" does not include an interrogation at which no testimony is taken under oath.

(d) Hearing board. -- "Hearing board" means a board that is authorized by the chief to hold a hearing on a complaint against a law enforcement officer.

(e) Law enforcement officer. --

(1) "Law enforcement officer" means an individual who:

(i) in an official capacity is authorized by law to make arrests; and

(ii) is a member of one of the following law enforcement agencies:

1. the Department of State Police;

2. the Police Department of Baltimore City;

3. the Baltimore City School Police Force;

4. the Baltimore City Watershed Police Force;

5. the police department, bureau, or force of a county;

6. the police department, bureau, or force of a municipal corporation;

7. the office of the sheriff of a county;

8. the police department, bureau, or force of a bi-county agency;

9. the Maryland Transportation Authority Police;

10. the police forces of the Department of Transportation;

11. the police forces of the Department of Natural Resources;

12. the Field Enforcement Bureau of the Comptroller's Office;

13. the Housing Authority of Baltimore City Police Force;

14. the Crofton Police Department;

15. the police force of the Department of Health and Mental Hygiene;

16. the police force of the Maryland Capitol Police of the Department of General Services;

17. the police force of the Department of Labor, Licensing, and Regulation;

18. the police forces of the University System of Maryland;

19. the police force of Morgan State University;

20. the office of State Fire Marshal;

21. the Ocean Pines Police Department;

22. the police force of the Baltimore City Community College;

23. the police force of the Hagerstown Community College;

24. the Internal Investigation Unit of the Department of Public Safety and Correctional Services;

25. the Warrant Apprehension Unit of the Division of Parole and Probation in the Department of Public Safety and Correctional Services; or

26. the police force of the Anne Arundel Community College.

{2) "Law enforcement officer" does not include:

{i) an individual who serves at the pleasure of the Police Commissioner *of* Baltimore City;

(ii) an individual who serves at the pleasure of the appointing authority of a charter county;

(iii) the police chief of a municipal corporation;

(iv) an officer who is in probationary status on initial entry into the law enforcement agency except if an allegation of brutality in the execution of the officer's duties is made;

(v) a Montgomery County fire and explosive investigator as defined in § 2-208.1 of the Criminal Procedure Article;

(vi) an Anne Arundel County or City of Annapolis fire and explosive Investigator as defined in § 2-208.2 of the Criminal Procedure Article;

(vii) a Prince George's County fire and explosive investigator as defined in § 2-208.3 of the Criminal Procedure Article;

(viii) a Worcester County fire and explosive investigator as defined in § 2-208.4 of the Criminal Procedure Article; or

(ix} a City of Hagerstown fire and explosive investigator as defined in § 2-208.5 of the Criminal Procedure Article.

HISTORY: An. Code 1957, art. 27, § 727(a}-(c), (d)(l), (e), {g); 2003, ch. 5, § 2; 2004, ch. 377; 2005 ı ch. 25, § 6; chs. 283, *463* ı 532; 2006,chs. 305, 417; 2007 ı ch. 410, § 2; ch. 619; 2008, chs. 428, 429; 2009, ch. 389; 2011, chs. 39, 366; 2014,ch. 148; 2015, ch. 302.

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Md. PUBUC SAFETY Code Ann. § 3-102

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PUBUC SAFETY
TITLE 3. LAW ENFORCEMENT
SUBTITLE 1. LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

Md. PUBLIC SAFETY Code Ann. § 3-102 (2017)

§ 3-102. Effect of subtitle

(a) Conflicting law superseded. -- Except for the administrative hearing process under Subtitle 2 of this title that relates to the certification enforcement power of the Police Training Commission, this subtitle supersedes any other law of the State, a county, or a municipal corporation that conflicts with this subtitle.

(b) Preemption of local law. --Any local law is preempted by the subject and material of this subtitle.

(c) Authority of chief not limited. -- This subtitle does not limit the authority of the chief to regulate the competent and efficient operation and management of a law enforcement agency by any reasonable means including transfer and reassignment if:

(1) that action is not punitive in nature; and

(2) the chief determines that action to be in the best interests of the internal management of the law enforcement agency.

HISTORY: An. Code 1957, art. 27, §§ 728(c), 7348; 2003, Ch. 5, § 2; 2011, Ch. 65 , § 5.

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Md. PUBUC SAFETY Code Ann.§ 3-103

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PUBLIC SAFETY
TITLE 3. LAW ENFORCEMENT
SUBTITLE 1. LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

Md. PUBLIC SAFETY Code Ann. § 3-103 (2017)

§ 3-103. Rights of law enforcement officers generally

(a) Right to engage in political activity. --

(1) Subject to paragraph (2) of this subsection, a law enforcement officer has the same rights to engage in political activity as a State employee.

(2) This right to engage in political activity does not apply when the law enforcement officer is on duty or acting in an official capacity.

(b) Regulation of secondary employment. -- A law enforcement agency:

(1) may not prohibit secondary employment by law enforcement officers; but

(2) may adopt reasonable regulations that relate to secondary employment by law enforcement officers.

(c) Disclosure of property, income, and other information-- A law enforcement officer may not be required or requested to disclose an item of the law enforcement officer's property, income, assets, source of income, debts, or personal or domestic expenditures, including those of a member of the law enforcement officer's family or household, unless:

(1) the information is necessary to investigate a possible conflict of interest with respect to the performance of the law enforcement officer's official duties; or

(2) the disclosure is required by federal or State law.

(d) Retaliation. --

(1) A law enforcement officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to the law enforcement officer's employment or be threatened with that treatment because the law enforcement officer:

(i) has exercised or demanded the rights granted by this subtitle;

(ii) has lawfully exercised constitutional rights; or

(iii) has disclosed information that evidences:

1. gross mismanagement;

2. a gross waste of government resources;

3. a substantial and specific danger to public health or safety; or

4. a violation of law committed by another law enforcement officer.

(2) A law enforcement officer may not undertake an independent investigation based on knowledge of disclosures described in paragraph (1)(iii) of this subsection.

(e) Right to sue. --A statute may not abridge, and a law enforcement agency may not adopt a regulation that prohibits the right of a law enforcement officer to bring suit that arises out of the law enforcement officer's duties as a law enforcement officer.

(f) Waiver of rights. -- A law enforcement officer may waive in writing any or all rights granted by this subtitle.

HISTORY: An. Code 1957, art. 27, §§ 728(a), (b)(11), 729, 729A, 733, 7340; 2003, Ch. 5, § 2; 2016, Ch. 519, § 1.

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Md. PUBLIC SAFETY Code Ann. § 3-104

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Md. PUBLIC SAFETY Code Ann. § 3-104 (2017)

§ 3-104. Investigation or interrogation of law enforcement officer

(a) In general. --The investigation or interrogation by a law enforcement agency of a law enforcement officer for a reason that may lead to disciplinary action, demotion, or dismissal shall be conducted in accordance with this section.

(b) Interrogating or investigating officer. -- For purposes of this section, the investigating officer or interrogating officer shall be:

(1) a sworn law enforcement officer; or

(2) if requested by the Governor, the Attorney General or Attorney General's designee.

(c) Complaint that alleges brutality. --

(1) A complaint against a law enforcement officer that alleges brutality in the execution of the law enforcement officer's duties may not be investigated unless the complaint is signed and sworn to, under penalty of perjury, by:

(I) the aggrieved individual;

(ii) a member of the aggrieved individual's immediate family;

(iii) an individual with firsthand knowledge obtained because the individual:

1. was present at and observed the alleged incident; or

2. has a video recording of the incident that, to the best of the individual's knowledge, is unaltered; or

(iv) the parent or guardian of the minor child, if the alleged incident involves a minor child.

(2) Unless a complaint is filed within 366 days after the alleged brutality, an Investigation that may lead to disciplinary action under this subtitle for brutality may not be initiated and an action may not be taken.

(d) Disclosures to law enforcement officer under investigation. --

(1) The law enforcement officer under investigation shall be informed of the name, rank, and command of:

(i) the law enforcement officer in charge of the investigation;

(ii) the interrogating officer; and

(iii) each individual present during an interrogation.

(2) Before an interrogation, the law enforcement officer under Investigation shall be informed in writing of the nature of the investigation.

(e) Disclosures to law enforcement officer under arrest-- If the law enforcement officer under interrogation is under arrest or Is likely to be placed under arrest as a result of the interrogation, the law enforcement officer shall be informed completely of all of the law enforcement officer's rights before the interrogation begins.

(f) Time of interrogation. -- Unless the seriousness of the investigation is of a degree that an immediate interrogation is required the Interrogation shall be conducted at a reasonable hour, preferably when the law enforcement officer is on duty.

(g) Place of interrogation. --

(1) The interrogation shall take place:

(i) at the office of the command of the investigating officer or at the office of the local precinct or police unit in which the incident allegedly occurred, as designated by the investigating officer; or

(Ii) at another reasonable and appropriate place.

(2) The law enforcement officer under investigation may waive the right described in paragraph (1)(1) of this subsection.

(h) Conduct of interrogation. --

(1) All questions directed to the law enforcement officer under Interrogation shall be asked by and through one interrogating officer during any one session of interrogation consistent with paragraph (2) of this subsection.

(2) Each session of interrogation shall:

(i) be for a reasonable period; and

(ii) allow for personal necessities and rest periods as reasonably necessary.

(i) Threat of transfer, dismissal, or disciplinary action prohibited. --The law enforcement officer under interrogation may not be threatened with transfer, dismissal, or disciplinary action.

(j) Right to counsel. --

(1) (I) On request, the law enforcement officer under interrogation has the right to be represented by counsel or another responsible representative of the law enforcement officer's choice who shall be present and available for consultation at all times during the interrogation.

(ii) The law enforcement officer may waive the right described in subparagraph (i) of this paragraph.

(2) (i) The interrogation shall be suspended for a period not exceeding 5 business days until representation is obtained.

(II) Within that 5-business day period, the chief for good cause shown may extend the period for obtaining representation.

(3) During the interrogation, the law enforcement officer's counsel or representative may:

(i) request a recess at any time to consult with the law enforcement officer;

(ii) object to any question posed; and

(iii) state on the record outside the presence of the law enforcement officer the reason for the objection.

(k) Record of Interrogation. --

(1) A complete record shall be kept of the entire interrogation, including all recess periods, of the law enforcement officer.

(2) The record may be written, taped, or transcribed.

{3) On completion of the investigation, and on request of the law enforcement officer under investigation or the law enforcement officer's counsel or representative, a copy of the record of the interrogation shall be made available at least 10 days before a hearing.

(I) Tests and examinations-- In general. --

(1) The law enforcement agency may order the law enforcement officer under investigation to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations, or interrogations that specifically relate to the subject matter of the investigation.

(2) If the law enforcement agency orders the law enforcement officer to submit to a test, examination, or interrogation described in paragraph (1) of this subsection and the law enforcement officer refuses to do so, the law enforcement agency may commence an action that may lead to a punitive measure as a result of the refusal.

(3) If the law enforcement agency orders the law enforcement officer to submit to a test, examination, or interrogation described in paragraph (1} of this subsection, the results of the test, examination, or interrogation are not admissible or discoverable in a criminal proceeding against the law enforcement officer.

(m) Tests and examinations -- Polygraph examinations. --

(1) If the law enforcement agency orders the law enforcement officer to submit to a polygraph examination, the results of the polygraph examination may not be used as evidence in an administrative hearing unless the law enforcement agency and the law enforcement officer agree to the admission of the results.

(2) The law enforcement officer's counsel or representative need not be present during the actual administration of a polygraph examination by a certified polygraph examiner if:

(i) the questions to be asked are reviewed with the law enforcement officer or the counsel or representative before the administration of the examination;

(ii) the counsel or representative is allowed to observe the administration of the examination; and

(iii) a copy of the final report of the examination by the certified polygraph examiner Is made available to the law enforcement officer or the counsel or representative within a reasonable time, not exceeding 10 days, after completion of the examination.

(n) Information provided on completion of investigation. --

(1) On completion of an investigation and at least 10 days before a hearing, the law enforcement officer under investigation shall be:

(i) notified of the name of each witness and of each charge and specification against the law enforcement officer; and

(II) provided with a copy of the investigatory file and any exculpatory information, if the law enforcement officer and the law enforcement officer's representative agree to:

1. execute a confidentiality agreement with the law enforcement agency not to disclose any material contained in the investigatory file and exculpatory information for any purpose other than to defend the law enforcement officer; and

2. pay a reasonable charge for the cost of reproducing the material.

(2) The law enforcement agency may exclude from the exculpatory information provided to a law enforcement officer under this subsection:

(i) the identity of confidential sources;

(ii) nonexculpatory information; and

(iii) recommendations as to charges, disposition, or punishment.

(o) Adverse material. --

(1) The law enforcement agency may not insert adverse material into a file of the law enforcement officer, except the file of the internal investigation or the intelligence division, unless the law enforcement officer has an opportunity to review, sign, receive a copy of, and comment in writing on the adverse material.

(2) The law enforcement officer may waive the right described in paragraph (1) of this subsection.

HISTORY: An. Code 1957, art. 27, §§ 727(h), 728(b)(l) -(10), (12)(i), (14); 2003, Ch. S, § 2; 2016, Ch. 519, § 1.

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Md. PUBUC SAFETY Code Ann.§ 3-105

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Md. PUBLIC SAFETY Code Ann. § 3-105 (2017)

§ 3-105. Application for show cause order

(a) In general. -- A law enforcement officer who is denied a right granted by this subtitle may apply to the circuit court of the county where the law enforcement officer is regularly employed for an order that directs the law enforcement agency to show cause why the right should not be granted.

(b) Conditions. -- The law enforcement officer may apply for the show cause order:

(1) either individually or through the law enforcement officer's certified or recognized employee organization; and

(2) at any time prior to the beginning of a hearing by the hearing board.

(c) Relief on finding agency obtained evidence in violation of officer's rights. --On a finding that a law enforcement agency obtained evidence against a law enforcement officer in violation of a right granted by this subtitle, the court shall grant appropriate relief.

HISTORY: An. Code 1957, art. 27, § 734; 2003, Ch. 5, § 2; 2014, Ch. 165.

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Md. PUBLIC SAFETY Code Ann. § 3-106 (2017)

§ 3-106. Limitation on administrative charges

(a) In general. -- Subject to subsection (b) of this section, a law enforcement agency may not bring administrative charges against a law enforcement officer unless the agency files the charges within 1 year after the act that gives rise to the charges comes to the attention of the appropriate law enforcement agency official.

(b) Exception. --The 1-year limitation of subsection (a) f this section does not apply to charges that relate to criminal activity or excessive force.

HISTORY: An. Code 1957, art. 27, § 730(b); 2003, Ch. 5, § 2.

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Md. PUBLIC SAFETY Code Ann. § 3-107 (2017)

§ 3-107. Hearing by hearing board

(a) Right to hearing. --

(1) Except as provided in paragraph (2) of this subsection and § 3-111 of this subtitle, If the investigation or interrogation of a law enforcement officer results in a recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar action that is considered punitive, the law enforcement officer is entitled to a hearing on the issues by a hearing board before the law enforcement agency takes that action.

(2) A law enforcement officer who has been convicted of a felony is not entitled to a hearing under this section.

(b) Notice of hearing. --

(1) The law enforcement agency shall give notice to the law enforcement officer of the right to a hearing by a hearing board under this section.

(2) The notice required under this subsection shall state the time and place of the hearing and the issues involved.

(c) Membership of hearing board. --

(1) Except as provided in paragraph (5) of this subsection and in § 3-111 of this subtitle, the hearing board authorized under this section shall consist of at least three voting members who:

(i) are appointed by the chief and chosen from law enforcement officers within that law enforcement agency, or from law enforcement officers of another law enforcement agency with the approval of the chief of the other agency; and

(ii) have had no part in the investigation or interrogation f the law enforcement officer.

(2) At least one member of the hearing board shall be of the same rank as the law enforcement officer against whom the complaint is filed.

(3) (i) Subject to subparagraph (ii) of this paragraph, a chief may appoint, as a nonvoting member of the hearing board, one member of the public who has received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers' Bill of Rights and matters relating to police procedures.

(ii) If authorized by local law, a hearing board formed under paragraph (1) of this

subsection may include up to two voting or nonvoting members of the public who have received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers' Bill of Rights and matters relating to police procedures.

(4) (i) If the chief is the law enforcement officer under investigation, the chief of another law enforcement agency in the State shall function as the law enforcement officer of the same rank on the hearing board.

(ii) If the chief of a State law enforcement agency is under investigation, the Governor shall appoint the chief of another law enforcement agency to function as the law enforcement officer of the same rank on the hearing board.

(iii) If the chief of a law enforcement agency of a county or municipal corporation is under investigation, the official authorized to appoint the chief's successor shall appoint the chief of another law enforcement agency to function as the law enforcement officer of the same rank on the hearing board.

(iv) If the chief of a State law enforcement agency or the chief of a law enforcement agency of a county or municipal corporation is under investigation, the official authorized to appoint the chief's successor, or that official's designee, shall function as the chief for purposes of this subtitle.

(5) (i) 1. A law enforcement agency or the agency's superior governmental authority that has recognized and certified an exclusive collective bargaining representative may negotiate with the representative an alternative method of forming a hearing board.

2. A hearing board formed under this paragraph may include up to two voting or nonvoting members of the public, appointed by the chief, who have received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers' Bill of Rights and matters relating to police procedures.

(ii) A law enforcement officer may elect the alternative method of forming a hearing board if:

1. the law enforcement officer works in a law enforcement agency scribed in subparagraph (i) of this paragraph; and

2. the law enforcement officer is included in the collective bargaining unit.

(iii) The law enforcement agency shall notify the law enforcement officer in writing before a hearing board is formed that the law enforcement officer may elect an alternative method of forming a hearing board if one has been negotiated under this paragraph.

(iv) If the law enforcement officer elects the alternative method, that method shall be used to form the hearing board.

(v) An agency or exclusive collective bargaining representative may not require a law enforcement officer to elect an alternative method of forming a hearing board.

(vi) If the law enforcement officer has been offered summary punishment, an alternative method of forming a hearing board may not be used.

(vii) If authorized by local law, this paragraph is subject to binding arbitration.

{d) Subpoenas. --

(1) In connection with a disciplinary hearing, the chief or hearing board may issue subpoenas

to compel the attendance and testimony of witnesses and the production of books, papers, records, and documents as relevant or necessary.

(2) The subpoenas may be served without cost in accordance with the Maryland Rules that relate to service of process Issued by a court.

(3) Each party may request the chief or hearing board to issue a subpoena or order under this subtitle.

(4) In case of disobedience or refusal to obey a subpoena served under this subsection, the chief or hearing board may apply without cost to the circuit court of a county where the subpoenaed party resides or conducts business, for an order to compel the attendance and testimony of the witness or the production of the books, papers, records, and documents.

(5) On a finding that the attendance and testimony of the witness or the production of the books, papers, records, and documents is relevant or necessary:

(i) the court may issue without cost an order that requires the attendance and testimony of witnesses or the production of books, papers, records, and documents; and

(ii) failure to obey the order may be punished by the court as contempt.

(e) Conduct of hearing. --

(1) The hearing shall be:

(i) conducted by a hearing board; and

(ii) open to the public, unless the chief finds a hearing must be closed for good cause, including to protect a confidential Informant, an undercover officer, or a child witness.

(2) The hearing board shall give the law enforcement agency and law enforcement officer ample opportunity to present evidence and argument about the issues involved.

(3) The law enforcement agency and law enforcement officer may be represented by counsel.

(4) Each party has the right to cross-examine witnesses who testify and each party may submit rebuttal evidence.

(f) Evidence. --

{1) Evidence with probative value that is commonly accepted by reasonable and prudent individuals in the conduct of their affairs is admissible and shall be given probative effect.

(2) The hearing board shall give effect to the rules of privilege recognized by law and shall exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(3) Each record or document that a party desires to use shall be offered and made a part of the record.

(4) Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(g) Judicial notice. --

(1) The hearing board may take notice of:

(i) judicially cognizable facts; and

(ii) general, technical, or scientific facts within its specialized knowledge.

(2) The hearing board shall:

(i) notify each party of the facts so noticed either before or during the hearing, or by reference in preliminary reports or otherwise; and

(ii) give each party an opportunity and reasonable time to contest the facts so noticed.

(3) The hearing board may utilize its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented.

(h) Oaths. --

(1) With respect to the subject of a hearing conducted under this subtitle, the chief shall administer oaths or affirmations and examine individuals under oath.

(2) In connection with a disciplinary hearing, the chief or a hearing board may administer oaths.

(I) Witness fees and expenses. --

(1) Witness fees and mileage, if cla1med, shall be allowed the same as for testimony in a circuit court.

(2) Witness fees, mileage, and the actual expenses necessarily incurred in securing the attendance of witnesses and their testimony shall be itemized and paid by the law enforcement agency.

(j) Official record. -- An official record, including testimony and exhibits, shall be kept of the hearing.

HISTORY: An. Code 1957, art. 27, §§ 727(d){l), {2), 728(b){l3), 730(a), (c)-(j); 2003, Ch. 5, § 2; 2006, Ch. 251; 2016, Ch. 519, § 1.

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Md. PUBUC SAFETY Code Ann. § 3-108

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Md. PUBLIC SAFETY Code Ann. § 3-108 (2017)

§ 3-108. Disposition of administrative action

(a) In general. --

(1) A decision, order, or action taken as a result of a hearing under § 3-107 of this subtitle shall be in writing and accompanied by findings of fact.

(2) The findings of fact shall consist of a concise statement on each issue in the case.

(3) A finding of not guilty terminates the action.

(4) If the hearing board makes a finding of guilt, the hearing board shall:

(i) reconvene the hearing;

(ii) receive evidence; and

(iii) consider the law enforcement officer's past job performance and other relevant information as factors before making recommendations to the chief.

(5) A copy of the decision or order, findings of fact, conclusions, and written recommendations for action shall be delivered or mailed promptly to:

(i) the law enforcement officer or the law enforcement officer's counsel or representative of record; and

(ii) the chief.

(b) Recommendation of penalty. --

(1) After a disciplinary hearing and a finding of guilt, the hearing board may recommend the penalty it considers appropriate under the circumstances, including demotion, dismissal, transfer, loss of pay, reassignment, or other similar action that is considered punitive.

(2) The recommendation of a penalty shall be in writing.

(c) Final decision of hearing board. --

(1) Notwithstanding any other provision of this subtitle, the decision of the hearing board as to findings of fact and any penalty is final if:

(i) a chief is an eyewitness to the incident under investigation; or

(ii) a law enforcement agency or the agency's superior governmental authority has agreed with an exclusive collective bargaining representative recognized or certified under applicable law that the decision is final.

(2) The decision of the hearing board then may be appealed in accordance with § 3-109 of this subtitle.

(3) If authorized by local law, paragraph (I)(ii) of this subsection is subject to binding arbitration.

(d) Review by chief and final order. --

(1) Within 30 days after receipt of the recommendations of the hearing board, the chief shall:

(i) review the findings, conclusions, and recommendations of the hearing board; and

(li) issue a final order.

(2) The final order and decision of the chief is binding and then may be appealed in accordance with § 3-109 of this subtitle.

(3) The recommendation of a penalty by the hearing board is not binding on the chief.

(4) The chief shall consider the law enforcement officer's past job performance as a factor before Imposing a penalty.

(5) The chief may increase the recommended penalty of the hearing board only if the chief personally:

(i) reviews the entire record of the proceedings of the hearing board;

(ii) meets with the law enforcement officer and allows the law enforcement officer to be heard on the record;

(iii) discloses and provides in writing to the law enforcement officer, at least 10 days before the meeting, any oral or written communication not included in the record of the hearing board on which the decision to consider increasing the penalty is wholly or partly based; and

(iv) states on the record the substantial evidence relied on to support the increase of the recommended penalty.

HISTORY: An. Code 1957, art. 27, § 731; 2003, Ch. 5, § 2; 2006, Ch. 251.

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Md. PUBUC SAFETY Code Ann. § 3-109 (2017)

§ 3-109. Judicial review

(a) By circuit court. --An appeal from a decision made under§ 3-108 of this subtitle shall be taken to the circuit court for the county in accordance with Maryland Rule 7-202.

{b) By Court of Special Appeals. --A party aggrieved by a decision of a court under this subtitle may appeal to the Court of Special Appeals.

HISTORY: An. Code 1957, art. 27, § 732; 2003, ch. 5, § 2.

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Md. PUBUC SAFETY Code Ann. § 3-110 (2017)

§ 3-110. Expungement of record of formal complaint

(a) In general. -- On written request, a law enforcement officer may have expunged from any file the record of a formal complaint made against the law enforcement officer 1f:

(1) (i) the law enforcement agency that investigated the complaint:

1. exonerated the law enforcement officer of all charges in the complaint; or

2. determined that the charges were unsustained or unfounded; or

(ii) a hearing board acquitted the law enforcement officer, dismissed the action, or made a finding of not guilty; and

(2) at least 3 years have passed since the final disposition by the law enforcement agency or hearing board.

(b) Admissibility of formal complaint. -- Evidence of a formal complaint against a law enforcement officer is not admissible in an administrative or judicial proceeding If the complaint resulted in an outcome listed in subsection (a)(l) of this section.

HISTORY: An. Code 1957, art. 27, § 728(b)(12)(1i); 2003, Ch. 5, § 2; 2010, Chs. 87, 88.

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Md. PUBLIC SAFETY Code Ann. § 3-111 (2017)

§ 3-111. Summary punishment

(a) Authorized. --This subtitle does not prohibit summary punishment by higher ranking law enforcement officers as designated by the chief.

(b) Imposition. --

(1) Summary punishment may be imposed for minor violations of law enforcement agency rules and regulations If:

(I) the facts that constitute the minor violation are not in dispute;

(ii) the law enforcement officer waives the hearing provided under this subtitle; and

(iii) the law enforcement officer accepts the punishment imposed by the highest- ranking law enforcement officer, or individual acting In that capacity, of the unit to which the law enforcement officer Is attached.

(2) Summary punishment imposed under this subsection may not exceed suspension of 3 days without pay or a fine of$ 150.

(c) Refusal. --

(1) If a law enforcement officer is offered summary punishment in accordance with subsection (b) of this section and refuses:

(i) the chief may convene a hearing board of one or more members; and

(ii) the hearing board has only the authority to recommend the sanctions provided in this section for summary punishment.

(2) If a single member hearing board is convened:

(I) the member need not be of the same rank as the law enforcement officer; but

(ii) all other provisions of th1s subtitle apply.

HISTORY: An. Code 1957, art. 27, §§ 727(d)(3), (f), 734A (lntro. lang.), (1); 2003, Ch. 5, § 2.

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Md. PUBUC SAFETY Code Ann.§ 3-112

Annotated Code of Maryland
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***Statutes current through January 1, 2017 and all chapters of the 2016 Regular Session of the Maryland General Assembly ***

PUBLIC SAFETY
FILE 3. LAW ENFORCEMENT
SUBTITLE 1. LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

Md. PUBLIC SAFETY Code Ann. § 3-112 (2017)

§ 3-112. Emergency suspension

{a) Authorized. --This subtitle does not prohibit emergency suspension by higher ranking law enforcement officers as designated by the chief.

(b) Imposition-- With pay. --

(1) The chief may Impose emergency suspension with pay if it appears that the action is in the best interest of the public and the law enforcement agency.

(2) If the law enforcement officer is suspended with pay, the chief may suspend the police powers of the law enforcement officer and reassign the law enforcement officer to restricted duties pending:

(i) a determination by a court with respect to a criminal violation; or

(ii) a final determination by a hearing board with respect to a law enforcement agency violation.

(3) A law enforcement officer who Is suspended under this subsection Is entitled to a prompt hearing.

(c) Imposition -- Without pay. --

(1) If a law enforcement officer is charged with a felony, the chief may impose an emergency suspension of police powers without pay.

(2) A law enforcement officer who is suspended under paragraph (1) of this subsection Is entitled to a prompt hearing.

HISTORY: An. Code 1957, art. 27, § 734A (intra. lang.), (2), (3); 2003, Ch. 5, § 2.

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Md. PUBUC SAFETY Code Ann. § 3-113

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Statutes current through January 1, 2017 and all chapters of the 2016 Regular Session of the Maryland General Assembly

PUBUC SAFETY
TITLE 3. LAW ENFORCEMENT
SUBTITLE 1. LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

Md. PUBUC SAFETY Code Ann. § 3-113 (2017)

§ 3-113. False statement, report, or complaint

(a) Prohibited. --A person may not knowingly make a false statement, report, or complaint during an investigation or proceeding conducted under this subtitle.

(b) Penalty. --A person who violates this section is subject to the penalties of § 9-501 of the Criminal Law Article.

HISTORY: An. Code 1957, art. 27, § 734C; 2003, Ch. 5, § 2.

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APPENDIX 4-F

STATE OF MARYLAND

DEATH BENEFITS

To obtain certified copies of registered personal documents, contact the Division of Vital Records, P. O. Box 68760, Baltimore, MD 21215, phone (301) 225-5988.

STATE DEATH BENEFITS

4-1002. ANNOTATED CODE OF MARYLAND
A death benefit shall be paid to the surviving spouse, children or dependent parents of **any law enforcement officer** of the State or of any political subdivision of the State, any sheriff or deputy sheriff, any correctional officer, or any volunteer or professional firefighter or rescue squad member who is killed or dies in the performance of duties on or after July 1, 1989. **The amount of the benefit shall be $50,000.**

A death benefit of **$100,000** will be paid to the surviving spouse, children, or dependent parents of a **State law enforcement officer** killed in the line of duty on or after July 1, 2000**.**

This sum shall be **in addition** to any workmen's compensation benefits and proceeds of any form of life insurance regardless of who paid the premium on the insurance.

Payment shall be made as follows:

(1) To the surviving spouse;

(2) If there is no surviving spouse payment shall be made to the surviving child or children of the decedent **in equal shares**.

(3) If there is no surviving spouse or children, payment shall be made to the surviving parent or parents, **if the parent was a dependent as defined in section 152 of the Internal Revenue Code.**

FUNERAL BENEFIT

The Maryland Legislature passed and the governor signed a bill in 1996 to provide reasonable funeral expenses, **not to exceed $10,000**. The funeral benefit **shall be reduced** by the amount of any related Workers' Compensation benefits paid.

Contact: Department of Public Safety and Correctional Services, Suite 310, 6776 Reistertown Road, Baltimore, MD 21215-2341.

STATE PENSION BENEFITS

The **state** retirement system provides two methods of payments when death occurs prior to retirement.

Ordinary Death Benefit. When death occurs **with one through two years of service**, the member's contributions and an amount equal to one year's annual salary are paid. (Under one year of service the accumulated contributions only are paid.)

Special Death Benefit. When death occurs **with more than two years of service**, the member's accumulated contributions are paid. In addition, the surviving spouse or children under 18 years of age will receive 66 2/3 percent of the sum of the employee's final average salary. Payments terminate upon the death of the spouse or the child's 18th birthday.

Contact the Department of Public Safety and Correctional Services, Suite 310, 6776 Reisterstown Road, Baltimore, MD 21215-2341.

COUNTY PENSION BENEFITS

Benefits vary in each county. Contact the Retirement Administrator in the Pension and Benefits Division in the county where employed.

STATE INCOME TAX

Effective July 1, 2001, any death benefit paid from a pension system received by a law enforcement officer's surviving family is free from State taxes. This affects survivors of State Troopers killed in the line of duty after July 1, 1972.

PROPERTY TAX CREDIT

Effective June 1, 2003, Section 9-210 of the Annotated Code of Maryland is amended to read:

The Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation may grant, by law, a **property tax credit** under this section against the county or municipal corporation property tax imposed on a dwelling that is owned by a surviving spouse of a fallen law enforcement officer or rescue worker (1) if the dwelling was owned by the fallen law enforcement officer or rescue worker at the time of the fallen law enforcement officers or rescue worker's death; (2) if the fallen law enforcement officer or rescue worker or the surviving spouse was domiciled in the State as of the date of the fallen law enforcement officers or rescue worker's death and the dwelling was acquired by the surviving spouse with 2 years of the fallen law enforcement officers or rescue worker's death; or (3) if the dwelling was acquired after the surviving spouse qualified for a credit for a former dwelling under item (1) or (2) of this subsection, to the extent of the previous credit.

EDUCATION BENEFITS

18-601. EDUCATION - SCHOLARSHIPS FOR CHILDREN AND SPOUSES OF STATE OR LOCAL PUBLIC SAFETY EMPLOYEES KILLED IN THE LINE OF DUTY (Amended 1990)

"Child" means any child who is at least 16 years old and **under the age of 24** of any State or local public safety employee killed in the line of duty.

"Spouse" means a person who: Is legally married to any State or local public safety employee at the time that the public safety employee is killed in the line of duty; **and has not remarried**.

"State or local public safety employee" means a career or volunteer member of a fire department; ambulance company or squad; or rescue company or squad; a law enforcement officer; and a member of the Maryland National Guard who was **a resident of the estate at the time of death.**

Established - There is a program of scholarships that are awarded under this section. The program is the Edward T. Conroy Memorial Scholarship Program.

Eligibility - A person may apply to the Administration for a scholarship under this section if the person:

A. Is at least 16 years old and a son or daughter of any State of local public safety employee killed in the line of duty; or

B. Is the surviving spouse of any State of local public safety employee killed in the line of duty. (Refer to definition of surviving spouse above.)

Use; amount - A scholarship awarded under this section:

(1) May be used for the tuition and mandatory fees at any eligible

institution; and

(2) May not exceed the equivalent annual tuition and mandatory fees of a resident undergraduate student at the University of Maryland, College Park.

Duration - Each recipient of a scholarship under this section may hold the award **for 5 years of full-time study or 8 years of part-time study.**

This scholarship program is also available to dependents of veterans as well as disabled police officers. **Scholarship amounts are determined by the funding available and the number of applications. In recent years, scholarships have ranged from 65% to 91% of total tuition and mandatory fees**.

Applications can be obtained from the Maryland Higher Education Commission, State Scholarship Administration, 16 Francis Street, Annapolis, MD 21401, telephone (410) 974-2971.

HEALTH BENEFITS

Varied depending upon police department benefits. Spouses of state and county officers may elect to continue to participate in the same benefit program in effect at the time of the officer's death. Contact the Benefits Coordinator at your agency.

WORKERS' COMPENSATION

Workers' Compensation coverage for employers in Maryland is compulsory; however, waivers are allowed.

The benefit shall be **66 2/3% of the employee's wage** paid either to a spouse or a spouse and children, with a weekly minimum benefit of $50 or the worker's average wage if less than $50 and a maximum weekly benefit of $510. **There is also a maximum burial allowance of $2,500**. Burial expenses in excess of maximum are payable if approved by the Workers' Compensation Commission if there are no dependents.

Spouse will receive a **two-year lump sum** payable upon remarriage, and weekly benefits will cease. Children receive benefits until age 18 or beyond age 18 if physically or mentally disabled, or until age 23 if full-time students.

There is a maximum cap of $45,000. Benefits may continue after a maximum of $45,000 has been paid if there remain wholly dependent survivors.

To receive workers' compensation benefits the surviving spouse **must take the initiative** and file a workers' compensation claim through a **workers' compensation attorney** to receive any compensation. The determination as to whether the claim will be paid will be determined by the Workers' Compensation Appeals Board.

To obtain a claim form, contact the Workers' Compensation Commission at 6 North Liberty Street, Baltimore, MD 21201-3785, telephone (410) 333-4700.

PERSONAL LIFE POLICY - INTESTATE

Descent and Distribution - Real estate and personal estate both pass directly to personal representative for administration and distribution as follows: Entire estate, or if there be surviving spouse, excess over share of spouse descends and is distributed as follows, each class of which member is living taking to exclusion of subsequent classes: **(1)** To surviving issue by representation; **(2)** to surviving parents equally or, if only one, to that one; otherwise, to issue of parents by representation; **(3)** one-half to surviving paternal grandparents equally or, if only one, to that one; otherwise, to issue of paternal grandparents by representation; and one-half to surviving maternal grandparents equally or, if only one, to that one; otherwise, to issue of maternal grandparents by representation; if pair of grandparents or their issue fail to survive, their one-half is distributable as provided for other one- half; **(4)** one-quarter to each pair of great-grandparents equally or to survivor of each pair or, if neither survives, to issue of pair by representation; if any pair of great-grandparents and issue fails to survive, its one- quarter is distributable as provided for other three-quarters; **(5)** to living stepchildren equally (and issue of deceased stepchildren by representation), if born to non-divorced legal spouse.

"Issue" is defined as every living lineal descendant of ancestor fails to survive decedent by 30 days, his is deemed to have predeceased decedent and is not entitled to rights of heir.

Degrees of Kindred - computed by civil law method by counting from decedent up to common ancestor and then down to claimant.

Surviving spouse - takes one-half if there is minor surviving child; $15,000 and one-half of residue if there is surviving issue, but no surviving minor child, or if there is no surviving issue, but surviving parent; whole estate if there is no surviving issue or parent. Person cannot be surviving spouse if person: **(1)** Is validly and absolutely divorced from decedent, or if marriage validly annulled; **(2)** voluntarily appears in foreign proceeding where decedent obtained absolute divorce or annulment, even if not recognized in Maryland; **(3)** was remarried after decedent obtained decree of divorce or annulment; or **(4)** was convicted of bigamy while married to decedent.

ADDITIONAL BENEFITS

Peer Support

Established in 1984, **Concerns of Police Survivors, Inc., (COPS),** is a national, non-profit organization that works with law enforcement agencies, police organizations, mental health professional, and local peer-support organizations to provide assistance to surviving families of law enforcement officers killed in the line of duty. COPS has become a "lifeline" to police survivors nationwide. **Contact the COPS National Office or visit www.nationalcops.org/chap.htm for information on a chapter in your area.**

STATE FLAG (4-1003 Annotated Code of Maryland) The Secretary of State of Maryland shall issue a Maryland State flag to the family of any policeman killed in the line of duty. The flag shall be presented to the family of the deceased policeman by the State Senator of the legislative district in Maryland in which the deceased resided.

HEROES, Inc. was founded in 1964, as a totally nonprofit volunteer organization incorporated in the District of Columbia under Charitable Registration Certificate No. 6-07-398 to serve the surviving families of all officers within the Metropolitan Washington, DC, area (The District of Columbia, Prince George's County and Montgomery County in Maryland, and Arlington and Fairfax Counties in Virginia).

Within 24 hours of an officer's death, **a check in the amount of $3,500** is delivered to the family to be used for immediate emergency expenses.

At a later date, usually within two to four weeks, the surviving spouse will meet with the HEROES Executive Committee to identify other personal areas where financial assistance is needed. A comprehensive scholarship program is available to ensure that each child can receive an education of his or her choice.

HEROES never forget or close the books on a family. They are always available for counseling or assistance. The telephone number for HEROES, Inc. is (202) 638-2772.

(CALEA 22.2.4)

APPENDIX 4-G

INTRODUCTION

Line of duty death is a possibility that police families must prepare for. The ability of survivors to cope with line-of-duty death is directly affected by the department's reaction to the tragedy and the knowledge the family has concerning their rights and benefits.

The purpose of this booklet is to provide police families and agencies with general information about benefits to families in the event of a line-of-duty death. This booklet is not a legal document nor is it intended to serve as a legal interpretation of existing statues. In fact, information on the death benefits listed may have been changed through legislation or contract negotiations without our knowledge. ***This document is for information only.***

Concerns of Police Survivors, Inc. does not warrant that all or any benefits will be awarded to survivors who apply. Survivors may use the information contained herein to verify with local agencies and offices that they are receiving all benefits to which they are entitled or may investigate whether they are entitled to benefits listed in this reference booklet.

The compilation of benefits information for the 50 states, the District of Columbia, and Puerto Rico occurred over a five-year period, utilizing hundreds of reference sources. Concerns of Police Survivors, Inc. would sincerely appreciate knowing of any errors or updates in this document. Send documentation of corrected or most current information to Concerns of Police Survivors, P.O. Box 3199, Camdenton, MO 65020.

This project was supported by Grant Number 94-PS-DX-0001 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice.

An acknowledgment of appreciation to members of the COPS staff who took part in this tedious compilation process, with special thanks to COPS Staffer Terrie Soper Merritt, and a special thank-you to Mr. Fred Tredy, Los Angeles Police Protective League, for getting this project off on the right foot.

LINE OF DUTY DEATH BENEFITS

This book is the compilation of information about death benefits available to surviving families of law enforcement officers who were killed in the line of duty.

Information within deals with the major death benefits available from the federal and state government levels. Therefore, you are advised to check with your **local government (city and county) agencies**, retirement programs, unions and private organizations and associations (both **local** and **state**) for benefits that may be available to surviving spouses and dependents of law enforcement officers.

General information on benefits is reported in this booklet; some legislation is too detailed to print. Therefore, there may be exceptions or restrictions on payment of these benefits that are not included in the printout. We may also be unaware of recent changes in state statutes. So we ***strongly suggest*** you check with appropriate state agencies for exceptions or changes to the state benefits listed.

Handling your legal and financial affairs is a personal matter. We might, however, suggest the following:

(1) Consult legal assistance.
(2) Consult financial planning assistance.

You may also want to:

(1) Have a current will.
(2) Review the named beneficiary in your life, health, and accident insurance policies on a regular basis.
(3) Keep your insurance papers, your will and other important papers in a secure place, such as a safety deposit box.
(4) Leave specific final instructions for interring your remains.

We cannot "over-stress" the importance of having a **current will**. Our experience in working with surviving families has shown the difficulties encountered when one dies without a will. Further, we encourage you to review the named beneficiary in your life, health, and accident insurance policies on a regular basis. Keep your insurance papers, your will and other important papers in a secure place, ***such as a safety deposit box.***

Concerns of Police Survivors, Inc. would like to express our sincere thanks to everyone who forwarded the necessary information from their state to help make this booklet possible. A special thanks to **Fred Tredy of the Los Angeles Protective League** for his expert advice. We have attempted to put this information together in a readable format.

Information on state laws on wills is reproduced with permission from the *MARTINDALE HUBBELL LEGAL DIRECTORY*, 1993 Reed Elsevier, Inc.

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YOUR STATE BENEFITS FOLLOW PAGE 23.

FEDERAL BENEFITS

PUBLIC SAFETY OFFICERS' BENEFITS ACT (P.S.O.B.)

The PSOB Act provides a benefit to the eligible survivors of a public safety officer whose death is the direct and proximate result of a traumatic injury sustained in the line of duty. The Act also provides the same benefit to a public safety officer who has been **permanently and totally disabled** as the direct result of a catastrophic personal injury sustained in the line of duty. The injury must ***permanently prevent*** the officer from performing **any** gainful work. (Benefit has been approved for quadriplegics and people existing in a comatose state).

The benefit is adjusted at the beginning of each fiscal year. As of October 5, 2006, the benefit is $295,194.

EFFECTIVE DATES

Death Benefits:

State and local law enforcement officers and fire fighters are covered for injuries sustained on or after **September 29, 1976**. Federal law enforcement officers and fire fighters are covered for injuries sustained on or after **October 12, 1984**. Members of public federal, state and local rescue squads and ambulance crews are covered for injuries sustained on or after **October 15, 1986.** Chaplains are covered effective **September 11, 2001.**

Hometown Heroes Survivors Benefits Act of 2003 (HHA), signed into law December 15, 2003, amends the PSOB Act. If a public safety officer dies as a direct and proximate result of a heart attack or stroke, that officer shall be presumed to have died as the direct and proximate result of a personal injury sustained in the line of duty if:

1. that officer, while on duty –
   a. engaged in a situation, and such engagement involved non-routine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity*; or,
   b. participated in a training exercise, and such participation involved non-routine stressful or strenuous physical activity*;
2. that officer died as a result of a heart attack or stroke suffered –
   a. while engaging or participating in such activity as described above,
   b. while still on that duty after so engaging or participating in such an activity, or
   c. not later than 24 hours after so engaging or participating in such an activity; and
3. such presumption is not overcome by competent medical evidence to the contrary.

*Non routine stressful or strenuous physical activities exclude actions of a clerical, administrative, or non-manual nature.

The HHA provision covers deaths only occurring on or after December 15, 2003. The HHA is not retroactive, and therefore it does not apply to deaths occurring before the aforementioned date.

Disability Benefits:

Federal, state and local law enforcement officers, fire fighters and members of public rescue squads and ambulance crews are covered for injuries on or after **November 29, 1990.**

ELIGIBLE PUBLIC SAFETY OFFICERS

A public safety officer is a person serving a public agency in an official capacity, **with or without compensation**, as a law enforcement officer, fire fighter or member of a public rescue squad or ambulance crew. Law enforcement officers include but are not limited to **police, corrections, probation, parole, chaplains, and judicial officers**. Volunteer fire fighters and members of volunteer rescue squads and ambulance crews are covered if they are **officially recognized or designated** members of legally organized volunteer fire, rescue or ambulance departments.

A public safety officer's death or total and permanent disability must result from injuries sustained ***in the line of duty.*** "Line of duty" means any action that the public safety officer is authorized or obligated to perform by law, rule, regulation or condition of employment or service. If law enforcement, fire suppression, rescue or ambulance service is not a person's primary function, then, to be covered by the Act, that person must be engaged in his or her authorized law enforcement, fire suppression, rescue or ambulance duties when the fatal or disabling injury is sustained.

PUBLIC AGENCY

"Public agency" means the United States, any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, or any unit of local government, combination of such states or units, or any department, agency, or instrumentality of any of the foregoing.

ELIGIBLE SURVIVORS

Once the U.S. Department of Justice approves a claim for death benefits, the benefit will be paid in a lump sum as follows:

(1) if there is no surviving child of such officer, to the surviving spouse of such officer;

(2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;
(3) if there is no surviving spouse, to the child or children of such officer in equal shares;
(4) if there is no surviving spouse or surviving child, to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy, provided that such individual survived such officer; or**
(5) if none of the above, to the parent or parents of such officer in equal shares.

** Beneficiaries to receive the Public Safety Officers' Benefits death payment for line-of-duty death were changed by the "Mychal Judge Police and Fire Chaplains Public Safety Officer's Benefit Act of 2002", enacted as Public Law No. 107-196 on June 24, 2002. Live-in situations and/or same sex partners will be eligible for the PSOB benefit if the most-recent life insurance policy lists them as beneficiary. Live-ins and same sex partners who are listed as beneficiary on the most-recent life insurance policy will receive the benefit before surviving parents of the officer. If the officer is divorced, has not remarried and has no eligible children, the former spouse could receive the benefit if she is still listed as a beneficiary on paperwork the officer failed to revise. If the officer is divorced, has not remarried but has had a live-in partner for 7 years, the former spouse could receive the benefit if she is still listed as a beneficiary on the most-recent life insurance policy. IT CANNOT BE STRESSED ENOUGH HOW IMPORTANT IT IS TO KEEP YOUR LIFE INSURANCE BENEFICIARY INFORMATION UP-TO-DATE

Public safety officers ***cannot*** name their own beneficiaries under the Act. Under the Act, "child" means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who is:

- 18 years of age or younger.
- 19 through 22 years of age, who has not completed four years of education beyond high school, and who is pursuing a full time course of study or training.
- 19 years of age or over and incapable of self-support because of a physical or mental disability.

LIMITATIONS AND EXCLUSIONS

No benefit can be paid:

(1) If the death or permanent and total disability was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his or her own death or permanent and total disability.

(2) If the public safety officer was voluntarily intoxicated at the time of death or permanent and total disability.

(3) If the public safety officer was performing his or her duties in a grossly negligent

manner at the time of death or permanent and total disability.

(4) To a claimant whose actions were a substantial contributing factor to the death of the public safety officer.

(5) To military law enforcement officers or to any of their survivors. (See Effective Dates on Page 1 to determine eligibility of fire fighters, rescue squads, ambulance crews, and their survivors.) Deaths or permanent and total disabilities resulting from stress and strain, occupational illness, or chronic, progressive or congenital disease such as heart or pulmonary disease, **are not covered by the Act**, unless there is a traumatic injury which is a substantial factor in the death or permanent and total disability. Medical proof of the traumatic injury, such as a blood test for carbon monoxide, may be essential for coverage in such cases.

REDUCTION OF BENEFITS

State and local benefits *should not* be reduced by benefits received under PSOB statute. The PSOB benefit is not reduced by any benefit that may be received at the state or local level (*Rose vs. Arkansas*). The benefit *is reduced* by certain payments made under the District of Columbia Code and *may reduce* benefits under Section 8191 of the Federal Employees' Compensation Act.

INTERIM PAYMENT

When the U.S. Department of Justice determines upon showing of need and prior to taking final action that a death benefit will probably be paid, an **interim benefit** payment not exceeding $3,000 may be made to the eligible survivor(s).

ATTACHMENT TAX EXEMPTION

The act ensures that the benefit **will not be subject** to execution or attachment by creditors. The Internal Revenue Service has ruled that the benefit is not subject to federal income tax (Revenue Ruling No. 77-235, IRB 1977-28) or to federal estate tax (Revenue Ruling No.79397).

ATTORNEY FEES

The Public Safety Officer's Benefits Act of 1976, Public Law 94430 (PSOB), authorizes the Department of Justice (DOJ) to prescribe the **maximum fee** that a representative may charge a claimant for services rendered in connection with any claim before the Bureau. Contracts for a stipulated fee and contingent fee arrangements are especially prohibited by the PSOB regulations, 28 C.F.R. 32.22 (b). DOJ assumes no responsibility for payment.

FILING A CLAIM

Eligible survivors or disability claimants may file claims directly with the U.S. Department of Justice or may instead file through the public safety agency served. Normally, the public safety agency provides the information that enables the U.S. Department of Justice to determine whether the circumstances of the death or permanent and total disability entitle a claimant to a benefit payment. The public safety agency prepares a **Report of Public Officer's Death or Permanent and Total Disability** to accompany the survivors' or disabled public officer's claims. The U.S. Department of Justice will make the **final determination** on whether and to whom a benefit should be paid. To expedite initiation and payment of a claim, telephone the **PSOB** staff at **(888) 744-6513** or write to: **Public Safety Officers' Benefits Program, Bureau of Justice Assistance, 810 7th Street NW, Washington, DC 20531, Fax: (202) 307-3373**.

HEALTH INSURANCE-
YOUR RIGHTS UNDER COBRA

A federal law known as **COBRA** (short for the Consolidated Omnibus Budget Reconciliation Act of 1985) guarantees that the employer of the deceased **officer must make available to the surviving spouse and their dependent children the same type of health insurance** as was provided prior to the officer's death. Coverage is *available for up to 36 months* and must be *paid by the surviving insured*. There is **no provision** in the law for the employer to pay for the health insurance.

COBRA eligibility also extends to workers in state and local government, as well as to workers classified as independent contractors. *However, the law grants an exemption to the District of Columbia, federal employees, certain church-related organizations and firms employing fewer than 20 people*. The IRS has said that employers must figure part-time workers into their employee total to determine if they can claim exemption. Employers with self-funded health plans (generally large corporations) are exempt from state regulation of their plans. Employers that are exempt from federal law because of the number of employees **may fall** under a state law, sometimes known as "mini-COBRA" that grants broader rights in determining eligibility for coverage. Check with your state insurance department to find out if you are entitled to continued health-care coverage under a state COBRA plan.

Remember that the deceased officer and the survivors **must have actually been covered** under an employee health plan at the time of the death to be eligible for COBRA.

Coverage offered under COBRA **must be identical** to the coverage prior to the death. However, employers CAN offer to let the survivors drop such non-core benefits as dental and vision care to reduce the premium cost. Additionally, if the employer changes its health insurance plant for its current employees, survivors who elected coverage under COBRA will receive the benefits of the new plan. *If the COBRA recipient relocates out of the COBRA health*

plan's coverage area, COBRA benefits will be lost as the employer is not required to offer a plan in the new area. Premiums under COBRA **can be increased only if the cost of the health plan increases for everyone** at the workplace and the plan must allow that the premiums can be paid on a monthly basis.

To begin COBRA, the employer must notify the health plan administrator **within 30 days** after the employee's death. The plan administrator **then has 14 days** to contact the survivor to explain and offer the COBRA coverage. The decision whether or not to buy COBRA must be made **within 60 days** of this notification. COBRA coverage will be retroactive to the day that benefits ceased because of the death provided the premiums are paid. If COBRA is elected, the first premium must be **paid within 45 days**. Successive payments are due according to health plan requirements, but COBRA rules allow a 30-day grace period after each due date for payment.

The **US Department of Labor has jurisdiction** over issues involving notification of private-sector employees about COBRA coverage. Employers who fail to comply with notification rules face fines of up to $110 for every day that no notice is sent after the deadline.

PUBLIC SAFETY OFFICERS' EDUCATIONAL ASSISTANCE PROGRAM

The 104th Congress of the United States enacted the Federal Law Enforcement Dependents Assistance (FLEDA) Act in 1996 which sets forth the guidelines for educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties. Congress and the President amended the Act in 1998 to provide educational assistance to spouses and children of police, fire, and emergency public safety officers killed in the line of duty, thus creating the Public Safety Officers' Educational Assistance (PSOEA) Program. The PSOEA Program also makes assistance available to spouses and children of public safety officers permanently and totally disabled by catastrophic injuries sustained in the line of duty. This program is administered by the **Public Safety Officers' Benefits Program, Bureau of Justice Assistance, 810 7th Street NW, Washington, DC 20531, telephone (888) 744-6513, fax (202) 616-0314, www.ojp.usdoj.gov/BJA.**

Program Benefits

The PSOEA Program provides an educational assistance allowance to eligible survivors of public safety officers whose deaths or permanent and total disabilities are the direct and proximate result of a traumatic injury sustained in the line of duty.

PSOEA benefits may be used solely to defray educational expenses, including tuition, room and board, books, supplies, and education-related fees. The allowance is $485 per month for full-

time students, $365 for three-quarter-time students, $242 for half-time students, and $121 for less-than-half-time. The amount of assistance is subject to change consistent with the current computation of educational assistance allowance set forth in the Title IV of the Higher Education Act, Section 3532 of Title 38, United States Code. The PSOEA benefit **will be reduced** by benefits received from Federal, State, and local governmental sources, scholarships and tuition waivers from Federal, State or local governmental institutions, including state school systems. However, deductions will **not** be made for grants, scholarships, or tuition waivers from private educational systems, private organizations, or non-profit groups.

Program Effective Dates

Effective dates were amended in 2000. Under the PSOEA Program, police, fire, and emergency public safety officers are covered for line-of-duty deaths or permanent and totally disabling injuries that occurred on or after January 1978. The FLEDA Act makes program benefits available retroactively to families of federal law enforcement officers killed in the line of duty on or after January 1978.

Eligibility for Benefits

The PSOEA Program stipulates that PSOEA benefits are to be provided directly to dependents who attend a program of education at an eligible educational institution and are the spouses or children of federal, police, fire, and emergency public safety officers whose deaths or permanent and total disabilities are covered by the Public Safety Officers' Benefits (PSOB) Program. Public safety officers' children are no longer eligible for assistance, however, after their 27th birthday, absent a finding by the Attorney General of extraordinary circumstances. Assistance under the PSOEA Program is available for 45 months of full-time education or training or for a proportional period of time for a part-time program.

Additional Resource for Surviving Spouses

Surviving spouses may also receive assistance through the **Steve Young Memorial Scholarship Program** administered by the FOP. The line-of-duty death must have occurred between January 1, 2001, and December 31, 2006, and there are other criteria and stipulations. Contact: Steve Young Memorial Scholarship Project Director, Grand Lodge Fraternal Order of Police, National Legislative Office, 309 Massachusetts Ave., NE, Washington, D.C. 20002, Phone: 202-547-8189, FAX: 202-547-8190, Email: scholarship@grandlodgefop.org, or visit www.grandlodgefop.org/symscholarship.pdf.

FEDERAL WORKERS' COMPENSATION BENEFITS FOR NON-FEDERAL LAW ENFORCEMENT OFFICERS

Under certain conditions, benefits may be provided to a non-Federal law enforcement officer killed in the line of duty as determined by the U.S. Department of Labor. Essentially, these benefits are provided if a state or local law enforcement officer is killed while engaged in the apprehension or attempted apprehension of a person who has committed a crime against the United States or who is being sought by a law enforcement authority of the United States. The benefit also is extended to those killed while engaged in the lawful prevention or lawful attempt to prevent the commission of a crime against the United States. Further, the program encompasses those engaged in protecting or guarding a person held for the commission of a crime against the United States or as a material witness. The law enforcement agency MUST initiate the claim. Contact **(toll-free) 866-999-3322** for the district office responsible for your state, or visit **http://www.dol.gov/esa/contacts/owcp/fecacont.htm**.

SOCIAL SECURITY BENEFITS

To locate your nearest Social Security office, look for the address and telephone number in the telephone directory under **"Social Security Administration"** or **"U.S. Government".**

APPLYING FOR BENEFITS

Before you can receive benefits, a **claim must be filed** with a Social Security office. Generally, application can be made by telephone, mail, or in person. The people at Social Security will tell you what documents you will need to provide for the type of benefit you are claiming. A portion of your Social Security benefits will be subject to income tax ***if*** **(1)** your adjusted gross income plus **(2)** tax-exempt interest plus **(3)** one-half of your Social Security benefits exceeds $25,000*.

The portion of your benefits that is taxable will depend on whether your income exceeds $34,000*.

A. If your income exceeds $25,000* but not $34,000*, the taxable portion of your benefits will be the lesser of:
   - One-half of your benefits, or
   - One-half of the difference between your income and $25,000*.

B. If your income exceeds $34,000*, the taxable portion of your benefits will be the lesser of:
   - 85% of the difference between your income and $34,000*, plus (1) the taxable portion calculated in "A" (above) or (2) one-half the difference between $25,000* and $34,000*, whichever is the lesser; or
   - 85% of your Social Security benefits.

*These were the figures used in calculating taxable income in the tax year ended 12/31/95 and are subject to change each year. Refer to the current-year tax laws.

SURVIVOR BENEFITS

Monthly survivor benefits are available to the following beneficiaries **if you are insured by Social Security** when you die (regardless of your age):

- Surviving spouse at age 60 or over (50 if disabled), or at any age if caring for your child(ren) (under 16 or disabled) who is entitled to benefits;

- Unmarried children under 18 (or 19 if still in high school), and those age 18 and over who became disabled before age 22 and remain disabled;

- Dependent parents age 62 or older;

- Surviving divorced spouse (1) at age 60 or over (50 if disabled) who was married to you for 10 years and who is not eligible for an equal or higher personal benefit, or (2) at any age if caring for a child (under 16 or disabled) who is entitled to benefits on your record.

Each surviving dependent is entitled to **a percentage** of your PIA (Primary Insurance Allowance), subject to the *Family Maximum Benefit*. (Your PIA is the amount you would have received if you had lived to retire at full retirement age or, if you had already retired at that age, the amount you were receiving.) Note that benefits of surviving spouses (including those that are disabled or divorced) *are reduced if begun before full retirement age*. Eligibility for a government pension may also affect their benefits.

If your surviving spouse *remarries* before reaching age 60 (or 50, if disabled), (s)he *will not* be eligible for benefits on your record unless the subsequent marriage ends. After reaching age 60 (or age 50, if disabled), a surviving spouse or a surviving divorced spouse married to an insured worker for 10 years *may remarry* without losing entitlement to benefits.

Children's benefits **are not** affected by the remarriage of their mother or father, even though their stepparent adopts them and contributes to their support. Nor will adoption of a surviving child by any other person cause the child's benefits to stop.

Children's benefits stop when they marry or reach age 18, or 19 if still in high school. When the last surviving child marries or reaches the age of 16, the mother's or father's benefits also stop, but a surviving spouse or an eligible divorced spouse of a fully insured person can pick up again with a surviving spouse's benefits upon reaching age 60 (50 if disabled). As with retired workers, Social Security payments to a surviving dependent are reduced if the dependent works and earns more than the earnings limit for the year. However, work by a parent **does not** affect the benefits of surviving children under that parent's care.

ONE-TIME DEATH BENEFIT

In addition to the monthly benefits survivors receive, the deceased worker's eligible spouse is entitled to a *one-time death payment of $255*. If there is no such spouse, this payment can be made only to a child entitled to survivors' benefits.

Social Security benefits are based on **earned credits** you or your spouse received while employed. The number of credits you will need will vary with the type of benefit. For more information or to apply for benefits, call or visit Social Security. It's easiest to call **Social Security's toll-free telephone number**. The number is **1-800-772-1213**. You can speak to a representative 7 a.m. to 7 p.m. each business day.
The Social Security Administration treats all calls confidentially --- whether they're made to the toll free number or to one of the local offices.

VETERAN'S BENEFITS

Many law enforcement officers are **veterans of the U.S. Armed Forces** and a number of survivor's benefits are available to the spouse and children of a deceased veteran. Included in these benefits are:

DEATH PENSION

Payable to **low-income** widows and children of wartime veterans who have died of causes not related to their military service.

FUNERAL EXPENSES

The VA will pay **up to $300** towards many veterans' funeral expenses, **plus $150** for interment or burial plot. (Additional information on this $150 benefit is listed below). Most funeral directors will assist in filling with the VA for reimbursement of funeral expenses. **File VA Form 21-530.**

NATIONAL SERVICE LIFE INSURANCE

If covered under this program you will need the following papers to file a claim:

1. Certified copy of death certificate
2. Certified copy of widow/widower's birth certificate.
3. Form VA 29-4125 obtainable from the Veterans Administration

SGLI (Servicemen 's Group Life Insurance)
VGLI (Veterans' Group Life Insurance)

SGLI was established in September 1965, to provide group insurance coverage for members on active duty in the uniformed services. Coverage has been extended to Ready Reservists, Retired Reservists, members of the National Guard, ROTC members while engaged in authorized training and service academy personnel. Initially maximum coverage was for $10,000. Subsequent legislation increased maximum insurance coverage to $200,000, if the maximum coverage was opted for.

VGLI was established in August 1974, to provide for the conversion of SGLI to 5-year nonrenewable term insurance. The program provides for the replacement SGLI with VGLI in an amount equal to or less than the amount of SGLI the member had in force at separation from service. Application and payment for VGLI must be made to the OSGLI (Office of Servicemen's Group Life Insurance) **within 120 days following separation**. If application is not made within 120 days, you *can submit it within 1 year from the date SGLI coverage terminated but you must be in acceptable health*.

The SGLI-VGLI program is supervised by VA and administered by OSGLI. For more information contact **any VA office** or **OSGLI at 213 Washington Street, Newark, New Jersey 07102**.

INTERMENT OR BURIAL PLOT ALLOWANCE

The VA will pay a **$150** plot or interment allowance if the requirements for the basic allowance are met or the veteran was discharged from active duty because of disability incurred or aggravated in line of duty and is not buried in a cemetery that is under U.S. jurisdiction. The plot allowance is *NOT* payable if the veteran is buried in a national cemetery.

An American Flag is available to drape the casket of a veteran who was discharged under conditions other than dishonorable. After the funeral service, the flag may be given to the next of kin or a close associate of the deceased. Flags are issued at any VA regional office, VA national cemetery and most local post offices.

Headstones and Markers - The VA provides headstones and markers for unmarked graves of veterans and eligible dependents anywhere in the world. Flat bronze, flat granite and upright marble types are available to mark the grave of a veteran or dependent in the style consistent with existing monuments at the place of burial.

Survivor's benefits **are not paid automatically** and claims must normally be filed with the VA **within two years** of the veteran's death.

Members of **Veterans of Foreign Wars** (V.F.W.) are provided with a $2,500 accidental policy. Take a copy of the death certificate to the office at the **local VFW** and they will assist in filling out the paperwork for payment.

Families in the eastern half of the United States should send their insurance claim to the **VA Center, 5000 Wissahickon Avenue, Philadelphia, PA, 19101.** Families in the western half of the nation should send their insurance claim to the **VA Center, Fort Snelling, St. Paul, MN 55111.**

For information or help in applying for veteran's benefits, write, call, or visit a veteran's benefit counselor at the nearest **VA regional office** or **VA hospital** listed in the telephone directory under **U.S. Government**. If there is no listing in your local area, call the VA nationwide **toll-free number 800-827-1000**. The hearing impaired can call 800-829-4833.

PERSONAL LIFE INSURANCE

Normally life insurance companies require **only two** forms to establish proof of a claim:

1) A Statement of claim, and
2) A death certificate or attending physician's statement.

The claimant's certificate must be completed by the person legally entitled to receive the proceeds who must state in what capacity he or she makes the claim - named beneficiary, assignee, executor, administrator, guardian, or trustee. Claimant will have to supply the company with the following:

1. Policy
2. Full name and address of deceased
3. Decedent's occupation and date last worked.
4. Decedent's date and place of birth.
5. Date, place, and cause of death.
6. Claimant's name, age, address, and Social Security number.

To expedite handling of insurance claims, contact should be made with **your local insurance agent or home office**. If the decedent was a participant in the former **FBI Agents Social**

Security insurance program, contact should be made with the office of that **Social Security** in **New York** to obtain benefits due under the program.

If the deceased was a **member of any union, service organization, business association, fraternal organization, automobile club, etc.**, the group should be contacted for information regarding insurance or other benefits available to survivors.

Contact the deceased's place of employment regarding **group life insurance coverage, pension fund contributions, credit union insurance and other benefits**. Check particularly the deceased's ***hospital and surgical coverage to determine if widow and the dependents are still eligible for benefits***.

It is noted that a beneficiary of an insurance policy has **several options** for receiving the payment: lump sum, life annuity or periodic payments. Insurance proceeds are *not generally taxable* nor are they considered income to the beneficiary.

SURVIVOR LEGAL CONCERNS

TAXES

Providing specific and acceptable service in this area is difficult at best. Assistance can be provided by **competent tax attorneys or accountants**.

The Taxpayer Relief Act of 1997 and as amended in 2001 by Public Law 107-15 allows that survivor benefits paid after December 31, 2001, regardless of when the officer was killed, can be excluded from gross income when calculating Federal income taxes. **Again, seek advice from a competent tax attorney or accountant**.

WILLS AND ESTATES

Perhaps it is important to describe several of the provisions that are applicable to Wills and Estates.

(1) **Community Property Laws** - are State laws that provide for the joint ownership of property when acquired during the marriage. It does not matter whether the property was acquired by both parties together or one party singularly, it is still Community Property, unless, of course, one spouse disclaimed an interest in the property by a proper deed.

The effect of this law makes it *impossible for one spouse to will away the other spouse's interest* in any property. The states having Community Property Laws are as follows: **Arizona, Nevada, California, New Mexico, Idaho, Texas, Louisiana, and Washington (state).**

(2) **Curtesy Laws** - Curtesy Laws were adopted by certain States to provide the husband with the legal right to use one-third or more of the deceased wife's real property for as long as he lives, even if the property was sold to a third party, provided of course that the husband did not sign the deed to the property when it was sold. Not all states have Curtesy Laws, but those that do are listed as follows: **Delaware, District of Columbia, Hawaii, Kentucky, Massachusetts, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.**

(3) **Downer Laws** - Downer Laws are adopted by certain States to provide the wife with the legal right to use one-third or more of the deceased husband's real property for as long as she lives. And as held under Curtesy Laws, this right applies even though the property was sold to a third party. This is provided that the wife did not sign the deed when it was sold. Those States having Downer Laws are as follows: **Alabama, Delaware, Florida, Hawaii, Wisconsin, Kentucky, Massachusetts, Michigan, Montana, New Jersey, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia.**

(4) **Estate Taxes** - An Estate is subject to two (2) kinds of taxes, Federal Estate Taxes and State Inheritance Taxes. Generally, State Inheritance Taxes are based upon a fixed percentage of the value of the gross estate after all applicable deductions are made. This

percentage of course varies from state to state, but the average is around six percent (6%). The Federal Estate Taxes are based upon a graduated scale that was revised in 1981 under what is called the "*1981 Economic Recovery Tax Act*". The Act revised the maximum Estate Tax Rate effective in each of the years that followed its enactment.

SUPPORT ORGANIZATIONS

CONCERNS OF POLICE SURVIVORS, INC.

Concerns of Police Survivors, Inc. (COPS) was organized in 1984 as a national networking organization to support law enforcement survivors emotionally, financially and legally; assist law enforcement agencies to prepare for the trauma affiliated with sudden loss of a law enforcement officer in the line of duty; and to make the nation aware of the yearly loss of life by the law enforcement profession and the trauma that loss inflicts on the family, the agency, and the nation. The COPS membership is comprised of spouses, parents, children, siblings, significant others, and co-workers who are affected by line-of-duty deaths. The COPS organization has programs that assist surviving families financially. Those programs are:

"C.O.P.S. Kids"

On May 14, 1990, Ronald McDonald Children 's Charities (RMCC) opened the door for a new program to be developed by **Concerns of Police Survivors, Inc. (COPS)**. With that one-time generous financial assistance from RMCC, and yearly support from the Southeast Police Motorcycle Rodeo Committee, the Mid-Atlantic Police Motorcycle Rodeo Committee, and many other wonderful sponsors, COPS is able to financially assist dependent-aged children who seek psychological counseling to help them cope with the trauma inflicted on them through the sudden, often violent, loss of their parent to the law enforcement profession. This program provides services to children whose parent was killed in the line of duty since 1984.

Eligibility:

1) Any dependent child of a law enforcement officer killed since 1984 is eligible. Additionally, any child recommended for counseling through the annual May **"C.O.P.S. Kids"** counseling sessions is eligible for this reimbursement program regardless of the date of the line-of-duty death of the parent.

2) **"C.O.P.S. Kids"** provides financial assistance to dependent children age 21 years and younger. This eligibility ceases with the child's 21st birthday, whichever comes first.

3) The deceased parent must have been a law enforcement officer killed in the line of duty as determined by **Federal Government criteria**.

4) Payments may be made directly to the professional providing the counseling services if the survivor's health care plan does not provide coverage for psychological counseling.

Prior to Filing a Claim:

1) Families will be encouraged to use the services of their law enforcement agency's Psychological Services Unit, if available.

2) Should there be other sources available for payment of counseling fees, families are expected to use those resources **before filing** for reimbursement to the "C.O.P.S. Kids" Program.

3) Counseling bills should be forwarded to the family's health care carrier for payment. Any unpaid portion for this service should be paid by the family and "C.O.P.S. Kids" will reimburse any out-of-pocket expense.

Reimbursement Limitations:

"C.O.P.S. Kids" will reimburse up to **$6,000 per eligible child** for out-of-pocket counseling expense. Checks will be drawn as expenses are submitted to the COPS National Office. Any and all information submitted to Concerns of Police Survivors in conjunction with the

"C.O.P.S. Kids" Program will be treated as **confidential, privileged information**. Family surnames and names of children will ***never*** be included in any printed report that leaves the COPS National Office. For additional information on **"C.O.P.S. Kids"**, contact: **Concerns of Police Survivors, Inc., P.O. Box 3199, Camdenton, MO 65020 (573) 346-4911.**

COPS SCHOLARSHIPS

Concerns of Police Survivors, Inc. has authorized granting scholarships for *undergraduate coursework* to surviving children and surviving spouses of law enforcement officers whose deaths have been determined by **government agencies** to be "in the line of duty". COPS scholarships assist survivors in states and areas ***where educational benefits are not part of the state line-of-duty death benefits package.*** Recipients are limited to $12,000 lifetime benefits. The amount of each award will be determined by available funding.

Based on scholastic achievement and lack of state-funded educational benefits, the COPS Scholarship Committee will determine the recipients of the scholarships. Application forms can be secured by calling **COPS at (573) 346-4911.**

These grants will be made payable to the institution of higher learning. The grant can be used for tuition, registration fees, and/or books. Any unused portions of the grant will be returned to Concerns of Police Survivors, Inc., at the end of the school term.

NATIONAL POLICE SURVIVORS' CONFERENCE

COPS works closely with other police organizations to organize the annual National Police Week activities planned in Washington, DC, around May 15th, National Peace Officers' Memorial Day. COPS sponsors two days of grief seminars for family survivors and co- workers. There is a separate program for surviving children aged 5-18. Contact: **Concerns of Police Survivors, Inc., P.O. Box 3199, Camdenton, MO 65020, (573) 346- 4911; fax: (573) 346-1414.**

Other programs offered to survivors by COPS include: "C.O.P.S. Kids" Annual Summer Camp for surviving children aged 6-14 and their surviving parent/guardian; annual Outward Bound® Experience for surviving children aged 15-21; annual Parents' Retreat for surviving parents; annual Spouses Getaway Weekend for surviving spouses; an annual Siblings Retreat, an Adult Children Retreat, and an In-Laws Retreat. Contact the COPS office at the number listed above for more information or visit www.nationalcops.org.

OTHER SUPPORT GROUPS

PARENTS OF MURDERED CHILDREN (POMC)

Parents of Murdered Children, Inc. (POMC), headquartered in Cincinnati, Ohio, has over 100 Chapters and 200 Contact Persons across the United States. POMC is the only national self-help organization designed solely to offer emotional support and information about surviving the loss of a loved one to murder. Contact: **Parents of Murdered Children, 100 E. 8th Street #B41, Cincinnati, OH 45202, (513) 721-5683.**

THE COMPASSIONATE FRIENDS, INC.

A nationwide support group for bereaved parents and siblings. **National Office: P.O. Box 3696, Oak Brook, IL 60522-3696, (312) 990-0010.**

MOTHERS AGAINST DRUNK DRIVING (MADD)

A nationwide support and advocacy group for victims of drunk drivers. **National Office: P.O. Box 54168, Dallas, TX 75354-1688, (214) 744-6233.**

NATIONAL ORGANIZATION FOR VICTIM ASSISTANCE

A nationwide clearinghouse for all victimization issues. **National Office: 1757 Park Road NW, Washington, DC 20010, (202) 232-6682.**

NATIONAL VICTIM CENTER

A resource center for all victimization issues. **National Office: 2111 Wilson Boulevard, Suite 300, Arlington, VA 22201, (703) 276-2880.**

ASSOCIATION OF DEATH EDUCATION AND COUNSELING

Counseling referrals. **National Office: 638 Prospect Avenue, Hartford, CT 06105-4298, (203) 232-4825.**

THE INTERNATIONAL CRITICAL INCIDENT STRESS FOUNDATION

Public safety officers' de-briefings. **Contact: Dr. Jeffrey Mitchell, 5018 Dorsey Hall Drive, Suite 104, Ellicott City, MD 21042, (410) 730-4311.**

FEDERAL BUREAU OF INVESTIGATION

Law enforcement officer de-briefings. **Contact: Behavioral Sciences Unit, FBI Academy, Quantico, VA 22135, (703) 640-1628.**

AMERICAN ASSOCIATION OF RETIRED PERSONS

Organize widowed persons' support groups. **National Office: 601 E Street NW, Washington, DC 20049, (202) 434-2277.**

THE ON-SITE ACADEMY

Counseling and peer-support training. **Contact: Dan Livingston, 216 Mill Street, P. O. Box 1031, Gardner, MA 01440, (800) 238-3518.**

OTHER ORGANIZATIONS

There are several not-for-profit agencies that have formed for the specific purpose of aiding the families of public safety officers killed in the line of duty. These organizations go by such names as Hundred Clubs; Heroes, Inc.; Bluecoats; Backstoppers. Unfortunately, their assistance is restricted to specific geographical locations.

Contact the Benefits Assistance Officer in your department to see if such an organization is functioning in your area.

SOCIAL AND FRATERNAL ORGANIZATIONS

If your spouse was a member of a social, fraternal or veterans organization, you may be entitled to burial, death, spousal financial assistance, or dependent education assistance such as the following:

The Military Order of the Purple Heart - Membership restricted to "Purple Heart" recipients. Educational benefits for surviving children available. 2.5 GPA required. **National Headquarters: 5413-B Blacklick, Spring field, VA 22151. (703) 642-5360.**

The Knights of Columbus - Catholic organization. Scholarships to children of members of the Order, who, as a result of criminal violence, lost their lives or became totally and permanently disabled while in the lawful performance of their duties as full-time law enforcement officers. **Contact: Director of Scholarship Aid, Knights of Columbus, P.O. Drawer 1670, New Haven, CT 06507, (203)772-2130.** Also sponsors a Student Loan Program.

Fraternal Order of Eagles - Through their Memorial Foundation, the Eagles provide financial assistance for surviving children of full-time law enforcement officers killed in the line of duty who were also active members of the Fraternal Order of Eagles at the time of their death. **Contact: Eagles Memorial Foundation, 4710 14th Street West, Bradenton, FL 34207.**

National Guard - Members of the National Guard are provided with $50,000 life insurance policy that covers them on and off military duty. Contact the member's military unit and they will assist in filing the paperwork. The United States Army Reserve may be of help if the deceased was a Reservist.

National Sheriffs Association - The National Sheriffs Association provides $3,000 accidental death or dismemberment for its members. Member need not be on duty at the time of occurrence. Officer may have joined individually or as a covered member of the employing agency. To check membership or begin claim you may call **1-800-424-7827** or write to: **National Sheriffs Association, 1450 Duke Street, Alexandria, Virginia 22314**. You will need a copy of the death certificate and an incident report from the investigating agency.

Check with your member organizations for available benefits.

NRA DEATH BENEFIT

If a police officer, with or without compensation, is feloniously killed in the line of duty (line of duty according to government guidelines) and is a current member of the National Rifle Association, the surviving spouse/family is entitled to a $25,000 death benefit. **Contact NRA Insurance Administration and Claims at (877) 672-3006 with the name of the NRA member and the membership number. The surviving spouse/family must contact the NRA insurance carrier within 90-DAYS of the officer's death.**

CREDIT CARD TRAVELERS INSURANCE

If your spouse **happened to be traveling** at the time, they died, various credit card companies provide traveler s insurance if the trip was financed through that credit card company and you opted to travel on a major mass transportation carrier such as airlines, buses, ships, or rental cars.

You should check with your credit card companies to ascertain the amounts of coverage and the limits of the policies. Coverage ranges from $50,000 to $500,000 depending on the card company. Here are a few referral numbers:

American Express (800-528-2122)
VISA (800-VISA911)
Mastercard Bank of America (800-MCASSIST)

FEDERAL VICTIM/WITNESS NOTIFICATION PROGRAM

For offenders in Federal custody, the Bureau of Prisons established procedures to be followed in responding to a request from a victim or witness who wishes to be notified regarding a specific inmate's release or release-related activities. The Bureau manages the Victim and Witness Notification Program to meet the needs of qualifying individuals who request information from the US Attorney in the district in which the prosecution occurred. The US Attorney forwards the request to the Warden of the institution where the inmate is confined and will then notify the victim or witness in writing of the inmate's location and of all significant release-related activities. These include release, escape, furlough, transfer to a community corrections center, parole hearings, and death. To obtain information about an offender's status, call 1-800-359-3267.

Occasionally, inmates are transferred between Bureau of Prisons institutions for adjustment purposes, population balance, or other sound correctional reasons. Victims and witnesses are not routinely notified of these internal system transfers. Any victim/witness may learn the location of any confined inmate by calling or writing the Bureau of Prisons Inmate Locator System, c/o US Department of Justice, Federal Bureau of Prisons, 320 1st Street NW, Room 536, Washington, DC 20534, telephone 202-307-3126.

CHAPTER 5
SAFETY AND HEALTH

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	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **SAFETY & HEALTH**	Chapter **5**
	Affects: **ALL PERSONNEL**	
EFFECTIVE DATE **January 29, 2009**	Rescinds:	Amends: **5-102.11.3; 206.6 on 9/18/20**

5-100 SAFETY

It is the intent of the Calvert County Sheriff's Office to provide a safe environment for all of its employees. It is also our intent to properly manage any incidents that occur so as to minimize injury and other forms of loss. A well-managed workplace safety program can benefit the Agency and its people in countless ways. In order to achieve these goals, we have developed policies and procedures regarding employee health and safety.

5-101 BODY ARMOR

The Calvert County Sheriff's Office provides protective vests (soft body armor), which are uniquely fitted to each deputy. Soft body armor is issued to all sworn personnel to provide a measure of protection against assault and to reduce the possibility of fatal or serious injury. The wearing of CCSO-issued soft body armor, while on-duty, is mandatory for Patrol deputies. It is optional for CIB deputies and for commissioned officers. However, all sworn personnel are required to have their body armor readily available at all times while on duty.

Another option for safety and protection is the outer vest carrier. It is body armor that can be worn as an outer garment. Sworn personnel may choose to wear this as an optional uniform modification but will do so at their own expense.

The approved outer vest carrier must only be worn with the Class B, C, or secondary employment uniform. It must be black in color with the Agency badge and name plate affixed in the same manner as they appear on the class B and C uniform. There will be no patches displayed on the outer vest carrier.

Commanders or supervisors will order that soft body armor be worn on especially hazardous, pre-planned operations, such as warrant execution. At their discretion, a supervisor can order the wearing of the body armor based on the situation.

Under no circumstance may an employee make or attempt to make any alterations to soft body armor. If armor becomes unserviceable, it must be returned to the bureau commander for replacement. Soft body armor will be replaced every 5 years.

5-102 BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN

The purpose of this policy is to provide training and establish guidelines in preventing the contraction of communicable diseases and to offer an exposure control plan designed to eliminate or minimize employee exposure.

5-102.1 DEFINITIONS

For the purpose of this policy, the following shall apply:

Assistant Secretary: Assistant Secretary of Labor for Occupational Safety and Health or a designated representative.

Blood: Human blood, human blood components, and products made from human blood.

Bloodborne Pathogens: Microorganisms that are present in human blood and can cause disease in humans. These include but are not limited to hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

Contaminated: The presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

Contaminated Laundry: Laundry which has been soiled with blood or other potentially infectious materials or may contain sharps.

Contaminated Sharps: Any contaminated object that can penetrate skin including, but not limited to sharp metal, scalpels, broken glass, exposed ends of dental wires, etc.

Decontamination: The use of physical or chemical means to remove, inactivate or destroy bloodborne pathogens on a surface or items to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.

Director: Director of the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services or a designated representative.

Exposure Incident: A specific eye, mouth, other mucous membrane, or non-intact skin contract or parenteral contact with blood or other potentially infectious materials that results from the performance of a member's job-related duties.

Occupational Exposure: Reasonably anticipated skin, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of a member’s duties.

Parenteral Contact: Piercing skin or mucous membrane through such events as needle sticks, human bites, cuts and abrasions.

Potentially Infectious Material: Human body fluids including semen, vaginal secretions, cerebrospinal fluids, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva, and body fluid visibly contaminated with blood, all body fluids in situations where it is difficult to differentiate between body fluids; and any unfixed tissue or organ from a living or dead human.

Universal Precaution: Approach to infection control by which all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV and other bloodborne pathogens.

Level I Personnel: Employees who are routinely exposed to bloodborne pathogens or potentially infectious materials on a regular basis. Training is mandatory.

Level II Personnel: Employees who may become exposed to bloodborne pathogens or potentially infectious materials under certain circumstances. Training is mandatory.

Level III Personnel: Employees who, due to their job assignments, will not become exposed to bloodborne pathogens or potentially infectious materials. Training is offered, but not required.

5-102.2 PLAN AVAILABILITY AND TRAINING

A. Plan Availability

1. The Sheriff or his designee shall ensure that the policy, Bloodborne Pathogens Exposure Control Plan is made available to all Agency members.

2. The Sheriff or his designee shall make the plan available to the Assistant Secretary and Director upon request for examination and/or copying.

3. The Academy Instructor shall review and update the plan as needed to reflect new or modified tasks and procedures which affect occupational exposure.

B. Training

1. The Agency shall ensure all members participate in a training program which is provided at no cost to the members and during work hours.

2. The training shall include general information regarding hepatitis B (HBV), human immunodeficiency virus (HIV) and other life-threatening diseases.

3. The scheduled training shall be provided at the time of initial assignment to tasks where occupational exposure may take place and at annual in-service training. The annual training shall be provided within one (1) year of the previous training.

4. The Agency shall provide additional training through the Academy when modifications of tasks or procedures or new tasks or procedures affect the member's occupational exposure. The additional training may be limited to addressing the new exposures created.

5. The instructor(s) conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the workplace that the training will address.

6. The training program shall minimally contain the following elements:

   a. A copy of Occupational Safety and Health Administration, 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.

   b. A copy of the Manual policy: Bloodborne Pathogens Exposure Control Plan.

c. A general explanation of the epidemiology and symptoms of bloodborne pathogens.

d. An explanation of the modes of transmission of bloodborne pathogens.

e. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials.

f. An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate work practices and personal protective equipment.

g. Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment.

h. An explanation of the basis for selection of personal protective equipment.

i. Information on the hepatitis B vaccine, including information on its effect, safety, method of administration, benefits of being vaccinated and that the vaccine and vaccination will be offered at no charge to the member.

j. Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials.

k. An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available.

l. Information on the post-exposure evaluation and follow-up that the agency is required to provide for the members following an exposure incident.

m. An explanation of the required signs, labels and color-coding.

n. An opportunity for interactive questions and answers with the instructor conducting the training.

5-102.2.1 TRAINING RECORDS

A. Training documentation shall minimally include the following information:

1. Dates of training sessions.
2. Contents or summary of training sessions.
3. Names and qualifications of instructors conducting the training.
4. Names and job titles of members attending the training sessions.

B. The training documents shall be maintained and perpetually retained by the Training Academy. OSHA requires duration of employment, plus thirty (30) years in accordance with 29 CFR 1910.120.

C. The Agency shall ensure all documentation of training shall be made available upon request to the following for examination and/or copying:

1. Assistant Secretary
2. Director
3. Affected Member
4. Affected Member's representative(s).

5-102.3 EXPOSURE DETERMINATION AND EMPLOYEE CLASSIFICATION

A. Level I Personnel are those sworn and civilian employees who are routinely exposed to bloodborne pathogens or potentially infectious materials on a regular basis (i.e., patrol officers, investigators, crime lab personnel, correctional officers, etc.). The following job classifications meet the criteria for Level I Personnel:

Sworn law enforcement officers of the rank of Lieutenant and below, assigned to:

1. Patrol Bureau
2. Criminal Investigations Bureau
3. Special Operations Team
4. Civil Process Unit

B. Level II Personnel are those sworn and civilian employees who may become exposed to bloodborne pathogens or potentially infectious materials under certain circumstances. These employees do not normally confront frontline exposure but could be called upon in emergency situations.

The following job classifications meet the criteria for Level II Personnel:

1. Sworn law enforcement personnel of the rank of Administrative Lieutenant and above.
2. Sworn law enforcement personnel assigned to the Office of the Sheriff as administrative support staff.
3. Civilian employees assigned to the crime laboratory.

C. Level III Personnel are those civilian employees, who because their job assignments, will not become exposed to bloodborne pathogens or potentially infectious materials. The following job classifications meet the criteria for Level III Personnel: Civilian employees assigned to administrative, administrative support and clerical duties. Training is offered and encouraged, but it is not mandatory.

5-102.4 WORK PRACTICES

A. Universal Precautions

1. In order to minimize potential exposure to communicable diseases, members should assume that all persons are potential carriers of a communicable disease.

2. All members shall utilize universal precautions to prevent contact with blood or other potentially infectious materials in the performance of job-related duties.

3. All members shall consider body fluids to be potentially infectious materials under circumstances in which differentiation between body fluid types is difficult or impossible.

B. Prevention

1. Members are prohibited from eating, drinking, applying cosmetics or lip balm and handling contact lenses in work areas where there is a reasonable likelihood of occupational exposure.

2. Members are prohibited from keeping food and drink in refrigerators, freezers, shelves, cabinets or on counter tops where blood or other potentially infectious materials are present.

3. Members shall perform all procedures involving blood or potentially infectious materials in such a manner as to minimize splashing, spraying, spattering and generation of droplets on these substances.

4. Members are prohibited from bending, recapping, shearing or breaking contaminated needles or sharps.

5. Members are prohibited from removing a needle from a syringe without the use of a mechanical device.

6. Supervisors shall monitor members to ensure compliance with the Bloodborne Pathogens Exposure Control Plan.

C. Storage Containers and Labeling

1. Blood or other potentially infectious materials shall be placed and secured in a biohazard container which prevents leaking during collection, handling, processing, storage, transport or shipping.

2. Biohazard labels shall be affixed to containers or regulated waste, refrigerators and freezers containing blood or other potentially infectious materials. The container for storage, transport or shipping shall be color-coded, labeled and secured prior to being stored, transported or shipped.

3. If outside contamination of the primary container occurs or the specimen punctures the primary container, the primary container shall be placed in a second puncture-resistant container which prevents leakage during handling, processing, storage, transport or shipping. The second container shall be biohazard labeled and secured prior to being stored, transported or shipped.

4. The Agency shall post fluorescent orange or orange-red signs containing the following information, at the entrance to work areas where potentially infectious materials may be present (ie: crime laboratory, property/evidence storage etc.)

   a. "BIOHAZARD" (symbol)
   b. Name of infectious agent or potentially infectious material.
   c. Special requirements for entering area (i.e.: mask, apron, gloves, goggles, etc.).
   d. Name and telephone number of the crime lab technician or other responsible member.

D. Hand Washing Facilities

1. The Agency shall provide the following hand washing facilities at the Sheriff's Office, which shall be readily accessible to all members:

a. Running potable water
b. Soap
c. Single use towels

2. The Agency shall provide a germicide solution for use by members when the use of hand washing facilities is not feasible. When the germicide solution is used, the member's hands shall be washed with soap and running water as soon as feasible.

3. Members shall wash hands immediately or as soon as feasible after removal of disposable gloves or other protective equipment.

4. Members shall wash hands and any other skin with soap and water, or flush mucous membranes with water immediately, or as soon as feasible following contact with blood of other potentially infectious material.

E. Contaminated Equipment

1. Equipment which may become contaminated with blood or other potentially infectious materials shall be decontaminated as necessary.

2. If the equipment is to be cleaned and decontaminated by an outside source, the member shall place the contaminated equipment in a biohazard container for transport. If the equipment is too large for a biohazard container, a biohazard label shall be affixed to the equipment until cleaned and disinfected.

F. Contaminated Laundry

1. Contaminated laundry shall be handled as little as possible with a minimum of agitation.

2. Contaminated laundry shall be placed in a biohazard container at the location it was used or recovered. The contaminated laundry shall not be stored or rinsed at the location it was used or recovered.

3. Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through or leakage from the biohazard container, the laundry shall be placed and transported in a secondary biohazard container which prevents leakage of fluids to the exterior.

4. Members who have contact with contaminated laundry shall wear protective disposable gloves and other personal protective equipment as required by the situation.

5. If contaminated laundry is shipped off-site for laundering, the contaminated laundry shall be placed in a biohazard container.

5-102.5 SYRINGE RECOVERY DURING DAILY DUTY

A. Recovery in General

1. All members should use the utmost caution when conducting searches of suspects and suspect property. When conducting a search, the member should proceed as if a syringe were present.

2. Any syringe discovered during the course of duty shall be properly handled and safely disposed of by the discovering member.
3. The discovering member shall handle the syringe as carefully as possible while securing the syringe in a disposable syringe safety container.

4. The member shall only place one (1) syringe in each disposable syringe safety container.

B. Syringe Recovery - Procedures for submission of syringe as evidence and proper reports to be completed are outlined in Chapter 16 of the *Administrative and Operational Manual*.

C. Disposition of Syringes in General

1. When moving biohazard containers of contaminated syringes from the area of use, the container shall be closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport or shipping.

2. The biohazard container shall be placed in a secondary biohazard container if leakage is possible. The secondary biohazard container shall be closeable, constructed to contain all contents and prevent leakage, and labeled and color-coded as a biohazard.

3. The reusable biohazard container shall not be opened, emptied, cleaned manually or in any other manner which would expose a member to the risk of parenteral contact.

D. Disposition of Recovered Syringes

1. The designated Property/Evidence Manager shall wear protective disposable gloves when handling the secured disposable syringe safety containers.

2. The Property/Evidence Manager shall place the secured disposable syringe safety containers in a biohazard container.

a. Once all the disposable syringe safety containers have been removed, the biohazard container shall be sealed.

b. Procedures for disposal of syringe that are no longer needed as evidence are outlined in Chapter 16 of the *Administrative and Operational Manual*.

5-102.6 PERSONAL PROTECTIVE EQUIPMENT

A. Provision of Personal Protective Equipment

1. The Agency shall provide to all Level I and Level II sworn law enforcement officers a personal protective kit, (to be carried in their assigned vehicle) consisting of the following items:

a. One (1) Abdominal Combine Pad (5”x9”)
b. Ten (10) Anti-microbial Wipes

c. One (1) Biohazard Waste Bag
d. One (1) Bottle of Eye Wash
e. One (1) CPR Mask Face Mask/Eye Shield
f. One (1) Fluid Impervious Gown
g. One (1) Ace Bandage
h. One (1) Gauze Bandage (3")
i. One (1) Gauze Bandage (4")
j. One (1) Pair EMS Shears
k. One (1) Rescue Blanket
l. Two (2) Rolls Waterproof Adhesive Tape
m. Sixteen (16) Plastic Bandages (1"x3")
n. Three (3) Pair Latex Gloves
o. Four (4) Sterile Oval Eye Pads
p. Two (2) Syringe Safety Containers
q. Two (2) Triangular Bandages
r. One (1) Multi-purpose Wound and Trauma Dressing
s. Ten (10) Gauze Pads (4"x4")
t. Ten (10) Packets Alcohol Wipes
u. One (1) Packet Antiseptic Hand Wipes
v. Ten (10) Packets Triple-Biotic Ointment

2. Disposable equipment shall not be washed or decontaminated for multiple use.

3. Disposable equipment shall be replaced as soon as practical when contaminated or damaged.

4. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood or other potentially infectious materials and when handling or touching contaminated items or surfaces.

5. Masks and eye protection shall be worn whenever splash, spray, spatter, or droplets or blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated.

6. Liquid germicidal cleaner or disposable towelettes shall be used when hand washing facilities are not feasible. Hands shall be washed with soap and running water as soon as practical.

7. Resuscitation equipment shall be used during mouth-to-mouth resuscitation.

8. Disposable uniforms shall be worn in instances when gross contamination can reasonably be anticipated.

9. Syringe safety containers shall be used to secure any syringe recovered.

10. Household bleach shall be diluted by mixing one-part bleach to ten (10) parts water and used with disposable towels to clean up spills and to decontaminate equipment and work surfaces.

5-102.6.1 EQUIPMENT ISSUE AND REPLACEMENT

A. Personal protective equipment issuance and replacement shall be accomplished through the Quartermaster.

B. It shall be the responsibility of the individual employee to contact the Quartermaster for equipment replacement.

C. When equipment is used from the kits maintained at the locations listed in this chapter, it shall be the responsibility of the employee using the equipment to notify his supervisor, who shall obtain replacements.

5-102.6.2 STANDARDS FOR WEARING PROTECTIVE EQUIPMENT

A. Personal protective equipment shall be worn when handling any persons, clothing or equipment with body fluids on them.

B. Personal protective equipment shall be worn where body fluids may be splashed on the member.

C. Plastic mouthpieces or other authorized barrier/resuscitation devices shall be used whenever a member performs CPR or mouth-to-mouth resuscitation.

D. An employee may elect not to use personal protective equipment in the following circumstances:

1. In the employee's professional judgment, that in the specific instance, the use of the personal protective equipment would prevent the delivery of health care or public safety services.

2. In the employee's professional judgment, that in the specific instance, the use of the personal protective equipment would pose an increased hazard to the safety of the employee or others.

E. If the employee does not use personal equipment due to their professional judgment, the circumstances shall be investigated by the employee's on-duty supervisor. The completed investigation shall be forwarded to the Sheriff via chain of command for review and disposition.

5-102.6.3 PROTECTIVE EQUIPMENT CLEANING AND DISPOSAL

A. Cleaning and disposal of personal and/or protective equipment shall be provided by the Agency.

B. If a garment is penetrated by blood or other potentially infectious materials, the members shall remove the garment immediately or as soon as feasible.

C. The member shall remove all personal protective equipment prior to leaving an injury scene or work area.

D. After removal of the personal protective equipment, all disposable items shall be placed in a biohazard container for storage and disposal.

5-102.7 HOUSEKEEPING PROCEDURES

A. Members shall ensure the worksite is maintained in a clean and sanitary condition.

B. All equipment and work surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.

5-102.8 SANITATION PROCEDURES

A. Equipment, which may become contaminated with blood or other potentially infectious materials, shall be decontaminated or sterilized as necessary. Including protective coverings (i.e.: plastic wrap, foil, etc.) used to cover equipment and work surfaces.

B. Contaminated work surfaces shall be decontaminated with an appropriate disinfectant, a diluted household bleach solution of one- part bleach to ten (10) parts water, at the following times:

1. After completion of procedures.

2. Immediately, or as soon as feasible, when surfaces are overtly contaminated or after any spill of blood or other potentially infectious materials.

3. At the end of the tour of duty if the surface may have become contaminated since the last cleaning.

4. All bins, pails, cans, and similar receptacles intended for re-use which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately, or as soon as feasible upon visible contamination by the responsible member.

5. Personnel assigned to clean up serious body fluid spills should wear a disposable uniform, disposable gloves, eye protection and mask.

6. All contaminated clothing should be removed as soon as practical and laundered with detergent in water at least 160 degrees Fahrenheit for twenty-five (25) minutes.

7. Patrol vehicles and equipment contaminated with body fluids shall be immediately decontaminated by cleaning with a household bleach, one (1) part bleach to ten (10) parts water, or a fungicidal/mycobactericidal disinfectant.

5-102.9 POTENTIALLY INFECTIOUS MATERIALS IN THE COMMUNITY

A. If potentially infectious materials are discovered in the community, the member shall utilize universal precautions as warranted and practical.

B. As soon as practical, the member shall initiate a perimeter for the protection of other individuals.

C. The member shall request the Control Center to contact a HAZMAT unit to respond to the scene for clean-up, disinfection and disposal, as required.

D. The member shall be responsible for clean-up and disposal of any protective equipment the member used (i.e.: gloves, mask, etc.) and/or medical supplies (i.e.: dressings, bandages, etc.).

5-102.10 IMMUNIZATIONS / HEPATITIS B VACCINE

A. A hepatitis B vaccine is available that is safe and effective in the prevention of HBV infection.

B. The Agency shall provide the hepatitis B vaccine and vaccination series to all Level I and II members.

C. The hepatitis B vaccination shall be provided after the Level I and II members receive the orientation and training through the Training Academy regarding bloodborne pathogens.

D. The hepatitis B vaccination shall be provided to Level I and II members within the (10) days of initial assignment, unless the member has previously received the complete hepatitis B vaccination series and antibody testing (titer) has revealed the member is immune, or the vaccine is contra-indicated for medical reasons. Participation in the prescreening program shall not be a prerequisite for receiving the hepatitis B vaccination.

E. The Agency shall ensure the hepatitis B vaccine and vaccination series are:

1. Made available at no cost to the member.
2. Made available to the member at the State Health Department in Prince Frederick.
3. Performed by or under the supervision of a licensed physician or by or under the supervision of another healthcare professional.

5-102.10.1 HEPATITIS B VACCINATION DECLINATION

A. The member providing the training shall request any member who declines the vaccination to complete a Calvert County Sheriff's Office *Hepatitis B Vaccine Declination Form*.

B. The completed *Hepatitis B Vaccine Declination Form* shall be placed in the member's personnel file.

C. The Agency shall make the vaccination available to a member at no charge who initially declines the hepatitis B vaccination but at a later date, while still covered by the standard, decides to accept the vaccination.

5-102.11 EXPOSURE REPORTING PROCEDURES

Any member who has experienced an exposure incident shall document the incident in the following manner:

A. A *Case Report* shall be submitted prior to the end of that workday. Information in the Incident Report shall include:

1. Type of exposure
2. Route of exposure
3. Source of exposure
4. Protective equipment used or not used

5. Sanitation procedures
6. Circumstances under which the exposure incident occurred

B. A Worker's Compensation *Employee's First Report of Injury or Illness* will be completed by the duty supervisor or their designee at the time of the incident.

C. A Calvert County Emergency Service Worker – *Exposure to a Communicable Disease Form* will be completed immediately if the source person is transported to the emergency room after the incident. This form is especially important if the source person dies at the emergency room or while en-route. If a death has occurred the effected Agency member must get this form to the emergency room, prior to the body being moved to the morgue, so that blood can be drawn from the decedent.

5-102.11.1 POST-EXPOSURE EVALUATION AND FOLLOW-UP

A. The Agency shall provide post-exposure evaluation and follow-up to all members who have had an exposure incident.

B. The Agency shall ensure all medical evaluations and procedures, including post-exposure evaluation and follow-up are:

1. Made available at no cost to the member.
2. Made available to the member at a reasonable time and place.
3. Performed by or under the supervision of a licensed physician, or by or under the supervision of another licensed health care professional.

C. The Agency shall ensure all laboratory tests are conducted by an accredited laboratory at no cost to the member.

5-102.11.2 MEDICAL EVALUATION AND FOLLOW-UP

A. Following a report of an exposure incident, the Agency shall immediately make available a confidential medical evaluation and follow-up to the exposed member.

If the provider deems true exposure, the deputy should report immediately to the Emergency Room at CMH; register as a regular patient; and sign consent for blood draw and HIV testing. According to COMAR law Sec.10.18.08.06, the patient has the right to refuse testing. Refusal, and patient education regarding importance of base line labs will be recorded in the hospital's electronic health record. Any follow-up treatment will need to be coordinated through the deputy's primary care provider.

B. The Agency shall ensure that the health care professional evaluating a member after an exposure incident is provided the following information:

1. A copy of the Occupational Safety and Health Administration, 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.
2. A description of the exposed member's duties related to the exposure incident.
3. Documentation of the route(s) of exposure and circumstances under which exposure occurred.
4. All medical records relevant to the appropriate treatment of the member, including vaccination status, which are the member's responsibility to obtain.

C. The evaluation shall minimally include the following information:

1. Documentation of the route(s) of exposure.
2. Circumstances under which the exposure incident occurred.
3. Identification and documentation of the source individual, unless the Agency can establish that identification is feasible or prohibited by state and local law.

5-102.11.3 SOURCE INDIVIDUAL'S BLOOD TEST

A. The member's supervisor or designee shall request the source individual to voluntarily submit to a blood test. The source individual's blood shall be tested as soon as feasible and after consent is obtained in order to determine HBV and HIV infection.

B. If the source is at the Detention Center or arrested and taken to the Detention Center, the blood draw will be done there, according to their internal process. Otherwise, the source shall be taken to the hospital emergency room for the blood draw.

C. The blood sample may be drawn by court order or as a result of a voluntary consent. The Court Order will be obtained by contacting the District Court States Attorney's Office**.** The blood sample may be drawn immediately or may be delayed up to several days.

D. The blood sample may be drawn immediately or may be delayed up to several days. This decision shall be made by the Calvert County Health Department based upon the facts particular to the incident after consultation with the supervisor or designee.

E. If the source individual is already known to be infected with HBV or HIV, testing of the source individual shall not be required.

F. The result of the source individual's blood test or previously established status shall be made available to the exposed member.

5-102.11.4 EXPOSED MEMBER'S BLOOD TEST

A. The exposed member's blood shall be collected as soon as feasible and tested after consent is obtained.

B. Rapid HIV will be done at the time of the emergency room visit. Results of the Rapid HIV will be reported by the Emergency Department provider during the emergency room visit. Only positive findings for send out labs will be called. Hepatitis panel results take a minimum of at least three to five days, and HIV results will take one to two weeks. The hospital will contact the exposed member of positive findings.

5-102.11.5 HEALTH CARE PROFESSIONAL'S OPINION

A. The Agency shall obtain and provide the member with a copy of the evaluating health care professional's written opinion within fifteen (15) days of the completion of the evaluation.

B. The health care professional's written opinion shall be limited to whether hepatitis B vaccination is indicated for the member and if the member has received the vaccination.

C. The health care professional's written opinion for post-exposure evaluation and follow-up shall be limited to the following information:

1. The member has been informed of the result of the evaluation.
2. The member has been informed of any medical conditions resulting from exposure to blood and other potentially infectious materials which require further evaluation or treatment.

D. All other findings or diagnoses shall remain confidential and shall not be included in the healthcare professional's written opinion.

5-102.11.6 MEDICAL RECORDS MAINTENANCE

A. The Agency shall establish and maintain an accurate record for each employee with occupational exposure. This record shall include:

1. Employee's name and social security number.
2. Copy of the employee's hepatitis B vaccination status including the dates of all hepatitis B vaccinations.
3. A copy of all results of examinations, medical testing and follow-up procedures.
4. A copy of the healthcare professional's written opinion.
5. A copy of the information provided to the healthcare professional detailing the circumstances surrounding the employee exposure.

B. The Agency shall maintain employee medical records for a minimum period of thirty (30) years after the duration of the employee's employment.

C. Employee's medical records shall be kept confidential and not disclosed or reported to anyone without the employee's written consent.

D. The member's medical records regarding the exposure incident shall be provided to the following upon request for examination and copying:

1. Affected member
2. Anyone having written consent of the affected member
3. Director
4. Assistant Secretary

5-103 NALOXONE (NARCAN)

The Calvert County Sheriff's Office recognizes that opioid usage is a serious public health and safety issue to the citizens of Calvert County. Naloxone (Narcan) is a recognized drug that may counter the respiratory depression effects of an opioid overdose. Deputies will be trained in recognizing the possible signs of opioid overdose, and the proper administration of Naloxone.

See policy / procedures on Naloxone in the SOP section of this manual.

5-200 HEALTH AND FITNESS

Each employee is required to maintain a level of general health and fitness sufficient to carry out the essential duties of their position, with or without reasonable accommodation. The deputy shall be physically fit in order to handle the rigors of being a law enforcement officer. Physical

activity required of a deputy includes, but is not limited to, such activity as hand to hand combat with others; running significant distances without rest; pushing or physically removing a vehicle from the roadway; restraining a combative individual; carrying an individual to safety; scaling fences; wearing tactical gear; and handling/maintaining crowd control, along with other physical activities which may be required to maintain a safe environment for the public, as well as the ability to protect oneself and others. Deputies shall maintain their physical fitness throughout their careers to ensure not only their safety, but the safety of fellow law enforcement officers and the general public.

When a supervisor determines, by observation, that there is an essential duty that an employee is unable to perform, and it appears that the reason for the employee's inability is the result of the employee's health or fitness, the supervisor will notify the employee and report the specific deficiency, in writing, to the Assistant Sheriff via the chain of command.

The Assistant Sheriff will determine if it is necessary to refer the employee to a CCSO physician for an examination, at CCSO expense, to determine the employee's continued ability to perform the essential duties of their position.

5-201 PHYSICAL EXAMINATION

Deputies are required to submit to physical examinations prior to beginning employment. The examinations are given by a designated physician with the costs being paid by the Agency. Any employee may be required at any time to submit to an examination, at the Agency's expense, by a designated physician to determine the ability of the employee to perform the essential functions of an assigned position. The need for this examination will be determined by the circumstances of the immediate case. A lack of compliance by the employee with such a directive is justification for removal of the employee from the position.

Physical examination results are kept in the employee's confidential medical file.

5-202 REPORTING PREGNANCY AND RETURN TO DUTY FOLLOWING CHILDBIRTH

A. As soon as the pregnancy is verified, the employee will submit an *Accident and Sickness Report* (*A and S Report)* indicating her pregnancy, the date she is expecting to leave work, and the expected date of delivery. The *A and S Report* must be accompanied by a corroborating statement signed by her physician. The light duty policy will apply for pregnant employees no longer able to perform full law enforcement duties.

B. Interval *A and S Reports* need not be submitted unless an employee loses time from work, in which case they shall be submitted at the prescribed intervals. The diagnosis on the interval *A and S Report* must indicate that the employee's absence is because of her pregnancy or a complication related thereto. The employee will also be required to provide a *Disability/Return to Duty Certification Report*, from the attending physician, for any absence due to pregnancy of three (3) or more consecutive working days. A final *A and S Report* will be submitted when the employee returns to full duty status following termination of the pregnancy.

C. After the employee's six (6) week checkup, she will forward a certificate from her physician indicating the date that she expects to return to full duty.

D. If the employee must take a protracted period of sick leave before the seventh month of pregnancy, or when the sick leave extends beyond the sixth week after the pregnancy is

terminated, a physician's consultation report explaining the need for these extensions must be submitted by the employee.

5-203 LIGHT DUTY AND RETURN TO DUTY

Light Duty status may be authorized under the following conditions:

A. This status must be requested in writing by the employee via the chain of command.
B. The maximum duration of a light duty status will be 28 days per calendar year inclusive of any paid or unpaid leave. (Exception for pregnancy)
C. No County vehicles may be operated while on light duty status.
D. Arrangements must be made with a supervisor to have assigned vehicles parked at the Sheriff's Office.
E. A physician's certificate is required stating the limitations and duration of light duty status.
F. A physician's certificate stating that the employee may return to full duty.

5-204 RANDOM DRUG AND ALCOHOL TESTING

It should be noted that this policy is not all inclusive and that additional information can be found by reviewing the Drug and Alcohol Testing SOP's.

The Calvert County Sheriff's Office (CCSO) under the authority of the Sheriff has adopted the standard of a drug free workplace. To assist with meeting and maintaining this standard, the CCSO has implemented the Random Drug and Alcohol Testing Program. The CCSO believes that the use of alcohol or illicit drugs in the workplace by its employees is detrimental to public safety. The CCSO recognizes that employees who abuse substances, on or off duty, tend to be less productive, less reliable, and pose a greater threat to the public and fellow employees. The CCSO is committed to maintaining a drug free workplace.

Identified employees will be subject to mandated non-DOT pre-employment, post-accident, reasonable suspicion, random, return to duty, and follow up drug and or alcohol testing. Additionally, there are those identified CCSO employees who fall under the regulatory auspices of the United States Department of Transportation (DOT) (49 CFR Part 40 as amended), specifically the United States Coast Guard (USCG) (Title 46, Part 16). The CCSO is required to comply with the regulations of these operating administrations within the DOT and Department of Homeland Security. In some cases, the CCSO reserves the right to utilize stricter policies or procedures than that of the DOT and/or Homeland Security, when it is believed to be in the best interest of the Agency, its employees, and the general public.

The program will test non-DOT urine/saliva samples for the following controlled substances and illicit drugs. This list includes but is not limited to the following:

- Marijuana
- Amphetamines
- Opiates and Synthetic Opiates
- Phencyclidine (PCP)
- Cocaine
- Benzodiazepines
- Barbiturates
- Oxycodone

- Oxycontin

5-204.1 DEFINITIONS

Chemical Test: A scientifically recognized test which analyzes an individual's urine for evidence of dangerous drug use.

Dangerous Drug: A narcotic drug, controlled substance, or a controlled substance analog other than alcohol, which may impair an employee's mental faculties, mood, and/or physical performance (as defined in section 102 of the Comprehensive Drug Abuse and Control Act of 1970, 21 U.S.C 802), Schedules I thru V of Section 102 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by (21 CFR 1300.11 thru 1300.15) is prohibited at all times in the workplace unless a legal prescription has been written for the substance.

Drug Test: A chemical test of an individual's urine for evidence of dangerous drug use.

Medical Review Officer (MRO): The MRO is a licensed physician with knowledge of urine drug testing and substance abuse disorders. The primary role of the MRO is to act as an independent, impartial gatekeeper and advocate for the accuracy and integrity of the drug testing procedures. The MRO must also provide a quality assurance review of the drug testing process for the specimens reviewed and processed by said MRO. The MRO will perform all mandated duties and make all decisions and determinations in accordance with DOT procedures listed in 49 CFR, Parts 40 & 382 as amended.

Random Testing: The manner of selecting employees for drug testing will be that of a computerized selection process beyond the control of employees of the CCSO.

Reasonable Suspicion: An employee exhibiting behavior or conduct that has been observed by at least one supervisor, who has received 2 hours of training for drug and alcohol awareness (SMCJA), gives reasonable suspicion to suspect drug or alcohol use, will be required to submit to reasonable suspicion drug and/or alcohol testing.

Marine Employer: The owner, operator, charter, agent, master, or person in charge of a vessel other than a recreational vessel.

Marine Operation: Means to navigate, steer, direct, manage, or sail a vessel, or to control, monitor, or, maintain the vessel's main or auxiliary equipment or systems. Operation includes:

1. Determining the vessel's position, piloting, directing the vessel along a desired track line, keeping account of the vessel's progress through the water, ordering or executing changes in course, rudder position, or speed, maintaining a lookout.
2. Controlling, operating, monitoring, maintaining, or testing the vessel's propulsion and steering systems, electric power generators, bilge, ballast, fire and cargo pumps, deck machinery including winches, windlasses, and lifting equipment, lifesaving equipment and appliances, firefighting systems and equipment, and navigation and communication equipment and,
3. Mooring, anchoring, and line handling, loading or discharging of cargo or fuel, assembling or disassembling of tows and maintaining the vessel's stability and watertight integrity.

Test Refusal: Employee is considered to have refused a test, if they:

1. Fail to appear for any test (except pre-employment) within the specified time period after being notified to do so.
2. Fail to remain at the testing site until the testing process is complete.
3. Fail to provide a specimen for any drug or alcohol test required by the CCSO, DOT, or USCG guidelines.
4. Refuse to allow the observation or monitoring of a specimen collection when it is required.
5. Fail to provide a sufficient urine sample without an adequate medical explanation for the failure.
6. Fail to take a second test that the employer or collector has directed the employee to do so.
7. Fail to undergo medical exam as directed by the employer or the MRO as part of the verification process for "shy bladder" or "shy lung" procedures.
8. Fail to cooperate with the testing process, i.e. refusal to empty pockets when requested, behaving in a confrontational manner that disrupts the process, or failure to wash hands after being directed to do so by the collector, failure to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants to mid-thigh, and to turn around to allow the observer to see if the employee is wearing prosthetic or similar devices that could be used to interfere with the collection process etc.
9. Possession or wearing a device or product intended to help the employee pass the drug test.
10. Admitting adulteration or substitution of the specimen to the collector or the MRO.
11. If the MRO reports a verified adulteration or substituted test result.
12. An employee who is subject to testing, who fails to remain readily available for such testing, including notifying the CCSO of their location, if he or she leaves the scene of the accident or incident, prior to the supervisor's determination testing is not necessary.

5-204.2 DESIGNATED EMPLOYER REPRESENTATIVE (DER) & CONFIDENTIALITY

The Commander of the Office of Professional Standards administers the random drug testing program. In the absence of the OPS Commander, the Commander of the Administrative and Judicial Services Bureau will administer the drug testing program.

All information is considered confidential and confidentiality will be maintained to the fullest extent possible with regards to drug and alcohol testing. No employee, other than those employees with a legitimate need to know, shall discuss the identity of any employee selected to be tested, except to make notifications to the employee at the time of the test.

The traditional doctor/patient relationship does not exist when the Medical Review Officer (MRO) is acting within the scope of duties assigned under the CCSO's Drug and Alcohol Testing Policy. Employees are advised, information provided to the MRO during the verification process of a confirmed laboratory positive test result may be disclosed to third parties. No testing information will be furnished to a third party without the written consent provided by the employee/donor. The MRO will notify the employee/donor in writing, if test results are furnished to any third party, other than DOT auditors and/or investigators. Test results will not be disclosed by the DER, the MRO, the TPA, or the testing laboratory, to anyone outside of the CCSO, including law enforcement agencies, except when the following circumstances occur:

- The DOT/USCG regulations require such disclosure.
- The decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee.

- Worker's compensation claim, unemployment compensation claim, or any other proceeding relating to a benefit, sought by the employee requires such.
- Disciplinary Hearing Board.
- As a requirement of any Federal, State, or Local regulation or Statute.

Any employee, without a legitimate need to know, who attempts to obtain confidential information concerning the identity of selected employees or test results, or who attempts to compromise or corrupt any component of the drug testing program, shall be subjected to disciplinary action up to and including termination.

5-204.3 EMPLOYEES SUBJECT TO TESTING

Sworn deputy sheriffs of the CCSO, the CCSO property manager, and those captains or crewmembers operating or engaged on board a vessel holding a license, certificate of registry, or merchant mariners document for the CCSO, even if they operate such vehicles and or vessels only infrequently will be subject to testing.

All other employees of the CCSO will adhere to the procedures found in the Calvert County Personnel Chapter 86, Part 6 Substance Abuse, Article 1 and 2.

5-204.4 RANDOM TESTING NOTIFICATION

Quarterly, 10 employees will be randomly selected for testing. The DER will notify the selected CCSO employee and their supervisor. After being notified, the employee will be ordered to report to the testing facility (**White Glove Drug and Alcohol Testing, Inc. is located at 1430 Solomons Island Road, Suite 6, Huntingtown, Maryland 20639**) within two (2) hours after notification. Supervisors shall take the employees to the testing facility if they are not assigned an agency vehicle or their vehicle is unavailable for service.
In rare cases, employees may be unable to report to the testing facility within two (2) hours of initial notification. In such cases, the employee shall immediately contact the DER to explain the delay and advise what their anticipated time of arrival will be.

The employee shall follow up this notification with a written explanation in the form of either memorandum or e-mail to the DER prior to the end of their shift.

5-204.5 RANDOM TESTING

Selected CCSO employees will respond to the testing facility and contact a testing facility representative. Upon arrival, the employee will be provided with the Random Drug Testing Notification Form and a Chain of Custody Form. The CCSO employee will then follow the below listed testing facility procedures. This list includes but is not limited to the following:

- Present photo identification.
- Remove all unnecessary outer garments such as coats, jackets, hats or caps. Purses must be secured prior to entering the testing area. Sworn personnel may keep their firearm in their possession or secure it prior to entering the testing area.
- When instructed by the collector, wash and dry hands thoroughly.
- Select an unopened specimen cup or bottle.
- Remain at the testing area until a sample is obtained and provide a sufficient quantity of urine to conduct the test.
- Watch the preparation and sealing of the specimen and initial the security seal label to ensure the integrity of the collection process.

Upon completion, the CCSO employee will respond to the Sheriff's Office and place the Random Drug Testing Notification Form along with the attached signed Chain of Custody Form in the OPS Commanders box in a sealed envelope, marked "Drug Testing." In most cases, it will take approximately 24 to 72 hours to obtain specimen test results.

5-204.6 REASONABLE SUSPICION TESTING

A CCSO employee exhibiting behavior or conduct that has been observed by at least one supervisor, who has received training in the area of identification and recognition of individuals that are under the influence of alcohol and/or controlled substances, that gives reasonable suspicion to suspect drug or alcohol use, will be required to submit to reasonable suspicion drug and/or alcohol testing.

The supervisor will immediately remove the employee from duty and contact the DER. If it is determined that the employee's behavior or actions provide reasonable suspicion to suspect drug or alcohol use, then the employee will be ordered to submit to reasonable suspicion drug and alcohol testing. During normal business hours (0900hrs – 1700hrs), the supervisor will transport the employee to the testing facility for testing. After normal business hours, a representative from White Glove Drug and Alcohol Testing, Inc. (410-458-8276) will be contacted and will respond to the collection site to facilitate and collect the employee's specimen. A refusal to submit to testing will be treated as a positive result, and grounds for disciplinary action to include and up to termination.

Upon completion, the supervisor will follow up with a detailed report as to what prompted the reasonable suspicion testing of said CCSO employee. The supervisor will forward his detailed report to the Professional Standards Commander.

In addition, the CCSO may require testing of employees based on a reasonable suspicion, subsequent to complaints, concerns, or other incidents where illegal substance usage may be likely.

5-204.7 POST ACCIDENT OR INCIDENT TESTING

A CCSO employee that is involved in an agency departmental accident or incident which results in death will be required to submit to a drug and/or alcohol test.

A CCSO employee involved in an agency departmental accident or incident which results in serious bodily injury and/or property damage, that has been determined to have occurred as a result of the employee's conduct or performance of duties, outside the accepted law enforcement standards and or reasonable CCSO policy, will be required to submit to a drug and/or alcohol test.

- Those accidents that meet the above criteria, the supervisor will contact the DER and, in most cases, provide the employee with a preliminary breath test. Alcohol testing should occur within 2 hours of the accident. If not promptly administered, the CCSO supervisor or their designee will prepare and maintain on file, a record stating the reasons for not administering the test. If the employee is incapacitated by medical injuries and cannot provide a breath sample, then the supervisor will ensure that medical staff has drawn a blood sample for testing.

- Those incidents that meet the above criteria, the supervisor will contact the DER. If it is determined that the above criteria has been met, then the employee will be ordered to

submit to post incident drug and/or alcohol testing. During normal business hours (0900hrs – 1700hrs), a supervisor will transport the employee to the testing facility for testing. After normal business hours, a representative from White Glove Drug and Alcohol Testing, Inc. (410-458-8276) will be contacted and will respond to the identified collection site to facilitate and collect the employee's specimen. A refusal to submit to testing will be treated as a positive result, and grounds for disciplinary action to include and up to termination. If the employee is incapacitated by medical injuries and cannot provide a urine specimen, then the supervisor will ensure that medical staff has drawn a blood sample for testing.

CCSO employees involved in departmental shootings that cause death or bodily injury will be required to submit to drug and/or alcohol testing.

At no time shall any employee be delayed or denied medical attention or be prohibited from leaving the scene of an accident for a period necessary, to obtain medical care. If an employee cannot participate in the testing process due to injuries or loss of consciousness, this will not be considered a refusal to test.
If an employee does not remain readily available for testing, including notifying the CCSO of their location if he or she leaves the scene of the accident prior to post accident testing, when required, he or she may be deemed to have refused testing.

5-204.8 POSITIVE TEST RESULTS

The CCSO has a zero-tolerance policy regarding positive test results. If it has been determined through laboratory testing that an employee's urine or saliva has tested positive for a dangerous drug, then the MRO and laboratory will inspect each sample for "fatal flaws."

The MRO will contact the DER to report the positive test result and will then contact the employee and conduct a medical interview, focusing on the employee's medical history and/or any other relevant biomedical factors. The employee will be required to conduct a medical interview with the MRO.

The MRO shall examine all alternative medical explanations for any positive results. The MRO will also review all medical records made available by the employee, when a confirmed positive test result could have resulted from legally prescribed medications.

The MRO must then offer the employee the opportunity to have a "split specimen" test performed. Split specimen testing allows the employee to have the unopened specimen cup or bottle, with the chain of custody and tamper evidence seal intact, sent to a second independent approved laboratory for confirmation. If the employee chooses to have a "split specimen" test, then he or she must notify the MRO within 72 hours of the initial interview with the MRO. The employee will be responsible for the expenses of the "split specimen" test.

Additionally, the MRO reserves the right to order additional laboratory ancillary testing and/or specimen re-analysis and quantification of the specimen submitted, in order to complete the verification process.

Any employee with a confirmed positive drug test will be immediately removed from duty and will be subject to disciplinary action, up to and including termination. Should the employee return to duty, he or she will be required to submit to "return to duty" testing.

Any employee who refuses to submit to any drug and/or alcohol test will be considered as a positive test and will be subject to disciplinary action, up to and including termination.

5-204.9 NEGATIVE TEST RESULTS

An employee may presume test results are negative unless otherwise notified.

A urine specimen, that is determined to be negative and diluted by the testing laboratory, will be accepted for compliance within this policy, unless there is reasonable suspicion by the MRO that the specimen provided by the employee has been intentionally altered by chemical adulterants or by way of internal dilution.
Should the MRO find reasonable suspicion that the urine sample has been intentionally altered by chemical adulterants or by way of internal dilution, the MRO will report the specimen sample as a positive test result and the employee will follow policy 5-204.8.

5-205 TRAUMATIC INCIDENT COUNSELING

The Calvert County Sheriff's Office will provide assistance to any employee who has been exposed to critical incidents. Examples of such incidents include shootings, stabbings, and automobile accidents. The immediate supervisor will refer to their bureau commander any employee who has been the principal in an incident resulting in death to another or a life- threatening incident resulting in injury to himself/herself or another. The bureau commander will ensure arrangements are made to provide whatever services are necessary, i.e. psychological counseling, peer support, etc.

In cases where an employee inflicts a fatal or serious physical injury as a result of use of force in his official capacity, the employee will be referred to a psychologist/psychiatrist for evaluation and consultation. The psychologist/psychiatrist shall be chosen by the Agency and will be at no cost to the employee. It shall be the responsibility of the employee's bureau commander to ensure an appointment is made and to direct the employee to keep such appointment.

5-206 STRESS MANAGEMENT & RESOURCE TEAM (SMART)

To help ensure employee wellness, this policy provides guidelines for trained peers to respond, support, and assist co-workers and/or groups of employees exposed to critical incidents. Critical Incidents are any incidents that overwhelm the normal coping mechanisms used by staff to deal with routine occurrences. Trained members (SMART unit members) will also be used to assist co-workers that may be experiencing difficulties in coping with stress.

Persons directly involved in such incidents may experience short or long-term psychological consequences. If ignored, these may lead to long-term difficulties in an individual's personal and professional life. Providing peer support immediately after the precipitating incident can minimize these effects.

The Sheriff's Office has trained a core-group of co-workers, a Stress Management and Resource Team (SMART), who have volunteered to respond to critical incidents, conduct immediate demobilizations, crisis management briefings and, if necessary, conduct follow-up defusing and/or debriefings. The primary objective of the SMART unit is to help ensure employee wellness. The SMART unit is in no way to be considered a replacement for professional mental health treatment. The adjunct mental health professionals who are part of this team are staff members of the Calvert County Health Department Crisis Intervention Center.

5-206.1 CONSTITUENCY

SMART's primary constituency will be the employees of the Calvert County Sheriff's Office and their families. SMART will be available to be called upon by other law enforcement agencies and/or fire services for mutual aid with the approval of the Sheriff or the Assistant Sheriff, or a commissioned officer.

5-206.2 MEMBERSHIP

SMART will take into consideration the following factors when selecting members for the team:

- Personality of the member
- Experience of the member
- Knowledge held by the member
- Reputation of the member
- Member's present work assignment within the Agency
- Motivation of the member
- Availability of the member
- Member must receive CISM (Critical Incident/Stress Management) training, which will be updated periodically.

The Sheriff or Assistant Sheriff may remove a member from the SMART unit if continued participation has an adverse effect on the employee, on the employee's behavior, or work productivity is deemed cause for removal.

5-206.3 CONFIDENTIALITY

It shall be the duty of all SMART members, while acting in that capacity, to keep any and all information communicated to them as confidential. Any debriefing, defusing, or one-on-one interventions, including any topics discussed and/or members involved, shall be maintained in the strictest confidence unless compelled to do so by law or court order. Confidentiality may be broken **only** when:

- A participant demonstrates a clear and present danger to himself/herself or another; or
- A participant discloses participation in a crime.

No member of SMART will keep any formal or private records of any contact with any member of the Calvert County Sheriff's Office, or any civilian of which they come into contact with during the performance of their duties in that capacity in accordance with Agency policy. **Any member of SMART who violates the confidentiality order will be removed from the Team upon approval by the Sheriff.**

5-206.4 SIGNIFICANT EVENTS THAT REQUIRE IMMEDIATE SMART ACTIVATION

A. Line of duty death (Any violent death suffered by a member, whether on-duty or off, in which the member was killed while responding to a call for service, attempting to apprehend an offender, or terminate a crime in progress.)
B. Active duty death (Any death suffered by a member while actively a member of this Agency, such as a terminal illness, suicide, or accident.)
C. Police involved shooting, whether the victim is killed or not.
D. Violent or in-custody death of a civilian, whether or not involved in a crime.
E. Death of a child or children.

F. Mass casualty incident.
G. Terrorist attack.
H. Any other significantly traumatic event that may cause a member or members to have difficulty coping.

5-206.5 HOW TO ACTIVATE SMART

A. When a significant event occurs, the duty officer or supervisor on duty shall contact the Sheriff's Office SMART Unit member on call and contact the Crisis Intervention Center at 410-535-1122 for a Crisis Intervention member to respond.

B. One Sheriff's Office SMART Unit member and one Crisis Intervention SMART Unit member will respond directly to the scene of the event. The Sheriff's Office SMART Unit member will be designated the team leader for that incident and will coordinate additional resources if needed.

5-206.6 TEAM LEADER RESPONSIBILITIES

A. Activate additional members if needed.

B. Assessment of scene to determine if the signs, which would merit defusing/debriefing, are displayed.

At the conclusion of the event, the responding members will notify their respective agency's team members of the activation to schedule a conference call for 1000 hours the following day. Purpose of this conference call is to discuss the incident and coordinate subsequent actions, i.e.: defusing, debriefings, and individual follow-ups. To schedule a conference call the Crisis Intervention Center at 410-535-1121.

5-207 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The County offers an Employee Assistance Program through Business Health Services. The EAP provides County employees and their household members with free confidential assistance to help with personal or professional problems. Services are available 24-hours a day, 7-days a week.

A thorough explanation of what is included in the program and instructions for accessing services can be found on the County S drive under Personnel / Employee Assistance Program (EAP).

CHAPTER 6
CONCURRENT JURISDICTION
AND MUTUAL AID

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	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **CONCURRENT JURISDICTION & MUTUAL AID**	Chapter **6**
	Affects: **ALL PERSONNEL**	
EFFECTIVE DATE **January 29, 2009**	Rescinds:	Amends: **6-202 on 1/01/14**

6-100 CONCURRENT JURISDICTION AND MUTUAL AID

This chapter describes the relationships between the CCSO and the other agencies, which have responsibility for enforcing the law in Calvert County. It also describes the agreements Calvert County has established with those jurisdictions, and with other neighboring jurisdictions, to assist each other in the event of need.

6-200 CONCURRENT JURISDICTION

Chapter 1 of this Manual describes the jurisdiction of the CCSO as Calvert County, Maryland. However, one other law enforcement agency also has the authority to enforce the law within the County. This section describes the jurisdiction of law enforcement services within Calvert County.

6-201 CALVERT COUNTY SHERIFF'S OFFICE

The CCSO can enforce the laws of the State of Maryland and the Calvert County Ordinances anywhere within the boundaries of the County, as defined in Chapter 1-100. The CCSO can enforce the law not only in the unincorporated areas of Calvert County, but within the incorporated towns of Chesapeake Beach and North Beach, Maryland.

In Chapter 11 of this manual, the principles of fresh pursuit are discussed. Those principles govern a CCSO deputy's authority to enforce the law outside of Calvert County, including outside of the State of Maryland.

6-202 MARYLAND STATE POLICE

The Maryland State Police (MSP) has the authority to enforce the laws of the State throughout the State, including Calvert County. The CCSO has entered into an agreement with the MSP to allocate workload within the County. That agreement provides, with respect to criminal enforcement:

- That each agency is responsible for investigating an offense witnessed by a member of the agency.
- That the MSP will have primary responsibility for responding to calls for service at State-owned or operated institutions or facilities.

- That the MSP is responsible for responding to calls for service that are called into the Prince Frederick Barrack, while CIB is responsible for responding to those called into the Sheriff's Office.

    - If an MSP trooper is the first to respond to the scene of a 911 call, MSP's Criminal Enforcement Division will handle the investigation. CIB detectives will assist MSP upon request.

With respect to traffic enforcement, the agreement provides:

- That the CCSO and the MSP have the responsibility to enforce all motor vehicle violations they witness.

- That the MSP is responsible for investigating all motor vehicle accidents, which involve an MSP or State of Maryland vehicle.

- The CCSO is responsible for investigating all motor vehicle accidents, which involve a CCSO or Calvert County-owned vehicle.

- An officer of either agency who witnesses an accident is responsible for investigating that accident.

In the event that the agency with primary responsibility for a specific area of enforcement is unable to respond in a timely manner, the other agency may handle the incident.

Additionally, the agency first arriving on the scene of an incident of a minor nature will routinely handle that incident unless CIB is needed.

6-300 MUTUAL AID AGREEMENTS

Recognizing it is in the public interest that law enforcement agencies throughout the State of Maryland cooperate to the greatest extent possible to provide prompt, effective, and professional law enforcement services, this Agency has entered into agreements with the following jurisdictions to provide mutual aid on a temporary basis in emergency situations:

- Charles County Sheriff's Office
- St. Mary's County Sheriff's Office
- Anne Arundel County Police Department

These agreements allow us, in accordance with Criminal Procedure, § 2-105 of the Annotated Code of Maryland, to provide assistance to, and request assistance from, police agencies in neighboring jurisdictions and to enter into joint law enforcement initiatives to include task forces and regional multi-jurisdictional initiatives. These MOU's may be immediately canceled at any time by any one of the Sheriffs of the respective law enforcement agency.

The mutual aid agreement with Anne Arundel County is a basic agreement to be used when requesting assistance or responding to a request for assistance.

The following policy pertains specifically to the mutual aid agreement with Charles and St. Mary's County Sheriffs' Offices.

6-301 DEFINITIONS

The following definitions apply to this section of policy:

Entering Officer – The law enforcement officer who enters the jurisdiction of another party to the Agreement.

Entered Jurisdiction – The jurisdiction into which a law enforcement officer enters under the Agreement.

Entered Agency – The law enforcement agency of the jurisdiction into which a law enforcement officer enters under the Agreement.

Exigent Circumstance – Can include such incidents as criminal law violations that occur in the presence of an officer; incidents having an increased potential of health or safety hazard, such as observed actions requiring an emergency evaluation / commitment, reckless endangerment, or a serious traffic violation such as a possible DUI, hit and runs, or other moving violations, which are classified as must appear offenses.

6-302 GENERAL REQUIREMENTS

In all exigent circumstances of law enforcement action, peace officer action and judicial officer action, notification shall be made as soon as possible to the Calvert Control Center, which will immediately notify the ***Entered Agency*** for said jurisdiction. The Entered Agency shall have the authority to assume command of the incident. The CCSO deputy should not complete any type of additional investigation or complete any charging documents until the Entered Agency has refused to assume command. In the event the Entered Agency does assume command, the CCSO deputy shall cooperate fully with the investigation and shall assume the responsibility to appear in any court proceeding. Unless such exigent circumstances dictate otherwise, the following guidelines will be adhered to:

The ***Entering Officer*** may lawfully go or be sent beyond the boundaries of his own county's jurisdiction and may make arrests, conduct investigations, and otherwise enforce the laws of the State of Maryland without limitations as to jurisdiction and without the presence of a law enforcement officer from the ***Entered Jurisdiction***, provided the Control Center provides the Entered Jurisdiction:

1. Notice when a Calvert County deputy enters the jurisdiction to conduct police activities;
2. The type and location of law enforcement activity;
3. Whether any of the Entering Officers will be in plainclothes; and
4. An opportunity to be present during the law enforcement activity.

The Entering Officer is authorized to act as a law enforcement officer in the Entered Jurisdiction, if the actions are in accordance with the policies and regulations of the employing agency.

It shall be the policy of the Calvert County Sheriff's Office that deputies shall not enforce common, routine, traffic violations in other jurisdictions. This policy shall not affect those instances pertaining to vehicle pursuits or the elements of fresh pursuit. In those cases, current Agency policy will be followed.

Parties to this Agreement may enter into joint law enforcement initiatives to include task forces and regional multi-jurisdictional initiatives as considered necessary. Each such agreement shall

spell out duties and responsibilities for the term of the task force or initiative and be approved by the affective Sheriff or his designee.

6-303 RESPONSIBILITIES – COMMUNICATIONS

Upon being contacted by a neighboring jurisdiction requesting assistance under this Agreement, Calvert Control Center personnel will:

A. Determine the:

    1. Nature of the call;
    2. Number of officers being requested;
    3. Equipment needed, if any; and
    4. Name and location of the requesting agency's supervisor to which CCSO deputies will report.

B. At once contact the Patrol supervisor for approval of the request;
C. Dispatch the needed units and equipment as determined by the appropriate commander / supervisor; and
D. Relay the response information, including estimated response time to the requesting agency.

Upon being advised by a Patrol supervisor of the need to request assistance from a neighboring jurisdiction, Control Center personnel will:

A. Immediately contact the Communications section of the assisting agency and provide them with the following information:

    1. The nature of the request
    2. The number of officers needed
    3. Equipment needed, if any
    4. The name and location of the CCSO supervisor/ commander to which the assisting officers will report

B. Obtain the estimated response time from the assisting agency.

6-304 RESPONSIBILITIES – COMMAND / SUPERVISION

Upon determining the need for assistance from a neighboring jurisdiction, the appropriate commander / supervisor will contact the Control Center and direct the approved procedure be followed for such requests.

If the supervisor receives a request for assistance from a neighboring jurisdiction, he will determine the availability of the manpower or equipment needed and make all reasonable efforts to accommodate the request.

If an unusual or serious incident occurs involving a CCSO deputy, the supervisor, as appropriate will respond to the scene of the incident.

The supervisor will ensure that all necessary reports are completed and distributed as required elsewhere in this policy and Manual, and that all necessary notifications are made.

6-305 RESPONSIBILITIES – RESPONDING OFFICERS

In accordance with this policy, deputies will only be dispatched into neighboring jurisdictions by command or supervisory authority and will comply with this and all other CCSO policy and procedure.

Upon being released by the officer in charge, deputies will immediately return to Calvert County and advise communications as such.

CCSO deputies shall have authority to use deadly force only in defense of an attack that may result in death or serious bodily injury to the deputy, other officers present or innocent bystanders.

Prior to securing from duty, the supervisor will notify the Sheriff and Command Staff detailing the circumstances of the incident. Deputies who are in a neighboring jurisdiction because of the Agreement have all the immunities from liability and exemption from laws, ordinances and regulations, and have all pensions, relief, disability, workers' compensation and other benefits enjoyed within the jurisdictional limits of the Calvert County Sheriff's Office.

6-400 CONTRACTUAL AGREEMENTS FOR LAW ENFORCEMENT SERVICES

From time to time the CCSO may enter into agreements with Calvert County municipalities and certain private industries to provide services to those jurisdictions/private industries on a reimbursable basis. All such agreements will be made in writing and will include:

- The specific services to be provided;
- The specific financial agreements between the parties;
- The specific records to be maintained concerning the performance of services by the provider agency;
- Language dealing with the duration, modification and termination of the contract;
- Language dealing with legal contingencies;
- Stipulation that the CCSO maintains control over its employees;
- Arrangements for the use of equipment and facilities; and
- A procedure for review and revision of the agreement.

All deputies working overtime duties will be reimbursed at their normal overtime rate. During those periods, the deputies are, for <u>all</u> purposes, employees of and under the direction of the CCSO. Their employment rights as CCSO employees are not abridged by virtue of the funding source for this duty.

6-401 TOWNS OF CHESAPEAKE BEACH AND NORTH BEACH

The Calvert County Government and the Sheriff have an agreement to provide law enforcement services to the Towns of Chesapeake Beach and North Beach. In turn, the County appropriates the necessary funding to provide for the law enforcement services, and the Towns provide a full payment to the County for the services rendered.

The agreement between the CCSO and the Towns of Chesapeake and North Beach will provide:

A. The CCSO will assign nine (9) Sheriff's deputies, which will include one first line supervisor and one second line supervisor, to provide police service within Chesapeake

Beach and North Beach. One (1) deputy shall be assigned solely to patrol Chesapeake Beach.

B. The CCSO shall detail nine (9) deputies for regular assignment to the towns, so scheduled to assure twenty-four (24) hour a day law enforcement service.
C. The Agreement will be governed by the normal operational policies and procedures of the Sheriff's Office.
D. At all times the deputies shall remain employees of the Sheriff and under the Sheriff's immediate management and control.
E. The CCSO Sheriff's deputies assigned to North Beach may enforce specific municipal ordinances when such ordinances have a nexus to crimes included within the *Transportation Article* and *Criminal Law Article* of the *Annotated Code of Maryland*, including, but not limited to littering, loitering, disturbing the peace, disorderly conduct and motor vehicle offenses.
F. The Towns may establish a reasonable towing policy for vehicles ordered towed by any deputy from within the Town limits. The Sheriff shall follow such a policy within the Town limits even though it may differ from the towing policy used by the Sheriff's Office in areas outside the Town, unless ordered otherwise by a court of competent jurisdiction.
G. The Agreement will be automatically renewed for periods of one year, commencing on July 1st, unless any party gives written notice of termination to the other parties at least six months prior to the expiration of the then current term of its intention not to renew the Agreement.

6-402 DOMINION COVE POINT LNG, LP

The Calvert County Government and the Sheriff have an agreement to provide law enforcement services to the Dominion Cove Point LNG (Cove Point). The security services are being requested by Cove Point in order to enhance the safety and security at the facility; to provide security previously provided by the U.S. Coast Guard for ship-borne deliveries of liquefied natural gas to the facility; and to enforce the established Security and Safety Zone designated by the U.S. Coast Guard surrounding the facility. In turn, the County appropriates the necessary funding to provide for the law enforcement services, and Cove Point will provide a full payment to the County for the services rendered.

The agreement between the CCSO and Cove Point will provide:

A. The CCSO will assign at least 10 Sheriff's deputies to provide security services. All Sheriff's personnel shall be under the command and control of the Sheriff.
B. The CCSO will ensure that the appropriate personnel are deployed to the facility within 30 minutes of receiving such request from Cove Point (unless Cove Point determines an alternative schedule).
C. The CCSO will have the security services available at whatever time of day and whatever day of the year they are needed. To ensure such availability, the senior deputies assigned to this duty shall be privy to LNG vessel scheduling and shall ensure full security coverage by the Sheriff while the vessels are docked at the facility for the purpose of offloading liquid natural gas.
D. The term of the Agreement shall be from January 9, 2007 through and including June 30, 2011.
E. This Agreement will be automatically renewed for periods of one year, commencing July 1, 2011 unless any party gives written notice of termination to the other parties at least six months prior to the expiration of the original term or the current renewal term of its intention not to renew the Agreement.

F. The agreement with Dominion Cove Point LNG, LP will not be disclosed within this Manual, since it is a violation of the Code of Federal Regulations, Title 49, Volume 8, Chapter XII, Part 1520.

CHAPTER 7
OFFICE OF PROFESSIONAL STANDARDS

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	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **OFFICE OF PROFESSIONAL STANDARDS**	Chapter **7**
	Affects: **ALL PERSONNEL**	
EFFECTIVE DATE **January 29, 2009**	Rescinds:	Amends: **7-407 on 7/15/20; 7-301 on 9/18/20**

7-100 OFFICE OF PROFESSIONAL STANDARDS

The Calvert County Sheriff's Office has an Office of Professional Standards to ensure integrity within the Agency. The goal of the Office of Professional Standards is to ensure that the Agency's integrity is maintained through a system that provides an objective and fair investigation and review of complaints against Agency employees.

7-101 ORGANIZATION

The Office of Professional Standards is a component of the Office of the Sheriff. The Office of Professional Standards Commander is responsible for the professional standards function. The Office of Professional Standards Commander reports directly to the Assistant Sheriff and/or the Sheriff.

7-102 AUTHORITY

Persons assigned to this Office conduct their duties on behalf, and with the authority of the Sheriff. Persons assigned to this Office also have the authority, when circumstances dictate, to report directly to the Sheriff, due to the sensitivity and impact of Professional Standards matters.

7-103 ADMINISTRATIVE ACTIVITIES

The Office of Professional Standards is primarily responsible for the administration of all professional standards activities, to include:

- Recording, registering, and controlling the investigation of complaints against all Agency, sworn and civilian, personnel.
- Supervising and controlling the investigation of alleged or suspected misconduct within the Agency.
- Maintaining the confidentiality of internal investigations and records.

7-104 INVESTIGATIVE ACTIVITIES

In most cases the following categories of complaints will be investigated by the Office of Professional Standards:

- Allegations of corruption
- All allegations of excessive force

- Violation of civil rights
- Criminal misconduct
- Duty-related neglect or dereliction of duty

This list is not all-inclusive, and the Assistant Sheriff, Sheriff or Office of Professional Standards Commander may reserve or delegate investigations of any complaint, at their discretion.

7-105 OVERSIGHT ACTIVITIES

Complaints not investigated by the Office of Professional Standards will be delegated for investigation to the employee's supervisor or another supervisor possessing a greater rank than the respondent. The Office of Professional Standards will exercise administrative oversight and review authority over all investigations to ensure competent investigation and fair resolution.

7-106 OFFICE OF PROFESSIONAL STANDARDS COMMANDER'S RESPONSIBILITIES

The Office of Professional Standards (OPS) Commander is responsible for all operational and administrative functions of OPS. The OPS Commander reports directly to the Assistant Sheriff.

The Office of Professional Standards Commander or their designee will ensure that all investigations are conducted according to applicable laws, consistent with LEOBR, and based on sound investigative techniques. The Professional Standards Commander is responsible for:

A. Briefing the Sheriff of complaints made against the Agency or its employees and updating the Sheriff on the status of all pending investigations.
B. Posting a notice prominently at the CCSO main reception window, explaining how citizens may file complaints against the Agency or its personnel. The *Complaint Against Personnel Report* will also be available 24 hours per day, 7 days per week from patrol deputies. Instructions to citizens on filing complaints and commendations on CCSO employees will be posted on the Agency's website.
C. Ensuring that either written or oral verification via telephone is provided to complainants that complaints have been received for processing.
D. Ensuring that complainants are notified of the status of complaints against the Agency or its employees.
E. Maintaining all records of complaints, internal investigations, and disciplinary actions in a secure area.
F. Administrator of the Professional Standards database IAPRO and Blue Team application.
G. Maintaining liaison with the State's Attorney in cases involving alleged criminal misconduct by an Agency employee.
H. Conduct and oversee OPS investigations.
I. Assign professional standards investigations to OPS investigators.
J. Prepare annual OPS statistical information for the Assistant Sheriff.
K. Inspect personnel, equipment and other resources assigned to OPS on a regular basis.
L. Assist with the preparation of Agency disciplinary hearing boards.
M. Other responsibilities at the direction of the Sheriff or Assistant Sheriff.

7-200 PROFESSIONAL STANDARDS RECORDS

The Office of Professional Standards Commander or their designee will ensure that there is a written record of all complaints against the Agency or its employees, and of all disciplinary and adverse actions taken.

7-201 SECURITY OF RECORDS

The Office of Professional Standards Commander, or their designee, will ensure that all records of complaints against the Agency and/or its employees, and records or disciplinary action, are filed in a secured area within the CCSO. The records of complaints against the Calvert County Sheriff's Office or its employees, and all Professional Standards investigations will be maintained in a locked file or the Professional Standards database, IAPRO, in the Office of Professional Standards. Only the Office of Professional Standards personnel have access to those records.

7-202 PERSONNEL AND INTERNAL AFFAIRS FILE CONTENTS

Complaints and Professional Standard investigative reports may not be placed in employees' personnel files. Unless otherwise directed by the Sheriff, records of disciplinary action will be kept in employees' Professional Standards files, consistent with LEOBR. Employees may review the contents of their personnel and Professional Standards files.

7-203 EXPUNGEMENT OF RECORDS

On an annual basis, complaints having a finding of unfounded, non-sustained, or exonerated, will be expunged from all Agency files after a three-year period upon written request, as provided in the Law Enforcement Officer's Bill of Rights (LEOBR).

7-300 RECEIVING COMPLAINTS

Complaints against employees of the Calvert County Sheriff's Office will be processed in accordance with this section.

A. During normal business hours (Monday – Friday, 8:30 a.m. - 4:30 p.m.) the employee first acquiring knowledge of a citizen complaint will immediately notify the affected deputy's supervisor. If the affected deputy's supervisor(s) are not available, an OPS investigator will address the complaint. If an OPS investigator is unavailable, the on-duty supervisor will address the complaint. During non-business hours, the on-duty supervisor will address the complaint with the citizen if the affected deputy's supervisor is unavailable. The supervisor or OPS investigator will speak with the citizen, evaluate their allegations(s), and ensure that it is properly classified as a complaint, so that it may be investigated.

B. The supervisor or OPS investigator will provide the citizen with the Calvert County Sheriff's Office *Complaint Against Personnel* form. The citizen will be advised that they may complete the report and leave it; or take the report, complete it at another time, and return it by mail or in person. If the citizen leaves the complaint form, the supervisor or OPS investigator will then place the complaint form in a sealed envelope and forward it to the Professional Standards Commander for review.

C. The supervisor or OPS investigator will then complete a *Public Service Report* Blue Team entry and electronically forward the entry directly to the Office of Professional Standards. If the original complaint is fielded over the telephone, the supervisor or OPS investigator will explain the complaint process and advise citizen that if they wish to make a complaint against personnel, they may obtain a complaint form by picking it up at the Sheriff's Office; downloading a complaint form from the Sheriff's Office website; or request that a complaint form be mailed to them. A Blue Team entry will then be

completed. In the summary section, the supervisor or OPS investigator will note the nature of the complaint; that the complaint was received via telephone; and that the steps for filing a complaint were explained.

D. A Calvert County Sheriff's Office employee, who wishes to file a complaint concerning another employee of any rank except the Sheriff, will complete an internal Blue Team entry and forward it directly to the Office of Professional Standards.

E. A complaint concerning the Sheriff should be made to the State Prosecutor's Office.

F. Anonymous complaints that are received will be investigated. The Office of Professional Standards investigator will make every attempt to gain cooperation of the complainant.

The Office of Professional Standards Commander will notify the Sheriff and/or Assistant Sheriff by the next business day when the complaints are of a serious nature (categories D – E in the Disciplinary Matrix). Complaints of a minor nature (categories A – C) will be reported at least monthly. Notification will be made via phone, e-mail, text message or in person.

7-301 ASSIGNING COMPLAINTS FOR INVESTIGATION

The Office of Professional Standards will review and conduct an assessment of the *Complaint Against Personnel* form, and any related reports. The Office of Professional Standards will then consult with the affected employee's bureau commander and the Assistant Sheriff to determine whether the complaint will be investigated by the Office of Professional Standards, be reassigned to the appropriate line supervisor for investigation, or referred to mediation. In cases where there are criminal overtones, the Calvert Investigative Bureau (CIB), in conjunction with the Office of Professional Standards, will conduct a joint investigation.

In some instances, the investigation may include another bureau commander, or may be conducted by another agency.
A supervisor, or a senior investigator assigned to the CCSO Calvert Investigative Team, in conjunction with the Office of Professional Standards, will conduct investigations regarding an employee involved in a departmental shooting.

Should an investigation by the Sheriff's Office present a potential conflict of interest or position, the Sheriff or Assistant Sheriff may approve another Maryland law enforcement agency to assist or conduct the investigation.

7-400 INVESTIGATION OF COMPLAINTS

In general, supervisors will investigate allegations of violations made against their subordinates ranging from "A" through "B" within the Calvert County Sheriff's Office Disciplinary Matrix (Appendix 4-D). In general, the Office of Professional Standards will investigate allegations made against employees ranging from "C" through "E" within the Sheriff's Office Disciplinary Matrix, unless the Assistant Sheriff or the Office of Professional Standards supervisor determines another investigator would be more appropriate.

7-401 INTERNAL INVESTIGATION TIME LIMITS

Allegations of misconduct against sworn employees may diminish their effectiveness in the performance of duty, or, in the case of serious allegations, render them unfit for duty. The

confidence of the public also demands that allegations of misconduct be resolved as quickly as possible.

Therefore, as a general rule, citizen and internal professional standards investigations will be completed within 90 days upon receipt by the assigned investigator. As a general rule, departmental accident investigations will be completed within 30 days upon receipt by the assigned investigator. The assigned investigator may request in writing, and the Office of Professional Standards Commander may grant in writing, extensions of the time required to thoroughly complete the investigation. Should an investigation not be completed within 120 days, the Professional Standards Commander will be notified via a *Detailed Report* from the investigating officer. The report shall enumerate the reason(s) why the investigation is incomplete.

7-402 NOTICE TO COMPLAINANT

Once a complaint has been assigned for investigation, the Office of Professional Standards or the assigned investigator will notify the complainant in writing or via telephone that the complaint has been received.

If notified via phone, the date time, person and phone number called, shall be noted within the *Public Service Report*.

At the conclusion of the investigation, the Office of Professional Standards will notify the complainant of the results in writing. The complainant will also be advised of any disciplinary action imposed.

7-403 ANONYMOUS COMPLAINTS

By their nature, many anonymous complainants are difficult to substantiate. However, anonymous complaints shall be investigated to the fullest extent possible.

7-404 NOTICE TO EMPLOYEE

The employee will be notified at the earliest appropriate time that they are the subject of a complaint or internal investigation. At that time, the assigned investigator will provide the employee with a written statement of the allegations, and the employee's rights and responsibilities relative to the investigation, including the employee's rights under the LEOBR.

7-405 INVESTIGATIVE METHODS

Consistent with the rights of accused persons in criminal cases and consistent with the LEOBR, any of the following investigative methods may be employed while conducting an internal investigation:

- Laboratory or medical examinations
- Photographs of employees
- Line-ups, including employees
- Submission of financial disclosure statements
- Use of instruments for the detection of deception
- Review of in-car video cameras

7-406 DUTY STATUS DURING INVESTIGATION

When it is in the best interest of the Agency and/or the employee, an employee may be placed on administrative leave with pay or suspension without pay during an internal investigation under the procedures outlined in the LEOBR §3-112. This section does not prohibit the Agency administration from placing an employee on a no-contact duty status pending the results of an internal investigation.

Any supervisor may suspend an employee with pay on an emergency basis when it is in the best interest of the Agency, the employee or the public.

Any deputy that has been suspended for potential disciplinary infractions shall be entitled to a suspension hearing. Generally, the suspension hearing will be held during normal business hours. The hearing will be in accordance with the LEOBR.

7-407 CONCLUSION OF INVESTIGATION

When the investigation is completed, the investigator will submit a written report to the affected bureau commander, which summarizes and includes written conclusions of fact for each allegation. The summary of evidence must be clearly articulated and sufficiently documented to serve as the basis for subsequent disciplinary proceedings, should they be warranted. The report will also include all supporting documentation.

After reviewing the results of the investigation, the assistant bureau commander will have ten (10) calendar days to provide their endorsement to include the recommendation of disciplinary action to the affected employee. The bureau commander, upon receipt will review the results of the investigation and the assistant bureau commander's endorsement. The bureau commander will have ten (10) calendar days to provide their endorsement to include the recommendation of disciplinary action to be taken against the affected employee. The bureau commander will then forward his endorsement to the Assistant Sheriff.

The Assistant Sheriff, upon receipt, will review the results of the investigation, as well as the subsequent endorsements from the assistant bureau commander and the bureau commander. The Assistant Sheriff will have ten (10) calendar days to provide their endorsement to include the concurrence or non-concurrence of the recommended disciplinary action.

After the Assistant Sheriff makes their final recommendation, they will forward the investigative file to the Office of Professional Standards to prepare the charging documents. The OPS and affected bureau commander, or their designee, will then meet with the employee to serve the documents. After service, the investigative file will be forwarded to the Office of Professional Standards for inclusion into the Professional Standards master file.

During the endorsement process, the specified number of calendar days that a member of the command staff has, to complete their endorsement, may be extended under certain circumstances, such as, any type of leave, training, or other valid circumstances. All such extensions must be approved by the Assistant Sheriff.

7-408 REPORTS

Annually, the Office of Professional Standards Commander will provide the Sheriff with a statistical report of Office of Professional Standards matters undertaken during the previous

year. The statistical report will be made available to the public and to the agency employees by listing information on the Sheriff's Office website on where to obtain the report.

7-500 DEPUTY INVOLVED SHOOTINGS

It is the policy of the Calvert County Sheriff's Office to investigate deputy involved shooting incidents with the utmost thoroughness, professionalism, and impartiality to determine if a deputy's actions conform to the law and the Agency's policy on use of force.

7-501 PROCEDURES

7-501.1 INVOLVED DEPUTY'S ON-SCENE RESPONSIBILITIES

For deputies involved in a hostile shooting situation, there are four general areas of concern that should be addressed after the initial confrontation has been quelled:

1. The welfare of police officers and others at the scene
2. Apprehension of suspects
3. Preservation of evidence
4. The identification of witnesses

The safety and well-being of the deputy and any innocent bystanders is the first priority. Initially, the deputy should ensure that the threat from the suspect has been terminated. This includes but is not limited to handcuffing or otherwise securing the suspect. Should firearms or other weapons be available to or in the vicinity of the suspect, they should be confiscated and secured. All suspects should be handcuffed unless emergency lifesaving activities being employed at the time would be hindered by these actions. If not handcuffed or otherwise secured during the application of emergency first aid, a deputy must be present at all times to oversee security of the suspect and safety of emergency service providers. It should never be assumed that because a suspect has been shot or otherwise incapacitated that he or she is unable to take aggressive action.

Deputies involved at the scene of a shooting incident shall take those measures that are reasonably possible and appropriate to protect their safety and to preserve evidence essential to the investigation. This includes the following actions, undertaken in the order deemed appropriate.

A. Ensure that the threats to officer safety and the safety of others are over.

B. Secure and separate suspects.

C. Relay information on fleeing suspects to the Control Center and other field units and work with them to establish a perimeter.

D. Request a supervisor and additional back-up, emergency medical services, if necessary, and any other assistance required immediately.

E. If injured, administer emergency first aid to yourself first if possible. Then administer basic first aid to suspects and others, as necessary, pending arrival of emergency medical assistance.

F. Holster any involved handguns or secure them in place as evidence. Secure long guns in the prescribed manner or in place as evidence. Do not open, reload, remove shell

casings or in any other manner tamper with involved firearms. Leave all magazines, spent casings, and discarded items where they are.

G. Take note of the time, survey the entire area for relevant facts, individuals who are present and who departed the scene, witnesses, potential suspects and suspect vehicles.

H. As time and capabilities permit, before supervisory and other assistance arrives:

1. Secure the area, establish a perimeter with crime scene tape and limit access to authorized persons necessary to investigate the shooting and assist the injured.

2. Protect evidence from loss, destruction or damage that is likely to occur before back-up can arrive. Ensure that evidentiary items are not moved or, if moved, note the original location and position of persons, weapons, and other relevant objects and evidence.

3. Ensure that all witnesses and other persons present at the shooting scene remain at the scene.

I. Provide assistance and information to any investigator assigned to investigate the circumstances of the incident within the framework of the Law Enforcement Officers' Bill of Rights (LEOBR). Involved deputies will not be expected to give a detailed statement immediately following a shooting incident. They may be asked to conduct a walkthrough of the scene to assist the investigator with determining the location of items of evidence.

J. The involved-deputy is not to leave the scene until directed to do so by the lead detective or CIB supervisor, unless the involved deputy needs immediate medical attention.

K. The involved deputy(s) will complete a use of force Blue Team entry prior to the end of the shift in which the incident occurred. In the event that the deputy(s) is incapacitated, it will be the responsibility of the deputy's supervisor to complete the entry.

7-501.2 SUPERVISORY RESPONSIBILITIES AT THE SCENE

The first supervisor to arrive at the scene of a deputy involved shooting should be designated as the officer in charge (OIC) until such time as they are relieved from this responsibility by an investigator or other appropriate senior officer. The supervisor's first responsibility is to ensure that the safety and security of deputies have been adequately addressed. The potential threat from suspects should be eliminated first and any suspects at the scene should be detained or arrested. Following this, emergency medical services should be summoned if necessary and emergency first aid provided if needed in the interim. The supervisor should ensure that the crime scene has been protected, and to the degree possible, that it is kept intact and undisturbed until detectives arrive. Supervisors should then deal with those issues ordinarily addressed by Patrol deputies, if such deputies at the scene were not able to do so, i.e., broadcast lookouts for suspects, request backup and related support services, secure the scene and protect any items of evidentiary value, identify persons who may have been at or within close proximity to the scene of the incident, as well as identify witnesses and request their cooperation.

A. Ensure the safety and determine the condition of the deputy(ies), suspect(s) and third parties. Summon emergency medical services if not yet summoned for deputies, suspects and others.

B. If the deputy has been shot or otherwise injured in the shooting:

1. Ensure that a deputy accompanies and remains with the injured deputy at the hospital.
2. Ensure that the injured deputy's family is notified on a priority basis and in person when possible. Ensure that they are assigned transportation to the hospital or other location where they are needed as soon as possible.
3. Do not release the deputy's name to the media or unauthorized parties prior to the family being notified.
4. Assign a deputy to the family for security, support, control of the press and visitors, establishment of communications and related matters.
5. Ensure that the clothing of deputies and other injured persons is collected for potential evidentiary purposes and that related equipment of the deputies is safeguarded.

C. If the deputy is not injured, move him or her away from the center of activity accompanied by another deputy. Ensure that all necessary steps are taken consistent with this Agency's policy on dealing with post shooting trauma. SMART should be contacted via their protocol.

D. Ensure that the immediate area is contained and detain any suspects therein.

E. Ensure that all witnesses remain on scene until the lead detective or a CIB supervisor directs them otherwise.

F. Make notifications to other Agency personnel, to include:

1. On-call Commander (The on-call Commander will assist the supervisor with notifications and other supervisory responsibilities at the scene.)
2. Sheriff
3. Assistant Sheriff
4. CIB Commander and Assistant Commander
5. Commander of involved deputy
6. Professional Standards Commander
7. On-duty or On-call CIB detectives

G. Establish a command post if necessary.

H. Appoint a recorder to make a chronological record of activities at the scene, to include: persons present, actions taken by police personnel and the identity of any personnel who entered the incident/crime scene, to include emergency medical and fire personnel.

I. Diagram the scene and photograph it if a camera is available.

J. Establish a media staging area as time permits unless a public information officer assumes this responsibility.

K. Ensure that the use of force Blue Team entry is completed prior to the end of the shift in which the incident occurred.

7-501.3 DETECTIVE'S RESPONSIBILITIES

The investigation of deputy involved shootings shall be the responsibility of the Criminal Investigations Bureau (CIB). The lead detective shall be responsible for ensuring that the following tasks are adequately addressed in the order deemed necessary and appropriate.

A. Ensure that tasks itemized above in sections A and B of this policy have been appropriately and adequately completed. Take measures to ensure that any deficiencies in completing tasks are immediately remedied.

B. Receive a general briefing and walk through by the supervisor regarding the circumstances surrounding the shooting.

C. Contact the State's Attorney for Calvert County and provide a brief synopsis of the shooting.

D. Ensure that the overall scene and evidentiary items are photographed. Color photographs of the deputy as they appear at the scene shall be taken, to include any injuries sustained.

E. Ensure thorough inspection of the scene and proper collection of all items and substances of evidentiary value.

F. Obtain written statement from the suspects if possible.

G. Ensure that notification is provided to next of kin of injured or deceased suspects.

H. Locate and identify witnesses and conduct initial interviews. Witnesses should be transported to the Sheriff's Office and written statements should be taken. Additional detectives may be utilized to coordinate and perform this task.

I. At the direction of the lead detective or CIB supervisor, all deputy witnesses will report to the Sheriff's Office. The detective will conduct separate interviews with each deputy and obtain written statements. The detective will:

1. Conduct the interview in a private location away from sight and hearing of Agency members and others who do not have a need and a right to the information.

2. Advise the deputies not to discuss the incident with anyone except a personal attorney, union representative or Agency investigator until the conclusion of the preliminary investigation.

3. Be cognizant of symptoms of post-traumatic stress, to include time and space distortions, confusion, hearing and visual distortion and emotional impairment, including shock.

J. Seize any weapon fired by the deputy(ies) into custody and handle it as evidence. Firearms shall be taken from deputies in a discrete manner and the OIC shall ensure that arrangements are made to replace them with other firearms. If a replacement

firearm is not readily available; the involved deputy will be escorted by another deputy while on the scene.

Any firearms seized will be transported to the Maryland State Police Laboratory and will be tested for functionality and ballistics.

K. Ensure that the scene is photographed.

L. The location of all evidence should be documented, and the evidence shall be collected.

M. Color photographs of the deputy as they appear at the scene shall be taken, to include any injuries sustained.

N. Where a deputy has died, the OIC shall ensure that policy and procedures established by this Agency for line-of-duty deaths, and death notification are followed.

O. Contact the coroner and attend the autopsy of any deputy and/or suspect. Determine entrance and exit wounds, estimates of the shooter's position, the presence of controlled substances in the decedent's blood or other related evidence.

P. Obtain search warrants as necessary for searches of vehicles, containers and homes.

Q. Develop a statement of preliminary basic facts for the media to be delivered by the Agency PIO in conformance with this Agency's policy on media relations.

R. Complete a firearm discharge Blue Team entry within 24 hours after the incident occurred.

7-501.4 PROFESSIONAL STANDARDS INVESTIGATOR'S RESPONSIBILITIES

A. The Professional Standards investigator shall be responsible for immediately placing the involved deputy on paid administrative leave pending the outcome of the criminal investigation.

B. The Professional Standards investigator shall conduct an internal investigation of the shooting to determine if any Agency policies or procedures were violated. The criminal investigation shall be completed prior to the conclusion of the internal investigation.

C. Ensure that the required Blue Team entries are completed.

Nothing in this policy is intended to abridge any right to due process available to any employee. If any criminal process is anticipated, investigators will treat the suspect employee in the same manner as a suspect citizen would be treated. From that point on, the criminal investigation will take precedence over the internal investigation.

7-600 PERSONNEL EARLY WARNING AND INTERVENTION SYSTEM

The purpose of this order is to establish policy and procedures for identifying employees who may be experiencing difficulties in the workplace and to provide resources to assist the employee at the earliest stages of a problem.

Additionally, a comprehensive Personnel Early Warning and Intervention System (EI System), which consists of options and reviews available through use of force reporting; the disciplinary system; CCSO employee assistance program (SMART Unit); Calvert County Government EAP; and O.P.S. functions is an essential component of good discipline in a well-managed law enforcement agency. The early identification of potential problem employees and a menu of remedial actions can increase Agency accountability and offer employees assistance in correcting a problem.

The EI System is an electronic component of the Professional Standards database (IAPRO) and Blue Team application. The EI System is designed to trigger an alert based on an employee exceeding a predetermined threshold number for the following categories: public service reports, internal complaints, integrity test, use of force, vehicle accidents, and vehicle pursuits.

Once an alert is triggered, the Professional Standards Commander or their designee will review each case file that is outlined in the alert report to ensure that employees are in compliance with Agency policy and procedures, and that there are no serious cases of misconduct. After the review, if it is found that supervisorial action is warranted, then the Professional Standards Commander will forward a memorandum to the employee's bureau commander requesting intervention action. The bureau commander or their designee will meet with the supervisor to discuss the perceived problem. The bureau commander will review all records, reports, and other relevant files in order to develop a course of action.

In cases of potential disciplinary problems, the bureau commander will meet with the Office of Professional Standards Commander to determine how best to proceed.

The EI System can help reduce instances of the Agency and the employee being faced with investigations of serious cases of misconduct, only to find that there was an escalating pattern of less serious misconduct which could have been abated through earlier intervention. To unnecessarily lose an employee from the profession because no measures to detect and assist employees with problems, or to correct and /or improve work performance were taken, is devastating, not only to the employee, but also to the Agency. The failure of the Agency to develop a comprehensive EI System can lead to the erosion of public confidence in the Agency's ability to investigate itself, while putting the public and Agency employees in greater risk of danger.

Employees are the most important and crucial resource of the Agency. Supervisors will make every effort to identify employees who have issues that negatively impact their ability to effectively do their jobs and will make every effort to help employees to resolve such issues in an appropriate manner, consistent with Agency policy and procedures.

This policy will be administered and maintained by the Office of Professional Standards. In cases involving serious potential disciplinary problems, the commander of that particular employee will be notified.

7-601 FIRST LINE SUPERVISOR RESPONSIBILITIES

First line supervisors must be attuned to potential problems that may negatively affect an employee's work performance. Supervisors, in addition to day-to-day contact and observation, will evaluate regularly collected material/reports as indicators to determine whether there is a pattern of activity that indicates the existence of a problem. These regularly collected materials may include, but are not limited to:

- Blue Team EI dashboard of incident types;
- Performance evaluations;
- Citizen complaints;
- Work attendance/leave records;
- Disciplinary actions;
- Use of force incidents; and
- Preventable Agency vehicle accidents.

A supervisor shall take immediate appropriate action, consistent with Agency policies and procedures, whenever the supervisor directly observes inappropriate employee conduct.

When a supervisor becomes aware of a pattern of behavior that requires intervention efforts, the supervisor will forward a memorandum through the chain of command to the bureau commander. The memorandum shall include:

- Details of the pattern of behavior that raised the concern to include dates and times;
- Details of any informal intervention efforts already attempted by the supervisor; and
- A list of any other witnesses to the behavior.

7-602 COMMAND / MANAGEMENT RESPONSIBILITIES

Upon receipt of a memorandum requesting intervention action, the bureau commander or their designee will meet with the supervisor to discuss the perceived problem. The bureau commander will review all records, reports and other relevant files in order to develop a course of action. In cases of potential disciplinary problems, the bureau commander will meet with the Office of Professional Standards Commander to determine how best to proceed. Intervention action may include, but is not limited to:

- Formal counseling and monitoring;
- Remedial training;
- Referral to the Agency's contract psychological assessment services;
- Reassignment; or
- Disciplinary action.

The Sheriff's Office and Calvert County Government have also established the following employee assistance programs that may be used as intervention resources:

- SMART Unit (Stress Management and Resource Team)
- Calvert County Government Employee Assistance Program (EAP)

For instances when intervention is needed, the employee may meet with SMART Unit members or referred to the County Government's EAP, in order to resolve a pre-existing condition or problem.

After a proposed course of action and follow-up is decided upon, the bureau commander and supervisor will meet with the employee to further discuss the proposed course of action and the plan for follow-up. A finalized action and follow-up plan will be presented in writing to the employee. The employee will receive a copy and sign a receipt acknowledging acceptance of the terms and conditions.

A course of action in regard to the EI System is not subject to either the grievance or non-disciplinary process. Exception: If the action plan includes any recommended disciplinary action, such action will be taken in accordance with established policy concerning discipline.

The bureau commander will forward a memorandum detailing the problem, the proposed course of action and follow-up plan to the Assistant Sheriff and the Professional Standards Commander. If the employee is a civilian, the bureau commander will forward the memorandum to the Director of Personnel as well. Any follow-up reports or other related documents will also be forwarded when they become available.

7-603 FOLLOW-UP ACTIONS

The employee's supervisor will conduct follow-up meetings, as needed, with the employee for a minimum of three months. At the conclusion of each monthly meeting the employee's supervisor will forward a memorandum detailing the progress being made toward a solution of the problem to the bureau commander, Professional Standards Commander, and in the case of a civilian employee, the Director of Personnel.

7-604 PROFESSIONAL STANDARDS RESPONSIBILITES

The Professional Standards Commander of their designee shall be responsible for tracking follow-ups and for maintaining all documents and correspondence relating to matters involving the EI System.

CHAPTER 8
USE OF FORCE AND FIREARMS

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APPENDIX 8-A LEO SAFETY ACT ADVISORY 2004

	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **USE OF FORCE & FIREARMS**	Chapter **8**
	Affects: **All Personnel**	
EFFECTIVE DATE **January 29, 2009**	Rescinds:	Amends: **8-202 on 10/16/20; TOC, 8-103 on 12/21/20**

8-100 USE OF FORCE

It is the policy of the Calvert County Sheriff's Office that deputies use only the force that appears reasonably necessary to effectively bring an incident under control, while protecting the lives of the deputy and others. The use of force must be objectively reasonable. The deputy must only use that force which a reasonably prudent police officer would use under the same or similar circumstances.

Among the variables which may affect the level of force selected by the deputy are:

- Relative size of the deputy and subject
- Gender of the deputy and subject
- Relative age and physical conditioning
- Reaction time
- Danger to citizens and the deputy
- Environment and weather conditions

Once a deputy determines that they must use physical force, the level of force used will be dependent upon the deputy's perception of resistance, the danger of that resistance, and whether that resistance is placing the deputy or another in jeopardy of serious injury or death. It is important to note that each deputy's perception of the danger and level of resistance will be based upon their training, experience, knowledge of physical control techniques, and the totality of the circumstances which exist at the time.

8-101 DEFINITIONS

For the purpose of this chapter, the following terms have the definitions indicated:

Authorized Weapons – Weapons that are approved by the Agency, and which the deputy has been trained and qualified to use.

Deadly Force – Force, which is likely to cause death or serious physical injury.

Excessive Force – Intentional, malicious, unjustified use of force resulting in injury or potential for injury. Excessive use of any weapon or physical control technique may constitute excessive force.

Injury – An injury, or complaint of injury, whether visible or not.

Non-Deadly Force – Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.

Non-Officer Status – a situation in which a deputy, who continues to be employed by the Calvert County Sheriff's Office, is temporarily relieved of law enforcement powers by the law enforcement agency for medical or administrative reasons that prevent him from completing Maryland Police Training Commission (MPTC) required training.

Serious Physical Injury – Physical injury which creates a substantial risk of death; causes serious permanent or serious protracted disfigurement; or results in a long-term loss or impairment of the functioning of any bodily member or organ.

Resistance – The force used against a deputy by a subject, whom the deputy is trying to control.

Reasonable Belief – The facts or circumstances the deputy has been presented with are such as to cause an ordinary and prudent person to conduct oneself in a similar way under similar circumstances.

8-102 AUTHORIZATION TO USE FORCE

All sworn deputies will complete a recruit training program prior to their assignment in any capacity, which allows the carrying of weapons or places the deputy in a situation to effect an arrest. Deputies hired and awaiting recruit training will be utilized in positions, which do not require the carrying of any weapons, the enforcement of laws, or the making of an arrest. This policy does not affect deputies who are attending academy training and carry weapons as part of the structured curriculum.

If a deputy fails to successfully complete MPTC annual firearms classroom instruction, training and qualification requirements for an authorized firearm within a calendar year, the Sheriff or his designee:

- Shall remove the firearm, or authorization to use or carry the firearm if personally owned, from the deputy by January 1st of the next calendar year; and

- May not return or authorize the deputy to use or carry the firearm until the police officer successfully completes the appropriate firearms classroom instruction, training and qualification required under this chapter.

If a deputy fails to complete annual firearms qualification because he was on official non-officer status but has completed annual firearms qualification within three (3) years, the deputy shall qualify with each authorized firearm when he returns to active duty before he may carry or use the firearm and, if the deputy's certification has lapsed be recertified by MPTC.

If a deputy returning to active duty as a police officer has not qualified with an authorized firearm within three (3) consecutive calendar years immediately preceding return, the individual shall successfully complete an MPTC-approved entrance-level firearms training program and qualification under COMAR 12.04.02, or a firearms refresher training course and firearms qualification under COMAR 12.04.07 B(4)(C) before being issued or using a firearm and, if certification has lapsed, being recertified by MPTC.

8-103 DUTY TO INTERVENE

A deputy has the duty to intervene in order to prevent or stop another deputy's use of excessive force if he knows or reasonably believes the use of force to be excessive. This action will then be reported to his supervisor.

The duty to intervene applies to officers from other jurisdictions who are taking police action in Calvert County, as well as when Calvert County deputies are taking police action in another jurisdiction.

8-200 GENERAL POLICIES

This policy is an internal guide and should not be construed as creating a higher legal standard of safety or care, in an evidentiary sense, with respect to third party claims that exist under the law. Violations of this policy may form the basis for the Calvert County Sheriff's Office administrative sanctions only; violations of law will be the basis for civil or criminal sanctions in a recognized judicial setting.

The degree of force used in making arrests will be consistent with the Calvert County Sheriff's Office policy prescribed in this Manual and will not be unnecessary or excessive.

Before being authorized to carry a weapon, a deputy will be instructed in the Calvert County Sheriff's Office *Use of Force* policy. This instruction will be documented in the employee's personnel folder.

A Calvert County Sheriff's deputy involved in a use of force incident will ensure that appropriate medical aid is administered as soon as possible to any person injured, or potentially injured, as result of the incident. Depending on the severity of the incident, such aid may range from observation of the individual to administering first aid, to summoning medical services for a more thorough evaluation and treatment, if necessary.

In the event the deputy immediately involved in the incident is unable to carry out this responsibility, it will be the responsibility of the on-scene supervisor to do so. If the on-scene supervisor is not immediately available, then it will be the responsibility of the next deputy on the scene.

A Sheriff's Office employee whose actions result in the death, serious physical injury of another person, or a deputy who discharges their Agency firearm at another person, will be placed in a non-duty status with pay (administrative leave), pending the outcome of an investigation, unless the Sheriff, Assistant Sheriff, bureau commander or supervisor determines that an emergency suspension is more appropriate, as per the *Law Enforcement Officers Bill of Rights*, Appendix 4-E.

In addition to use of force incidents, this provision applies to any employee involved in a motor vehicle accident, which results in death or serious physical injury to another person. The immediate supervisor will verbally notify the employee of their being placed on administrative leave. The determination will be verified in writing by the supervisor, as soon as possible, through the chain of command. The Sheriff or his designee will return the employee to duty, only when all available information indicates the return is in the best interest of the Calvert County Sheriff's Office.

8-201 FATAL OR SERIOUS PHYSICAL INJURIES

Any employee who inflicts a fatal or serious physical injury, as a result of use of force in his official capacity, will be referred to an Agency appointed psychologist/psychiatrist for evaluation and consultation. It shall be the responsibility of the Administrative Bureau Commander to ensure an appointment is made and to direct the employee to keep such appointment.

In no case will an employee who has caused a death as a result of his official duties be allowed to return to work until an initial counseling session has been attended, and his fitness for duty has been determined. It shall be the responsibility of the employee's bureau commander or his designee to see this session occurs as quickly as possible, preferably within 10 days of the occurrence of the event necessitating it.

8-202 NECK RESTRAINT

The Calvert County Sheriff's Office recognizes the necessity for deputies to defend themselves and others by virtually any means under appropriate circumstances. However, the Calvert County Sheriff's Office does not authorize the use of respiratory neck restraints, the shoulder pin restraint, or similar weaponless control techniques with the potential for serious injury as a means of subduing subjects, **except** in deadly force incidents. Head strikes with any weapon are prohibited, unless the use of deadly force is justified under this policy.

8-300 USE OF DEADLY FORCE

The degree of force used in a confrontation must be consistent with both the severity of the incident and the urgency of its disposition. A Calvert County Sheriff's deputy may employ deadly force in the performance of official duties only under the following circumstances:

A. In self-defense or to defend another person, who is being unlawfully attacked, from death or grave injury.

B. To prevent the escape of a fleeing, violent felon, whom the deputy has probable cause to believe will pose a significant threat of death or serious physical injury to the deputy or others. Where practicable, prior to discharge of the firearm, deputies shall identify themselves as law enforcement officers and state their intent to shoot.

C. Deadly force may never be used on a mere suspicion that a crime, no matter how serious, was committed or that the person being pursued committed the crime. The deputy should either have witnessed the crime or should have sufficient probable cause to believe that the suspect committed, is committing, or is about to commit an offense for which the use of deadly force is permissible.

D. The authority for a deputy to use deadly force during a fresh pursuit outside Maryland is the same as that within the State. When a deputy is in fresh pursuit of a dangerous felon outside Maryland and all conditions set forth in this section are present, the deputy may use deadly force to effect the arrest or prevent the escape of the felon. The deputy must justify the use of deadly force during the fresh pursuit outside of Maryland, to the authorities of the foreign jurisdiction. Justification will be based upon the deputy's strict adherence to the Calvert County Sheriff's Office policy.

The Agency will provide training for all sworn personnel on the Agency's use of deadly force during annual firearms in-service training.

8-400 USE OF NON-DEADLY FORCE

Where deadly force is not authorized, deputies may use only that level of force that is objectively reasonable to bring an incident under control.

Deputies are authorized to use Agency-approved, non-deadly force techniques and issued equipment to:

- Protect the deputy or others from physical harm;
- Restrain or subdue a resistant individual; and/or
- Bring an unlawful situation safely and effectively under control.

8-401 DEPLOYMENT OF A CANINE TOWARD AN INDIVIDUAL

A police canine may be deployed in a bite and hold maneuver against an individual whenever use of force is justified, and no lesser force will suffice. Canine deployment shall be in accordance with SOP's developed by the K-9 Unit for use of canine. All deployments of canine against an individual or group of individuals in a bite and hold maneuver shall require the completion of a use of force Blue Team entry. This entry is in addition to any other paperwork required and will be completed regardless of any injury or complaint of injury. The report is not required for routine search activities of the canine unless someone is injured as a result.

8-500 FIREARMS USE - PROHIBITED

A Calvert County Sheriff's deputy may not discharge a firearm:

A. As a warning.
B. In any attempt to apprehend a misdemeanant.
C. At or from a moving vehicle, **except**:

    1. As a measure of self-defense of another, when the suspect is using potentially deadly force,
    2. When a vehicle is driven in a manner deliberately intended to kill or severely injure a deputy or citizen,
    3. When all conditions regarding a fleeing felon (in section 8-300) are present.

A Calvert County Sheriff's deputy must reasonably anticipate a situation justifying the use of a weapon before removing it from its holster or otherwise displaying it. The use or display of

weapons in circumstances other than those described in this section is contrary to Calvert County Sheriff's Office policy.

A. No Calvert County Sheriff's deputy will display a weapon in a flagrant manner, which is unsafe or would invite unfavorable comment from the public.

B. An off-duty Calvert County Sheriff's deputy will not wear a firearm at any activity where the deputy will be consuming alcoholic beverages.

C. An off-duty Calvert County Sheriff's deputy will wear their firearm concealed from the general public. If a deputy is working off duty in a part-time assignment, the firearm is not required to be concealed when the deputy is wearing clothing that identifies him as a Calvert County Deputy Sheriff. All off-duty deputies shall carry an Agency-issued badge, photo identification, and Agency identification wrist band while armed.

8-501 AUTHORIZED DISCHARGE OF FIREARMS

A Calvert County Sheriff's deputy may discharge a firearm:

- To kill a dangerous animal that is jeopardizing the safety of the deputy or the public.
- To kill an injured wild or domestic animal, if the deputy has the consent of the owner, or has been requested to do so by a veterinarian. When a reasonable attempt to locate the owner has failed or a veterinarian is not readily available, the deputy may use discretion in deciding whether to kill the animal to relieve its suffering.
- To give an alarm or to call assistance when no other means are available.
- In practice on the firing range.

8-600 WEAPONS

No employee shall use a firearm in their official capacity with the Agency, unless that firearm is issued to him/her or approved for use by him/her in their official capacity. No employee shall use a firearm unless they have qualified with it and received certification to use it.

The Agency Armorer will maintain all maintenance, training, and certification records for all lethal weapons deployed by all Agency personnel including those on the Special Operations Team.

Firearms approved for duty use shall not be modified or accessories added without the approval of the Agency Armorer or their designee.

If an Agency employee, supervisor, or other personnel learns of an unsafe weapon, an Agency-approved armorer will be notified immediately. That weapon will be removed from service and replaced with the appropriate replacement. That armorer will then either make the appropriate repairs to the weapon or place it out of service for disposal.

The issued weapon shall be carried in a fully loaded and ready to use condition as instructed during qualification and certification training. It shall be carried in the issued holster, or one approved by the Agency Armorer or certified firearms instructor, for use off-duty or in plain clothes.

It is Agency policy that no second or back-up handgun be carried by personnel while on duty, unless authorized by the bureau commander and the Assistant Sheriff or Sheriff for a specific assignment. Any authorized second handgun must meet the same criteria for use as that of alternate firearms.

8-601 HANDGUNS

The current issued handgun for most sworn officers of the CCSO, is the Glock, .40 caliber semi-automatic pistol. The Agency Armorer, Assistant Sheriff, or Sheriff can authorize deputies to carry alternate handguns. Those handguns must meet the criteria for firearms established elsewhere in this chapter. All employees must be officially qualified by the Agency with the alternate handgun.

8-602 SHOTGUNS

The Agency Armorer or their designee shall approve any shotgun carried by employees in their official capacity. The shotgun shall be of a pump/slide or semi-automatic design, and shall be equipped with a sling, which has been approved, by the Agency Armorer or their designee. It shall be designed to chamber 12-gauge ammunition. The shotgun shall conform to the minimum length requirements set by the National Firearms Act and have a minimum magazine capacity of four (4) rounds.

The Agency Armorer or their designee shall examine any off-duty shotgun presented for qualification to determine that it meets the Agency requirements and is in good condition for use. No shotgun which is judged to be in unserviceable condition, or which does not meet Agency requirements, or is for any reason deemed not appropriate to use as an Agency shotgun, will be used in qualification.

Ammunition carried for the shotgun by the employee while performing in his official capacity shall be Agency-issued. Factory loaded slug ammunition will be loaded in the shotgun. “00B” will be provided to all employees that have a shotgun and the “00B” ammunition will only be used as outlined in the training instruction at the range by the firearms instructor. Members of the Special Operations Team may have other ammunition approved for use in their capacity as Special Operations Team members.

Shotguns shall be carried in the “cruiser safe” condition (magazine loaded, hammer down on an empty chamber, safety on) when they are being transported within a vehicle. All employees who use a shotgun in their official capacity will qualify annually with that shotgun.

8-603 RIFLE AND SUBMACHINE GUNS

The Agency Armorer or their designee shall approve any rifle or submachine gun carried by employees in their official capacity. The rifle/submachine gun shall be a bolt, semi-automatic or fully automatic weapon, and shall be equipped with a sling, which has been approved, by the Agency Armorer or their designee. It shall be designed to chamber .223/ .308/ .9mm/ 57.28 or .50 caliber ammunition. The rifle/submachine gun shall conform to the minimum length requirements set by the National Firearms Act.

The Agency Armorer or their designee shall examine any off-duty or personally owned rifle/ submachine guns presented for qualification to determine that it meets the Agency requirements and is in good condition for use. No rifle/submachine gun which is judged to be in unserviceable

condition, or which does not meet Agency requirements, or is for any reason deemed not appropriate to use as an Agency shotgun, will be used in qualification.

Ammunition carried for the rifle/ submachine gun will be .308 caliber .168 BTH/ .223 caliber /.55 grain hollow point / .57.28 SS190-SS-195 or .9mm hydroshok. This is the only ammunition to be carried by the employee while performing in their official capacity and shall be Agency-issued and factory loaded to all employees that have a rifle to include an M-16/ M-4 or AR-15. The 30 round magazines will contain 28 round and the 20 round magazines will contain 18 rounds. The hammer will be cocked, and the safety will be on. A magazine will be placed in the magazine well with no round placed in the chamber. All other submachine guns will be carried in this same manner. Any officer assigned the bolt, precision rifle will carry this weapon unloaded with the safety on. This weapon will be loaded upon deployment. Members of the Special Operations Team may have other ammunition approved for use in their capacity as Special Operations Team members.

8-604 AMMUNITION

The CCSO Armorer is responsible for ordering all ammunition used by the CCSO. A sworn officer may only use ammunition provided by the CCSO in any CCSO issued handgun, shotgun, machinegun or rifle.

This section is not intended to limit any ammunition approved for use by the SOT for use in their capacity as Special Operations Team members.

8-605 USE OF ALTERNATE FIREARMS WHILE ON DUTY

A firearm, purchased by the employee for off-duty use, which meets the other specifications in this policy and with which the employee has qualified, may be approved for on-duty use by the employee's bureau commander. Bureau commanders shall convey such approval in writing. This written approval shall:

- Contain a specifically stated purpose.
- Be for a specifically stated time period.
- Cover only the specifically named individual employee.
- Describe the firearm(s) and associated serial number(s) attributed to a particular employee.

The *Detailed Report* shall be forwarded to the Agency Armorer for a written recommendation and/or endorsement. It will then be forwarded to the Sheriff via the chain of command for approval.

The original written approval will be kept in the affected employee's personnel file. A copy of the written approval will be provided to the employee. The Agency Armorer shall keep a copy for the period during which the approval is valid.

8-606 OFF-DUTY FIREARMS

Any employee who legally carries a handgun or shotgun other than his Agency issued firearm shall qualify with that weapon annually, in the same manner as required for the Agency-issued

firearm. After qualifying with a weapon, that weapon shall not be modified or have any accessories added to it without the approval of the Agency Armorer.

If the firearm uses ammunition not stocked by the Agency, the employee is required to furnish, at their own expense, the ammunition required to practice and qualify with the firearm. Only ammunition meeting the requirement for Agency use shall be permitted to be used for the training and qualification process. The Agency Armorer shall inspect and approve all firearms and holsters for off-duty use.

8-607 SPECIAL OPERATIONS TEAM FIREARMS

Members of the Special Operations Team (SOT), because of the unique nature of their mission, are provided with an array of weapons not available to other personnel. These weapons include automatic weapons, chemical delivery weapons, long-range weapons, and other specialized weapons and devices.

The Special Operations Team Commander and the Agency Armorer shall approve weapons acquired for this unit. The ammunition used by this team must also be approved by the SOT Commander and the Agency Armorer. This approval process is a formal one and shall be in writing as a part of the SOP for this unit. The SOT Commander shall ensure these policies are followed. The SOT Commander or their designee will inspect the records of the SOT training and certification. The SOT Commander or their designee shall document such inspections and maintain a record of the inspection. Any discrepancies shall be immediately corrected.

Team members, except in a tactical emergency where no other alternative exists, shall use only weapons they have trained with and received certification to use. The Agency Armorer or their designee shall coordinate, direct or conduct initial weapons systems training and additional on-going training. The Agency Armorer or designee shall document such training and maintain a record of such training.

The SOT Commander will ensure all members of the Team meet training and current requirements according to the training schedule for each weapons system. Specialized schools and programs attended by Team members outside the Agency may substitute for some of the training schedule. However, these substitutions shall be clearly indicated on the training and personnel records in place of regularly scheduled training.

Training records shall indicate the minimum acceptable scores for each weapons system and will record the individual scores of each Team member for each weapons system and each qualification session. The records will indicate the frequency of required training. The SOT Commander is responsible for the accomplishment of training. The Team leader shall monitor the training records of each employee to ensure the record of training is sufficient for the position each person occupies on the Team.

8-608 LAW ENFORCEMENT OFFICERS' SAFETY ACT OF 2004

On July 22, 2004, President Bush signed into law the Law Enforcement Officers' Safety Act of 2004, (H.R. 218). This law allows qualified active and honorably retired law enforcement officers to carry their firearms concealed nationwide. Additionally, the law establishes the criteria that those individuals must meet annually in order to qualify as an active or honorably retired law enforcement officer. An active law enforcement officer:

A. Is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest.
B. Is authorized by the Agency to carry a firearm.
C. Is not the subject of any disciplinary action by the Agency.
D. Meets standards, if any, established by the Agency, which require the employee to regularly qualify in the use of a firearm.
E. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
F. Is not prohibited by State or Federal law from receiving a firearm.

See Appendix 8-A for entire *Law Enforcement Officers' Safety Act of 2004* (H.R. 218).

8-609 SURRENDER OF WEAPONS

A deputy, who is suspended, is required to surrender all weapons issued to him by the CCSO, to the Office of Professional Standards for the period of suspension. The Office of Professional Standards will then turn the weapon(s) over to the Property Manager.

8-610 USE OF NON-ISSUE DEFENSIVE WEAPONS

Non-issue defensive weapons such as slapsticks, slapjacks, blackjacks, sap gloves, etc. are prohibited unless authorized by the Sheriff or his designee. Additionally, personally owned electronic defense weapons (stun guns) of any variety are prohibited.

A portable radio, flashlight, or other Agency approved weapon may only be used in a situation where the degree of resistance exhibited by a law violator is of such magnitude that the arrest cannot otherwise be affected. Unless the situation meets the conditions for the use of deadly force, no instrument will be used to strike the head, groin, spine, neck or collarbone of the violator.

8-611 O.C. SPRAY

Oleoresin Capsicum (O.C.) spray is intended for use only when a deputy is attempting to subdue an attacker or a resisting suspect. It may be used under other circumstances, which permit the lawful and necessary use of force when such action can best be accomplished through the use of O.C. spray. The use of O.C. spray may reduce or eliminate the necessity of other and more potentially injurious means of force.

- Only Agency issued O.C. spray is to be used.
- O.C. spray shall not be used indiscriminately.
- The duration of the spray should not be more than the minimum required to effectively incapacitate the arrestee.
- When O.C. spray is used to facilitate an apprehension, the deputy will provide the arrestee, as soon as possible after the arrest, with the opportunity to flush the eyes with fresh water and wash the parts of the body exposed to the chemical.
- When O.C. spray is used to facilitate an apprehension, the effectiveness of O.C. spray may be severely limited on certain individuals (e.g., those under the influence of alcohol or drugs) and under certain conditions. Deputies should place guarded confidence in its use.
- O.C. spray will not be used on a person who has been secured and is properly in custody.

- As a general rule, a prisoner who is exposed to O.C. spray should not be transported until they have been treated by the deputy and **will not** be transported face down.

8-612 COLLAPSIBLE BATON

The Agency issued collapsible, tactical baton is the only baton authorized for routine possession and use. When applying force with a baton, employees shall utilize the techniques taught in the Agency training program for that weapon. The force from one of these weapons shall not be intentionally applied to the head of a person unless deadly force is justified. The use of a baton to apply force shall require the completion of a *Use of Force Report*. This report is in addition to any others required and will be completed regardless of any injury or complaint of injury.

8-613 TASER

The X2 and M26 TASER shall be the only authorized TASERS for use by the Calvert County Sheriff's Office. The TASER is a handheld device which propels two metal probes attached to insulated wires. The TASER is designed to incapacitate a resistive person from a safe distance without causing death or permanent injury. This provides the deputy an additional alternative to lethal force or chemical OC Spray, when the use of force is necessary to gain control of an individual for a lawful purpose.

8-613.1 DEFINITIONS

X2/M26 TASER - An electro-muscular disruption weapon that utilizes a compressed nitrogen cartridge to propel two small probes out to a range of 21 feet. The device delivers 26 watts of pulsating current, which can disrupt the sensory and motor functions of the central nervous system and thereby reduce any further aggressive behavior.
Electro-Muscular Disruption (EMD) – Electrical signal which overrides the central and motor nervous systems in the body. The EMD effect causes uncontrollable muscle spasms which should incapacitate a subject regardless of their level of pain tolerance, mental focus, or state of intoxication.

Data-port - The TASER is equipped with a built-in data-port which records the date and time of each firing of the device.

Anti-Felon Identification (AFID) - Small round AFID tags are propelled out of the cartridge when the device is fired. These tags correspond to the serial numbers of the cartridge which held them.

8-613.2 AUTHORIZED USE

Only deputies who have received the required training and certification with the Taser are authorized to carry or deploy this device. As an operational function, command responsibility for the management of the Agency TASER program is assigned to the Patrol Bureau. The Patrol Commander or their designee shall act as the TASER Coordinator. The TASER Coordinator shall be responsible for the scheduling of Agency personnel to obtain TASER training. All deputies selected will perform in compliance with this policy. The TASER Coordinator shall be certified as an instructor with the device, having a skilled working knowledge of the use, nomenclature, and downloading procedures of the data-port, as well as ensuring there are a sufficient number of additional personnel trained as certified instructors with this device. These instructors will be responsible to conduct:

- All initial training and certification classes; and
- Annual re-certification training

8-613.3 DISCHARGE OF THE TASER

A deputy who deploys the TASER will give a loud verbal warning prior to firing the weapon except when such warning could provide a tactical advantage to the subject being taken into custody. This verbal warning will fulfill two purposes:

- To give an aggressive subject a final warning that their actions are dictating the use of the TASER;
- To warn other law enforcement officers and bystanders that the device is about to be fired.

The TASER cartridge produces a loud popping sound which could be mistaken for a gun shot. The loud verbal warning will notify other law enforcement officers who may be on the scene that the discharge about to be heard is most likely the TASER being deployed. The deploying deputy will then direct the actions of any other assisting officer on the scene in handcuffing the subject. The TASER will not deliver its charge to a second person unless that person places their hand or a body part in between the two probes. Assisting officers are also warned to approach the subject with caution so as to not break the wires connecting the probes to the device. The TASER is capable of delivering unlimited 5-second bursts of current once the probes make contact with the subject. Should an aggressive subject not comply with the commands of the deploying deputy, subsequent bursts may be delivered. Deputies should use the least number of five (5)-second exposures necessary to achieve the desired effect of temporarily immobilizing the subject. The TASER is not to be used as a pain compliance tool in the “drive stun mode,” especially in the red target areas.

8-613.4 MEDICAL TREATMENT

As soon as practical after deploying the TASER, the deputy shall request Emergency Medical Services (EMS) respond to the scene and the subject shall be transported to the hospital by EMS personnel for subsequent treatment and removal of the probes. A deputy shall remain with the subject at the hospital until the subject has been medically cleared.

The electrical pulse or EMD effect does not cause any long-term health issues. Once the 5-second electrical pulse has ceased, the subject will not feel any additional disruption in their central nervous system. The TASER will not affect the functions of a pacemaker, and it will not cause the subject to experience any kind of additional twitching or uncontrolled spasms.

8-613.5 NOTIFICATION AND REPORTING

Any discharge other than the function test, either intentional or accidental, shall require the deputy to make immediate notification to the on-scene supervisor or an on-duty Patrol supervisor.

Deploying the TASER will require the completion of a *Use of Force* Blue Team entry. Photographs will be taken of all puncture sites in the skin or of the skin area where the probe lodged into the subject’s clothing. The serial number(s) of any spent cartridge(s) will be included in the *Use of Force* entry, and the contact points of the probes will be noted. Any field use of the TASER will require the spent cartridge(s) and probes to be treated as biohazards, collected and submitted to Property Held by the deploying deputy.

An employee who discharges a cartridge in the field will be required to contact the TASER Coordinator in order for the recorded data to be downloaded from the TASER device. This data will aid in protecting the employee and the Agency from false allegations of misuse of the device. This step will be accomplished within 72 hours of the field use or at the direction of the TASER Coordinator. Once the TASER's stored data is downloaded, it will be the responsibility of the TASER Coordinator to forward this written data to the Office of Professional Standards to be attached to the related *Use of Force* entry.

In addition, the TASER Coordinator shall be responsible to prepare a separate written report to document the use of this device and forward same to TASER International. This is required if the Agency wishes to have a TASER International representative testify in any civil proceedings as a result of the deployment of the device.

8-613.6 RESTRICTED USE

The TASER causes a subject to lose control of muscular motor functions without causing death or suffering permanent injury. A subject who is struck by the TASER may be injured in the subsequent fall to the ground, especially if he is positioned in an elevated area. The deputy must weigh these circumstances in his decision to deploy the TASER.

The pulse from the TASER is strong enough to ignite flammable substances such as gasoline. The TASER will not be used if there is reason to believe the subject or the subject's clothing has been exposed to a flammable substance. Deputies should be cognizant that some OC sprays are alcohol based and are possibly flammable. The Agency-issued OC spray (Oleoresin Capsicum) is a non-flammable agent which is found naturally in cayenne peppers. The TASER will not be used to unlawfully threaten, coerce, harass, taunt or abuse any person or in any form of horseplay.

8-614 FN 303 LESS LETHAL LAUNCHER

The FN 303 uses compressed air to fire projectiles from a 15-round drum magazine. It is designed to incapacitate the target through blunt trauma without causing critical injuries. The FN 303 can be fired from the shoulder using adjustable iron sights, or it can be mounted in an under-barrel configuration on most assault rifles when its stock assembly is removed.

The 18mm (.68mm), 8.5 g weight projectiles utilize a fin stabilized polystyrene body and non-toxic bismuth forward payload to provide both a more accurate and greater effective range. The ammunition is designed to fragment upon impact to prevent penetration damage. Secondary rear payloads utilized are:

- Training/impact - 100% non-toxic glycol base
- Permanent paint - latex based polymer-based paint
- Washable paint - fluorescent pink pigment in non-toxic glycol base
- Oleoresin capsicum - orange dyed non-toxic glycol base mixed with 10% OC (pepper spray) at 2 million SHU.

The FN 303 Less Lethal Launcher may be used for the purpose of compelling individuals to cease their violent actions, when the deputy believes that they represent a reasonable option for resolving the situation at hand. The use of less lethal weapons will be considered for, **but not limited** to, the following situations:

- Suicidal subjects
- Subjects, whose physical size and actions are such as to present a serious physical threat of injury to the deputy or other person, if they come into direct physical contact
- Subjects armed with blunt force weapons
- Subjects disregarding lawful orders to disburse
- Subjects participating in acts of arson, and/or civil disturbance

Deployment considerations when using less lethal weapons on otherwise unarmed subjects is authorized after an evaluation of the tactical/patrol situation by the deputy(s) on scene, taking into consideration all available circumstances, including but not limited to:

- the suspect's stated or exhibited intent to violently resist being taken into custody.
- the credibility of the threat as evaluated by the deputy(s) present, additional information immediately available to deputy(s), such as indications of drug use/alcohol intoxication.
- availability of other force options and their potential effectiveness/appropriateness.
- the subject's actions dictate the need for an immediate response and the use of less lethal weapons reasonably appear appropriate, especially if the only other option to deal with those actions may be the use of deadly force.

Only deputies who have received the required training and certification with the FN 303 Less Lethal Launcher are authorized to use the weapon.

All instances of FN 303 use will be reported in a *Use of Force* Blue Team entry.

8-615 MEDICAL SCREENING / TREATMENT

If medical screening/treatment is deemed necessary by the deputy or on-scene supervisor for any subject that has been impacted by less lethal weapons, the subject will be transported to the hospital and medically cleared by a physician.
The Detention Center shift supervisor will be notified whenever a subject, who has been apprehended with the use of less lethal weapons, is booked into the Calvert County Detention Center. The shift supervisor will also be given the subject's medical records and make sure the subject is monitored during their stay at the Detention Center.

8-700 REPORTING USE OF FORCE INCIDENTS AND WEAPONS DISCHARGE

A deputy, who is involved in any of the following types of incidents, will notify their immediate supervisor and complete a *Use of Force* Blue Team entry:

- Discharging a firearm (except in training or to kill an injured animal).
- Taking an action that results in, or is alleged to have resulted in, injury or death of another person.
- Applying force through the use of deadly or less lethal weapons.
- Applying weaponless physical force beyond the level of verbal control techniques.
- A vehicle pursuit or roadblock in which deadly force is used, or which results in injury to the deputy or any other person.

The employee's supervisor and commander will review the *Use of Force* entry to determine if the force is used conformed to use of force requirements and agency policy. After approval, the bureau commander will forward the entry to the Office of Professional Standards for entry into the IAPRO database.

A deputy, who is involved in such an incident, will not discuss it with anyone other than the deputy's immediate supervisor, commander, the investigator(s) assigned to conduct any criminal or administrative investigation of the incident, or the deputy's selected counsel, until authorized to do so by the commander or Office of Professional Standards. The Sheriff or his designee will handle press relations.

The Calvert County Sheriff's Office will ensure that a deputy involved in a deadly force or weapons discharge incident will be afforded their rights under the law, as it pertains to the *Law Enforcement Officers' Bill of Rights*, Appendix 4-E. Particular attention will be paid to ensuring that personnel involved are permitted legal representation, should they desire it.

The deputy will complete the *Use of Force* Blue Team entry by the end of the tour of duty. The report will contain all of the specific facts and circumstances relating to the incident. At the request of the employee's commander, the employee may be required to submit a *Detailed Report* of the incident within five (5) days pursuant to the LEOBR.

If a deputy is injured, incapacitated, or otherwise unable to prepare the report, the deputy's supervisor or commander will complete the entry, based upon facts obtained verbally from the deputy and/or witnesses.

The Calvert County Sheriff's Office will ensure that a deputy, involved in an intentional firearm discharge at a suspect, even if it does not cause fatal or serious physical injury, will be referred to an Agency appointed psychologist/psychiatrist for evaluation and consultation. This does not include accidental discharges.

If it is determined that the employee's actions did not conform to use of force requirements and agency policy, then an investigation will be initiated by either the Office of Professional Standards or the Criminal Investigations Bureau.

The Office of Professional Standards or assigned CIB investigator will determine whether the deputy's actions violated Agency policy and procedures and/or criminal law.

A deputy, who discharges a firearm to euthanize an animal, will generate a call for service in New World.

8-701 ACCIDENTAL DISCHARGES

In any case where an accidental discharge of an issued firearm occurs, regardless of the fact that no injury occurred, a *Firearm Discharge* Blue Team entry shall be completed. This entry is valuable in providing information for training programs designed to prevent accidental discharges. It may also help identify the need for policy or procedure changes to prevent a hazardous set of circumstances from reoccurring.

8-800 ADMINISTRATIVE REVIEW

The employee's supervisor and commander will review the employee's report of use of force, use of deadly force, or firearms discharge incident to determine if the force used conformed to use of force requirements, agency policy and criminal law.

The commander will then forward the employee's U*se of Force* Blue Team entry to the Office of Professional Standards.

If it is found that the employee did not conform to policy, then an investigation will be initiated by the Office of Professional Standards or by the Criminal Investigative Bureau, in conjunction with the Office of Professional Standards.

Annually the Office of Professional Standards will review all use of force incidents and based on their findings, make recommendations to the Sheriff, for changes in the Calvert County Sheriff's Office policies, procedures, rules, or regulations or for additional training regarding the use of force.

The results of administrative reviews will be maintained with other Professional Standard reports. In all weapon discharge incidents, a copy of the *Use of Force* Blue Team entry will be provided to the Agency Lead Firearms Instructor.

8-900 WEAPONS QUALIFICATION

The Lead Firearms Instructor will design and administer a training program and a qualification test for each weapon issued or approved by the Calvert County Sheriff's Office. The program and test will be updated as necessary, and re-approved in accordance with the Maryland Police Training Commission's (MPTC's) requirements.

The tests and training programs will conform to the standards of the MPTC. The training program will include: achieving minimum qualifying scores on a prescribed course; attaining and demonstrating a knowledge of the laws concerning the use of authorized weapons; knowledge of this use of force policy; and recognized safe-handling procedures. The use of force curriculum will include the implications of all uses of force, whether by weapon or by physical force.
A deputy must demonstrate and maintain proficiency in the use of a Calvert County Sheriff's Office authorized weapon before being authorized to use it. A deputy will, at a minimum, be trained and qualify annually with all Agency-approved firearms assigned to him/her.

In the event a deputy fails to qualify with a weapon, the deputy will not be permitted to carry that weapon in the line of duty until the deputy has re-qualified. This may require the employee's suspension, with pay, from active duty to a light duty status, in accordance with Agency policy and procedures. The Agency's Lead Firearm's Instructor will work with any employee who fails qualification, to assist the employee in meeting proficiency requirements. Should the employee continue to fail to meet qualification standards, they may be terminated for their inability to meet the standard requirements to be a law enforcement officer.

All qualifications will be under the supervision of the firearms instructor and/or supervisor and will be documented. In-service training for less lethal weapons, excluding tasers, will be conducted biennially.

8-901 MANDATORY TRAINING

Firearms training and qualification tests with designated primary weapons are mandatory for all sworn Sheriff's Office personnel. Training and qualification with the shotgun, secondary, off-duty and specialized weapons are required as specified later in this policy. Command personnel are responsible to see that all sworn employees under their supervision participate in the approved training program. Safe and secure storage of Agency weapons will be included in all firearms training.

A firearms instructor and/or supervisor is named by the Sheriff and administers all training and qualification tests.
The primary weapon for all personnel is the Agency-issued handgun or a non-issued handgun, approved for use as a primary weapon.

All sworn employees **must** fire the approved training program and pass an approved qualification test as provided below:

A. Sworn Sheriff's Office employees participate in a uniform training program designed for their primary weapon at least two times, preferably evenly spaced, over the course of the year. Each sworn Sheriff's Office employee must pass the approved qualification test once a year for that weapon. Each sworn employee must pass the approved qualification test for that weapon on both day and reduced light courses, which is required by the MPTC. The employee must quality two times a year with M-16's.

B. Employees, up to and including the rank of sergeant, fire the approved training program and pass the approved qualification test for the Agency-issued shotgun at least once annually. Any employee who fails to qualify with the shotgun is not permitted to utilize that weapon until that employee passes the approved qualification test. Firearms instructors will supply that training necessary for the employee to pass the qualification test.

C. Employees, up to and including the Sheriff, fire the approved training program and pass the approved qualification test for the Agency-issued rifle, or an approved M-16A1, M4 or M14. All Sheriff's Office employees issued these firearms will fire the approved training program and pass the approved qualification test for the Agency issued rifle at least twice annually. Any employee, who fails to qualify with the rifle, is not permitted to utilize that weapon until that employee passes the approved qualification test. Firearms instructors will supply that training necessary for the employee to pass the qualification test.

D. Employees, who have been issued a specialized weapon, fire the approved training program and pass the approved qualification test for that weapon. Employees failing to qualify are not permitted to utilize that weapon until they pass the approved qualification test.

E. Sheriff's Office employees for whom the shotgun or rifle has not been issued and who wish to utilize a shotgun or rifle, must qualify as specified in #2 and #3 above.

F. Sheriff's Office employees, in order to carry an Agency-approved secondary or off-duty handgun, must qualify on the course approved for that weapon once annually during a training session. A single qualifying score will be acceptable evidence of proficiency.

In the event a Sheriff's Office employee fails to pass the qualification test with the primary weapon, the firearms instructor reports such fact to the employee's bureau commander. The bureau commander:

A. Immediately reassigns the employee to a light duty status in civilian dress.

B. Immediately schedules the employee for additional remedial firearms training and retesting. This will be completed within five working days of the employee's last testing date.

C. Immediately prohibits the employee's use of departmental vehicles, both on and off-duty.

D. Immediately prohibits the employee from wearing or utilizing that weapon for which he failed to qualify.

E. Maintains the employee in this status until notification by the Lead Firearms Instructor of a qualifying score.

The Lead Firearms Instructor reports to the employee's bureau commander any employee, who demonstrates poor performance with his designated primary weapon during a second training session. The employee is scheduled for remedial firearms training to be completed within 15 days of the employee's last training session. At the conclusion of this remedial training, the employee is given the approved qualification test.

If, following remedial training, the employee passes the approved firearms qualification test, no further training is required for that period.

Upon notification of an employee's failure to pass the qualification test, following any remedial training as specified in this policy, the employee's commander shall keep the employee in a light duty status.

NOTE: ***The employee is permitted to use the weapon for training purposes while under the actual supervision of the firearms instructor.***

Supervisors take into consideration an employee's proficiency with firearms when preparing the annual evaluation. Continued failure to qualify with firearms is regarded as incompetence and may lead to termination from the Agency.

8-902 SHOTGUN

Sworn employees are authorized to carry either an Agency-issued or an Agency-approved shotgun in the patrol vehicle. Safety precautions when carrying shotguns in patrol vehicles:

A. Shotguns are carried in a patrol vehicle in car-safe position. The shotgun will have safety on, and no ammunition is to be carried in the chamber.

B. Shotguns are encased or fastened in a rack and readily available and are not allowed to lie on the seat where they may be thrown about the inside of the vehicle.

C. Shotguns must be out of reach of passengers in the vehicles. During the time that the vehicle is parked or unattended and not within sight of the operator, the shotgun should not be readily visible and the vehicle shall be locked.

D. When a patrol vehicle is not in the actual custody of a police employee, the shotgun is removed and stored in a place that provides adequate security.

E. Loading and unloading a shotgun are accomplished by pointing the muzzle in a safe direction. This operation is accomplished by approved methods, and away from bystanders, as established and trained by the Agency.

8-903 RIFLE

Sheriff's Office employees are authorized to carry either an Agency-issued or an Agency-approved rifle in the patrol vehicle. Safety precautions when carrying a rifle in patrol vehicles:

A. Rifles are carried in a patrol vehicle, car-safe position, with a fully loaded magazine, but no ammunition is carried in the chamber and the safety is on. (The ammo will be Agency-issued.)

B. Rifles are encased or fastened in a rack and readily available and are not allowed to lie on the seat where they may be thrown about the inside of the vehicle.

C. Rifles must be out of reach of passengers in the vehicles. During the time that the vehicle is parked or unattended and not within sight of the operator, the rifle should not be readily visible and the vehicle shall be locked. Rifles shall be locked in the trunk with a chain and lock that is provided and installed by the County Fleet Maintenance.

D. When a patrol vehicle is not in the actual custody of a Sheriff's Office employee, the rifle is removed and stored in a place that provides adequate security.

E. Loading and unloading a shotgun are accomplished by pointing the muzzle in a safe direction. This operation is accomplished by approved methods and away from bystanders, same as shotgun.

8-1000 FIRING RANGE SAFETY

The CCSO operates a firing range facility for periodic weapons training and qualification and for other training operations, as needed.

8-1001 FIREARMS INSTRUCTOR

Employees of the Agency who are designated as firearms instructors, including the Agency Armorer, shall be certified by the Maryland Police and Correctional Training Commission to give firearms instruction. Additionally, they shall each maintain, as a minimum, the Agency certification of "pistol expert" and qualify with a score of at least 90% on any other weapon system they instruct to Agency personnel.

8-1002 CCSO INSTRUCTOR REQUIRED

No person may use the CCSO firing range facility for live-fire practice unless a CCSO MPCTC-certified firearms instructor is present. On the facility, the CCSO firearms instructor is the officer-in-charge, regardless of the rank of other personnel present. All persons using the facility will follow the orders and instructions of the firearms instructor.

8-1003 FIRING RANGE SAFETY RULES

A. Ear and eye protection will be worn at all times by those firing and those within 50 yards of the firing. Over the ear protection is required (and may be used with earplugs). Side shields are required for eye protection when firing handguns.
B. Dry firing is allowed only under the supervision of the firearms instructor.
C. Follow all commands of the firearms instructor as they are given. **Do not anticipate any commands.** Ask questions if a command is not understood.
D. No loaded weapon will be left unattended on the range. All weapons will be holstered or, in the case of shotguns/rifles or other shoulder weapons, actions will be open in a safe condition when not in use.
E. Range safety is **everyone's** responsibility. Anyone who observes any unsafe condition or act should give the command to cease fire.
F. Keep the muzzle of the weapon pointed in a safe direction, normally down range, at all times. In the case of a malfunction, if a weapon cannot be cleared by the deputy, then **only the instructor can clear the misfire**.
G. Discontinue firing if a weak or unusual report is felt or heard. Keep muzzle down range and obtain assistance from an instructor.
H. Keep finger off the trigger and outside the trigger guard until the weapon is on the target.
I. Do not leave the firing line at any time during the firing until given the command by an instructor.
J. Do not bend over, attempt to recover magazines, etc., until the line is declared safe.
K. Upon clearing the firing line at any time during the firing of shotguns/rifles or other shoulder weapons, an instructor will check and confirm that all weapons are unloaded and in a safe condition.
L. Around the range, when carrying shotguns/rifles or other shoulder weapons without a sling, they will be carried in a muzzle-down position, with actions open and in a safe condition. When carrying shotguns/rifles with a sling, they should be carried either muzzle-up or muzzle-down, depending on the type of sling.
M. At the completion of a course, all weapons will be cleared, checked twice by the shooter, and only holstered or grounded after a final inspection by an instructor.
N. No shooter will be permitted on the range if there is knowledge or reason to believe they have consumed alcoholic beverages or taken any other type of drug or medication that could impair their ability to handle a weapon safely.
O. Loading and unloading will only be done on the firing line under direction of the instructor or in a designated loading/unloading area.
P. Smoking is prohibited in all CCSO facilities.
Q. Talking is prohibited on the firing line except when conversing with the instructor.
R. Personnel not actually firing will not interfere with shooters or instructors.
S. No live ammunition is allowed in or around the cleaning area.
T. Only CCSO-provided ammunition will be used, unless you are qualifying with an off-duty weapon.

U. After firing, every employee will wash his or her hands thoroughly before touching them to the mouth or eating or smoking.
V. After the facility is used, the firearms instructor will ensure that the range is thoroughly cleaned.

8-1100 FIREARMS - GENERAL

8-1101 FIREARMS ISSUANCE

All non-issued Agency firearms will be stored within the Agency's Armory under the control of the Agency Armorer or their designee. Prior to any firearm being issued for use, the Agency Armorer will inspect and approve it. Any weapon found to be unsafe for use will be tagged for repair or replacement.

Initial issuance of any firearm will be accomplished by the Agency Armorer, only after the person being issued the firearm has completed all required recruit or other training programs, and the Agency Armorer has certified the person has qualified with the firearm to be issued. The receiving person will sign a receipt for the firearm and the armory log will be completed.

The Agency Armorer or their designee may assign firearms from the Armory on a temporary basis in exchange for a firearm in need of repair, or when firearms are needed for training. This exchange/temporary issue will be documented in the Armory log.

8-1102 LOST, STOLEN OR SEIZED WEAPONS

If a deputy's weapon is lost or stolen, the deputy shall report the incident in accordance with policy found in Chapter 3 of this Manual. A copy of the investigation will be forwarded to the Assistant Sheriff, Agency Armorer and command staff. If a deputy's issued weapon is collected as evidence, lost, or stolen, a replacement weapon will be issued by the Agency Armorer. A *Loss/Damage Report* will be the controlling document for weapon replacement. This form shall be appropriately completed, filed in the armory, forwarded to the deputy's bureau commander, and copies given to the Agency Armorer and the Office of Professional Standards. If a deputy's weapon was lost or stolen, the deputy will also have the Control Center enter the weapon's serial number into NCIC. A copy of the NCIC entry should be attached to the *Loss/Damage Report*.

NOTE*:* ***This section does not require a weapon to be issued to an employee who has been suspended or otherwise relieved of his authority to carry a weapon.***

8-1103 WEAPONS INSPECTION

On-duty weapons shall be inspected by the employee's supervisor at the time of the quarterly inspection and additionally, at any other time the supervisor deems appropriate. The inspecting deputy shall use the following procedures to ensure the safety of the deputy, supervisor, and the general public.

The deputy being inspected shall (with the weapon pointed in a safe direction or into an unloading containment device, if available):

- Remove the magazine and secure it.
- Retract the slide and empty the chamber.

- Visually check the chamber and magazine well.
- Present the weapon to the inspector with the slide locked to the rear and in accordance with training.

The inspecting deputy shall:

- Examine the chamber and magazine well to ensure the weapon is unloaded.
- Examine the weapon for dents, burns, rust, modifications, etc.
- Check the barrel for obstructions and powder fouling.
- Check the slide for proper lubrication.
- Remove the ammunition from the magazine(s) and ensure the magazine(s) and ammunition are of proper issue.
- Check for proper operation and condition of the magazine.
- Return the weapon, magazines and ammunition to the officer.

When the inspection is performed in conjunction with the quarterly uniform/personal appearance inspection, the serial number of the weapon will be recorded on the *Personnel Inspection Report*.

Shotgun/rifle inspection shall be conducted during the practice or qualification at the range by the Agency Armorer or designee. Other inspections may be conducted by supervisory personnel, when appropriate.

8-1104 EMPLOYEE REQUIREMENT TO MAINTAIN WEAPONS

All weapons, which have been assigned to a particular employee for use, shall be maintained in a clean and serviceable condition by the employee. Weapons, which have been assigned to a particular component of the Agency, shall likewise be maintained by the component supervisor or commander. Weapons shall be maintained in accordance with the techniques taught in the training program for that particular weapon.

Agency personnel are responsible for maintaining strict security of their assigned weapons at all times. A constant vigil must be maintained in the safe storage of all Agency weapons, including those times in which the weapon might be stored in an Agency provided vehicle, or the employees home. Agency personnel are directed to comply with Federal, and State laws requiring secure and safe storage of weapons. The following shall apply:

- Agency long weapons will either be secured in the Agency-issued lock/rack in the passenger compartment of the vehicle or secured in the trunk of the Agency vehicle.
- Agency-issued handguns will either be worn on the person or stored in the trunk of the Agency vehicle.
- Home storage will include safe and secure storage to ensure that the weapon is not stolen or used by children or others.
- If the employee is leaving the Agency vehicle for repairs, the employee will remove all weapons from the vehicle.

8-1105 HANDLING, DISPLAY AND SAFETY ISSUES

Firearms will always be handled with respect for the dangers posed. All firearms should be treated as loaded at all times.

No firearm will be practice drawn or practiced with in any way, in public view, except on an approved range or in a controlled Agency exercise. No firearm will be displayed or shown to a citizen, except as part of a static display of weapons, which have been made safe prior to becoming part of the display, or as part of the deputy's lawful duties.

When a vehicle is in the possession of another deputy, the long weapon assigned to the officer will be removed. In addition, each vehicle should be equipped with a mechanical gun-locking system. As a last resort, a chain will be installed in the trunk by County Fleet Maintenance. Automatic weapons that are not assigned should be stored in the armory in a proper storage cage. Access should be limited to the Agency Armorer and their supervisor.

8-1105.1 GUN CLEARING STATION

A gun clearing station is located in the Deputies' Room. This station is to be used when clearing all weapons inside of the Sheriff's Office. Place the muzzle in the square opening prior to clearing the weapon. This station may also be used to clear long guns. In the event that there is an accidental discharge, this station will stop the round.

8-1106 SALE OF AGENCY HANDGUNS TO EMPLOYEES

The Sheriff may consider, on a case-by-case basis, the sale of a particular handgun to the employee who may have carried that weapon for a number of years. In some cases, if the weapon carried is not available, one similar may be considered. The employee wishing to purchase the handgun, shall request in writing such purchase. The request shall include the make, model and serial number of the particular weapon.

If the Sheriff considers the request feasible, the Office of Professional Standards shall initiate an investigation to determine if the purchase may be allowed under law. The findings of this investigation shall be reported to the Sheriff in writing via the chain of command.

If the employee is legally qualified to purchase the handgun, the Agency Armorer shall be notified by the Office of Professional Standards. The Agency Armorer shall check on the availability of the handgun. If the handgun is available for purchase, the Agency Armorer shall notify the Sheriff in writing via the chain of command.

If the Sheriff decides to allow the purchase, the Agency Armorer will require the employee to complete a MSP Form # 77R. The Agency Armorer shall determine the costs required to replace the handgun in Agency inventory and will notify the employee of these costs. After the employee has remitted all costs to the Agency, signed a receipt for the handgun, and complied with any waiting period required by law, the Agency Armorer shall deliver the handgun to the employee.

The Agency Armorer shall submit the Form # 77R to the Maryland State Police. A copy shall be given to the employee, one will be kept with the records of the Agency's firearms, and one will be submitted to the Executive Administrative Aide for inclusion in the employee's personnel file.

The Agency Armorer shall submit the funds collected for the handgun to the Executive Administrative Aide. The Agency Armorer shall order a replacement handgun as necessary to replenish the Agency inventory.

8-1200 STORAGE OF AGENCY-ISSUED WEAPONS

8-1201 HOME STORAGE OF FIREARMS

One of the most dangerous aspects of owning or controlling a firearm is safe storage in the home. Within the home environment, there are many opportunities for the untrained and unaware person to come in contact with a firearm, which is left unsecured. It is therefore imperative all firearms in the home be secured in a manner which prevents their casual access. Safe and secure storage of Agency weapons will be included in all firearms training, as noted in section 901 of this chapter.

Criminal Law, §4-104 (c) of the Annotated Code of Maryland dictates that an unsupervised minor be denied access to a loaded firearm. Violation is a criminal misdemeanor punishable by a $1,000 fine. Employees shall conform to the provisions of Criminal Law §4-104(c) of the Annotated Code of Maryland. In addition to the dictates of this law, employees are required to keep Agency firearms safely removed from access by anyone who may be injured by them.

The Agency has provided trigger locks to secure the employee's issued handgun, if that handgun is to be taken home with the employee. Whenever the employee's firearm is not on the employee's person or within the immediate control of the employee, that firearm shall be unloaded and secured with the trigger locking device.

Trigger locks shall be applied in accordance with the manufacturer's instructions. Employees shall comply with any amplification of those instructions received during any Agency training program. If the lock is of the combination variety, the only combination used shall be the one directed by Agency training. Employees should not furnish their combination to unauthorized individuals. Even with a firearm unloaded and the trigger lock applied, no employee shall leave an Agency firearm where it may be accessed by a minor or any unauthorized person.

APPENDIX 8-A
LAW ENFORCEMENT OFFICERS' SAFETY ACT OF 2004 ADVISORY

On July 22, 2004, President Bush signed into law the *Law Enforcement Officers' Safety Act of 2004*, (H.R. 218). This law allows qualified active and honorably retired law enforcement officers to carry their firearms concealed nationwide. Additionally, the law establishes the criteria that those individuals must meet annually in order to qualify as an active or honorably retired law enforcement officer. The requirements are as follows:

Active Law Enforcement Officer:

1. is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest.
2. is authorized by the agency to carry a firearm.
3. is not the subject of any disciplinary action by the Agency.
4. meets standards, if any, established by the agency, which require the employee to regularly qualify in the use of a firearm.
5. is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
6. is not prohibited by State or Federal law from receiving a firearm.

Retired Law Enforcement Officer:

1. Retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;
2. Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;
3. (A) Before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or (B) Retired from service with such agency, after completing any applicable probationary period of such service-connected disability, as determined by such agency;
4. Has a non-forfeitable right to benefits under the retirement plan of the agency;
5. During the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms;
6. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
7. Is not prohibited by State or Federal law from receiving a firearm.

If you have met the above requirements, qualifying you as an active or honorably retired law enforcement officer, proceed to the next step outline in the "Procedures for Certification."

Procedures for Certification

Active Law Enforcement Officer:

- You must have met firearm and training standards established by your agency, which requires you to regularly qualify in the use of a firearm.
- You must possess a photographic identification card issued by your agency.
- If you have met the aforementioned procedures, no additional documentation or certification is needed to meet the provisions of LEOSA; however, you may want to
- consult with your agency to ensure there is no conflict with any internal policy regarding your use of and/or carrying a concealed firearm out of your jurisdiction.

Retired Law Enforcement Officer:

- You can obtain your certification from the agency from which you are retired or from the designated state agency, the Maryland Department of State Police.
- You must possess a photographic identification card issued by your agency indicating that you are a retired law enforcement officer.
- If certification is obtained from your agency, you must have met the established firearm and training standards of the agency, which are required of an active law enforcement officer to carry a firearm; for example, if your agency requires its active law enforcement officer to have a minimum firearm qualification score of 70% to carry a firearm, you must also obtain that minimum firearm qualification score to qualify for your certification.
- Once you have met the firearm and training standards of your agency, the agency may issue a certification card that indicates at least your name, expiration date, weapon type and the signature of the issuing authority.
- Your agency may charge a fee for the processing and issuance of the certification card.
- You will be required to annually meet the established firearm and training standards of your agency by the expiration date of the previous firearm qualification in order to maintain your certification.

Certification Obtained from Designated State Agency

- You must complete the State of Maryland *Qualified Retired Law Enforcement Officer Application for Certification to Carry a Concealed Firearm*. The application can be obtained from the Maryland State Police website at www.mdsp.org. Once on the website, click on "Downloads," then "Retired Law Enforcement Officer's Firearms Carry Form."
- You must submit, to the Maryland State Police Licensing Division, a completed State of Maryland Qualified Retired Law Enforcement Officer Application for Certification to Carry a Concealed Firearm and documentation from either your agency or a certified MPTC's Firearm Instructor that indicates that you have satisfied the firearm and training qualification requirements of the state.
- Contact your local law enforcement agency, firearm range or the MPTC to make arrangements to complete the firearm and training qualification. There may be a charge for the service.
- Once you have satisfied the firearm and training qualification requirements and submitted the required paperwork to the Licensing Division at 7751 Washington Boulevard, Jessup, Maryland 20794, you will receive your certification card within a

reasonable time. The certification card will indicate your information, the firearm type, along with the expiration date and the notation LEOSA in the remarks section.

- You will be required to annually meet the established firearm and training standards of your agency or the state by the expiration date of the previous firearm qualification in order to maintain your certification.
- The Department of State Police does reserve the right to deny the issuance of the certification card when your status as a retired law enforcement officer cannot be established and/or verified.
- There will be a cost for this service.

Procedures for Maryland State Police Retirees

- You must submit the LEOSA Range Request Form and the State of Maryland Qualified Retired Law Enforcement Officer Application for Certification to Carry a Concealed Firearm to the Licensing Division. The forms can be obtained from the Licensing Division or from the Maryland State Police website at www.mdsp.org. Once on the website, click on "Downloads, "then "Retired Law Enforcement Officers Application for Certification to Carry a Concealed Firearm."
- You must return the completed forms to the Licensing Division at 7751 Washington Boulevard, Jessup, Maryland 20794. You will be notified of the location and time when to report to complete the firearm training and qualification requirements of the certification.
- You will be responsible for providing the firearm and the ammunition for which you intend to use for qualification.
- Prior to qualifying at the range, you will be required to review and sign the liability waiver form.
- Once you have satisfied the firearm training and qualification requirements, you will receive your certification card within a reasonable time after qualifying at the range. The certification card will indicate your information, the firearm type, along with the expiration date and the notation LEOSA in the remarks section.
- You will be required to annually meet the established firearm and training standards of this agency or the state by the expiration date of the previous firearm qualification in order to maintain your certification.

CHAPTER 9
ARREST AND TRANSPORTATION OF PRISONERS

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APPENDIX 9-A ISSUANCE OF CRIMINAL SUMMONS
APPENDIX 9-B CONSULAR NOTIFICATION STATEMENTS

	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **ARREST & TRANSPORTATION OF PRISONERS**	Chapter: **9**
	Affects: **ALL PERSONNEL**	
EFFECTIVE DATE **January 29, 2009**	Rescinds:	Amends: **TOC;** New Policy: **9-205, 205.1, 205.2, 205.3, 205.4**

9-100 ARREST

The law of arrest in Maryland is found in both common law and statute. Arrest is the taking into custody of a person. In order to constitute an arrest, there must be either a touching of the body (which may be of the lightest kind), or there must be notification of the purpose to arrest and submission.

Maryland law makes a basic distinction between a felony and a misdemeanor. Generally, the law allows a deputy to make an arrest without a warrant for a felony but restricts the right for a misdemeanor.

All arrests call for probable cause to exist. Probable cause to arrest exists where the facts and surrounding circumstances justify a reasonable belief that a crime has been committed and that the person to be arrested has committed it.

All deputies who have been certified by the Maryland Police and Correctional Training Commission are authorized by law to make full custody arrests. That authority derives from the Criminal Procedure Article of the Annotated Code of Maryland.

The laws of arrest are very complex and it is not possible to cite every circumstance under which a deputy must act and to provide specific guidance. Of necessity, this information must be an overview of the law with explanations of key elements. Deputies will receive regular guidance in this area through written communications, briefings, and in-service training.

Specific information concerning traffic arrests will be found in Chapter 12, *Traffic Enforcement*. Information concerning an important related topic, interrogation of persons in custody, can be found in Chapter 15, *Criminal Investigation and Interrogation*.

9-101 USE OF DISCRETION

When making the determination whether or not to take enforcement action, deputies shall consider what is required by law and/or Agency policy; and what is in the best interest of the community and of the Agency. When exercising such discretion, deputies shall not consider prejudice based upon race, sex, ethnic origin, sexual preference, or any other social, cultural, or economic factor, or position in the community. Deputies shall remain fair, objective, and professional and shall not let emotions influence their actions. Deputies receive training on the

subject of discretion and have access to supervisors for guidance when needed. The seriousness of the crime should always be considered.

9-102 ALTERNATIVES TO ARREST

As noted above, there are situations in which deputies may exercise discretion in applying alternatives to arrest. Warnings, referrals, informal resolutions, and citations are approved alternatives to arrest. Alternatives to arrest must respect the rights of the parties involved and must accomplish a police purpose.

Informal resolutions – Often, the interests of the parties involved can be satisfied better by a mediated settlement on the scene rather than a formal prosecution in court. Resolutions of this nature should be by agreement with the affected parties and should not be employed as an excuse for not effecting an arrest. As a rule, informal resolutions should be documented by a written report to record the deputy's reasons for using this alternative to arrest.

Referrals – Referrals may be made to other CCSO components or to other police or governmental agencies. They may also be made to social service agencies or to organizations better suited to address and to resolve the problem(s).

Warning – Deputies may exercise discretion in minor traffic and criminal law violations by delivering oral or written warnings; however, oral warnings should be used very infrequently, as a lack of written documentation is more apt to be subject to complaint. Compliance is the goal of minor enforcement actions.

Criminal Citations – These are formal enforcement procedures that are alternatives to arrest since they do not involve physical custody. The Maryland Uniform Criminal Citation (DC/CR 45) is used for charging adults (18 years of age and older) with petty offenses as defined in the Maryland Rule 4-102(h) and certain other offenses described in Criminal Procedure, §2-203. The defendant must reside in Maryland, provide satisfactory identification, must sign the citation, and the deputy must believe the individual will appear for court.

Criminal Summons – A criminal summons is a charging document issued by the courts much like an arrest warrant with no physical arrest. The decision to issue a criminal summons in lieu of an arrest warrant rests with the District Court Commissioner; however, a deputy can request a criminal summons be issued.

When a subject is to be charged with a crime and a warrantless arrest can be made, the deputy shall arrest the subject in lieu of applying for an arrest warrant or criminal summons at a later time. If a warrantless arrest is not feasible due to extenuating circumstances, the deputy must obtain the approval of a Patrol supervisor prior to deferring charges. The deputy will document the reason in the Case *Report* along with the supervisor's name.

9-200 PRINCIPLES OF ARREST

9-201 ARREST WARRANTS

An arrest warrant is a written order by a judicial officer commanding the police to arrest the person named in the warrant.

An arrest warrant must be signed by the judicial officer issuing it, set forth the time and place of making it, and the charge or offense. Arrest warrants may be executed by sworn law enforcement officers only.

When a warrant is placed in the hands of a deputy, they are not bound to inquire into the particulars of the complaint. If the warrant is in due from and issued by a person having a right to issue it, the duty of the deputy is to execute it without further inquiry, and the warrant will protect them.

The Supreme Court has recognized the Police Team concept. If any law enforcement officer holds a warrant, it is deemed held by all officers involved in a group action. Whenever an arrest is made based on this concept, the deputy making the arrest must verify the information as soon as practical.

9-202 WARRANTLESS ARRESTS

A. ***Crimes committed in presence of a deputy***- A deputy may arrest without a warrant a person who commits or attempts to commit a felony or misdemeanor in the presence or within the view of the deputy.

B. ***Probable cause to believe crime committed in presence of officer***- A deputy who has probable cause to believe that a felony or misdemeanor is being committed in the presence or within the view of the deputy may arrest without a warrant, any person whom the deputy reasonably believes to have committed the crime.

C. ***Probable cause to believe felony committed***- A deputy without a warrant may arrest a person if the deputy has probable cause to believe that a felony has been committed or attempted and the person has committed or attempted to commit the felony, whether or not in the presence or within the view of the deputy.

D. ***Domestic Abuse****:* A deputy may arrest a person without a warrant if the deputy has probable cause to believe:

1. That the person battered the person's spouse or another person with whom the person resides;

2. There is evidence of physical injury;

3. A report to the police was made within 48 hours of the alleged incident; and

4. Unless the person is arrested immediately, the person:

   a. May not be apprehended;
   b. May cause physical injury or property damage to another; or
   c. May tamper with, dispose of, or destroy evidence.

E. ***Stalking****:* A deputy may arrest a person without a warrant if the deputy has probable cause to believe the person has engaged in stalking under §3-802 of the Criminal Law Article; there is credible evidence other than the statements of the alleged stalking victim to support the probable cause; and the police officer has reason to believe that the alleged stalking victim or another person is in danger of imminent bodily harm or death.

F. In general a deputy may arrest a person without a warrant if the deputy has probable cause to believe that a person has committed one of the following crimes, and that unless the person is arrested immediately, the person may not be arrested, may cause physical injury or property damage to another, or may tamper with, dispose of, or destroy evidence:

1. Malicious destruction of property under §6-301 of the Criminal Law Article or an attempt to commit the crime;

2. A theft crime where the value of the property or services stolen is less than $1,000 under §7-104 or §7-105 of the Criminal Law Article or an attempt to commit the crime;

3. The wearing, carrying, or transporting of a handgun under §4-203 or §4-204 of the Criminal Law Article;

4. Carrying or wearing a concealed weapon under §4-101 of the Criminal Law Article;

5. A crime that relates to controlled dangerous substances under Title 5 of the Criminal Law Article or an attempt to commit the crime;

6. Indecent exposure under §11-107 of the Criminal Law Article;

7. Malicious burning under §6-104 or §6-105 of the Criminal Law Article or an attempt to commit the crime;

8. Prostitution and related crimes under Title 11, Subtitle 3 of the Criminal Law Article;

9. Manslaughter by vehicle or vessel under §2-209 of the Criminal Law Article; and

10. The crime of giving or causing to be given a false alarm of fire under §9-604 of the Criminal Law Article.

9-202.1 PROCESSING A WARRANTLESS ARREST

When a deputy makes a warrantless arrest, they will adhere to the following procedures:

A. The defendant will be transported from the scene of the arrest to the Calvert County Detention Center and turned over to a correctional officer unless:

1. The defendant is injured and requires treatment at a medical facility; or
2. There is a specific need to transport the defendant to the Sheriff's Office, i.e. Intoximeter, detailed interview, etc.;

B. An arrest record is completed by the arresting deputy;

C. A green state, red F.B.I, CCSO fingerprint and palm print card is completed by a correctional officer;

D. A photograph of the defendant is taken by a correctional officer;

E. A charging document (statement of charges and/or statement of probable cause) is completed by the arresting deputy; and

F. A *Case Report* is completed by the deputy.

9-203 ISSUANCE OF CRIMINAL CITATIONS

The Maryland General Assembly passed legislation mandating the issuance of a criminal citation for certain criminal offenses if the defendant meets certain criteria. If these criteria are met, the law allows an officer who has grounds to make a warrantless arrest to:

A. Issue a citation in lieu of making an arrest or

B. Make the arrest, process (i.e., fingerprint and photograph the defendant), and issue a citation in lieu of continued custody to await an appearance before a court commissioner.

9-203.1 QUALIFYING OFFENSES

The following offenses qualify for charge by citation:

A. Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;

B. Any misdemeanor or local ordinance violation for which the maximum penalty of imprisonment is 90 days or less; and

See Appendix 9-A for a comprehensive list of qualifying offenses that require charge by criminal citation.

9-203.2 EXCEPTIONS

The following offenses may not be charged by criminal citation:

A. Failure to comply with a peace order under § 3–1508 of the Courts Article;

B. Failure to comply with a protective order under § 4–509 of the Family Law Article;

C. A violation of a condition of pretrial or post-trial release while charged with a sexual crime against a minor under § 5–213.1 of the Criminal Procedure Article;

D. Possession of an electronic control device after conviction of a drug felony or crime of violence under § 4–109(b) of the Criminal Law Article;

E. Violation of an out–of–state domestic violence order under § 4–508.1 of the Family Law Article; and

F. Abuse or neglect of an animal under § 10–604 of the Criminal Law Article.

G. Drug Paraphernalia related to the use or possession of marijuana.

H. Possession of marijuana less than 10 grams (civil violation).

9-203.3 CRITERIA FOR ISSUANCE OF CITATION

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

SB 422 requires a law enforcement officer to charge a defendant by citation only if:

1. The officer is satisfied with the defendant's evidence of identity;

2. The officer reasonably believes that the defendant will comply with the citation;

3. The officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety;

4. The defendant is not subject to arrest for another criminal charge arising out of the same incident; and

5. The defendant complies with all lawful orders by the officer.

9-203.4 POLICY

A. A deputy, who has grounds to make an arrest for an offense that does not carry a penalty of imprisonment, and who determines a defendant meets the criteria specified in 9-202.4, shall issue a Uniform Criminal Citation in lieu of arrest. The defendant shall be released upon their signature on the citation.

B. A deputy who has grounds to make an arrest for possession of marijuana or an offense for which the maximum penalty of imprisonment is 90 days or less shall make the arrest, search incident to arrest, and process (i.e. fingerprint and photograph) the defendant. If the deputy determines the defendant meets the criteria specified in 9-202.4, a defendant shall be charged by Uniform Criminal Citation and shall be released upon their signature on the citation in lieu of continued custody.

C. CCSO employees shall not unlawfully detain any person based upon race, color, ethnicity, national origin, gender, age, sexual orientation, disability or genetic information.

   CCSO employees shall not participate in the use of any unlawful discriminatory characteristic as a cause for taking any law enforcement action against any individual or group of individuals.

D. In any decision to arrest, deputy safety shall be paramount.

9-203.5 REQUIRED FORMS AND REPORTS

A. **Uniform Criminal Citation Form DC/CR 45**
   The deputy shall use the Uniform Criminal Citation form to charge a defendant by citation. The deputy shall use either:

1. The pre-printed/pre-numbered book provided by the District Court; or

2. In the case of an electronic format, the assigned electronic citation number provided by the District Court.

B. **Probable Cause Continuation Sheet Form DC/CR 4**
Under no circumstances should the deputy try to write the entire probable cause statement on the first page of the Uniform Criminal Citation. The deputy shall use the statement of probable cause continuation sheet to complete the probable cause narrative outlining the facts and circumstances substantiating the charge. The Uniform Criminal Citation number shall be recorded in the case number block on the continuation sheet.

C. **Statement of Charges Form DC/CR 2**
A Statement of Charges is used if the defendant does not comply with 9-202.4. If the defendant is charged on a Statement of Charges for an offense that qualifies for charge by citation, a note should be placed at the end of the statement of probable cause as to why the defendant went before the commissioner instead of being released on citation (See 9-202.4).

D. **Criminal Investigation Report/Case Report**
In addition to the Uniform Criminal Citation and the probable cause continuation sheet(s), the law enforcement deputy shall complete a Criminal Investigation Report/Case Report detailing the circumstances of the incident as required by agency policy. A copy of the report shall be forwarded to the States Attorney's office with a copy of the citation

E. **Report Distribution**
Copies of the Uniform Criminal Citation shall be given to the defendant upon release. Copies of the Uniform Criminal Citation, Probable Cause Continuation Sheet, and Criminal Investigation/Case Report shall be forwarded to the State's Attorney's Office for review.

9-203.6 PROCEDURES

When a deputy determines that a Uniform Criminal Citation shall be the form to charge a defendant the deputy shall use the preprinted/pre-numbered book provided by the District Court or the assigned electronic citation number provided by the District Court. The deputy shall use the statement of probable cause continuation sheet to complete the probable cause narrative outlining the facts and circumstances substantiating the charge. The Uniform Criminal Citation number shall be recorded in the case number block on the continuation sheet. If for any reason the defendant is charged on a Statement of Charges, instead of a criminal citation, a note should be placed at the end of the statement of probable cause as to why the person went before the commissioner in lieu of being released on the citation (See 9-202.4).

The deputy shall first determine if the charge carries a penalty of incarceration. If there is no penalty of incarceration, the deputy shall issue the citation to the defendant and release him on the scene.

If the charge carries a penalty of incarceration, the defendant will be transported to the Calvert County Detention Center where he will be processed. The deputy will complete the citation and

sign it. Once the Detention Center has finished processing the defendant, the defendant will sign for the citation. It is the deputy's responsibility to ensure that the signed citation is picked up from the Detention Center and attached to the Case Report. In cases such as special events or unusual circumstances, a supervisor may authorize that defendants be issued criminal citations and be released on the scene.
If the defendant refuses to sign the citation, the deputy will then be required to submit a Statement of Charges and the defendant will go before the District Court Commissioner.

If the suspect has additional charges that are not covered in Appendix 4-B, then no citation will be completed. All charges will be done on a statement of charges.

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

9-204 ARREST OF FUGITIVE FROM ANOTHER JURISDICTION

The Commander of the CIB or their designee will oversee all proceedings involving fugitives.

A deputy having prior knowledge of an individual in this jurisdiction being a fugitive will make every attempt to obtain a true test copy of the warrant prior to an arrest being made.

Whenever a deputy has contact with a person (adult or juvenile) for whom an extraditable warrant or writ from an agency outside the State of Maryland exists, the person, after verification, will be taken into custody as a fugitive from justice. If the suspect is arrested for committing an offense in Calvert County, the deputy will complete the standard arrest procedures.

If a sworn officer from another jurisdiction outside the State of Maryland presents a warrant, other charging document, or teletype for a person alleged to be in Calvert County and they want to attempt service, deputies of this Agency will assist. If there is any question regarding the warrant, it should be verified through METERS/NCIC. If an arrest is affected, the person will be turned over to this Agency where they will be charged as a fugitive and taken before a judicial Officer.

It is against both Agency policy and the law to turn over a prisoner to a demanding jurisdiction outside the State of Maryland without first completing the appropriate legal process.

9-205 ARREST OF ILLEGAL ALIENS

9-205.1 TRAFFIC STOPS AND CITIZEN CONTACTS

A. The indiscriminate questioning of individuals about their citizenship status without a reasonable basis for suspicion of a criminal charge is unconstitutional.

B. A traffic stop may not be prolonged and an individual will not be detained solely for questioning related to a person's immigration status.

C. When witnesses or victims are being interviewed, questions about their immigration status will not be part of the routine questioning.

D. When the driver of a vehicle presents an international driver's license, the deputy will request the driver's foreign driver's license. An international driver's license is not a government issued identification and does not authorize the person to drive a vehicle in the state of Maryland.

9-205.2 ADMINISTRATIVE (CIVIL) IMMIGRATION WARRANTS

A. ***Warrants for deportation are civil in nature, not criminal***.

B. The United States Court of Appeals for the Fourth Circuit ruled in Santos v. Frederick County Commissioners that state and local law enforcement officers do not have legal grounds to stop, detain, search, or arrest an individual based solely on an administrative (civil) immigration warrant unless they have been deputized by the United States Immigration and Customs Enforcement (ICE) to do so.

C. Deputies will not stop, detain, search, or arrest an individual based solely on an administrative immigration warrant. If an administrative immigration warrant is discovered, no enforcement action will be taken regarding the warrant.

D. Should it be determined a person has an administrative immigration warrant, ICE will be notified regarding the circumstances surrounding the incident using the contact information provided by the NCIC response; however, the CCSO will not detain the individual for the purpose of ICE responding to take custody of the person.

9-205.3 CRIMINAL IMMIGRATION WARRANTS

A. When criminal immigration warrants are located in NCIC during traffic stops and investigations, the individual will be detained and confirmation with ICE will be made.

B. Before any further detention, search, or arrest is made, it must be confirmed that the warrant is both active and is for a criminal offense.

C. Upon confirmation from ICE, the person will be arrested and turned over to the custody of ICE for further processing.

9-205.4 ASSISTING FEDERAL AUTHORITIES

A. The CCSO will provide assistance to state and federal law enforcement agencies consistent with the statutory authority of the CCSO.

B. Deputies may be permitted to assist ICE agents when the primary focus of the investigation is not immigration violations. Examples include, but are not limited to, customs violations, money laundering, narcotics cases, hate crimes, human trafficking, and terrorist activities.

C. All operational requests for assistance from ICE will be case specific and will require the approval of the Sheriff or his designee.

D. Nothing in this order prohibits deputies from responding to or being on the scene of any federal enforcement initiative in order to maintain safety in exigent circumstances.

E. Contact information:
   1. ICE – Law Enforcement Support Center: 802-872-6020;
      Baltimore Field Office: 410-637-4000
   2. U.S. Department of State – 24 Hour Operations Center: 202-647-1512

9-206 ARREST OF FOREIGN NATIONALS / CONSULAR NOTIFICATION & ACCESS REQUIREMENTS

It is the policy of the Calvert County Sheriff's Office to abide by the Vienna Convention on Consular Relations (VCCR) by making timely notifications when foreign nationals have been arrested or die within this county's jurisdiction.

The following pages summarize the basic requirements of consular notification and access to all federal, state, and CCSO officials in the performance of their official functions.

9-206.1 DEFINITIONS

Alien: See foreign national listed below.

Consular Officer: A citizen of a foreign country employed by a foreign government and authorized to provide assistance on behalf of that government to that government's citizens in a foreign country.

Foreign National: For the purpose of this Order, a person who is not a United States citizen.

9-206.2 SUMMARY OF REQUIREMENTS PERTAINING TO FOREIGN NATIONALS

A. When foreign nationals are arrested or detained; they must be advised of the right to have their consular officials notified.

B. In some cases, the nearest consular officials *must* be notified of the arrest or detention of a foreign national, **regardless of the foreign national's wishes**.

C. Consular officials are entitled access to their nationals in detention and are entitled to provide consular assistance.

D. When a government official becomes aware of the death of a foreign national, consular officials must be notified.

E. When a guardianship or trusteeship is being considered with respect to a foreign national who is a minor or incompetent, consular officials must be notified.

F. When a foreign ship or aircraft wrecks or crashes, consular officials must be notified.

These are mutual obligations that also pertain to American citizens abroad. In general, you should treat a foreign national as you would want an American citizen to be treated in a similar situation in a foreign country. This means prompt, courteous notification to the foreign national of the possibility of consular assistance, and prompt, courteous notification to the foreign national's nearest consular officials so that they can provide whatever consular services they

deem appropriate.

9-206.3 WHEN A FOREIGN NATIONAL IS ARRESTED OR DETAINED

A. Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel documents the foreign national travels.

B. If the foreign national's country is **not** on the mandatory notification list, offer without delay, to notify the foreign national's consular officials of the arrest/detention. For a suggested statement to the foreign national, see ***Statement 1*** in Appendix 9-A. Translations of the statement into selected foreign languages can be found on the website, **http://travel.state.gov**, then go to "Law and Consular Notification."

   If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay. Phone and fax numbers for foreign embassies and consulates in the United States, can also be obtained on the above website. A suggested fax sheet for making the notification is also included.

C. If the foreign national's country is on the list of mandatory notification countries:

   1. Notify that country's nearest consular officials, without delay, of the arrest/detention. Phone and fax numbers can be obtained via the above website. You may use the suggested fax numbers, listed on the website, for making the notification.

   2. Tell the foreign national that you are making this notification. A suggested statement to the foreign national is found in Appendix 9-A, ***Statement 2***, and translations into selected languages can be obtained via the above website address.

D. Keep a written record of the provision of notification and actions taken.

9-206.4 COUNTRIES THAT DEMAND NOTIFICATION

1. Algeria
2. Antigua and Barbuda
3. Armenia
4. Azerbaijan
5. Bahamas
6. Barbados
7. Belarus
8. Belize
9. Brunei
10. Bulgaria
11. China (notification is not mandatory in the case of persons who carry a Republic of China passport issued by Taiwan)
12. Costa Rica
13. Cyprus
14. Czech Republic
15. Dominica
16. Fiji
17. Gambia
18. Georgia
19. Ghana
20. Grenada

21. Guyana
22. Hong Kong (notification should be made to the Republic of China)
23. Hungary
24. Jamaica
25. Kazakhstan
26. Kiribati
27. Kuwait
28. Kyrgyzstan
29. Malaysia
30. Malta
31. Mauritius
32. Moldova
33. Mongolia
34. Nigeria
35. Philippines
36. Poland (non-permanent resident only)
37. Romania
38. Russia
39. Saint Kitts and Nevis
40. Saint Lucia
41. Saint Vincent and the Grenadines
42. Seychelles
43. Sierra Leone
44. Singapore
45. Slovakia
46. Tajikistan
47. Tanzania
48. Tonga
49. Trinidad and Tobago
50. Tunisia
51. Turkmenistan
52. Tuvalu
53. Ukraine
54. United Kingdom (Anguilla, British Virgin Islands, Bermuda, Montserrat, the Turks and Caicos Islands)
55. U.S.S.R. (This no longer exists. Some nationals of its successor states may still be traveling on its passport.)
56. Uzbekistan
57. Zambia
58. Zimbabwe

Foreign nationals subject to mandatory notification requirements should otherwise be treated like foreign nationals not subject to mandatory notification requirements.

Privacy concerns, or the possibility that a foreign national may have legitimate fear of persecution or other mistreatment by their government, exist in some mandatory notification cases. The notification should still be honored, but it is possible to take precautions regarding the disclosure of information. For example, it may not be necessary to provide information about why a foreign national is in detention.

Under no circumstances should any information indicating that a foreign national may have applied for asylum in the United States or elsewhere be disclosed to that person's government.

9-206.5 EXEMPTIONS FROM ARREST

Foreign diplomats are immune from arrest or detention, prosecution, entering of residences, or subpoena. Note, however, that reasonable constraints may be applied in emergency circumstances involving self-defense, public safety or prevention of serious criminal acts. Diplomatic immunity extends to diplomatic agents, members of their administrative and technical staff, and to recognized family members. It does not extend to all staff, however.

The Patrol supervisor or Calvert Control can resolve a question concerning an individual's entitlement to diplomatic immunity, 24 hours a day, by contacting the U.S. Department of State.

Except in the case of a felony or breach of the peace, a United States Senator or Representative is exempt from arrest during attendance at the session of the respective house and in going to and returning from the same.

9-206.6 DUAL CITIZENSHIP

A person who is a national/citizen of two or more countries other than the United States should be treated in accordance with the rules applicable to each of those countries.

A person who is a citizen of the United States and another country may be treated exclusively as a U.S. citizen when in the United States. In other words, consular notification is not required if the detainee is a U.S. citizen. This is true even if the detainee's other country of citizenship is a mandatory notification country.

9-206.7 DEATH OF A FOREIGN NATIONAL

If federal, state, or local government officials become aware of the death of a foreign national in Calvert County, they must ensure that the nearest consulate of that national's country is notified of the death. This will permit the foreign government to make an official record of the death for its own legal purposes. For example, such notice will help ensure that passports and other legal documentation issued by that country are canceled and not reissued to fraudulent claimants. In addition, it may help ensure that the foreign national's family and legal heirs, if any, in the foreign country are aware of the death and that the death is known for estate purposes in the foreign national's country.

The above requirements are set out in Article 37 of the VCCR. Additional requirements may apply to particular countries because of bilateral agreements.

9-206.8 CONSULAR ACCESS TO DETAINED FOREIGN NATIONALS

Detained foreign nationals are entitled to communicate with their consular officers. The appropriate local officials must, without delay, forward any communication by a foreign national to the consular post of the national's consular representative.

Foreign consular officers must be given access to their nationals and permitted to communicate with them. Such officers have the right to visit their nationals, to converse and correspond with them, and to arrange for their legal representation. They must refrain from acting on behalf of a foreign national, if the national opposes their involvement. In addition, consular officers may not act as attorneys for their nationals.

The rights of consular access and communication generally must be exercised subject to local laws and regulations. For example, consular officers may be required to visit during established visiting hours. Federal, state, and local rules of this nature may not, however, be so restrictive as to defeat the purpose of consular access and communication. Such rules must enable full effect to be given to the purposes for which the right of consular assistance has been established.

The above requirements are set out in Article 36 of the VCCR. Additional requirements may apply to particular countries because of bilateral agreements.

9-206.9 TRAFFIC STOPS

When a foreign national is briefly detained on a traffic stop, cited and immediately released, consular notification is not relevant or necessary because the foreign national is free to contact consular officials independently. The Department of State therefore does not consider brief routine detentions, such as for traffic violations or accident investigations, to be the type of situation contemplated by the VCCR.

9-206.10 MIRANDA WARNING

Consular notification should not be confused with the Miranda warning, which is given regardless of nationality to protect the individual's constitutional rights against self-incrimination and to the assistance of legal counsel. Consular notification is given as a result of international legal requirements so that a foreign government can provide its nationals with whatever consular assistance it deems appropriate.

9-206.11 RECORDING

Deputies should complete a *Case Report* to show compliance with the above notification requirements. The report should show all notifications of foreign consular representatives. In addition, in cases in which notification is at the discretion of the detained foreign national, the report should show that the foreign national was informed of the option of consular notification, the date when the foreign national was so informed, and whether or not the foreign national requested that consular officials be notified.

The State Department from time to time receives inquiries and complaints from foreign governments concerning foreign nationals in detention. The Department in such cases may request information from the relevant law enforcement officials on whether consular notification was in fact given. Foreign consular officials may directly raise concerns about consular notification with the responsible agency. Good record keeping will facilitate responding to these inquiries and to any consular notification issued that may be raised in litigation.

9-206.12 IMPORTANT NUMBERS:

The Sheriff's Office recognizes that deputies have very few interactions with foreign nationals where arrest, detention or death notifications need to be made. However, deputies finding themselves in a situation where they need guidance on an issue with a foreign national, may contact the Department of State at the following numbers:

(202) 647-4415 During business hours

(202) 736-7559 Fax

(202) 647-1512 Urgent inquiries after normal business hours

Canadian Embassy (202) 682-1740 Fax: (202) 682-7726

El Salvadorian Embassy: (202) 331-4032 Fax: (202) 331-4036

Haitian Embassy: (202) 332-4090 Fax: (202) 745-7215

Korean Embassy: (202) 939-5634 Fax: (202) 342-1597

Mexican Embassy: (202) 716-1000 Fax: (202) 234-4498

Nigerian Embassy: (202) 986-8400 Fax: (202) 822-1562

Department Fax Sheet: When making notifications by fax, deputies should use Agency letterhead.

9-206.13 TRAINING:

Training on notification of foreign nationals is conducted at the Academy during recruit training. Because of the complexity and ever-changing treaty requirement, training will be conducted by the Agency as needed. The sergeant of each Patrol squad will be required to present instruction on notification of foreign nationals at a roll call. All supervisors will ensure that their subordinates attend this block of instruction.

9-300 ARREST PROCEDURES

9-301 USE OF FORCE

It is the policy of the CCSO to use the minimum amount of force necessary to effect an arrest and overcome any resistance offered. The use of force must at all times be consistent with the policy described in Chapter 8.

When making an arrest of a person in a building, a deputy will knock on the door, identify himself or herself as a deputy of the CCSO there to make an arrest, and demand that the person inside open the door.

When a person to be arrested is only suspected to be at a location, and that location is not the arrestee's own property, a search warrant should be obtained to conduct a search for the individual to be arrested. The only exception is by written consent of the property owner.

The forcing of an outer door is generally so violent and dangerous that it will not be used except in exigent circumstances when an immediate arrest is necessary, such as:

- In the case of fresh pursuit; or
- The deputy has reason to believe that making the announcement may allow a suspect to escape, constitute a source of danger to other persons in the building or to the deputy personally, or may help the suspect destroy evidence.

9-302 USE OF RESTRAINING DEVICES – GENERALLY

A prisoner who is taken into custody will be handcuffed prior to transportation. Handcuffs will be double locked. Deputies will always handcuff subjects behind the back with palms facing outward. If a dangerous prisoner's hands must be secured in front, they will be secured by a waist chain or using the subject's belt, with the buckle behind the back. Waist chains should be used when transporting prisoners considerable distances, such as extraditions.

When transporting a prisoner who has a physical disability or illness or is obviously no physical threat (for example, young children, elderly persons, paraplegics, etc.), a deputy may use discretion in applying handcuffs.

Leg irons or other leg restraining devices may be used to secure disorderly or violent prisoners to prevent injury to a person or damage to property, or to secure any prisoner the deputy has reason to believe might be an escape risk.

Plastic handcuffs (flex-cuffs) shall be used when deputies take several prisoners (mass arrest situations) into custody, or when a prisoner requires multiple restraints. Deputies must understand that plastic handcuffs can only be removed with a knife or pair of shears.

9-303 SEARCH INCIDENT TO ARREST

Every person who is arrested will be searched to prevent the destruction of evidence, to preserve the safety of the arresting deputy, and to prevent possible harm to the arrestee or others. These subjects are more thoroughly discussed in Chapter 10, *Search and Seizure*.

A. A deputy will perform a thorough and systematic search of a person placed under arrest at the earliest possible time; absent exigent circumstances, the search will be conducted before transporting the arrestee.

B. The following property will be taken from the arrestee:

   1. Property carried unlawfully

   2. Property lawfully carried, but dangerous to life or which could facilitate escape

   3. Evidence

C. A deputy taking custody of a prisoner will, prior to transport, detention, interview or interrogation, search the prisoner regardless of previous searches.

D. A deputy bringing a prisoner into CCSO headquarters will search the prisoner, regardless of previous searches.

E. The following rules will apply to searches of prisoners of the opposite gender:

   1. The arresting deputy will exercise the same diligence in searching all prisoners for concealed weapons or other dangerous instruments.

   2. Once a prisoner is in custody and properly restrained, searches will be conducted by persons of the same gender. In the case of a female prisoner, if a female deputy is unavailable, MSP should be contacted to obtain a female trooper. If a trooper is

unavailable, make contact with the Detention Center to have a female correctional officer assist in the search.

F. Strip searches and body cavity searches are discussed in Chapter 10, *Search and Seizure*.

9-304 SEARCH OF TRANSPORT VEHICLES

All vehicles used for transporting prisoners will be checked for weapons and contraband at the beginning and end of each shift, and prior to and after transporting prisoners. Deputies will also ensure that the vehicle has not been tampered with since last used, is free of weapons and contraband, is mechanically safe, is free of damage or defect, and is properly equipped for use.

9-400 TRANSPORTATION OF PRISONERS

As a general rule, the transportation of persons already in custody in the Calvert County Detention Center (CCDC) is the responsibility of the CCDC. The CCSO's principal transport responsibilities involve transporting an arrested person to the CCDC for booking, transporting DUI offenders to the CCSO, transporting juveniles to CCSO for processing, transporting subjects for emergency petitions to Calvert Health Medical Center, and transporting persons in extraditions.

For the purpose of this section, "properly restrained" means the prisoner is controlled through the use of appropriate devices in such a fashion that:

- The possibility of injury to the transporting deputy, the prisoner, or others and
- The possibility of damage to CCSO property, including vehicles, is minimized.

9-401 IDENTIFICATION OF PRISONERS TO BE TRANSPORTED

When picking up a prisoner from any facility, the deputy shall verify the identity of the prisoner either by the deputy's personal knowledge of the prisoner, or by requesting verification by the facility staff of the prisoner's identity.

The transporting deputy shall obtain any paperwork, property, or medical records from the custodian of the prisoner that should accompany the transfer of the prisoner.

Information relating to the prisoner's escape or suicide potential or other personal traits of a security nature will be recorded and included in the documentation that accompanies the prisoner during transport.

9-402 JUVENILE TRANSPORTS

The Detention Center will assume responsibility for **all** juvenile transports where a juvenile is committed by Juvenile Services to an out of County facility. When a juvenile transport is necessary, the Sheriff's Office duty officer will contact the Detention Center duty officer and provide him/her with the appropriate information.

9-403 TRANSPORTATION BY PATROL CAR

A deputy will employ the proper restraints and must exercise good judgment in the transportation of prisoners, keeping in mind the dual goals of maintaining the deputy's own

safety and delivering the prisoner safely.

When transporting in a patrol car without a cage, the prisoner will be properly restrained, situated in the right front seat, and wearing the seat belt and shoulder harness. If more than one prisoner is transported, an additional deputy will sit behind the driver to increase security. In a patrol vehicle with a cage, the prisoner(s) will be placed in the back seat. No prisoner should be transported face-down due to positional restraint asphyxia.

As a general rule, a prisoner against whom O.C. spray has been used should not be transported until he or she has been treated by the deputy and should not be transported face-down.

In the case of a prisoner transported by a deputy of the opposite gender or the transportation of a juvenile, the odometer reading, location and destination will be reported to Calvert Control Center. Upon arrival at the destination, the same information will be transmitted.

Under normal circumstances, a deputy will not interrupt a prisoner transport. The only exception is if the deputy encounters a situation in which his or her immediate intervention will prevent the death or serious injury to a person. A deputy encountering any other kind of incident will alert Calvert Control Center of the need for assistance.

During extended transports outside Calvert County, deputies will exercise extreme caution when stopping for fuel or meals or allowing prisoners reasonable opportunity to use toilet facilities. Deputies will not announce the intention or location of a rest stop to the prisoner or others. Deputies traveling the same route with any frequency will alternate rest stops and avoid establishing any pattern.

During transport by the CCSO, prisoners will not be permitted to communicate with other persons.

9-403.1 REAR COMPARTMENT MODIFICATIONS

Deputies shall only transport prisoners in the rear seat of a police vehicle if:

1. The rear area of the vehicle shall be separated from the front by a barrier that allows constant visual contact between the deputy and prisoner and also allows communication; and

2. The rear door and window handles have been disconnected or modified so that they cannot be opened from the rear seat compartment.

9-403.2 VEHICLE SAFETY BARRIERS

Vehicles used primarily for transporting prisoners, such as the CCDC transport vans, must have a safety barrier between the driver and the prisoner(s). Installation of the safety barrier will be done in a manner that promotes the safety of the occupants in the front and rear compartments but does not impair communication between the two compartments.

9-404 TRANSPORTATION OF PRISONERS – COMMERCIAL AIR

9-404.1 AIRLINE NOTIFICATION LETTER / NLETS LEOFA MESSAGE

Arrangements will be made by the Warrant Unit Supervisor, or their designee. A letter will be

prepared for the Sheriff's signature to the airline security office. The letter will include the following:

- Airline and flight numbers
- Name of the deputies transporting prisoner
- Verification that the deputies are sworn law enforcement officers of the CCSO
- Verification that the deputies have attended the Federal Aviation Flying Armed Training Program
- Name of the prisoner being transported

The deputies will carry five (5) copies of the letter with original signatures, while traveling.

On November 15, 2008 the Transportation Security Administration (TSA) began transition to a National Law Enforcement Telecommunications System (NLETS) message for state and local law enforcement officers (LEO's) flying armed. The NLETS message, sent 24 hours in advance, by the employing agency is in addition to the original letter of authority, signed by the chief or agency head, required under 49 CFR 1544.219. The NLETS message was implemented to provide a more secure means of confirming the identity of LEO's flying armed.

Once the NLETS message is received by the TSA, a return NLETS message will be sent to the employing agency with a unique alphanumeric identifier for verification at the airport on the day of travel. The NLETS message, along with the original letter of authority, will be required until otherwise notified by the TSA. Thereafter, the use of the NLETS message, in lieu of the letter, will become mandatory.

Failure to use the NLETS message in addition to the original letter of authority may result in delays due to the additional verification requirements during the transition period.

Additional instructions are available on the NLETS website.

9-404.2 AIRLINE TO HAVE AUTHORITY OVER WEAPONS AND PRISONERS

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

9-404.3 PREPARATION FOR FLIGHT

The deputies will adhere to the following procedures when making a flight with a prisoner:

A. Upon check-in the deputies must sign and fill-out an airline form to verify that they are armed, have taken the Federal Aviation Flying Armed Training Program, and are escorting a low risk prisoner. No less than one hour prior to flight, that form must then be given to the gate agent, who in turn passes it on to the flight attendants.
B. No alcoholic beverage may have been consumed within eight (8) hours of flying, per FAA regulation.
C. The deputies will search the prisoner thoroughly prior to leaving place of confinement.
D. The deputies will check-in for their seating with the airline two (2) hours prior to departure.
E. The deputies will not go through the security check point, but will inform TSA that they are armed and transporting a prisoner.*
F. The deputies will check-in with the airline agent at the gate.**
G. In most cases, the deputies and the prisoner will enter the plane prior to other

passengers and be seated in the last seats at the rear of the plane. They are not to exit the plane until all passengers have deplaned before them.

*The TSA will then contact a law enforcement officer of the airport to meet with the deputies. Deputies will be called, "Leo," which stands for law enforcement officer. The deputies must show two types of ID: their Calvert County Sheriff's Office ID; and photo ID, such as a driver's license. They must then sign a book including their name; name of Sheriff's Office; Sheriff's Office address; and phone number; and flight number, before continuing on to their gate of departure.

**The airline gate agent will inform the deputies when to board the aircraft, and if there are other law enforcement officers or air marshals on the plane. If there are air marshals on the plane, they will make contact with the deputies to let them know who they are. If an incident were to occur aboard the aircraft, the deputies are not to do anything until told to do so by the air marshal or airline personnel.

NOTE: Prohibited items - Deputies <u>will not</u> carry O.C. spray or tasers aboard the aircraft.

9-404.4 PRISONER SECURITY

The prisoner shall be restrained. As per FAA rules, the prisoner will stay handcuffed at all times. Handcuffs will be placed in front of the prisoner. Use a t-shirt or other piece of clothing to cover the handcuffs, so that the transport of a prisoner will not be so obvious.

When escorting a prisoner through the airport, the prisoner shall always walk between the two deputies.

A prisoner will not be seated next to or across from any regular emergency exit, nor in a lounge area. Prisoners will be seated in the rear portion of the aircraft, preferably against the rear bulkhead between two deputies. A deputy will sit between the prisoner and any aisle. Deputies will not sleep while on the aircraft.

The prisoner will be physically escorted at all times while aboard the aircraft. If the prisoner needs to use the restroom, a deputy will check the restroom for any weapons or contraband, escort the prisoner to the restroom, stand in front of the restroom door until the prisoner exits, then escort the prisoner back to their seat. This also holds true when using the restroom in the airport.

The prisoner will not be permitted to use metal utensils to eat. Alcoholic beverages will not be consumed by either the deputy(s) or prisoner.

During transport by the CCSO, prisoners will not be permitted to communicate with other persons.

9-404.5 TRANSPORTING DANGEROUS PRISONERS

Dangerous prisoners are not allowed on commercial airline flights. The deputies will make a judgment concerning whether a prisoner is dangerous by considering the charges, demeanor, past criminal history and propensity for violence of the prisoner. When transporting a dangerous prisoner, at least two deputies will be required, and no more than one dangerous prisoner will be transported via Agency vehicle. See section 9-401.

9-404.6 AIRLINE HIJACKING

A deputy will take no action regarding any airline hijack or attempt, except:

- When irreversible catastrophe is imminent; or
- When assistance is requested by a member of the airline crew, air marshal, or any other law enforcement officer.

9-405 ARRIVAL AT THE DESTINATION

Prior to transport to another agency or picking up from another agency, the deputy will inform or inquire whether the prisoner represents an unusual security risk. The deputy will take whatever additional security measures may be required given the security status of the prisoner.

Upon arrival at the destination to which a prisoner is being transported or from which a prisoner will be transported, the deputy will observe the following precautions:

A. The deputy will observe local rules for securing weapons.
B. The deputy will not remove restraining devices until the prisoner has been placed into the custody of the receiving agency; or, will apply restraining devices as soon as the prisoner is placed into his or her custody.
C. The deputy will deliver or receive documentation for the incarceration to the receiving agency, as appropriate.
D. The deputy will obtain the signature of the receiving or delivering officer and/or written documentation detailing the prisoner transaction.
E. The deputy will advise or inquire of receiving agency personnel whether there are any potential medical or security hazards.

9-406 PRISONER ESCAPE

Following the escape of any prisoner from police custody, the custody deputy shall immediately broadcast a comprehensive lookout and take the following actions:

A. Give an exact location of the escape and last known direction of travel;
B. Give a full physical, clothing description and name of the prisoner;
C. Provide officer safety information (is the prisoner armed?);
D. State the reason for which the subject was in-custody;
E. Request a supervisor to respond; and
F. If warranted, request a K-9 unit and air support to assist in the search.

The custody deputy will assist in the search effort. Regardless of whether the escapee is located, the custody deputy shall complete a *Case Report* containing the details of the escape. If the escapee is not immediately located, the custody deputy shall also be responsible for applying for the charges for escape against the prisoner. A supervisor shall determine the scope of any search based on the danger to the community, nature of the charge(s) and likelihood that the prisoner may be located later. When circumstances require an immediate and extensive search, the supervisor will:

A. Request additional manpower to establish perimeters of the search area;
B. Until relieved by a superior, command the scene and act as the contact person for the K-9 Unit, air support, and officers from outside agencies assisting with the search;

C. Direct a notification to be made to the on-call commander and the bureau commander of the custody deputy;
D. Delegate the responsibilities of the custody deputy to another deputy, if the original custody deputy is unable to fulfill them (incapacitated);

The supervisor will brief the appropriate commander with all available information in an effort to determine the need for additional action to be taken. These actions may include:

A. Deploying additional manpower to the search area;
B. Conducting neighborhood canvasses;
C. Directing teletype/lookout be sent to appropriate jurisdictions;
D. Coordinating search efforts with neighboring jurisdictions, if warranted;
E. Contacting the PIO to coordinate assistance from and notification to the media.

The supervisor of the custody deputy shall initiate an administrative investigation into the escape in order to determine if any Agency policies were violated and if any changes in policies or procedures are needed to prevent a reoccurrence. If an escape occurs outside of Calvert County, the custody deputy will immediately notify the jurisdiction in which the escape occurred. The Calvert Control Center shall also be notified, and if the incident occurred within a reasonable distance of the County, a supervisor will be dispatched to respond. All possible cooperation will be provided to the local jurisdiction. All notifications, reports and investigations required for an in-County escape will be completed.

9-407 HOSPITAL / MEDICAL FACILITY TRANSPORTS

Typically, the transportation of persons already in custody within Calvert County is the responsibility of the Calvert County Detention Center. When injured, ill, mentally or physically disabled persons must be transported, deputies will be guided by the following procedures:

A. If a person has been injured in the process of being taken into custody (or if an injured person is taken into custody), the deputy will ask Calvert Control Center to dispatch Emergency Medical Services (EMS) to evaluate the prisoner.

B. With the advice of the EMS personnel and the Patrol supervisor, the deputy will determine if and how the detainee will be transported for medical care. In most circumstances, it is preferable that the detainee be transported for medical care by ambulance, rather than in the patrol car. When transport is by ambulance, the deputy shall secure their Agency vehicle or make arrangements to have it removed from the scene, then accompany the detained person in the ambulance.

C. If the detained person can be treated on an out-patient basis, the deputy will remain with the detainee until they can be released from medical care and taken to the Detention Center for booking. The detainee will remain in restraints, if that is possible; and if it is not, the deputy will exercise extra vigilance while the prisoner is unrestrained. Only in the most extreme circumstances will the prisoner be permitted out of the deputy's sight.

D. Custody of handcuffed/restrained persons will never be relinquished to EMS personnel. At no time will deputies provide EMS personnel with a handcuff key to manage custody of the prisoner! Maryland EMS protocol prohibits EMS providers from using handcuffs for restraint; therefore, the deputy must accompany the detainee.

E. Detainees shall be closely monitored at all times while at the hospital. The deputy will

request the assistance of additional personnel if necessary.

F. The time that a detainee spends at a hospital creates an opportunity for a detainee to pick up contraband. Before leaving the hospital, the detainee should be thoroughly searched and properly restrained.

G. When the detainee is released from treatment, the deputy should carefully record the detainee's condition. All instructions for future treatment and medication should be obtained in writing and signed by the attending physician. This information should be given to the Detention Center when the detainee is transported there.

H. Visitors are prohibited, including telephone contact with the detainee.

I. If the detainee must be treated as an in-patient, the deputy will contact the Patrol supervisor so that arrangements may be made to maintain custody.

J. During booking, the deputy should always be aware of the physical condition of the detainee and alert to any changes, which could suggest a need for medical attention.

K. In the event a deputy must transport an ill prisoner or one who is physically or mentally handicapped, the deputy will, if possible, identify the special needs to be accommodated in advance of the transport. The deputy will consult with his or her supervisor for advice on handling the transport.

L. If the detainee is not to be criminally charged, then an *Emergency Petition* will be completed, and a *Case Report* submitted.

9-407.1 EMERGENCY EVALUATIONS

Deputies shall take an emergency evaluee to the Emergency Room at Calvert Health Medical Center. When the deputy arrives, they shall notify hospital staff that they have an emergency evaluee to be evaluated. While the emergency evaluee is being evaluated, the deputy need not stay unless the emergency evaluee is violent or is under arrest. If hospital staff requests that a deputy remain with the emergency evaluee at the hospital and the subject is <u>not</u> violent or under arrest, the deputy will consult with their supervisor to determine whether or not it is necessary to stay.

9-407.2 FUNERALS AND OTHER SPECIAL SITUATIONS

The Calvert County Sheriff's Office normally does not transport personnel to funerals or special events. These transports are the responsibility of the Calvert County Detention Center. However, if this unusual situation does occur (transporting prisoners to funerals to visit critically ill relatives, etc.), the deputy must ensure the following:

A. Authorization from the Sheriff or their designee;

B. A minimum of two deputies will be assigned to accompany the prisoner;

C. Restraining devices will normally be utilized;

D. Minimum contact with other persons that may be at the function shall be maintained;

E. Special observation should be maintained of any suspicious people or activity while attending the function; and

F. The prisoner should be returned to the Detention Center as soon as their presence at the function is no longer needed or required. Normally, a specific time for return will be determined prior to departure. In case of any changes, the deputy must advise a supervisor.

9-500 CRIMINAL ARREST PROCESSING

For the purpose of this policy, "processing area" is the designated prisoner processing area in the basement of the Sheriff's Office Headquarters, adjacent to the holding cells. The Intoximeter Room is included as part of the processing area.

A. All prisoners in the processing area will be under constant supervision by sworn personnel.

B. Firearms shall be secured in a lockbox or other suitable location prior to entry into the processing area.

C. When a deputy is processing a prisoner or administering a test in the processing area, they will have a method of summonsing assistance in an emergency. The portable radio is an appropriate means of summonsing assistance.

D. The deputy will maintain control of the prisoner at all times while in the processing area for officer safety and to prevent escape.

Generally, the deputy making an arrest is responsible for processing the subject.

9-501 SECURITY

The following security principles will be strictly observed when handling subjects in custody:

A. Every prisoner will be searched upon arrival at any detention location, even if the detainee was searched initially upon arrest.

B. There are lock-boxes at each detention location, which deputies will use for their weapons. Firearms are prohibited in the processing areas. All weapons will be secured prior to handcuffs being removed from persons in custody. No employee or other person will enter the processing areas while wearing a weapon.

C. Except in unusual circumstances, other persons will not be given access to prisoners while they are in temporary detention at the CCSO or CCDC. Parent or guardian access to a juvenile is an exception to this principle. Deputies will, of course, honor detainees' rights to counsel.

D. All subjects (adult/juvenile) placed in the holding cells will be logged in the "Detention Log." It is the responsibility of the officer in charge of the prisoner/detainee to ensure that the "Detention Log" is completely and accurately filled out. The "Detention Log" is to be maintained in the holding cell area and should not be removed for any reason. In addition, no White Out is to be used when making corrections/changes to the Log.

E. Deputies will maintain constant vigilance against the possibility of escape and will take all necessary actions to ensure detention, based on the behavior of the detainee.

F. The duty officer will ensure that face to face visual contact is made every 30 minutes with any unattended detainee in the holding cell.

G. The holding cells, located in the lower level of the CCSO headquarters are equipped with video cameras, which are monitored by the duty officer.

H. Deputies will utilize their Agency-issued portable radios, which are equipped with an Emergency Indicator Status (EIS) button, in the event that assistance is needed in the holding cell area.

I. Detainees will not be locked in or left unattended in any area of the CCSO, with the exception of the holding cell. Detainees are NOT to be secured to an immovable object.

J. It is the responsibility of the Patrol supervisor (sergeant/corporal or his designee) to conduct a visual inspection of the holding cells at the beginning of their shift. If one or both of the holding cells are occupied, the duty officer will check the *Detention Log* to ensure that the prisoner/detainee information is correctly reflected in the Log. The holding cell inspections will be noted on the *Shift Summary*.

9-502 BOOKING REPORT

Whenever a prisoner is taken to the Calvert County Detention Center for processing, a *Booking Repor*t will be completed by the deputy prior to leaving the facility. The *Booking Report* will include such information as the date and time the prisoner arrived at the CCDC; name, address, and phone number; arrest location; and charge.

9-503 FINGERPRINTING AND PHOTOGRAPHING

Prisoners are transported to the Calvert County Detention Center and are fingerprinted and photographed by a correctional officer. The Detention Center utilizes a LiveScan electronic fingerprint system and digital photographs are taken of the prisoner and entered into the electronic booking system.

Subjects charged with traffic offenses only or held on civil warrants are photographed, but not required to be fingerprinted.

9-504 PROCEDURES FOR PROCESSING FUGITIVES – OTHER AGENCY (FOA)

When a person is arrested by a deputy for a warrant issued by a court in Maryland other than Calvert County, the deputy will inspect the warrant to see if it can be served in the county of arrest. Circuit Court warrants must be served in the county of the issuing court, but most District Court warrants can be served in the county of arrest. The law enforcement agency holding the original warrant shall be notified that the person has been taken into custody on their warrant. If the warrant can be served in the county of arrest, the prisoner will be processed the same as a local warrant. If the warrant cannot be served in the county of arrest, arrangements will be made to transfer the person to the custody of the other agency.

9-505 FUGITIVE – OTHER STATE

When a person is apprehended for being a fugitive from another state or a federal fugitive, the subject will be charged on the District Court "Charged as Fugitive" form. The prisoner will be taken to the Calvert County Detention Center and the correctional staff will arrange for a hearing with a District Court Commissioner.

9-506 FINGERPRINT CARDS

LiveScan fingerprints are submitted to the State and the F.B.I. electronically. Traditional paper fingerprint cards such as for juvenile arrests will be submitted by the Office Specialist II of the Patrol Bureau.

9-507 COURT-ORDERED FINGERPRINTING

When a defendant who was not fingerprinted at the time of arrest for the offense charged is found guilty of, or the court accepts a plea of guilty or *nolo contendere* to an offense which is reportable as a criminal history information and receives a sentence of commitment, a suspended sentence, a period of probation, or a fine, the judge will order the defendant be fingerprinted by the appropriate available law enforcement agency. If the processing cannot be done immediately, the judge may order the defendant to report to the CCDC within 3 days of sentencing to be processed.

The Detention Center is responsible for obtaining the fingerprints of these defendants for the Sheriff's Office by utilizing the LIVESCAN system. Before that can be done, Sheriff's Office personnel have the following responsibilities:

1. Complete the *Court Ordered Fingerprinting Information Sheet*.
2. Fax a copy of the above information sheet to the on-duty shift supervisor via the Detention Center Booking, fax #410-535-2985.
3. Give the defendant a printed copy of the Detention Center fingerprinting requirements and regulations, as well as their original *Court Ordered Fingerprinting Information Sheet.*

9-508 CHARGING DOCUMENTS

Anytime a deputy arrests a person other than for a warrant, that deputy will be responsible for completing the appropriate charging document. In most cases, the charging document will be a *Statement of Charges* with an accompanying *Statement of Probable Cause*.

In traffic cases, the citation will act as the charging document and if the defendant is transported to the Detention Center, a *Statement of Probable Cause* will also be completed.

Please note that if a juvenile is arrested along with an adult, the juvenile's first name and last initial only will be listed in the adult's charging documents. The juvenile's full name may be used in the Case Report, as that information will be redacted by Records Unit personnel prior to being released.

9-509 ARREST REPORT

Arrest Reports are completed anytime a person is taken into custody for a warrant or an on-view arrest. On-view arrests include both criminal and traffic charges. Warrants include F.O.A.

warrants where custody is transferred to the agency holding the original warrant. Additionally, *Arrest Reports* are completed when a person is charged with a criminal citation.

9-600 JUVENILE OPERATIONS

The Calvert County Sheriff's Office is committed to the development and perpetuation of programs designed to prevent and control juvenile crime. All members of the Agency must take responsibility for, and share in, this goal. Deputies handling incidents involving juvenile offenders should give consideration to using the least coercive method available, among all reasonable alternatives, for dealing with each case to include:

- Warning and outright release with written documentation and no further action.
- Warning and parental notification.
- Use of written citations or summonses in lieu of taking them into custody, and/or
- Completion of a *Youth Report*, and a referral to the Department of Juvenile Services.

When making decisions regarding the handling of juvenile matters, deputies should take into consideration the nature of the offense, the age and circumstances of the offender, and the offender's prior record. Agency referral of juvenile offenders for formal legal proceedings should take all pertinent information concerning the act or acts committed by the juvenile into consideration, along with consultation with the victim(s) of the criminal act. Serious criminal conduct and repeated offenses shall be referred. In general, delinquent acts requiring referral to the juvenile justice system would include, but not be limited to:

- All delinquent acts constituting felonies
- All acts involving weapons
- All serious gang-related acts
- All acts involving battery
- All acts committed by juveniles on probation or those with a case pending before the courts
- All repeated delinquent acts (within the preceding 12 months)
- All assaults on family members.

9-601 DEFINITIONS

A. ***DETAINED -*** Formally held, pending release to DJS, DSS, parent, relative, guardian, or other. Can be held in an informal, non-secure room.

B. ***SECURELY DETAINED -*** Detention of an individual in locked cell/room or handcuffed to a stationary object.

C. ***JUVENILE -*** Any person under the age of 18 (whether under juvenile or criminal court jurisdiction) or a person between the ages of 18 and 21 who is still under juvenile court jurisdiction.

D. ***ACCUSED JUVENILE (ADJU) -*** A juvenile who has been before either the juvenile or adult court and a determination has been made.

E. ***DELINQUENT OFFENDER (DEL) -*** A juvenile who has been charged with an offense for which an adult can also be charged, but who is subject to the jurisdiction of the juvenile court.

F. ***STATUS OFFENDER (CINS) -*** A juvenile who has been accused or adjudicated for an offense for which adults cannot be charged. Status offenses include:

1. Runaway
2. Truancy
3. Incorrigible
4. Underage drinking/smoking
5. Curfew violations (if applicable, only to juveniles)

G. ***NON-OFFENDER (CINA) -*** A juvenile who is not charged with any offense, usually a child in need of supervision or assistance.

9-602 TAKING JUVENILES INTO CUSTODY

A juvenile may be taken into custody by any of the following methods:

A. Pursuant to an order of the court;

B. Pursuant to the laws of arrest. A juvenile may be arrested for any act, which would be a crime if committed by an adult;

C. By a law enforcement officer or other person authorized by the court if there are reasonable grounds to believe the juvenile is in immediate danger from their surroundings and that this removal is necessary for his protection;

D. By law enforcement officer or other person authorized by the court, if there are reasonable grounds to believe the juvenile has run away from his parents, guardian or legal custodian.

9-603 NOTIFICATION OF CUSTODY

When a law enforcement officer takes a juvenile into custody under his authority, the juvenile's parent(s), guardian, or custodian must be notified the child was taken into custody and provided with all appropriate information concerning the circumstances that wouldn't compromise an investigation.

In accordance with the Education Article (ED §7-303 (b)) of the Annotated Code of Maryland, if a student who is enrolled in the public school system is arrested for a reportable offense or an offense that is related to the student's membership in a criminal gang, the deputy making the arrest shall notify the superintendent of Calvert County Public Schools of the arrest and the charges within 24 hours of the arrest or as soon as practicable. The *Notification to the County School Superintendent* form shall be completed and faxed to the Board of Education at 410-535-7298.

9-604 REPORTABLE OFFENSES

Reportable offenses are those offenses in Criminal Law, §14-101 defined as "crimes of violence" and include:

The reportable offenses are:

1. Abduction;

2. Arson/Malicious burning in the 1st or 2nd degree;
3. Kidnapping;
4. Manslaughter, except involuntary manslaughter;
5. Mayhem;
6. Maiming;
7. Murder;
8. Rape;
9. Robbery/Armed robbery
10. Carjacking/Armed carjacking
11. Sexual offense in the 1st, 2nd, or 3rd degree
12. Use of a handgun in the commission of a felony or other crime of violence;
13. Child abuse in the first degree
14. Sexual abuse of a minor under §3-602 of the Criminal Law Article;
15. Attempt to commit any of the above crimes
16. Continuing course of conduct with a child under §3-315 of the Criminal Law Article;
17. Assault in the first degree;
18. Assault with intent to murder;
19. Assault with intent to rape;
20. Assault with intent to rob;
21. Assault with intent to commit a sexual offense in the 1st or 2nd degree;
22. Illegal possession, transport, sale, transfer, or use of a regulated firearm;
23. Illegal possession, sale, transfer, or disposal of a stolen regulated firearm;
24. Illegal possession of short barreled rifle or shotgun;
25. Illegal carrying/wearing concealed or open dangerous weapon;
26. Carrying/possessing a deadly weapon on school property;
27. Illegal wearing, carrying, or transporting handgun;
28. Use of handgun or antique firearm in commission of crime;
29. Felony possession of controlled dangerous substances;
30. Distribution of controlled dangerous substances;
31. Manufacture, transport, placement or possession of explosive or explosive device;
32. False statement or rumor concerning bomb or other explosive device; and
33. Threatening an individual, or a friend or family member of an individual, with or use physical violence to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang.

Criminal Law §4-101 adds wearing or carrying of any dirk knife, Bowie knife, switchblade knife, star knife, sand club, metal knuckles, razor, nunchaku, or any other dangerous or deadly weapon of any kind concealed upon or about the person or openly with the intent to unlawfully injure another or who carries chemical mace, pepper mace, or tear gas device with the intent to unlawfully injure. They also add the carrying or possession of a deadly weapon on school property and the wearing, carrying or transporting of a handgun at any time.

9-605 ARRESTING DEPUTIES' RESPONSIBILITIES

Any deputy, who arrests a student who is enrolled in any public school in Calvert, County, Maryland, and has committed a reportable offense as described above, the deputy shall notify the Patrol supervisor or, if not assigned to the Patrol Bureau, their immediate supervisor of the arrest, and the information concerning the arrest. The information provided must allow the commander to fulfill the responsibilities outlined in this section of the *Administrative and Operational Manual*.

The arresting deputy shall obtain the information concerning the supervisor's notification and place that information in the narrative of the case report concerning the arrest. Likewise, information concerning any unsuccessful attempt at notification shall also be entered on the criminal investigative report.

As of November 8, 2010 it is mandatory that any deputy arresting a high school age juvenile email the School Liaison Supervisor with the following information: juvenile's name with personal information, case number, and a brief narrative describing the offense. This can be easily accomplished by attaching the completed report to the email. Deputies may also contact their respective supervisor or Sheriff's communications operator to facilitate the notification. This notification process is very important so that gaps can be closed with the prosecution of these juvenile offenders, and to prevent "spill-over" problems the next day in school.

Effective September 19, 2014, the after-hours Department of Juvenile Services Intake will be covered by a State-Wide Centralized Intake Unit on weekdays from 5:00 p.m. until 8:00 a.m. and throughout weekends, holidays, and service reduction days. When a deputy has a juvenile in custody and requests further detention or an alternative to detention to be authorized by the Department of Juvenile Services, the arresting deputy will ensure the following is performed:

1. Call the Centralized Intake Unit at 1-877-404-3724 to discuss the case and Intake Authorization decision.
2. Complete the arrest report to detail the specific charges for the juvenile offender.
3. Fax the arrest report to the Centralized Intake Unit at 443-263-8730.

If detention or a detention alternative is authorized by the Central Intake Unit, the arresting deputy will be faxed a copy of the detention authorization paperwork to be used for admission to the detention facility (Cheltenham Youth Facility for males and Waxter Children Center for females). Parent and youth signatures may be required on the medical form, and the "next court hearing" will be filled in. (Court Hearings will always be scheduled for the next business day at 9:00 a.m. at the Circuit Court).
Detention for a juvenile will need to be authorized, even if a youth is picked up on a Writ of Attachment. The Centralized Intake Unit will complete detention authorization paperwork after receiving notification of the apprehension.

In emergencies or major issues, you can consult the Calvert County Department of Juvenile Services Supervisor at 443-532-6361.

9-606 SUPERVISOR'S RESPONSIBILITY

Any supervisor, upon being notified of a student enrolled in the public-school system of Calvert County, Maryland, who has been arrested by a member of this Agency for a reportable offense, shall telephone the designated representative of the Calvert County School Superintendent. The supervisor shall provide the representative with the name of the student, the school the student attends and the charges placed against the student. The supervisor shall advise the arresting deputy of the time the notification was made and the name of the representative to whom the notification was made. If the notification attempt is unsuccessful, the supervisor shall notify the arresting deputy of the time of the unsuccessful attempts and the telephone number(s) called. The supervisor shall also contact the Commander of the Criminal Investigative Bureau. The Commander or Assistant Commander of the Criminal Investigative Bureau shall make notification to the school liaison officer(s).

9-607 RECORDS RESPONSIBILITY

It shall be the responsibility of the CIB Assistant Commander to ensure a formal *Notification to the County School Superintendent* form is sent to the superintendent of schools in all cases where such notification is required under this section. In cases involving students who are enrolled in the public-school system of Calvert County, regardless of whether or not notification is previously made by the Shift Commander/Patrol Commander as required, a letter will be sent to the Calvert County Superintendent of Schools.

In cases where the student is enrolled in another county school system in the State of Maryland, the notification letter will be sent to the Superintendent for the county in which the student is enrolled. The CIB Assistant Commander will maintain a current list of all the county school superintendents and their mailing addresses for this purpose. A copy of the notification letter will be placed in the case file as a record that the notification has been made.

9-608 RELEASING OF JUVENILES

After giving the required notice or making every reasonable effort to give notice, the deputy shall with all reasonable speed:

A. Release the juvenile to the parent(s), guardian, or custodian upon their written promise to bring the juvenile before the court when requested to do so. A signature is required for recognizance at the bottom portion of the *Youth Report*. After signing, the parent, guardian, or custodian will be provided/promised a copy of the *Youth Report*.

B. Deliver the juvenile to the court or place of detention or shelter care if so directed by the court on a Writ of Attachment, or if so directed by an intake officer.

In the event a parent, guardian, or custodian cannot be contacted, or refuses to sign for and/or accept custody of the juvenile, the deputy shall contact a Department of Juvenile Services intake officer for direction.

If the deputy becomes aware the juvenile is on probation, or it appears likely that the juvenile is already on probation, or it appears likely that the juvenile will leave the jurisdiction of the court, or if the juvenile stands charged with:

- A crime of violence, or
- A violation of the handgun laws, or
- A serious weapons violation, or
- Any crime that upon reviewing the totality of the circumstances indicates to the deputy that if the juvenile were to be released, they may pose a danger to themselves or to another.

The deputy shall contact an intake officer of the Department of Juvenile Services regarding possible detention authorization.

9-609 CRIMES INVOLVING JUVENILES (NO PHYSICAL ARREST)

There will be times when a juvenile has fled the jurisdiction, or it is unnecessary, or legally impossible to make a physical custodial arrest of a juvenile suspected of committing a delinquent act (crime). During these occasions the deputy shall conduct a complete and thorough investigation to aid the State's Attorney in any possible future prosecution of the case.

The deputy shall document the investigation on a *Case Report* per established guidelines and complete a *Youth Report*.

The deputy shall make every reasonable effort to notify the parent(s), guardian, or custodian of the allegations, and have them sign the release of juvenile portion (bottom) of the *Youth Report*, prior to it being submitted to Records. If properly explained that the signature is merely a recognizance promise to produce the juvenile if requested to do so, the signature will be obtained, in most cases. This is done in lieu of the deputy having to request a *Writ of Attachment*, which may result in the subsequent physical custodial arrest of the juvenile.

Upon obtaining the requested signature (or making every reasonable effort to do so), the deputy shall submit the *Youth Report* and the *Case Report* or *Supplemental Report* as required. At that time, for Calvert County Sheriff's Office reporting purposes, the case shall be marked "CLOSED WITH ARREST," listing the juvenile as "ACCUSED" in the report. Since there was not a physical custodial arrest, no fingerprints, photograph etc., are required. Completed criminal investigative reports and Y*outh Report* will be forwarded to the Department of Juvenile Services and the State's Attorney's Office by records personnel. The deputy submitting the report(s) need not call the Department of Juvenile Services regarding disposition on any action taken by them, since the case is closed by arrest.

9-610 IDENTITY OF JUVENILE

In any case being investigated where the juvenile cannot properly establish identification, etc., to the officer's satisfaction, and the parent(s), guardian or custodian cannot be contacted to establish identity, the officer may deem the juvenile to be a possible runaway and may take him into physical custody in accordance with the juvenile operations section. Inaccurate information as to identity, address, etc., makes it extremely difficult, if not impossible, for the Department of Juvenile Services to proceed with an action against a juvenile.

9-611 GUIDE TO CHARGING THE JUVENILE OFFENDER

AGE	CHARGE/VIOLATION	CHARGING DOCUMENT	CASE REPORT
14 and older	* 1st Degree: -Murder -Rape -Sexual Offense * Dynamiting/Bombing property (Criminal Law § 4-503) * Conspiracy or attempt to commit any of the above	(As Adult) Statement of Charges or Arrest Warrant	Yes
AGE	**CHARGE/VIOLATION**	**CHARGING DOCUMENT**	**CASE REPORT**
16 and older	* Abduction * Kidnapping * 2nd Degree: -Murder -Rape -Sexual Offense * Manslaughter * Armed Robbery * 3rd Degree Sexual Offense (Criminal Law § 3-307) * Any handgun, rifle, shotgun, machine gun or assault weapon violation specified in	(As Adult) Statement of Charges or Arrest Warrant	Yes

	Criminal Law * Any firearm violation (while drug trafficking or by convicted felon) specified in Criminal Law § 5-621 or § 5-622 * Carjacking/Armed Carjacking (Criminal Law § 3-405 * 1st Degree Assault (Criminal Law § 3-202 * Attempt Murder in the 2nd Degree * Attempt Rape or Sexual Offense * Attempt Robbery with a dangerous or deadly weapon * A child who previously has been convicted as an adult of a felony and is subsequently alleged to have committed an act that would be a felony if committed by an adult		

AGE	CHARGE/VIOLATION	CHARGING DOCUMENT	CASE REPORT
16 or 17	* Any jailable violation of the Transportation Article, located in TR § 27-101	J.O.R.	Yes

*** AND ALL OTHER CHARGES ARISING OUT OF ANY OF THE ABOVE INCIDENTS**

AGE	CHARGE/VIOLATION	CHARGING DOCUMENT	CASE REPORT
16 or 17	All non-jailable violations of the Transportation Article	Maryland Uniform Complaint and Citation (Form # DR 49)	No
AGE	**CHARGE/VIOLATION**	**CHARGING DOCUMENT**	**CASE REPORT**
Under 16	All violations of the Transportation Article or State Boat Act	J.O.R. (If appropriate to charge)	Yes

AGE	CHARGE/VIOLATION	CHARGING DOCUMENT	CASE REPORT
Under 18	All civil alcohol violations specified in Criminal Law, Title 10, Subtitle 1; or in the Education Article § 26-103	Uniform Juvenile Civil Citation for Alcohol and Tobacco Offenses (Form # DC 31)	No

AGE	CHARGE/VIOLATION	CHARGING DOCUMENT	CASE REPORT
Under 18	All civil alcohol violations specified in Criminal Law § 10-107	Uniform Juvenile Civil Citation for Alcohol and Tobacco Offenses (Form # DC 31)	No

NOTE: AN ARREST CARD, FINGERPRINT CARDS, AND APPROPRIATE PHOTOGRAPHS ARE REQUIRED <u>ONLY</u> IF THE JUVENILE HAS BEEN PHYSICALLY ARRESTED AND TAKEN INTO CUSTODY.

9-612 PROCESSING JUVENILES

All juveniles physically arrested for the purpose of filing a criminal prosecution, delinquency petition, or pursuant to a Writ of Attachment, shall be processed as outlined in this section.

9-612.1 CHARGED AS ADULTS

Arrest Warrant, Statement of Charges, Bench Warrant, etc.:

- One (1) red and white FBI fingerprint card
- One (1) green and white MSP fingerprint card
- One (1) black and white CCSO palm print card
- One (1) blue and white fingerprint card
- One (1) face-front photograph

9-612.2 CHARGED AS JUVENILES

Youth Report or Writ of Attachment:

- One (1) blue and white fingerprint card,
- One (1) black and white CCSO palm print card
- One (1) face-front photograph
- One (1) green and white MSP fingerprint card

Unless charged as an adult, juveniles shall not be processed at the Calvert County Detention Center.

9-613 DISPOSITION OF CHARGES BY THE DEPARTMENT OF JUVENILE SERVICES

The Department of Juvenile Services makes dispositions in numerous cases by reprimand, warning, referral to counseling, informal supervision, etc. Considering the seriousness of drug and/or weapon related charges within the school system, it shall be the policy of this Agency that deputies appeal all Department of Juvenile Services dispositions in these cases when the disposition is anything other than a referral to Juvenile Court for action. Deputies also have the right to appeal dispositions in cases other than those described above. The State's Attorney's Office will review and make the final decision on all appealed cases. Deputies shall follow the procedures listed below when receiving a disposition document from the Department of Juvenile Services.

A. When a case is a school related drug and/or weapons case, and the disposition is other than court action, sign on the appropriate line at the bottom of the form and forward the entire form to our Records Department.

B. The Records Department will forward all appeal requests to the State's Attorney's Office.

C. If a case is other than a school-related drug and/or weapons case and the arresting deputy wishes to appeal the disposition, the same procedures as stated above should be followed.

D. If satisfied with the disposition and not appealing, simply shred the document.

All Department of Juvenile Services forms are to be forwarded to the Records Department after reviewing, signing or initialing.

9-614 TEMPORARY DETENTION OF JUVENILES

The purpose of the following policies is to establish procedures relative to the temporary detention of juveniles at Calvert County Sheriff's Office facilities while being processed. At a minimum, this policy shall provide for the following:

A. Determining whether the juvenile is alleged to have engaged in criminal (delinquent offender) or non-criminal (status or non-offender) behavior.
B. Determining whether the juvenile is alleged to have been harmed or to be in danger of harm.
C. Notifying parents or guardians that the juvenile has been taken into custody.
D. Ensuring that the constitutional rights of juveniles are protected.
E. Ensuring sight and sound separation is provided between juveniles and adults, and between males and females placed in temporary holding areas.
F. Ensuring that status and non-offender juveniles are not detained in secure detention areas and are detained and transported separately from delinquent offenders.
G. Ensuring juveniles are released or taken to an intake facility without undue delay.

9-615 CUSTODY PROCEDURES

The parents or guardians of a juvenile taken into custody shall be notified as soon as practical. When a juvenile is taken into custody for any reason, deputies will attempt to determine through observation and interview if the juvenile is alleged to have been a victim of abuse or neglect or may be in danger of harming himself/herself. If it is determined the juvenile poses a possible danger to others or to himself/herself, the deputy will transport the juvenile to the hospital where an emergency petition shall be completed.

As soon as a deputy deems it may be necessary to detain a juvenile offender pending a hearing, or to place a status or non-offender in a Department of Juvenile Services sponsored facility or foster home, the local Department of Juvenile Services intake officer must be contacted for authorization.

During processing, or while awaiting release or approval to transport to a juvenile facility, juveniles may, depending on the circumstances, be held unsecured under direct supervision, placed in a temporary detention area or secured to a cuffing rail or similar approved stationary object. Unless sight and sound separation can be strictly maintained while a juvenile is being held or processed in a facility, no adult offender may be brought into that same facility.

Delinquent juvenile offenders shall not be held in a secure area for more than a total of six hours, and no more than two hours, without continuous control or supervision by Agency personnel. The six-hour period begins when the juvenile is actually placed into a secure area or handcuffed to a stationary device. If unable to transport or release a juvenile offender within the six hours, the juvenile may be handcuffed, placed in a non-secure area and directly supervised by an officer until transported or released. Any violations of the six-hour rule must be thoroughly documented as to the reason and include the names of parent(s), guardian(s), relatives, the DJS intake officer and DJS supervisors contacted.

Juvenile status offenders or non-offenders (runaways, truants, abused/neglected children) shall not be held for any length of time in secure detention. These juveniles may only be held in unlocked multipurpose areas, such as a lobby, office or interrogation room that is not designated, set aside or used as a secure detention area.

Handcuffing techniques that do not involve cuffing rails or other stationary objects are considered non-secure. In every case where a delinquent offender is placed in temporary detention or handcuffed to a stationary object, the officer handling the case, in addition to following the procedures for using the temporary detention area, shall complete the portion of the *Youth Report* labeling time in/out detention.

Juveniles, unless waived to adult jurisdiction or arrested as part of the same incident, cannot be detained or transported with adults. Unless in need of emergency medical treatment when detention is authorized by a Department of Juvenile Services, intake officer or the court, the juvenile shall be transported without delay.

9-616 INTERVIEW AND INTERROGATION OF JUVENILES

Juveniles have the same rights regarding statements and confessions as adults. Generally, juvenile interviews/interrogations will be conducted in the same manner as adult interviews/interrogations. Juveniles have no explicit rights to have parents/guardians present during questioning. Prior to custodial interrogations, deputies will inform juveniles of their Miranda rights. Prior to the conclusion of the interview/interrogation process, deputies will explain the Agency's and Department of Juvenile Services' procedures concerning the handling of juvenile charges to the juvenile being interrogated. Generally, deputies should attempt to answer questions about procedures and the juvenile justice process. Procedures that may need to be explained include, but are not limited to:

- Determining factors for detention versus release to a parent or guardian.
- Referral of juvenile offenders for formal legal proceedings for those cases involving serious or repeated criminal violations.
- Crimes of violence that are reportable to the Superintendent of Schools.
- Referral to teen court.
- The handling of juvenile records.
- Possible disposition of charges by DJJ and/or the courts.
- Reprimand, counseling or informal supervision.
- Community service.
- Victim restitution.
- Formal probation.
- Home detention and monitoring.
- Placement in a secure residential program.

The deputy conducting the interrogation must consider several factors with respect to a juvenile's ability to waive their constitutional rights. These factors include:

- The juvenile's age.
- The juvenile's background, experience, and education.
- The juvenile's apparent level of intelligence.
- The juvenile's mental and physical condition.

When considering the duration and number of deputies to be involved in the interview/interrogation process, a deputy, or deputies, shall take into consideration the juvenile's age, the nature of the alleged offense, and the juvenile's mental and physical condition. There will be a maximum of two deputies present during the interview/interrogation of juvenile suspects. The duration of the interview/interrogation will be reasonable.

Interviewing deputy or deputies will confer with the juvenile's parents or guardians before, during or immediately after the interview/interrogation, as considered appropriate under the guidelines of this policy.

9-617 JUVENILE DRIVER – PARENT NOTIFICATION

Noting that alarmingly high numbers of juveniles are injured or killed in motor vehicle collisions annually and recognizing much of this is attributable to inexperience or inappropriate driving behavior and understanding that early parental intervention is critical in correcting this behavior, the Calvert County Sheriff's Office is determined to take a proactive approach to this situation. Any time a deputy stops a juvenile driver as a result of a traffic violation, equipment violation or investigates a motor vehicle collision where a juvenile driver is found to be at fault, the juvenile's parent(s) will be notified. A copy of the citation will be given to the Patrol Bureau Office Assistant III, who will then send out a notice in the mail.

For purposes of this policy, the term "juvenile" refers to any person under the age of 18.

9-617.1 PATROL BUREAU OFFICE ASSISTANT'S RESPONSIBILITIES

It will be the responsibility of the Patrol Bureau Office Assistant III to complete the juvenile driver parental notification letters and prepare them for outgoing Agency mail.

9-617.2 DEPUTY'S RESPONSIBILITIES

It will be the responsibility of the involved deputy, prior to securing from duty, to place a photo copy of the citation in the assigned mailbox marked for the Patrol Bureau Office Assistant III, so the notification can be completed and mailed. The deputy will therefore, obtain the name and current mailing address of the juvenile driver's legal parent or guardian. In the cases where the juvenile driver refuses to provide this information, no additional enforcement action will be taken as a result of this refusal. In these cases the notification will be addressed to "The Parent or Guardian of " (Driver's Name) " and mailed to the juvenile's current mailing address.

If it is determined the juvenile driver's parent or guardian is present at the time of the violation or collision, no further notification will be necessary. In these cases, it will be the responsibility of the deputy to communicate this information to their supervisor, upon reviewing their paperwork. Communication can include verbal form or a note attached to the report for easy removal by the supervisor.

9-617.3 SUPERVISOR'S RESPONSIBILITIES

Supervisors are responsible for monitoring the activities of their subordinates to ensure compliance with this policy.

9-700 TEMPORARY DETENTION

The CCSO has a prisoner holding facility in the lower level of the CCSO headquarters. The Calvert County Detention Center is the primary site for temporary detention of adult prisoners during processing. At times it may be necessary to use other parts of CCSO Headquarters in order to achieve separation of adults and juveniles and, if necessary, separation by gender. Another area that may be used for this purpose is the Interview Rooms. The Deputies' Room will not be used as a temporary detention area, as it is frequently occupied by civilian staff, visitors, and other non-sworn personnel.

Alternate detention areas will be approved by the Patrol supervisor prior to being used. Regardless of the area used, **a detainee will never be left unsupervised in any area of the CCSO.**

The duty officer will ensure that detainee movement in and out of the Sheriff's Office will be documented on the CCSO *Detainee Log.* The arresting deputy will ensure that other pertinent actions involving the detainee are accurately reported on the log, such as bathroom breaks, food and water received, calls made and received, etc.
The CCSO does not provide meals for detainees. That is a function of the Detention Center.

9-701 TRAINING

All newly-hired deputies will receive training on proper use of various CCSO facilities for temporary detention as part of field training. The Assistant Sheriff will ensure that all deputies receive retraining on temporary detention at least every three (3) years.

9-702 SUPERVISION AND ACCOUNTABILITY

The deputy who makes an arrest and brings a prisoner to CCSO headquarters is responsible for the safety and security of the temporary detainee while at CCSO headquarters. While he or she may obtain assistance from other deputies, the arresting deputy is ultimately responsible and accountable for processing, searching, and temporarily detaining the individual. Only sworn personnel have responsibility for persons in detention.

All deputies are authorized to use the holding cell area for temporary detention and will coordinate and cooperate with other deputies who are using the facility simultaneously.

9-703 FIRE PREVENTION

No smoking or open flames are permitted in the CCSO building. The CCSO is equipped with a fire extinguisher which is readily accessible to deputies. In the event of a fire, the deputy's primary responsibilities are his or her own safety and that of the detainees. The arresting deputy will:

- Notify Calvert Control using his or her portable radio as to the extent of the fire;
- The deputy will immediately secure and evacuate his or her detainees as safely as possible.
- Prisoners will be transported to CCDC or other designated locations.

9-704 SEPARATION OF DETAINEES

Juvenile detainees must be separated by sight and sound from adult detainees, except when they are being fingerprinted and photographed.

Deputies will separate male and female detainees. Detainees of different genders will not be detained in the same cell under any circumstances.

9-705 FACILITIES

Detainees will be given reasonable access to drinking water and bathroom facilities at the CCSO, consistent with security and processing needs.

Meals are not served, as detainees in temporary detention are never kept more than a few hours at most.

9-706 INSPECTIONS AND REVIEW OF PROCEDURES

At least once during each shift, the Patrol supervisor will inspect the holding cell for:

- Security issues
- Safety (including fire safety) issues
- Cleanliness, including cleanliness of the bathroom.

The Patrol supervisor will note the inspection on the form provided for that purpose, take corrective actions as necessary, and report any serious deficiencies by memorandum to the Patrol Commander.

At least once every 3 years, the Patrol Deputy Commander will conduct an administrative review of the CCSO's detention areas and procedures.

9-800 INTERVIEW AND INTERROGATION

See Chapter 15, Criminal Investigation and Interrogation, for a detailed discussion of interrogation requirements and guidelines, including the Constitutional protections of accused persons.

9-900 PROMPT PRESENTMENT

Arrested persons have the right to be promptly arraigned or presented before a judicial officer, and in any event, no later than 24 hours after arrest or the first session of court following the filing of the charging document in the instance of a warrantless arrest. Violation of this right may render any confession or statement made by an individual at the request of the police inadmissible at trial.

The arresting deputy is responsible for taking an arrestee before a District Court Commissioner for an initial appearance as soon as possible after arrest processing has been completed.

Unnecessary delay may occur where a deputy defers taking the accused before a judicial officer without justification, even when presentment is made within the 24-hour period. The following are generally accepted as justification for delay:

- Routine processing procedures.
- Determining whether the charging document should be issued.
- Obtaining information likely to be a significant aid in averting harm to persons or loss of property of substantial value.
- Obtaining relevant non-testimonial information likely to be significant in discovering the identity of accomplices or preventing the loss of relevant evidence.

The arrestee may voluntarily and knowingly waive the right of prompt presentment. The waiver would substantiate any delay and make admissible any statement or confession obtained prior to presentment.

Effective July 1, 2014, defendants will now have the right to an attorney prior to their initial appearance before a District Court Commissioner. It can be an attorney of their choosing or if

deemed indigent, a court-appointed attorney. Once the attorney is present, the District Court Commissioner will complete the initial appearance, including making decisions about release and conditions of release. The defendant can also elect to waive this right and move forward without attorney representation.

It's possible that an attorney will not be immediately available in many cases. District Court Commissioners now have the ability to "temporarily commit" the defendant to the Detention Center until an attorney is available.

For further information on this new law refer to Maryland Court of Appeals ruling on September 25, 2013 entitled DeWolfe v. Richmond.

Appendix

A

Sentencing Guidelines Offense Table (Updated 10/1/17)

Appendix A contains a table of guidelines offenses including their CJIS code, statutory source, seriousness category, and penalties. If an offense is not listed in Appendix A and the offense has a maximum penalty of one year or less, the offense should be identified as a category VII offense. If an offense is not listed in Appendix A and the maximum penalty is greater than one year, the individual completing the worksheet should use the seriousness category for the closest analogous offense and the sentencing judge and the parties should be notified. If there are any questions about how to categorize or score an offense, please call the Maryland State Commission on Criminal Sentencing Policy staff at (301) 403-4165.

October 2017

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Maryland Codes

83A...Department of Business and Economic Development
BBA..... Department of Human Resources
AB .....Alcoholic Beverages
BO.....Business Occupations and Professions
BR .....Business Regulations
CJ..... Courts and Judicial Proceedings
CA .....Corporations and Associations
CL .....Commercial Law
CP .....Criminal Procedure
CR .....Criminal Law
CS ..... Correctional Services
EL.....Election Law
EN .....Environment
FI.....Financial Institutions
FL.....Family Law
HG.....Health General
HO..... Health Occupations
HS .....Housing and Community Development
IN..... Insurance
NR ..... Natural Resources
PS .....Public Safety
RP .....Real Property
SF..... State Finance and Procurement
SG .....State Government
TG .....Tax General
TR .....Transportation

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
1	Abuse and Other Offensive Conduct Child Abuse-physical, with death, victim at least 13 years old	1-1639	CR, §3·60I(b)(2)(ii)	Felony	40Y+		Person	II	
I-1	Abuse and Other Offensive Conduct Child Abuse-physical, with death, victim younger than 13 years old		CR, §3-60I(b)(2)(iii)	Felony	LIFE+		Person	I	
1-2	Abuse and Other Offensive Conduct Child Abuse-physical, with death, previous conviction for child abuse		CR, §3-601(c)(2)	Felony	LIFE+		Person	I	
2	Abuse and Other Offensive Conduct Child Abuse-physical, I"[1] degree	1-0334	CR, §3-601(b)(2)(i)	Felony	25Y+		Person	II	
2-1	Abuse and Other Offensive Conduct Child Abuse-physical, 2nd degree	1-0173 1-3802	CR, §3-601(d)	Felony	I5Y		Person	IV	
3	Abuse and Other Offensive Conduct Child Abuse-sexual	1-0322 1-0922	CR, §3-602(b)	Felony	25Y++		Person	II	
4	Abuse and Other Offensive Conduct Abuse, neglect of vulnerable adult by custodian, 1st degree	2-1138	CR, §3-604	Felony	lOY		Person	IV	$10,000
4-1	Abuse and Other Offensive Conduct Abuse, neglect of vulnerable adult by custodian, 2nd degree	1-0466 2-0350	CR, §3-605	Misd.	*5Y*		Person	V	$5,000
4-2	Abuse and Other Offensive Conduct Child neglect	1-1614	CR, §3-602.1	Misd.	*5Y*		Person	VI	$5,000
4-3	Abuse and Other Offensive Conduct Commit crime of violence in the presence of a minor		CR, §3-601.1	Misd.	*5Y*		Person	VI	
5	Abuse and Other Offensive Conduct Sell, barter, trade, etc. a child for money, property, etc.	I-0481	CR, §3-603	Misd.	*5Y*		Person	V	$10,000
5-1	Abuse and Other Offensive Conduct Prevent or interfere with the making of a report of suspected child abuse or neglect	1-0734	FL, §5-705.2 (penalty)	Misd.	5Y		Person	V	$10,000
6	Abuse and Other Offensive Conduct Contributing to a child being delinquent or in need of supervision	2-0238	CJ, §3-8A-30	Misd.	3Y		Person	VI	$2,500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
6-1	Abuse and Other Offensive Conduct Contributing to a child in need of assistance	1-0844	CJ, §3-828	Misd.	3Y		Person	VI	$2,500
6-2	Abuse and Other Offensive Conduct Failure to report disappearance of a minor	1-1002	CR, §3-608	Misd.	3Y		Person	VI	
6-3	Abuse and Other Offensive Conduct Failure to report death of a minor	1-1003	CR, §3-609	Misd.	3Y		Person	VI	
7	Abuse and Other Offensive Conduct Interfering with rights of developmentally disabled individual	1-1608	HG, §7-1102	Misd.	2Y		Person	VII	$5,000
8-1	Accessory after the Fact Accessory after the fact to 1st degree murder	1-0774	CR, §1-301(b)(I)	Felony	lOY		Person	V	
8-2	Accessory after the Fact Accessory after the fact to 2nd degree murder	1-0776	CR, §1-301(b)(2)	Felony	lOY		Person	V	
9	Accessory after the Fact Accessor after the fact to a felony	1-1480	CR, §l-30I(a)	Felony	Lesser of 5Yor max. tenn penalty for the underlying offense		Person, Drug, Property	Lesser ofV or the category for the underlying offense	
9-1	Alcoholic Beverages Intoxicated and endanger safety of person or property; or intoxicated or drink alcoholic beverage in public place and cause public disturbance	1-1661 1-1662	AB, §6-320	Misd.	90D		Person	VII	$100
9-2	Alcoholic Beverages County-specific provisions concerning giving, serving, dispensing, keeping, or allowing alcoholic beverages without license; bottle clubs; places of public entertainment-Anne Arundel, Baltimore, Calvert, Caroline, Charles, Dorchester, Frederick, Kent, Prince George's, Queen Anne's, Somerset, Talbot, Wicomico, or Worcester Counties, or Baltimore City		AB, §11-2502 AB, §12-2501 AB, §13-2501 AB, §14-2501 AB, §15-2501 AB, §18-2501 AB, §19-2501 AB, §20-2501 AB, §24-2501 AB, §26-2501 AB, §27-2501 AB, §29-2501 AB, §30-2501 AB, §32-2501 AB, §33-2501	Misd.	2Y		Property	VII	$10,000
9-3	Animals, Crimes Against Animal cruelty	1-0500 1-0501 1-0503	CR, §10-604	Misd.	90D		Property	VII	$1,000
9-4	Animals, Crimes Against Aggravated animal cruelty	1-0505 1-0508	CR, §10-606	Felony	3Y		Property	VI	$5,000

COMAR#	Offense Literal	ens Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
10	Animals, Crimes Against Use dog in dogfight or for baiting; arrange dogfight; possess, own, etc. dog for dogfight or baiting; allow dogfight or baiting on premises	1-0506 1-0510 1-0511 1-0652	CR, §10-607	Felony	3Y		Property	VI	$5,000
11	Animals, Crimes Against Cockfight	1-0507	CR, §10-608(b)	Felony	3Y		Property	VI	$5,000
11-1	Animals, Crimes Against Attending a dogfight or cockfight	1-0597 1-0598	CR, §10-605	Misd.	1Y		Property	VII	$2,500
12	Animals, Crimes Against Cruelty to Animals-injuring a racehorse	2-0260 5-7199	CR, §10-620	Felony	3Y	IY	Property	VI	
12-1	Animals, Crimes Against Hunting via an internet connection		NR, §10-426(c)	Misd.	1Y		Property	VII	$10,000
12-2	Animals, Crimes Against Unlawful capture of over $20,000 worth of striped bass		NR, §4-120l(d)(2)	Misd.	2Y		Property	VII	varies
13	Arson and Burning Arson-dwelling or occupied structure (arson 1st degree)	1-6500	CR, §6-102(a)	Felony	30Y+		Property	III	$50,000
14	Arson and Burning Arson--Other structure (arson, 2nd degree)	1-6501	CR, §6-103(a)	Felony	20Y		Property	IV	$30,000
15	Arson and Burning Arson-threat of	1-6505	CR, §6-107(a)	Misd.	lOY		Property	V	$10,000
16	Arson and Burning Burning personal property of another, $1,000 or more (malicious burning 1st degree)	1-6502	CR, §6-104(b)	Felony	5Y		Property	VI	$5,000
17	Arson and Burning Burning property with intent to defraud	1-6504	CR, §6-106(a)	Misd.	5Y		Property	VI	$5,000
18	Arson and Burning Bum personal property of another less than $1,000 (malicious burning, 2nd degree)	1-6503	CR, §6-105(b)	Misd.	18M		Property	VII	$500
19	Arson and Burning Arson-trash bin	2-2003	CR, §6-108(a)	Misd.	30D		Property	VII	$500
20	Assault and Other Bodily Woundings Poisoning-attempted	2-0999	CR, §3-213	Felony	lOY	2Y	Person	II	
21	Assault and Other Bodily Woundings Poisoning-contaminating water, food, etc.	3-0999	CR, §3-214	Felony	20Y		Person	II	
22	Assault and other Bodily Woundings Assault, 1st degree	1-1420	CR, §3-202	Felony	25Y+		Person	III	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
24	Assault and Other Bodily Woundings Assault, 2nd degree	1-1415	CR, §3-203	Misd.	lOY		Person	V	$2,500
25	Assault and Other Bodily Woundings Female genital mutilation-perform or consent to	1-0965 1-0970	HG, §20-601 HG, §20-603	Felony	5Y		Person	V	$5,000
25-1	Assault and Other Bodily Wounding her Willfully expose others to infectious disease	1-0285	HG, §18-601	Misd.	lY		Person	VII	$500
25-2	Assault and Other Bodily Woundings-Other Knowingly transfer or attempt to transfer HIV virus	4-7360	HG, §18-601.1	Misd.	3Y		Person	V	$2,500
25-4	Assault and Other Bodily Woundings-Other Knowingly and willfully causing another to ingest bodily fluid	1-0321	CR, §3-215	Misd.	lOY		Person	V	$2,500
25-5	Assault and Other Bodily Woundings-Other Failure to comply with or violation of protective order, 1st offense	2-0254	FL, §4-509(a)(l)	Misd.	90D		Person	VII	$1,000
25-6	Assault and Other Bodily Woundings-Other Failure to comply with or violation of protective order, subsequent	2-0354	FL, §4-509(aX2)	Misd.	lY		Person	vn	$2,500
25-7	Assault and Other Bodily Woundings-Other Failure to comply with or violation of peace order, Ist offense	2-0105	CJ, §3-1508(a)(l)	Misd.	90D		Person	VII	$1,000
25-8	Assault and Other Bodily Woundings-Other Failure to comply with or violation of peace order, subsequent	2-0105	CJ, §3-1508(a)(2)	Misd.	lY		Person	VII	$2,500
26	Assault and Other Bodily Woundings Reckless endangerment	1-1425 1-1430 (from car)	CR, §3-204(a)	Misd.	5Y		Person	V	$5,000
27	Assault and Other Bodily Woundings Cause a life-threatening injury by motor vehicle or vessel while under the influence of alcohol, 1st offense	1-0765	CR, §3-211(c)(3)(i)	Misd.	3Y		Person	VI	$5,000
27-1	Assault and Other Bodily Woundings Cause a life-threatening injury by motor vehicle or vessel while under the influence of alcohol, subsequent		CR, §3-2ll(c)(3)(ii)	Misd.	5Y		Person	V	$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
28	Assault and Other Bodily Woundings Cause a life-threatening injury by motor vehicle or vessel while impaired by alcohol, 1st offense	1-0770	CR, §3-2ll(d)(3)(i)	Misd.	2Y		Person	VI	$3,000
28-1	Assault and Other Bodily Woundings Cause a life-threatening injury by motor vehicle or vessel while impaired by alcohol, subsequent		CR, §3-2ll(d)(3)(ii)	Misd.	5Y		Person	V	$10,000
29	Assault and Other Bodily Woundings Cause a life-threatening injury by motor vehicle or vessel while impaired by drugs, 1st offense	1-0775	CR, §3-2ll(e)(3)(i)	Misd.	2Y		Person	VI	$3,000
29-1	Assault and Other Bodily Woundings Cause a life-threatening injury by motor vehicle or vessel while impaired by drugs, subsequent		CR, §3-2ll(e)(3)(ii)	Misd.	5Y		Person	V	$10,000
29-2	Assault and Other Bodily Woundings Cause a life-threatening injury by motor vehicle or vessel while impaired by a controlled dangerous substance, 1st offense	1-1640	CR, §3-2ll(t)(4)(i)	Misd.	3Y		Person	VI	$5,000
30	Assault and Other Bodily Woundings Cause a life-threatening injury by motor vehicle or vessel while impaired by a controlled dangerous substance, subsequent		CR, §3-2ll(t)(4)(ii)	Misd.	5Y		Person	V	$10,000
30-1	Assault and Other Bodily Woundings Assault on law enforcement officer, parole or probation agent, or first responder, 2nd degree	1-1416	CR, §3-203(c)	Felony	lOY		Person	V	$5,000
30-2	Assault and Other Bodily Woundings Assault by inmate on employee or other inmate of State, local, or sheriff's office correctional facility, 1st degree	1-1435	CR, §3-210	Felony	25Y t		Person	III	
30-3	Assault and Other Bodily Woundings Assault by inmate on employee or other inmate of State, local, or sheriff's office correctional facility, 2nd degree	1-1440	CR, §3-210	Misd.	lOY		Person	V	$2,500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
30-4	Assault and Other Bodily Woundings Inmate causing correctional employee or sheriff to come in contact with bodily fluid	1-0222	CR, §3-205	Misd.	lOY		Person	V	$2,500
31	Assault Weapons Use of assault weapon or magazine with a capacity of more than 10 rounds in the commission of a felony or crime of violence, subsequent	3-5260	CR, §4-306(b}(3)	Misd.	20Y	lOY	Person	IT	
32	Assault Weapons Use of assault weapon or magazine with a capacity of more than 10 rounds in the commission of a felony or crime of violence, 1st offense	3-5260	CR, §4-306(b}(2)	Misd.	20Y	MM*=5Y	Person	III	
33	Assault Weapons Unlawfully possess, sell, offer to sell, transfer, purchase, etc., an assault weapon or a detachable magazine with a capacity of more than 10 rounds	3-5250 3-5255	CR, §4-303(a) CR, §4-305(b) CR, §4-306(a)	Misd.	3Y		Person	VI	$5,000
34	Assisted Suicide Coercion; provide means; participation	2-0175 2-0180 2-0185	CR, §3-102 CR, §3-104	Felony	lY		Person	VII	$10,000
35	Bad Check Felony bad check, $100,000 or greater		CR, §8-103 CR, §8-106(a)(3)	Felony	20Y		Property	III	$25,000
35-1	Bad Check Felony bad check, at least $25,000 but less than $100,000		CR, §8-103 CR, §8-106(a)(2)	Felony	lOY		Property	V	$15,000
35-2	Bad Check Felony bad check, at least $1,500 but less than $25,000		CR, §8-103 CR, §8-106(a)(1)	Felony	5Y		Property	VI	$10,000
35-3	Bad Check Multiple bad checks within a 30-day period, each at least $1,500 but less than $25,000 and totaling at least $1,500 but less than $25,000		CR, §8-103 CR, §8-106(b)	Felony	5Y		Property	VI	$10,000
36	Bad Check Misdemeanor bad check, at least $100 but less than $1,500		CR, §8-103 CR, §8-106(c)	Misd.	lY		Property	VII	*$500*
36-1	Bad Check Misdemeanor bad check, less than $100	1-1141 1-1142 1-1143 1-1144 1-1240	CR, §8-103 CR, §8-106(d)	Misd.	90D		Property	VII	*$500*
36-2	Boating Offenses Operate a vessel while under the influence of alcohol, 1st offense	6-8000	NR, §8-738(eXI)(i)	Misd.	lY		Person	VII	$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
36-3	Boating Offenses Operate a vessel while under the influence of alcohol, 2nd offense	6-8000	NR, §8-738(e)(1)(ii)	Misd.	2Y		Person	VI	$2,000
36-4	Boating Offenses Operate a vessel while under the influence of alcohol, 3rd or subsequent offense	6-8000	NR, §8-738(e)(l)(iii)	Misd.	3Y		Person	V	$3,000
37	Bribery Bribery to or by public officer	1-5101 1-5103	Common law; CR, §9-201	Misd.	12Y	2Y	Property	V	$100-$5,000
38	Bribery Bribe juror or acceptance ofbribe by juror	2-5100 2-5110	CR, §9-202	Misd.	6Y	18M	Property	VI	
39	Bribery Person or persons who bribe or attempt to bribe a participant, etc., in athletic contest	1-5100	CR, §9-204	Misd.	3Y	6M	Property	VI	$100-$5,000
40	Bribery Bribery-athletic contestant accepts bribe	2-5103	CR, §9-205	Misd.	3Y		Property	VII	$5,000
41	Burglary and Related Crimes Burglary, 1st degree	2-3000	CR, §6-202(c)	Felony	20Y+		Property	III	
41-1	Burglary and Related Crimes Home invasion	1-1338	CR, §6-202(d)	Felony	25Y		Person	III	
42	Burglary and Related Crimes Burglary, with explosives	2-3060	CR, §6-207	Felony	20Y+		Property	III	
43	Burglary and Related Crimes Burglary, 2nd degree	2-3010	CR, §6-203(c)(l)	Felony	15Y+		Property	IV	
44	Burglary and Related Crimes Burglary, 2nd degree, steal or take firearm	2-3015	CR,§6-203(c)(2)	Felony	20Y+		Property	IV	$10,000
45	Burglary and Related Crimes Burglary, 3rd degree	2-3020	CR, §6-204	Felony	lOY+		Property	IV	
46	Burglary and Related Crimes Breaking and entering -research facility	2-3070	CR, §6-208	Felony	5Y		Property	VI	$5,000
47	Burglary and Related Crimes Breaking and entering-motor vehicle (rogue and vagabond)	2-3080 2-3090	CR, §6-206	Misd.	3Y		Property	VII	
48	Burglary and Related Crimes Burglary, 4th degree	2-3030 2-3040 2-3045 2-3050	CR, §6-205	Misd.	3Y		Property	VII	
49	CDS and Paraphernalia Drug distribution--drug kingpin	1-0488	CR, §5-613	Felony	40Y	MM*=20Y	Drug	II	$1,000,000
50	CDS and Paraphernalia Controlled dangerous substance importation into State, non-marijuana	3-3550	CR, §5-614(a)	Felony	25Y		Drug	IIIC	$50,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
50-1	CDS and Paraphernalia Controlled dangerous substance importation into State, marijuana (45 kilograms or more)	3-3550	CR, §5-614(a)	Felony	25Y		Drug	IIIA	$50,000
51	CDS and Paraphernalia Bringing minor into State to violate drug laws	1-0489	CR, §5-628(a)	Felony	20Y		Drug	IIIB	$20,000
52	CDS and Paraphernalia Unlawful distribution, manufacture, etc.; counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, narcotics and hallucinogenics (e.g., PCP, heroin, cocaine, LSD, oxycodone, and methadone)		CR, §5-608(a) CR, §5-609(a)	Felony	20Y		Drug	IIIB	$15,000
53	CDS and Paraphernalia Unlawful distribution, manufacture, etc.; counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, narcotics and hallucinogenics (e.g., PCP, heroin, cocaine, LSD, oxycodone, and methadone), subsequent		CR, §5-608(b) CR, §5-609(b) CR, §5-608(c) CR, §5-609(c) CR, §5-608(d) CR, §5-609(d)	Felony	20Y 25Y 40Y		Drug	IIIB	$15,000 $25,000 $25,000
54	CDS and Paraphernalia Manufacture, distribute, dispense, or possess certain Schedule I or II controlled dangerous substances, large amounts as specified in CR, §5-612	1-0879 1-0880 1-0881	CR, §5-612	Felony	20Y	MM*=5Y	Drug	IIIB	$100,000
54-I	CDS and Paraphernalia Unlawful distribution, manufacture, etc.; counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, MDMA (methylenedioxymethamphetamine), 750 grams or more		CR, §5-609(a)	Felony	20Y		Drug	IliA	$15,000
54-2	CDS and Paraphernalia Unlawful distribution, manufacture, etc.; counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, MDMA (methylenedioxymethamphetamine), 750 grams or more, subsequent		CR, §5-609(b) CR, §5-609(c) CR, §5-609(d)	Felony	20Y 25Y 40Y		Drug	IliA	$15,000 $25,000 $25,000
55	CDS and Paraphernalia Manufacture, distribute, or dispense controlled dangerous substances near schools or on school vehicles, 1st offense	1-0483 1-0484	CR, §5-627	Felony	20Y		Drug	IIIB	$20,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
55-1	CDS and Paraphernalia Manufacture, distribute, or dispense controlled dangerous substances near schools or on school vehicles, subsequent	1-0483 1-0484	CR, §5-627	Felony	40Y	MM*=5Y	Drug	nm	$40,000
56	CDS and Paraphernalia Using minors for manufacture, delivery, or distribution of controlled dangerous substances	1-5409	CR, §5-628(a)(1)	Felony	20Y		Drug	nm	$20,000
57	CDS and Paraphernalia Controlled dangerous substance importation into State, marijuana (5 to less than 45 kilos)	1-0730	CR, §5-614(b)	Felony	10Y		Drug	IV	$10,000
58	CDS and Paraphernalia Distribution-distribution of non-controlled substance as controlled dangerous substance	1-0246 7-0000	CR, §5-617	Felony	5Y		Drug	IV	$15,000
58-1	CDS and Paraphernalia Distribute, possess, manufacture, or use cannabis diverted from a qualifying patient, caregiver, licensed grower, or licensed dispensary		HG, §13-3313	Felony	5Y		Drug	IV	$10,000
59	CDS and Paraphernalia Unlawful distribution, manufacture, etc.; counterfeiting, etc.; manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, Schedules I through V non-narcotics (e.g., amphetamines, marijuana, synthetic marijuana, diazepam, MDMA under 750 grams, and Valium) and buprenorphine	1-0233 1-0234 1-0235 1-0236 1-0237 1-0238 1-0239 1-0660 2-3550	CR, §5-607(a)	Felony	5Y		Drug	IV	$15,000
61	CDS and Paraphernalia Manufacture, distribute, dispense, or possess certain Schedule I through V non-narcotics, large amounts as specified in CR, §5-612	1-0879 1-0880 1-0881	CR, §5-612	Felony	5Y	MM*=5Y	Drug	IV	$100,000
62	CDS and Paraphernalia Paraphernalia-deliver drug paraphernalia to minor by adult who is 3 or more years older	7-3550	CR, §5-619{d){4)	Misd.	8Y		Drug	IV	$15,000
63	CDS and Paraphernalia Give, sell, transfer, trace, invest, conceal, etc.; receive, acquire, engage in, etc. knowing that the proceeds were derived from CDS offense	1-0673 1-0675	CR, §5-623(b)	Felony	5Y		Drug	IV	181: $250,000 Sub= $500,000

64	CDS and Paraphernalia Paraphernalia-possess or distribute controlled paraphernalia-marijuana	1-0566 1-1287	CR, §5-620(d)(2)	Misd.	1Y		Drug	VII	$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
65	CDS and Paraphernalia Paraphernalia-possess or distribute controlled paraphernalia-non-marijuana	1-0255 1-0256 1-0257	CR, §5-620(d)(l)	Misd.	4Y		Drug	V	$25,000
66	CDS and Paraphernalia Paraphernalia--deliver or sell, or manufacture or possess with intent to deliver or sell, drug paraphernalia, subsequent	6-3555	CR, §5-619(d)(2)(ii)	Misd.	2Y		Drug	VII	$2,000
67	CDS and Paraphernalia Paraphernalia-use or possess with intent to use drug paraphernalia-non-marijuana, subsequent	5-3555	CR, §5-619(c)(3)(ii)	Misd.	2Y		Drug	VII	$2,000
68	CDS and Paraphernalia Paraphernalia-unlawfully advertise with the purpose to promote the sale and delivery of drug paraphernalia, subsequent	9-0092	CR, §5-619(e)(2)(ii)	Misd.	2Y		Drug	VII	$2,000
69	CDS and Paraphernalia Possession-unlawful possession or administering to another, obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label-marijuana		CR, §5-601(c)(2)(i)	Misd.	6M		Drug	VII	$1,000
69-1	CDS and Paraphernalia Possession-unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label-non-marijuana, 1st offense		CR, §5-601(c)(1)(i)	Misd.	lY		Drug	VII	$5,000
69-2	CDS and Paraphernalia Possession-unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label—non-marijuana, 2nd or 3rd offense		CR, §5-601(cXl)(ii)	Misd.	18M		Drug	VII	$5,000
69-3	CDS and Paraphernalia Possession-unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label—non-marijuana, 4th or subsequent offense		CR, §5-601(c)(l)(iii)	Misd.	2Y		Drug	VII	$5,000
70	CDS and Paraphernalia Possession-unsolicited mailing of certain drugs, controlled dangerous substances, medicines, etc.	1-0025	CR, §5-703	Misd.	6M		Drug	VII	$500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
71	CDS and Paraphernalia Possession/purchase of non-CDS believed to be a controlled dangerous substance	1-0691	CR, §5-618(a)	Misd.	lY		Drug	VII	$500
72	CDS-Registration CDS-deliver as a registrant a CDS of Schedule 1/II without an order form	9-3550	CR, §5-904(a)	Felony	lOY		Drug	IV	$100,000
73	CDS-Registration CDS registration-use fictitious, etc. registration number; distribute without an order form	1-0263	CR, §5-903(a)	Felony	lOY		Drug	IV	$100,000
74	CDS-Registration Manufacture CDS which was not authorized by registration	8-3550	CR, §5-902(b)	Misd.	2Y		Drug	VII	$100,000
75	CDS-Registration CDS Registration-unlawful acts	1-0258 1-0259 1-0260 1-0261 1-0262	CR, §5-902(a)	Misd.	2Y		Drug	VII	$100,000
76	Cemeteries and Funerary Objects, Crimes Involving Removal or attempted removal of human remains from a burial site	3-3932	CR, §10-402(a)	Misd.	5Y		Property	VI	$10,000
77	Cemeteries and Funerary Objects, Crimes Involving Destruction of funerary objects/structures placed in a cemetery	3-3942	CR, §10-404(a)	Misd.	5Y		Property	VI	$10,000
78	Cemeteries and Funerary Objects, Crimes Involving Destruction of graveyard plants	3-3946	CR, §10-404(b)	Misd.	2Y		Property	VII	$500
79	Cemeteries and Funerary Objects, Crimes Involving Disorderly conduct in cemetery	3-3947	CR, §10-404(c)	Misd.	2Y		Property	VII	$500
80	Commercial Fraud, Other False statement or false entry in records with the intent to deceive a person authorized to examine the affairs of the bank, trust company, or savings bank	1-5581	FI, §5-803(b)	Felony	lOY		Property	V	$5,000
81	Commercial Fraud, Other Misappropriation, fraudulent conversion, or any fraudulent act in the course of engaging in the mortgage lending business	2-0946	Fl, §ll-523(c)	Felony	15Y		Property	V	$100,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
82	Commercial Fraud, Other Fraudulent Insurance Acts- Violation of §27-407 or any other provision of §§27-403, 27-404, 27-405, 27-406, 27-406.1, 27-407, 27-407.1, or 27-407.2 where the value of the fraud is $300 or greater	1-0625 3-0120 3-0125 3-0126 3-0130 3-0150 3-0160 3-0180	IN, §27-408(a)(l) (penalty)	Felony	15Y		Property	V	$10,000
82-1	Commercial Fraud, Other Fraudulent Insurance Acts- Violation of §27-407 or any other provision of §§27-403, 27-404, 27-405, 27-406, 27-406.1,27-407, 27-407.1, or 27-407.2 where the value of the fraud is less than $300	3-0127 3-0135 3-0140 3-0145 3-0155 3-0165 3-0185	IN, §27-408(a)(2) (penalty)	Misd.	18M		Property	VII	$10,000
83	Commercial Fraud, Other Fail to obtain and maintain a corporate surety bond or irrevocable letter of credit or to hold sums of money in an escrow account	1-0727	RP, §I0-305(a)	Felony	15Y		Property	V	$10,000
84	Commercial Fraud, Other Sales of property, Custom Home Protection Act-willful failure to obtain and maintain a corporate surety bond or to hold sums of money in escrow account; willful failure to make disclosure; willful commission of a breach of trust provided in §I 0-502		RP, §I0-507(b)(2)	Felony	15Y		Property	V	$10,000
84-1	Commercial Fraud, Other Sales of property, Custom Home Protection Act-any other conduct that fails to comply with RP, Title 10, Subtitle 5	2-1161	RP, §10-507(b)(3)	Misd.	1Y		Property	VII	$1,000
84-2	Commercial Fraud, Other Commission of mortgage fraud		RP, §7-407(a)	Felony	lOY		Property	V	$5,000
84-3	Commercial Fraud, Other Commission of mortgage fraud involving victim who is a vulnerable adult under CR, §3-604		RP, §7-407(b)	Felony	15Y		Property	V	$15,000
84-4	Commercial Fraud, Other Commission of mortgage fraud, engaging in a pattern of mortgage fraud		RP, §7-407(c)	Felony	20Y		Property	IV	$100,000
84-5	Commercial Fraud, Other Failure of foreclosure consultant to obtain a real estate broker's license		RP, §7-318.1(a) RP, §7-321 (penalty)	Misd.	3Y		Property	VI	$10,000
84-6	Commercial Fraud, Other Violation of any provision of Business Occupations and Professions Article, Title 17, by foreclosure consultant		RP, §7-318.1(b) RP, §7-321 (penalty)	Misd.	3Y		Property	VI	$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
84-7	Commercial Fraud, Other Violation of certain provisions of the Maryland Real Estate Brokers Act, 1st offense	1-0450 1-0498 1-0499	BO, §17-613(a) (penalty)	Misd.	1Y		Property	VII	$5,000
84-8	Commercial Fraud, Other Violation of certain provisions of the Maryland Real Estate Brokers Act, 2"d offense		BO, §17-613(d)(l) (penalty)	Misd.	2Y		Property	VII	$15,000
84-9	Commercial Fraud, Other Violation of certain provisions of the Maryland Real Estate Brokers Act, 3n1 or subsequent offense		BO, §17-613(d)(2) (penalty)	Misd.	3Y		Property	VI	$25,000
84-10	Commercial Fraud, Other Violation of any provisions of Maryland Mortgage Assistance Relief Services Act		RP, §7-509 (penalty)	Misd.	3Y		Property	VI	$10,000
84-11	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 6, 1st offense	1-0980 1-0981	BR, §5-610(a)(l), (bXI) (penalty)	Misd.	IY		Property	VII	$5,000
84-12	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 6, 2"d offense	1-0980 1-0981	BR, §5-610(a)(2), (b)(2) (penalty)	Misd.	2Y		Property	VII	$10,000
84-13	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 6, 3rd or subsequent offense	1-0980 1-0981	BR, §5-6IO(a)(3), (b)(3) (penalty)	Misd.	3Y		Property	VI	$20,000
84-14	Commercial Fraud, Other Misappropriation or fraudulent conversion of perpetual care trust funds in excess of$100	1-0982	BR, §5-610(c)	Felony	lOY		Property	V	$25,000
84-15	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 9, 1ˢ offense	1-0986	BR, §5-904(1) (penalty)	Misd.	IY		Property	VII	$5,000
84-16	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 9, 2"d offense		BR, §5-904(2) (penalty)	Misd.	2Y		Property	VII	$10,000
84-17	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 9, 3rd or subsequent offense		BR, §5-904(3) (penalty)	Misd.	3Y		Property	VI	$15,000
84-18	Commercial Fraud, Other Failure to deposit money received under or in connection with preneed burial contract, 1[81] offense	1-0983 1-0984	BR, §5-712(b)(1)(i), (b)(2)(i)	Misd.	1Y		Property	vn	$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
84-19	Commercial Fraud, Other Failure to deposit money received under or in connection with preneed burial contract, 2nd offense	1-0983 1-0984	BR, §5-712(b)(l)(ii), (b)(2)(ii)	Misd.	2Y		Property	VII	$15,000
84-20	Commercial Fraud, Other Failure to deposit money received under or in connection with preneed burial contract, 3rd or subsequent offense	1-0983 1-0984	BR, §5-712(b)(1)(iii), (b)(2)(iii)	Misd.	3Y		Property	VI	$20,000
84-21	Commercial Fraud, Other Misappropriation or fraudulent conversion of preneed trust funds in excess of $100	1-0985	BR, §5-712(c)	Felony	lOY		Property	V	$25,000
84-22	Commercial Fraud, Other Violations oflaw relating to returnable containers and returnable textiles, 1[51] offense		BR, §19-304	Misd.	lY		Property	VII	$1,000
84-23	Commercial Fraud, Other Violations of law relating to returnable containers and returnable textiles, subsequent		BR, §19-304	Misd.	3Y		Property	VII	$2,500
84-24	Commercial Fraud, Other Violations oflaw relating to plastic secondary packaging, 1st offense	1-0877 1-0878	BR, §19-308(e){1)	Misd.	lY		Property	VII	$1,000
84-25	Commercial Fraud, Other Violations oflaw relating to plastic secondary packaging, subsequent		BR, §19-308(e)(2)	Misd.	3Y		Property	VII	$2,500
85	Commercial Fraud, Other Fraud-breach of trust	1-2602	CR, §8-406(a)	Misd.	lOY	lY	Property	VI	$500-$5,000
86	Commercial Fraud, Other Fraud--convert to own use the property of partner, make entries of a partnership transaction	2-2701 3-2607	CR, §8-401(a)	Misd.	lOY		Property	VI	$5,000
87	Commercial Fraud, Other Fraud, misrepresentation by corporate officer	4-2607	CR, §8-402(a)	Misd.	3Y	6M	Property	VI	$1,000-$10,000
88	Commercial Fraud, Other False or misleading statement or omission of material fact in sale of business opportunity	1-0871	BR, §14-127(b)	Felony	5Y		Property	VI	$10,000
89	Commercial Fraud, Other Offer or sale of franchise without registration		BR, §14-228(b)	Felony	*5Y*		Property	VI	$10,000
90	Commercial Fraud, Other Untrue statements or omissions of material fact in connection with an offer to sell or sale of a franchise	1-0870	BR, §14-229(b)	Felony	*5Y*		Property	VI	$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
91	Commercial Fraud, Other False or misleading statement or omission in prospectus or amendment		BR, §14-230(b)	Felony	5Y		Property	VI	$10,000
92	Commercial Fraud, Other Untrue statements or omissions of material fact in applications, notices, or reports in sale of franchise		BR, §14-23I(b)	Felony	5Y		Property	VI	$10,000
93	Commercial Fraud, Other Failure to notify Commissioner of material change in sale of franchise		BR, §14-232(b)	Felony	5Y		Property	VI	$10,000
95	Commercial Fraud, Other Fraud-pyramid, promotional scheme	6-2600	CR, §8-404(b)	Misd.	lY		Property	VII	$10,000
98	Commercial Fraud, Other Unlawful subleasing of motor vehicle	2-0615	CR, §8-408(b)	Misd.	3Y		Property	VII	$5,000
98-1	Commercial Fraud, Other Operation of an assisted living program without a license, 1st offense	1-0557	HG, §19-1809(a)(2)(i)	Felony	5Y		Property	VII	$10,000
98-2	Commercial Fraud, Other Operation of an assisted living program without a license, subsequent		HG, §19-1809(a)(2)(ii)	Felony	5Y		Property	VI	$20,000
98-3	Commercial Fraud, Other Fraudulently obtaining motor vehicle accident report		TR, §20-llO(e)(l)	Felony	15Y		Property	V	$10,000
98-4	Commercial Fraud, Other Improper disclosure of motor vehicle accident report by law enforcement agent		TR, §20-110(e)(2)	Felony	15Y		Property	V	$10,000
100	Counterfeiting Counterfeiting any public seal	1-0663	CR, §8-607(b)	Misd.	lOY	2Y	Property	V	
101	Counterfeiting Counterfeiting United States currency	1-0067 1-0069	CR, §8-604	Felony	lOY		Property	V	$10,000
102	Counterfeiting Forgery, counterfeiting, etc.	1-2502	CR, §8-60l(a)	Felony	lOY		Property	V	$1,000
102-1	Counterfeiting Possession of counterfeit items	1-1502	CR, §8-60l(c)(2)	Misd.	3Y		Property	VII	$1,000
103	Counterfeiting Forgery, counterfeiting, pass forged, etc. of public documents	1-2500 1-2504	CR, §8-605(a)	Felony	lOY	2Y	Property	V	
104	Counterfeiting Orders, etc., for money or goods	1-2501 2-2510 2-2520	CR, §8-609(b)	Felony	lOY	2Y	Property	V	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
104-1	Counterfeiting Trademark counterfeiting, Jess than $1,500		CR, §8-611(d)	Misd.	1Y		Property	VII	$1,000
105	Counterfeiting Trademark counterfeiting, $1,500 or greater		CR, §8-6ll(c)	Felony	lOY		Property	V	$10,000
106	Counterfeiting Issuing or publishing counterfeit documents	1-2513	CR, §8-602	Felony	lOY		Property	V	$1,000
107	Counterfeiting Counterfeit comptroller stamp	1-2603	CR, §8-608(a)	Misd.	lOY	2Y	Property	V	
109	Counterfeiting Falsifying, destroying, concealing, accessing, etc., public records	2-2504 3-2504 5-2504	CR, §8-606(b)	Misd.	3Y		Property	VII	$1,000
110	Counterfeiting Forge, falsify, or counterfeit the signature of a judge, court officer, or court employee; or use a document with forged signature of a court official	1-1698 1-1699	CR, §8-606.1	Misd.	5Y		Property	VI	$10,000
112	Counterfeiting Possess or issue counterfeit U.S. currency	1-0494	CR, §8-604.1	Misd.	3Y		Property	VII	$1,000
113	Counterfeiting Unlawful possession of forged, etc., motor vehicle title	2-0035	CR, §8-603(a)	Misd.	3Y		Property	VII	$1,000
114	Counterfeiting Make, utter, forge, etc. tickets, coupons, tokens, etc. without the authority of the person or corporation issuing, selling, etc.; assist in making, uttering, forging, etc. of tickets, coupons, tokens, etc.; or utter or pass, knowing it to be so made	3-2502 3-2510	CR, §8-612(b)	Misd.	lY		Property	VII	
114-1	Credit Card Crimes Felony credit card crimes, $100,000 or greater		CR, §8-206(c)(1Xiii) CR, §8-207(b)(l)(iii) CR, §8-209(b)(1)(iii)	Felony	20Y		Property	III	$25,000
114-2	Credit Card Crimes Felony credit card crimes, at least $25,000 but less than $100,000		CR, §8-206(c)(1)(ii) CR, §8-207(b)(1)(ii) CR, §8-209(b)(l)(ii)	Felony	lOY		Property	V	$15,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
114-3	Credit Card Crimes Felony credit card crimes, at least $1,500 but less than $25,000		CR, §8-206(c)(l)(i) CR, §8-207(b)(1)(i) CR, §8-209(b)(1)(i)	Felony	5Y		Property	VI	$10,000
114-4	Credit Card Crimes Misdemeanor credit card crimes, at least $100 but less than $1,500		CR, §8-206(c)(2) CR, §8-207(b)(2) CR, §8-209(b)(2)	Misd.	1Y		Property	VII	$500
115	Credit Card Crimes Misdemeanor credit card crimes, less than $100	1-0581 1-0582 1-0583 1-0584 1-0585 1-0586	CR, §8-206(c)(3) CR, §8-207(b)(3) CR, §8-209(b)(3)	Misd.	90D		Property	VII	$500
115-1	Credit Card Crimes Possess incomplete credit card or knowingly possess machinery, plates, etc. to reproduce credit cards	1-0199 1-0200	CR, §8-208	Felony	15Y		Property	V	$1,000
116	Credit Card Crimes Unlawfully use or disclose credit card number or other payment device number or holder's signature	2-0550 2-0560	CR, §8-214 CR, §8-216 (penalty)	Felony	15Y		Property	V	$1,000
116-1	Credit Card Crimes Make or cause to be made a false written statement with respect to identity to procure the issuance of a credit card	1-2607	CR, §8-203	Misd.	18M		Property	VII	$500
116-2	Credit Card Crimes Steal credit card, receive stolen or lost credit card, or sell or buy credit card	1-2399 2-2803 1-2899 1-2605 1-2803	CR, §8-204	Misd.	18M		Property	VII	$500
117	Credit Card Crimes Falsely make or emboss credit card, transfer or possess falsely made or embossed credit card, or sign credit card with intent to defraud	1-0196 1-0198	CR, §8-205	Felony	15Y		Property	V	$1,000
118	Credit Card Crimes Publish or cause to be published the number or code of a telephone credit card with intent to defraud	2-2605	CR, §8-210	Misd.	1Y		Property	VII	$500
119	Crimes Against the Person, Generally Administered controlled dangerous substance before committing crime of violence	2-0710	CR, §5-624(b)	Misd.	IY		Person	VII	$2,500
119-1	Criminal Gang Offenses Use of or threat of force to coerce participation or prevent leaving gang		CR, §9-802	Misd.	2Y		Person	VII	$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
119-2	Criminal Gang Offenses Use of or threat of force to coerce participation or prevent leaving gang in school or within 1,000 feet of school property		CR, §9-803	Misd.	4Y		Person	VI	$20,000
119-3	Criminal Gang Offenses Participate as member of criminal gang in commission of crime; in receipt and use or investment, of proceeds of $10,000 or more from underlying crime in the acquisition of real property or establishment or operation of any enterprise; in acquisition or maintenance of any interest or control of any enterprise or property through an underlying crime		CR, §9-804(f)(l)(i)	Felony	15Y		Person	One category more serious than most serious underlying offense. lfno conviction on underlying offense, category="IV	$1,000,000
119-4	Criminal Gang Offenses Participate as member of criminal gang in commission of crime; in receipt and use or investment, of proceeds of $10,000 or more from underlying crime in the acquisition of real property or establishment or operation of any enterprise; in acquisition or maintenance of any interest or control of any enterprise or property through an underlying crime-resulting in death of victim		CR, §9-804(f)(l)(ii)	Felony	25Y		Person	One category more serious than most serious underlying offense. Jfno conviction on underlying offense, category=III	$5,000,000
119-5	Criminal Gang Offenses Organize, supervise, finance, or manage a criminal gang		CR, §9-805	Felony	20Y		Person	III	$1,000,000
120	Destructive Devices Explosives-possession without license with intention to use in violation of various statutes	2-0393	PS, §ll-114(b) PS, §11-116(a) (penalty)	Felony	20Y		Person	III	$10,000
121	Destructive Devices Explosives-sale without license with intention to use in violation of various statutes	1-0022	PS, §11-114(c) PS, §11-116(b) (penalty)	Felony	20Y		Person	III	$10,000
122	Destructive Devices Firearm, explosive on aircraft	2-5203	TR, §5-1008	Felony	lOY		Person	III	
123	Destructive Devices Manufacture, transport, possess, control, store, sell, distribute, or use a destructive device	1-0720	CR, §4-503(a)(l)	Felony	25Y		Person	III	$250,000
124	Destructive Devices Possess explosive, incendiary, or toxic material with the intent to create a destructive device	1-0725	CR, §4-503(a)(2)	Felony	25Y		Person	III	$250,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
125	Destructive Devices Explosives-unlawful manufacture or dealing without license	1-0907	PS, §11-114(a)	Misd.	5Y		Person	VI	$5,000
125-1	Destructive Devices Explosives-possession without license		PS, §11-114(b)	Misd.	5Y		Person	VI	$5,000
125-2	Destructive Devices Explosives-sale without license		PS, §11-114(c)	Misd.	5Y		Person	VI	$5,000
125-3	Destructive Devices Explosives-owner of operation that uses explosives dealing without license		PS, §ll-114(d)	Misd.	5Y		Person	VI	$5,000
126	Destructive Devices Explosives-employee possession without license		PS, §11-114(e)	Misd.	5Y		Person	VI	$5,000
127	Destructive Devices Explosives-violate explosives regulation		PS, §11-114(f)	Misd.	5Y		Person	VI	$5,000
127-1	Disturbing the Peace, Disorderly Conduct, and Related Crimes Disturbing the peace, disorderly conduct in public place	2-0045 2-0050 2-0055 2-0060 2-0065	CR, §10-201	Misd.	60D		Person	VII	$500
127-2	Disturbing the Peace, Disorderly Conduct, and Related Crimes Affray	3-5399	Common Law	Misd.	LIFE		Person	VI	
128	Disturbing the Peace, Disorderly Conduct, and Related Crimes Rioting	3-1314	Common law	Misd.	LIFE		Person	IV	
129	Disturbing the Peace, Disorderly Conduct, and Related Crimes Flag----official defacing/desecrate in a manner intended to incite or produce an imminent breach of peace or under circumstances likely to incite or produce an imminent breach of peace	1-0671	CR, 10-704(a)	Misd.	1Y		Property	VII	$1,000
129-1	Disturbing the Peace, Disorderly Conduct, and Related Crimes Willfully violate order given by Governor in time of emergency		PS, §14-114	Misd.	lY		Person	VII	$5,000
129-2	Disturbing the Peace, Disorderly Conduct, and Related Crimes Willfully and knowingly fail to comply with order in time of investigation of communicable disease		HG, §18-907(a)	Misd.	lY		Person	VII	$3,000
130	Election Offenses False reports by election judge or election official	1-1529 2-0381	EL, §16-601	Felony	lOY	lY	Property	V	

COMAR#	Offense Literal	ens Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
131	Election Offenses Defacing or removing election records related to voting	2-0382	EL, §16-701	Felony	lOY	lY	Property	V	
132	Election Offenses Tampering with electronic voting system	1-0785	EL, §16-804	Felony	lOY		Property	V	$50,000
133	Election Offenses Voting by person convicted of a felony and currently serving a court-ordered sentence of imprisonment	2-0374	EL, §16-202	Felony	5Y	lY	Property	VI	
134	Election Offenses Tampering with election records	2-0377	EL, §16-302	Felony	5Y	lY	Property	VI	
135	Election Offenses Adding or deleting votes	2-0378	EL, §16-304	Felony	5Y	lY	Property	VI	
135-1	Election Offenses Voting offenses	1-1501	EL, §16-201	Misd.	5Y		Property	VII	$5,000
135-2	Election Offenses Voter registration offenses	2-0372	EL, §16-101	Misd.	5Y		Property	VII	$1,000
135-3	Election Offenses Neglect of official duties by election official or official of political party	2-0376	EL, §16-301	Misd.	3Y	30D	Property	VII	$50-$1,000
136	Election Offenses Destruction of voting equipment	1-1532	EL, §16-801	Felony	3Y		Property	VI	$10,000
136-1	Election Offenses Tampering with voting equipment	1-0783	EL, §16-802	Felony	3Y		Property	VI	$10,000
136-2	Election Offenses Removal or destruction of equipment or supplies	1-0784	EL, §16-803	Felony	3Y		Property	VI	$10,000
136-3	Election Offenses Falsely or fraudulently making, defacing, or destroying a certificate of candidacy or nomination	2-0385	EL, §16-901	Misd.	3Y		Property	VI	$100-$1,000
136-4	Election Offenses Unlawful actions by an election judge		EL, §16-303	Misd.	2Y	3M	Property	VII	
136-5	Election Offenses Violate any provision of Election Law Article, Title 9 (Voting), Subtitle 3 (Absentee Voting)		EL, §9-312	Misd.	2Y		Property	VII	$1,000
136-6	Election Offenses Give, receive, etc., any valuable thing to influence vote, etc.		EL, §13-602	Misd.	1Y		Property	VII	$1,000
136-7	Election Offenses Failure to include name of finance entity and treasurer on campaign material	1-1551	EL, §13-401 EL, §13-602 (penalty)	Misd.	lY		Property	VII	$1,000
137	Estates, Crimes Against Embezzling-destroy, conceal will or codicil	2-2700	CR, §8-702(a)	Misd.	15Y	18M	Property	V	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
138	Extortion and Other Threats Felony Extortion-by anyone, $100,000 or greater	1-1207 1-1213	CR, §3-701(c)(3)	Felony	25Y		Property	II	$25,000
138-1	Extortion and Other Threats Felony Extortion-by anyone, at least $10,000 but less than $100,000	1-1206 1-1211	CR, §3-701(c)(2)	Felony	15Y		Property	IV	$15,000
138-2	Extortion and Other Threats Felony Extortion-by anyone, at least $1,000 but less than $10,000	1-1204 1-1210	CR, §3-701(c)(l)	Felony	lOY		Property	V	$10,000
138-3	Extortion and Other Threats Misdemeanor Extortion-by anyone, less than $1,000	1-1209 1-1286	CR, §3-70l{d)	Misd.	18M		Property	VII	$1,000
139	Extortion and Other Threats Felony Extortion-by State or local officer, $100,000 or greater	1-1217	CR, §3-702(e)	Felony	25Y		Property	II	$25,000
139-1	Extortion and Other Threats Felony Extortion-by State or local officer, at least $10,000 but less than $100,000	1-1216	CR, §3-702(d)	Felony	15Y		Property	IV	$15,000
139-2	Extortion and Other Threats Felony Extortion-by State or local officer, at least $1,000 but less than $10,000	1-1215	CR, §3-702(c)	Felony	lOY		Property	V	$10,000
139-3	Extortion and Other Threats Misdemeanor Extortion-by State or local officer, less than $1,000	1-1214	CR, §3-702(f)	Misd.	18M		Property	VII	$500
140	Extortion and Other Threats Extortion-sending, etc. a threatening letter, etc.	1-1705 1-1706 1-1707	CR, §3-706(b)	Felony	lOY		Property	V	$10,000
141	Extortion and Other Threats Extortion-threatening verbally	1-1702 1-1703 1-1704	CR, §3-705(a)	Felony	lOY		Property	V	$10,000
142	Extortion and Other Threats Threaten to take the life, kidnap, or cause physical injury to State or local official, deputy or assistant State's Attorney, or assistant Public Defender	1-0477 1-0478	CR, §3-708	Misd.	3Y		Person	VI	$2,500
143	Extortion and Other Threats Extortion-by false accusation	1-1700 1-1701	CR, §3-704(a)	Misd.	lOY		Property	V	$10,000
144	Extortion and Other Threats Extortion-by State or local officer or employee against another employee	4-2100	CR, §3-703(a)	Felony	5Y		Property	VI	$5,000
145	False Advertising and Related Crimes, False and fraudulent advertising		CL, §14-2902	Misd.	1Y		Property	VII	$1,000

146	False Advertising and Related Crimes, Bait and switch	5-2607	CL, §14-2903	Misd.	IY		Property	VII	$500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
146-1	False Statements, Other False statement-to Department of Housing and Community Development, in document required under or to influence action on a Rental Housing Program loan		HS, §4-411	Misd.	5Y		Property	VII	$50,000
146-2	False Statements, Other False statement-to Department of Housing and Community Development, in document required under or to influence action on an Energy-Efficient Homes Construction Loan Program loan		HS, §4-2005	Misd.	5Y		Property	vn	$50,000
147	False Statements, Other False Statement-rumor as to bomb	1-5300	CR, §9-504(b)	Felony	lOY		Property	V	$10,000
147-1	False Statements, Other False Statement-manufacture, possess, transport, or place a phony destructive device	2-5215	CR, §9-505	Felony	lOY		Property	V	$10,000
148	False Statements, Other Fraud-failure to provide or providing false information willfully or with intent to evade taxes	1-0828	TG, §13-1024(a)	Misd.	18M		Property	VI	$5,000
149	False Statements, Other Fraud-willful failure to file income tax return		TG, §13-1001(c)	Misd.	5Y		Property	VI	$5,000
150	False Statements, Other Fraud-willful failure to withhold income tax		TG, §13-1007(b)	Misd.	5Y		Property	VI	$10,000
151	False Statements, Other Fraud-willful preparation of false income tax return	1-0751	TG, §13-1004	Misd.	5Y		Property	VI	$10,000
151-1	False Statements, Other File false lien or encumbrance or make false statement on lien or encumbrance, 1st offense	1-0651	CR, §3-808(b)(l)	Misd.	IY		Property	VII	$10,000
151-2	False Statements, Other File false lien or encumbrance or make false statement on lien or encumbrance, subsequent		CR, §3-808(bXI)	Misd.	5Y		Property	VI	$10,000
152	False Statements, Other False statement-on application for funds for Maryland higher education commission	2-5099	CR, §9-506(a)	Misd.	1Y		Property	VII	$5,000
153	False Statements, Other False Statement-to official or agencies of State or its subdivisions	1-5099	CR, §9-503(a)	Misd.	6M		Property	VII	$500
154	False Statements, Other False Statement-to peace or police officers	1-0207 1-0690 1-4803	CR, §9-501(a) CR, §9-502(a)	Misd.	6M		Property	VII	$500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
154-1	Fraud, Financial Crimes Against Vulnerable Adults Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, $100,000 or greater		CR, §8-80l(c)(l)(iii)	Felony	20Y		Property	III	$25,000
154-2	Fraud, Financial Crimes Against Vulnerable Adults Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, at least $25,000 but less than $100,000		CR, §8-80l(c)(l)(ii)	Felony	lOY		Property	V	$15,000
154-3	Fraud, Financial Crimes Against Vulnerable Adults Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, at least $1,500 but less than $25,000		CR, §8-801(c)(1)(i)	Felony	5Y		Property	VI	$10,000
154-4	Fraud, Financial Crimes Against Vulnerable Adults Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, at least $100 but less than $1,500		CR, §8-80l(c)(2)	Misd.	1Y		Property	VII	$500
155	Fraud, Miscellaneous Fraud-misuse by lawyer	1-1775	BO, §10-306, BO, §10-606 (b)	Misd.	5Y		Property	V	
156	Fraud, Miscellaneous Forgery-forgery, etc. of prescriptions, etc.	1-0180 2-0262 2-2502 2-2530	CR, §8-610(a), (b)	Misd.	2Y		Property	VI	
157	Fraud, Miscellaneous Fraud-failure to deliver receipts for stored grain	6-2610	CR, §7-116(b)	Misd.	lOY	1Y	Property	VI	$500-$5.000
158	Fraud, Miscellaneous Fraudulent actions related to cable TV for payment or offer of pay	2-0290 2-0291 2-0292 2-0293 2-0294 2-0295 4-0248	CR, §7-303(c)	Misd.	5Y		Property	VI	$5,000
159	Fraud, Miscellaneous Out-of-State unlicensed sellers of alcohol	1-1668	AB, §6-327	Felony	2Y		Property	VI	$1,000
159-1	Fraud, Miscellaneous Practicing as a Polysomnographic Technologist without authorization, etc.		HO, §14-5C-23(a)	Misd.	1Y		Property	VII	$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
159-2	Fraud, Miscellaneous Violate any provision of Health Occupations Article, Title 19 (Social Workers), Subtitle 4 (Prohibited Acts; Penalties)	1-0888 1-0889 1-0890	HO, §19-407 (penalty)	Misd.	2Y		Person	VII	$5,000
159-3	Fraud, Miscellaneous Practicing medicine without a license or misrepresentation as practitioner of medicine	1-0891 1-1375	HO, §14-601 HO, §14-602 HO, §14-606(a)(4) (penalty)	Felony	5Y		Person	VI	$10,000
159-4	Fraud, Miscellaneous Practicing naturopathic medicine without a license		HO, §14-5F-29	Felony	5Y		Person	VI	$10,000
159-5	Fraud, Miscellaneous Violate certain provisions of Health Occupations Article, Title 8 (Nurses), Subtitle 7 (Prohibited Acts; Penalties)	1-1151 1-1152 1-1153 1-1154 1-1155 1-1156 1-1157 1-1158	HO, §8-710 (penalty)	Misd.	*5Y*		Person	VI	$10,000
160	Fraud, Miscellaneous Fraud-falsely representing self as lawyer		BO, §10-602 BO, §10-606	Misd.	1Y		Person	VII	$5,000
160-1	Fraud, Miscellaneous Impersonating a law enforcement officer	1-0604 1-1769	PS, §3-502	Misd.	2Y		Person	VII	$2,000
160-2	Fraud, Miscellaneous Altering the results of a drug or alcohol screening test, 1st offense	1-0284	CR, §10-111	Misd.	1Y		Property	VI	$1,000
160-3	Fraud, Miscellaneous Altering the results of a drug or alcohol screening test, subsequent	1-0284	CR, §10-111	Misd.	3Y		Property	V	$5,000
162	Fraud, Miscellaneous Fraudulently substituting wood alcohol for grain alcohol while in the business of making, manufacturing, etc. drugs, medicines, medicinal or chemical preparations		CR, §8-802(b)	Misd.	1Y		Property	VII	$100-$500
162-1	Fraud, Miscellaneous Act as contractor without a license, 1st offense	1-1597 1-1598	BR, §8-601	Misd.	6M		Property	VII	$1,000
163	Fraud, Miscellaneous Act as contractor without a license, subsequent	2-0256 2-0257	BR, §8-601	Misd.	2Y		Property	VII	$5,000
163-1	Fraud, Miscellaneous Possession of unstamped cigarettes or other tobacco products on which tobacco tax has not been paid, more than 30 cartons	1-7510	TG, §13-1014(a)(3)	Misd.	1Y		Property	VII	$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
164	Fraud, Miscellaneous Willful transportation of unstamped cigarettes or other tobacco products on which tobacco tax has not been paid	1-0796	TG, §13-1015	Felony	2Y		Property	vn	Mandatory $150/carton for a first offense, or $300/carton fora subsequent offense
164-1	Fraud-Telecommunication Service Providers Telecom devices and telecom theft	1-0590	CR, §7-315	Misd.	3Y		Property	VI	$2,500
164-2	Fraud-Telecommunication Service Providers Telecom devices and telecom theft, over 100 devices	1-0591	CR, §7-315	Felony	lOY		Property	IV	$10,000
166	Gambling-General Provisions Rent place for gambling	2-3921	CR, §12-104(a)	Misd.	lY	6M	Property	VII	$500
167	Gambling-General Provisions Fix horse race	1-0433	CR, §12-109(a)	Misd.	3Y		Property	vn	$5,000
168	Gambling-General Provisions Gambling-betting, wagering, etc.; pools on horses, etc.	1-3901 3-3921	CR, §12-102(a)	Misd.	lY	6M	Property	vn	$200-$1,000
169	Gambling-General Provisions Gambling-keeping gaming table or place	1-3908 1-3921	CR, §12-104(a)	Misd.	lY	6M	Property	VII	$500
170	Gambling-General Provisions Owner/occupier of building knowingly permits gaming table to be kept	2-3908	CR, §12-104(a)	Misd.	lY	6M	Property	VII	$500
171	Gambling-General Provisions Fraud--enter horse in a race under a name other than that assigned and registered; racing horse under a false or unregistered name	3-2600	CR, § 8-904	Misd.	3Y		Property	vn	$5,000
172	Gambling-General Provisions Play "thimbles", "little joker", "craps", etc. for money	1-3903	CR, §12-103	Misd.	2Y	6M	Property	VII	$100
173	Gambling-General Provisions Off-shore gambling	6-2620	CR, §12-105(b)	Misd.	1Y		Property	VII	$200-$1,000
174	Gambling-General Provisions Keep, etc. slot machine unlawfully	3-3908	CR, §12-302(a)	Misd.	1Y		Property	vn	$1,000
176-1	Handguns-In General Handgun-unlawful wearing, carrying, etc., 1st weapon offense, generally	1-5212 1-0175	CR, §4-203(c)(2)(i)	Misd.	3Y	30D	Person	VII	$250-$2,500
177	Handguns-In General Handgun-unlawful wearing, carrying, etc., 2nd weapon offense, generally	1-5212 1-0175	CR, §4-203(c)(3)(i)I	Misd.	lOY	IY	Person	III	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
177-1	Handguns-In General Handgun-unlawful wearing, carrying on school property, etc., 1st weapon offense	1-5212 1-0175	CR, §4-203(c)(2)(ii)	Misd.	3Y	90D	Person	vn	$250-$2,500
178	Handguns-In General Handgun-unlawful wearing, carrying on school property, etc., 2nd weapon offense	1-5212 1-0175	CR, §4-203(c)(3)(i)2	Misd.	lOY	3Y	Person	m	
179	Handguns-In General Handgun-unlawful wearing, carrying, etc., more than two prior weapon offenses, generally	1-5212 1-0175	CR, §4-203(c)(4)(i)1	Misd.	lOY	3Y	Person	iII	
180	Handguns-In General Handgun-unlawful wearing, carrying on school property, etc., more than two prior weapon offenses	1-5212 1-0175	CR, §4-203(c)(4)(i)2A	Misd.	lOY	5Y	Person	III	
181	Handguns-In General Handgun-unlawful wearing, carrying, etc., with deliberate purpose to injure or kill	1-5212 1-0175	CR, §4-203(cX4)(i)2B	Misd.	lOY	5Y	Person	iII	
182	Handguns-In General Handgun-wearing, carrying, etc, under influence	6-5210	PS, §5-314	Misd.	lY		Person	vn	$1,000
186	Handguns-In General Sale of a handgun manufactured on or before 12/31102 with no external safety lock	2-2020	PS, §5-132 PS, §5-144 (penalty)	Misd.	5Y		Person	VI	$10,000
187	Handguns-In General Fail to return handgun permit		PS, §5-307(a) PS, §5-308	Misd.	lY		Person	vn	$100-$1,000
192	Harboring, Escape, and Contraband Contraband--deliver, possess, with intent to deliver, conceal, receive weapon	2-1035 2-1040 2-1045 2-1055	CR, §9-414	Felony	lOY		Person	IV	$5,000
193	Harboring, Escape, and Contraband Contraband--deliver, possess, with intent to deliver, conceal, receive contraband to effect an escape	2-1060 2-1065 2-1070 2-1075	CR, §9-413	Felony	lOY		Person	IV	$5,000
194	Harboring, Escape, and Contraband Escape, 1st degree	1-0615 2-1010	CR, §9-404	Felony	lOY		Person	IV	$20,000
195	Harboring, Escape, and Contraband Escape, 2nd degree	1-0766 2-1020 2-1025 2-1030	CR, §9-405	Misd.	3Y		Person	VI	$5,000
196	Harboring, Escape, and Contraband Resisting or interfering with arrest	1-0600	CR, §9-408	Misd.	3Y		Person	VI	$5,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
197	Harboring, Escape, and Contraband Contraband--deliver, possess with intent to deliver, knowingly possess contraband	1-1835 2-1080 2-1085	CR, §9-412	Misd.	3Y		Property	VI	$1,000
198	Harboring, Escape, and Contraband Deliver, possess with intent to deliver, receive alcoholic beverage	1-0724 2-1090 2-1092	CR, §9-415	Misd.	3Y		Property	VI	$1,000
199	Harboring, Escape, and Contraband Deliver, possess with intent to deliver, receive controlled dangerous substance	1-0718 2-1095 2-1097	CR, §9-416	Misd.	3Y		Property	VI	$1,000
199-1	Harboring, Escape, and Contraband Possess, possess with intent to deliver, receive telecommunication device or accessory	1-1327 1-1328 1-1329 1-1330	CR, §9-417	Misd.	5Y		Property	VI	$3,000
200	Harboring, Escape, and Contraband Harbor fleeing felon	1-4904	CR, §9-402	Misd.	1Y		Person	VII	$1,000
201	Harboring, Escape, and Contraband Harbor felon/fugitive	1-0232	CR, §9-402	Misd.	1Y		Person	VII	$1,000
202	Harboring, Escape, and Contraband Harboring-prison escapee	2-4904	CR, §9-403	Misd.	1Y		Person	VII	$1,000
203	Harboring, Escape, and Contraband Violate Home Detention Program		CS, §3-409	Misd.	1Y		Person	VII	
204	Hate Crimes Crimes against persons or property because ofrace, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness--resulting in death	1-0437	CR, §10-304(2)(ii) CR, §10-306(b)(2) (penalty)	Felony	20Y		Person	III	$20,000
205	Hate Crimes Crimes against persons or property because ofrace, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness-involving separate felony	1-0437	CR, §10-304(2)(i) CR, §10-306(b)(1) (penalty)	Felony	lOY		Person	IV	$10,000
206	Hate Crimes Crimes against persons or property because ofrace, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness	1-0435 1-0436 1-0437 2-0251 2-0252	CR, §10-306(a) (penalty)	Misd.	3Y		Person	V	$5,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
206-1	Identity Fraud Possess, obtain personally identifying information or willfully assume the identity of another, benefit $100,000 or greater		CR, §8-30l(b), (c) CR, §8-301(g)(l)(iii) (penalty)	Felony	20Y		Property	III	$25,000
206-2	Identity Fraud Possess, obtain personally identifying information or willfully assume the identity of another, benefit at least $25,000 but less than $100,000		CR, §8-301{b), (c) CR, §8-301(g)(1Xii) (penalty)	Felony	lOY		Property	V	$15,000
206-3	Identity Fraud Possess, obtain personally identifying information or willfully assume the identity of another, benefit at least $1,500 but less than $25,000		CR, §8-301{b), (c) CR, §8-301(g){l)(i) (penalty)	Felony	5Y		Property	VI	$10,000
206-4	Identity Fraud Possess, obtain personally identifying information or willfully assume the identity of another, benefit at least $100 but less than $1,500		CR, §8-301(b), (c) CR, §8-301(g)(2) (penalty)	Misd.	lY		Property	VII	$500
206-5	Identity Fraud Use are-encoder or skimming device for purpose of identity theft, benefit $100,000 or greater		CR, §8-301(d) CR, §8-301(g)(l)(iii) (penalty)	Felony	20Y		Property	III	$25,000
206-6	Identity Fraud Use a re-encoder or skimming device for purpose of identity theft, benefit at least $25,000 but less than $100,000		CR, §8-30l(d) CR, §8-301(g)(l)(ii) (penalty)	Felony	lOY		Property	V	$15,000
207	Identity Fraud Use a re-encoder or skimming device for purpose of identity theft, benefit at least $1,500 but less than $25,000		CR, §8-30l(d) CR, §8-301(g)(1)(i) (penalty)	Felony	5Y		Property	VI	$10,000
207-1	Identity Fraud Use a re-encoder or skimming device for purpose of identity theft, benefit at least $100 but less than $1,500		CR, §8-30l(d) CR, §8-30l(g)(2) (penalty)	Misd.	lY		Property	VII	$500
207-2	Identity Fraud Intent to manufacture, distribute, or dispense personally identifying information		CR, §8-30l(g)(3)	Felony	lOY		Property	V	$25,000
207-3	Identity Fraud Falsely represent self as another person		CR, §8-30l(c)(l), {f) CR, §8-301(g)(4) (penalty)	Misd.	lY		Property	VII	$500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
207-4	Identity Fraud Use an interactive computer service to disclose personal identifying information of an individual in order to annoy, threaten, embarrass, or harass		CR, §8-301(b-1) CR, §8-301(g)(4) (penalty)	Misd.	1Y		Property	VII	$500
207-6	Identity Fraud Possess, obtain, or help another obtain a re-encoder or skimming device for purpose of identity theft		CR, §8-301(e) CR, §8-30l(g)(4) (penalty)	Misd.	1Y		Property	VII	$500
208	Identity Fraud Sell etc. false ID	1-0432 1-0434	CR, §8-302(b)	Misd.	2Y		Property	VII	$2,000
209	Influencing or Intimidating Judicial Process Failure to appear in connection with a felony	1-1474	CP, §5-211(c)(1)	Misd.	5Y		Person	V	$5,000
209-1	Influencing or Intimidating Judicial Process Failure to appear in connection with a misdemeanor or for appearance as witness	1-1475	CP, §5-211(c)(2)	Misd.	1Y		Person	VII	$1,000
209-2	Influencing or Intimidating Judicial Process Induce false testimony or avoidance of a subpoena related to felony violation of Title *5* offense or crime of violence	1-0355	CR, §9-302(c)(2)	Felony	20Y		Person	III	
210	Influencing or Intimidating Judicial Process Induce false testimony (witness or victim intimidation)	1-0354	CR, §9-302(a)	Misd.	5Y		Person	V	$5,000
211	Influencing or Intimidating Judicial Process Intimidating or corrupting jurors, etc.; obstructing justice	1-0358 1-0362	CR, §9-305(c)(1)	Misd.	5Y		Person	V	$5,000
212	Influencing or Intimidating Judicial Process Obstructing justice	2-5006	CR, §9-306(a)	Misd.	5Y		Person	V	$10,000
213	Influencing or Intimidating Judicial Process Retaliation for testimony, reporting a crime, performance of juror's or officer of the court's duties	1-0356 1-0886 1-1145 1-1146	CR, §9-303(c)(1)	Misd.	5Y		Person	V	$5,000
215-1	Influencing or Intimidating Judicial Process Retaliation for testimony, reporting a crime, performance of juror's or officer of the court's duties, related to felony violation of Title *5* offense or crime of violence	1-0357 1-0887	CR, §9-303(c)(2)	Felony	20Y		Person	III	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
215-2	Influencing or Intimidating Judicial Process Intimidating or corrupting jurors in connection with a Title 5 offense or crime of violence	1-0359 1-0363	CR, §9-305(c)(2)	Felony	20Y		Person	III	
215-3	Influencing or Intimidating Judicial Process Tampering with or fabricating physical evidence	1-1332 1-1333 1-1334	CR, §9-307	Misd.	3Y		Person	V	$5,000
216	Interference with or Misuse of Government Operations Malfeasance, misconduct in office	1-0157 2-0645	Common law	Misd.	LIFE		Person Drug Property	V	
217	Interference with or Misuse of Government Operations False alarms, fire ambulance or rescue squad calls	1-0208 1-5308	CR, §9-604(a)	Misd.	*5Y*		Property	V	$5,000
218	Interference with or Misuse of Government Operations Hinder police officer	1-0043	Common law	Misd.	LIFE		Person	VI	
219	Interference with or Misuse of Government Operations Interference, obstruction or false representation of fire or emergency services personnel	1-0165 2-0249 4-5397 4-5398 4-5399	PS, §6-602 PS, §7-402	Misd.	3Y		Person	VII	
220	Kidnapping and Related Crimes Child younger than 16 years old	4-1005	CR, §3-503(a)(2)	Felony	30Y+		Person	II	
221	Kidnapping and Related Crimes Kidnapping-generally	3-1005	CR, §3-502(a)	Felony	30Y+		Person	II	
222	Kidnapping and Related Crimes False imprisonment by inmate	3-5730	CS, §8-801(b)	Felony	30Y		Person	II	
223	Kidnapping and Related Crimes Abduction-child younger than 12 years old	1-1005 1-0163	CR, §3-503(a)(1)	Felony	20Y+		Person	III	
224	Kidnapping and Related Crimes False imprisonment	1-0042	Common law	Misd.	LIFE		Person	V	
225	Kidnapping and Related Crimes Abduction-child younger than16 years old by relative in State	1-0364 1-0365 1-0366 2-1()05	FL, §9-304 FL, §9-307(a) (penalty)	Misd.	30D		Person	VII	$250
226	Kidnapping and Related Crimes Abduction-child younger than 16 years old by relative outside State 30 days or less	1-0736 1-0737 1-0738 1-0739	FL, §9-305(a) FL, §9-307(b) (penalty)	Felony	1Y		Person	VII	$1,000
227	Kidnapping and Related Crimes Abduction-child younger than16 years old by relative outside State more than 30 days	1-0746 1-0747 1-0748 1-0749	FL, §9-305(a) FL, §9-307(c) (penalty)	Felony	3Y		Person	VI	$2,500

227-1	Kidnapping and Related Crimes Abduction-International parental kidnapping	1-0906	FL, §9-305(b) FL, §9-307(d) (penalty)	Felony	5Y		Person	V	$5,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
228	Lotteries Lottery offenses, subsequent	1-0286 1-0287 1-3915 2-3918 4-3921 5-3921	CR, §12-210	Misd.	5Y		Property	VI	$5,000
229	Lotteries Lotteries-hold lottery or sell lottery device	2-3925 2-3930	CR, §12-203	Misd.	12M	3M	Property	VII	$200- $1,000
230	Lotteries Lotteries-importing lottery device or possession of lottery records or money	1-0286 1-0287 2-3918	CR, §12-205	Misd.	1Y		Property	VII	$1,000
231	Lotteries Lotteries-keep place for selling lottery device or allow property to be used for selling lottery device	4-3921 5-3921	CR, §12-204	Misd.	lY		Property	VII	$1,000
232	Lotteries Prohibited acts relating to State lottery	1-0114 2-1173	SG, §9-124	Misd.	3Y		Property	VII	$2,500
234	Machine Guns Weapons-possession or use of a machine gun in commission of a crime of violence	2-5299	CR, §4-404	Felony	20Y		Person	III	
235	Machine Guns Possess, use a machine gun for an aggressive purpose	1-1314	CR, §4-405	Misd.	lOY		Person	IV	
236	Malicious Destruction and Related Crimes Throwing missiles into occupied vehicle or instrumentality of public transportation	1-2903	CR, §6-302(a)	Misd.	1Y		Person	VII	$500
237	Malicious Destruction and Related Crimes Destruction of property, less than $1,000	3-4025	CR, §6-301{c)	Misd.	60D		Property	VII	$500
238	Malicious Destruction and Related Crimes Destruction of property, $1,000 or greater	3-4030 3-4035	CR, §6-301(b)	Misd.	3Y		Property	VII	$2,500
239	Malicious Destruction and Related Crimes Serial numbers, removing, etc.	1-0291 2-2800	CR, §6-306(a)	Misd.	18M		Property	VII	$500
239-1	Malicious Destruction and Related Crimes Sell or possess stolen serial number or vehicle identification plate, etc.	2-2810 2-2820	CR, §6-307	Misd.	18M		Property	VII	$500
240	Manslaughter and Related Crimes Manslaughter-voluntary	1-0910	CR, §2-207	Felony	JOY+		Person	IV	$500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
241	Manslaughter and Related Crimes Manslaughter-involuntary	1-0911	Common law; CR, §2-207	Felony	lOY		Person	IV	$500
242	Manslaughter and Related Crimes Manslaughter-by vehicle or vessel, 1st offense	1-0909	CR, §2-209(d)(1)	Felony	lOY		Person	IV	$5,000
242-1	Manslaughter and Related Crimes Manslaughter-by vehicle or vessel, subsequent		CR, §2-209(d)(2)	Felony	15Y		Person	III	$10,000
242-2	Manslaughter and Related Crimes Criminally negligent manslaughter by vehicle or vessel, 1st offense	1-1611	CR, §2-210(f)(1)	Misd.	3Y		Person	VII	$5,000
242-3	Manslaughter and Related Crimes Criminally negligent manslaughter by vehicle or vessel, subsequent		CR, §2-210(f)(2)	Felony	5Y		Person	V	$10,000
243	Manslaughter and Related Crimes Negligent homicide by motor vehicle or vessel while under the influence of alcohol, 1st offense	1-0900	CR, §2-503(c)(l)	Felony	5Y		Person	V	$5,000
243-1	Manslaughter and Related Crimes Negligent homicide by motor vehicle or vessel while under the influence of alcohol, subsequent		CR, §2-503(c)(2)	Felony	lOY		Person	IV	$10,000
243-2	Manslaughter and Related Crimes Negligent homicide by motor vehicle or vessel while impaired by alcohol, drugs, or CDS, 1st offense	1-0693 1-0755 1-0760	CR, §2-504(c)(l) CR, §2-505(c)(l) CR, §2-506(c)(l)	Felony	3Y		Person	VI	$5,000
244	Manslaughter and Related Crimes Negligent homicide by motor vehicle or vessel while impaired by alcohol, drugs, or CDS, subsequent		CR, §2-504(c)(2) CR, §2-505(c)(2) CR, §2-506(c)(2)	Felony	5Y		Person	V	$10,000
244-1	Marriage, Crimes Against Bigamy	1-3804	CR, §10-502(b)	Misd.	9Y		Person	VI	
244-2	Maryland Credit Services Businesses Act Violation of any provision of Maryland Credit Services Businesses Act		CL, §14-1915 (penalty)	Misd.	3Y		Property	VI	$5,000
244-3	Motor Vehicle Offense Driving while impaired by alcohol, 1st offense		TR, §27-101(c)(23), TR, §21-902(b)	Misd.	2M		Person	VII	$500
244-4	Motor Vehicle Offense Driving while impaired by alcohol, 2nd offense		TR, §27-lOl(f)(l)(ii), TR, §21-902(b)	Misd.	lY		Person	VII	*$500*
244-5	Motor Vehicle Offense Driving while impaired by alcohol, JCd or subsequent offense		TR, §27-101(f)(2), TR, §21-902(b)	Misd.	3Y		Person	V	$3,000

245	Motor Vehicle Offense Driving while impaired by alcohol, while transporting a minor, 1[51] offense		TR, §27-101(q)(2)(i), TR, §21-902(b)	Misd.	6M		Person	VII	$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
245-1	Motor Vehicle Offense Driving while impaired by alcohol, while transporting a minor, 2nd offense		TR, §27-101(q)(2)(ii), TR, §21-902(b)	Misd.	1Y		Person	VII	$2,000
245-2	Motor Vehicle Offense Driving while impaired by alcohol, while transporting a minor, 3n1 or subsequent offense		TR, §27-101(q)(2)(iii), TR, §21-902(b)	Misd.	4Y		Person	V	$4,000
245-3	Motor Vehicle Offense Driving while impaired by drugs or drugs and alcohol, 1st offense		TR, §27-101(c)(24), TR, §21-902(c)	Misd.	2M		Person	VII	*$500*
245-4	Motor Vehicle Offense Driving while impaired by drugs or drugs and alcohol, 2nd offense		TR, §27-101(f)(1)(ii), TR, §21-902(c)	Misd.	1Y		Person	VII	*$500*
245-5	Motor Vehicle Offense Driving while impaired by drugs or drugs and alcohol, 3'd or subsequent offense		TR, §27-101(f)(2), TR, §21-902(c)	Misd.	3Y		Person	V	$3,000
245-6	Motor Vehicle Offense Driving while impaired by drugs or drugs and alcohol, while transporting a minor, 1st offense		TR, §27-101(q)(2)(i), TR, §21-902(c)	Misd.	6M		Person	VII	$1,000
245-7	Motor Vehicle Offense Driving while impaired by drugs or drugs and alcohol, while transporting a minor, 2nd offense		TR, §27-101(q)(2)(ii), TR, §21-902(c)	Misd.	1Y		Person	VII	$2,000
245-8	Motor Vehicle Offense Driving while impaired by drugs or drugs and alcohol, while transporting a minor, 3n1 or subsequent offense		TR, §27-101(q)(2)(iii), TR, §21-902(c)	Misd.	4Y		Person	V	$4,000
245-9	Motor Vehicle Offense Driving while impaired by controlled dangerous substance, 1'1 offense		TR, §27-101(k)(1)(i), TR, §21-902(d)	Misd.	1Y		Person	VII	$1,000
245-10	Motor Vehicle Offense Driving while impaired by controlled dangerous substance, 2nd offense		TR, §27-101(k)(l)(ii), TR, §21-902(d), TR, §27-101G)(3)(i)	Misd.	2Y	within 5 years of prior conviction -MM5 days	Person	VI	$2,000
245-11	Motor Vehicle Offense Driving while impaired by controlled dangerous substance, 3'd or subsequent offense		TR, §27-101(k)(l)(iii), TR, §21-902(d), TR, §27-101Q)(3)(ii)	Misd.	3Y	within 5 years of prior conviction -MM10 days	Person	V	$3,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
245-I2	Motor Vehicle Offense Driving while impaired by controlled dangerous substance, while transporting a minor, 1st offense		TR, §27-IOI(q)(I)(i), TR, §21-902(d)	Misd.	2Y		Person	VI	$2,000
245-13	Motor Vehicle Offense Driving while impaired by controlled dangerous substance, while transporting a minor, 2nd offense		TR, §27-10I(q)(1)(ii), TR, §21-902(d), TR, §27-IOIGX3)(i)	Misd.	3Y	within 5 years of prior conviction -MM5 days	Person	V	$3,000
245-14	Motor Vehicle Offense Driving while impaired by controlled dangerous substance, while transporting a minor, 3rd or subsequent offense		TR, §27-lOl(q)(l)(iii), TR, §21-902(d), TR, §27-101G)(3)(ii)	Misd.	4Y	within 5 years of prior conviction -MMIO days	Person	V	$4,000
245-15	Motor Vehicle Offense Driving while under the influence of alcohol, 1st offense		TR, §27-101(k)(l)(i), TR, §21-902(a)	Misd.	1Y		Person	VII	$1,000
245-16	Motor Vehicle Offense Driving while under the influence of alcohol, 2nd offense		TR, §27-10l(k)(1)(ii), TR, §21-902(a), TR, §27-101G)(2)(i)	Misd.	2Y	Within 5 years of prior conviction -MM5 days	Person	VI	$2,000
245-17	Motor Vehicle Offense Driving while under the influence of alcohol, 3rd or subsequent offense		TR, §27-101(k)(1)(iii), TR, §21-902(a), TR, §27-101G)(2)(ii)	Misd.	3Y	Within 5 years of prior conviction -MMIO days	Person	V	$3,000
245-18	Motor Vehicle Offense Driving while under the influence of alcohol, while transporting a minor, 1st offense		TR, §27-101(q)(1)(i), TR, §21-902(a)	Misd.	2Y		Person	VI	$2,000
245-19	Motor Vehicle Offense Driving while under the influence of alcohol, while transporting a minor, 2nd offense		TR, §27-101(q)(l)(ii), TR, §21-902(a), TR, §27-101G)(2Xi)	Misd.	3Y	Within 5 years of prior conviction -MM5 days	Person	V	$3,000
245-20	Motor Vehicle Offense Driving while under the influence of alcohol, while transporting a minor, 3rd or subsequent offense		TR, §27-101(q)(l)(iii), TR, §21-902(a), TR, §27-10IG)(2)(ii)	Misd.	4Y	Within 5 years of prior conviction -MM10 days	Person	V	$4,000
246	Motor Vehicle Offense Fleeing or eluding police, 1st offense		TR, §27-101(p)(1)(i), TR, §21-904	Misd.	1Y		Person	VII	$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
247	Motor Vehicle Offense Fleeing or eluding police, subsequent		TR, §27-101(p)(1)(ii), TR, §21-904	Misd.	2Y		Person	VI	$1,000
248	Motor Vehicle Offense Fleeing or eluding police that results in bodily injury to another person		TR, §27-10l(p)(2) TR, §21-904(d)(l)	Misd.	3Y		Person	V	$5,000
249	Motor Vehicle Offense Fleeing or eluding police that results in death of another person		TR, §27-10l(p)(3) TR, §21-904(d)(2)	Misd.	lOY		Person	IV	$5,000
250	Motor Vehicle Offense Fleeing or eluding police attempting to apprehend driver for commission of crime of violence		TR, §27-10l(p)(4) TR, §21-904(e)	Misd.	3Y		Person	V	$5,000
250-1	Motor Vehicle Offense Driver failing to remain at scene of accident that results only in damage to attended vehicle or property		TR, §27-10l(c)(l5) TR, §20-103	Misd.	2M		Property	VII	$500
251	Motor Vehicle Offense Driver failing to remain at scene of accident that results in bodily injury to another person		TR, §27-10l(o)(1) TR, §20-102(a)	Misd.	1Y		Person	VII	$3,000
252	Motor Vehicle Offense Driver failing to remain at scene of accident that results in death of another person		TR, §27-101{o)(2) TR, §20-102{b)	Misd.	5Y		Person	V	$5,000
253	Motor Vehicle Offense Driver failing to remain at scene of accident with knowledge of serious bodily injury to another person		TR, §27-113{b) TR, §20-102	Felony	5Y		Person	V	$5,000
254	Motor Vehicle Offense Driver failing to remain at scene of accident with knowledge of death of another person		TR, §27-113(c) TR, §20-102	Felony	lOY		Person	IV	$10,000
254-1	Motor Vehicle Offense Commit or engage another to commit a violation of motor vehicle law for the purpose of recording the violation without permission		TR, §27-101(z) TR, §21-1126	Misd.	1Y		Person	VII	$1,000
254-2	Motor Vehicle Offense Use of text messaging device or handheld telephone while driving that causes an accident resulting in death or serious bodily injury		TR, §27-115 TR, §21-1124.3	Misd.	lY		Person	VII	$5,000
255	Motor Vehicle Offense Violation of ignition interlock system participation requirements, 1st offense		TR, §27-101(h)(1) TR, §16-113(k)	Misd.	lY		Property	VII	$1,000

256	Motor Vehicle Offense Violation of ignition interlock system participation requirements, subsequent		TR, §27-10l(h)(2) TR, §16-113(k)	Misd.	2Y		Property	VI	$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
256-1	Motor Vehicle Offense Driving without having been issued a license, 1st offense		TR, §27-101(y)(1) TR, §16-101	Misd.	60D		Property	vn	$500
257	Motor Vehicle Offense Driving without having been issued a license, subsequent		TR, §27-101(y)(2) TR, §16-101	Misd.	1Y		Property	vn	$500
258	Motor Vehicle Offense Driving while license is refused, canceled, suspended, or revoked, 1''' offense		TR, §27-101(h)(l) TR, §16-303(a)-(g)	Misd.	1Y		Property	vn	$1,000
258-1	Motor Vehicle Offense Driving while license is refused, canceled, suspended, or revoked, subsequent		TR, §27-101(h)(2) TR, §16-303(a}--(g)	Misd.	2Y		Property	VI	$1,000
259	Motor Vehicle Offense Driving commercial motor vehicle while license is refused, canceled, suspended, or revoked		TR, §27-101(s)(1) TR, §16-808(a)	Misd.	*5Y*		Property	VI	$10,000
260	Motor Vehicle Offense Driver of commercial vehicle not in possession of license, 1st offense		TR, §27-101 (s)(2)(i) TR, §16-808(c)	Misd.	6M		Property	VII	$1,000
261	Motor Vehicle Offense Driver of commercial vehicle not in possession of license, 2nd offense		TR, §27-101 (s)(2)(ii) TR, §16-808(c)	Misd.	1Y		Property	vn	$2,000
262	Motor Vehicle Offense Driver of commercial vehicle not in possession of license, 3n1 or subsequent offense		TR, §27-101 (s)(2Xiii) TR, §16-808(c)	Misd.	2Y		Property	VI	$3,000
263	Motor Vehicle Offense Obtaining commercial driver's license by misrepresentation		TR, §27-101(s)(3) TR, §16-813.1	Misd.	*5Y*		Property	VI	$10,000
264	Motor Vehicle Offense Providing false evidence of required security, 1''[1] offense	1-1298	TR, §27-101(h)(1) TR,§17-110	Misd.	1Y		Property	vn	$1,000
265	Motor Vehicle Offense Providing false evidence of required security, subsequent		TR, §27-101(h)(2) TR, §17-110	Misd.	2Y		Property	VI	$1,000
266	Motor Vehicle Offense Drive vehicle or permit another to drive vehicle knowing that vehicle is not covered by the required security, 1st offense		TR, §27-101(h)(l) TR, §17-107	Misd.	1Y		Property	vn	$1,000
267	Motor Vehicle Offense Drive vehicle or permit another to drive vehicle knowing that vehicle is not covered by the required security, subsequent		TR, §27-101(h)(2) TR, §17-107	Misd.	2Y		Property	VI	$1,000

COMAR#	Offense Literal	ens Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
267-1	Motor Vehicle Offense Knowingly sell, offer, install, reinstall, import, misrepresent, etc., a counterfeit, nonfunctional, or no airbag		TR, §22-419	Misd.	5Y		Property	VI	$5,000
268	Motor Vehicle Offense Possession of motor vehicle master key		TR, §27-101(f)(1)(i) TR, §14-103	Misd.	1Y		Property	VII	$500
268-1	Motor Vehicle Offense Conduct the business of a vehicle dealer without a license		TR, § 27-101(v) TR, §15-302	Misd.	IY		Property	VII	$5,000
268-2	Motor Vehicle Offense Conduct the business of an automotive dismantler and recycler or a scrap processor without a license, subsequent		TR, § 27-101(i)(2) TR, §15-502(a)	Misd.	1Y		Property	VII	$2,000
268-3	Motor Vehicle Offense Act as a vehicle salesman without a license, subsequent		TR, § 27-101(i)(2) TR, §15-402	Misd.	1Y		Property	VII	$2,000
268-4	Motor Vehicle Offense Transportation of hazardous materials, subsequent		TR, §27-101(e)(2) TR, §21-1411	Misd.	IY		Property	VII	$2,000
276	Murder 1st degree generally	1-0990	CR, §2-201	Felony	LIFE•	LIFE	Person	I	
277	Murder 1st degree during rape, etc.	1-0990	Common law; CR, §2-201	Felony	LIFE•	LIFE	Person	I	
278	Murder 1st degree perpetration of arson	1-0990	Common law; CR, §2-201	Felony	LIFE•	LIFE	Person	I	
279	Murder 1st degree burning bam, tobacco house, etc.	1-0990	Common law; CR, §2-201	Felony	LIFE•	LIFE	Person	I	
280	Murder 1st degree, attempted	2-0910	CR, §2-205	Felony	LIFE•		Person	II	
280-1	Murder 1st degree, conspiracy	1C0990	Common law	Misd.	LIFE		Person	I	
281	Murder 1st degree, solicitation	180990	Common law	Misd.	LIFE		Person	II	
282	Murder 2nd degree		CR, §2-204	Felony	40Y•		Person	II	
283	Murder 2nd degree, attempted		CR, §2-206	Felony	30Y•		Person	III	
284	Nudity and Related Sexual Displays Indecent exposure	1-3605	Common law; CR, §11-107	Misd.	3Y		Person	VI	$1,000
284-1	Nudity and Related Sexual Displays Indecent exposure of an inmate to correctional officer	2-1133	CS, § 8-803	Misd.	3Y		Person	VI	$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
285	Obscene Matter Child pornography, 1st offense	1-0298 1-0299 1-0300 1-0315 2-3799	CR, §11-207(b)(l)	Felony	lOY		Person	IV	$25,000
286	Obscene Matter Child pornography-subsequent	1-0298 1-0299 1-0300 1-0315 2-3799	CR, §11-207(b)(2)	Felony	20Y		Person	m	$50,000
287	Obscene Matter Sending or bringing into State for sale or distribution, publishing, etc., subsequent	1-3705 1-0294 1-0295 1-0296	CR, §11-202(b)(2)	Misd.	3Y		Person	VI	$5,000
288	Obscene Matter Obscene performances in Anne Arundel, Charles, Howard, Somerset, Wicomico, Worcester counties, subsequent		CR, §11-204(c)(2)	Misd.	3Y		Person	VI	$5,000
289	Obscene Matter Sale or display of certain items to persons younger than 18 years old, subsequent	1-3799 1-0297	CR, §11-203(d)(2)	Misd.	3Y		Person	VI	$5,000
290	Obscene Matter Possession of visual representations of persons younger than 16 years old engaged in certain sexual acts, subsequent		CR, §11-208(b)(2)	Felony	lOY		Person	IV	$10,000
291	Obscene Matter Requiring acceptance of obscene matter as condition to sale, etc.; denial of franchise, etc., for failure to accept obscene matter, subsequent		CR, §ll-206(b)(2)	Misd.	3Y		Person	VI	$5,000
292	Obscene Matter Hire minor to distribute obscene material	3-3799	CR, §11-209{a)	Misd.	lY		Person	VII	$1,000
293	Obscene Matter Sending or bringing into State for sale or distribution, publishing, etc., 1•'offense	1-3705 1-0294 1-0295 1-0296	CR, §ll-202(b)(l)	Misd.	lY		Person	VII	$1,000
294	Obscene Matter Obscene performances in Anne Arundel, Charles, Howard, Somerset, Wicomico, Worcester counties, 1st offense		CR, §11-204(c)(l)	Misd.	lY		Person	VII	$1,000
295	Obscene Matter Sale or display of certain items to persons younger than 18 years old, 1st offense	1-3799 1-0297	CR, §11-203(dX1)	Misd.	1Y		Person	VII	$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
296	Obscene Matter Possession of visual representations of persons younger than 16 years old engaged in certain sexual acts, 1st offense	1-1756	CR, §ll-208(b)(1)	Misd.	5Y		Person	V	$2,500
297	Obscene Matter Requiring acceptance of obscene matter as condition to sale, etc.; denial of franchise, etc., for failure to accept obscene matter, 1st offense		CR, §11-206(b)(l)	Misd.	lY		Person	VII	$1,000
298	Obscene Matter Obscene advertising, 1st offense		CR, §ll-205(b)(l)	Misd.	lY		Property	VII	$1,000
299	Obscene Matter Obscene advertising, subsequent		CR, §11-205(b)(2)	Misd.	3Y		Property	VII	$5,000
300	Perjury Perjury-subornation of perjury	1-5004	CR, §9-102(a)	Misd.	lOY		Person	IV	
301	Perjury Perjury-willfully filing false income tax returns-perjury	2-1180	TG, §13-1002(b)	Misd.	lOY		Property	IV	
302	Perjury Perjury	1-0307 1-0308 1-0309 1-0310 1-5003	CR, §9-lOl(a)	Misd.	lOY		Property	IV	
303	Perjury Affirmation of two contradictory statements	2-5003	CR, §9-lOl(c)	Misd.	lOY		Property	IV	
304	Prescription Drugs and Other Substances Harmful substances-distribution; possession with intent to distribute; instruction in the unlawful inhaling; or distribution of butane can to minor	1-0272 1-0273 1-0735 1-3500	CR, §5-709	Misd.	18M		Drug	VII	$1,000
305	Prescription Drugs and Other Substances Harmful substances--smelling or inhaling harmful substances	1-5599	CR, §5-708(b)	Misd.	6M		Drug	VII	$500
306	Prescription Drugs and Other Substances Possession--compounding or selling different drug, controlled dangerous substance, medicine, etc.	1-0018	CR, §5-702	Misd.	12M	1M	Drug	VII	$100-$500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
307	Prescription Drugs and Other Substances Possession-prescription drugs-manufacture, distribute, etc.; obtain by fraud, etc., forgery, etc., label property, destruction	1-0010 1-0264 1-0265 1-0266 1-0267 1-0268 1-0269 1-0270 1-0271	CR, §5-701(d)	Misd.	2Y		Drug	VII	$1,000
308-1	Prostitution and Related Crimes Abduction-Persuade, entice, secrete, or harbor individual younger than 16 years old for the purpose of committing a sexual crime	1-1336	CR, §11-305	Felony	25Y+		Person	II	$5,000
309-1	Prostitution and Related Crimes Prostitution, etc.-Human trafficking, take, harbor, or unlawfully detain another for prostitution	1-0752 1-0757 1-0759 1-0762 1-1080 1-1082 1-1083	CR, §ll-303(c)(l)	Misd.	lOY		Person	III	$5,000
310	Prostitution and Related Crimes Prostitution, etc.-Human trafficking, take, harbor, or unlawfully detain a minor for prostitution	1-0754 1-0756 1-0758 1-0761 1-0786 1-0787 1-0788 1-0789	CR, §11-303(c)(2)	Felony	25Y		Person	II	$15,000
313-1	Prostitution and Related Crimes Prostitution, etc.-Receive money for prostitution	1-1090	CR, §11-304(a)	Misd.	lOY		Person	IV	$10,000
317-1	Prostitution and Related Crimes Prostitution, etc.-General assignation and solicitation	1-1093	CR, §ll-306(a)	Misd.	lY		Person	VII	$500
318	Public Fraud State health plan fraud, resulting in death	2-2125 2-2165 2-2325 2-2365 2-2990 2-2880 2-2930 2-4125 2-2970	CR, §8-509 CR, §8-510 CR, §8-511 CR, §8-512 CR, §8-513 CR, §8-514 CR, §8-515 CR, §8-516	Felony	LIFE		Person	II	$200,000

319	Public Fraud State health plan fraud, resulting in serious injury	2-2120 2-2160 2-2320 2-2360 2-2985 2-2875 2-2925 2-4120 2-2965	CR, §8-509 CR, §8-510 CR, §8-511 CR, §8-512 CR, §8-513 CR, §8-514 CR, §8-515 CR, §8-516	Felony	20Y		Person	III	$100,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
320	Public Fraud Perjury-Public Assistance fraud in application	2-2607	CR, §8-504(b), CR, §9-lOl(penalty)	Misd.	lOY		Property	N	$1,000
321	Public Fraud Use, with intent to defraud, of a facsimile signature, or any reproduction ofit, of any authorized officer; or use with intent to defraud, of a facsimile seal, or any reproduction of it, of the State or of any of its political subdivisions	1-0715	SF, §2-305(b)	Felony	lOY		Property	V	$5,000
322	Public Fraud Violation of Architectural and Engineering Services subtitle	2-1167	SF, §13-322	Felony	lOY		Property	V	$20,000
322-1	Public Fraud State health plan fraud, less than $1,500	2-2110 2-2150 2-2190 2-2350 2-2975 2-2865 2-2910 2-4110 2-2955	CR, §8-509 CR, §8-510 CR, §8-511 CR, §8-512 CR, §8-513 CR, §8-514 CR, §8-515 CR, §8-516(d) (penalty)	Misd.	3Y		Property	VII	$50,000
323	Public Fraud State health plan fraud, $1,500 or greater	2-2115 2-2155 2-2195 2-2355 2-2980 2-2870 2-2920 2-4115 2-2960	CR, §8-509 CR, §8-510 CR, §8-511 CR, §8-512 CR, §8-513 CR, §8-514 CR, §8-515 CR, §8-516(c) (penalty)	Felony	5Y		Property	V	$100,000
324	Public Fraud Falsification, concealment, etc., of material facts in connection with a procurement contract	2-1166	SF, §11-205.1(c)	Felony	5Y		Property	VI	$20,000
325	Public Fraud Minority Business Participation-Fraudulently obtain, etc. or hold certification; aid another person in fraudulently obtaining, etc. certification; willfully obstruct, impede, etc., a State official, etc., investigating the qualifications of a business entity that has requested certification; fraud in any minority business enterprise matter under this subtitle	2-1168	SF, §14-308(a)(2)	Felony	5Y		Property	VI	$20,000
326	Public Fraud Sale or purchase of food stamp benefits; or sale or purchase of merchandise with food stamp benefits, greater than $1,000		88A, §89(c)(1)	Felony	5Y		Property	VI	$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
327	Public Fraud Fraud-Public Assistance fraud, generally (with the exception of Medicaid fraud)	7-2607	CR, §8-503(b)	Misd.	3Y		Property	VII	$1,000
328	Public Fraud Fraud-Falsely obtain legal representation by the Office of the Public Defender	6-2607	CR, §8-52l(b}	Misd.	1Y		Property	VII	$1,000
328-1	Public Fraud Fraud-Housing assistance fraud; Making false statements	1-0419	CR, §8-523(b)	Misd.	3Y		Property	VII	
329	Public Fraud Sale or purchase of food stamp benefits; or sale or purchase of merchandise with food stamp benefits, less than $1,000		88A, §89(c)(2)	Misd.	3Y		Property	VII	$1,000
330	Public Fraud Request or obtain info on HIV and/or AIDS under false pretenses or deception		HG, §18-215(t)(l)(i)	Misd.	5Y		Property	V	$100,000
330-1	Public Fraud Request or obtain info on HIV and/or AIDS under false pretenses or deception with intent to sell		HG, §18-215(f)(l)(ii)	Misd.	lOY		Property	IV	$250,000
331	Public Health and Safety, Crimes Against Endangering others	2-0015	EN, §7-265(d)	Felony	15Y		Person	II	$250,000
332	Public Health and Safety, Crimes Against Hazardous substances--storing, treating, dumping, etc., in other than hazardous substance facility; transporting for treatment, storage, etc. to any place other than hazardous substance facility; falsifying required information; authorizing, directing, etc., any offense listed in this section	1-0012 2-0012 2-0013 2-0014	EN, §7-265(a)	Felony	5Y		Person	V	$100,000
333	Public Health and Safety, Crimes Against Unlawfully cause or unlawfully dump, deposit, throw, etc., litter greater than 500 lbs. in weight or 216 cubic feet in volume or for commercial purposes	1-0645 1-0646	CR, §10-11O(f)(2)(iii)	Misd.	5Y		Property	VI	$30,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
334	Public Health and Safety, Crimes Against Hazardous Substance-failure to meet requirement for generators; failure to meet standards for hauler certificate or driver certificate; violations of restrictions on transporting controlled hazardous substances	1-0516	EN, §7-265(b) (penalty)	Misd.	3Y		Person	VII	$50,000
335	Public Health and Safety, Crimes Against Pollutants-dispersing into State waters, 1st offense	1-5516	EN, §9-343(a)(l)(i) (penalty)	Misd.	1Y		Property	VII	$25,000
336	Public Health and Safety, Crimes Against Pollutants-dispersing into State waters, subsequent		EN, §9-343(a)(1)(ii) (penalty)	Misd.	2Y		Property	VII	$50,000
337	Public Health and Safety, Crimes Against Pollutants-dispersing into State waters, falsification	1-0895	EN, §9-343(b) (penalty)	Misd.	2Y		Property	VII	$50,000
338	Public Health and Safety, Crimes Against Unlawfully cause or unlawfully dump, deposit, throw, etc., litter, greater than 100 lbs. in weight or 27 cubic feet in volume	1-0643 1-0644	CR, §10-11O(t)(2)(ii)	Misd.	1Y		Property	VII	$10,000
338-1	Public Health and Safety, Crimes Against Falsifying permits, licenses, etc., to demonstrate compliance with environmental regulatory requirements	1-0554 1-0555	EN, §1-302	Misd.	2Y		Property	VII	$50,000
338-2	Public Health and Safety, Crimes Against Conducting or attempting to conduct human cloning, etc., 1stoffense		83A, §5-2B-12	Misd.	3Y		Person	V	$50,000
338-3	Public Health and Safety, Crimes Against Conducting or attempting to conduct human cloning, etc., subsequent		83A, §5-2B-13	Felony	lOY		Person	IV	$200,000
339	Railroads, Crimes Involving Obstruct, break, damage, etc., railroad with intent to obstruct, overthrow and direct from the tracks a railroad vehicle	3-5740 3-5750	CR, §6-502(b)	Felony	lOY		Property	V	$5,000
340	Railroads, Crimes Involving Shoot at, throw at a railroad locomotive, motor, tender, car	3-5312	CR, §6-505(b)	Misd.	*5Y*		Property	VI	$1,000
341	Robbery Carjacking-armed	1-0826	CR, §3-405(c)	Felony	30Y•		Person	II	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
342	Robbery Carjacking-unarmed	1-0825	CR, §3-405(b)	Felony	30Y+		Person	III	
343	Robbery Robbery	2-0700	CR, §3-402	Felony	15Y +		Person	IV	
344	Robbery Robbery with a dangerous weapon	2-0705	CR, §3-403(a)(l)	Felony	20Y+		Person	III	
345	Robbery Robbery by display of written instrument claiming possession of dangerous weapon	2-0705	CR, §3-403(a)(2)	Felony	20Y+		Person	m	
345-1	Sabotage and Related Crimes Defense related activities- Intentional defective workmanship		CR, §9-703	Felony	lOY		Property	IV	$10,000
345-2	Sabotage and Related Crimes Defense related activities- Intentional injury or interference with property		CR, §9-702	Felony	lOY		Property	IV	$10,000
346	Securities Fraud and Related Crimes Securities fraud and other violations of Maryland Securities Act	1-5574 1-5575 1-5576 2-0670 2-0671	CA, §11-705(a)(1) (penalty)	Misd.	3Y		Property	VII	$50,000
347	Securities Fraud and Related Crimes Use a senior or retiree credential or designation in a way that is misleading in connection with the offer, sale, or purchase of securities, etc.		CA, §11-305 CA, §ll-705(a)(2) (penalty)	Misd.	5Y		Property	V	$100,000
348	Sexual Crimes Rape, 1[81] degree	1-1102	CR, §3-303(d)(l)	Felony	LIFE+		Person	▮	
348-1	Sexual Crimes Rape, 1st degree, in conjunction with kidnapping child younger than 16 years old	1-1102	CR, §3-303(d)(2}	Felony	LIFE without Parole ●		Person	▮	
348-2	Sexual Crimes Rape, 1st degree, subsequent	1-1102	CR, §3-303(d)(3)	Felony	LIFE without Parole ●		Person	▮	
348-3	Sexual Crimes Rape, 1[81] degree, adult offender with victim younger than 13 years old	1-1102	CR, §3-303(d)(4)	Felony	LIFE without Parole ●	MM*=25Y	Person	▮	
349	Sexual Crimes Sex Offense, 1[81] degree	2-1102	CR, §3-305(d)(l)	Felony	LIFE+		Person	I	
349-1	Sexual Crimes Sex Offense, 1[81] degree, in conjunction with kidnapping child younger than 16 years old	2-1102	CR, §3-305(d)(2)	Felony	LIFE without Parole ●		Person	▮	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
349-2	Sexual Crimes Sex Offense, 1st degree, subsequent	2-1102	CR, §3-305(d)(3)	Felony	LIFE without Parole ●		Person	I	
349-3	Sexual Crimes Sex Offense, 1st degree, adult offender with victim younger than 13 years old	2-1102	CR, §3-305(d)(4)	Felony	LIFE without Parole ●	MM*=25Y	Person	I	
350	Sexual Crimes Attempted rape, 1st degree	2-1120	CR, §3-309(a)	Felony	LIFE+		Person	n	
351	Sexual Crimes Attempted sexual offense, 1st degree	2-1125	CR, §3-31l(a)	Felony	LIFE+		Person	II	
352	Sexual Crimes Rape, 2nd degree	2-1103	CR, §3-304(c)(l)	Felony	20Y+		Person	II	
352-1	Sexual Crimes Rape, 2nd degree, adult offender with victim younger than 13 years old	2-1103	CR, §3-304(c)(2)	Felony	LIFE+	MM*=l5Y	Person	II	
353	Sexual Crimes Sex Offense, 2nd degree	2-3600	CR, §3-306(c){l)	Felony	20Y+		Person	II	
353-1	Sexual Crimes Sex Offense, 2nd degree, adult offender with victim younger than 13 years old	2-3600	CR, §3-306(c)(2)	Felony	LIFE+	MM*=15Y	Person	II	
354	Sexual Crimes Attempted rape, 2nd degree	2-1110	CR, §3-310(a)	Felony	20Y+		Person	III	
355	Sexual Crimes Attempted sexual offense, 2nd degree	2-1115	CR, §3-312(a)	Felony	20Y+		Person	III	
356	Sexual Crimes Incest	1-3604	CR, §3-323	Felony	lOY	lY	Person	IV	
356-1	Sexual Crimes Sex Offense, 3rd degree (a){l) employ or display a dangerous weapon, etc.; (a)(2) with substantially cognitively impaired, mentally incapacitated, or physically helpless individual	3-3600	CR, §3-307(a)(l) CR, §3-307(a)(2)	Felony	lOY		Person	IV	
357	Sexual Crimes Sex Offense, 3rd degree (a)(3), (a)(4), (a)(5) -age based elements	3-3600	CR, §3-307(a)(3) CR, §3-307(a)(4) CR, §3-307(a)(5)	Felony	lOY		Person	V	
358	Sexual Crimes Sexual contact with inmates in correctional and juvenile facilities or with person ordered to obtain services	1-1149 2-1130 2-1132	CR, §3-314	Misd.	3Y		Person	V	$3,000
359	Sexual Crimes Sodomy	5-3600	CR, §3-321	Felony	lOY		Person	IV	
360	Sexual Crimes Solicit to commit 3rd degree sex act		Common law	Misd.	LIFE		Person	V	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
360-1	Sexual Crimes Sexual Solicitation of a minor or law enforcement officer posing as a minor	1-1604	CR, §3-324	Felony	lOY		Person	IV	$25,000
360-2	Sexual Crimes Use of personal identifying information of an individual to invite another to commit sexual crime	1-1340	CR, §3-325	Felony	20Y		Person	IV	$25,000
361	Sexual Crimes Sex Offender-failing to register and/or providing false information, 1st offense	1-1477 2-1134	CP, §11-721(b)(l)	Misd.	3Y		Person	VI	$5,000
361-1	Sexual Crimes Sex Offender-failing to register and/or providing false information, subsequent		CP, §11-721(b)(2)	Felony	5Y		Person	V	$10,000
361-2	Sexual Crimes Sex Offender-violation of restriction barring sex offenders from specified locations where children gather	1-1478 1-1479	CP, §11-722(d)	Misd.	5Y		Person	V	$5,000
361-3	Sexual Crimes Willfully and knowingly violating conditions of lifetime sexual offender supervision, 1st offense	1-0713	CP, §11-724(b)(l)	Misd.	5Y		Person	V	$5,000
361-4	Sexual Crimes Willfully and knowingly violating conditions of lifetime sexual offender supervision, subsequent	1-0713	CP, §11-724(b)(2)	Felony	lOY		Person	IV	$10,000
362	Sexual Crimes Perverted sexual practices	6-3600	CR, §3-322	Misd.	lOY		Person	VI	$1,000
363	Sexual Crimes Sex Offense, 4th degree	1-1623 1-1624 1-1625 1-1626 4-3600	CR, §3-308(d)(l)	Misd.	lY		Person	VII	$1,000
363-1	Sexual Crimes Continuing course of conduct which includes 3 or more acts involving 1st, 2nd, or 3rd degree sex offense or 1st or 2nd degree rape over a period of 90 days or more, with a victim younger than 14 years old	2-1136	CR, §3-315	Felony	30Y+		Person	II	
363-2	Sexual Crimes Sex Offense, 4th degree, subsequent	1-1623 1-1624 1-1625 1-1626 4-3600	CR, §3-308(d}(2)	Misd.	3Y		Person	VI	$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
364	Sexual Crimes Administered controlled dangerous substance before committing sex offense	2-0715	CR, §5-624(b)	Misd.	lY		Person	VII	$25,000
364-1	Stalking and Harassment Stalking	1-6525	CR, §3-802	Misd.	*5Y*		Person	V	$5,000
365	Stalking and Harassment Harassment, 1st offense	1-0191 1-5406	CR, §3-803(c)(l)	Misd.	90D		Person	VII	$500
365-1	Stalking and Harassment Harassment, subsequent	1-0191 1-5406	CR, §3-803(c)(2)	Misd.	6M		Person	VII	$1,000
365-2	Stalking and Harassment Aiming laser pointer at aircraft	1-1001	CR, §3-807	Misd.	3Y		Person	VI	$2,500
365-3	Stalking and Harassment Revenge porn	1-1326	CR, §3-809	Misd.	2Y		Person	vn	$5,000
365-4	Statewide DNA Data Base System, Crimes Involving Improper disclosure of DNA information to a person/agency not entitled to receive the information		PS, §2-512(a), (e)	Felony	5Y		Property	V	$5,000
365-5	Statewide DNA Data Base System, Crimes Involving Fraudulent obtainment of DNA information from the Statewide DNA data base/repository		PS, §2-512(b), (e)	Felony	*5Y*		Property	V	$5,000
366	Statewide DNA Data Base System, Crimes Involving Willfully testing DNA for information not related to identification of individuals		PS, §2-512(c), (e)	Felony	5Y		Property	V	$5,000
366-1	Surveillance and Other Crimes Against Privacy Visual and camera surveillance, private place	3-5715 1-1759	CR, §3-902 CR, §3-903	Misd.	1Y		Person	vn	$2,500
367	Surveillance and Other Crimes Against Privacy Wiretapping-breaking and entering, etc., to place, adjust, or remove equipment without a court order	1-5580	CJ, §10-412	Felony	lOY		Property	V	
368	Surveillance and Other Crimes Against Privacy Wiretapping-unlawful interception of communications	1-5595 1-5705	CJ, §10-402(a)	Felony	*5Y*		Property	V	$10,000
369	Surveillance and Other Crimes Against Privacy Divulging contents of communications		CJ, §10-402(e)	Misd.	5Y		Property	VI	$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
370	Surveillance and Other Crimes Against Privacy Manufacture, possession, or sale of intercepting device	1-5579	CJ, §10-403(a)	Felony	5Y		Property	VI	$10,000
371	Surveillance and Other Crimes Against Privacy Giving notice of interception of wire, oral, or electronic communications in order to obstruct, impede or prevent such interception	2-0647	CJ, §10-414(b)	Felony	5Y		Property	VI	$10,000
372	Surveillance and Other Crimes Against Privacy Unauthorized disclosure of information obtained or generated by examining licensed persons, etc.		Fl, §2-117	Misd.	2Y		Property	VI	$1,000
372-1	Surveillance and Other Crimes Against Privacy Unauthorized disclosure of information obtained or generated by examining banking institutions and credit unions, etc.		FI, §2-117.1	Misd.	2Y		Property	VI	$1,000
373	Telecommunications and Electronics, Crimes Involving Motion Picture Theaters-prohibition against audiovisual recording	1-0336	CR, §7-308(e) CR, §7-309	Misd.	1Y		Property	VII	$2.500
373-1	Telecommunications and Electronics, Crimes Involving Motion Picture Theaters-prohibition against audiovisual recording, subsequent		CR, §7-308(e) CR, §7-309	Misd.	3Y		Property	VI	$10,000
373-2	Telecommunications and Electronics, Crimes Involving Unlawfully access, attempt to access, cause access to, etc., a computer, computer network, etc.	1-2804	CR., §7-302(d)(1)	Misd.	3Y		Property	VI	$1,000
374	Telecommunications and Electronics, Crimes Involving Unlawfully access, attempt to access, cause access to, etc., a computer, computer network, etc., to cause malfunction, interruption, alteration, damage, etc.; Unlawfully possess, identify, distribute, etc., a valid access code, less than $10,000	1-0470 1-0471 1-0472 1-0614	CR, §7-302(d)(2)(ii)	Misd.	5Y		Property	V	$5,000

COMAR#	Offense Literal	ens Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
375	Telecommunications and Electronics, Crimes Involving Unlawfully access, attempt to access, cause access to, etc., a computer, computer network, etc., to cause malfunction, interruption, alteration, damage, etc.; Unlawfully possess, identify, distribute, etc., a valid access code, $10,000 or greater	1-0495 1-0496 1-0497 1-0714	CR, §7-302(d)(2)(i)	Felony	lOY		Property	IV	$10,000
376	Telecommunications and Electronics, Crimes Involving Unauthorized computer access for sabotage of State government, public utilities, or other energy infrastructure, less than $50,000	1-0638	CR, §7-302(d)(3)(ii)	Misd.	5Y		Propertr	V	$25,000
376-1	Telecommunications and Electronics, Crimes Involving Unauthorized computer access for sabotage of State government, public utilities, or other energy infrastructure, $50,000 or greater	1-0639	CR, §7-302(d)(3)(i)	Felony	lOY		Property	IV	$25,000
377	Telecommunications and Electronics, Crimes Involving Use of electronic communication to alarm or seriously annoy another	2-1135	CR, §3-805(b)(l) CR, §3-805(e) (penalty)	Misd.	1Y		Person	VII	$500
377-1	Telecommunications and Electronics, Crimes Involving Use an interactive computer service to inflict emotional distress on a minor or place a minor in fear of death or serious bodily injury	1-0653	CR, §3-805(b)(2) CR, §3-805(e) (penalty)	Misd.	lY		Person	VII	$500
378	Telecommunications and Electronics, Crimes Involving Record/sell, etc., unauthorized performance, 1[51] offense	1-0330 1-0331 1-0332 3-2602	CR, §7-308 CR, §7-309	Misd.	1Y		Property	VII	$2,500
379	Telecommunications and Electronics, Crimes Involving Record/sell, etc., unauthorized performance, subsequent	1-0330 1-0331 1-0332 3-2602	CR, §7-308 CR, §7-309	Misd.	3Y		Property	VII	$10,000
380	Telecommunications and Electronics, Crimes Involving Telephone, unlawful use of	1-0340 1-0341 1-5309	CR, §3-804(a)	Misd.	3Y		Property	VII	$500
381	Telecommunications and Electronics, Crimes Involving Unauthorized connections, etc.; tampering or interfering with meters, poles, wires, etc.	1-0215 1-0216 1-0217 1-2608	CR, §6-303(c)	Misd.	6M		Property	VII	$500
381-1	Telecommunications and Electronics, Crimes Involving Obtaining, selling, etc., telephone record without authorization	1-0593	CR, §7-304	Misd.	2Y		Property	VII	$2,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
382	Telecommunications and Electronics, Crimes Involving Manufacture, sell, use, etc., a code grabbing device with the intent for the code to be used in the commission of a crime		CR, §7-30l(b)	Misd.	lY		Property	VII	$1,000
382-1	Telecommunications and Electronics, Crimes Involving Electronic security system blockers	1-1472	CR, §7-30l(c)	Misd.	lY		Property	VII	$1,000
383	Theft, Crimes Involving Felony theft or theft-scheme, $100,000 or greater		CR, §7-104(g)(l)(iii)	Felony	20Y		Property	III	$25,000
384	Theft, Crimes Involving Felony theft or theft scheme, at least $25,000 but less than $100,000		CR, §7-104(g)(l)(ii)	Felony	lOY		Property	V	$15,000
384-1	Theft, Crimes Involving Felony theft or theft scheme, at least $1,500 but less than $25,000		CR, §7-104(g)(l)(i)	Felony	5Y		Property	VI	$10,000
384-2	Theft, Crimes Involving Misdemeanor theft or theft scheme, at least $100 but less than $1,500, 1st offense		CR, §7-104(g)(2)(i)(l)	Misd.	6M		Property	VII	$500
384-3	Theft, Crimes Involving Misdemeanor theft or theft scheme, at least $100 but less than $1,500, 2nd or subsequent offense		CR, §7-104(g)(2)(i)(2)	Misd.	lY		Property	VII	$500
384-4	Theft, Crimes Involving Misdemeanor theft or theft scheme, less than $1,500, 5th or subsequent offense	1-0621 1-0631	CR, §7-104(g)(4)	Misd.	5Y		Property	VI	$5,000
385	Theft, Crimes Involving Misdemeanor theft or theft scheme, less than $100	1-0521 1-1631	CR, §7-104(g)(3)	Misd.	90D		Property	VII	$500
386	Theft, Crimes Involving Motor vehicle--unlawful taking	2-0480	CR, §7-105	Felony	5Y		Property	V	$5,000
387	Theft, Crimes Involving Embezzlement, misappropriation by fiduciaries	1-0460 1-2799	CR, §7-113	Misd.	5Y	lY	Property	V	
387-1	Theft, Crimes Involving Defalcation by officer collecting revenue due State or county		CR, §7-114	Misd.	5Y	lY	Property	VI	
387-2	Threat of Mass Violence Threatening to commit or cause a crime of violence that would place others at risk	1-1335	CR, §3-1001	Misd.	lOY		Person	V	$10,000
387-3	Trespass Trespass on posted property or private property, P[1] offense	2-2210 2-2220 2-2230	CR, §6-402(b)(1) CR, §6-403(c)(l)	Misd.	3M		Property	VII	$500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
387-4	Trespass Trespass on posted property or private property, 2nd offense within 2 years after first violation		CR, §6-402(b)(2) CR, §6-403(c)(2)	Misd.	6M		Property	VII	$1,000
387-5	Trespass Trespass on posted property or private property, 3rd and subsequent offense within 2 years after preceding violation		CR, §6-402(b)(3) CR, §6-403(c)(3)	Misd.	1Y		Property	VII	$2,500
388-1	Trespass Trespass on railroad vehicle		CR, §6-503(c)	Misd.	6M		Property	VII	
388-2	Unlawful Use of Goods Unauthorized removal of property	2-2411	CR, §7-203	Misd.	4Y	6M	Property	VI	$50---$100
388-3	Unlawful Use of Goods Fraud-abandoning or refusing to return leased motor vehicle	1-0220 1-2405	CR, §7-205(a)	Misd.	1Y		Property	VII	$500
389	Weapons Crimes-In General Possess, use, wear, carry, or transport a firearm in a drug offense, 1st offense	1-0493 1-0487	CR, §5-621(c)	Felony	20Y	MM*=5Y	Person	III	
390	Weapons Crimes-In General Possess, use, wear, carry, or transport a firearm in a drug offense, subsequent	1-0493 1-0487	CR, §5-621(c)	Felony	20Y	MM*=10Y	Person	III	
391	Weapons Crimes-In General Possess, use, wear, carry, or transport a firearm in a drug offense, 1st offense (select firearms)	1-0493 1-0487	CR, §5-621(d)	Felony	20Y	MM*=5Y	Person	III	
392	Weapons Crimes-In General Possess, use, wear, carry, or transport a firearm in a drug offense, subsequent (select firearms)	1-0493 1-0487	CR, §5-621(d)	Felony	20Y	MM*=20Y	Person	III	
392-1	Weapons Crimes-In General Unlawful use of firearm in commission of felony or crime of violence, 1st offense	1-5299	CR, §4-204(c)(1)	Misd.	20Y+	MM*=5Y	Person	III	
392-2	Weapons Crimes-In General Unlawful use of firearm in commission of felony or crime of violence, subsequent	1-5299	CR, §4-204(c)(2)	Misd.	20Y+	MM*=5Y	Person	II	
392-3	Weapons Crimes-In General Possess or use restricted firearm ammunition in a crime of violence	1-1284	CR, §4-110	Misd.	5Y		Person	V	$5,000
393	Weapons Crimes-In General Carrying or possessing firearm, knife, or deadly weapon on school property, other than handgun	1-5203	CR, §4-102	Misd.	3Y		Person	VI	$1,000

COMAR#	Offense Literal	ens Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
394	Weapons Crimes-In General Wear or carry concealed dangerous weapon; concealed possession of pepper mace by a minor	1-5202	CR, §4-101(c)(l) CR, §4-101(d)(1)	Misd.	3Y		Person	VII	$1,000
395	Weapons Crimes-In General Wear or carry dangerous weapon, mace, or tear gas device openly with intent to injure; openly wear or carry pepper mace by a minor	1-5200 2-5200	CR, §4-101(c)(2) CR, §4-10l(d)(1)	Misd.	3Y		Person	VII	$1,000
396	Weapons Crimes-In General Wear or carry dangerous weapon openly or concealed with deliberate intent to kill or injure	1-5202 1-5200 2-5200	CR, §4-101(d)(2)	Misd.	3Y	3Y	Person	VI	$1,000
397	Weapons Crimes-In General Minor carrying dangerous weapon between 1 hour after sunset and 1 hour before sunrise, whether concealed or not (select counties)		CR, §4-101(c)(3)	Misd.	3Y		Person	VII	$1,000
397-1	Weapons Crimes-In General Illegal possession of electronic control device (e.g., stun gun, taser) while committing a separate crime of violence	1-0596	CR, §4-109(e)(2)	Felony	3Y		Person	VI	$5,000
398	Weapons Crimes-In General Possession of firearm at a demonstration in a public place	3-5299	CR, §4-208(b)	Misd.	1Y		Person	VII	$1,000
399	Weapons Crimes-In General Unlawful possession of short-barreled rifle or shotgun	2-5212	PS, §5-203(a)	Misd.	5Y		Person	VI	$5,000
400	Weapons Crimes-In General Possession of rifle or shotgun by restricted person (convicted of a disqualifying crime, fugitive, habitual drunkard, etc.)	1-0439	PS, §5-205	Misd.	3Y		Person	VI	$1,000
400-1	Weapons Crimes-In General Possession of rifle or shotgun after having been convicted of a crime of violence or select drug crimes	1-1610	PS, §5-206	Felony	15Y		Person	V	
401	Weapons Crimes-In General Possess, own, carry, or transport a firearm after conviction of a Title 5 (CDS) offense	1-0692	CR, §5-622(b)	Felony	5Y		Person	VI	$10,000
402	Weapons Crimes-In General Possession of regulated firearm by restricted person (convicted of a disqualifying crime, fugitive, habitual drunkard, etc.)	1-1106	PS, §5-133(b) PS, §5-144 (penalty)	Misd.	5Y		Person	VI	$10,000
403	Weapons Crimes-In General Possession of regulated firearm after having been convicted of a crime of violence or select drug crimes	1-1609	PS, §5-133(c)	Felony	15Y	MM*=5Y[1]	Person	V	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
404	Weapons Crimes-In General Possession of regulated firearm by person younger than 21 years old	1-5285	PS, §5-133(d) PS, §5-144 (penalty)	Misd.	5Y		Person	VI	$10,000
404-1	Weapons Crimes-In General Possession of ammunition by a restricted person or after having been convicted of a crime of violence or select drug crimes	1-1285	PS, §5-133.1	Misd.	1Y		Person	VII	$1,000
405	Weapons Crimes-In General Sell, rent, or transfer regulated firearm to restricted person (younger than 21 years old, convicted of a disqualifying crime, fugitive, habitual drunkard, etc.)	1-1105	PS, §5-134(b) PS, §5-144 (penalty)	Misd.	5Y		Person	VI	$10,000
406	Weapons Crimes-In General Sell, rent, or transfer regulated firearm ammo to a person younger than 21 years old; or firearm other than regulated firearm, firearm ammo, mace, or another deadly weapon to a minor	1-5270 1-5280	PS, §5-134(d)(1)	Misd.	1Y		Person	VII	$1,000
407	Weapons Crimes-In General Sell, rent, or transfer a regulated firearm before the expiration of 7 days-dealer	1-5230	PS, §5-123 PS, §5-144 (penalty)	Misd.	5Y		Person	VI	$10,000
408	Weapons Crimes-In General Sell, rent, transfer, or purchase a regulated firearm before the expiration of 7 days-person	1-5240	PS, §5-124 PS, §5-144 (penalty)	Misd.	5Y		Person	VI	$10,000
409	Weapons Crimes-In General Sell, rent, or transfer a regulated firearm to an applicant whose application is placed on hold	1-5250	PS, §5-125 PS, §5-144 (penalty)	Misd.	5Y		Person	VI	$10,000
410	Weapons Crimes-In General Possess, sell, transfer, or otherwise dispose of stolen regulated firearm	1-2801	PS, §5-138 PS, §5-144 (penalty)	Misd.	5Y		Person	VI	$10,000
411	Weapons Crimes-In General Transport regulated firearm into State for purpose of unlawfully selling or trafficking	1-5295	PS, §5-140	Misd.	lOY		Person	IV	$25,000
412	Weapons Crimes-In General Straw purchase of regulated firearm	1-5220	PS, §5-136(b) PS, §5-144 (penalty)	Misd.	5Y		Person	V	$10,000
413	Weapons Crimes-In General Straw purchase of regulated firearm for minor or person prohibited by law from possessing a regulated firearm	1-5290	PS, §5-141	Misd.	lOY		Person	IV	$25,000
414	Weapons Crimes-In General Multiple purchase of regulated firearms in 30-day period	1-1104	PS, §5-128 PS, §5-129	Misd.	3Y		Person	VI	$5,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
415	Weapons Crimes-In General Sell, rent, or transfer regulated firearms without license	2-5210	PS, §5-106 PS, §5-144 (penalty)	Misd.	5Y		Person	VI	$10,000
415-1	Weapons Crimes-In General Illegal sale, rental, transfer, purchase, possession, or receipt of regulated firearm	1-0642	PS, §5-144	Misd.	5Y		Person	VI	$10,000
416	Weapons Crimes-In General Give false information in application for firearm or dealer's license	1-5210	PS, §5-139	Misd.	3Y		Person	VI	$5,000
416-1	Weapons Crimes-In General Failure by licensed firearms dealer to comply with record-keeping and reporting requirements, subsequent		PS, §5-145	Misd.	3Y		Person	VI	$10,000
417	Weapons Crimes-In General Sell, barter, display, or offer to sell or barter switchblade knife/shooting knife	1-5214	CR, §4-105(a)	Misd.	12M		Person	VII	$50-$500
418	Weapons Crimes-In General Disarm law officer	1-1460	CR, §4-103(b)	Felony	lOY		Person	IV	$10,000
419	Weapons Crimes-In General Wear bulletproof armor in the commission of a crime of violence or a drug trafficking crime	1-1450	CR, §4-106	Misd.	5Y		Person	V	$5,000
419-1	Weapons Crimes-In General Use, possess, or purchase bulletproof body armor after being convicted of a crime of violence or a drug trafficking crime	1-1449 1-1451	CR, §4-107	Misd.	5Y		Person	V	$5,000
420	Weapons Crimes-In General Obliterate, remove, change, or alter manufacturer's identification mark or number on firearm	1-1612	PS, §5-142 PS, §5-144 (penalty)	Misd.	5Y		Person	VI	$10,000

[1] At the time of the offense, if more than 5 years has elapsed since the person completed serving the sentence for the most recent conviction of a crime of violence or select drug crimes (including all imprisonment, mandatory supervision, probation, and parole), the imposition of the mandatory minimum sentence is within the discretion of the court.

MM* = Non-suspendable mandatory minimum penalty

+Defined as a violent crime in Correctional Services Article, §7-101, Annotated Code of Maryland. At the time of imposition of a sentence of incarceration for these offenses, Criminal Procedure Article, §6-217, Annotated Code of Maryland indicates the Court shall state in open court the minimum time the defendant must serve before becoming eligible for parole.

++Defined as a crime of violence only under certain circumstances specified in Criminal Law Article, §14-101, Annotated Code of Maryland.

General Rules:

(a) If a Maryland offense has not been assigned a seriousness category and the offense has a maximum penalty of 1 year or less, the offense shall be assigned the lowest seriousness category (VII).

(b) If a Maryland offense has not been assigned a seriousness category and the offense has a maximum penalty greater than 1 year, the individual completing the worksheet shall use the closest analogous offense and the sentencing judge and parties shall be notified.

(c) For Prior Record calculations involving offenses in which the offender has been convicted in another jurisdiction, the individual completing the worksheet shall match the offense as closely as possible to the closest analogous Maryland offense. If no Maryland analogous offense exists, the individual completing the worksheet shall count the offense in the lowest seriousness category (VII) and shall inform the judge and parties. If the out of jurisdiction conviction is based on act that is not a criminal violation in Maryland (e.g., marijuana possession less than 10 grams), then the out of jurisdiction conviction shall be excluded from the prior adult criminal record. If there is a question as to the analogous guidelines offense for an out-of-State conviction, that question should be brought to the attention of the judge at sentencing.

APPENDIX 9-B

Statement 1

When Consular Notification Is the Foreign National's Option:

As a non-U.S. citizen, who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?

Statement 2

When Consular Notification Is Mandatory:

Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible.

CHAPTER 10
SEARCH AND SEIZURE

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	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **SEARCH & SEIZURE**	Chapter **10**
	Affects: **ALL PERSONNEL**	
EFFECTIVE DATE **January 29, 2009**	Rescinds:	Amends: **10-501,502 on 12/31/14**

10-100 SEARCH AND SEIZURE

Under the exclusionary rule, a law enforcement officer cannot conduct a search in violation of the Fourth Amendment to the U.S. Constitution. The rule means that evidence obtained or confiscated during an unreasonable search and seizure cannot be used in any court as evidence against the person from whom it was improperly obtained.

A deputy must, therefore, always consider:

- The reasonableness of any search;
- The probable cause to support it; and
- In seeking or executing a warrant, the particularity with which the persons, places and items are described.

A deputy who performs all of these actions with care will help ensure that their actions will be lawful and that the validity of the search and seizure will be upheld in court.

10-101 PROBABLE CAUSE FOR A SEARCH

Probable cause must exist to justify a search. The basis for determining probable cause to search is essentially the same as that of probable cause for arrest.

Probable cause to search is demonstrated by the existence of facts and surrounding circumstances, which are sufficient to justify a person of reasonable caution to believe that an offense has been committed, and that the particular property to be seized is related to the offense and is located at a particular place. Reduced to its essentials, there is probable cause when a deputy has reasonable grounds to believe that things related to an offense are on the premises to be searched.

Searches may be conducted pursuant to the authority of a search warrant, upon receipt of proper consent, or in conjunction with various exceptions to warrant requirements (e.g., incident to arrest, vehicle searches, stop and frisk, abandoned property, exigent circumstances, etc.). The Supreme Court has ruled that, barring a specific exception, a search without a warrant is unreasonable. Each exception to the warrant requirement imposes its own unique set of guidelines.

10-102 USE OF FORCE IN SEARCHES

When making a reasonable search of a person (whether with warrant or incident to arrest), a deputy may use only that degree of force necessary to protect himself/herself, prevent escape of the person being searched, and prevent the destruction of evidence. The test for determining if the use of force is proper will be whether, in the deputy's judgment, such force was required to accomplish any of the previously mentioned ends.

Note: If an arrestee conceals something in his or her mouth, a deputy may use reasonable force to prevent the person from swallowing the evidence and to remove the object.

10-200 SEARCH WARRANTS

A *Threat Assessment* form is to be completed on each and every search and seizure warrant regardless of the nature of the warrant, premises to be searched, or type of investigation being conducted. This does not apply to property that is already in the possession of the Sheriff's Office at the time of the search warrant execution. A copy of this form is available on the Sheriff's Office "T" drive under SO Forms/Threat Assessment. Once completed, a copy of the form is to be included with the case file and a copy forwarded to the CIB Assistant Commander and Bureau Commander. In the event that the Special Operations Team is utilized, a copy will also be provided to the highest-ranking Team member.

10-201 SEARCH WARRANTS GENERALLY

A search warrant is issued only by a judge of the Circuit Court or the District Court of the State of Maryland. A valid search warrant:

A. Is directed to a law enforcement officer for service;
B. Authorizes the search of the individual, item, vehicle, building, thing, etc., specifically described in the warrant;
C. Authorizes the seizure of the item(s) described in the warrant, as well as any other property found liable to seizure under the criminal laws of Maryland.
D. Is valid for a period of 15 days from the date of issue; and
E. Must be returned to the issuing judge, with an inventory of the property seized, within 10 days of its service.

10-202 APPROVAL OF WARRANTS

Prior to applying for a search and seizure warrant, the affiant shall notify the Criminal Investigations Bureau Assistant Commander. The Assistant Bureau Commander will keep the Bureau Commander apprised of all search warrants applied for and obtained. Before a deputy submits a search warrant to a judge for their signature, the completed application and affidavit must be approved by the Criminal Investigations Bureau Assistant Commander and by an attorney from the State's Attorney's Office.

10-203 AFFIDAVIT

When applying for a search warrant, the deputy must present detailed information to establish probable cause to believe the item(s) sought are in the possession of an individual or being held at a specific location. This document is known as the affidavit and becomes part of the warrant. The affidavit contains a detailed synopsis of the facts which establish:

- Commission of a specific offense;

- That certain specifically identified contraband/evidence/property directly related to the offense is being sought; and

- That the contraband/evidence/property sought is in the possession of an individual, and the individual or the item(s) are contained in a specific container or at a specific location.

10-203.1 AFFIDAVIT BASED ON DEPUTY'S OWN KNOWLEDGE

Where the facts are within a deputy's personal knowledge, the deputy will set forth in detail in the probable cause section of the warrant:

1. The dates and times he observed the facts;
2. The place where he observed the facts;
3. Exactly and ***in detail*** what facts he observed;
4. A brief synopsis of the deputy's experience and training.

10-203.2 AFFIDAVIT BASED ON ANOTHER'S KNOWLEDGE

In this case, the deputy must set forth in detail not only the facts which cause the other person to believe that seizable goods are on the particular premises, but also why the deputy believes what the other person told him. Such an affidavit will necessarily be longer than one based solely on the deputy's personal knowledge. The deputy will set forth in detail in the probable cause section of the warrant:

1. The date the deputy was told the facts;
2. The name and address of the person who told the deputy the facts, except in the case of a confidential informant;
3. The date the other person observed the facts;
4. That the other person personally observed the facts and how they observed them;
5. The place where the other person observed the facts;
6. Exactly and <u>in detail</u> what facts the other person observed;
7. An explanation why the deputy believes what the other person told the deputy is true; and
8. A brief synopsis of the deputy's experience and training.

10-203.3 AFFIDAVIT BASED ON CONFIDENTIAL INFORMANT INFORMATION

A deputy is not required to disclose the identity of a confidential informant in a search warrant affidavit. When the informant's identity is not disclosed, it is especially important to explain why the deputy believes the facts related by the informant are true.

To substantiate the informant's reliability, the deputy will set forth in detail in the probable cause section of the warrant:

1. The informant's past record for accuracy;
2. Whether valid arrests and convictions have been based on that information;
3. What facts the deputy has personally observed which corroborate the information related by the informant;
4. If appropriate, that the deputy has received a statement from the informant indicating that the informant has committed or has participated in the commission of the crimes

indicated.

Where it is necessary to protect the identity of a confidential informant, it is not necessary to specify the exact date on which the informant received information or performed some act. Such phrases as “during the week of” may be used instead.

10-203.4 DETAIL IN AFFIDAVITS

Frequently, the State’s case is only as strong as the deputy’s affidavit. A deputy should include in the affidavit all information having any bearing on the deputy’s conclusions. Listing all of the relevant information not only ensures the validity of the warrant, but also gives the deputy the opportunity to decide if there is sufficient information to justify the issuance of the warrant.

10-300 EXECUTION OF SEARCH WARRANTS

The deputy executing the warrant has the right to take necessary and appropriate actions to protect himself and others; to assure that the items sought will not be damaged, destroyed, removed, etc.; to ensure that the search is not inhibited; to safeguard the scene; to collect and remove property; and to make arrests. The deputy will use good judgment in developing search procedures commensurate with individual circumstances.

An otherwise valid search can become unlawful if it is not properly executed. The following guidelines will apply when executing a warrant:

A. The warrant must be served within 15 days of issuance.

B. When a warrant is to be executed by the Special Operations Team, the affiant will take the Team Commander (or a designated member of the Team) to verify the location in advance of the execution of the warrant.

C. The general policy of the CCSO will be to knock and announce when serving warrants. The SOT Commander may determine that a warrant may be served without knocking and announcing.

D. A copy of the search warrant will be given to the owner or person in charge of the premises, if such a person is present at the time of service.

E. The search will include the place specified in the warrant, including all places reasonably and logically a part of that building or place, and everything in it where the lawfully sought articles might be concealed.

F. A search of the residence shall be conducted in a timely manner.

G. The deputy may seize only those items particularly described in the warrant and any other instrumentalities, fruits of the crime, or contraband found while properly searching for the things particularly described.

H. A search warrant alone does not constitute authority for an arrest, but an arrest may be made on probable cause developed during execution of a search warrant or for interference with its execution.

I. A search warrant for a residence or other premises does not necessarily permit a search

of all persons present during the search. If probable cause is developed during the legal search to believe that persons on the premises possess items which reasonably could be objects of the search, they may be detained until the proper search warrant is obtained. Regardless of the circumstances of the search, if the deputy has reasonable, articulable suspicion to believe any person present is armed, that in and of itself may justify the frisk for offensive weapons of that person.

J. An inventory will be completed containing an accurate description of all property removed. The deputy will sign each sheet of the inventory and will give the subject of the warrant a copy.

K. A copy of the warrant, affidavit, property inventory, and return form will be left with the person in charge of the location searched. If no one is present to accept the paperwork, it will be left in a conspicuous place where it is reasonably protected from loss or damage.

L. The deputy will return the executed warrant and property inventory to the issuing judge within 10 days of execution.

M. All items taken into custody will be handled and processed as provide for in Chapter 16, *Property and Evidence*.

N. Persons not associated with the case the search warrant involves, shall NOT accompany those authorized to execute the search warrant. No volunteers, interns or ride-alongs shall be permitted to accompany authorized personnel on the service of a search warrant. If the need arises for someone other than the authorized persons to attend the service of a search warrant, such as a doctor for medical or safety reasons, that person will need to be named in the report and explained in detail why he was permitted to accompany the authorized personnel on the search.

10-301 OBTAINING EVIDENCE FROM A PERSON

When a search warrant is needed to obtain evidence from a person such as clothing worn, fingernail clippings, hair, body fluids and body cavity searches, the following guidelines will apply:

A. If a deputy has adequate advance information that an individual has or will have on their person items subject to lawful seizure, then the deputy will obtain a warrant for the search.

B. If a suspect or witness is asked to provide samples for comparison and refuses, application may be made to the State's Attorney's Office for a court order requiring production of the desired evidence.

C. If a person refuses to permit an authorized search, or if there is good reason not to search in public (e.g., a strip search), a deputy may use reasonable force to detain the person, or to take the person to a place where the search can be appropriately conducted.

D. To execute a search warrant of a person, premises may be entered under the same circumstances and in the same manner as allowed in the execution of an arrest warrant, and reasonable force may be used to make the search.

E. While a search may be made only for those things in the warrant, if while making such a search, a deputy comes upon other evidence of the specified crime or another crime, the deputy may seize that evidence.

   1. If a person carries a weapon in violation of the law, the deputy may take it.

   2. If a person is carrying a weapon legally, the deputy may take it to protect himself, but the person searched must be told where he can retrieve the weapon.

10-302 EXCEPTION TO AVOID LOSS OF EVIDENCE

To avoid a possible loss of evidence, a deputy may hold property which is under the deputy's temporary control while a warrant authorizing a further search is obtained. In some such instances when probable cause to obtain a warrant does not immediately exist, the property may be held pending a reasonable, brief investigation to determine where there is in fact probable cause for a search warrant. In such circumstances, a deputy should seek guidance from a CIB supervisor or the State's Attorney's Office.

10-400 SEARCH INCIDENT TO ARREST

A search incident to a lawful arrest is permitted to protect the arresting deputy and others, to prevent escape or suicide, to seize fruits of the crime, instrumentalities, and contraband relating to that arrest, and to prevent the destruction of evidence.

10-401 PROCEDURES FOR SEARCH INCIDENT TO ARREST

A. The arrest must be lawful. If the arrest is unlawful for any reason, the incidental search of the arrested person is also unlawful, and any fruits of such a search will be inadmissible in court.

B. If practical, the arresting deputy should conduct the search.

   Note: When a prisoner is transferred from the custody of one deputy to another, the receiving deputy will make a subsequent search for their personal protection.

C. Until an arrest is made, there is no right to search. If the search precedes the arrest and supplies the probable cause for the arrest, the search is unlawful unless it can stand without use of the incident-to-arrest rule.

D. However, if a deputy has the right to arrest on a warrant or probable cause and intends to arrest, but because of a sudden emergency or dangerous situation (e.g., possible escape of the person to be arrested or destruction of evidence), the deputy takes possession of the evidence (e.g., a weapon or drugs) and then makes the arrest, the seizure is lawful. This is an exception and the courts will apply it strictly.

E. A deputy will conduct a search made incident to arrest as soon as practical after the arrest. Since the incident-to-arrest rule is based on the deputy's need to protect himself/herself, to prevent escape, and to prevent the destruction of evidence, an unreasonable delay may make it appear that the deputy was not concerned about any of those possibilities, but rather conducted the search for some other reason.

F. The deputy may also search for other persons on the premises who may reasonably be expected to interfere with the arrest or attempt to destroy evidence. A search of the

surrounding area for such persons may be made.

10-402 SCOPE OF SEARCH INCIDENT TO ARREST

As a general rule, a deputy may search the arrested person, everything in his possession, and everything which, in the course of the arrest, is within the arrestee's immediate reach.

A. Anything in the actual possession of the arrestee may be searched (e.g., a carton, suitcase, or purse being carried by the arrestee).

B. The things within the reach of the person or within the person's immediate physical surroundings may be searched. In an emergency situation posing a danger to human life, the scope of the permissible search may extend beyond the person's immediate surroundings.

C. A search for things within a body cavity may be conducted only as prescribed below.

D. Where an arrestee has on their person some article showing ownership of or right to control personal property from which the arrestee is temporarily separated (e.g., a locker key), the deputy generally may not search for and seize such property unless there is danger that someone else will remove the property before a warrant can be obtained.

If, in the course of an arrest, a deputy observes a suitcase or other closed item in open view but not in the person's actual physical possession, then the item may be seized as a protective measure, but a search warrant should be obtained before opening it.

10-403 ARTICLES WHICH MAY BE SEIZED IN A SEARCH INCIDENT TO ARREST

A. Generally, anything in the possession of the person being searched may be subject to seizure, whether it be for evidence, the protection of the deputy, for safekeeping, fruits of the crime for which the arrest was made, fruits and/or instrumentalities of another offense, contraband, etc.

B. A deputy lawfully on the premises (as when legally effecting an arrest), observing contraband, fruits, weapon, instrumentalities, or evidence of that immediate investigation and/or of an unrelated incident in open view, may seize those items even though they may not be considered to be in the immediate possession of the person being arrested. The open view doctrine is a seizure doctrine and does not in itself automatically constitute authority for an additional search beyond the seizure of an item in plain sight.

10-500 OTHER SEARCHES AND SEIZURES

10-501 STRIP SEARCHES

Strip Search – any search of an individual requiring the removal or rearrangement of some or all of the clothing to include the visual inspection of the naked skin surfaces of the genital area, buttocks, and/or breasts.

Strip searches, including visual inspections of body cavities, not involving physical probing into the body cavity, will be conducted only when a reasonable possibility exists the prisoner may be secreting a weapon, implements of escape, contraband, fruits of a crime or evidence upon their person.

Strip searches will be conducted by deputies of the same sex and only by the number of deputies necessary to accomplish the search. Such searches will be out of the view of any person not directly involved in conducting the search. If a female deputy is not available, a female correctional officer may be utilized instead.

Persons present during the search and the reasons for conducting the search will be documented in the *Case Report*.

Procedures: The accused will be instructed to remove all clothing with the exception of undergarments. The accused will then be instructed to lower underpants for visual inspection. Accused females will then be instructed to remove their bras. The accused will be instructed to replace their clothing immediately upon conclusion of the visual inspection. At no time will the officer make physical contact with the accused during the search. However, if the accused becomes disorderly or combative, the deputy shall take appropriate actions to control the situation.

10-502 BODY CAVITY SEARCH

Manual Body Cavity Search – any search which includes the removal of some or all of the individual's clothing, to include the visual inspection of the skin surfaces of the genital or anal areas, and also includes the manual body cavity search where some degree of touching or probing of the body cavities takes place.

A body cavity search may be conducted upon authority of a valid search warrant or incident to a lawful arrest. Body cavity searches will only be permitted in the following circumstances:

- The deputy has a reasonable suspicion that the person has within his body evidence which should be removed; or
- Upon authority of a valid search warrant.

A body cavity search without a warrant must be approved by a deputy's immediate supervisor.

Working under sanitary conditions and in a medically approved way, a licensed doctor or nurse will, when practical, make the retrieval of evidence from a body cavity. Force may be used only to the extent necessary to effect submission to the examination.

In every case, a body cavity search will be documented in the *Case Report* relating to the suspect's arrest. The documentation will include the reason for the search, the deputy authorizing the search, the medical personnel conducting the search, the facility where the search was conducted, and those persons present for the search.

10-503 SEIZURE OF ABANDONED PROPERTY

If in the course of a lawful arrest (or other lawful action by a deputy, such as a surveillance or questioning of a person), a person discards personal property at some place outside the person's dwelling or its curtilage, a deputy may seize the property (even though it is then beyond the person's control) on the grounds that it has been abandoned.

> **Note:** "Curtilage" is the open space associated with a dwelling. Whether an area is within the curtilage depends principally on its closeness to the dwelling and its use by the occupants. Examples of places considered to be within the curtilage include:

- An enclosed back yard or a residence.
- A farmer's barn separated by a driveway from his house 70 yards away.
- A trash can under the stone porch of a house.
- A closed cupboard in a common hallway leading to a suspect's apartment in an apartment building.

The State's Attorney's Office can provide guidance concerning whether an area is within the curtilage of a dwelling.

There is no requirement that the person intended to get rid of the property permanently. Property discarded in response to an unlawful arrest or unlawful entry by a deputy may not be lawfully seized.

The property cannot be considered abandoned and cannot be seized if it is discarded in the person's dwelling or its curtilage, (or the person's hotel room, automobile, or any other area under the person's control). However, if the property thus discarded can be identified on sight as evidence of a crime, it can be seized just as any other evidence in open view can be seized. Some examples of legally seized abandoned property are:

- A package of heroin picked up from the street after a scuffle during an arrest from an automobile;
- A package of narcotics, which lands in a public courtyard after being thrown out the window of an apartment by a person under surveillance;
- An envelope dropped to the floor of the police station by a person under arrest;
- An object dropped on the street by a person stepping out of a car for questioning.

10-504 STOP AND FRISK

This expansion of a constitutionally permissible search permits a deputy to conduct a carefully limited examination of an individual's outer clothing. The purpose of the examination is the discovery and seizure of offensive weapons or any other dangerous of deadly weapon concealed upon or about the individual. The search is permitted when:

- The deputy has a specifically-based reasonable suspicion that the person has committed, is committing, or is about to commit a crime, or
- The deputy has a specifically-based reasonable suspicion that the person is armed, and dangerous and immediate action must be taken to protect the deputy or the public.

Both the "stop" and the "frisk" must be supported by reasonable and articulable suspicion; an unparticularized suspicion or "hunch" will not suffice.

The following circumstances may be considered by the deputy in determining whether reasonable suspicion exists to justify a "stop." This list is not intended to be all-inclusive:

- Observation of unusual conduct and actions of the suspect
- Appearance or demeanor of the suspect
- Age and gender of the suspect, coupled with other mitigating factors
- The hour
- The neighborhood
- Bulges in the suspect's clothing, which may suggest a concealed weapon

- The appearance of objects the suspect may be carrying
- Proximity to a known crime scene
- Prior knowledge of the deputy including the suspect's prior record, information from an informant or third party, or overheard conversation

Once sufficient reasonable suspicion is established and the deputy decides to initiate the stop, the deputy will:

1. Be clearly identified as a police officer by being in uniform, or if not in uniform, by announcing that he is a CCSO deputy sheriff, and at the same time displaying his badge or other police credentials.
2. Display courtesy toward the person.
3. Respect the person's rights.
4. Question the individual stopped to discover the individual's name, address, and an explanation of the suspect's actions.

The individual may not be compelled to answer these or any other questions. If the individual refuses to answer a deputy's questions or identify themselves, they may be questioned further but may not be unduly detained or deprived of freedom of movement in any significant way unless the deputy is prepared to make a formal arrest in accordance with legal requirements for an arrest. The failure or refusal to answer questions, or answers considered unsatisfactory is not alone sufficient to constitute probable cause for an arrest without warrant. The failure or refusal to answer questions does not bar a "frisk" if the deputy reasonably suspects danger to their own safety or that of another person.

The circumstances which a deputy may consider in determining whether reasonable suspicion exists to justify a "frisk" include those which justify a "stop," and in addition:

- The type of crime suspected – whether it is a crime of violence or involving the use of a deadly weapon.
- Reasonableness of the deputy's fears for their own safety or that of others. When the deputy must deal with more than one suspect or when help is not close at hand, there may be increased danger.
- The age and gender of the suspect.
- Any other information perceived by the deputy as bearing on the suspect's potential for violence.

When the deputy has knowledge or information regarding one or more of the above factors or any other information sufficient to justify a reasonable suspicion that the person stopped is presently armed, they may frisk the person.

The frisk that is permissible is limited to a patting down of the suspect's outer clothing for the recovery of weapons and for no other purpose. If the frisk fails to disclose evidence of an offensive weapon, no further search may be made. However, if the frisk indicates reasonable suspicion that the suspect has an object on their person that could be a weapon, the deputy is authorized to search the part of the suspect's clothing containing the object but may not search further.

If the object felt and found in the course of the frisk is an offensive weapon and the evidence is that its possession violates the law, the deputy may arrest the suspect for committing a crime in their presence. Incident to such a lawful arrest, the deputy may make a further, more detailed search of the suspect and the immediate surroundings.

On the other hand, if the deputy searches beneath the clothing, and an object is not a weapon but an item of contraband or evidence of a crime, the object may nevertheless be used to justify arrest of the suspect.

10-505 WARRANTLESS SEARCHES

Several exceptions to the rule on searches permit a deputy to make a search without a warrant. However, the courts review such searches closely. They include:

A. **Emergencies –** A deputy may search if there is not time to get a warrant and the situation requires immediate action (e.g., the deputy hears a scream from inside a house followed by a gunshot.)

B. **Exigent Circumstances –** This exception to the warrant requirement generally relates to factual situations in which it appears that a person may be hurt or in need of immediate medical assistance. Examples include welfare checks and domestic violence situations where the crime is ongoing.

   This exception is based upon the need for immediate aid, not on the need for investigation or the seriousness of the offense. The reasonableness of a deputy's entry under this exception is a question of fact for the trial court. Deputies shall document specific facts warranting the necessity for immediate entry.

   1. Elements: There must be reasonable grounds to believe an emergency is at hand and that there is an immediate need for assistance for the protection of life or property *and* there must be some reasonable basis to associate the emergency with the area or placed to be searched.
   2. Scope: The search may extend only to those areas where it would be reasonable, in light of the nature of the emergency, to search.

C. **Fresh Pursuit –** A deputy may search if they are chasing an escaping suspect or is about to catch up with one who is ready to flee.

D. **Incident to Arrest –** See 10-401.

E. **Plain View Doctrine –** See 10-604.

F. **Consent Search –** See 10-700.

G. **Abandoned Property –** A dwelling that has been permanently vacated, i.e., a hotel room, rented space, etc., may be searched without a warrant and without the permission of the previous tenant. The consent of the property owner or agent should be obtained.

H. **Open Fields –** Even though privately owned, may be searched without a warrant.

I. **Observation of a dwelling or its curtilage (see 10-503) –** May be made without a warrant from any place outside the curtilage. A telescope, binoculars, flashlight, and similar devices may be used in the surveillance, as long as there is no physical trespass onto the curtilage.

J. **Listening to conversations or other sounds –** in a dwelling or its curtilage may be accomplished without a warrant, if there is no physical trespass onto the curtilage and no mechanical or electronic device is used to hear the conversation or sounds.

10-506 CRIME SCENE SEARCHES

As noted above, entry and subsequent warrantless search of a premises is permitted in emergency situations when a deputy has a reasonable belief that there is a need for immediate assistance. Deputies at the scene of a homicide or similar serious offense may conduct a warrantless search to locate victims and/or suspects.

Exigent circumstances created by concern for public safety, such as locating victims and/or suspects, or an immediate threat that evidence will be destroyed, allow that a warrantless search may be conducted at the scene of a crime. The scope of the search is strictly limited by the existence of the emergency. Evidence and/or contraband observed in plain view during this restricted search may be properly seized.

In non-exigent circumstances, a search warrant shall be obtained.

10-600 VEHICLE SEARCHES

The laws governing vehicle searches provide expanded latitude based on the need to protect the law enforcement officer, mobility of the vehicle, and increased opportunity for contraband or evidence to be lost or destroyed.

The inherent mobility of a motor vehicle creates exigency. Under the *Carroll Exception,* a lawful search of a motor vehicle requires the existence of probable cause to believe that the vehicle contains evidence or contraband, and that the searching deputies have lawful access to the vehicle. The probable cause needed to justify the warrantless search of a vehicle is the same standard required to support the issuance of a warrant. The search includes all parts of the vehicle where the suspected contraband could possibly be located, including closed containers. However, when the information leading to probable cause focuses on a specific container, the container shall be seized until a search warrant is obtained.

10-601 USE OF FORCE IN VEHICLE SEARCHES

If a deputy has a legal right to search a vehicle and if the occupant refuses to allow the deputy to proceed, the deputy may use the force reasonable and necessary to affect the search.

Using unreasonable force to stop a vehicle may make a subsequent search of the vehicle illegal, even though it was based on probable cause.

10-602 VEHICLE SEARCH INCIDENT TO ARREST

A. **Background**

In April of 2009, the Supreme Court decided the case of Arizona v. Gant dealing with the circumstances permitting the search of a vehicle incident to arrest of an occupant. The Supreme Court's decision did reiterate that a search incident to arrest of the vehicle may be completed for "fruits of the crime", but not merely for officer safety since the defendant is now secured and unable to gain access and use a weapon against the officer.

B. **Policy**

Deputies are authorized to search the passenger compartment of a vehicle incident to the lawful custodial arrest of an occupant or recent occupant only when it is reasonable to believe that evidence relevant to the crime of arrest might be found in the vehicle.

If a deputy arrests an individual for a criminal offense, he would be able to search the vehicle incident to arrest even with the defendant secured as the Supreme Court continues to recognize the exception to search for fruits or instrumentalities of the crime.

If a deputy makes an arrest for an offense such as Driving While Suspended, Driving While Revoked, and any other similar driving status violation, he is not permitted to search the vehicle incident to arrest.

If a deputy arrests someone in a vehicle on an open warrant, he shall not search the vehicle incident to arrest. If the deputy believes that there is evidence from the crime for which the warrant was issued, he shall store the vehicle and obtain a search warrant.

In all cases where a vehicle is searched incident to arrest, the deputy shall articulate in their report, the reason the search was conducted, what he was searching for, and what was seized during the search. The deputy will only search those areas of the vehicles where those potential items could be located.

This case law does not apply to any probable cause, Terry frisk, plain view, consent or any other exception to the warrant requirement regarding the search of vehicles.

10-603 WARRANTLESS SEARCH OF A VEHICLE BASED ON PROBABLE CAUSE

A deputy having probable cause to believe that a vehicle contains seizable items may search a mobile vehicle, which could conceivably leave the jurisdiction before a warrant could be obtained. The scope of the probable cause will determine the scope of the search.

If probable cause establishes that the vehicle contains a specific item, then the reasonableness and scope of the search will be determined by the nature of the item sought and the likelihood of its being located. For example:

- Probable cause establishes that the vehicle contains an unknown quantity of stolen weapons. The search of a matchbox found in the vehicle may be found unreasonable, while searching a trunk found in the luggage compartment would be reasonable. The search could continue until all weapons that could be concealed are located.
- Probable cause establishes that the vehicle is used to conceal a specifically identified container. The search is limited to those locations where the container could be hidden and continued only until the container is found. The container would be searched following the acquisition of a warrant.
- Probable cause establishes that the vehicle contains contraband. Generally, the search could continue until all areas of the vehicle, which could contain contraband, have been examined.

If a lawful arrest is made, the search may be expanded based on the “incident to arrest” principle.

The time factor is not as critical in probable cause situations, especially when the vehicle is in the custody of the Agency; however, if the search is unusually delayed, there may be question raised as to why a warrant was not obtained. Generally, this rule permits a search of a "mobile" vehicle even though there is no danger that the vehicle may be taken, or the evidence destroyed.

If probable cause is not obtained until after the vehicle has lost its mobility or has been taken into custody, a warrantless search would be improper.

Note: Probable cause justifying a search of a vehicle does not necessarily empower a deputy to search the occupants, who have not been arrested. A thorough search of an occupant is justified only if the deputy has a reasonable suspicion that the person possesses evidence of a criminal offense. A deputy may, however, pat down the outer clothing of any occupant whom they reasonably suspect may possess a weapon, and whom they feel poses a danger to themselves or others.

10-604 ITEMS IN PLAIN VIEW

The "plain view" doctrine applies to all vehicles. Any contraband or evidence of a criminal offense seen while a deputy is in the proper conduct of an investigation, or while interviewing an occupant of a vehicle, may be seized and will justify probable cause for a subsequent arrest and a more detailed search.

10-605 ABANDONED VEHICLES

An abandoned vehicle may be seized and searched without a warrant and without probable cause.

10-606 SEIZED VEHICLES

A vehicle to be retained as evidence or for further processing should be removed by the nearest available tow service. As it is being towed, the vehicle shall be followed by a sworn deputy or a crime technician to provide for proper safeguarding and chain of custody of evidence. Whenever a deputy stores a motor vehicle, a *Vehicle Report/Release* form will be completed; the vehicle will be inventoried, and the inventory will be listed on the form. A *Supplement Report* can be used if additional space is needed.

A vehicle used to violate laws concerning the transportation of liquor, cigarettes, narcotics, etc., can be seized without a warrant and is subject to forfeiture. The seizure need not be incidental to an arrest, so long as there is probable cause that the vehicle was used in the conduct of the criminal activity. The search of the seized vehicle may be made at the place where custody was first obtained or at another place and time.

If the vehicle is taken as evidence of a crime, either as an instrumentality by which the crime was committed (e.g., hit-and-run), or as the fruit of a crime (e.g., a stolen car), it may be subject to a later, more careful examination just as is any other lawfully seized item. The courts have held that warrantless police inventories of the contents of impounded vehicles do not violate the Fourth Amendment, when conducted pursuant to a standard police department policy.

The inventorying of vehicles and other objects under police control, where they have lawful custody, is done to protect the owner against property loss, to avoid a claim of destruction, and

to protect the police against any hidden danger. Police cannot assume custody as a pretext for inventory where such an inventory is not reasonably necessary.

10-607 ROADBLOCKS AND SEARCHES

A roadblock may not be established for the purpose of arbitrarily stopping all traffic so that searches may be conducted. However, courts have upheld the use of a roadblock to stop vehicles in order to permit the search of a particularly described vehicle, or one containing particularly described occupants.

10-700 CONSENT SEARCH

One's consent to a search of their person or property under their control acts as a waiver of the Fourth Amendment right to be free from search without warrant. A search based on consent is lawful, even where there is no other justification, if:

- The individual gives consent with the knowledge that they need not consent to a search.
- The individual gives consent voluntarily, i.e., freely, without duress or coercion; and
- The consent is clear and explicit.

A waiver of the Constitutional right will be examined carefully by the courts. Although the appellate courts have not required police officers to advise people of their right not to cooperate and to refuse consent searches, a valid consent search requires proof that the consent was freely given by a person who would feel free to leave or to refuse consent.

10-701 CONSENT MUST BE VOLUNTARY

Any coercion or intimidation, actual or implied, will invalidate the consent. For example:

> A deputy pounds on a door and announces that they have come to make a search, or wants to talk, or look around the premises. If the deputy is given permission to enter, the courts have often found there is no valid consent because such a situation creates a coercive atmosphere.

Consent obtained through fraud or misrepresentation is not voluntary:

> A deputy without a warrant tells the occupant of a house that they have one. The individual consents to the search, but it may be held invalid by the courts.

On the other hand, a voluntary confession of guilt, which precedes a consent to search has been found to indicate that the consent was voluntary.

A person who indicates a desire to consult with an attorney or anyone else before deciding whether to consent should be given the opportunity to do so.

10-702 CONSENT MUST BE CLEAR AND EXPLICIT

Before a deputy relies upon consent to justify a search, they should be certain not only that the person is aware of their rights and is under no coercion, but that a clear and explicit right to search has in fact been given.

- A consent to enter is not a consent to search, but after a legal entry, evidence in open view may be seized.
- A statement that a deputy is welcome to search may not imply that they are welcome to search without a warrant.

Where practicable, a deputy should obtain written consent. A signed and witnessed waiver provides the best proof of clear, voluntary consent. When possible, the CCSO's *Consent to Search and Seize* form should be used.

10-703 WHO MAY GIVE CONSENT

Valid consent to a search may be given only by the person with a right to occupy the premises. For example:

- A landlord cannot consent to a search of a tenant's premises, unless the tenant has abandoned the premises or been evicted.
- A host can consent to a search of premises controlled by a guest. If a particular area of the premises has been set aside for a long-term guest's exclusive use, or if the search is of an object which is exclusively the guest's, the consent of the host may not authorize a search.
- A parent can give consent to a search of premises occupied by their minor child.
- An employee cannot consent to the search of an employer's premises, unless the employee has been delegated general authority to act as the agent of the employer.
- An employer may generally consent to a search of premises used by an employee in the employee's work, unless it is a particular area set aside for the employee's exclusive use.
- A person with custody of personal property belonging to another may consent to its search only if they have been given full control over the property, or if the property has been left on the premises without their authorization. Consent by a person having only conditional custody, such as that given for storage or shipment is not valid.

If two or more persons have equal rights to the occupation of the premises, consent to search may be given by any one of them, but only for the areas of use common to all. A legal consent search is valid against all occupants.

It must be understood, however, that ***refusal*** to grant consent by one occupant may override the consent given by others.

- Generally, one spouse can consent to a search of a residence shared with the other spouse.
- One joint tenant can consent to a search of jointly held premises.
- A partner can consent to a search of partnership premises.

10-704 REVOCATION OF CONSENT

Valid consent to search may be presumed to continue until all areas specified in the consent have been searched. Consent may be revoked at any time before the search is completed. If consent is revoked prior to completion of the search, all evidence found prior to the revocation may be retained. This evidence may be used as probable cause for a subsequent search warrant, or for an immediate arrest and incidental search.

CHAPTER 11
PATROL

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	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **PATROL**	Chapter **11**
	Affects: **ALL PERSONNEL**	
EFFECTIVE DATE **January 29, 2009**	Rescinds:	Amends: **11-703, 704, 706 on 11/6/19**

11-100 PATROL

11-101 GOALS OF PATROL

A well-trained deputy, in a conspicuously marked car, represents a deterrent force that helps prevent crime before it starts. A deputy observes conditions, which are conducive to crime, such as unattended property, and observes suspicious persons. The deputy follows up with inquiry, which further contributes to crime prevention.

Another object of patrol is to assign deputies to patrol areas in such a way as to increase the likelihood that a criminal will be apprehended during the commission of a crime or immediately thereafter.

11-102 24-HOUR COVERAGE, SHIFT SUPERVISION

The Patrol Bureau is responsible for continuous patrol coverage to provide police services, protection, and response to emergency calls to the citizens of Calvert County on a 24-hour per day, 7 days per week basis.

The Patrol Bureau is comprised of four Patrol squads, along with the Twin Beaches Patrol squad. All personnel assigned to a particular squad work the same days and have the same days off.

There are four primary shifts worked by deputies:

Early shift A – 0500 hours -1700 hours
Early shift B – 0700 hours -1900 hours

Late shift A – 1700 hours - 0500 hours
Late shift B – 1900 hours - 0700 hours

Patrol squads rotate between early and late shift every 28 days. Deputies rotate their days on / off every 14 days as follows:

Weeks 1 and 3 or Weeks 2 and 4: Three days on / two days off / two days on
Weeks 2 and 4 or Weeks 1 and 3: Three days off / two days on / two days off

Each shift is twelve hours in duration. To provide adequate coverage during shift changes, a compliment of deputies begin their tour of duty one hour early for early shift and two hours early for late shift to handle calls for service during the transition.

Additional coverage is provided by other specialty units such as the K-9 Unit and the Community Action Team. The Commander of the Twin Beaches Patrol is responsible for the coverage of the towns of Chesapeake Beach and North Beach, using a similar schedule.

Each Patrol squad has a set number of members with minimum manpower requirements for all shifts, as established by the Sheriff. During late-shifts on Fridays and Saturdays, minimum manpower is increased. Minimum manpower requirements are based on current staffing levels and are subject to change as staffing levels in the Patrol Bureau increase.

The Patrol Commander is responsible for ensuring that there are sufficient personnel to cover each shift daily. Patrol supervisors are given the authority and the responsibility to also ensure that there is adequate coverage for each shift they work. If the Patrol supervisor foresees a manpower issue, he shall immediately bring it to the attention of the Patrol Commander or his designee. If time does not permit this, the Patrol supervisor shall make the necessary arrangements to provide adequate coverage such as holding over personnel from the previous shift or calling personnel in from home.

At each roll call, Patrol supervisors will assign each deputy working a patrol area to cover. The CCSO does not use any type of rotating patrol area plan. At the Patrol supervisor's discretion, he may keep a deputy in the same patrol area or may move the deputy to work other areas as needed.

On any squad, the Patrol supervisor is the person of rank.

11-103 ROLL CALL

Although CCSO Patrol deputies begin their tour of duty directly from their residences, the Patrol Bureau does have a formal roll call.

During roll call, information is transmitted from shift to shift and through the supervisory chain via memoranda, notices, and new directives left on the *Roll Call Log* in the Roll Call Room; *Shift Summary* notification from the departing supervisor to the incoming supervisor of information critical to the Patrol function; and through the use of Calvert Control Center's dispatch. Sworn members not assigned to regular patrol squads shall attend briefings as directed by their supervisors. All members have access to and are responsible for briefing information.

Roll call will be utilized to conduct training and inspections of deputies and/or Agency issued equipment.

11-200 RESPONSE TO CALLS

11-201 CLASSIFICATION OF CALLS

The Control Center will be responsible for routine dispatching and deployment of field units based on established protocols. When a Sheriff's Office supervisor has knowledge of a situation of such nature that it is necessary for him/her to assume command of field unit assignments, they will advise the Control Center and assume command.

Calls for service shall be classified as follows:

11-201.1 PRIORITY 1

Priority 1 – Emergency calls where there is a high probability of death, serious injury, and certain crimes in progress. Priority 1 calls are characterized by an emergency need for an immediate law enforcement response to ensure the safety of persons, or when prompt arrival of a deputy is necessary for criminal apprehension. The dispatch of Priority 1 calls is preceded by a tone alert. Deputies respond utilizing emergency lights and siren. At least one primary unit and one back up unit are dispatched to the call. Additional units may be dispatched based on the circumstances of the call as determined by the dispatcher or the Patrol supervisor.

During a Priority 1 response, deputies shall comply with the provisions of the Transportation Article (TR§ 21-106). The driver of an emergency vehicle may:

- Park or stand without regard to the other provisions of this title.
- Pass a red or stop signal, a stop sign, or a yield sign, but only after slowing down as necessary for safety.
- Exceed any maximum speed limit, but only so long as the driver does not endanger life or property.
- Disregard any traffic control device or regulation governing direction of movement or turning in a specified direction.

The emergency vehicle operator shall be aware that this section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

When responding Priority 1, all deputies shall approach all intersections where their direction of movement is controlled by a stop signal or stop sign with the utmost regard to public safety. Vehicle operators may proceed through a controlled intersection when such movement can be made safely.

Units involved in a Priority 1 response will not pass each other, or other emergency vehicles (fire units, EMS units, etc.) except for some specific planned purpose. Each unit involved in the pass should be aware of the other's intentions and the pass should be coordinated verbally over the radio. This section does not prevent or preclude a pass required because of safety requirements necessitated by unexpected movements of any vehicle.

Examples:

Officer needs assistance	Motor vehicle collision – personal injury
Homicide	Motor vehicle collision – undetermined
Robbery in progress	Commercial hold-up alarm
Rape in progress	Child abuse in progress
Carjacking in progress	Sex offense in progress
Kidnapping/Abduction in progress	Burglary in progress
Attempted suicide in progress	Escape in progress
Assault in progress	Theft in progress
Fight in progress	Stolen vehicle in progress
Domestic incident in progress	Destruction of property in progress
Hostage/Barricaded suspects	Assist sick or injured

No more than the three (3) closest available units will respond initially to a motor vehicle collision involving possible injuries. The first arriving unit will assess the need for additional police units, fire/EMS units, and supervisory personnel.

11-201.2 PRIORITY 2

Priority 2 – Urgent calls for service where there is a potential for personal injury or damage to property. Priority 2 calls are characterized by an urgent need for a law enforcement response but has not escalated to the level of an emergency. Emergency equipment, in general, should not be utilized unless information is received to upgrade the response to Priority 1, or at the discretion of the deputy or the Patrol supervisor such action is deemed necessary. At least one primary unit and one back up unit are dispatched to the call. Additional units may be dispatched based on the circumstances of the call as determined by the dispatcher or the Patrol supervisor.

Examples:

Disorderly conduct
exposure in progress
Domestic, not in progress
Alarm, routine
Intoxicated person
Trespassing
Unknown problem
Bomb threat
Carjacking, not in progress
Assist motorist, vehicle in traveled portion
Suicide/Attempted suicide, not in progress
911 hang-up Indecent
Prowler in progress
Person w/weapon
Livestock in road
Industrial accident
Assist fire department
Unattended death
Mental subject
Stalking
Missing person, critical factors
Residential panic alarm; may be upgraded by supervisor to Priority 1, if needed
Motor vehicle collision, property damage only, if vehicles in traveled portion, a disturbance between the principals is reported; or there is major traffic congestion as a result of the accident.

11-201.3 PRIORITY 3

Priority 3 – Calls for service where there is not an immediate need for a law enforcement response. There is no threat to personal safety or property damage. Generally, only one primary unit is dispatched to the call. Additional units may be dispatched based on the circumstances of the call, as determined by the Patrol supervisor. Deputies respond routinely without emergency lights and siren.

Examples:

Destruction of property, not in progress
Theft, not in progress
Fireworks complaint
Animal complaint
Harassment
Tampering w/motor vehicle
Summons service
Suspicious vehicle
Missing person, no critical factors
Police information
Loud party/music
Relay
CDS violation
Indecent exposure, not in progress
Protective/ Peace Order service
Warrant service
Firearms complaint
Suspicious person
Burglary, not in progress
Conservator of Peace

Traffic complaint
Mail tampering
Child abuse, not in progress
Found/Recovered property
Alcohol violation
House/Building check
Notification
Fraud
Attempt to locate
Escape, not in progress
Escort
Telephone misuse
Sex offense, not in progress
Lost property
Loitering
Check welfare
Neighborhood dispute
Drag racing
Animal cruelty
Unauthorized use of motor vehicle
Stalking, not in progress
Assist motorist, vehicle not in traveled portion
Traffic control (circumstances may dictate higher Priority response)
Motor vehicle collision, property damage only, not in traveled portion
Violation of Protective/Peace Order (circumstances may dictate higher Priority response)

11-201.4 PRIORITY 4

Priority 4 – Routine calls for service where there is not complainant or victim waiting for law enforcement contact.

Examples:

Abandoned/Unattended vehicle
Littering
Parking complaint/violation
Debris in road
Illegal dumping

11-202 RESPONSE

The first unit to arrive on the scene of an incident will immediately notify the dispatcher if a change in the response classification or additional units are necessary. When an on-scene unit advises that other responding units are not needed, those units shall not respond to the scene and will return to service.

A Patrol supervisor may change any call for service to a higher or lower Priority when circumstances dictate.

Pending Calls – Priority 1 and Priority 2 calls will be immediately dispatched to the two closest available police units. These calls will not be held for any period of time.

Medical Assistance Calls, i.e., suicide, drug overdose – the closest available police unit will be dispatched as Priority 1 as directed by the Control Center in order to secure the scene for medical personnel.

Priority 3 calls may be held for a reasonable amount of time, if the deputy assigned to that patrol area is busy. Generally, deputies will not be cross-dispatched from another patrol area to handle a Priority 3 call unless the Patrol supervisor determines that it is necessary. In cases where a call for service will be held for a lengthy period of time, the Patrol supervisor shall ensure that the complainant is notified, and the delay is explained.

Priority 4 calls may be held as necessary to handle all calls of a higher priority. Deputies will not be cross-dispatched from another patrol area to handle a Priority 4 call, unless a Patrol supervisor determines that it is the best course of action.

At-large units, such as Patrol supervisors and K-9 units, may be utilized as needed to ensure that calls are handled in a timely manner.

11-203 RESPONDING TO THEFT OF PRESCRIPTION MEDICATION

When responding to a report of the theft of prescription medication, deputies and or SCO's must advise the complainant to provide a note from the prescribing doctor of the type, amount, and date the prescription was issued. This information must be provided to the deputy or SCO prior to taking the report.

11-204 ANALYSIS OF CONDITIONS AND REPORT

The deputy arriving on the scene of any incident will, after first attending to any matter which may reduce the likelihood of death or serious injury to any person, give a full and detailed report of conditions to the Calvert Control Center. The deputy will identify all emergency services, which will be required at the scene, such as CCSO supervisory personnel, emergency medical services, fire service, forensic investigator, highway personnel, and tow trucks.

11-300 VEHICLE PURSUIT AND ROADBLOCKS

A vehicle pursuit occurs when a deputy disengages from routine patrol driving with the intention to pursue and stop a violator of the law. There are two types of pursuit:

- Normal Pursuit - Pursuit of a violator after a violation has been observed; the operator is signaled to stop and complies.
- Extended/High-Speed Pursuit - Violator attempts to avoid arrest by fleeing in his vehicle, ignores, or fails to comply with the deputy's signal to stop.

11-301 PURSUIT POLICY

It is the policy of the CCSO to permit deputies to engage in extended/high-speed vehicle pursuit when it is necessary to apprehend a violator of the laws of this State. Extended/high-speed pursuit is a sanctioned law enforcement technique (Supreme Court, Scott vs. Harris); however, it should be used with discretion and after conscious deliberation and not as the product of a deputy's emotions. It is better to disengage from a pursuit than to become involved in unreasonable risk-taking. The potential for personal injury and damage to personal property must be weighed against the urgency of the pursuit and the tactics employed by the pursuing deputy.

CCSO policy permits deputies wide latitude in deciding to pursue and after pursuit has begun, in choosing the manner and methods of conducting and ending the pursuit. A pursuit is justified when the deputy knows, or has reasonable suspicion to believe, that a suspect has committed or is attempting to commit a crime; or a traffic infraction where the suspect refuses to stop when given a signal to do so, and the necessity of immediate apprehension for a traffic infraction outweighs the level of danger created by the pursuit. Supervisors and pursuing deputies must take into consideration the potential risk of death or serious injury to any person created by the pursuit itself, as well as the continued actions on the part of the violator even after the pursuit ceases.

As soon as the pursuit is initiated, the pursuing deputy must advise the Calvert Control Center immediately of the pursuit and the reason for the pursuit. The deputy will advise the Patrol supervisor if they have a non-sworn ride-along passenger and shall seek approval from the Patrol supervisor to continue the pursuit.

The Patrol supervisor will also be notified as soon as practical, via the Calvert Control Center. The supervisor is required to acknowledge awareness of the pursuit and assume incident command verbally, either through the voice radio or another oral communications device. As soon as practical, thereafter, a supervisor shall give specific direction that either (1) the pursuit may continue or (2) the pursuit shall be terminated. This provision does not preclude the termination of the pursuit by a supervisor or deputies at any time within the criteria set forth in this order. A supervisor actively involved in the pursuit may assume command and control of the pursuit. This does not preclude a higher-ranking supervisor from taking command of the pursuit.

State law permits a deputy who is engaged in vehicle pursuit to disregard traffic laws but does hold the deputy responsible for driving with due regard for the safety of others and does not protect a deputy from the consequences of reckless disregard for the safety of others.

The provisions of this policy apply equally whether the pursuit originates in Calvert County or originates in another jurisdiction and continues into Calvert County. While the nature of the offense may not be immediately known when a pursuit continues into Calvert County, the CCSO deputy will consider all of the other applicable factors when deciding whether to join in a pursuit.

11-302 LIMITING FACTORS – PURSUIT

Many factors will affect the decision to begin and to continue pursuit:

- The nature of the offense
- If the suspect's identity has been established to the point that later apprehension can be accomplished and there is no longer any need for immediate apprehension
- The deputy's ability to operate at high speeds over an extended distance
- The characteristics of the highway and the deputy's familiarity with the highway
- The performance characteristics of the vehicle and those of the vehicle being pursued
- Traffic density
- The danger to the public

11-303 PROCEDURES FOR PURSUIT

The goal in a pursuit is to apprehend the violator as soon as possible and to minimize the hazard of their violation. The sooner the violator is apprehended, the less an opportunity exists for an accident.

Siren and emergency lights will be used when a normal pursuit escalates into a high-speed/extended pursuit.

The Patrol supervisor will monitor and supervise its progress. The Patrol supervisor may assign additional units and any other resources available to assist with the pursuit; no other patrol vehicles will become involved in the pursuit without the express approval of the Patrol supervisor.

A deputy assigned as the secondary unit in a vehicle pursuit shall:

1. Maintain a safe distance behind the primary unit;
2. Assist the primary unit during the pursuit;
3. Facilitate communications between the primary unit, the Control Center, and the supervisor;
4. Assist the primary unit with the apprehension and security of the suspect when the pursuit is terminated; and
5. Assume the role of the primary unit in the event the primary unit is unable to continue the motor vehicle pursuit; and at which time, the new primary unit shall evaluate the pursuit and determine if the pursuit should be terminated or continued and shall request an additional secondary unit if necessary.

A deputy operating an unmarked vehicle will permit marked vehicles to assume control of the pursuit once they become available. Whenever sufficient marked police vehicles become involved and take over the pursuit, the unmarked vehicle, unless directed by a supervisor to continue in the pursuit, shall withdraw from the pursuit. Generally, Patrol vehicles carrying passengers or prisoners will not become involved in a high-speed pursuit, except when the passengers are:

- CCSO sworn personnel.
- Sworn personnel from other law enforcement agencies.
- Other persons specifically authorized by the Sheriff.

A deputy with a non-sworn passenger(s) will not engage in any pursuit without prior approval from a Patrol supervisor.

Consistent with the safe operation of the vehicle, the pursuing deputy will maintain communication with Calvert Control Center. The deputy will relay all information that will assist in apprehending the violator.

Calvert Control Center will notify all allied police agencies of the high-speed pursuit. This notification will be made as soon as possible. The allied agencies will be informed of the location of the pursuit, type of violation, and any other information necessary, and will be constantly updated as to the progress of the pursuit.

The goal of the pursuing deputy is to stop the offender as safely and expeditiously as possible. In doing this, a deputy may appropriately duplicate some of the actions of the violator. However, a deputy will not attempt maneuvers which are inherently reckless or dangerous.

11-304 ABANDONING / TERMINATING A PURSUIT

The decision to abandon pursuit will remain, in most instances, with the pursuing deputy. The Patrol supervisor will monitor the course of the pursuit and has the prerogative to end it based on input from the pursuing deputy and the shift supervisor's personal knowledge of the area, road, and traffic conditions.

Generally, a pursuit will be discontinued when:

- The risk to the deputy and the public are unnecessarily high.
- The risk is inconsistent with the severity of the violation.
- The highway and environmental conditions are not conducive to continued safe pursuit.

When a deputy involved in the pursuit makes the decision to abandon the pursuit, or the Patrol supervisor orders the deputy(ies) involved to abandon a pursuit, the following procedures will be followed:

- Emergency lights and siren will be turned off.
- The pursuing deputy will advise the Calvert Control Center via voice radio that they have abandoned the pursuit and give the last known location of the violator and direction of travel.
- With Patrol supervisor approval the pursuing deputy may continue to canvas the area for the violator, otherwise the deputy will return to their patrol area.

11-305 ROADBLOCKS

Roadblocks are sometimes necessary to apprehend a person fleeing from the scene of a crime or attempting to evade arrest. The purpose of this section is to establish guidelines for effecting forcible stops by the use of moving and fixed roadblocks.

Because roadblocks may involve the use of force, including deadly force, their use must always be fully consistent with the requirements of this Manual in Chapter 8, *Use of Force*.

For the purpose of this section, a roadblock is an obstruction deliberately placed at one or more selected points on a roadway for the purpose of stopping a vehicle, using force if necessary. This type of roadblock is distinguished from the procedures for conducting sobriety checkpoint operations, road closures due to accidents or weather conditions, and traffic surveys.

11-306 POLICY FOR ROADBLOCKS

Because a fixed roadblock, depending on how it is employed, may involve the use of deadly force, the CCSO will initiate a fixed roadblock only after a supervisor authorizes a fixed roadblock. Before authorizing a fixed roadblock, the Patrol supervisor will evaluate available information and decide if a roadblock is appropriate, considering the imminent threat to the personal safety of the public, deputy and violator.

11-307 TYPES OF ROADBLOCKS

A moving/rolling roadblock is used to stop a fleeing violator's vehicle by employing CCSO vehicles, driving skills and techniques designed to restrict, reduce, or eliminate the chance for escape.

A. ***Rolling Roadblock (Box-in)*** – Except in extreme cases, three units are sufficient to box in a vehicle and slow its rate of speed to affect a safe, forced stop, minimizing the risk of serious injury and damage to property. This method requires extreme caution because it places the deputy in the danger zone of an armed suspect and may expose the police vehicle to ramming by the suspect. This roadblock does not normally involve the use of deadly force.

B. A fixed roadblock is the use of physical stationary obstructions to stop or disable an approaching violator's vehicle. ***Fixed Roadblocks*** are classified as:

   1. Class A – Using heavy materials, vehicles or equipment on a roadway designed to stop or disable an approaching vehicle on impact with no avenue of escape. The use of a stationary/fixed roadblock may be considered to effect an arrest and stop a

fleeing vehicle. The decision to use a fixed roadblock must take into account the risk of injury to or death of any person and shall be made by a supervisor. The use of a fixed roadblock shall be established as follows:

a. Under no circumstances shall a citizen's vehicle be utilized to establish a rolling or fixed roadblock.
b. Only unoccupied CCSO vehicles, one of which must be a marked police vehicle with emergency lights activated, shall be used for a fixed roadblock.
c. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop.
d. The Calvert Control Center shall be advised of the exact location of the roadblock, and all pursuing units shall be notified by radio of the existence and location of the roadblock.

2. Class B - Using signs, flares, other warning devices and lightweight barricade devices, which if struck, cause little or no damage. This type of roadblock does not normally employ the use of deadly force.

11-308 LIMITING FACTORS – ROADBLOCKS

The Patrol supervisor will consider the following before authorizing any of the rolling or fixed roadblocks listed above:

1. Only deputies who have successfully completed training in roadblocks are able to be involved in the roadblock assignment.
2. The number of personnel available for assignment to the roadblock.
3. The seriousness of the crime or incident.
4. The sufficiency of information and descriptions of wanted persons and vehicles.
5. The traffic and roadway conditions.
6. The sufficiency of time to provide a reasonable system of warning to motorists.

11-309 PROCEDURES FOR ROADBLOCKS

The Patrol supervisor will, if possible, respond to and command a roadblock. If the Patrol supervisor is unable to arrive at the scene prior to implementation, they will assign a specific individual to command the roadblock.

The Patrol supervisor will ensure that the "on call" commander is notified if the use of deadly force is employed.

11-310 PRECISION IMMOBILIZATION TECHNIQUE (PIT)

Precision Immobilization Technique (PIT) – The intentional act of using a CCSO vehicle to physically force a fleeing vehicle from a course of travel in order to stop it. PIT is a specific, technical maneuver, which requires advanced practical training prior to use.

If in the judgment of the deputy(ies) in pursuit, the fleeing vehicle must be stopped immediately to safeguard life and preserve the public safety, the Precision Immobilization Technique (PIT) may be used. Only those deputies who have successfully completed training in the PIT shall utilize it. This decision to utilize the PIT maneuver may be made by a pursuing deputy. The decision to use the PIT must take into account the safety of bystanders, the risk of physical injury to the occupant(s) of the fleeing vehicle, and to the deputy. The Precision Immobilization

Technique shall be considered non-deadly use of force. The use of PIT within the prescribed training guidelines of the Calvert County Sheriff's Office is not likely to cause serious bodily injury or death. The decision to do so shall be reviewed on a case by case basis to determine whether it meets the criteria herein established.

11-311 STOP STICK TIRE DEFLATING DEVICES

If there is sufficient time, number of deputies, and the road and traffic conditions allow, the deployment of Stop Stick Tire Deflating Devices may be utilized to bring the pursuit to a conclusion. The following rules govern the deployment and use of the Stop Stick:

A. Shall only be deployed by deputies trained in the deployment of the Stop Stick.

B. Shall only be used on vehicles with four (4) or more tires traveling at speeds greater than 10 mph.

C. The police dispatcher shall be advised of the exact location of the Stop Stick deployment and pursuing units shall be notified by radio of the existence and location of the Stop Stick deployment.

D. Deputies shall deploy the Stop Stick in accordance with deployment methods, prescribed by the Agency's training guidelines.

E. Use of the Stop Stick shall be documented on a *Pursuit Report* through Blue Team. The Traffic Safety Supervisor will then complete the web-based pursuit reporting form located at www.stopstick.com.

F. Once the Stop Stick has been used or damaged and cannot be reused, it must be returned to the Traffic Safety Office and a replacement obtained. **DO NOT DISCARD THE USED DEVICE,** as there is a lifetime warranty, with free replacement.

11-400 PURSUIT INTO OTHER JURISDICTIONS

11-401 PRINCIPLES OF PURSUIT INTO OTHER JURISDICTIONS

As with any pursuit, a deputy must carefully evaluate whether the continued pursuit into another jurisdiction will result in a reduction of imminent danger to the public. If it does not, the pursuit should be terminated.

As a general rule, CCSO deputies will pursue outside the State of Maryland only in the case of a fleeing suspect who has committed a felony. Deputies will not pursue for traffic offenses, unless the actions of the driver are so erratic as to represent a danger to the public. Speed alone will not constitute such a danger.

The Patrol supervisor will monitor the course of the pursuit and has the prerogative to end it based on input from the pursuing deputy and the shift supervisor's personal knowledge of the area, road, and traffic conditions.

11-402 COMMUNICATIONS

A deputy will notify Calvert Control Center when it becomes apparent that a pursuit will lead into a neighboring jurisdiction. The deputy will have provided Calvert Control Center with all

available vehicle identification information and the location and direction of travel. Calvert Control Center will immediately transmit that information to the neighboring jurisdiction by the fastest possible means.

11-403 PROCEDURES FOR PURSUIT INTO OTHER JURISDICTIONS

Upon entering a foreign jurisdiction, a deputy will carefully adhere to all Maryland State laws for emergency vehicle operation and all related CCSO procedures, including use of force and use of weapons.

The number of vehicles pursuing into a foreign jurisdiction will be limited to the minimum necessary to support the pursuit. Except in extraordinary circumstances, unmarked vehicles will not pursue into another jurisdiction, unless the unmarked vehicle is being operated by a supervisor.

Once the police agency of the jurisdiction entered joins the pursuit, that agency will have the lead responsibility for the pursuit. Generally, only one CCSO vehicle should continue pursuit.

11-404 APPREHENSION IN ANOTHER STATE

A deputy who apprehends a violator after crossing into another state will not remove the apprehended subject from that jurisdiction, until all appropriate laws of the foreign jurisdiction have been complied with regarding judicial hearings on the legality of the arrest and the legal right to remove the person to the State of Maryland.

11-405 AUTHORITY OF OFFICERS OF OTHER STATES TO ARREST IN MARYLAND

A member of a state, county, or municipal peace unit of another state who enters Maryland in fresh pursuit of a person who is believed to have committed a felony in the other state, has the same authority to arrest and hold the person in custody as a duly sworn Maryland law enforcement officer has with respect to a felony violation in Maryland.

A law enforcement officer from another state may not remove the apprehended subject from Maryland until all appropriate Maryland laws have been complied with, regarding judicial hearings on the legality of the arrest and the legal right to remove the person from the State of Maryland.

11-406 REPORTS ON PURSUITS AND ROADBLOCKS

Upon completion of a rolling roadblock, P.I.T, and/or a high-speed pursuit, the deputy involved, or the shift supervisor will notify Calvert Control Center and all personnel that the event has been secured.

The pursuing deputy will complete a *Vehicle Pursuit* Blue Team entry at the end of the shift regarding all facts surrounding the high-speed pursuit.

The deputy in charge of a roadblock will submit a *Supplement Report* at the end of the shift, which will be attached to the report of the high-speed pursuit.

The Patrol Commander, or a designee, will review each report of a pursuit for compliance with CCSO policies and to determine if training or counseling for the deputies involved is warranted.

A pursuit or roadblock in which deadly force is used, or which results in injury to the deputy or any other person, is subject to the reporting requirements of Chapter 8-700.

11-407 PERSONNEL ACCOUNTABILITY AT THE END OF A PURSUIT

At the end of any pursuit, the dispatcher will contact all units involved and check their welfare.

11-500 MOBILE COMPUTER SYSTEM (MDC)

The Calvert County Sheriff's Office has enhanced the ability of deputies to provide the highest quality of policing to our citizens by using the most advanced equipment available. It is the responsibility of all members to ensure that all computers are used responsibly, properly, and in adherence with the procedures set forth in this policy.

11-501 DEFINITIONS

Mobile Computer System: A system for providing real-time data communications for deputies in the field. Such communications include, but are not limited to, administrative messages between units, Maryland Electronic Telecommunications Enforcement Resource System (METERS), National Criminal Information Center (NCIC), Motor Vehicle Administration (MVA) inquiries, and an interface to the CAD/RMS system and its related functions using Mobile Data Computers (MDC's).

Mobile Data Computer (MDC): MDC's include both fixed mounted and laptop computers.

11-502 RESPONSIBILITIES

A. The Mobile Computer System Coordinator shall be responsible for the overall implementation, control, and maintenance of the Mobile Computer System.

B. Supervisors will conduct inspections of the MDC's assigned to their personnel quarterly to ensure the units are being cared for consistent with Agency policy.

C. Deputies shall be solely responsible for the care and safekeeping of the assigned MDC, related documentation, and accessories, whether assigned on a permanent or temporary basis.

1. Loss of or damage to the computer or problems with the programs shall be reported immediately to the on-duty Patrol supervisor and documented on a *MDC Service Request* form, which will be forwarded to the Mobile Computer System Coordinator.
2. A *Case Report* shall be submitted when any MDC is lost, damaged, or stolen.

D. Software which enables user access to restricted systems, such as METERS/NCIC, CAD/RMS, or any interface to the County network, will be restricted to authorized users through a software password, hardware password, or both. Deputies will not disclose assigned confidential passwords except:

1. To authorized personnel when necessary to upgrade, diagnose, or repair software/ hardware problems.
2. Upon direction of a supervisor when necessary to meet supervisory review needs.

11-503 TRAINING

The Mobile Computer System Coordinator will ensure that all MDC users are properly trained in the use of the MDC and have the proper METERS/NCIC certification.

11-504 SECURITY

A. All deputies shall keep their vehicles locked to preclude the theft of, unauthorized use of, or tampering with the MDC.

B. Deputies will minimize applications or close the screen on laptops to prevent unauthorized viewing of sensitive material.

C. Deputies shall logoff from all applications at the end of each shift and whenever the MDC will be left unattended for an extended period of time.

D. All fixed mounted MDC's are securely mounted to the vehicle and all laptops are secured with a docking station with locking mounts. It is the responsibility of the deputy assigned the MDC to ensure the integrity of the MDC when the deputy is not on-duty. Laptops may be secured in the trunk of the Patrol vehicle or in the deputy's residence.

E. Whenever the Patrol vehicle is in motion, the MDC will be secured with the vehicle mount. Laptops shall be maintained in its lowest position and centered out of airbag deployment zones. (Detectives operating vehicles without mounting hardware will ensure that the laptop is securely positioned when the vehicle is in transport.)

11-505 UNAUTHORIZED SOFTWARE

A. Agency personnel shall not modify, add or delete any settings, components or files on the MDC's unless authorized to do so by the Mobile Computer Systems Coordinator and Technology Services.

1. Employees are strictly prohibited from altering or modifying the system files and settings. Personnel shall not allow any other person to modify, add or delete any settings, components or files, other then when authorized as above.
2. Unauthorized installation of software or unauthorized modifications to the MDC will result in progressive disciplinary action against the offending employee.

B. MDC's are subject to inspection by supervisory personnel. No individual files may be hidden or password protected.

C. There may be circumstances where members will need specific computer software applications to facilitate their assigned duties. All such requests will be reviewed by the Mobile Computer System Coordinator who will then obtain approval from the Technology Services staff.

1. The loading of all software on an MDC must be approved by Technology Services.
2. All software must be fully licensed and free of any viruses.

11-506 REPAIRS AND MAINTENANCE OF THE MDC

Deputies experiencing problems with the routine functioning of the MDC shall first contact their immediate supervisor to advise them of the problem. The deputy shall then inform the County Technical Services Department of the problem.

11-507 USE OF THE MDC

A. At the beginning of each tour of duty, deputies who have MDC's in their vehicles will log onto the MDC and Mobile application using their name and assigned password. They will remain connected throughout their shift and will logoff at the end of their tour of duty.

B. Deputies who have MDC's in their vehicles will complete all reports using the MDC, unless precluded by circumstances and only when authorized by a supervisor. Reports will be generated in accordance with Agency policy.

C. All MDC's are designed to interface with METERS, NCIC, and MVA.

1. State and Federal statutes regulate access to METERS/NCIC. Use of the METERS/NCIC network is restricted to those personnel who have been trained by CJIS or an authorized trainer.
2. Information obtained from the system is to be used for law enforcement purposes only and is not to be disseminated for any other reason.
3. Under no circumstances will any restricted law enforcement system be accessed for personal use.

D. The MDC's are capable of electronic messaging to other personnel and to groups of personnel.

1. All electronic messaging via the MDC are recorded and stored and are subject to disclosure under public record laws.
2. The MDC's electronic messaging system shall be used for work related purposes only. All employees will restrict communications to official business.
3. Messages that contain profanity; text or images of a sexually explicit nature; or racial or ethnic, or any other degrading or personal remarks or innuendos are strictly prohibited.

E. When operating a vehicle, the safe operation of the vehicle is a deputy's primary responsibly. Use of the MDC is always of secondary importance, and the deputy should consider the need to stop the vehicle in a safe location before using the MDC if the use will divert the deputy's attention from the safe operation of the vehicle.

11-508 COMPUTER AIDED DISPATCH

A. All calls for service will be dispatched simultaneously by voice transmission and the MDC.

1. Deputies will acknowledge all calls with voice transmissions regardless of the acknowledgement by MDC.
2. Deputies who have MDC's in their vehicle will use the MDC to obtain information pertaining to the call unless circumstances necessitate voice transmission or clarification is necessary.

3. Deputies will clear a call via radio; however, deputies will enter disposition codes via the MDC.

B. All traffic stops and field stops will be conducted by voice transmission.

C. Patrol checks and follow-ups shall be self-initiated via the MDC.
D. Deputies who have assigned MDC's will run all METERS/NCIC and MVA inquires by using their MDC, unless it would affect officer safety.

11-508.1 METERS / NCIC HIT CONFIRMATIONS

A. When a deputy receives a METERS or NCIC hit via the MDC, the deputy will contact the Control Center via radio and advise them of the hit and will request a hit confirmation.

B. The Control Center will dispatch a back-up unit if necessary and will send a hit confirmation request.

C. The Control Center will notify the deputy once the hit is confirmed along with any extradition information if applicable.

11-600 MOBILE DIGITAL VIDEO / AUDIO RECORDER (MDVR)

The Calvert County Sheriff's Office utilizes mobile digital video/audio recorders for the documentation of official actions taken by members of the Agency. In-car recording equipment enhances officer safety, assists in the documentation of events made during traffic stops and other critical incidents, and enhances the prosecution of law violations.

A Mobile Digital Video/Audio Recorder (MDVR) includes the camera, digital video recorder with docking station, in-car microphone, wireless microphone system, and a monitor. MDVR's use the in-car computer screen as a monitor.

A member of the Agency will be designated as the MDVR Program Coordinator and will be responsible for the overall coordination of the program.

The U.S. Supreme Court has held that an officer has the right to observe what the officer can see if the officer has the legal right to be present (plain view). So, it follows, if an officer has the right to observe, then he has the right to photograph and/or videotape. The recording is made by "one party consent."

The Annotated Code of Maryland, Courts and Judicial Proceedings Article (§10-402) relating to wiretapping and electronic surveillance states, "It is lawful under this subtitle for a law enforcement officer in the course of the officer's regular duty to intercept an oral communication if:

1. The law enforcement officer initially lawfully detained a vehicle during a criminal investigation or for a traffic violation;
2. The law enforcement officer is a party to the oral communication;
3. The law enforcement officer has been identified as a law enforcement officer to the other parties to the oral communication prior to any interception;
4. The law enforcement officer informs all other parties to the communication of the interception at the beginning of communication; and
5. The oral interception is being made as part of a videotape recording."

Deputies may visually and/or audibly record any event in which all parties consent.

11-601 TRAINING

The MDVR Program Coordinator will arrange to have deputies trained in the operation of the MDVR system by qualified personnel before engaging in the use of the equipment. Prior to using the system, the deputy should ensure that they fully understand how to use the equipment and shall immediately contact the MDVR Program Coordinator or one of the MDVR instructors if any questions or concerns arise.

11-602 EQUIPMENT INSTALLATION AND CARE

Only mobile digital video/audio recording equipment acquired by the Calvert County Sheriff's Office will be installed in Agency vehicles. Only authorized technicians will install and/or modify the MDVR equipment.

Routine care and maintenance of MDVR equipment installed in any Agency vehicle is the responsibility of the deputy assigned that vehicle. Equipment will be maintained in accordance with this policy and manufacturer recommendations.

Prior to the beginning of each shift, each deputy assigned an MDVR system shall perform a pre-operational inspection to ensure the MDVR is performing in accordance with manufacturer's recommendations:

A. Wireless microphone functional:

    1. Full power or nearly fully charged.
    2. Remote activation of system via wireless microphone is working properly and audio is heard during playback of test video.

B. Camera lens:
    1. Windshield and camera lens clean and free of debris.
    2. Camera facing intended direction.

C. MDVR is capturing both audio and video information: System plays back both audio and video tracks.

Periodically during a tour of duty, cameras should be checked for proper adjustment, mounting security and proper, secure connection of all wires and cables.

To prevent damage, only approved products will be utilized to clean the camera lens.
If a deputy discovers that any element of the MDVR system is broken or not functioning properly, they will immediately notify their immediate supervisor. Either the deputy or the supervisor will contact the MDVR Program Coordinator who will make the necessary arrangements to have it repaired.

11-603 MDVR OPERATING PROCEDURES

11-603.1 MONITOR

The monitor (in-car computer screen) is to be used for adjustments of the camera and to review recorded incidents, and for classification of incidents.

11-603.2 WIRELESS MICROPHONE

The wireless microphone shall be worn with the wire concealed within the uniform shirt and the transmitter attached to the duty belt at all times. The wireless transmitter may also be placed in the breast pocket of the shirt with the microphone attached to the shirt. Deputies shall carry their microphones in their cruisers and use them during off-duty incidents in the same manner as on-duty incidents, except that the transmitter may be attached to something other than the duty belt, but in a secure manner.

11-603.3 IN-CAR MICROPHONE

The interior microphone will be mounted in a safe, covert location inside the vehicle. The MDVR Program Coordinator will determine the location. Deputies shall ensure the volume from other electronics devices within the police vehicle such as radios, scanners, CD players, etc. are turned down when the MDVR is activated. This does not apply to police radios.

11-603.4 CAMERA

The camera will be mounted in a safe, suitable location as determined by the MDVR Program Coordinator.

11-603.5 RECORDER

The recorder may be activated in one of four ways:

1. Manually – by pressing the “record” button
2. Automatically – by activating the lights
3. Automatically – by activating the siren or
4. Remotely – by turning on the wireless microphone

Regardless of how the recorder is activated, it can only be turned off manually by pressing the “stop” button until the “record” light goes off.

Once recording of an incident has begun, the recording of both audio and video shall continue until termination of the incident. If for any reason recording is discontinued during an incident, the reason shall be documented in writing to the deputy’s supervisor via a *Sheriff’s Office Memo*. Inappropriately turning off the recording device shall result in disciplinary action.

At the beginning of each traffic stop or contact, the deputy will notify all involved individuals that they are being recorded in a manner such as:

> “Good morning, I am Deputy Jones of the Calvert County Sheriff’s Office. I am advising you that you are being audibly and visually recorded. You were stopped for exceeding the maximum posted speed limit.”

Deputies will note in arrest, and any other related reports, when audio/video recordings are made.

Deputies shall not attempt to do anything that can erase, alter, modify, or tamper with MDVR recordings.

To prevent damage to the MDVR, it shall not be inserted into anything other than its proper dock as provided by the manufacturer. Damage to MDVR will be captured on the Agency form, *Equipment Loss/Damage Report*, and subsequently undergo supervisory investigation/review.

11-603.6 PRE-EVENT RECORDING

The MDVR's are equipped with a feature called "Pre-Event Recording." "Pre-Event Recording" will capture 30 seconds of video footage prior to the deputy activating the recorder. During "Pre- Event Recording," the in-car microphone is muted.

11-604 INCIDENTS TO BE RECORDED

Incidents to be recorded include, but are not limited to:

- Emergency responses (lights and siren)
- Traffic stops in their entirety
- Vehicle pursuits
- DUI suspects prior to traffic stop, during performance of field sobriety tests and during transport, if arrested
- Crimes in progress, if able to be captured by camera
- Transport of all prisoners (camera should be rotated to rear if feasible)
- Vehicle searches and inventories
- Any situation or event that the deputy, through their training and experience, believes should be recorded

The wireless microphone requires a manual activation. Any time the recorder is on while the deputy is outside the vehicle, the wireless microphone shall also be activated. The deputy will narrate those things, which are outside the camera's view.

11-605 INCIDENT CLASSIFICATION

The MDVR program utilizes a Digital Video Management Solution to archive video for deputy reviews, training, evidence, and file retention management.

Each time an incident is recorded, a file is created. The MDVR has certain limitations in regard to the size of the files that it can record. Lengthier incidents such as vehicle pursuits lasting more than 30 minutes will create multiple files within the MDVR.

After each incident/event that is recorded, the deputy shall classify the incident under one of the following categories:

1. Acc – Accident
2. DOM – Domestic
3. DUI – Driving Under the Influence
4. Emer Resp – Emergency Response
5. FEL – Felony Arrest
6. Field Ob – Field Observation / Investigation
7. AR – Misdemeanor Arrest
8. Mot Assist – Motorist Assist
9. 0 – Non-Police Action
10. PUR – Pursuit
11. Traffic – Routine Traffic

12. TA – Transport
13. Force – Use of Force

The deputy shall classify the event/incident under the appropriate category. If more than one category applies, the deputy shall classify the incident/event under the category having the higher criminal penalty. For example, if a deputy makes an arrest on a traffic stop for DUI and misdemeanor possession of CDS, the incident/event would be classified as AR (Misdemeanor Arrest) because it has the higher criminal penalty.

Deputies shall not intentionally misclassify any incident/event. Intentionally misclassifying an incident/event is a Category "E" violation and could lead to dismissal.

11-606 DATA SECURITY AND ACCESS

The DVMS software contains many features to ensure that all data is secure and has not been altered. There is a history tab that provides a log of all activity for each video file, from creation throughout its life, with a date/time stamp and a notation of which user performed each action. There is also an audit log, which maintains a history of actions performed by users of the system. The log can be used to determine when various settings have changed and identifying the user who made the change.

The video files are downloaded onto its own secure server.

Deputies can view their own video files and can reclassify files and add comments as necessary. Supervisors have the ability to view all video files and can reclassify files and add comments as necessary. The MDVR Program Coordinator is the only person who can delete video files and shall only do so based on the file retention procedures listed in this policy.

11-607 DATA STORAGE AND FILE RETENTION

The MDVR will be removed from the dock in the police vehicle and placed in the dock in the Roll Call room at the Sheriff's Office at least one time per week unless the deputy is on extended leave, such as vacation. This process allows the video files to be downloaded onto the secure video server for storage and retrieval via the DVMS software.

The MDVR Program Coordinator will be responsible for ensuring that video files are purged based on a pre-defined retention schedule. Any files that are marked as evidence will only be destroyed after the case had been adjudicated and any appeals have been exhausted. Files marked for training will be burned to a DVD and will be forwarded to the training coordinator or other appropriate personnel.

Files that are not marked as evidence will be purged after the following time period:

1. Acc (Accident) – 90 days
2. DOM (Domestic) – 1 year + 1 day
3. DUI – 1 year + 1 day
4. Emer Resp (Emergency Response) – 90 days
5. FEL (Felony Arrest) – 1 year + 1 day
6. Field Ob (Field Observation / Investigation) – 1 year + 1 day
7. AR (Misdemeanor Arrest) – 1 year + 1 day
8. Mot Assist (Motorist Assist) – 90 days
9. 0 (Non-Police Action) – 90 days

10. PUR (Pursuit) – 1 year + 1 day
11. Traffic (Routine Traffic) – 90 days
12. TA (Transport) – 90 days
13. Force (Use of Force) – 1 year + 1 day

11-608 SUPERVISORY RESPONSIBILITIES

Supervisors are responsible for ensuring that deputies under their supervision are using and caring for their MDVR systems as prescribed in this policy.

Supervisory Review: At least one time per week, a shift sergeant or their designated supervisor will open the Digital Video Management Solution (DVMS) software and review an appropriate sampling of videos from each deputy under their supervision. For each video the supervisor reviews, they shall click on the "Data Entry" button under the video and then click in the field under "Notes," and enter their name and the date on which the video was reviewed; then click "Save."

11-609 DVD COPIES OF VIDEO FILES

All recorded video files are the property of the Calvert County Sheriff's Office. Dissemination outside of the Agency is strictly prohibited without the specific authorization of the MDVR Program Coordinator.

When possible and practical, the original video file shall be used for viewing by investigators, staff, and attorneys. Any requests to have a video file copied to a DVD for viewing will require a written request submitted to the MDVR Program Coordinator. The MDVR Program Coordinator will make a determination whether or not to approve the request. If the request is approved, they will burn a copy of video file to a DVD. There may be a fee for the reproduction and release of information on a DVD. In the event the State's Attorney's Office disseminates a copy of MDVR recorded files outside of their office, they shall send notice of the dissemination to the MDVR Program Coordinator.

11-700 BODY WORN CAMERA PROGRAM (BWC)

The Calvert County Sheriff's Office (CCSO) utilizes the body worn camera for the purpose of documenting evidence and accurately recording, through video and audio, interactions that occur between deputies and the public.

Uniformed deputies who are issued a BWC shall wear and activate the BWC when such use is appropriate in the performance of his or her official duties. The use of the BWC shall be in compliance with this policy and all local, state, and federal laws. This policy does not govern the use of surreptitious recording devices used during covert operations.

The use of a non-issued BWC device is strictly prohibited. Violations of this policy may result in disciplinary action.

With the institution of the Body Worn Camera Program, the Sheriff or his designee will appoint a BWC Coordinator. The BWC Coordinator is responsible for the overall implementation, administration, and execution of the BWC Program.

11-701 LEGAL CONSIDERATIONS

The Maryland Annotated Code, Courts & Judicial Proceedings § 10-402, makes it lawful for a law enforcement officer, in the course of the officer's regular duty, to intercept an oral communication with a body worn digital recording device capable of recording video and oral communication if:

A. The law enforcement officer is in uniform or displaying the officer's badge or other insignia;

B. The law enforcement officer is a party to the oral communication;

C. The law enforcement officer notifies the individual, as soon as practical, that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so, and;

D. The oral interception is being made as part of a video tape or digital recording;

E. The law enforcement officer is making efforts to conform to standards in accordance with the Maryland Police and Correctional Training Commission (MPCTC) for the use of body worn digital recording devices, or electronic control devices capable of recording video and oral communications, once MPCTC establishes such policies.

In addition, deputies, when in uniform, or prominently displaying the officer's badge or other insignia, may intercept an oral communication where the deputy is party to the communication and all parties to the communication have given consent to the recording.

11-702 GENERAL OPERATING PROCEDURES

A. BWC's will only be used for official purposes and will conform to all applicable laws.

B. Only deputies trained in the proper use of the BWC's will use them.

C. Prior to the beginning of each shift, each deputy shall perform a function test of their BWC, in accordance with the manufacturer's recommendations.

D. Upon discovering a BWC malfunction, the deputy shall immediately report the malfunction to a supervisor. Supervisors shall document the malfunction, issue a replacement BWC if available, and notify the BWC Coordinator.

E. Deputies are only authorized to use a BWC while in uniform or prominently displaying the deputy's badge or other official insignia.

F. Deputies may but will not be required to use the BWC when off-duty with the exception of G below. Any off-duty use must be for law enforcement purposes and activities as authorized under this policy.

G. Deputies are required to use the BWC while working secondary employment when the use is for law enforcement purposes.

NOTE: It is the deputies' responsibility to ensure the BWC is fully charged prior to beginning their next tour of duty and/or secondary employment assignment.

11-703 ACTIVATION OF THE BODY WORN CAMERA

The BWC shall be activated under the following circumstances:

A. At the initiation of a call for service, or other activity or encounter with a citizen that is investigative or enforcement related in nature.

B. During any encounter with a citizen that becomes confrontational.

C. When not otherwise prohibited by law or agency policy, deputies may begin recording with their BWC in circumstances when they determine that doing so would be beneficial to the public interest.

D. If a deputy is unable to activate the BWC at the initiation of a call for service or other activity that is investigative or enforcement in nature, the deputy shall activate the BWC at the first reasonable opportunity to do so. Once activated, the deputy, when practical, will notify his or her supervisor as to why the delay occurred. The deputy will also articulate in their case report any irregularity when applicable.

E. Private residences should not be treated differently than other property for the purposes of recording.

Deputies may deactivate or mute a BWC in certain situations. In the event that a deputy disables the recording function of the BWC, the deputy shall state orally into the BWC, the reason for disabling the device. **When in doubt, record the interaction**. Exceptions to mandatory activation or continuous recording would be:

A. When a victim, witness, or other person wishes to make a statement or share information during a voluntary interaction with law enforcement, but refuses to do so while being recorded, or requests that the camera be turned off. Deputies shall turn the camera off to obtain the statement. Prior to turning off or muting the BWC, deputies shall make an oral statement noting the reason. Additionally, deputies should re-activate the BWC at the completion of the interview/statement if the incident being investigated is on-going.

B. When entering a constitutionally protected area such as a private residence or home where there is an expectation of privacy. If a party declines to be audio recorded, the deputy shall turn the camera off. Prior to turning off the BWC, deputies shall make an oral statement noting the reason.

C. When sensitive circumstances are present, deputies will use discretion in turning off the BWC device. Example: When interviewing the victim of a sexual assault.

D. When a recording would risk the safety of a confidential informant or undercover officer, deputies will use discretion in turning off the BWC device.

E. Inside a medical facility, to include hospitals and ambulances, deputies shall be aware of patients' rights to privacy. Deputies shall not record patients during medical or psychological evaluations or treatments. Deputies shall be careful to avoid recording persons other than the person of interest or recording medical documents.

F. A member shall not activate the BWC to record:

1. Agency personnel during routine administrative activities; or
2. Non-work-related personal activities.

11-704 ENDING A RECORDING

Once recording with a BWC has been initiated, deputies shall not deactivate or mute the recording until or unless:

A. The event or encounter has fully concluded; or

B. The officer leaves the scene and anticipates no further involvement in the event; or

C. A supervisor has authorized that a recording may cease because the deputy is no longer engaged in a related enforcement or investigative activity.

D. Meets the deactivation/mute criteria above.

11-705 NOTIFICATION OF BWC RECORDING

Unless it is unsafe, impractical, or impossible to do so, and except as otherwise exempted by law, the deputy will notify individuals as soon as practical, that he or she is being recorded by stating your name, agency, and that a recording is being made.

Example: "Hello, I am deputy _____ of the Calvert County Sheriff's Office. I am advising you that our interaction is being recorded."

This notice provision is satisfied even if another individual becomes a party to the communication after the initial notice has been provided.

11-706 UPLOADING AND ACCOUNTABILITY OF BWC CONTENT

A. BWC footage will be uploaded consistent with manufacturer's specifications.

B. Supervisors will ensure that all BWC footage is uploaded prior to the end of the deputy's shift.

C. Should any footage be unaccounted for, missing, or damaged at the end of a shift, the responsible supervisor will immediately investigate and submit an email to the BWC Coordinator.

D. Monthly, supervisors will select and review three to five body camera incidents involving their personnel to ensure the BWC is being used properly and to ensure policy compliance.

11-707 SECURITY AND DISCLOSURE

A. Deputies are strictly prohibited from sharing any BWC log-in information or passwords.

B. Access to any BWC data will be done only by means of a deputy's own credentials furnished by the BWC Coordinator and only by means of the authorized BWC software.

C. Accessing, copying, or disseminating files for non-law enforcement purposes is strictly prohibited unless authorized by the Sheriff, Assistant Sheriff, or PIO.

D. BWC data may be reviewed by the following members:

1. A supervisor in reviewing the performance of a subordinate or other deputy for the purpose of:

   a. Conducting an investigation;
   b. Monitoring a subordinate's professional conduct/performance; or
   c. Training.

   NOTE: Recordings **shall not** be routinely or randomly viewed by deputies for the sole purpose of enforcing policy violations observed on the recordings.

2. Any deputy, provided it is for a legitimate law enforcement purpose, and provided the data is accessed by means of the authorized viewing software using the member's own credentials.

E. BWC data may be reviewed by the following non-members upon proper request, submitted to and approved by the BWC Coordinator:

1. Members of the State's Attorney Office or U.S. Attorney's Office, or Attorney General's Office.

2. Legal Counsel representing the Sheriff's Office with the approval of the Sheriff or Assistant Sheriff.

3. By any legitimate judicial process, such as *subpoena duces tecum*.

4. By any member of the public or media through proper legal authority or Maryland Public Information Act request.

F. Unauthorized dissemination of BWC recordings may result in disciplinary action.

G. The following are ***prohibited*** uses of BWC data:

1. A BWC recording of a constitutionally protected activity may not be used to identify persons present at the activity who are not suspected of being engaged in illegal activity or in need of assistance.

2. Stored BWC data shall not be used to create a database or pool of mug shots.

   a. Stored BWC data shall not be used as fillers in photo arrays.
   b. Stored BWC data shall not be used to search using facial recognition software.

Note: This subsection does not prohibit the CCSO from using recognition software to analyze the recording of a particular incident when a supervisory member has reason to believe that a specific suspect or person in need of assistance may be the subject of a particular recording.

11-708 RETENTION AND REPORTING REQUIREMENTS

The CCSO will archive BWC recordings according to the following schedule:

- Evidentiary Recordings – **3 Years**
- Non-Evidentiary Recordings – **1 year**
- Recordings capturing evidence in a homicide or police involved shooting – **Forever**

Deputies will state in the narrative of any charging document, case report, or supplement report that BWC evidence exists.

11-709 MARYLAND PUBLIC INFORMATION ACT (MPIA) REQUESTS

Citizens may request to obtain BWC footage under the Maryland Public Information Act. Request for BWC footage shall be granted or denied based upon the MPIA Annotated Code of Maryland, General Provisions Article, § 4-101, *et seq*.

11-800 MISSING PERSONS

The purpose of this policy is to establish guidelines and responsibilities regarding this Agency's response to reports of missing persons.

A. It shall be the policy of this Agency to thoroughly investigate all reports of missing and unidentified persons, both children and adults.

B. Before beginning an investigation to locate a missing person, a waiting period is prohibited and no employee of the Agency will discourage the filing of a report or the taking of any action on a report that a person is missing.

C. Jurisdictional conflicts are to be avoided when a person is reported missing. If a missing person either resides in, or was last seen in Calvert County, this Agency will immediately initiate the required reporting process. If a missing person legally resides in Calvert County and was last seen in another jurisdiction, but the law enforcement agency covering that jurisdiction chooses not to take a missing person's report, this Agency will assume reporting and investigative responsibility.

D. Questions concerning parental custody occasionally arise in relation to missing child reports. It shall be the policy of this Agency to accept the report of a missing child, even if custody has not been formally established. The complainant shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing child is paramount, members of this Agency will initiate a missing persons investigation when it can be shown that the child is missing, without explanation, from his or her usual place of residence.

E. A missing persons case is never to be suspended. The case remains open until the person is located.

11-801 DEFINITIONS

A. ***Missing adult*** refers to a person who is:

1. 18 years of age or older, and

2. Their whereabouts is unknown, and knowledgeable persons regard the disappearance as unusual or uncharacteristic.

B. ***Missing child*** refers to a person who is:

1. Younger than 18 years of age, and

2. Whose whereabouts are unknown to his or her parent, guardian, or responsible party.

C. ***Throwaway child*** is a child whose caretaker makes no effort to recover the child who has run away or who has been abandoned or deserted. While not necessarily reported to authorities as missing, children in this category frequently come to the attention of law enforcement. If a child like this is found, deputies should use all available resources to address this issue including contacting the Department of Social Services.

D. ***Unusual Circumstances*** are when a missing adult or child will be considered "at risk" when one or more of the below listed unusual circumstances are present.

1. A missing child 13 years of age or younger. This age was established by the federal Missing Child Assistance Act, because children of this age group have not established independence from parental control and do not have the survival skills necessary to protect themselves from exploitation on the streets.

2. A child or adult, who is missing and believed to be one or more of the items listed below:

a. *Out of the zone of safety for his age, physical, and mental condition.* The zone of safety will vary depending on age. In the case of an infant, for example, the zone of safety will include the immediate presence of an adult custodian or the crib, stroller, or carriage in which the infant was placed. For a school aged child, the zone of safety might be the immediate neighborhood or route taken between home and school. In the case of an elderly person of diminished physical and/or mental health, the zone of safety might include the close proximity and availability of a caregiver familiar with that individual's condition and needs.

b. *Mentally diminished*. If the person is developmentally disabled or emotionally disturbed, or the victim of disease, he or she may have difficulty communicating with others about needs, identity, or address. The disability places the person in danger of exploitation or other harm.

c. *Drug dependent*. In the case of a child, the term "drug dependent" shall refer to dependence on either prescription or illegal substances, since any drug dependency puts a child at substantially increased risk. In the case of an adult, the term, "drug dependent" shall refer to a dependence on legally prescribed medicines vital to the adult's continued physical well-being. However, the deputy may use their discretion in determining exigent circumstances regarding an adult's use of illegal drugs.

d. *A potential victim of foul play or sexual exploitation*. Significant risk to the person can be assumed if the investigation indicates a possible abduction, violence at the scene of an abduction, or signs of sexual abuse.

e. *In a life-threatening situation*. The environment in which the person is missing may be particularly hazardous. Examples of a dangerous environment could be a busy highway for a toddler, or an outdoor environment in inclement weather for a child of any age or elderly missing person.

f. *Absent from home for more than 24 hours before being reported to law enforcement as missing*. While some persons may incorrectly assume that 24 hours must pass before law enforcement will accept a missing persons case, a delay in reporting might also indicate the existence of neglect or abuse within the family.

g. *Believed to be with persons who could endanger their welfare*. A missing person in such circumstances is in danger not only of sexual exploitation, but involvement in criminal activity such as burglary, shoplifting, and robbery.

h. *A child or adult whose disappearance involves circumstances that would cause a reasonable person to conclude that the missing person should be considered at risk*.

11-802 TAKING THE CALL

Call takers receiving the report of a missing person shall:

A. Determine if circumstances of the report meet the definition of a missing child or adult as defined in this policy. By questioning the complainant about the circumstances of the report, the call taker can make a preliminary assessment about the level of risk to the missing person. This assessment shall also prepare the call taker to promptly activate additional response protocols if needed.

B. Dispatch a deputy to the scene of the report, in a prompt manner.

C. In cases where unusual circumstances exist, the Patrol supervisor shall be notified. Additionally, a CIB supervisor shall be notified, and the CIB supervisor will determine if an immediate response by a detective is warranted.

11-803 TAKING THE REPORT

The **initial deputy** assigned to the missing person's report shall:

A. Respond promptly to the scene of the report.

B. Interview the person(s) who made the initial report.

C. Obtain a detailed description of the missing person. The collection of information about the missing person, including race, sex, height, weight, hair and eye color, clothing, and other noteworthy features, should be done promptly and relayed to other law enforcement officers who may be assisting in the investigation. Recent photographs and/or videotape should be obtained, if available.

D. Verify that the person is in fact missing. In the case of children, deputies should never assume that searches conducted by distraught parents or others have been performed in a thorough manner. Another check of the house and grounds should be made, that includes places where children could be trapped, asleep, or hiding. Special attention should be paid to enclosures like refrigerators, freezers, and the interior of parked vehicles. In the case of older children, deputies should ask if parents have checked with the child's friends or may have overlooked or forgotten something the child may have said that would explain the absence.

E. Confirm custody status in missing child cases. Deputies should ascertain whether a dispute over the child's custody may have played a role in the disappearance. Questions regarding whether the complainant has full legal custody; if the non-custodial parent has been contesting custody; or if the missing child has expressed a desire to live with the other parent, may help the deputy gain insight into the case.

F. Identify the circumstances of the disappearance. Deputies need to ascertain whether the circumstances surrounding the person's disappearance are such that a heightened level of response is warranted. If unusual circumstances exist as defined in this policy, then the decision to employ additional response methods is clear. In other situations where the circumstances are not clear, deputies should keep the missing person's safety in mind and act accordingly.

G. Determine, when, where, and by whom the missing person was last seen.

H. Interview the individual(s) who last had contact with the missing person.

I. Identify the missing person's zone of safety for their age and physical and mental state. Deputies should attempt to determine how far the missing person could travel from the location where last seen before he or she would most likely be at risk of injury or exploitation. This perimeter should, under many circumstances, define the first search zone.

J. Identify and interview everyone at the scene and record all pertinent information.

K. Conduct a thorough search of the scene.

L. Complete a *Case Report* and submit it prior to the end of the shift.

11-804 DISSEMINATION OF INFORMATION

If it is determined that unusual circumstances are involved, the person will be considered at risk, and an expanded investigation, including the use of all appropriate resources, will immediately commence. While all missing persons cases should be thoroughly investigated, those involving unusual circumstances indicate a heightened likelihood of risk to the person, and therefore, require an intensive response.

In missing persons cases involving ***unusual circumstances***, the **Patrol supervisor** shall:

A. Obtain a briefing from the assigned deputy and other Agency personnel at the scene. This briefing allows the supervisor to determine the scope and complexity of the case and develop an appropriate response. The briefing should be conducted away from family, friends, and other individuals that may be present.

B. Determine if additional personnel and resources are needed to assist in the investigation, to include, but not limited to: search and rescue dogs, helicopter, all-terrain vehicles, Fire/EMS personnel, and other outside agencies.

C. Establish a command post if needed. Using the victim's home as a command post should be avoided.

D. Organize and coordinate search efforts. The supervisor may designate a search operation coordinator who can oversee the search effort while the supervisor remains available to manage the entire investigation.

E. Ensure that all required notifications have been made.

F. Manage media relations during large scale search efforts and other cases likely to draw media attention.

Provide detailed descriptive information to the Calvert Control Center for broadcast. As additional information becomes available, additional broadcasts should be made.

If applicable, enter the missing person into NCIC under one of the following Missing Person File categories:

- Disability
- Endangered
- Involuntary
- Catastrophe
- Juvenile
- Other

A record of a missing person, regardless of age, shall be entered into NCIC using one of the appropriate categories listed above within two hours of receipt of the minimum data required to enter an NCIC record. A missing person report, filed with an agency, is sufficient documentation for entering a juvenile in the NCIC Missing Person File.

11-805 AMBER ALERT

If the missing persons case involves <u>unusual circumstances</u>, in addition to the procedures outlined above, the deputy shall:

A. If applicable, obtain a description of the suspected abductor and other pertinent information.

B. In missing child cases, **AMBER Alert** protocol should be activated if:

1. There is a reasonable belief by the deputy that an abduction has occurred.
2. The deputy believes the circumstances surrounding the abduction indicate that the child is in danger of serious bodily harm or death.
3. There is enough descriptive information about the child, abductor, and/or suspect's vehicle to believe an immediate broadcast alert will help.
4. The child is believed to still be in the broadcast area.
5. The missing child has been entered into NCIC.

C. Secure and safeguard the area as a potential crime scene.

The Amber Alert is activated by calling the Maryland State Police Headquarters duty officer at (410) 486-3101. Via call-back the MSP will verify the existence of all of the conditions identified above and determine whether the alert will be initiated. If it is, the MSP is responsible for all notifications.

11-806 SILVER ALERT

The Silver Alert System was created to provide additional resources to help locate missing individuals who suffer from dementia related disorders or other cognitive impairments. The alert system is operated through the Maryland State Police.

In order for an alert to be issued, a law enforcement agency must request the alert after the following criteria are met:

- The missing person must suffer from a cognitive impairment, such as Alzheimer's, or dementia;
- The person's disappearance must pose a true threat to the person's health and safety;
- The missing person must be traveling in a vehicle and there must be enough descriptive information about the person and the vehicle for police to issue an alert;
- The investigating law enforcement agency has already activated a local alert by contacting media in their area; and
- The missing person has been entered into the National Crime Information Center database.

The Silver Alert is activated by calling the Maryland State Police Headquarters duty officer at (410) 486-3101.

11-807 FOLLOW-UP INVESTIGATION

A Patrol Supervisor or designee will contact a CIB supervisor with notification of a missing persons case where unusual circumstances exist, or the missing person has been missing more than 48 hours. A detective will be immediately assigned to follow-up on the case. A detective assigned to a missing person case shall:

A. Contact the complainant and gather any additional information. Ensure that any conflicting information is resolved.

B. Obtain a briefing from the deputy assigned to the preliminary investigation and any other Agency personnel at the scene. This briefing should be conducted prior to interviews with family members of the missing person or witnesses, who may have been identified during the initial stage of the case. Its objective is to assist the detective in formulating an effective interview strategy.

C. Verify the accuracy of all descriptive information.

D. Initiate a neighborhood canvass, if appropriate. A record should be made of all vehicles parked within the neighborhood and any other conditions that may have future investigative value. A check of the Sex Offender Registry should be made to determine if

individuals designated as sexual predators reside, work, or might otherwise be associated with the area.

E. Obtain a brief history of recent family dynamics. Information about family dynamics, obtained from family members, neighbors, teachers, classmates, employers, coworkers, friends, and witnesses, can offer valuable insights into what may have happened to the missing person and where they may be found. Records of family contact maintained by law enforcement agencies, social services, schools, and other organizations should be obtained and evaluated.

F. Evaluate the need for additional resources and specialized services. Detectives should consider resources such as the FBI and the National Center for Missing & Exploited Children, particularly Team Adam, which is a rapid response team of experienced law enforcement investigators.

G. Update descriptive information. If it appears that the case will not be promptly resolved, detectives should ensure that the descriptive record, especially that entered into NCIC, is updated to include dental characteristics, scars, marks, tattoos, and fingerprints along with additional articles of clothing, jewelry, or unique possessions.

H. Monitor media relations. While information gained through effective media relations is often of significant value in a missing persons case, detectives should review all media releases prior to release to ensure that investigative objectives are not unintentionally compromised.

11-808 UNIDENTIFIED PERSON

A deputy assigned to the report of an **unidentified person**, whether living or deceased, shall:

A. Obtain a complete description. Deputies should utilize the *NCIC Unidentified Person Worksheet.*

B. Utilize all available resources to aid in the identification of the person.

C. Enter the unidentified person's description into the NCIC Unidentified Person File.

D. Cancel all notifications once identification is confirmed.

11-809 RECOVERY OR RETURN OF A MISSING PERSON

A deputy assigned to the **recovery or return** of a missing person shall:

A. Verify that the located person is, in fact, the reported missing person.

B. Inform, in the case of a missing adult who has been located, the located person that they are the subject of a missing persons investigation.

C. Notify the complainant of the well-being and, if permissible, the whereabouts and contact information of the person who has been located.

D. In the case of a missing or abducted person who has been located, utilize intervention services such as mental and physical health examinations and family counseling.

E. In the case of a runaway or missing child, arrange the return of the child to their legal guardian.

F. In the case of a runaway, if appropriate, charge the child on a youth report for the status offense of being a runaway.

G. Cancel all outstanding notifications and have the missing person removed from NCIC.

H. Complete a *Supplement Report* that describes the person's whereabouts and activities while missing and the circumstances of the recovery/return.

11-810 DISSEMINATION OF REPORT

Upon completion of the *Missing Persons Report*, a copy will be forwarded to:

A. Every law enforcement agency having jurisdiction within the location from which the missing person lives or was last seen.

B. Every law enforcement agency considered to be potentially involved in the *Missing Persons Report*.

C. Every law enforcement agency to which the complainant requests the report to be sent, if the request is reasonable in light of the information contained in the report.

D. Every law enforcement agency requesting a copy of the *Missing Persons Report*.

All *Missing Persons Reports* involving juveniles are, without exception, to be entered in the NCIC system.

11-900 FIELD INTERVIEWS

The field interview is an important point of contact for deputies in preventing and investigating criminal activity. Deputies will conduct field interviews in conformance with procedures set forth in this policy. For the purposes of this policy, there are two types of field interviews: consensual contact and reasonable/articulable suspicion.

11-901 CONSENSUAL CONTACT

A deputy may feel the need to investigate the activities of a person without sufficient information to permit a stop or arrest. In that instance, the deputy may initiate the contact with a person in any place that the deputy has the right to be. Unless a deputy concludes that an arrest should be made or that a stop is justifiable and appropriate, communications with a citizen should begin with a contact. Like any other citizen, the deputy may approach the individual and engage the person in a conversation.
Contacts are different from detentions or arrests, in that they do not involve the "seizure" of the person within the meaning of the Fourth Amendment. The deputy does not need "reasonable suspicion," "probable cause," or any other specific indication of criminal activity in order to initiate a contact.

Because no legal cause need be present for the deputy to initiate a contact, the person contacted may not be halted, detained, or frisked against their will. A deputy may ask a citizen any question. For example, a deputy may ask for identification or consent for a search;

however, the person is not required to answer questions or to cooperate in any way if they do not wish to do so. If the person refuses to cooperate, the person must be permitted to go on their way, unless the deputy has developed probable cause to stop or arrest. Refusal to answer the deputy's questions does not in itself constitute a basis to seize a citizen. If it is appropriate, the person may be kept under surveillance. Since persons contacted may be innocent of any wrongdoing and since a contact is not a stop or an arrest, the deputy will take special care to act in a restrained and courteous manner.

During this questioning the person need not be advised of Miranda warnings until such time as probable cause to arrest has developed or the questioning becomes accusatory, rather than brief and casual.

11-902 STOPS BASED ON REASONABLE / ARTICULABLE SUSPICION

Deputies may stop individuals for the purpose of conducting field interviews only where reasonable/articulable suspicion is present. Reasonable/articulable suspicion does not need to meet the same test for probable cause sufficient to make an arrest. Deputies must be able to articulate the reasons for the stop and be able to point to specific facts that, when taken together reasonably, led the officer to believe or suspect that a crime has been committed or is about to be committed. Such facts may include, but are not limited to the following examples; however, many of these examples alone may not reach the level of reasonable/articulable suspicion:

- The actions, appearance or demeanor of an individual suggests involvement in a criminal enterprise or in criminal activity.
- The hour of the day or night is inappropriate for the subject's presence in the area.
- The subject is carrying a suspicious object or has bulges in his clothing that suggests he is carrying a weapon.
- The subject is located in proximity to a recent crime.
- The deputy knows of the subject's prior criminal record or involvement in criminal activity.
- The deputy notes other circumstances or behavior which arouses his suspicion.

Deputies must consider the facts that may rise to the level of reasonable/articulable suspicion. It is the combination of facts and circumstances along with the reasonable inferences drawn from those circumstances that give rise to articulable suspicion. Deputies should understand that an individual's mere presence in a public place in itself is not sufficient articulable/reasonable suspicion to conduct any investigative stop. Nothing in this policy should be construed as preventing a deputy from engaging in a consensual citizen contact. When approaching a suspicious person, deputies will identify themselves, and if not in uniform, will display identification. Deputies will attempt to be courteous at all times during the contact but maintain caution and alertness for any movements to retrieve weapons, conceal or discard contraband, or other suspicious actions.

Before approaching more than one suspicious person, individual deputies should determine whether the circumstances warrant a request for backup assistance and whether the contact can be delayed until such assistance arrives. Deputies will confine questions to those

concerning the suspect's identity, place of residence, reason for presence at the location and other inquiries necessary to resolve the deputy's suspicions. Field interviews are non-custodial. Deputies are not required to give Miranda warnings in order to conduct field interviews. Individuals are not required, nor can they be compelled, to answer any questions posed during field interviews. Failure to respond to a deputy's inquiries is not, in and of itself, sufficient grounds to make an arrest, although it may provide sufficient justification for additional observation and investigation. Deputies have the right to frisk the outer garments of suspects for weapons if the suspect is legitimately stopped and there is reasonable/articulable suspicion the subject may be armed and presents a danger to the deputy. In the event a field interview results in the establishment of probable cause for an arrest, all of the facts related to the initiation of the field interview and any search will be clearly articulated within the resulting *Case Report* filed by the arresting deputy. When no arrest is made, the field interview will be documented on the *Warning / Field Observation Report (FOR)*. This form is an investigative tool for developing suspects for various crimes. All blocks and the summary area of the form must be as complete as possible.

A case number will be obtained and recorded on the form. Deputies will retain copy #4 and forward the other copies to the Records Section. The suspect is not provided a copy of a *FOR*.

When no arrest is made, the field interview will be documented on *a Field Observation Report (FOR), submitted electronically through Delta Plus*. The FOR is an investigative tool for developing suspects for various crimes. When completing FOR's include a case number and brief narrative describing the circumstances surrounding your contact with the person (s). Once your entry is made into Delta Plus the records staff will be accessing the FOR's and will enter the data into New World.

11-1000 DOMESTIC VIOLENCE

It is the policy of the Calvert County Sheriff's Office that domestic violence will be handled as a crime without regard for the relationship between the victim and the offender or the probability of prosecution by the victim.

11-1001 DEFINITIONS

Domestic Violence: A person commits or attempts to commit one of the following types of offenses against a current spouse or a person with whom they have had an intimate relationship:

- An act causing physical injury
- An act placing one in fear of physical injury to self or others
- Sexual assault
- False imprisonment

Intimate Relationship: Applies only to classification of crimes or incidents of domestic violence or domestic situations:

1. An "intimate relationship" is one in which heterosexual or homosexual partners have, or have had, a sexual or emotional relationship.

2. Persons involved in an intimate relationship are partners who:

    a. Are married, separated, or divorced.
    b. Live or have lived together.

c. Have children in common.
d. Date, or have dated, but do not live, or never have lived together.

3. The following persons would **not** be considered involved in a domestic relationship within the meaning of the definition:

   a. Other family members, such as children or parents
   b. Individuals living together in a situation in which the relationship is usually not considered intimate, such as in a dormitory or rooming arrangement

11-1002 RESPONSE PROCEDURES

At least two deputies will be dispatched to each case that involves allegations of domestic violence.

When dispatched to a reported case of domestic violence, deputies will act in a pro-active fashion with an emphasis towards arresting domestic abuse offenders and protecting victims. When deputies have determined that an assault has occurred, the health and safety of the victim should be assessed immediately, and if appropriate, medical assistance provided. Subsequent to this, priority should be given to the following:

A. All parties are to be separated and interviewed, including children. Written statements should be obtained for all witnesses. A written statement should also be obtained from the victim using the *Domestic Violence Supplement* form.

B. Arrest the suspect if it is possible to do so in accordance with Section 11-1003 of this policy.

C. Evidence will be collected and recorded. Color photographs of any injuries and property damage shall be taken.

D. If relevant to the case, the deputy will obtain a copy of the 911 call, through proper authority.

For domestic violence, the original call for service shall not be canceled even if a subsequent request to cancel the original call is received. Dispatchers shall advise the responding deputies of the second call and instruct them to continue to respond. Deputies will respond, investigate, and assess the situation to ensure that all parties are safe.

11-1003 ARREST

Deputies will arrest domestic abuse offenders without warrants when there is probable cause to believe the following, as set forth in the *Annotated Code of Maryland, Criminal Procedures Article, §2-204*:

A. The battered person is the offender's spouse, or the abuser and the victim share a residence; and

B. There is evidence of physical injury; and

C. Unless immediately arrested, the abuser will elude apprehension, cause physical injury or property damage, or will tamper with, dispose of, or destroy evidence; and

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

In cases where a warrantless arrest cannot be made, but probable cause exists that a crime has been committed, the deputy will apply for charges against the suspect ***as soon as practical after the incident***. Any charging document issued will subsequently be served on the suspect in a timely manner.

11-1004 IDENTIFYING THE PRIMARY AGGRESSOR

A. It is not uncommon for both parties to claim self-defense and accuse the other party as being the aggressor when the police arrive on domestic violence calls.

B. When handling domestic violence calls, deputies shall attempt to identify the primary aggressor by considering the following:
   1. Relative physical size, strength, and capability of each participant
   2. Who appears fearful of whom
   3. Torn, bloody, or disheveled clothing
   4. Physical and verbal behaviors of the suspect
   5. Credible verbal accounts of both parties and any witnesses, including children
   6. Injuries consistent with verbal accounts
   7. Information obtained from personnel who took the initial call
   8. Deputy's experience with prior calls to that location
   9. Use of alcohol or drugs by either participant
   10. Violation of Protective Order conditions

C. Under the *Annotated Code of Maryland, Criminal Procedures Article, §2-204*, if a police officer has probable cause to believe that a mutual battery occurred and an arrest is necessary, the warrantless arrest guidelines of this section shall apply. The police officer shall then consider whether one of the persons acted in self-defense when determining whether to arrest the person whom the police officer believes to be the primary aggressor.

11-1005 REPORTS

A *Domestic Violence Report* shall be completed for all incidents where there is an allegation of domestic violence. For allegations of sexual assault, a *Case Report* will be completed. When probable cause exists to make an arrest, and no on scene arrest is made, the deputy must document the circumstances and facts in the narrative portion of the report. The deputy will explain why the aggressor was not arrested and what steps they took to ensure the victim's safety.

11-1006 VICTIM ASSISTANCE / CRIME PREVENTION

At the scene of a domestic violence incident, the deputy will assist the victim by:

A. Accompanying the victim, if necessary, to the family home so that the person may remove the following items, regardless of who paid for the items:

   1. The personal clothing of the victim and of any child in the care of the victim.
   2. The personal effects, including medicine or medical devices, of the victim and of any child in the care of the victim that the victim or child needs immediately.

B. Providing the victim with a copy of the *Crime Victims and Witnesses: Your Rights and Services* pamphlet and brochures from the Crisis Intervention Center in accordance with Family Law Article §4-503.

11-1007 REMOVAL OF FIREARM FROM THE SCENE

When responding to the scene of an alleged act of domestic violence, a deputy may remove a firearm from the scene if:

- The deputy has probable cause to believe that an act of domestic violence has occurred; and
- The deputy has observed the firearm on the scene during the response.

Any firearms removed at the scene of a domestic violence incident will be placed into Property Held and the deputy shall provide the owner of the firearm information on the process for retaking possession of the firearm.

At the conclusion of a proceeding related to the alleged act of domestic violence, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm under the *Annotated Code of Maryland, Family Law §4-506*, regarding protective orders or if prohibited by any other law.

11-1008 SUPERVISOR'S RESPONSIBILITIES

Supervisors will monitor their deputies' responses to domestic violence cases to ensure compliance with policies and procedures. Supervisors will monitor areas of problem solving, dual arrests, report writing and what action the deputies took regarding the safety of the victims. Supervisors will ensure deputies document all domestic violence incidents properly through utilization of the *Domestic Violence Report* and any follow-up *Supplemental Reports*, as required.

11-1100 BUSINESS AND RESIDENTIAL ALARMS

The CCSO will respond to all business and residential alarms in a timely manner. The responding deputies' primary objectives will be to prevent the loss of life and/or injuries, to prevent a hostage situation, to prevent the loss of property, and to apprehend the offender(s).

11-1101 RESPONDING TO ROBBERY ALARM

CCSO deputies will be informed by Calvert Control Center of alarm reports of robbery in progress. In responding to such calls, deputies will:

- Use extreme caution.
- Refrain from using emergency equipment and excessive vehicle noise (e.g., engine roar, squealing brakes, etc.) when close enough for robbery suspects to hear their approach.
- Upon arrival, position themselves inconspicuously at a distance from the business to observe the suspect(s) leaving the scene.

Deputies should also:

- Look for accomplices.
- Look for suspect's vehicle.

- Let back-up deputies know where to deploy and what steps to take.

Only uniformed deputies should respond to the scene unless directed otherwise to reduce the possibility of a deputy being mistaken for a suspect.

11-1102 DUTIES AT THE SCENE

A deputy will not enter a business while a robbery is "in progress" unless immediate action is necessary to avoid serious injury or death to a victim/witness. If the suspect(s) are still inside the business, the deputy will:

- Wait for further assistance, if possible.
- Provide pertinent information to the Calvert Control Center.
- Allow the suspect(s) to leave the scene before making an arrest to reduce the risk of a hostage situation.
- After the suspect(s) leave, position him/herself between the business and the suspect(s) so they cannot return.

In the case of potential financial institution robberies, Calvert Control Center will call the institution to determine the status of the alarm and will inform CCSO deputies of the results of that inquiry.

11-1103 ROBBERY NOT IN PROGRESS

When a responding deputy determines that a robbery has occurred but is no longer in progress, a preliminary investigation shall be initiated by the first deputy on the scene. The deputy will relay all pertinent information to Calvert Control Center:

- Vehicle description
- Suspect(s) description
- Escape direction
- Weapons used
- Shots fired, if any
- Number of suspects involved

11-1104 RESPONDING TO BURGLARY ALARMS

CCSO deputies will be informed by Calvert Control Center of alarm reports of burglaries. In responding to such calls, deputies will:

- Use extreme caution.
- Refrain from using emergency equipment and excessive vehicle noise (e.g. engine roar, squealing brakes, etc.) when close enough for burglary suspects to hear their approach.
- Upon arrival, position themselves inconspicuously at a distance from the business to observe the suspect(s) leaving the scene.

Deputies should also:

- Look for accomplices.

- Look for suspect's vehicle.
- Let back-up deputies know where to deploy and what steps to take.

Only uniformed deputies should respond to the scene unless directed otherwise to reduce the possibility of a deputy being mistaken for a suspect.

11-1105 DUTIES AT THE SCENE

A. Two deputies should be assigned to conduct the building search if possible.

B. If resources permit, one or more deputies should be positioned outside the building during the search to watch for suspects leaving the premises.

C. The owner's identity should be confirmed if unknown to the deputy. The owner and employees or family members should be cleared from the building prior to the conduct of a search.

D. When conducting a building search, deputies should carry their service weapons in hand.

E. When deputies determine that the alarm is false, immediately notify Calvert Control Center.

F. Deputies will use discretion in handling frequent, false, and malfunctioning alarms.

11-1200 NOISE MONITORING

Keep the following information in mind when called to an area for a complaint of excessive noise:

1. **SCO's and duty officers should NOT put the call out over the air.** When providing the information to the Control Center, ensure that they understand not to put the call out over the air as well. The violating party may be monitoring a scanner.

2. **Politely decline if asked to do a noise calibration by a private citizen.** This can be problematic in court if the party is later charged and then indicates we provided a test and they were legal.

3. **Prior to use, make sure the meter has been calibrated within the last twelve months.** (The noise meter will be calibrated once per year.) There will be a calibration sheet with the noise meter.

11-1210 TRESPASS WARNINGS

In order to track persons who have been given trespass warnings by deputies, the following procedures shall be implemented:

A. When a deputy handles a call for service where a subject is no longer welcome at a particular location, the deputy shall inform the subject of that and document it via a Field Observation Report (FOR), if no arrest was made.

B. When clearing the call, the deputy shall advise the Control Center shift supervisor that a trespass warning was given along with the full name of the person who was given the warning. At that time the supervisor will send an e-mail to all radio room personnel advising them of such, and an advisory will be put under the address by the CAD specialist on the next business day.

All future calls at that location will automatically alert the dispatcher that there is an alert associated with it and the responding officer(s) will be notified of the trespass warning.

11-1300 K-9 OPERATIONS

11-1301 PURPOSE

To establish policy and procedures for K-9 operations undertaken by the Calvert County Sheriff's Office. The policies and procedures found in this document affect all Agency personnel. A separate K-9 Unit SOP provides specific policy and procedural guidance for K-9 Teams.

11-1302 OBJECTIVE

The primary objective of the K-9 team is to provide line support to the CCSO by using highly mobile and specially trained K-9s. The K-9 team can be especially effective for:

- Locating and apprehending individuals suspected of committing certain crimes.
- Searching buildings and enclosed areas for individuals suspected of committing certain crimes.
- Detecting the presence of explosives and illicit drugs.
- Aiding in the search for missing persons, articles and evidence of criminal activity.
- Crowd control by establishing a perimeter control in situations such as crime scenes.

11-1303 DEFINITIONS

Police Canine (K-9) – a K-9, licensed by the Maryland State Police, and recognized for its ability to serve the law enforcement community.

Police Patrol Dog – a police working dog trained and used to aid deputies in law enforcement duties and field operations.

CDS – Controlled dangerous substance.

Master K-9 Trainer – a person who conducts and oversees all training needs of K-9 Unit handlers and K-9s.

K-9 Handler – a deputy charged with the responsibility of using police K-9 dog in the performance of their duties and attending to that dog at all times.

K-9 Team – comprised of a K-9 handler and assigned police K-9.

K-9 Supervisor – the deputy assigned to oversee the administration and operations of the K-9 Unit.

Cross-Trained K-9 – a police K-9 that has been trained for both routine patrol operations (police patrol dog) and for special situations, such as the detection of illicit drugs.

Dog Bite – any injury or wound inflicted by the mouth of a dog, whether accidentally or intentionally, to a human being. A breaking, puncturing, or tearing of the skin of the victim need not be present to be considered a dog bite, as long as there is a visual indication where the dog inflicted the wound (e.g., teeth impression, bruise, puncture).

Explosives Detection K-9 Team (EDCT) – comprised of a K-9 handler and an assigned police K-9 that have successfully completed a course of instruction in scent discrimination and location work for explosives.

On-Lead – the condition when there is a physical attachment or connection by means of an appropriate strap, rope, chain, etc. between the dog and handler for purposes of control and restraint.

Off-Lead – the condition when there is no physical attachment or connection between the dog and handler.

Alert – (Positive Alert) the K-9 exhibits a change in behavior indicating it has target odor.

Target Odor – The odor of a substance the K-9 is trained to locate, i.e., drugs or explosives.

No Alert – (Negative Alert) the K-9 does not alert.

Final Response – The dog's trained indication after the alert. The indication can be passive or aggressive, depending on how the animal is trained.

11-1304 CALLING FOR K-9 ASSISTANCE

When calling for a K-9, be sure to let the Calvert Control Center know what type of assistance you need. The Control Center will then verify if a K-9 is available, and the Sheriff's Office can then call out the specific K-9 needed. For example:

…Calvert I need a K-9 for a CDS scan.
…Calvert I need a Patrol dog for a building search.
…Calvert I need a K-9 for a track.

11-1305 OPERATIONAL GUIDELINES

Members of the K-9 Unit have a specific objective, which is to provide supportive service to all Agency units. The police dog is most advantageous in search situations. Because of the unpredictability of when a K-9 Unit is needed by Agency personnel, resource and time management are of the utmost importance. This policy is meant to clarify when K-9 Units may be utilized in a non-canine function.

A. K-9 personnel **do not** investigate serious motor vehicle accidents, or accidents involving intoxicated drivers, except during those time periods when the K-9 deputy is being used to fill minimum manpower requirements (see C). However routine accidents, either requiring an *Accident Report* or *Exchange of Information* form, can be handled by K-9 personnel.

B. Calls for service that require a report and a lengthy investigation (i.e., credit card theft, theft scheme, child abuse, etc.) can be initially handled by K-9 personnel but will be forwarded to CIB for follow up investigation. K-9 personnel can handle any minor offense call that can be managed without a follow-up investigation.

C. K-9 can be used to fill minimum staffing requirements when that need exist and will handle any call that is dispatched to them in that assigned patrol area. However, once additional staffing is available, the K-9 unit shall immediately be placed back into an at-large status; or if there are two handlers working, shall be placed in either North or South patrol.

D. Generally, when a call is dispatched that requires the writing of a report and/or an arrest, the available Patrol deputy assigned to that patrol area will handle the incident, even if K-9 personnel are the first to arrive. Should extenuating circumstances arise, a supervisor may deviate from this policy.

E. Anything that is self-initiated by K-9 personnel will be handled by him/her.

F. An on-call schedule will be kept for K-9 Unit members at the duty officer's desk.

11-1306 POLICE PATROL DOG GUIDELINES

11-1306.1 ARREST AND APPREHENSION PROCEDURES

The primary task of the K-9 team is the search and apprehension of criminals. A K-9 may be used to apprehend an individual if the K-9 handler reasonably believes that the individual has either committed or is about to commit any offense **and** if any of the following conditions exists:

1. There is a reasonable belief that the individual poses an immediate threat of violence or serious harm to the public, any deputy, or the handler.

2. The individual is physically resisting arrest and the use of the K-9 reasonably appears to be necessary to overcome the resistance.

3. The individual is believed to be concealed in an area where entry by other than the police patrol dog would pose a threat to the safety of deputies or the public.

Situations may arise which do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness, in view of the totality of the circumstances, will be used to review the decision to use a K-9.

Without the presence of one or more of the above conditions, mere flight from a pursuing deputy will not serve as good cause for the use of the K-9 to apprehend the individual.

In preparing to use the K-9 to search for or apprehend any individual, the handler and/or supervisor on scene will carefully consider all pertinent information reasonably available at the time. This information will include, but is not limited to the following:

1. The individual's estimated age.
2. The nature and severity of the suspected offense.
3. Any potential danger to the public and/or other deputies at the scene if the K-9 is released off-lead. Under no circumstances should a K-9 be released off-lead for

apprehension purposes in a crowded area or when other persons are in or near, the path of the fleeing suspect. Additionally, particular attention should be given to the potential for injury to the handler and the K-9 by vehicular traffic on nearby roadways.

4. The degree of resistance, if any, the individual has shown.
5. The potential for escape or flight if the K-9 is not used.
6. The potential for injury to deputies or the public caused by the individual if the K-9 is not used.

The handler will evaluate each situation and determine if the use of the K-9 is technically feasible. The decision to deploy the K-9 will remain with the handler. However, a supervisor who is sufficiently apprised of the situation may decide not to deploy the K-9.

On building, area/woods, and trail searches, the K-9 handler will be in charge of the search area and will deploy and/or direct other personnel to aid him/her on the search.

11-1306.2 BUILDING SEARCHES

Generally, the police K-9 should not be released until a back-up deputy is available to assist the K-9 team with the search. CCSO personnel will secure the building perimeter.

Whenever possible, the building owner should be contacted to determine whether there may be tenants or other occupants in the building and to ascertain the building's layout.

If possible, the on-scene supervisor will take the following steps in preparation for the search:

- Evacuate all tenants, workers, or others from the building.
- Request that all air conditioning, heating, or other air-blowing systems be shut-off, so as to not interfere with the K-9's scent.

Upon entrance into the building, all exits should be secured, and communications limited to those of a tactical nature. No one, including other deputies, owners, or residents, will be permitted into the building with the K-9 team while the search is being conducted, unless the handler determines it to be necessary. Deputies who assist the K-9 team will be under the direct supervision of the handler.

Two or more K-9 teams may be committed to building searches when it is determined that the area to be searched would necessitate more than one K-9 team due to the size of the area, floors, number of areas, etc. In searching large buildings, K-9s must be separated, i.e., in multiple floored buildings or rooms that can be divided by locked doors.

When a suspect is contained and known to be armed, a K-9 will not be sent off-lead into a building, house, or confined area for apprehension purposes. Under such circumstances, the on-scene supervisor will contact the CCSO Special Operations Team and Negotiation Team. The only exception would be to save the life of a deputy or innocent person facing immediate death or serious injury at the hands of the armed suspect.

11-1306.3 WOODS SEARCHES / TRACKING

When a trained K-9 is available for tracking, it may be used with supervisory approval to track missing persons, criminal suspects, or to locate evidence that the supervisor has reason to believe has been abandoned or hidden in a specified open area. Such searches are subject to the following conditions and limitations:

- Stop and pinpoint or estimate the location where the suspect was last seen.
- Turn-off vehicle engines in the area, if possible. Exhaust fumes contaminate the search area and interfere with the K-9's scenting abilities.
- Avoid contaminating the area where the suspect or individual was last seen by eliminating foot and vehicle movement in the area.

The on-scene supervisor will:

- Secure the perimeter of the area to be searched.
- Secure the integrity of the area to be searched by keeping/removing all people out of the area.
- Protect any items of clothing or other items that will be used for scent discrimination from being handled.

If the scene involves a suspect who fled from a vehicle (bailout), the on-scene supervisor will also:

- Prevent anyone from entering the suspect vehicle.
- If the vehicle's engine is running, approach the vehicle from the side opposite the bailout and turn it off.
- Secure and leave undisturbed any clothing or articles which may have been discarded, lost or left behind by the suspect, and make the handler aware of these items.

The K-9 handler will conduct the track with the K-9 on a leash of sufficient length to provide a reasonable measure of safety to the subject of the search without compromising the K-9's tracking abilities.

The handler will determine which personnel will have access to the area being searched or will accompany the K-9 team on trails.

Upon the locating a suspect, if feasible, the handler will give a verbal warning in order to afford the suspect a chance to surrender without further action that may require the use of the K-9 in the apprehension.

11-1306.4 CROWD CONTROL

A K-9 team may respond as backup for but will not deploy the K-9 for crowd control at a peaceful demonstration.

A K-9 team may be used upon approval of the on-scene supervisor to protect life or property during a riot or other major unlawful assembly after an order to disperse has been made and disregarded. In these situations, the K-9 will be kept on a short lead at all times in order to protect individuals from serious injury.

The handler will not initiate any offensive action, unless to guard against imminent loss of life, serious bodily injury, or substantial property damage.

11-1306.5 AFTER-BITE PROCEDURES

Whenever a police K-9 has bitten or scratched an individual or is alleged to have done so, whether on-duty or not, the handler will:

A. If no arrest is made, offer to provide medical attention and treatment by qualified medical professionals.

B. If an arrest is made, provide the individual with medical attention in accordance with CCSO policy on transporting and booking prisoners. If possible, the medical personnel will be summoned to the scene of the incident.

C. If possible, document in writing a subject's refusal to accept medical treatment. The deputy will obtain a copy of the refusal so that it may be placed in the case file.

D. If possible, take color photographs of the affected area.

E. Notify the Patrol Supervisor and the K-9 Supervisor of the incident. It will be the Patrol supervisor's responsibility to notify the Sheriff and/or Patrol commander.

F. Provide *Spleen Risk Notification* form to be signed by the subject.

G. Complete the required reports according to CCSO policy and submit them to the Patrol Supervisor for approval and forward to the K-9 Supervisor and Master K-9 Trainer for endorsement.

H. Complete and document the necessary post-bite interviews. If possible, the interviews will be audio taped in accordance with CCSO policy. The purpose of the interviews is to prevent false accusations and statements that may arise in the future. Among those to be interviewed may be:

1. The suspect
2. Other deputies
3. Witnesses on the scene, including persons who may not have heard any commotion
4. EMS personnel on scene
5. Transporting deputies
6. Hospital personnel
7. Detention Center personnel

A K-9 involved in a bite will be taken to the CCSO veterinarian within 10 days of the incident for medical clearance. A copy of the documentation will be provided to the K-9 Supervisor to be placed in the case file and the K-9's regular file maintained by the K-9 Supervisor.

11-1306.6 ACCIDENTAL BITES

An "accidental bite" is an injury caused by a K-9 to a person who was not intended to be bitten or injured. The following procedures will be followed after an accidental bite:

A. The deputy will summon emergency personnel to provide medical attention to the subject, and if necessary, to transport the subject to the hospital. If the subject refuses medical treatment, the handler will attempt to obtain documentation of the refusal and note the refusal in the report.

B. The handler will immediately notify the K-9 Supervisor, Patrol supervisor, and Sheriff. The handler will take color photographs of the injury and obtain a written statement from the subject. The Patrol supervisor or K-9 Supervisor will take the statement and

photographs.

C. The subject will be provided and sign the *Spleen Risk Notification* form and also provided with a copy of the K-9's rabies vaccination certification.

D. The K-9 handler will submit the required reports to the K-9 Supervisor, including:

1. *K-9 Bite Report*
2. *Spleen Risk Notification Form*
3. *Detailed Case Report*

11-1307 DRUG DETECTION K-9 GUIDELINES

The primary mission of the drug detection K-9 is to provide a practical and credible statewide drug detection capability through the use of trained K-9 teams to aid in the investigation, apprehension, and prosecution of persons engaged in illegal drug activities. The primary task of the K-9 team is to locate drugs.

The drug detection K-9 may be used to:

- Search or sniff vehicles, buildings, parcels, areas, or other items.
- Support probable cause in obtaining a search warrant.
- Assist in the search for CDS during the execution of a search warrant.
- Assist in drug education programs and demonstrations.

The drug detection K-9 will not be used to search a person for CDS. If a K-9 alert causes the handler to believe that a person may be in possession of CDS, the deputy in charge of the investigation will determine how to proceed. Personal possessions may be sniffed by the K-9, only if removed from the person.

The decision to use the K-9 rests solely with the handler. The handler is responsible for deployment of the police K-9 as a method of investigation.

11-1308 EXPLOSIVES DETECTION K-9 TEAM

11-1308.1 DEFINITIONS

Bomb – Any explosive or incendiary material or device, including blasting caps and military ordnance.

EDCT – Explosives Detection K-9 Team

EOD Specialist – Explosives Ordnance Disposal Specialist working for Calvert, Charles & St. Mary's Counties to be an on-scene resource.

IED – Improvised Explosive Device

Suspicious – an item or object which:

- Has any characteristics of an explosive device, or
- Involves suspicious circumstances regarding the location, placement, or delivery of the item, or

- An individual has a reason to believe may be a bomb.

Unidentified - an item or object which appears normal, however, may be unattended, unexpected or unidentifiable.

11-1308.2 OPERATIONAL GUIDELINES

The primary mission of the Explosives Detection K-9 Team is to provide an explosives detection capability to aid in the investigation of explosives related incidents.
The explosives detection K-9 may be used to:

- Search or sniff buildings, vehicles, packages, areas, or other items.
- Support probable cause in obtaining a search warrant.
- Assist in the search for explosives during the execution of a search warrant.
- Assist in explosives education programs and demonstrations.

The Explosive Detection K-9 Team is appropriate for searching buildings, vehicles, baggage, packages, etc. during threats, protective details, or other routine or general sweeps. They are not to be used to assess, examine, or clear items already identified as suspicious, suspected explosive item or possible Improvised Explosive Device (IED).
The operational guidelines are broken down into three types of incidents:

- Bomb Threats
- Unidentified/suspicious Items
- Explosions/post blast

A. Bomb Threats

The EDCT will not routinely respond to bomb threats. Threats will be handled by normal Patrol units. The EDCT may respond at the request of a Patrol unit to assist with a search. The handler should request that the EOD Specialist be notified of the incident.

1. Upon arrival, the handler will meet with the deputy/supervisor on the scene to determine:

   a. Time until alleged detonation
   b. Size of building or area to be searched
   c. Validity of threat

2. Supervisors should make the handler aware of any specific location identified in the threat. If an individual is the target of a threat, areas frequented by that individual shall be searched.

3. The handler will evaluate each situation and determine if the use of the K-9 is technically feasible. The handler has the ultimate authority on whether or not to deploy the K-9.

4. No search will be conducted 30 minutes before or until 30 minutes after a threatened time of detonation.

5. When available on the scene, another K-9 handler should be used to assist the EDCT as a spotter during the search. The original handler can terminate the other handler's involvement in the search, if it inhibits the performance of the K-9 team.

6. If an evacuation of the targeted area is initiated, consideration should be given to searching the area where the evacuees will assemble, prior to initiating the evacuation. Deputies should consider the possibility of a secondary device at all times.

B. Unidentified/Suspicious Items

1. EDCT's are appropriate for searching buildings, vehicles, baggage, packages, etc. during threats, protective details, or other routine or general sweeps. When an unidentified item is found, handlers will thoroughly evaluate the situation prior to exposing the team to the unidentified item.

2. EDCT's will not be used to assess, examine, or clear items already identified as suspicious, suspected explosive item or possible IED. If an item has been identified as "suspicious", a Bomb Squad response should be initiated.

3. If an evacuation of the targeted area is initiated, consideration should be given to searching the area where the evacuees will assemble, prior to initiating the evacuation. Deputies should consider the possibility of a secondary device at all times.

C. Explosions / Post Blast

1. Upon arrival at the scene of an explosion/post blast crime scene, the EDCT should report to the Command Post area or the staging area if a Command Post location has not been established and begin a search for secondary devices.

2. After the initial search is complete, the EDCT should report to the Incident Commander the results of the search and stand-by for additional assignments.

3. The use of the K-9 to search for secondary devices in the area of the initial explosion is ill-advised due to the contamination in the area from the initial explosion.

11-1309 PUBLIC DEMONSTRATIONS

A request for public demonstration by a K-9 team must be approved in advance by the Patrol Commander and the Sheriff.

A K-9 handler will not demonstrate "apprehension" work to the public unless authorized to do so by the Sheriff.

11-1310 TRAINING AIDS

K-9 training aids are useful and important in training the K-9s to detect the presence of explosives or controlled dangerous substances. The procedures for procuring, tracking and destroying the training aids used by the CCSO K-9 Unit are described below.

11-1310.1 CONTROLLED DANGEROUS SUBSTANCE (CDS) TRAINING AIDS

Procurement:
CDS will be obtained from the Calvert County Sheriff's Office property room yearly when available. The CDS will be received from the property room by the K-9 Supervisor and Master K-9 Trainer.

The K-9 Supervisor and Master K-9 Trainer will remove all CDS from the original packaging and repackage it into training aids. All original packaging and unused CDS will be turned back into the property room for destruction.

Tracking:
The CDS training aids will be used only for the training of narcotic detection K-9 teams. The training aids will each be labeled with an assigned number, the type of CDS contained and the total package weight.

The training aids when not in use will be stored in a locked cabinet in the K-9 Office. The information on each training aid will be recorded in a log book. The log book will be kept at the CDS training aid storage area. The training aids will be weighed and inspected annually by the K-9 Supervisor and Master K-9 Trainer. The weight(s) and date will be recorded in the log book.

A *Case Report* will be completed by the K-9 Supervisor for a lost or damaged training aid. CIB will investigate any stolen or tampered with training aids.

Destruction:
The CDS training aids will be turned into the property room to be destroyed when necessary. The date, type of aid, and assigned training aid number will be recorded in the log book and signed by the K-9 Supervisor and Property Room Manager.

11-1310.2 EXPLOSIVE TRAINING AIDS

Procurement:
The K-9 Supervisor and Master K-9 Trainer will obtain explosives yearly, when available, from the SOT Commander or designee.

Tracking:
The explosive training aids will be used only for the training of explosive detection K-9 teams. The explosives will be weighed and described in a log book that will be kept at the storage area. The training aids will be weighed and inspected annually by the K-9 Supervisor and Master K-9 Trainer. The weight(s) and date will be recorded in the log book.

Destruction:
When necessary, the explosive training aids will be turned over to the SOT Commander or designee to be destroyed. The date, type explosive, and weight will be recorded in the log book and signed by the K-9 Supervisor and SOT Commander or designee.

11-1310.3 PSEUDO SCENT TRAINING AIDS

Pseudo scents are designed by chemists to emulate the odor of CDS and explosives. These are not controlled substances and the explosive pseudo odors are safe. Using real narcotics and explosives is still the best practice. However, if a real odor such as heroin cannot be obtained, pseudo odor is an alternative.

The K-9 trainer will make the decision to use pseudo scent training aids in select instances for detection training. Pseudo scents are not controlled substances in any way and will be maintained and stored by the Master K-9 Trainer.

11-1400 AUTOMATED EXTERNAL DEFIBRILLATOR

11-1401 BACKGROUND

Under a grant program, Calvert County, including the CCSO, has been provided with Automated External Defibrillators, or AEDs, for use by emergency personnel.

The AED is a device used to administer an electric shock through the chest wall to the heart. Built-in computers assess the patient's heart rhythm, judge whether defibrillation is needed, and then administer the shock. Audible and/or visual prompts guide the user through the process.

11-1402 MANDATORY TRAINING

All sworn CCSO personnel will receive the mandatory training and periodic refresher training in use of the AED. National standards call for all persons receiving training on AEDs to have been trained in CPR. All sworn CCSO personnel have received CPR training.

11-1403 EMS ADVICE AND ASSISTANCE

After initial training, any deputy who has questions about the use or operation of the AED may address those questions to any member of the Calvert County Emergency Medical Services (EMS).

11-1404 ASSIGNED AED'S

AED's are assigned to individual deputies as per the Patrol Commander. Deputies equipped with AED's will be responsible for verifying the following at least once per four-day tour of duty:

- The "OK to Use" light is on.
- The AED unit contains three (3) sets of pads.
- The pouch containing razor, face mask, gloves, and antiseptic swabs is attached to the AED.

AED's are to be kept in the individual deputy's Patrol vehicle in a secure area properly protected from moisture or other harmful elements.

11-1405 AED / CPR RESPONSE PROCEDURES

CCSO deputies will respond to incidents requiring the use of the CPR or AED as requested by Calvert Control Center and Calvert County EMS. Calvert Control will broadcast all CPR in progress calls over the police and fire board channels. Appropriate police personnel will respond Priority 1 to the scene.

If the CCSO deputy is first on the scene (whether by request or self-initiated use, as in connection with a motor vehicle accident), the deputy will proceed to use the issued AED in accordance with the training. Deputies, not in possession of an AED, will begin high quality CPR. If Agency personnel do not have proper protective equipment, hands only CPR is allowed. If a deputy uses the AED (i.e., attaches it to a victim, regardless whether the AED

fires), the deputy will give the unit to EMS. The EMS will download data from the unit, service it for re-use, and return the unit to the deputy at the hospital. A deputy who uses an AED will complete a *Case Report*, in accordance with CCSO procedures.

Once EMS has either begun or taken over resuscitative efforts, Agency personnel will begin communicating with any family or bystanders on the scene. Every effort must be made to keep the family members on scene informed.

Designated EMS personnel will contact the on-scene police personnel and keep them informed as to the progress of resuscitative efforts. If CPR efforts fail, EMS personnel will terminate efforts in the field. Agency personnel should then prepare to deliver the death notification and request additional resources, as needed. Sheriff's Office personnel should treat the death as unattended. Only an attending physician or the State Medical Examiner can sign the *Death Certificate*.

If CPR is in progress and the patient is located in a public place, the EMS personnel will package the patient and transport to the local hospital; or if either EMS or police personnel deem the scene not suitable to terminate CPR efforts, then the patient can be placed in an ambulance for transport. If resuscitative efforts are terminated during transport by EMS, then it is also treated as an unattended death.

Coordination between police and EMS personnel is key in this situation.

11-1406 MAINTENANCE

AED's are to be visually inspected by the individual deputy's supervisor quarterly. Any damage or malfunctions are to be reported to the Calvert County Government Office of Emergency Management as soon as practically possible and the affected AED is to be taken out of service until the necessary repairs have been made.

11-1500 BICYCLE PATROL

Sheriff's agencies have traditionally responded to the community's need for routine patrol and presence by utilizing marked patrol cars. Although this approach increases efficiency and productivity in some circumstances, interaction with the public often suffers in the process. The public at times perceives the deputies to be nameless, faceless deputies who travel through the County from call to call. This perception, while often accurate, is not ideal. The public has a strong desire to have its deputies be an integral part of their communities. Effective policing requires a partnership between the Sheriff's Office and the community; patrolling by bicycle facilitates this partnership. Deputies on bicycles remove the barrier created by the patrol vehicle, giving a perception of accessibility and improving police interaction with the citizens they serve. Further, bicycle patrols increase public contact, while not significantly increasing response times in most cases.

11-1501 OBJECTIVE

The mission of the Calvert County Sheriff's Office Bicycle Patrol Unit is to provide community-oriented, directed patrol on mountain bicycles. Bicycles are extremely effective in patrolling areas such as boardwalks, bike paths, parks, and special events that draw a large crowd. Additionally, bicycle patrols will be utilized in business districts, neighborhoods, and shopping centers to provide a community-based link between the Sheriff's Office and the community. The unit will strive to resolve community conflict, reduce the opportunity for criminal activity, and reduce citizen fears, while maintaining law and order.

The purpose of the Bicycle Patrol Unit is to provide an alternative to the traditional motorized patrol. The program is designed to provide speed of response in certain settings, while facilitating verbal interaction with members of the community. The Bicycle Patrol Unit is intended to place accessible patrol deputies in neighborhoods and shopping and business districts where residents and business owners can get to know the deputies. Contacts with the public by bicycle patrol deputies are less confrontational, resulting in a humanistic approach more conducive to resolving conflict. Members of the public are more likely to make contact with a deputy on a bicycle and more inclined to divulge information on past or present problems within the community.

More details regarding the Bike Patrol Unit can be found in the Standard Operating Procedures section of this Manual.

11-1600 OBSERVER RIDE-ALONG

11-1601 POLICY

The CCSO has an observer ride-along program which allows citizens to voluntarily accompany deputies performing their law enforcement activities to give them a better understanding of the challenges of policing.

11-1602 PROCEDURES

Ride-Along Requests: Citizens expressing an interest in riding along will be referred to the Patrol Commander or his designee, along with completing a *Ride Along Release Form*. Only the Patrol Commander or his designee may grant approval by signing the *Ride Along Release Form* for a citizen to ride with a deputy.

Limitations:

- An observer may not ride unless approval has been granted and the Patrol Commander or his designee has the properly completed waiver. Approval will be for one specific shift unless special limitations or extensions are granted by the Sheriff.
- No more than one observer will accompany a deputy at a time.
- Body armor is required to be worn by the observer.
- Juveniles must be at least 16 years of age to ride and must have a waiver form (*Ride Along Minor Participant Release Form)* signed by a parent or guardian.

11-1603 BEGINNING THE TOUR

A. The Patrol Commander or Assistant Patrol Commander will identify the host deputy.

B. The deputy will obtain a completed waiver from the observer.

C. The use of body armor by the observer is required while on a ride along. Use of body armor is discretionary for active law enforcement personnel.

D. The observer should be appropriately dressed; if not, the ride along may be cancelled by the on-duty supervisor.

E. The host deputy will instruct the observer on the procedures required while riding:

1. Observer safety is a primary concern of the CCSO.
2. Safety equipment orientation (fire extinguisher, flares, medical supplies, etc.)
3. The observer will, at all times, remain under the complete control of the assigned deputy and will comply with all directions and requests.
4. The observer will not interfere with investigations or law enforcement operations in any way, including conversing with victims, suspects, or witnesses, handling evidence or law enforcement equipment, or participating in any law enforcement activity.
5. The observer may terminate the ride at any time by notifying the deputy.
6. The deputy will terminate the ride if the observer violates any of these procedures or if the ride-along would interfere with law enforcement functions.

11-1604 ARREST, TRANSPORTING, BOOKING

If the host deputy feels there are no hazards involved, the observer may accompany the deputy while transporting or booking prisoners. If the deputy believes a problem may arise, the observer will be temporarily transferred to another deputy or returned to the point of origin.

11-1605 ENDING THE TOUR

Upon completion of the ride, the deputy will return the observer to the point of origin and thank him or her for participating in the program.

11-1606 PROHIBITED ACTIVITIES

A. Discussing CCSO policy outside that which involves the citizen ride along program.

B. Discussing intelligence information.

C. Unholstering a firearm for display to a ride along observer.

D. Possession of a firearm by an observer during the ride along.

E. At no time will the host deputy travel to their home or any other private residence, other than in response to a dispatched call for service without supervisory approval, while they are accompanied by a ride along observer.

F. At no time will a deputy or employee of the Sheriff's Office provide a juvenile or current participant in the Criminal Justice Program with their personal contact information for purposes of romantic fraternization, including, but not limited to, phone calls, texting, social media, etc.

Any violations of this section by Agency personnel shall be deemed conduct unbecoming and will be subject to disciplinary action.

11-1607 EXEMPTIONS TO PROGRAM

- Non-sworn personnel of the CCSO do not need prior approval to ride with a deputy. They must, however, complete the waiver form.
- Patrol supervisors may approve ride-alongs by sworn personnel of other law enforcement agencies. The observers must complete the *Ride Along Release* waiver form.

11-1700 RESPONSE TO PERSONS WITH MENTAL ILLNESS

It is the policy of the Calvert County Sheriff's Office to ensure a consistently high level of service is provided to all persons with whom they come in contact, including those who may have mental illnesses. Agency personnel will afford persons who have mental illnesses the same rights, dignity and access to police and other government and community services as are provided to all citizens.

No single policy or procedure can address all of the situations in which deputies and other Agency personnel may be required to provide assistance to persons who have mental illnesses. This policy is intended to address the most common types of interactions with people who have mental illnesses.

For the purpose of this manual, "mental illness" means any of various conditions characterized by impairment of an individual's normal cognitive, emotional, or behavioral functioning, and caused by social, psychological, biochemical, genetic, or other factors, such as infection or head trauma.

11-1701 TRAINING

In order to prepare personnel who, during the course of their duties may have to deal with persons with mental illnesses in an appropriate manner, the Calvert County Sheriff's Office will provide training to Agency personnel. Entry-level personnel will receive training at the Academy. The Assistant Sheriff will ensure that all personnel receive refresher training at least every three (3) years.

11-1702 RECOGNIZING CHARACTERISTICS OF MENTAL ILLNESS

While many people with mental illnesses control symptoms successfully with the use of medications, others who do not have access to mental health services, fail to take their medications, or do not recognize that they are ill, can experience psychiatric difficulties. Deputies and other personnel must be prepared to deal with situations involving persons who have mental illnesses and know how to respond to these situations in an appropriate and sensitive manner.

Symptoms of different mental illnesses may include, but are not limited to:

- Loss of memory
- Delusions
- Depression, deep feelings of sadness, hopelessness or uselessness
- Hallucinations
- Manic behavior, accelerated thinking and speaking or hyperactivity
- Confusion
- Incoherence
- Extreme paranoia

The degree to which these symptoms exist varies from person to person according to the type and severity of the mental illness. Many of these symptoms represent internal, emotional states that are not readily observable from a distance but are noticeable in conversation with the individual. The deputy responding to the scene is not expected to diagnose a mental illness, but to decide on the appropriate response to the individual and situation. Recognizing that symptoms may indicate mental illness will help deputies decide on an appropriate response and

disposition.

Obtaining relevant information from family members, friends or others at the scene who know the individual and their history, or seeking advice from mental health professionals, can also assist deputies in taking the appropriate action. Deputies on the scene will also have to determine the severity of the behavior, the potential for change in the behavior, and the potential for danger presented by the individual to themselves or to others.

11-1703 RESPONSE TO CALLS FOR SERVICE INVOLVING PERSONS WITH MENTAL ILLNESS

When responding to a call that involves a person who has, or exhibits symptoms of mental illnesses, deputies should obtain as much information as possible to assess and stabilize the situation. In particular, deputies should gather information regarding the nature of the problem behavior and/or events that may have precipitated the person's behavior and particularly, the presence of weapons.

The following specific guidelines detail how to approach and interact with a person who may have a mental illness and who may be a crime victim, witness or suspect. These guidelines should be followed in all contacts, whether on the street or during more formal interviews and interrogations. Deputies, while protecting their own safety, the safety of the person with mental illness and others at the scene should:

1. Remain calm and avoid overreacting.
2. Be helpful and professional.
3. Provide or obtain on-scene emergency aid when treatment of an injury is urgent.
4. Check for and follow procedures indicated on medical alert bracelets or necklaces.
5. Indicate a willingness to understand and help.
6. Speak simply and briefly and move slowly.
7. Remove distractions, upsetting influences and disruptive people from the scene.
8. Understand that a rational discussion may not be possible.
9. Recognize that the person may be overwhelmed by sensations, thoughts, frightening beliefs, sounds ("voices") or the environment.
10. Be friendly, patient, accepting and encouraging, but remain firm and professional.
11. Be aware that their uniform, gun, and handcuffs may frighten the person with mental illness. Attempt to reassure him/her that no harm is intended.
12. Recognize and acknowledge that a person's delusional or hallucinatory experience is real to him/her.
13. Announce actions before initiating them.
14. Gather information from family or bystanders.
15. If the person is experiencing a psychiatric crisis, attempt to have a local mental health professional to respond to the scene.

While each incident will be different, when dealing with a person who may have mental illness, deputies should be aware that their own actions may have an adverse effect on the situation. Actions that deputies should generally avoid include:

1. Moving suddenly, giving rapid orders or shouting.
2. Forcing discussion.
3. Direct continuous eye contact.
4. Touching the person (unless essential to safety).
5. Crowding the person or moving into their zone of comfort.
6. Expressing anger, impatience or irritation.

7. Assuming that a person who does not respond cannot hear.
8. Using inflammatory language, such as “mental” or “mental subject.”
9. Challenging delusional or hallucinatory statements.
10. Misleading the person to believe that deputies on the scene think or feel the way the person does.

Once sufficient information has been collected about the nature of the situation, and the situation has been stabilized, there is a range of options deputies should consider when selecting an appropriate disposition. These options include the following:

1. Refer or transport the person for medical attention if they are injured or abused.
2. Outright release.
3. Release to care of family, care giver, or mental health provider.
4. Assist in arranging voluntary admission to a mental health facility, if requested.
5. Transport for involuntary emergency psychiatric evaluation, if the person’s behavior meets the criteria for this action.
6. Arrest, if a crime has been committed.

Deputies should remember that having a mental illness is not a crime. No individual should be arrested for behavioral manifestations of mental illness that are not criminal in nature. Taking a person who has a mental illness into custody can occur only when:

1. The individual has committed a crime.
2. The individual presents a danger to the life and safety of the individual or others and meets the State’s criteria for involuntary emergency evaluation.
3. In response to a court order or directive of a mental health or medical practitioner who has legal authority to commit a person to a mental health facility.

11-1704 ARREST OF PERSONS WITH MENTAL ILLNESS

In cases where charges are placed, the arresting deputy will:

1. Communicate any observations of the arrestee’s mental state in the probable cause section of the arrest document; and
2. Advise the District Court Commissioner of the arrestee’s actions and condition; and
3. Advise the intake officer and medical personnel at the Detention Center of the actions and condition of the arrestee.

11-1800 EMERGENCY PSYCHIATRIC EVALUATION PETITIONS

The Health Article of the Annotated Code of Maryland gives “peace officers” certain rights and responsibilities regarding persons who are diagnosed with, or are exhibiting behavior indicative of, a mental disorder.

11-1801 EMERGENCY FACILITIES

There are several mental health resources available for deputies to utilize:

A. The Calvert County Mental Health Clinic provided the following services:

    1. Individual Therapy
    2. Family Therapy

3. Diagnostic Evaluations
4. Medication Evaluations
5. Medication Management

They can be reached at 410-535-5400 or 301-855-1353 ext. 475.

24/7 Calvert County Crisis Hotline: 410-535-1121 or 301-855-1075 or 1-800-818-3002

B. Calvert Health Medical Center offers comprehensive services for individuals and families. In addition to 24-hour crisis intervention services in the emergency department, they provide inpatient care, adolescent day treatment (partial hospitalization) and adult day treatment services.

In the emergency room, individuals are seen by a physician and a licensed social worker or psychologist. Once medical issues are ruled out by the physician, individuals are referred to inpatient, day treatment or outpatient services for treatment, as indicated.

They can be reached at 410-535-8144 or 301-855-1012.

C. The Family Resource Center accepts referrals for families requiring assistance with mental health services. They can be reached at 410-535-3047 ext. 115 or 104.

D. The Southern Maryland Community Network provides a variety of services to people with mental health needs. They can be reached at (410) 535-4787 or (301) 855-1232.

11-1802 PETITION FOR EMERGENCY EVALUATION

A petition for emergency evaluation of an individual may be made only if the petitioner has reason to believe the individual presents a danger to the life and safety of the individual or others.

The petition for emergency evaluation of an individual may be made by:

- A physician, a psychologist, or a health officer or designee of a health officer who has examined the individual;
- A deputy who personally has observed the individual or the individual's behavior; or
- Any other interested person.

A deputy who makes a petition for emergency evaluation commitment may base the petition on:

- The examination or observation; or
- Other information obtained that is pertinent to the factors giving rise to the petition.

A petition must:

- Be signed and verified by the petitioner;
- State the petitioner's name, address, and home and work telephone numbers;
- State the emergency evaluee's name, and description;
- State the following information, if available: the address of the emergency evaluee, and the name and address of the spouse or a child, parent, or other relative of the emergency evaluee or any other individual who is interested in the emergency evaluee;

- Contain a description of the behavior and statements of the emergency evaluee that led the petitioner to believe that the evaluee has a mental disorder ant that the individual presents a danger to the life and safety of the individual or others; and
- Contain any other facts supporting the need for an emergency evaluation.

The petition form will contain a notice that the petitioner:

- May be required to appear before a court; and
- Makes the statements under penalties of perjury.

11-1803 PETITIONS INITIATED BY DEPUTIES

When a deputy observes behavior, which fulfills the requirements for the justification of a petition, the deputy may take a person into custody in the same manner as they would a person arrested. The deputy will execute a *Petition for Emergency Evaluation* and sign it as a peace officer.

The deputy will take the person to Calvert Health Medical Center. If circumstances warrant, the person may be transported by ambulance. If requested, Calvert Control will notify Calvert Health Medical Center that a deputy is enroute to the facility with a subject for an emergency petition.

Upon arrival at the hospital, the deputy will immediately request hospital security be notified and asked to respond to the deputy's location. The deputy will inform the evaluee an emergency evaluation is going to be conducted and the evaluee is not permitted to leave the medical facility until released by a physician.
The deputy will inform security personnel of the evaluee's actions and/or statements which led to the evaluee being taken into custody. The deputy will contact the attending physician and inform him/her of the evaluee's actions and/or statements which led to the evaluee being taken into custody.
Constant observation of the evaluee will be maintained either by the deputy or security personnel. After a deputy takes the evaluee to an emergency facility, the deputy need not stay unless:

- The emergency evaluee is violent and a physician requests that the deputy stay.
- The evaluee is under arrest.

In the event the physician requests that the deputy remain with the evaluee for security purposes, the deputy will consult with their supervisor for authorization.

11-1804 SERVING THE PETITIONS NOT INITIATED BY THE DEPUTY

A member(s) of the Special Operations Team will take an evaluee to the nearest emergency facility if they have a petition that:

- Has been endorsed by a Maryland district or circuit court judge within the last five days;
- Is signed and submitted by a physician, a psychologist, a health officer or designee of a health officer, or a peace officer; or
- Is generated by the Calvert County Detention Center.

Petitions from the court not served within five days will be returned to the court with an indication, "Not Served." There is no expiration date on petitions executed by physicians,

psychologists, or health officers or designees of health officers.

Calls for service that are handled by Agency personnel in which the deputy determines that an Emergency Petition is justified, will still be handled by the responding deputy. If a call for service is received in which the duty officer believes a higher threat is posed, they may request that SOT respond to handle the call.

When a complainant presents a petition, obtain the location of the evaluee, their mental condition, medications, known weapons, etc. Notify the SOT Commander of the petition and SOT members will respond to serve the petition.

When petitions are received and the person who is the subject of the petition is not immediately available, deputies will attempt to develop information concerning the best way to take the person into custody. This information may be obtained from the physician or other petitioner, or from the person's relatives or friends. A supervisor will approve the serving of all petitions where the person is not immediately available. The supervisor will review the available information and the planned method of taking the person into custody.

11-1805 COMPLETION OF REPORT

The serving of an emergency petition will require the completion of a *Case Report*. If service of the petition results in any unusual circumstances, the deputy will note that in the *Case Report* (or as appropriate, *Use of Force Report*).

A copy of the served petition will be attached to the *Case Report*.

11-1806 LAY PETITIONERS

When a deputy is questioned by a person who is not a physician, psychologist, or a health officer, or designee of a health officer, concerning a person who may have a mental disorder, and who is not in the deputy's presence, the deputy will direct the person to the Office of the Clerk of the District Court.

11-1807 DISTRIBUTION OF SERVED PETITIONS

When a petition is served, the original petition and copies will be forwarded as follows:

- The originals of all forms to be left at the emergency facility which assumes custody of the evaluee; and
- One copy of all forms will be attached to the *Case Report*.

11-1900 DOMESTIC VIOLENCE LETHALITY ASSESSMENT

The Calvert County Sheriff's Office has adopted the *Maryland Domestic Violence Lethality Assessment*. The *Assessment* allows first responders, including CCSO deputies, to identify victims of domestic violence who may be at special risk for lethal violence and to refer those individuals to the domestic violence hotline.

11-1901 GENERAL GUIDANCE

The *Assessment* will be used under appropriate circumstances by all CCSO sworn personnel. The program will be under the administrative oversight of the Patrol Commander. The Patrol

Commander will ensure that all CCSO deputies receive initial training in the administration of the *Assessment* and refresher training as needed.

Each CCSO deputy will carry a copy of the wallet card, "Conducting a Lethality Screen for First Responders" and copies of the form, *Domestic Violence Lethality Screen for First Responders* in their vehicle.

11-1902 INITIATING THE ASSESSMENT

A deputy will initiate an assessment whenever they respond to a domestic disturbance scene which involves an **intimate relationship** (i.e., one likely involving sexual relations) and

- The deputy believes an **assault** has occurred; or
- The deputy senses that the potential for **danger** is high; or
- The names of the parties or location are **repeat** names or locations; or
- The deputy **believes** an assessment should be conducted.

11-1903 CONDUCTING THE ASSESSMENT

The deputy will conduct the assessment using the form *Domestic Violence Lethality Screen for First Responders*, which provides explicit instructions for its administration and evaluation.

- Deputies will follow the form strictly, using the techniques provided in training.
- The telephone number of the hotline is printed on the form, in the event that a victim is screened in for a protocol referral or based on the deputy's belief.
- Because of the potential for danger to victims who have contacted the hotline, the deputy will in most cases use their cell phone for making contact with the hotline.

11-1904 STRANGULATION PROTOCOL

Whenever a victim of domestic violence reports having been strangled, the responding deputy will:

A. Always contact EMS to respond to the victim for evaluation.

B. Encourage the victim to proceed to a medical facility for examination and treatment, as symptoms may not develop for several hours or even days.

C. Complete the *Documentation – Strangulation* form to:

1. assist in interviewing the victim
2. obtain details about the strangulation
3. document the signs and symptoms of strangulation

D. Ensure the victim signs the *Documentation – Strangulation* form.

E. Photograph all visible signs of strangulation, i.e., red marks, scratches, or abrasions on the neck, shoulders, chest, or under the chin; impressions in the skin; Petechiae (ruptured capillaries) in the eyes, on the face, neck, or scalp; victim's defensive marks on own face, neck, or chest; and bruising.

F. Submit *Documentation – Strangulation* form to the CIB Assistant Commander for follow-up.

In serious cases contact the on-call CIB supervisor and the State's Attorney's Office for consultation, necessary follow-up and appropriate charges.

11-1905 REPORTS

The deputy will attach the completed assessment form to the *Case Report* prepared for the incident, and will document, in the report, the use of the form and the result of the screen.

CHAPTER 12
TRAFFIC ENFORCEMENT

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APPENDIX 12-A **DETAILED CRASH INVESTIGATION REPORT**

	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **TRAFFIC ENFORCEMENT**	Chapter **12**
	Affects: **ALL PERSONNEL**	
EFFECTIVE DATE **January 29, 2009**	Rescinds: **12-804 on 5/3/18**	Amends: **12-TOC; 12-410 – 414.3 on 4/1/20; 12-707, 709.1 on 9/18/20**

12-100 GENERAL TRAFFIC ENFORCEMENT POLICY

The goal of CCSO traffic enforcement activities is to reduce traffic accidents and injuries, and to promote the safe flow of motor vehicle and pedestrian traffic in Calvert County through voluntary compliance of traffic regulations. The CCSO seeks to achieve this objective through a combination of education, enforcement, and accident investigation duties.

It is the responsibility of all uniformed Patrol deputies, while on-duty, to enforce all traffic laws and regulations applicable within Calvert County. However, a large number of traffic arrests or citations is not the emphasis, nor the solution; the quality of the arrest or citation plays an integral part in the compliance of the motoring public with traffic regulations.

12-101 UNIFORM ENFORCEMENT POLICIES

Every Patrol deputy is responsible for maintaining a good working knowledge of the Transportation Article of the Code of Maryland, a copy of which will be provided to every deputy annually. Consistency is an essential element of any enforcement program. This policy is not intended to diminish the judgment of the deputy but is intended to guide the deputy in the sometimes complicated, decision making process of traffic enforcement.

12-102 DRIVING UNDER THE INFLUENCE

Recognizing that the intoxicated individual who chooses to operate a motor vehicle represents a significant threat to the safety of others in Calvert County, the CCSO will strictly enforce violations where an intoxicated individual or an individual under the influence of a drug operates a motor vehicle.

12-103 DRIVING UNDER SUSPENSION

Generally, licenses are suspended or revoked for serious prior offenses. When deciding what enforcement action to take in these cases, deputies should check the driving record of the violator. In most cases a citation should be issued for these violations, and the operator will not be allowed to continue to drive the vehicle.

A deputy may make an on-view arrest of a person driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked. When deciding whether to issue a citation or make an on-view arrest, the deputy should take

into consideration the reason for the suspension/revocation; the number of prior offenses and failures to appear in court; and whether or not the person lives out of state.

12-104 SPEEDING

Drivers who disregard posted speed limits cause a large number of motor vehicle accidents in Calvert County. As a result, the CCSO regards willful violations of the speed limit laws as serious and hazardous violations warranting enforcement action.

12-105 OTHER HAZARDOUS VIOLATIONS

Many violations of the traffic codes are hazardous and can cause accidents. Some hazardous violations are: disregarding a traffic control device (signal and/or sign); failure to yield to a vehicle and/or a pedestrian; negligent driving; reckless driving; and improper lane change/use.

Since these kinds of violations are responsible for a number of traffic accidents in Calvert County, the CCSO will aggressively take enforcement action when hazardous violations occur.

12-106 EQUIPMENT VIOLATIONS

For a vehicle to be safely operated on the roadway, it must be properly and legally equipped. In many cases, the operator of a vehicle may not be aware that a piece of equipment (such as a malfunctioning tail light) is not operating. A simple warning or safety equipment repair order by a deputy may be all that is necessary to bring the motorist into compliance. Where a motorist is aware of the malfunctioning equipment and has failed to repair it in a timely manner, or the equipment malfunction could result in an accident, strict enforcement may be warranted.

12-107 COMMERCIAL VEHICLE VIOLATIONS

All public and commercial vehicle regulations will be strictly enforced. The deputy's discretion, training, experience, and knowledge will determine the action to be taken for violations of public and/or commercial violations.

12-108 NON-HAZARDOUS VIOLATIONS

The type of enforcement necessary in non-hazardous violations will be at the discretion of the deputy. It is impossible to foresee every situation regarding traffic violations; therefore, the deputy's discretion, training, experience, and knowledge will determine the action to be taken. Any willful or wanton violation should be handled with appropriate action.

12-109 MULTIPLE VIOLATIONS

Deputies are not limited as to the number of citations, Safety Equipment Repair Orders (SERO) and/or warnings that may be issued to a single violator. Deputies should use sound judgment in deciding how many charges to place and should avoid citing numerous separate charges that the courts may tend to consolidate.

12-110 NEWLY ENACTED LAWS AND / OR REGULATIONS

Unless otherwise directed, deputies may use discretion in issuing written warning notices and citations for newly enacted vehicle laws.

12-111 PEDESTRIAN AND BICYCLE VIOLATIONS

Deputies will monitor pedestrian and bicycle movements to ensure compliance with Maryland Vehicle Laws, especially regarding improper highway crossings by pedestrians. Enforcement action may be taken to curtail pedestrian/bicyclist movements that impede traffic and lead to accidents.

12-112 OFF-ROAD VIOLATIONS

A person may not drive a motor vehicle in violation of any provision of the Maryland Motor Vehicle laws on any private property that is used by the public in general or on property owned by or under the control of the State, the County, or a local jurisdiction.

Deputies will investigate complaints concerning off-road traffic violations and operators of off-road type vehicles. In those cases where a violator can be identified and/or apprehended, deputies will take the appropriate enforcement action.

12-113 DRIVE OFFS

A drive-off is defined as someone who obtains fuel from a gas station or convenience store and fails to pay before leaving the scene.

If a vehicle description, including a tag number, is provided by the complainant, a general broadcast will be made by the Calvert Control Center in an attempt to locate the vehicle. The following procedures will be adhered to when a drive-off has been assigned to the Sheriff's Office for investigation:

A. If the vehicle is located, the assigned deputy, in coordination with the deputy that locates the vehicle, will make a determination as to whether there was a willful intent to commit a theft (did the operator have enough money to pay for the purchase or actions at the site of the theft that would indicate intent). If it is determined that the driver willfully intended to commit theft, the deputy shall either make an arrest or apply for charges and will complete a *Case Report*. If it is determined that there was no intent to commit theft, the deputy will ensure that the driver responds back to the scene to pay for the fuel. In this case, No *Case Report* is required, however, all pertinent information, including operator information, shall be added to New World.

B. If the vehicle is not located and the tag number is registered to an in-county address, the assigned deputy will complete a *Case Report* and investigate it as any other theft case.

C. If the vehicle is not located and the tag number is registered to a residence outside the geographical boundaries of Calvert County, the assigned deputy will provide a case number to the business owner as well as the registered owner's information for use in a civil action, if the business owner so chooses. A *Case Report* will be completed in these cases.

D. If there is no tag number provided and the vehicle is not located after a general broadcast, the assigned deputy will provide a case number to the business owner. No *Case Report* will be required. The case shall be closed "*No Further – unable to locate."*

12-200 TRAFFIC STOPS

Traffic stops will be made in accordance with the procedures taught in initial and in-service training. Deputies will always be mindful of the dangers inherent in approaching a vehicle, when it is not known exactly what may be within the vehicle. Deputies will also consider the hazards presented by the stop environment and use the available roadway shoulder and vehicle positioning to create the safest stop possible.

Deputies make vehicle stops for a variety of reasons. Deputies make stops to issue warnings or citations to violators, to identify occupants of suspicious vehicles, and to detain or apprehend criminal suspects. Deputies must remember that every vehicle stop is different. Each year, many law enforcement officers die or receive injuries during traffic stops. Every vehicle stop involves some degree of risk. For this reason, the CCSO classifies all vehicle stops as either an unknown risk traffic stop or a high-risk traffic stop. The CCSO does not classify any vehicle stop as routine.

12-201 UNKNOWN RISK

Unknown risk traffic stops involve the action of deputies contacting a vehicle during the normal course of duties under circumstances, which do not immediately indicate an immediate threat to the deputy. All traffic stops should be considered to have some type of risk. Deputies should use heightened awareness when approaching all vehicles, and should also keep in mind the dangers that are posed by other vehicles in the area. A deputy making a traffic stop will:

A. Ensure that the vehicle's video recording equipment (if equipped) has been activated in accordance with Chapter 11-600.

B. Choose a safe stop location.

C. With the emergency and flasher lights operating, position the patrol car about 12' behind and offset 2' to the left or right of the violator's vehicle, depending on the roadway and environmental conditions. This positioning affords protection for the deputy from traffic approaching from behind and, at night, illuminates the rear and left or right side of the vehicle. During the hours of darkness, take-down lights or the spotlight should be used. The spotlight should be aimed at the rear window of the violator's vehicle so that it doesn't interfere with the vision of on-coming traffic. The public address system may also be used to give commands to the violator or occupants.

D. Call out all traffic stops to the Calvert Control Center. Information relayed to Calvert Control should include the violator's vehicle license plate number, the location of the stop, vehicle description, and number of occupants. Information should be called out as follows: Unit number, Traffic, at location _____. After reply: registration number, state, and vehicle description, number of occupants and other pertinent information.

E. Approach the violator's vehicle cautiously, watching the occupants for any sudden movement.

F. Keep safety in mind when approaching the violator's vehicle. If approaching from the driver's side, stand behind the driver's door, forcing the driver to turn in their seat to talk with the deputy. Right side approach is also acceptable.

G. Greet the violator courteously, and clearly identify himself/herself.

H. Explain the reason for the stop and request the violator's driver's license and the vehicle registration. The driver will be asked to remove the license and registration from any wallet or other card case.

I. Never place their head or hands inside the vehicle.

J. Before returning to the patrol vehicle, tell the driver and occupants to remain in their vehicle. Back away from the vehicle, stay close to the driver's side and keep a close watch on the occupants for any sudden movements.

K. Promote expediency by having traffic manuals and ticket books at hand. While writing the citation, have Calvert Control Center check the driver's license and wanted status of the driver and occupants.

L. Return to the stopped vehicle with caution to explain the action being taken.

M. Not lean on or place equipment on a violator's vehicle to avoid allegations of damage to a violator's vehicle.

N. Allow the other vehicle to leave the scene first. The patrol car's emergency lights and flashers afford protection and alert approaching traffic.

O. Advise Calvert Control Center when a traffic stop is cleared.

12-202 HIGH RISK

Deputies shall use high risk traffic stop procedures when it is necessary to apprehend a suspect, who is an actual or potential danger. High risk vehicle stops are vehicle contacts that, by their nature, increase the probability of violence usually associated with armed suspects or violent criminal activity. Examples of a high-risk vehicle stop include known felony suspects, armed suspects, stolen vehicles, and vehicle pursuits.

When stopping a vehicle that you know or suspect is occupied by armed suspects or persons you believe could cause harm to you or someone else, you should conduct a high risk stop. This has been called a "felony" stop in the past. High risk stops will be conducted with a minimum of two police vehicle and deputies.

A. Choose a location that is well lit, if possible, is away from pedestrians, high traffic or crowded areas and initiate the stop.

B. Once you have chosen your location for the stop, advise communications of:

1. Location

2. License plate number and state

3. Make, model and color of vehicle

4. Number of occupants

5. Request 10-3 on channel

C. Activate all of the vehicle's emergency lights. The horn or siren will be used to signal the driver.

D. Position of the Vehicle

1. Position the police vehicle behind the suspect's vehicle and stop approximately 20-30 feet behind the suspect's vehicle, offset approximately 3 feet. Activate takedown lights, high beam headlights, and position spotlight at outside driver's rearview mirror. Open your car door and take cover. DO NOT APPROACH THE SUSPECT VEHICLE.
2. The second police vehicle will pull up beside the first and stop on an angle approximately 6 feet from the first.

3. Additional police units will stop behind the first two and will stop traffic.

E. Making Contact with the Driver and Occupants

The initiating officer will use their PA system and will control the suspects and the scene.

1. Inform occupants they are not to move unless ordered to do so.

2. Command occupants of the suspect vehicle to place their hands-on top of their head with fingers interlaced.

3. Command driver to lower the window, turn off the ignition and throw the keys out of the window with his LEFT hand.

4. Order the driver to open the door with his left hand using the outside handle and exit the vehicle.

5. Order driver to close the door and face away from you with their hands raised in the air.

6. Order driver to lift shirt/jacket from the back and turn slowly around until ordered to stop. Have the driver stop turning after at least two rotations and face away from you.

7. Order driver to walk backward to area near the front bumper of your patrol vehicle.

8. Order driver to kneel and cross ankles.

9. Direct arresting officer to take driver into custody. Handcuff the suspect while he is still kneeling. The arresting officer should search the suspect's waist area or other high-risk areas, lift him to his feet and back him up to the rear of the vehicles where he should be completely searched and detained.

10. Each occupant should be removed in the same manner described above.

F. Clearing the Vehicle

Once all known occupants are out of the vehicle, two officers should approach the vehicle with weapons pointed at a straight line to the vehicle.

1. Scan the inside of the vehicle to assure there are no other occupants.

2. Retrieve the keys from the ground and safely open the trunk. This should be done with one officer on the ground unlocking the trunk and the other covering the trunk with his weapon as it is opened. The trunk should be searched.

High risk stops will be made in accordance with the procedures taught in initial and in-service training.

12-203 PLAINCLOTHES TRAFFIC STOPS

Plainclothes deputies in unmarked vehicles and deputies in civilian dress operating marked cruisers will use their discretion when deciding to conduct a stop for a violation. A deputy operating a privately-owned vehicle will not stop or attempt to stop a motorist for any violation.

Maryland law provides for displaying one's driver's license to a uniformed police officer. In addition to the cautions described above, a plainclothes deputy effecting a traffic stop will:

A. Clearly identify himself/herself with appropriate police credentials.

B. Advise the citizen of the violation and request their operator's license.

C. If the citizen refuses to produce a license, call for a uniformed deputy and ask that the citizen wait for their arrival.

D. Write the citation/warning following receipt of the violator's credentials, if the citizen awaits the uniformed deputy's arrival. If the citizen refuses to wait, they may be arrested.

12-300 TRAFFIC CITATIONS

12-301 EXERCISE OF DISCRETION

In a deputy's judgment, if an observed violation was not hazardous, was inadvertent, was not serious or if compliance with traffic regulations could be obtained without further action, the deputy may issue a written warning to the violator. If a deputy feels that a traffic violation is hazardous or serious, then a traffic citation should be issued.

In some instances, a traffic violation may be severe enough that physical arrest of the violator is justified. Examples of instances in which an arrest may be warranted are: Driving Under the Influence (DUI); hit and run involving personal injury; eluding a peace officer; or assault with a motor vehicle. In all arrests, the procedures in Chapter 9 of this manual will be observed.

12-301.1 SUMMARY OF ARREST PROVISIONS

Under the Maryland Transportation Article, a deputy may arrest a driver without warrant under the following circumstances:

A. The person has committed or is committing the violation within the view or presence of

the deputy, and the violation is a violation of the provisions relating to:

1. Transporting hazardous materials; or
2. Failure or refusal to submit a vehicle to a weighing or to remove excess weight.

B. The person has committed or is committing the violation within the view or presence of the deputy and either:

1. The person does not furnish satisfactory evidence of identity; or
2. The deputy has reasonable grounds to believe that the person will disregard a traffic citation.

C. The deputy has probable cause to believe that the person has committed the violation, and the violation is any of the following offenses:

1. Driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, or in violation of an alcohol restriction.
2. Driving or attempting to drive while impaired by any drug, any combination of drugs, or any combination of one or more drugs and alcohol, or while impaired by any controlled dangerous substance.
3. Failure to stop, give information or render reasonable assistance in the event of an accident resulting in bodily injury to or death of any person.
4. Driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked.
5. Failure to stop or give information in the event of an accident resulting in damage to a vehicle or other property.
6. Driving without a license.

D. Any offense that caused or contributed to an accident resulting in bodily injury to or death of any person.

E. Fleeing or attempting to elude a police officer.

F. The person is a nonresident and the deputy has probable cause to believe that:

1. The person has committed the violation; and
2. The violation contributed to an accident.

3. The deputy has probable cause to believe that the person has committed the violation; the person is issued a citation and refuses to acknowledge its receipt by signature.

12-302 DEPUTY-VIOLATOR RELATIONS

The deputy's relations with traffic law violators will play an important role in achieving the goal of voluntary compliance. Being stopped for a traffic violation can be a stressful occurrence for the motorist. The deputy's challenge is to overcome the violator's anger, fear, and resentment.

A. For their own safety and that of the motoring public, the deputy's first duty is to stop the violator safely and establish control as described above.

B. The deputy will approach the violator calmly and always display a level of courtesy which

will promote respect for the law and its enforcement. In this relationship, the deputy assumes the role of teacher, instructing the motorist on the requirements of the law and their relationship to public safety.

C. The deputy must work to achieve the difficult balance between being sympathetic toward the violator, while at the same time enforcing the law and maintaining professionalism.

12-303 ISSUANCE OF CITATION

At the time a citation is issued, the deputy will advise the violator:

A. That a citation will be issued.

B. Of the specific violation(s) that will be cited.

C. To carefully read both sides of the citation.

D. That the court date, location, and time will be set by the court.

E. Of the methods of responding to the citation (i.e., paying the monetary penalty or appearing in court).

F. That signing the citation is not an admission of guilt, but merely indicates that they promise to respond to the citation.

G. If necessary, that they will be arrested if the citation is not signed. If the violator signs the citation, they are then given copies of the citation.

If a violator refuses to sign a citation, the deputy will arrest them and take the violator to the Calvert County Detention Center for booking. The violator will be given copies of the citations at booking.

12-304 NON-ROUTINE OFFENDERS

Violations of Maryland Motor Vehicle Laws by non-Maryland residents and military personnel will be handled in the same manner as those by Maryland residents. That is, they may be warned, cited or arrested, in the deputy's discretion.

Juveniles who are 16 years of age or older will be processed for non-jailable traffic violations in the same manner as adults. A juvenile who is arrested for a jailable traffic offense will be charged on a *Youth Report*.

While U.S. Senators and Representatives enjoy some immunities when Congress is in session, they are not exempt from compliance with ordinary criminal laws, including the Maryland Motor Vehicle Laws. Legislators including those at the State level, may be warned, cited or arrested for motor vehicle law violations.

Foreign diplomats and certain consular officials and their families are immune from some or all criminal process according to treaty obligations of the United States. However, traffic citations may be issued to diplomatic officials regardless of their rank or status. Diplomats' vehicles may not be physically impounded or searched. Those with diplomatic immunity may not be

physically arrested, but if they present a continuing danger to the public, such as DWI/DUI, they may be detained until arrangements can be made for their safety. The on-duty Patrol supervisor will be contacted in this event and a full report, including the diplomat's identification and all circumstances, will be submitted to the Patrol Commander and forwarded to the Sheriff.

Routine traffic enforcement and motor vehicle accident investigations may lead to the discovery of drivers who have suspected incompetence, mental disability, disease or other conditions that might impair their abilities to exercise reasonable and ordinary care in operating a motor vehicle.

Maryland Motor Vehicle Law permits the Motor Vehicle Administration (MVA) to re-examine a person's driving privilege under the following criteria:

- The licensee is involved in an accident resulting in the death of another; and / or
- The MVA has good cause to believe that the licensee is unfit, unsafe, or otherwise not qualified to drive.

A deputy who has good cause to believe that a licensee needs to be re-examined will:

- Complete a *Request for Re-Examination of Driver* (Maryland Form #A-39), being as specific as possible;

- Forward the form to the MVA, after supervisory review and approval; and

- Maintain the goldenrod copy of the form and any notes and other information concerning the incident so as to be able to answer questions posed by the licensee at a hearing.

The MVA does not automatically notify an officer of the results of a re-examination. A deputy may contact the MVA to learn the results.

12-305 ACCOUNTABILITY FOR CITATIONS

The Commander of the Patrol Bureau or their designee is responsible for controlling the flow of Maryland Uniform Complaint and Citations within the CCSO. The Commander or their designee will:

A. Receive citation books from the Maryland MVA and will track each citation while it is in the possession of the CCSO.

B. Store citations in a secure area under his exclusive control.

C. Maintain a sufficient supply of citations to meet the Agency's needs.

D. Maintain a log book to record the issuance of a particular series of citations to an individual deputy.

A deputy will control or possess only those citation books, which have been properly issued to him/her.

12-305.1 ISSUED CITATIONS

Prior to securing for days off, deputies will submit remaining copies of issued citations, except their own copy. Citations are to be deposited in the citation box located in the hallway outside

the Deputies' Room. The Patrol Commander or their designee will ensure that these citations are promptly forwarded to the Administrative Office of the Courts.

Deputies will ensure that witness information is entered on the reverse side of the court copy of the citation. When a violator is arrested and is taken before a commissioner, a *Statement of Probable Cause* (Form DC/CR-4) will be completed and presented to the commissioner along with the citation (processing will be in accordance with traffic arrest procedures).

Deputies will keep their own copies of issued citations for at least five years, but a more suitable option would be for the duration of their employment with the CCSO.

12-305.2 VOIDING CITATIONS

The Commander of the Patrol Bureau or their designee will have the authority to void a citation which has been improperly written upon. If a deputy makes an error while writing a citation, the issuing officer will submit the void citation through the chain of command, along with all copies of the citation and a *Voided Citation Form*, to the Patrol Commander. A citation, which has been signed by the violator and the violator copy issued, may not be disposed of in this manner; it must be disposed of in open court, either through dismissal by a District Court Judge or a declaration of Nolle Prosequi by the State's Attorney.

12-306 FATAL COLLISIONS

The State's Attorney's Office normally does not prosecute payable traffic citations (unless related to a jailable citation). However, with respect to fatal collisions, where only payable citations are issued to the at-fault driver, the State will prosecute and appear in court on the trial date for the payable citation(s).

The State's Attorney's Office reviews all fatal collision cases to determine what, if any, charges may be appropriate. They continue to review these cases, and after meeting with the victim's family, send a memo to the investigating officer advising which charges are recommended to issue to the at-fault driver.

On the citation, the deputy issuing the citations, should list:

- All witnesses
- A victim's family member
- The Assistant State's Attorney assigned to investigate fatal collisions

This ensures that all concerned will receive notice of the court date.

12-307 ELECTRONIC TRAFFIC INFORMATION EXCHANGE (E-TIX)

12-307.1 E-TIX SOFTWARE

A. The E-TIX software was developed by the Maryland State Police and is provided to allied agencies to be used as a method to issue Maryland Uniform Complaint and Citations. The software may also be used to issue warnings, and accident exchange forms.

B. Only deputies who have attended an approved Maryland State Police training program are authorized to use E-TIX. As part of the training program, deputies must make 50 traffic stops using E-TIX before the citation feature is activated.

C. The software will be installed on mobile computers for all deputies who have been trained to use the software. No one is permitted to alter, remove, or modify the software.

12-307.2 E-TIX HARDWARE

A. The hardware used in conjunction with the E-TIX software is a called a "SlickTicket" and is an over-the-seat style carrier. This carrier has an integrated optical scanner and a thermal printer. The unit requires one D/C connection for power and one USB computer connection.

B. The SlickTicket is the only hardware authorized to be used with the E-TIX program. It may not be disassembled or altered in any way.

C. The thermal paper used for E-TIX meet strict specifications set forth by the District Court of Maryland. Only paper issued by the agency may be used.

12-307.3 E-TIX USE

A. When issuing an electronic citation, the same policies and procedures is issuing a paper citation will apply except that the defendant does not sign the citation.

B. Although the software does have a Traffic Stop Data Collection reporting feature, deputies will still complete the TSDC form through New World Mobile.

C. When issued a citation, warning, or SERO, the deputy will print a copy which will be turned in prior to the end of his tour of duty.

D. Deputies shall not issue an electronic citation and a paper citation for the same violation. If a deputy has an issue with his printer during a traffic stop, another officer using E-TIX can respond to the scene and print the citation on behalf of the deputy.

E. Deputies shall always properly log off of the E-TIX software.

F. Any issues regarding E-TIX should be reported to the agency's E-TIX Administrator.

12-400 TRAFFIC PROGRAMS

It is the policy of the CCSO to use varied and diverse programs, practices, and techniques in traffic law enforcement.

12-401 TACTICS AVAILABLE

Visible traffic patrol will be conducted using marked patrol units. All Patrol deputies are responsible for maintaining a visible traffic patrol within their assigned areas. If warranted, visible traffic patrol may be assigned to a specific location and time based on complaints and/or accidents involving traffic violations.

Stationary observation may be used in response to a citizen's complaint, repeated violations, or recurring accidents. Depending on the nature of the complaint or violation, observation may be made from a clearly visible location, or an obscured position.

The Patrol Bureau will normally use marked patrol units for enforcement activities. However, unmarked vehicles may be used when appropriate.

If circumstances in the County appear to warrant it, the State Highway Administration can be asked to conduct roadside safety checks.

12-402 SPEED MEASURING DEVICES (RADAR / LASER)

12-402.1 RESPONSIBILITIES OF THE RADAR / LASER COORDINATOR

The Patrol Bureau Commander will designate a Radar/Laser Coordinator to manage the Agency's radar and laser equipment. The Coordinator will maintain a current knowledge of new technology and radar equipment, as well as recent court decisions and/or legislation relating to police radar operations. They will perform all studies, evaluations and selections of radar equipment used by the Agency. As part of the selection process, the Radar/Laser Coordinator will consult the information published by the National Highway Traffic Safety Administration. Additionally, the Coordinator will:

A. Maintain a current inventory of all Agency radar/laser equipment.

B. Arrange for yearly calibration on all radar/laser devices and tuning forks.

C. Maintain calibration and service records on all radar/laser units.

D. Arrange for the service or repair of radar/laser units as needed.

E. Maintain a list of Agency radar/laser operators and the equipment each has been certified to use.

12-402.2 ISSUANCE AND CUSTODY OF RADAR / LASER UNITS

Each deputy is solely responsible for the proper care and control of any radar/laser unit and its accessories during which time it is assigned to them. During quarterly inspections, Patrol supervisors will account for issued radar/laser equipment and note their observations on the *Vehicle Inspection Form*.

When not in use, a radar/laser device will be properly stored in the carrying case. A mounted device may be left in its operating position. Mounting accessories will not be modified without approval of the supervisor assigned to oversee the maintenance of the radar/laser units.

12-402.3 RESPONSIBILITIES AND GUIDELINES FOR THE RADAR / LASER OPERATOR

Radar/laser operators must complete approved training (MPTC) and be certified with the speed monitoring device(s) used. All safety specifications will be adhered to as outlined by the manufacturer of the radar/laser equipment. In addition, Agency safety regulations will be followed and require:

- The radar/laser device to be turned off when not in use.

- The antenna to be pointed away from the operator's body.

- That deputies never place handheld units in the operator's lap or against the body.

Prior to beginning any type of radar enforcement, the operator will conduct a proper test of the equipment being used. Each radar operator will maintain the necessary records and tracking history following any traffic arrest through the use of radar for the successful prosecution of accused speeding violators. When appearing for court regarding a traffic arrest involving police traffic radar, an operator will have in their possession the appropriate file and records pertaining to that radar device. A copy of radar certification files are available from the Patrol Commander. Radar operators will also have their operator's certification card whenever appearing in court or conducting radar operations.

The nature and severity of the violation and/or existing conditions will be considered when determining enforcement tolerance. Operators will balance their enforcement actions in accordance with the exercise of discretion discussed above.

Radar operators, when functioning alone or in conjunction with a stopping team operation, will allow for the safety of other motorists when pursuing or apprehending the speeding violator. Stationary positions will have a sufficient area for violators to be safely stopped while not interfering with the normal flow of traffic.

12-403 DUI ENFORCEMENT COUNTERMEASURES

Consistent with the Calvert County Comprehensive Traffic Plan, the CCSO will, from time to time, conduct an alcohol enforcement countermeasures program to reduce the incidence of DUI in the County. In order to aid in the detection and apprehension of drivers who are under the influence and to reduce the number of motor vehicle crashes, the CCSO is involved in the State Checkpoint Strikeforce program. The Strikeforce program includes sobriety checkpoints and DUI saturation patrols.

The Patrol Commander will determine specific deployments based upon:

- Knowledge of locations where individuals are likely to have consumed alcohol to excess.

- Knowledge of locations where accidents involving alcohol consumption have occurred.

- Knowledge of locations where DUI arrests have been made.

- Focus on holiday and other periods when high levels of alcohol consumption are common.

12-404 ASSISTANCE TO STRANDED MOTORISTS

The CCSO will, when practical, provide assistance to motorists, including providing information and directions, assisting stranded or disabled motorists, providing or obtaining fuel, changing tires, etc. Deputies will follow these guidelines:

A deputy who observes a stranded motorist on or along the roadway will stop, notify Calvert Control Center of the location, license plate number, etc., and offer assistance. If the deputy cannot stop, they will notify Calvert Control Center of the location and description of the vehicle.

If the stranded party is in need of towing services and does not have a preference for the towing service to be called, the deputy will have the Sheriff's communications operator notify the next available towing service on the list maintained by the CCSO.

Patrol vehicles will not be used for towing or pushing civilian vehicles.

Regardless of the location where the vehicle is stranded, the deputy will stand by with emergency lights to warn on-coming motorists and direct traffic until the roadway is clear.

If a person needs emergency medical or fire assistance, the deputy will have Calvert Control Center contact the appropriate services. The deputy will then provide practical assistance until the proper service arrives.

During adverse weather conditions, deputies will make an effort to transport or arrange for the transportation of stranded persons to places of safety.

12-405 ROADWAY HAZARDS

When a deputy becomes aware of an existing or potential roadway hazard, they will be responsible for the following procedures:

A. Calvert Control will be advised of the location and nature of the hazard. The deputy will advise Calvert Control which agency to alert concerning the hazard, whether it be road debris; a road defect; downed power lines; an unlawfully parked vehicle; a downed or damaged traffic control device; or some other hazard.

B. The deputy will clear the hazard personally only if they can do so without risk of injury to themselves or others.

C. The deputy will wear the reflective visibility vest while handling roadway hazards.

D. The deputy will ensure traffic control is established through appropriate means, which may include:

   1. Flares or fuses
   2. Traffic cones
   3. Patrol vehicle with emergency lights activated
   4. Manual traffic direction
   5. Temporary warning and/or traffic control signs

E. The deputy will use their judgment in determining if the hazard requires the deputy to remain at the scene until the proper agency arrives to correct/remove the hazard.

12-406 TRAFFIC CONTROL

The purpose of manual traffic control is to ensure an orderly flow of traffic; prevent congestion; and ensure the safety of all motorists, pedestrians, and other highway users. To ensure public safety it may be necessary for a deputy to manually regulate the flow of traffic.

Situations in which a deputy may be required to manually regulate traffic flow include:

- Traffic accident scenes
- Fire scenes

- Hazardous situations on or near the roadway, to include faulty traffic signals
- Special law enforcement operations
- Special events (parades, special assignments, sporting events, etc.)

Any deputy manually directing traffic will wear the CCSO issued reflective vest.

12-406.1 TRAFFIC CONTROL PROCEDURES

The circumstances warranting traffic control are diverse and differ widely from incident to incident. In order to provide the most effective traffic control services, the deputy involved in manual traffic control should consider the following procedures:

A. Evaluate the scene and establish appropriate traffic control.

B. If necessary, use:

   1. Flares
   2. Traffic cones
   3. Warning signs and/or barricades
   4. Patrol vehicle with emergency equipment activated

C. Deputies will use clear and easily understood hand signals when directing traffic.

When practical, planning and preparation will be made prior to special events (fairs, sporting events, parades, V.I.P. visits, etc.). The Patrol Commander will designate this responsibility. The planning should include the following considerations:

- Ingress and egress of vehicle and pedestrian traffic
- Adequate parking areas
- Spectator control
- Public transportation
- Relief of deputies on point traffic control
- Access for emergency vehicles
- Alternate routes for traffic
- Use of temporary traffic control devices
- News media access
- Crime problems expected for the event
- Use of County roads offices and State Highway Administration’s resources

If traffic control for a special event is provided by a private organization, the Patrol Commander will ensure that these factors are considered by the organization providing traffic control.

When a traffic signal malfunctions or a stop sign is found to be missing or damaged, the deputy should take appropriate action to ensure adequate warning to motorists; and provide traffic control until the signal or sign has been repaired or other arrangements have been made for traffic control. Deputies may utilize the stop signs with stands in the shed behind the Sheriff's Office. These stop signs are to be used in emergency situations when a light governing an intersection goes out COMPLETELY. If the light goes to a flash pattern, **DO NOT** utilize the stop signs to govern the flow of traffic. Allow the light to continue flashing, and if need be, direct traffic. In emergency situations contact the State Highway Administration.

In the event a temporary traffic control device is required, the deputy will advise Calvert Control Center of the type and quantity of traffic control devices requested and the location needed. Calvert Control will notify the appropriate agency and request that the sign(s) be provided at the specified location.

Traffic control at the scene of a fire will be conducted in conjunction with the Fire Chief or their designee.

During all traffic control functions, care should be taken to ensure that private vehicles, including volunteer fire personnel, are not parked in a manner that could interfere with the emergency operations or access of emergency vehicles.

When adverse weather conditions occur causing hazardous driving and/or roadway conditions, the deputy will evaluate the situation and arrange for appropriate traffic control or maintenance. After notifying the County or State Highway Administration through the Calvert Control Center, a deputy may temporarily close a roadway that is hazardous due to snow, ice, debris, or water over the roadway, or other hazard.

12-407 EMERGENCY ESCORTS

12-407.1 ESCORT GUIDELINES

Deputies will not provide escort service for ambulances or rescue units.

Deputies will not provide emergency escorts for private vehicles. If a deputy encounters a citizen en route to a hospital with a life-threatening medical emergency, the deputy should assist the victim by calling for rescue personnel or transporting the victim to the hospital in the patrol car. If the stop is made in very close proximity to a hospital or medical clinic, the deputy may consider allowing the citizen to continue on without delay.

12-407.2 ROUTINE ESCORTS

All requests for routine escorts will be referred to the Patrol Commander, who will evaluate each request and make the necessary assignments.
Subject to the availability of deputies to perform the service without diminishing essential law enforcement capabilities, the CCSO will provide routine escorts for:

- Public officials
- Dignitaries
- Funerals
- Oversized vehicles
- Hazardous or unusual cargo

12-407.3 FUNERAL ESCORTS

Ideally, funeral homes should provide at least twenty-four (24) hours' notice prior to a planned escort. Agency personnel will still honor requests with less than twenty-four (24) hours' notice, manpower permitting. Funeral homes shall provide departure time and location, intended route, destination, and anticipated number of vehicles involved in the escort.

The Community Action Team (CAT) supervisor, or his designee, is the Agency point of contact for funeral homes and will coordinate all funeral escorts. The members of the Community Action

Team will assist or coordinate the funeral escort in the Sergeant's absence.

A. Deputies shall escort funeral processions with headlights and emergency lights activated. Sirens shall only be utilized to clear an active intersection.

B. A deputy shall remain at major intersections, blocking intersecting traffic until the procession has passed.

C. Escorts shall be terminated at the entrance of the designated cemetery.

D. Escort deputies shall display the proper respect for the deceased and family members.

12-408 PARKING ENFORCEMENT

Deputies will enforce the parking provisions of the Transportation Article of the Code of Maryland though the issuance of Maryland Uniform Complaint and Citation.

In general, parking enforcement will have a lower priority than other patrol and traffic enforcement functions. Parking enforcement will concentrate on vehicles, which represent hazards to the free flow of traffic, or otherwise represent a safety hazard; and on violations of the prohibition against improper use of spaces reserved for the handicapped.

12-409 TRAFFIC SAFETY AWARENESS

The C.A.T. Supervisor is responsible for the Traffic Safety Awareness Program of the CCSO. In carrying out the program, the C.A.T. Supervisor will:

A. Obtain appropriate materials for and operate a Traffic Safety Awareness program.

B. Be alert for and seek out other opportunities to promote Traffic Safety Awareness.

C. Be available to citizens of the County to verify the proper installation and use of child safety restraining devices.

12-410 AUTOMATED LICENSE PLATE READERS (ALPR / LPR's)

Automated License Plate Recognition (ALPR) is image processing technology used to identify vehicles by its license plate number. Data is collected from both stationary and mobile LPR cameras. Stationary cameras are mounted at fixed points along roadways and mobile cameras are mounted on assigned vehicles or equipment.

The use of ALPR equipment is to provide law enforcement personnel with an automated method to capture, store, and recall license plate scans or reads with photos, date, time, and GPS location. The identification of stolen vehicles, stolen license plates, and wanted or missing persons is the primary focuses of the LPR program. LPR technology uses specialized cameras and computers to quickly capture large numbers of license plate photographs and compare them to a list of plates of interest. The license plates of interest are referred to as a "hot list." LPR systems can identify a target license plate within seconds of contact, allowing law enforcement to identify target vehicles that may otherwise be overlooked.

The use of ALPR equipment, including queries of system data from the ALPR server, shall be conducted for legitimate law enforcement purposes only, and conducted in a manner consistent with state and local laws, the manufacturer's recommendations, and this policy. Capturing or

performing queries of license plate data without a legitimate law enforcement purpose is strictly prohibited. Any employee engaging in unauthorized use of the system shall be subject to criminal, civil, and/or administrative penalties.

The Maryland Coordination and Analysis Center (MCAC) and the Prince George's County Police Department individually house an LPR System Operations Center, which is a central clearinghouse for all license plates scanned by LPR systems. The Operations Center is a data collection and reporting tool. All LPR system data collected by the Calvert County Sheriff's Office will be maintained on the Operations Center server at MCAC and/or the Prince George's County Police Department for a period of one year with strict access control and privacy protection in place. The Operations Center provides a database, inquiry tool, history tracking, and reporting for the entire LPR program. It manages and provides a storage and search structure for the license plate information being collected in the field.

12-410.1 MISSION

The objective of the LPR program is to increase the safety within Calvert County while reducing the impact of economic losses caused by auto theft and other crimes against citizens. The Calvert County Sheriff's Office is committed to increasing the detection of stolen vehicles, vehicles with revoked or suspended registrations, uninsured vehicles, vehicles operated by drivers with suspended or revoked licenses, finding wanted or missing persons, and other crimes which impact the safety of citizens.

The following establishes guidelines for the deployment, maintenance, training, and data storage associated with the usage of License Plate Recognition (LPR) systems by Calvert County Sheriff's Office personnel.

12-411 INSTALLATION AND MAINTENANCE

A. Mobile LPR systems will be installed in CCSO vehicles as determined by the Patrol Commander or his designee.

B. The Agency LPR Program Coordinator will arrange for the installation and maintenance of the LPR system equipment in CCSO vehicles.

C. The Agency LPR Program Coordinator will arrange for the maintenance of the fixed LPR system equipment.

D. The Patrol Commander or his designee must pre-approve the installation or transfer of any LPR system.

E. Any damage to LPR systems will be reported immediately according to established CCSO policy and procedures related to the loss of or damage to CCSO equipment. The LPR Program Coordinator will also be notified so that he can arrange for the system to be repaired.

F. Under no condition should an employee arrange repair or maintenance of LPR equipment without the permission of the LPR Coordinator.

G. Under no condition should an LPR operator attempt to modify the LPR equipment or software.

H. LPR camera lenses may be cleaned with glass cleaner or mild soap and water, and a soft nonabrasive cloth. LPR equipment should be cleaned and maintained according to the manufacturer's recommendations.

I. LPR cameras shall not be removed from the vehicle by the operator; and LPR vehicles shall not utilize an automatic car washing facility.

12-412 LPR TRAINING

The LPR Program Coordinator will provide training to all users with assigned LPR Systems. Training shall be provided for the enforcement usage of the fixed LPR Systems, as required by the Prince George's County SOP's for accessing the PGPD EOC Dispatcher Program. Employees who have not received training will not use an LPR system under any circumstances. It is imperative that the LPR system and related equipment only be accessed and/or operated by trained and qualified personnel who fully comply with the regulations mandated by this policy.

12-413 LPR SYSTEMS

12-413.1 MOBILE LPR SYSTEMS

A. LPR equipment provides access to stolen and wanted files and is also used in furtherance of criminal investigations. The use of LPR systems and access to its data requires a legitimate law enforcement purpose by a law enforcement officer. A *Request for Service* form must be completed and submitted when requesting LPR data.

B. No employee may use or authorize the use of the equipment or database records for any other reason.

C. Only those deputies who have been properly trained shall be issued access to the ELSAG car system and/or Prince George's County EOC dispatcher program systems.

D. The LPR Program Coordinator will:

1. Ensure that all systems are properly deployed and maintained;
2. Ensure all required LPR program logs and records are properly maintained according to policy;
3. Ensure all significant incidents and arrests that are related to LPR usage are properly documented; and
4. Ensure that all mobile LPR system equipment is inspected at least quarterly and documented on the employee's *Vehicle Inspection Report*. Any deficiencies will be immediately brought to the attention of the LPR Program Coordinator.

E. The mobile computer in the vehicle acts as a video monitoring center. This is the central clearinghouse for all license plates scanned by the mobile LPR system.

F. The user will ensure "hot lists" are updated at the beginning of each shift. The updated "hot list" will be transmitted to the LPR systems through an encrypted virtual private network (VPN).

G. All scanned LPR data will be transmitted to MCAC and/or the Prince George's County Police Department through an encrypted VPN.

H. All data scanned by the LPR system is transmitted to the mobile data computer inside the vehicle and checked against the daily “hot list.” When an alarm is received alerting personnel of a positive “hit,” a digital image of the license plate will be displayed on the mobile data computer screen for review.

I. Personnel who receive an alarm of a positive “hit” on a scanned license plate will compare the digital image of the license plate to the NCIC information to verify the “hit.” Verified positive “hits” will be accepted by activating the “accept” alarm key on the video monitoring center screen. When an alarm does not result in a verified positive “hit,” personnel will activate the “reject” alarm key. A positive “hit” alone does not establish probable cause. The hit must be confirmed prior to taking any enforcement action. Visually verify the photograph of the license plate, the actual license plate, state, and the actual alarm identified on the MDC screen are the same.

J. Personnel will provide the information by radio to the dispatcher, prior to taking enforcement action, who will immediately attempt to confirm the hit according to established policy.

K. Personnel assigned mobile LPR systems will be responsible for ensuring that all custom manual inputs have a legitimate law enforcement purpose. This option should only be utilized in cases where crimes (e.g. stolen vehicles, radio item broadcasts, etc.) are reported

12-413.2 FIXED LPR SYSTEMS

A. Operators utilizing data retrieved from the fixed LPR systems can do so by accessing the Prince George’s County EOC Dispatcher Program System.

B. Only those personnel who have been properly trained shall be issued access to the Prince George’s County EOC Dispatcher Program System.

C. LPR equipment provides access to stolen and wanted files, and is used in furtherance of criminal investigations. The use of LPR systems and access to its data requires a legitimate law enforcement purpose by a law enforcement officer. A *Request for Service* form must be completed and submitted when requesting LPR data.

D. No employee may use or authorize the use of the equipment or database records for any other reason.

E. Upon receiving an alarm, the LPR operator must determine the accuracy of the alarm prior to taking any further action. The receipt of an LPR alarm is NOT sufficient probable cause to make an arrest without additional verification.

F. The LPR operator will:

1. Visually verify the photograph of the license plate, the actual license plate, state, and the actual alarm identified on the MDC screen are the same.

2. Confirm that the alarm is still active by running the information through METERS/NCIC utilizing the Calvert County Control Center dispatcher.

12-414 PATROL PROCEDURES

A. At the beginning of each shift, LPR users will visually inspect the exterior cameras to ensure the lenses are clear and the cameras have not been altered in any way.

B. LPR users should leave the LPR System operational while patrolling during the duration of the shift. The LPR application can be minimized in the background and can be constantly operational even when other applications are running.

C. When possible, LPR users should target areas where crime/traffic trends exist.

D. LPR users shall always be aware that the safe operation of their patrol vehicle is paramount.

E. When an LPR user is dispatched to a priority one call, they will pause the LPR system while responding to the call.

F. LPRs shall only be used while within County boundaries, with the following exceptions:

1. Areas outside of the County which are commonly used to navigate and negotiate the County, but require crossing through other jurisdictions;
2. Active criminal investigations;
3. Task force and/or special assignments requiring duties outside of County boundaries;
4. Internal investigations approved by the Office of Professional Standards.

12-414.1 HIT VERIFICATION

A. At this time, the LPR system does not interface with real time METERS and NCIC data.

B. The information received from license plates, recognized as positive “hits,” is dated and may be up to 48 hours old.

C. Personnel must verify all positive “hits” through METERS and NCIC and follow all Agency policies and procedures.

D. The LPR system is ONLY to be used as an investigative tool. Confirmation is essential prior to a stop.

12-414.2 EMERGENCY OPERATIONS

A. During the course of normal law enforcement duties, incidents may occur that require immediate assistance. The LPR system can be a valuable tool in these situations, such as alerts, bank robberies, or other violent crimes and can help bring the incident to a safe and successful conclusion.

B. In the event of a critical situation with vehicle registration information, the deployment of an LPR system can maximize the coverage area to search for any vehicle involved.

C. LPR equipped vehicles should be directed to patrol areas which are likely to increase the chance of encountering the vehicle.

D. The duty officer will contact the MCAC LPR Program Administrator or designee and request the Operations Center's LPR server be searched to determine if any mobile or fixed LPR systems had previously encountered the target plate.

12-414.3 REPORTING

A. The LPR Program Coordinator is responsible for consolidating all LPR statistics.

B. Operators are required to report LPR based traffic stops using the arrest code, "S" on the traffic citation. ETIX provides additional reporting functions to provide agencies with useful statistical data concerning the use of LPR systems. ETIX collects data on the type of system utilized, and arrest data if applicable.

C. The use of LPR active or historical captured data should be documented in any investigative report related to its use.

D. The report narrative and courtroom testimony should establish the foundation of the traffic stop and provide the factual evidence for the traffic stop. This requires the training and experience of the operator. An incident report narrative and courtroom testimony, which result from an LPR traffic stop from the operator's own system or another system, should at a minimum document:

1. The system operator;
2. LPR date and time of read data;
3. LPR system information: fixed or mobile system, system operator;
4. Alarm type;
5. The verification of the alarm

12-500 TOWING AND STORING VEHICLES

Disposing of vehicles abandoned, involved in accidents, or otherwise part of the many situations, which may be brought to the attention of a deputy is recognized as a routine function. It is, nevertheless, one which must be approached with a great deal of discretion. The result of misguided authority may be civil liability, or in the case of an investigation, inadmissible evidence. The inability to respond before the fact to all of the occasions where operating guidelines may be desirable is readily recognized; consequently, it is the purpose of the policy to offer direction, in a general way to the deputy, so that he may operate on a sound legal basis when disposing of vehicles that must be towed and stored. It must be understood that these guidelines, where they are not governed by statute, are intended to be flexible and allow for wide discretion by the deputy in those situations when a clear-cut procedure is not prescribed.

12-501 INVENTORY OF VEHICLES

Except where specifically noted otherwise in this policy, whenever any vehicle is towed by an Agency-dispatched towing service or taken into custody at the direction of a deputy, a *Vehicle Storage Report* will be initiated, and the operator of the tow truck shall sign their name on the

appropriate section of the form. Their signature shall indicate formal acknowledgement that the vehicle was released to the custody of the towing business.

Since the primary purpose of having the vehicle towed to a place of storage is to protect property from loss or damage, the deputy will examine the vehicle prior to its removal by the tow truck and prepare an inventory of all property therein. The deputy shall also list on the *Vehicle Storage Report* form any pre-existing damage on the vehicle and shall photograph any significant pre-existing damage and attach the photos to the *Vehicle Storage Report* form.

All property included in the inventory will be recorded on a CCSO *Property Record*, which will be attached to the *Vehicle Storage Report*. The same case number will be used for both reports. The tow truck operator will sign the *Property Record* containing the inventory list as an acknowledgement of the items remaining with the vehicle.
All property in the vehicle must be inventoried, including items in unlocked baggage, unsealed cartons, etc. Items in the trunk and glove compartment should be inventoried, as should items in locked suitcases or containers, but only if a key is available. Forced entry into a trunk, glove box, suitcase or other item is not permitted to complete an inventory unless express permission has been granted and the *Consent to Search and Seizure* form has been signed by the owner. Items such as clothing in a suitcase or tools in a tool kit, need not be individually itemized, but can, for example, be described on the inventory and the *Property Record* simply as "women's clothing" or "auto mechanic tools."

Certain limitations are imposed on the scope of an inventory and each inventory must be justified by its own circumstances. An inventory may extend to any part of the vehicle where personal property would ordinarily be kept; looking elsewhere will call into question the deputy's motives. Unlocked packages may be opened for the mutual protection of the deputy and the owner. Evidence or contraband discovered in the conduct of a bona fide inventory may be seized and used to prosecute. The burden is on the deputy, however, to show that the inventory was reasonable and pursuant to agency policy.

Except for evidence, only items with a marketable value or those with an obvious attraction, which may result in its disappearance, should be removed and placed on a *Property Record*. Personnel shall consider each item in the vehicle in connection with the circumstances necessitating the inventory, as well as their obligation to safeguard property when deciding what will be stored. An obviously broken CB set has little appeal and/or resale value compared to a leather brief case, which is empty; or a soldering gun, as compared to a hammer. When deciding to store property, personnel are encouraged to use good judgment in light of the circumstances involved, as well as Agency policy and legal requirements as addressed elsewhere in the Manual. Vehicle equipment listed on the *Vehicle Storage Report*, e.g., spare tire, will not be listed on the inventory nor removed from the vehicle.

Items not removed will be locked in the vehicle, preferably in the trunk. Those items listed on a *Property Record* will also be listed on the inventory and identified with the symbol "PH."

Permitting personal containers to be secured at the CCSO property room, when the contents are not known, may be subjecting personnel and County property to an unreasonable and significant liability; therefore, luggage or other containers that are locked will not be removed or described on a *Property Record* but only on the inventory. Even if the apparent value of the locked luggage or container seems significant, they will not be removed, but will remain locked in the vehicle, preferably in the trunk.

12-502 TRAFFIC ACCIDENTS

In those instances when the vehicle has been involved in an accident but is operable, and the owner/operator is able to move it, he should move it from the traveled portion of the roadway and park it in a safe location.

Where a vehicle is rendered inoperative as the result of any accident, but there is no necessity for having the vehicle removed immediately, the owner/operator or some other responsible person designated by the owner/operator must be given the option of making disposition of the vehicle. However, the owner/operator should be advised that the vehicle will be classified as an "abandoned vehicle" if allowed to remain on public property more than forty-eight hours and may be towed on the authority of the police.

A. If the owner desires to have the vehicle towed, his choice of the business to do the towing will be respected, unless the requested tow service cannot respond within a reasonable period of time and prompt removal of the damaged vehicle is necessary.

B. When the vehicle must be removed and such removal cannot be effected within a reasonable period of time by the requested tow service, the investigating deputy will so inform the owner/operator or other responsible person and either give him the opportunity to call a closer towing service, or arrange (with or without the owner/operator's consent) for the next available approved towing service to respond.

When the vehicle is inoperable and/or the person responsible for it cannot make immediate disposition, and it is impeding the free flow of traffic or creating a traffic hazard, the vehicle must be removed. In these instances, the deputy will arrange, through the duty officer, for an Agency dispatched tow vehicle.

A. The investigating deputy shall request a tow vehicle through the duty officer. The request will include the reason why it is being made, the location of the vehicle, the make and registration of the vehicle, and the need for special equipment, i.e., a dolly for a vehicle without wheels, a heavy tow vehicle for a tractor-trailer, etc.

B. Only that towing vehicle dispatched by the duty officer will be permitted to tow the disabled vehicle, unless the owner/operator pays the costs incurred by the Agency dispatched tow vehicle.

C. A deputy will not request services of a particular tow vehicle; all requests will be made through the duty officer. The only exception will be in a crucial situation where a tow vehicle is readily available. The duty officer will request for the next available approved towing service to respond.

12-503 OBSTRUCTION – UNSAFE VEHICLE

A vehicle that is illegally parked, where it unreasonably obstructs or impedes the free flow of traffic or the movement of pedestrians, or where a vehicle is being operated on the highway in an obviously unsafe condition or is for any other reason being operated contrary to law, such vehicle shall be removed in the manner hereafter prescribed:

A. Where appropriate, the owner/operator shall be issued a citation for the appropriate offense.

B. If the vehicle is parked and obstructing the free flow of traffic or pedestrians, the owner/operator shall be required to move the vehicle. If the owner/operator is unwilling or unable to move the vehicle, then the deputy shall arrange for the vehicle to be removed by an Agency dispatched tow vehicle and placed in the custody of the owner.

If the vehicle, because of its condition, may not be legally moved on the highway, it must remain where it was stopped, unless the location where it is to be left restricts parking in some manner. If the vehicle must be moved, then the owner/operator shall be allowed to make suitable disposition, but in lieu of arrangements for removal by the owner/operator, the deputy may have the vehicle removed in the manner previously described.

12-504 ABANDONED VEHICLES – PUBLIC PROPERTY

Vehicles defined as abandoned by the Transportation Article of the Code of Maryland will be tagged with an "abandoned and disabled" sticker. If it is not removed within 48 hours after tagging, the vehicle may be stored (impounded). In addition, charges can also be brought under Title 25-201 of the Transportation Article of the Code of Maryland.

12-504.1 VEHICLES ON PRIVATE PROPERTY

Vehicles abandoned on private property are the responsibility of the property owner. Only with the approval of the Patrol Commander will a deputy arrange for the impoundment of a vehicle abandoned on private property.

The CCSO will, however, respond to assist owners of private residences with vehicles abandoned on their property. The deputy will check the vehicle for wanted/stolen. If the vehicle is not wanted/stolen, the deputy will affix an "abandoned and disabled" vehicle tag to the vehicle. The deputy will notify the property owner that:

A. The deputy will attempt to identify, locate, and notify the vehicle owner of the requirement to move the vehicle.

B. The deputy will notify the property owner of their success in making contact with the vehicle owner.

C. Removal of the vehicle is the property owner's responsibility and must be done at the property owner's expense and risk. The deputy will suggest that the property owner wait 48 hours before having the vehicle removed, so that the owner may be contacted and have the opportunity to remove the vehicle.

The CCSO will generally not involve itself with vehicles abandoned at commercial establishments such as shopping centers or apartment complexes. The owners of such establishments are usually familiar with their rights and responsibilities under the law. However, a deputy responding to such a call may, in their discretion, follow the procedure outlined above.

12-505 OWNER / OPERATOR REMOVED FROM CUSTODY / INCAPACITATED

Where the owner\operator in possession of a vehicle is arrested for a traffic violation or for some other offense or is physically unable to continue operating his vehicle, and the vehicle is not required as evidence or need not be impounded for any other reason, the investigating deputy will adhere to the following procedures:

A. Advise the owner/operator that he may, if he so desires, release the vehicle to a licensed driver who is willing to assume full responsibility for the vehicle and all property contained therein.

B. Advise the owner/operator that he may, if he so desires, secure the vehicle and allow it to remain at the scene, providing it will be parked in an unrestricted parking area, and the owner/operator agrees to assume full responsibility for the vehicle and all property left therein.

C. The owner/operator should also be advised that if the vehicle is left unattended for forty-eight hours and/or becomes a traffic hazard, it may be disposed of according to established procedures.

D. If the owner/operator chooses not to release the vehicle to a third party, or is not competent or is otherwise unable to make disposition of his vehicle, or will not agree to secure and assume full responsibility for the vehicle and property left therein, the vehicle shall be removed by an Agency dispatched tow vehicle and personal property shall be secured and inventoried in the manner prescribed by Agency policy.

12-506 RECOVERED STOLEN / WANTED VEHICLE

If a stolen vehicle, a vehicle used without the authority of the owner, or a vehicle used in connection with a criminal offense is recovered, the investigating deputy will:

A. If necessary and feasible, arrange for any vehicle, stolen and recovered within Calvert County, to be processed at the scene for evidence. An attempt will be made by the duty officer or SCO to contact the vehicle owner after processing to report to the scene and take possession of the vehicle.

B. If there is no reason for holding the vehicle, release directly to an authorized person. Prior to the release, the deputy will complete a *Vehicle Storage Report* form and have the authorized person sign the “Vehicle Release” section on the form to indicate receipt of the vehicle.

C. If the owner of the vehicle is not available, and there is no reason for holding the vehicle, request, through the duty officer, the nearest approved tow service for removal and storage at the tow service’s storage lot.

D. Vehicles stolen from another jurisdiction and recovered in Calvert County will be towed by the next tow company on the list to its storage lot for the originating agency to process it at a later time, if they choose to do so. In this instance the only time a CCSO crime scene technician would be requested to process the stolen vehicle, would be for exigent circumstances (vehicle used in armed robbery, homicide, etc.). In most cases, however, the originating agency wants the vehicle immediately, and arrangements will be made with the detectives directly.

E. If the vehicle must be retained as evidence or for further processing, take the vehicle to the CCSO impound lot, or other approved location, and kept there until such time as it is no longer needed as evidence and has been properly claimed. In every case, prior approval for such removal will be obtained from the duty officer.

1. Investigating deputies shall arrange for removal of vehicles that are being retained for

evidence by an Agency-dispatched tow vehicle. The deputy should secure the vehicle prior to towing it to its destination to provide for the proper safeguarding and chain of custody evidence.

2. When a vehicle is being towed to a secure location to be retained as evidence or for further processing, the investigating deputy will remain in constructive custody of the vehicle. In this instance, it will not be necessary for the tow truck operator to sign receipt for the vehicle. In addition, the cost for towing a vehicle to a secure location shall be incurred by the owner of the vehicle; therefore, the investigating officer must obtain the tow bill and attach it to the vehicle report.

12-507 ESTABLISHMENT OF TOWING SERVICES – RESPONSIBILITY & AUTHORITY

The Sheriff will establish and maintain a list of reliable towing businesses and provide a current list of such businesses for use by duty officers under his command. The Sheriff will have full authority to approve the inclusion and/or removal of any towing business from the established list consistent with the procedures in this section.

All towing businesses located within Calvert County making applications and meeting all established criteria will be included on the Sheriff's Office list of reliable towing businesses.

The Sheriff will divide the area of responsibility into designated patrol sectors, or in any other equitable manner to provide assigned areas for all towing businesses included on the list of reliable towing businesses. Areas may be designated in a manner that the result will be reliable.

12-507.1 RELIABLE TOWING BUSINESS – ELIGIBILITY

As a general rule, a towing business will be considered reliable and eligible for inclusion on approved lists if it:

A. Complies with all applicable local and state statutes, ordinances and regulations.

B. Engages only in business practices which could not be construed to constitute a conflict of interest with the Sheriff's Office or Calvert County.

C. Conducts business in a manner that is in the best interest of the public and the Sheriff's Office.

D. Responds to all reasonable requests for towing services.

E. Possesses tow truck(s) properly registered by the State Motor Vehicle Administration, which is capable of performing normal towing operations in a safe manner.

F. Owns or maintains a storage lot within the patrol area in which they tow.

G. Complies with established Sheriff's Office procedures dealing with the storage and release of towed vehicles.

Failure to comply with the applicable regulations of the Sheriff's Office may result in suspension or removal from the approved tow list.

12-507.2 TOW TRUCK SERVICE APPLICATIONS

Towing businesses desiring to be placed on the Sheriff's office approved list must submit a *Tow Truck Service Application* to the Sheriff of Calvert County.

- All statements must be accurate and truthful.
- All required documentation must be attached.

Upon receipt of a completed application, the Sheriff will designate a supervisor to confirm and gather information, as required, concerning the application. The designated supervisor will physically conduct an on-site inspection of the company to confirm the accuracy of all entries on the *Tow Truck Service Application*.
Any towing business, whose owner or manager fails to submit the required information, makes any willful misstatement of fact, or refuses to permit a personal inspection by a supervisor for the purpose of confirming the accuracy of the information in the application, will not be considered for placement on the approved list.

The designated supervisor will conduct driving record checks on all tow truck operators of the company submitting the application to ensure compliance with all State licensing requirements. The application and attachments will be forwarded to the Sheriff for review and final decision.

Any towing business eliminated from consideration for placement on the list of reliable towing businesses will be notified in writing of such denial, including the reasons for denial, by the Sheriff.

Following initial approval, all towing businesses that are on a list of reliable towing businesses and are responding to requests from the Sheriff's Office must renew their applications annually.

12-507.3 PRELIMINARY AND RANDOM INSPECTIONS

The designated supervisor will conduct an on-site inspection of each applicant towing business's office and storage facility locations to assure conformance to all criteria, as established in section 12-507.1 of this policy.

Periodic follow-up inspections will be conducted on a random basis, at least annually, to ensure that each towing business meets all applicable criteria.

If a towing business refuses to permit a personal inspection by a supervisor of the Sheriff's Office for the purpose of confirming that the towing business meets all established criteria, that towing business will not be considered for placement on an approved list, or if already on an approved list, will be removed from such list.

12-507.4 COMPLAINTS AGAINST TOWING BUSINESSES

Violation of any of the requirements for inclusion on the Sheriff's Office list of reliable towing businesses may be cause for immediate suspension and/or removal of a towing business from such list, following an Agency inspection.

Complaint investigations may be initiated as a result of a complaint or allegation by a citizen, police officer, or member of any private or public organization.
All information received by Agency personnel pertaining to an alleged violation of requirements, statutes, or ordinances will be recorded on a *Tow Service Complaint* form.

Agency personnel receiving information of any alleged violations of requirements, statutes, or ordinances will promptly forward such information to the designated supervisor.

Deputies will initiate appropriate enforcement action when statutes or ordinances have been violated and will report such information on a *Tow Service Complaint* form.

Any supporting documents and/or copies will be attached to the *Tow Service Complaint* form, i.e., bills and receipts; citations, S.E.R.O.'s, warnings; *Case Reports*, (relating to criminal acts by
tow service employees, owners, managers,
etc.).

Following a complaint investigation which results in a conclusion that the complaint is valid, the designated supervisor will notify the towing service that:

- A complaint/deficiency was received.
- A specified requirement, statute, or ordinance has been violated.
- The deficiency must be corrected.
- If the deficiency related to equipment or personnel qualifications, such equipment or personnel may not be used for Sheriff's Office towing requests until the deficiency has been corrected and such correction verified by the Sheriff or his designee.
- A follow-up investigation will be conducted to ensure corrections have been made.

Following a complaint investigation, which results in a conclusion that the complaint is valid, the Sheriff may take whatever action deemed appropriate within the scope of their authority consistent with this section.

12-508 TOW REQUEST

When a tow service is requested by a deputy through the duty office, the Sheriff's Communications Operator (SCO) or Duty Officer, shall look in the tow binder and select the next available tow company in the appropriate patrol area. If for some reason the tow service called is unable to respond, the SCO/DO will note either of the following:

- Busy, no answer; or
- Refused

They will then request the next tow service on the list. This process will continue, going to another patrol area if need be, until a tow service responds.

In instances where more than one tow service is needed, the next available service will be called for vehicle #1, and the next tow service on the list will be called for vehicle #2 etc.

In instances of a fatal accident, the same tow service may handle all of the vehicles in the accident for purposes of simplifying the accident reconstruction. This will be determined on a case by case basis at the discretion of the duty officer and accident reconstructionist.

12-509 IMPOUND LOT PROCEDURE

The Calvert County Sheriff's Office vehicle impound lot **shall only** be used for the temporary storage of vehicles in the following situations:

- Vehicle is needed for evidence.
- Vehicle is pending forfeiture.

Except for when the courts have ordered the forfeiture of the vehicle to CCSO, the cost for towing a vehicle to the impound lot shall be incurred by the owner of the vehicle; therefore, the investigating deputy must obtain the tow bill and attach it to the *Vehicle Report*. Procedure:

A. The investigating deputy **shall** complete a *Vehicle Report* for the impounded vehicle at the time it is impounded.

B. A deputy **shall** maintain the chain of custody on any vehicle being impounded for evidentiary purposes – from the scene until it is secured in the impound lot.

C. When investigating a serious injury or fatal crash, a Crash Reconstruction Team member will have the involved vehicle(s) towed and stored at the SMECO lot on Dares Beach Road. Vehicles held for evidence in other cases will be stored at the Broomes Island Road Impound Lot.

D. The investigating deputy **shall** ensure that the vehicle is positioned in an orderly manner inside the impound lot to allow for easy passage of other vehicles and obtain a tow bill from the tow service to be submitted with the *Vehicle Report*.

E. The investigating deputy must conduct an inventory of every vehicle in accordance with policy 12-501 of this manual. Items with a marketable value of those with an obvious attraction, which may result in its disappearance (not affixed to the vehicle), should be removed and recorded on a *Property Record*, assigned a property held number, and submitted to Property Held.

F. The keys to the impounded vehicle (only vehicle keys) shall be recorded on a separate *Property Record*, assigned a separate property held number, and submitted to Property Held by the investigating deputy.

G. A supervisor must check the *Vehicle Report* and all accompanying *Property Records* and place them in the mailbox marked **"PROPERTY"** prior to the investigating deputy ending his tour of duty.

H. The investigating deputy **shall** stay abreast of the status of vehicles he has impounded. Once the vehicle is no longer needed for evidentiary purposes or has been declined forfeiture by the State's Attorney's Office, it no longer needs to stay in the impound lot. Once this occurs, the investigating deputy **shall** complete the *Vehicle Release Authorization* and notify the Evidence/Property Manager of the *Vehicle Release Authorization.*

I. Once a final disposition has been made a vehicle can be released, the Evidence/Property Manager shall attempt to contact the owner or other person authorized to remove the vehicle. If no direct contact is made, the Evidence/Property Manager shall send a written notice via certified mail to the last known address of the owner or authorized person, and secured parties in accordance with Title 25-204 and 25-205 of the Transportation Article of the Code of Maryland.

**For vehicles stored at the request of the Crash Reconstruction Team, the CRT supervisor will handle this in lieu of the Evidence/Property Manager.

J. Once attempts to contact the owner have been deemed unsuccessful, the Evidence/Property Manager will contact the original towing company and have the vehicle removed from our impound lot and released to that tow company. Upon release, the Evidence/Property Manager will provide copies of notification attempts as previously described in Section 12-509 I, and the MVA form CS-078/*Certificate of Authority* to the tow company in accordance with the Title 25-209 of the Transportation Article of the Code of Maryland. Final disposition of the vehicle will be at the discretion of said tow company. All applicable towing and storage fees relating to that vehicle **shall** be assessed and charged to the vehicle owner by the tow company and be the responsibility of the vehicle owner.

K. The tow company that removes a vehicle from our impound lot to be stored on their lot will not be assessed a tow service call.

L. The Evidence/Property Manager will complete a supplement *Vehicle Report* related to the initial impound. The supplement *Vehicle Report* reflecting the new vehicle storage location and the *Vehicle Release Authorization* will be placed in that tow company's storage file located in the duty officer's area.

For vehicles stored at the request of the Crash Reconstruction Team, the CRT supervisor will handle this in lieu of the Evidence/Property Manager.

M. Under no circumstances will the CCSO be responsible the towing/storage fees for impounded vehicles.

12-509.1 RELEASED WITHIN 30 DAYS

CCSO will defer payment for 30 days on vehicles towed to our impound lot, during which time a final disposition on the vehicle will be pursued. Final dispositions within these 30 days will include:

- The release back to the owner, or
- NOTICE sent to the owner to remove the vehicle from the impound lot within 15 days.

If the vehicle is removed within 30 days or prior to the expiration of the NOTICE, CCSO will collect the initial tow fee and pay the tow service.

12-509.2 NOTICE SENT WITHIN 30 DAYS

If final disposition is made and NOTICE is sent within 30 days, CCSO will defer payment until the expiration of the NOTICE. At the conclusion of the 15 days' notice period, the original towing company will be contacted to collect the vehicle from our impound lot in lieu of payment. All applicable towing and storage fees relating to that vehicle **shall** be assessed and charged to the vehicle owner by the tow service.

12-509.3 AFTER 30 DAYS WITH NO FINAL DISPOSITION

After 30 days if the CCSO still has the vehicle impounded without a final disposition and NOTICE hasn't been sent to the owner, CCSO will pay the tow service for the initial tow fee. CCSO will be responsible for collecting the initial tow fee reimbursement from the vehicle owner

or their agent upon issuing the vehicle release paperwork to the owner or their agent.

If after 30 days the vehicle forfeiture is declined, steps G – K of Impound Lot Procedure, 12-509, apply and the initial tow fee reimbursement must be collected upon issuing the vehicle release paperwork to the owner or their agent.

12-600 DRIVING UNDER THE INFLUENCE / DRIVING WHILE IMPAIRED – ARREST PROCEDURES

12-601 DUI / DWI ARREST – EVIDENTIARY CONSIDERATIONS

The deputy must be able to prove that the defendant was either the driver or the person in control of a specific vehicle at a specific time. The deputy must have either observed the defendant "behind the wheel" or have a credible witness available to verify the identity of the alleged operator. Any witness, including passengers, may be subpoenaed.

A chemical test alone will not be used to determine a suspect's guilt. The arresting deputy must have probable cause for making the arrest. The chemical test is only corroborative evidence and must be substantiated by other facts supporting the deputy's probable cause for arrest.

12-602 PRELIMINARY DUI / DWI ARREST PROCEDURES

When arresting an individual for DUI, the deputy will:

A. Request that a chemical test be taken of the person's breath to determine the correct blood alcohol content. See 12-604 for prerequisites to obtaining a blood test.

B. Advise the individual of the administrative penalties that may be imposed for refusing to take a chemical test.

C. Furnish the individual with a copy of his rights regarding submission to a chemical test, DR-15.

NOTE: This section does not apply to fatal accidents.

12-603 DUI / DWI DEFENDANTS INVOLVED IN FATAL ACCIDENTS

If the operator of a motor vehicle is involved in an accident that results in the death of or serious bodily injury to another person, and a deputy has reasonable grounds to believe that the operator has consumed an alcoholic beverage, the investigating deputy shall make an attempt to have the operator submit to a chemical test for alcohol as directed by the deputy as stipulated in Maryland Vehicle Law, Transportation Article, Section 16-205.1.

The test shall be administered pursuant to the provisions of 10-304 of the Courts and Judicial Proceedings Article.

12-604 BLOOD TEST

Maryland Law requires that the type of test to be administered shall be the chemical test of breath except that the chemical test of blood shall be administered if:

A. The defendant is unconscious or otherwise incapable of refusing to take a chemical test for alcohol; or

B. Injuries to the defendant require his removal to a medical facility; or

C. The equipment for administering a chemical test for breath is not available; or

D. After a drug recognition expert (DRE) evaluation, the evaluating DRE orders a blood test to check for the presence of drugs.

Blood tests may be required when the defendant is involved in an accident where there is serious bodily injury or a fatality.

The sample of blood must be drawn with approved equipment by qualified personnel, using the kit provided by the CCSO. Only blood kits authorized by the state toxicologist will be used. Complete instructions for handling the blood sample are found in each blood kit. It will be the arresting deputy's responsibility to verify the blood kit is not expired via the expiration date on the cardboard box.

When a blood kit is used it is the responsibility of the arresting deputy to package the blood kit properly and then place the blood kit in an official blue U.S. Postal Service mailbox as soon as practical. Blood kits will be kept in the supply closet and have been pre-addressed to the CTAU (Chemical Test for Alcohol Unit) and are supplied with postage. The court has recognized this as an acceptable procedure to maintain chain of custody.

12-605 FORMS TO BE COMPLETED

The *Maryland Uniform Citation* is the charging document in DUI/DWI arrests. Citations shall only be written that support the charge(s) for which there is probable cause. For example, if a violator is displaying signs of impairment other than alcohol, you will need to have evidence to support a citation written under the "driving while impaired by drugs" statute.

When an individual has been arrested and charged with a violation of MD Transportation Article § 21-902, the arresting deputy will complete an *Alcohol Influence Report* form.

If the operator refuses to take the test or takes a test for alcohol, which results in an alcohol concentration of 0.08 or more, a DR-15A form, *Officer's Certification and Order of Suspension*, will be completed in accordance with and following the procedures set forth under the Administrative Per Se Law in Maryland:

- Statement of Probable Cause, if defendant is taken before a judicial officer; or
- Notification of Preliminary Inquiry Date, if defendant is allowed to sign the citation;
- Arrest Report

The only person(s) responsible for writing on the DUI log is the Intoximeter operator or the supervisor who has approved the DUI report. The only exception will be in cases where the suspect has been taken to a medical facility due to injuries and a blood kit is utilized. In those cases, it is permissible for the deputy to write the next DUI case number on the log and put their name in the "arresting officer" block.

12-606 APPEARANCE BEFORE A DISTRICT COURT COMMISSIONER

MD Vehicle Law, Section 26-202(c) states that a person arrested pursuant to Section 26-401 will be taken, without unnecessary delay, before a District Court Commissioner, unless the deputy releases the arrestee based upon a written promise to appear for trial.

The discretionary release of a DUI violator is permitted if:

1. The violator signs all traffic citations;
2. The violator is a Maryland resident and possesses a valid driver's license;
3. A responsible, sober person is able to pick up the violator. A public conveyance such as a bus or taxi is not acceptable; and
4. The violator agrees to sign the *Discretionary Release* form which indicates that they are not to operate a motor vehicle for at least 12 hours. A signed copy shall be placed in the DUI folder.

Other factors to be considered when determining whether or not to release the violator are:

1. The violator's driving and criminal history, including prior alcohol related offenses and any instances of failing to appear for court;
2. Whether the violator is mentally and physically suitable for release to a responsible party;
3. The intoxication level of the violator; and
4. Any combative or belligerent behavior displayed by the violator.

Deputies are not permitted to drive the violator home or to another location unless there are exigent circumstances and approval is granted by a supervisor. The circumstances must be documented in the *DUI Report*, including the name of the approving supervisor.

12-607 FIELD SOBRIETY TESTS

Unless unwilling or unable, all persons suspected of violation Section 21-902 will be given at least one field sobriety test. At the deputy's discretion, the specific tests are the Walk and Turn (WAT) Test, the One-leg Stand (OLS) Test, the Horizontal Gaze Nystagmus (HGN) Test, the Alphabet Test, or the Finger Count Test. Deputies certified by the National Highway Traffic Safety Administration (NHTSA) will conduct the NHTSA standardized field sobriety tests accordingly. In their discretion, non-SFST (Standardized Field Sobriety Test) certified deputies may administer more than one test. WAT and OLS tests should be administered in a level area, where it is safe to do so. The WAT, OLS, and HGN tests should be administered in the following order as per the SFST manual:

HORIZONTAL GAZE NYSTAGMUS – Only deputies trained in the HGN will administer this test. The deputy will administer and record the results of the test as provided in training. The deputy will give the following instructions:

1. I am going to check your eyes. (Please remove your glasses.)
2. Keep your head still and follow the stimulus with your eyes only.
3. Do not move your head.
4. Do you understand the instructions?

WALK AND TURN TEST - - The deputy will give the following instructions:

1. Put your left foot on the line and put your right foot in front of it with your right heel touching your left toe. Keep your hands at your side. (Demonstrate.)
2. Do not start until I tell you to do so.
3. Do you understand the directions?
4. When I tell you to begin, take nine heel-to-toe steps on the line, turn around keeping one foot on the line, and return nine heel-to-toe steps. (Demonstrate heel-to-toe; three steps is sufficient.)
5. On the ninth step, keep the front foot on the line and turn by taking several small steps

with the other foot. (Demonstrate turn.)

6. While walking, watch your feet at all times, keep arms at side, count steps out loud. Once you begin, do not stop until test is completed.
7. Do you understand the instructions?
8. You may begin the test.

ONE-LEG STAND TEST - The deputy will give the following instructions:

1. Stand with your heels together and your arms at your sides. (Demonstrate.)
2. Do not begin the test until I tell you to do so.
3. Do you understand?
4. When I tell you to, I want you to raise one leg, either leg, approximately six inches off the ground, foot pointed out. Keep both legs straight and keep your eyes on the elevated foot.
5. While holding that position, count out loud; one thousand and one, one thousand and two, one thousand and three, and so forth until told to stop. (Demonstrate raised leg and count.)
6. Do you understand the instructions?
7. You may begin the test.

ALPHABET TEST – The deputy will ask the subject to repeat the letters of the alphabet, starting at the letter A and going to Z.

FINGER COUNT TEST – The deputy will ask the subject to count from one to four and from four back to one, with each number touching the thumb to the tip of a finger, starting with the index finger. The deputy will demonstrate the technique for the subject.

12-608 PRELIMINARY BREATH TEST (PBT)

Deputies shall make a copy of the *Preliminary Breath Test Advisement of Rights* form and give it to the defendant when a PBT is utilized. Deputies must log the use of the PBT in an arrest situation on his individual PBT log. If the defendant takes the breath test, that information must be logged in as well.

Effective December 1, 2014, it shall be the deputy's responsibility to complete the PBT log each month with the results of an accuracy check performed on their issued PBT. If the PBT is not within the acceptable BrAC range (.072 BrAC - .088 BrAC), notify the agency PBT Instructor. The agency PBT Instructor will perform the PBT calibration to ensure that the instrument is within the acceptable BrAC range.

12-609 COMPLETION OF DR-15 AND DR-15A FORMS

DR-15 – *Advice of Rights*

DR-15A – *Officer's Certification and Order of Suspension*
Read the *Advice of Rights* from the MVA form DR-15.

A DR-15 will be completed for each operator charged with a violation of TA 21-902.

A DR-15 will be completed for each operator charged with a violation of TA 21-902 who refuses to submit to a chemical test to determine the alcoholic content of their blood. A DR-15A will also be completed in accordance with, and following the procedures set forth under, the Administrative Per Se Law of Maryland.

In completing the "Reasonable Grounds" section of the DR-15A, it is imperative that the following information be included:

1. The driver was observed driving a motor vehicle at a particular location.

2. The driver displayed a driving error (e.g. a violation) or was identified as the driver in a collision (state how the driver was identified).

3. The driver displayed observable signs of alcohol/drug impairment, including the results of the Physical Sobriety tests, as well as the results of any preliminary breath test administered.

4. The driver had an odor (specify degree if possible) of alcoholic beverage on their breath or person and/or admitted consuming alcoholic beverages or was observed consuming alcoholic beverages.

   NOTE: The words "Alcoholic Beverage" must be listed in the "Reasonable Grounds" section.

5. If there is insufficient space for the deputy to record the reasonable grounds for arrest in the "Reasonable Grounds" section, they will write the additional facts on the CCSO supplemental information form. The accused will be identified by name and citation number.

12-610 TIME LIMIT FOR ADMINISTERING TEST

Section 10-303 of the Courts and Judicial Proceedings Article of the Maryland Code states, "the specimen of breath or blood will be taken within two hours after the accused person is apprehended." (The time of apprehension is the time at which the deputy has determined the operator is impaired and unable to operate a vehicle safely.)

Circumstances may arise which complicate the consent procedures, such as when the violator repeatedly changes his mind concerning submission to the test. Deputies faced with this type of situation will accommodate only reasonable requests provided that the two-hour time limit does not expire. Deputies will advise violators that failure to take a chemical test due to such evasive behavior will be treated as a refusal.

If such actions on the part of a violator cause the two-hour time limit to lapse without the administration of a chemical test, and the deputy believes that these actions were taken purposefully to evade the testing procedure, the deputy will treat this as a refusal and note the circumstances on the DR 15A.

Situations may arise in which the violator states that he will submit to a chemical test, but only after conferring with, or in the presence of, his lawyer. Deputies will allow the violator the opportunity to contact his attorney. However, violators will be advised that a refusal to submit to a chemical test due to the inability to contact or produce the attorney's presence within the necessary time limit, will result in the same sanctions as a refusal to submit to a chemical test.

12-611 MIRANDA WARNING AND QUESTIONING

Following completion of the DR-15 procedures (and placing the defendant under arrest), the arresting deputy may need to question the defendant concerning their activities prior to the stop:

- Where he or she had been prior to the arrest?
- What he or she had to drink prior to the arrest?
- How much he or she had to drink prior to the arrest?
- How long he or she had been drinking prior to the arrest?

Because the defendant is under arrest, this is a custodial interview and the deputy must read the Miranda Warning to the defendant before any questioning.

12-612 ARRESTING DEPUTY'S TEST PROCEDURES

The deputy will determine, via telephone or Calvert Control Center, the location of the nearest available Intoximeter operator, providing there is not one available at the CCSO.

The deputy will maintain observation of the accused, prevent him/her from eating, drinking, smoking or ingesting medication.

12-613 DISTRIBUTION OF MSP FORM #33

This form contains the results of the chemical test. Upon receipt, distribution will be as follows:

ORIGINAL - retained with the arrest report for court presentation by arresting deputy.
1st COPY - forwarded to State's Attorney's Office by the deputy.
2nd COPY - given to the defendant.

12-614 REPORTS

By the end of the shift, a deputy making a DUI/DWI arrest will complete and submit the charging documents reflecting the stop and the arrest report.

Consistent with other reporting requirements, the deputy will, within three (3) days, submit the full DUI/DWI packet, including the *Alcohol Influence Report*; any citations issued; the DR 15 and DR 15A; and the MSP 33 to his supervisor, or if unavailable, another supervisor.

12-615 PROCESSING DRUG SUSPECTS

Individuals suspected of driving while under the influence of drugs will be processed in the same fashion as persons driving under the influence of alcohol.

A breath test must still be completed. If the breath test results are .00 - .06 and the individual's impairment is not consistent with the breath test result, then a drug recognition expert should be notified. The suspect must be seen by the DRE within three (3) hours of arrest.

Section 21-902(c) of the Transportation Article will be used for charging a violator with driving under the influence of drugs or a combination of drugs and alcohol.

If evidence of an illicit drug is obtained, the violator may be charged with Section 21-902(d),

driving under the influence of a controlled dangerous substance.

12-616 SUMMONING OF WITNESSES

The arresting deputy will cause all essential witnesses to be subpoenaed to court by checking the witness block and completing the back of the # 1 copy of the *Maryland Uniform Citation*.

12-700 TRAFFIC ACCIDENT INVESTIGATION

12-701 CLASSES OF TRAFFIC ACCIDENTS

Fatal accidents are those which cause the death of any person.
Life threatening accidents are those that produce injuries which are potentially fatal.

Serious accidents are:

- Those resulting in incapacitating (but not life-threatening) injury.
- Those resulting in extensive damage to vehicles or property.
- Hit-and-run accidents involving injury to any person.
- Those involving CCSO vehicles.
- Those involving potential criminal or civil liability for Calvert County.

Routine accidents are all accidents, which are not fatal or serious accidents.

12-702 ACCIDENT INVESTIGATION – GENERAL POLICIES

CCSO is responsible for investigation of motor vehicle accidents within Calvert County or those that involve a CCSO or any other County-owned vehicle.
A deputy will respond to every known or reported traffic accident, exclusive of those being handled by MSP. The closest available deputy will be dispatched, regardless of assignment. Responsibility for conducting the investigation will be assigned to the first deputy on the scene, or as directed by a supervisor.

Patrol supervisors may authorize alternative responses to minor property damage accidents during periods of intensely inclement weather, Patrol personnel shortages, or high volume of calls for service. However, a deputy will eventually respond to the scene of any accident upon the request of a driver or owner.

12-703 ACCIDENTS REQUIRING INVESTIGATION AND REPORT

A deputy will investigate and prepare a report for any traffic accident occurring on a public thoroughfare or on private property open to the public when any of the following conditions exist:

A. Death or injury is expected, imminent, or known to exist.

B. Hit-and-run, except as noted below.

C. An involved driver is believed to be intoxicated or under the influence of alcohol, drugs, or both.

D. A disturbance between principals exists. Deputies will respond in a timely fashion in order to quell the disturbance.

E. Damage to government owned vehicles or property.

F. Hazardous materials may be present.

G. Extensive damage to any vehicle.

H. An owner, driver, or passenger, who is a party to or involved in the accident, requests that an investigation/report be completed.

I. There is probable cause to sustain a violation of the Transportation Article involving a "must appear" charge.

12-703.1 HIT AND RUN ACCIDENTS

All fatal or serious hit-and-run accidents will be fully investigated and reported, regardless of the length of time between the accident and the report to the CCSO.

Routine hit and run accidents involving minor property damage only, which are reported within eight (8) hours of the occurrence or discovery, will be investigated and reported. Those reported more than eight (8) hours after the occurrence or discovery will not be investigated, unless sufficient evidence exists to enable the deputy to conduct an investigation.

If no investigation is conducted, the deputy will notify the complainant and advise him/her that Maryland motor vehicle law requires a report only in cases involving death or bodily injury. If the complainant wishes to file a report with the Motor Vehicle Administration (MVA), the deputy will advise him/her to obtain and submit a *Maryland Motor Vehicle Accident Report*.

12-704 ENFORCEMENT ACTION – FATAL ACCIDENTS

It is the responsibility of the State's Attorney to review fatal accidents and place or authorize the placement of criminal and traffic charges against involved drivers.

In cases of fatal accidents involving DWI/DUI, deputies may place the alcohol related charge only, in order to arrest the violator and conduct the mandatory blood alcohol test. A deputy may use reasonable force to accomplish the collection of test samples. Blood alcohol tests will be performed by qualified medical personnel only.

If a person in a personal injury accident dies after citations are issued, the investigating deputy will notify the State's Attorney's Office to *Nol Pros* the charges and review the accident according to its fatal accident review policy.

12-705 ENFORCEMENT ACTION – NONFATAL ACCIDENTS

When a deputy discovers or detects a violation of traffic law in a nonfatal accident case, and all the elements of a particular violation are discernible, they should take enforcement action. Discretion rests with the deputy; however, if there is evidence and witnesses to support a violation by the at-fault driver, enforcement action should be taken.

12-705.1 DEER TAGS

Deputies will keep in their vehicles a supply of Maryland Department of Natural Resources *Deer Killed by Motor Vehicle* forms. These forms are to be completed in motor vehicle accidents in

which a deer is killed and the driver or another citizen wishes to take the deer for butchering.

12-706 SAFEGUARDING PERSONAL PROPERTY

A deputy at the scene of an accident will take possession of personal property belonging to any victim unable to care for the property. The deputy will ensure that the property is processed and stored, pursuant to proper procedures.

Before having a vehicle removed from the scene of an accident, the deputy requesting the tow truck will make a complete inventory of the contents of the vehicle, removing any cash, jewelry, or other valuables.

All items will be labeled and tagged prior to being stored.

12-707 RESPONSIBILITY FOR ACCIDENT INVESTIGATION

The deputy assigned to the patrol area where the accident occurred is responsible for the accident investigation and report and is in charge of the accident scene, unless relieved by a Patrol supervisor.

If the deputy assigned to the patrol area is unavailable, Calvert Control will dispatch the nearest and/or next available deputy to assume the responsibility. A Patrol supervisor has the authority to countermand dispatch decisions in addition to the authority to assume total responsibility for an accident investigation.

An off-duty deputy operating a CCSO vehicle will stop upon encountering an accident that is not already being investigated. When an on-duty deputy is available, they will respond and investigate the accident. If there are no on-duty deputies available to respond, the off-duty deputy will stand by or investigate the accident.

Upon request of an investigating deputy, the CCSO Crash Reconstruction Unit (CRU) will respond to assist under any of the following conditions:

- Fatal or potentially fatal accident
- Accident with potential liability consequences for County government
- CCSO accidents which result in personal injury or the towing of any involved vehicle

Whenever a reconstructionist is called out, the Crash Reconstruction Unit Supervisor will be notified. The deputy assigned to the investigation is responsible for the accident investigation and report and is in charge of the scene unless relieved by a supervisor

Should an investigation by the Sheriff's Office present a potential conflict of interest or position, the Sheriff or Assistant Sheriff may approve another Maryland law enforcement agency to assist or conduct the investigation.

12-708 RESPONSIBILITIES OF FIRST DEPUTY ON THE SCENE

12-708.1 STABILIZE THE SCENE AND CARE FOR THE INJURED

The first deputy on the scene will perform the following activities as needed:

A. Notify Calvert Control:

1. Giving the exact location, number of injured persons, type and number of vehicles involved, requesting Calvert Control to summon emergency medical assistance and/or additional CCSO support.

2. Of any fire hazards, downed wires, or other evidence of utility service disruption and request appropriate assistance.

3. Of any disturbance between the principals on the scene, requesting additional CCSO support, if needed. Attempt to diffuse situation and bring it under control.

B. Administer emergency medical care and provide basic life support until relieved by emergency medical personnel.

C. Protect the scene and preserve short-lived evidence.

D. Ensure accident scene safety by properly positioning the patrol vehicle and setting any needed flares or warning devices.

E. Establish a safe traffic pattern around the scene. If conditions are such that an extended closing of the roadway is anticipated, the deputy should ask Calvert Control to notify the Calvert County Roads Department or the State Highway Administration to provide barriers, additional traffic cones, directional signs, or other appropriate devices.

F. When the scene has been cleared of vehicles and accompanying roadway debris, promptly remove all warning devices.

12-708.2 ACCIDENTS INVOLVING HAZARDOUS MATERIALS

If an accident involves hazardous materials, in addition to the steps identified above, the deputy will:

A. Notify Calvert Control of the type, number and characteristics of the hazardous materials (as indicated by the placards) and the safest route to the scene.

B. Ensure the CCSO SOT Hazardous Materials Response Team (HMRT) is notified.

C. Make every effort to rescue injured or trapped persons and remove them from the immediate scene, <u>but only if</u> the deputy can do so without undue risk to himself/herself and the deputy has specialized training/equipment for hazardous materials incidents.

D. Restrict access to the incident by establishing safety lines at a radius of at least 1500 feet.

E. Evacuate nonessential personnel.

12-709 ACCIDENT INVESTIGATION PROCEDURES

12-709.1 MINIMUM INVESTIGATION PROCEDURES

The responsible deputy will:

A. Interview principals and witnesses and record accident information.

B. Examine and record vehicle and property damage.

C. Examine and record effects of the accident on the roadway.

D. List all occupants of the vehicles involved and the injuries sustained.

E. Prior to clearing the scene, ensure exchange of information among principals of the accident, using an *Exchange of Information Form*. The on-scene exchange of information will be done for every accident regardless of whether or not an accident report is to be written.

F. Attempt to verify that the operators involved have valid drivers' licenses and that the vehicles are properly registered.

G. Document the investigation on an accident report form, or an *Exchange of Information* form with any necessary supplements.

12-709.2 ADDITIONAL REQUIREMENTS FOR SERIOUS ACCIDENTS

The responsible deputy will:

A. Obtain and record formal statements from drivers and witnesses, utilizing written statement forms.

B. Ensure that measurements are recorded, a diagram completed, photographs taken, and that evidence is collected and preserved.

C. Prepare and submit formal reports to the State's Attorney's Office and other affected agencies.

D. When necessary, arrange for an accident reconstructionist and/or vehicle mechanical inspection services.

NOTE: A fatal or serious accident occurring on privately-owned property, not open to the general public, involving an ATV or other off-road vehicle will be investigated as a motor vehicle accident. Off-road accidents involving farm equipment will not be investigated as motor vehicle accidents.

12-709.3 ADDITIONAL REQUIREMENTS FOR FATAL ACCIDENTS

Fatal accidents require the on-scene direction of a member of the CRU. The CRU member will ensure that:

A. All required statements are obtained, recorded, and included in the report.

B. The scene is properly photographed, marked, sketched and measured.

C. Physical evidence is properly evaluated, recorded, and collected, including the position of the vehicles, victims, point of impact, nature of damage, skid marks, etc.

D. An accident reconstructionist is requested from the CRU.

E. Any deaths are verified, the Medical Examiner is advised, and the next of kin are notified.

The CRU will ensure that the following are completed within the required time frame:

A. Sheriff and Assistant Sheriff notified as soon as practicable.

B. *Preliminary ACRS Accident Report* form, vehicle inventory reports, fatal M.I.L.E.S. message, and press release by the end of the tour of duty.

C. *Reconstruction Report* containing the investigative report of the accident, within 30 days. Extensions may be granted by the CRU supervisor.

D. A detailed diagram will accompany the *Reconstruction Report*.

If at any time during the course of a fatal accident investigation, facts or circumstances indicate that criminal charges may be filed, the CRU supervisor will notify the Commander of the Criminal Investigations Bureau or their designee and request assistance.

The investigating deputy will include the following with the final investigative report:

- *ACRS Accident Report*
- Diagram
- Driver/Witness Statements
- Medical Examiner's Report
- Related Reports
- Investigation
- *Accident Reconstructionist Report*
- Copy of Charging Documents

Appendix 12-A, *Detailed Crash Investigation Report*, provides additional guidance.

12-710 ACCIDENT REPORT – VEHICLE REMOVED FROM SCENE

It is not possible to perform an investigation or prepare an accurate report after removal of a vehicle from the scene of an accident. Therefore, if a vehicle has been removed from the scene of an accident, the CCSO will not assign a traffic accident number or prepare an accident report. If a complainant wants to report an accident after a vehicle has been removed from the scene, the deputy will:

A. Respond to the location of the vehicle, so long as it is within Calvert County, to inspect the damage.

B. Generate numbers in CAD for property damage only. The following information will be recorded on the card: accident location; vehicle registration information, including VIN, registration, and tag numbers; ownership information; driver information, if the driver is different from the owner; and a brief description of the damage to the vehicle.

Note that this section does not apply to the circumstance in which a vehicle has been removed from the roadway for traffic safety purposes prior to the deputy's arrival but remains on the scene. In that case, a normal investigation will be conducted.

12-800 TRAFFIC STOP DATA COLLECTION

The CCSO's policy on impartial policing is found in Chapter 1 of this manual: It is the policy of the CCSO that all investigative and enforcement traffic stops, field contacts, searches and asset seizures and forfeitures will be based upon articulable and constitutionally valid suspicions.

The Transportation Article of the Maryland Code, § 25-113, *Race-Based Traffic Stops*, requires Maryland police agencies to gather specific items of information on certain kinds of traffic stops. This section describes procedures for completing this process.

12-801 DEFINITION OF "TRAFFIC STOP"

The Transportation Article section cited above defines very specifically the kind of traffic stop for which data is required to be collected and reported.

Traffic Stop, as defined by the law, means any instance when a law enforcement officer stops the driver of a motor vehicle and detains the driver for any period of time for a violation of the Maryland Vehicle Law. **It does not include:**

- A checkpoint or roadblock stop
- A stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes
- A stop based on the use of radar, laser, or VASCAR technology
- A stop based on the use of License Plate Reader (LPR) technology

12-802 COMPLETION OF THE FORM

A Traffic Stop Data Collection form will be completed for every traffic stop, which meets the definition above, regardless of the outcome of the stop.

While most of the form is self-explanatory, some items may require additional information:

Date of Stop. Enter numerals for month, day and the full year, i.e., 07012011.

Driver Gender. Choose one of the following:

m = male
f = female

Driver Race. Choose one of the following:
w = Caucasian
b = African American
a = Asian
h = Hispanic
o = Other
u = Unknown

Primary "Initial" Reason for Stop. Choose one of the following:

13 = Title 13
21.2 = Title 21 Subtitle 2
21.3 = Title 21 Subtitle 3

21.4 = Title 21 Subtitle 4
21.6 = Title 21 Subtitle 6
21.7 = Title 21 Subtitle 7
21.8 = Title 21 Subtitle 8
21.9 = Title 21 Subtitle 9
21.11 = Title 21 Subtitle 11
21.13 = Title 21 Subtitle 13
21.14 = Title 21 Subtitle 14
22 = Title 22
24 = Title 24
99 = all other eligible traffic stops that do not fit into the above categories

Registration. Choose one of the following:

i = in-state registration
o = out of state registration

Search Conducted. This applies to the driver, the vehicle, or any of the driver's property.

Choose one of the following if a search was conducted:

pers = person search only
prop = property search only
both = searched both person and property

Search Reason. Choose one of the following if a search was conducted:

cons = consensual search
incarrest = incident to arrest
exigent = exigent circumstances
prob = probable cause
k-9 = k-9 alert
other = all other searches

Search Disposition. Choose one of the following if a search was conducted:

contra = contraband search
prop = property only
both = both contraband and property
none = nothing

Outcome of Traffic Stop. Choose one of the following for the most serious outcome. For example, if the driver received two citations and was arrested, choose arrest. The order of severity is warning, citation, SERO, arrest.

warn = warning
cit = citation
sero = safety equipment repair order
arr = arrest

Arrest Reason. Choose one of the following if an arrest was made:

search = based on search
stop = based on traffic stop
other = all other reasons for arrest

For mobile computer users, an electronic form will be launched in New World Mobile every time a traffic stop is initiated. For traffic stops requiring data collection, complete all fields that apply. If the traffic stop does not require data collection, close out screen with no further action necessary.

12-803 DISPOSITION OF THE FORM

Place "Traffic Stop Data Collection" forms in the citation box located in the hallway outside of the Deputies' Room. Forms will be entered into the Records Management System by the Sheriff's Communications Operators' Supervisor.

Mobile Computer users submit data electronically.

APPENDIX 12-A
DETAILED CRASH INVESTIGATION REPORT

1. **POLICY**. A detailed crash investigation report (DCIR) will be submitted whenever a collision occurs which results in a fatality or a high probability of a fatal or serious personal injury. The DCIR will be completed and forwarded to the Patrol Commander within 30 days of the incident, unless an extension is granted by the CRU supervisor.

2. **CONTENTS**. The typical contents of the DCIR will be:

   a. ACRS Report. The report will be typed or legibly written. Any related METERS messages and any supplemental reports to the initial ACRS report where a change to the original entries is made will be included in this section.

   b. Diagram. A detailed (not to scale) diagram will be included in this section. If a scale diagram has been completed by an advanced accident investigator or an accident reconstructionist, it will be placed in this section. Diagrams obtained from the crash zone will also be included in this section.

   c. Driver/Witness Statements. Any driver/witness statements that have been obtained will be placed in this section. Each driver/witness statement will be reviewed, after completion, for completeness and signed by the person giving the statement. The statements will be signed by the deputy who obtained the statement. If additional questions are asked by the investigating deputy, they should be contained on a supplemental report and included in this section. Supplement reports from every deputy on the scene will also be included in this section.

   d. Medical Examiner's Report. The autopsy report from the Office of the Chief Medical Examiner will be placed in this section, as well as the death investigation report. If the autopsy report has not been received at the time the DCIR is submitted, it should be noted that a copy of the autopsy report has been requested. A copy of the letter requesting the autopsy report should be included. Attachment A is a sample request for an autopsy report.

   e. Related Reports. Any additional reports relating to the investigation will be included here, such as vehicle storage reports, property records, *Case Reports*, DWI reports, A.S.E.D. or C.V.E.D., inspection reports, crime lab reports.

   f. Investigation Report. The investigation will be typed on CCSO letterhead. For format and contents, see below.

   g. Accident Reconstructionist/Advanced Accident Investigation Report. Place in this section any report prepared by an accident reconstructionist or an advanced accident investigator.

   h. Copy of Charging Documents. Include in this section the name of the State's

Attorney or the Assistant State's Attorney who assisted in the preparation of the charging documents. A copy of the citations or other charging documents that may be issued by the court will also be included. A copy of the State's Attorney information declining charges will also be placed in this section.

3. **ASSEMBLY**

a. The completed DCIR will have the form found at Attachment B as the face page and will be put into a file folder. Each section of the report will be tabbed and titled.

b. All pages in the report will be 8-½ x 11 and attached at the top by fasteners. The report will not be enclosed in sheet protectors when submitted for review.

4. **INVESTIGATION REPORT FORMAT**

a. Deceased. Full name, date of birth, address, gender, race, driver's license number, class of license, CDL (yes/no), State issuing license and expiration date of license. Include known injuries, where transported and by whom. Explain whether and what types of safety equipment (lap belt, lap/shoulder combination, air bag, etc.) were available, in use, and being used correctly. If safety equipment was available but not in use, indicate if its use would likely have lessened the injuries.

b. Identify the vehicle and seating position by the assigned number on the *ACRS Report*.

c. Injured. The same information as provided for deceased persons should be provided for injured persons.

d. Vehicles. Each vehicle will have a number as shown on the *ACRS Report*. The vehicle will be identified by make, model, year, color, mileage, complete VIN number, (verified from the vehicle's VIN plate (not the registration card), vehicle tag number, state and expiration date, and the name and other identifying information of owner(s). List any insurance information available.

1) List any added or altered equipment including, but not limited to, radar detectors, CB radios, cellular phones. Note the damage to the vehicle.

2) If the vehicle is removed from the scene, indicate to where and by whom the vehicle was moved.

3) If the vehicle has been inspected by ASED or CVED, list the name of the person who conducted the inspection. For commercial vehicles, the registered gross vehicle/ combination weight should be obtained from CVED.

e. Drivers. Use the assigned vehicle number from the *ACRS Report* and include all the information under "Deceased" above, unless it has already been reported. Indicate any physical or medical defects of the driver and their apparent sobriety.

f. Passenger(s). Use the assigned vehicle number from the *ACRS Report* and include all the information under "Deceased" above, unless it has already been reported. Indicate any physical or medical defects of the driver and their apparent sobriety. What relationships do the passengers have with the driver?

g. Witness(es). Identify, each witness, his or her full name, DOB, gender, and race. Include where they were in relation to the accident, when it occurred, and the witness' relationship to any of those involved. Include a brief over-view of the statement.

h. Accident Reconstruction. Who responded to the scene, the date of the meeting with the Sheriff or a designee to determine if a reconstruction will be completed. Include the status of the reconstruction.

i. Scene Identification. Identify: location (intersecting roadways, direction of roadways, nearest city or town); roadway composition (asphalt, concrete, dirt, etc.); number of lanes of travel, shoulders, lane markings, signage, or other traffic control devices; time of day and weather conditions at time of accident; roadway defects, obstructions or other unusual circumstances (e.g., prior accidents, roadway debris).

j. Investigation. What the deputy observed upon arrival at the scene: locations of vehicles and direction they were facing; locations of injured and relationship to vehicles; witnesses present and their locations at the time of the accident; all physical evidence observed; where and how injured were transported; where and when the deputy contacted them and what was learned; whether the Medical Examiner responded to the scene if there was a fatality; where and how anybody was removed.

PHOTOGRAPHS WILL BE TAKEN AT ALL INCIDENTS REQUIRING A DCIR.

k. Conclusions. The deputy's conclusions from the investigation as to the cause of the accident.

CHAPTER 13
AGENCY VEHICLES

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	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **AGENCY VEHICLES**	Chapter **13**
	Affects: **ALL PERSONNEL**	
EFFECTIVE DATE **January 29, 2009**	Rescinds:	Amends: **13-207 on 9/18/20**

13-100 AGENCY VEHICLES

13-101 MANDATORY USE OF SAFETY RESTRAINT DEVICES

While on or off-duty, a CCSO employee operating or riding in a vehicle owned by the CCSO (or not owned by the CCSO but being used in an approved official capacity) will use the safety restraint devices provided by the manufacturer. It is the responsibility of an employee who is transporting a non-employee to ensure that the passenger also uses the restraint devices.

13-101.1 MANDATORY USE OF CAR SEATS FOR EMPLOYEE'S CHILDREN

The rules for the use of safety equipment in transporting children in vehicles are as follows:

A. Children 12 years of age or younger will ride in the rear seat of the vehicle.

B. Infants must always be placed in rear-facing seats until they are at least one year old and 20-22 lbs. Children may ride rear facing in many seats up to 35 lbs.

C. Once children are forward facing, they must ride in a forward-facing seat until they reach approximately 40 lbs. and are four years of age.

Children who have outgrown child safety seats must be properly restrained in booster seats until at least 8 years old, or 4'9" tall.

13-101.2 TRANSPORTATION OF CHILDREN IN EMERGENCY CIRCUMSTANCES

CCSO will transport children only when the totality of circumstances dictate a transport is necessary. If an approved safety seat is not available for use as specified and emergency transport is appropriate, the child will be transported using any available, suitable seat. If no seat is available, the child will be restrained using the safety equipment provided by the manufacturer for the occupant seated in the center of the rear seat. If the child is so small that the manufacturer's safety equipment would not be suitable, the transport will be made keeping the safety of the child in mind.

13-102 UNATTENDED VEHICLES

A vehicle is unattended when the deputy is not in the immediate vicinity of the vehicle or does not have the vehicle in his or her clear observation. When leaving a CCSO vehicle unattended,

the deputy will remove the keys and lock all doors. An exception to this would be a K-9 vehicle, when the dog is in the vehicle during inclement weather or high temperatures.

13-103 PASSENGERS

Except as necessary in the performance of police duties, a deputy may only transport members of their immediate family. A deputy may transport other persons in a vehicle with the approval of the Sheriff or the Assistant Sheriff. A CCSO *Ride Along Waiver* form must be signed by all non-sworn personnel and CCSO civilian personnel each time they participate in a ride-along.

13-104 QUALIFIED OPERATORS

Commanders will not allow a sworn or civilian employee of the Agency to operate a vehicle unless the employee possesses a valid Maryland driver's license of the proper class for the type of vehicle being operated.

13-105 PUSHING / PULLING DISABLED VEHICLES

Except when imminent danger or life-threatening conditions require the immediate removal of a disabled vehicle, vehicles will not be used to push or pull disabled vehicles.

13-106 ENERGY SAVINGS

All personnel will, whenever possible, employ energy saving techniques when operating vehicles. They will be conscious of their routine driving techniques and make necessary adjustments to reduce fuel consumption, while making safe and efficient use of CCSO vehicles. The Patrol Commander will monitor monthly vehicle usage.

13-107 TRAVEL OUTSIDE CALVERT COUNTY

On-duty intrastate travel must be approved by the bureau commander. The Sheriff or Assistant Sheriff must approve all out of state travel in vehicles. The Sheriff or the Assistant Sheriff must approve off-duty travel outside Calvert County.

13-108 SMOKING IN VEHICLES

Smoking is prohibited in all Agency vehicles. Smoking is also prohibited in pool vehicles.

13-109 OFF-DUTY AGENCY VEHICLE USE

The elected Sheriff is responsible for providing primary law enforcement coverage within the jurisdictional boundaries of Calvert County. The Sheriff maintains a fleet of vehicles for use by sworn deputies as a means to carry out the law enforcement responsibilities of the Sheriff. Agency vehicles are available to enable deputies to perform his or her duties. The Sheriff also permits sworn deputies the use of an Agency vehicle while off-duty, when vehicles are available for that purpose. For purposes of this policy, "off-duty privilege" is synonymous with "take home vehicle privilege."

The use of a take home vehicle is a privilege granted by the Sheriff based on the assumption that sworn deputies will perform their duties satisfactorily, and as an incentive for them to do so. The Sheriff grants the privilege in recognition of the benefit to sworn deputies having the use of

a take home vehicle, as well as the benefit to the public. Having Agency vehicles visible in the community is a deterrent to crime, and deputies are available to more readily respond to crime and emergency situations while off-duty.

Off-duty vehicle use is a privilege that may be suspended for a period of time or revoked by the Sheriff or his designee for abuse of the privilege, involvement in a preventable collision, inappropriate conduct that does not trigger formal disciplinary action, and unsatisfactory performance. The Sheriff or his designee may also suspend or revoke the take home vehicle privilege of the entire fleet when he believes it is in the best interest of the Agency to do so.

Employees, who reside within the 15-mile boundary outside of the Calvert County line, will not use their police vehicles in an "off-duty" capacity in another county. Those vehicles are intended for travel to and from work only. If immediate police action is needed (witnessed by the deputy operating their vehicle outside of Calvert County), then the proper police action shall be taken and documented via Calvert Control.

A deputy will announce himself/herself "10-8" (in service) when beginning an off-duty trip in the CCSO vehicle and "10-7" (out of service) at its completion.

13-109.1 EXCLUSIVE OPERATOR

Only the employee is permitted to operate the CCSO vehicle.

13-109.2 EMERGENCY RESPONSE

An employee may not respond to an emergency while transporting any passenger who is not a sworn employee, except for an authorized ride-along who has signed a CCSO waiver form. Passengers must first be deposited at some safe, convenient location before the emergency response is initiated. This restriction does not apply when other police officers or injured or ill persons are riding as passengers in a vehicle while the operator is making an emergency run in the interest of protecting life and property.

13-109.3 MONITORING OPERATING FREQUENCIES

An employee operating a vehicle off-duty will monitor the primary operating frequencies of the CCSO.

13-109.4 FIREARM

An off-duty sworn employee who is the operator of or a passenger in a CCSO vehicle will carry a CCSO approved firearm.

13-109.5 ATTIRE

While operating an agency vehicle, deputies will at **all times** present a professional image and will be prepared to act in their official capacity, i.e. making a traffic stop, responding to a call for service, etc. Deputies are also responsible for the proper appearance and conduct of their passengers.

Deputies shall be fully clothed, wearing shoes at all times. Torn or frayed clothing will not be worn. Only hats in good taste and worn in the manner designed are permitted. This is not an all-inclusive list; however, cut off shorts; tank tops; sandals; gym attire, i.e. shorts/sweat pants with an elastic waist are unacceptable attire due to the fact that a firearm cannot be worn securely.

13-109.6 USE OF ALCOHOLIC BEVERAGES PROHIBITED

A deputy may not operate a CCSO vehicle with alcohol in their system without written approval from the Sheriff.

13-109.7 PETS PROHIBITED

Pet animals are not permitted in the Agency vehicle.

13-109.8 LARGE OR HEAVY LOADS

Vehicles will not be used for carrying heavy or excessive loads. No object will protrude from the windows or the trunk while transporting.

13-109.9 SECONDARY EMPLOYMENT

With the approval of the Sheriff, an employee may use a vehicle to commute to and from approved secondary employment. However, the vehicle may not be used for any secondary employment activity without the approval of the Sheriff or the Assistant Sheriff.

13-109.10 REVOCATION OF PRIVILEGE

A. The Sheriff or his designee may suspend for a period of time or revoke a deputy's take home vehicle privilege:

   1. When the Sheriff or his designee determines that the privilege has been abused. For the purposes of this policy, abuse includes, but is not limited to, involvement in preventable collisions while using an Agency vehicle off-duty; failure to keep the vehicle in good operating condition; failure to keep the vehicle clean; and failure to comply with the restrictions and limitations set forth in the policy governing off-duty vehicle use.

   2. When the Sheriff or designee determines that the deputy has engaged in conduct that is inappropriate but does not rise to the level of conduct that gives rise to disciplinary action under the LEOBR.

   3. When the Sheriff or his designee determines that a deputy's job performance is unsatisfactory. For the purposes of this policy, unsatisfactory job performance shall be determined by the Sheriff or his designee based on a review of an employee's monthly productivity reports.

B. The Sheriff or his designee may suspend or revoke the take home vehicle privilege for unsatisfactory performance if:

   1. The deputy receives a verbal counseling from their supervisor with an explanation of why the performance is deemed unsatisfactory and how performance must be improved.

   2. The deputy fails to satisfactorily improve performance in the following consecutive month, or the deputy has been verbally counseled for unsatisfactory performance twice within a six-month period.

3. The Sheriff or his designee confers with the deputy or the deputy's supervisor to review the employee's performance during the specific period of time in question and consider mitigating factors that might have impacted the deputy's performance.

C. Unless the Sheriff or his designee determines it is in the best interest of the Agency to act otherwise, and if the Sheriff determines that suspension of the take home vehicle privilege is warranted, the Sheriff will suspend the take home vehicle privilege as follows:

1. First suspension – maximum of 15 days suspension of privilege
2. Second suspension – maximum of 30 days suspension of privilege
3. Third suspension – maximum of 90 days suspension of privilege
4. Fourth and subsequent suspensions – maximum permanent loss of privilege

Because off-duty vehicle use is a privilege, the suspension or revocation of off-duty privileges in accordance with Agency policy shall not be deemed to constitute a formal disciplinary action. This policy does not, however, prevent the Sheriff or his designee from imposing suspension or revocation of off-duty vehicle privileges as all or part of a disciplinary sanction imposed, pursuant to administrative action taken in accordance with MD Public Safety Code §3-108.

13-110 VEHICLE EQUIPMENT

The following equipment will be maintained in assigned patrol vehicles:

- Fire extinguisher (obtained at County Maintenance)
- First aid kit
- One blanket
- Camera
- Shotgun or rifle
- Jack and lug wrench
- Box of flares - no fewer than 12
- Personal protection kit
- Latent fingerprint kit
- Crime scene tape

At the beginning of every shift, each employee will ensure that the vehicle is fully stocked from supplies maintained at CCSO headquarters. The Patrol Commander must approve additional equipment, not listed above.

The Patrol Commander will maintain storage areas within the Sheriff's Office for consumable operational supplies such as flares. He will designate an employee to check inventories of the supply storage areas to assure that the Agency has sufficient supplies to maintain operational readiness. Other equipment items not considered consumable shall be obtained through the Agency Quartermaster or through Fleet Maintenance depending on the item.

13-110.1 MARKED PATROL VEHICLES

All CCSO marked patrol vehicles, with the exception of the "slick top" marked patrol vehicles, are readily identified as law enforcement vehicles from every view and from a long distance, even at night. All marked patrol vehicles have a minimum of exterior reflective materials. The Agency name, the emergency telephone number and the CCSO vehicle number are on the sides and rear of the vehicle in reflective striping and lettering. All marked patrol vehicles with the exception of the "slick top" marked patrol vehicles, may be equipped with rooftop light bars.

Exterior spotlights, alley lights, an emergency siren and a public address speaker are required. All "slick top" marked patrol vehicles are equipped with everything as stated above minus the rooftop light bar and rear reflective markings to include the CCSO vehicle number.

13-110.2 UNMARKED PATROL VEHICLES

All CCSO unmarked patrol vehicles are equipped with public address speakers, inconspicuous emergency lighting, an emergency siren, and a spotlight, unless otherwise used for specific assignments.

13-111 NON-ISSUE EQUIPMENT

The purchase and maintenance of non-issue vehicle equipment is the sole responsibility of the employee. The CCSO will not accept any claim for damage to or loss of non-issue equipment. The installation or removal of non-issue vehicle equipment will be completed by an approved entity.

13-112 MAINTENANCE AND REPAIRS

The maintenance of vehicles in accordance with manufacturer's specifications is essential. A deputy, who is permanently or temporarily assigned a vehicle, is responsible for timely scheduling and having maintenance performed at the facility designated by the Sheriff or Assistant Sheriff.

When repairs are needed, complete the *Vehicle and Equipment Maintenance Request* form, found on the "S" drive under Fleet Maintenance. Be detailed in your request in order for the mechanic to better diagnose and repair the vehicle. When dropping off the vehicle during normal business hours, give the form to Fleet Maintenance office personnel. After business hours, leave the form on the front seat or dashboard, where it can easily be seen.

13-112.1 OIL CHANGES

Oil and filter changes will be performed every 5,000 miles on all vehicles assigned to the Sheriff's Office.

13-112.2 CLEANLINESS

Each employee assigned a vehicle will ensure that it is kept clean, i.e., windows free from dirt or film; passenger compartment and trunk clean and uncluttered; the exterior free of dirt and debris; and waxed.

During the months of April through October, employees may use the wash bay at the County's Fleet Maintenance facility once per month to wash their assigned Agency vehicle, and twice per month during November through March.

13-113 CONDITIONS WHEN AN AGENCY VEHICLE CANNOT BE USED

Members of this Agency do not operate Agency vehicles under the following conditions:

A. While on sick or workers compensation leave

B. When on light duty status, unless authorization to operate an Agency vehicle has been received in writing from a licensed physician, and approved by a member of the command staff

C. While on suspension

D. Agency-issued vehicles are not be used for secondary employment. (Example: If you are employed by a florist, you cannot drive your Agency-issued vehicle to make deliveries.)

13-114 VEHICLE INSPECTION

Quarterly, supervisors will conduct a thorough vehicle inspection using the *Inspection Checklists* form. The completed *Inspection Checklists* form must be turned in to the respective bureau commanders within 15 days of the start of a new quarter. Upon review, the commanders will designate someone in their bureau to file and maintain the checklists. They are to be kept on file for a period of two years, at which time they will be destroyed.

13-115 USE OF CELL PHONES AND PORTABLE ELECTRONICS IN AGENCY VEHICLE

A. Employees shall operate their assigned vehicles in a safe manner. The driver is prohibited from reading, composing, or viewing e-mail or text messages on a portable electronic device in their Agency issued vehicle while on duty or off duty and while the vehicle is in motion.

B. Cell phone conversations are permitted while driving an Agency issued vehicle on duty or off duty if a hands-free device is utilized. Cell phone conversations without a hands-free device in the above circumstances are prohibited, unless the use is for official law enforcement business related to an extreme emergency situation.

C. Employees shall exercise caution in dialing, answering and conducting cell phone conversations with their hands-free device.

D. Employees shall exercise caution when utilizing the mobile data computer while the vehicle is in motion.

13-200 AGENCY VEHICLE ACCIDENTS

A Blue Team entry, *ACRS Report*, photographs of the vehicle and accident scene, a *Detailed Report* and *Endorsements,* tow bill, two estimates and wrap estimate must be completed after any accident involving a CCSO vehicle which meets any of the following criteria:

- The accident involves injury or death to CCSO personnel or others;
- The accident involves any damage to property other than a CCSO vehicle, or physically involves another person or non-CCSO vehicle;
- The accident involves an animal strike (e.g. deer, dog, cat or other animal) with any reportable damage;
- The accident results in any damage to a CCSO vehicle; and/or
- The CCSO vehicle is towed.

Any damage to CCSO vehicles not meeting the criteria above will be documented with an Equipment/Loss Damage Report, a Blue Team entry, photos of the vehicle and incident scene, a *Detailed Report* and *Endorsements*, two repair estimates, tow bill, and wrap estimate (if needed). Examples for this are: glass/windshield damage from rocks, damage to vehicles from tree limbs,

damage from unknown sources (door dings/dents, car doors/shopping carts).

For these purposes, a CCSO vehicle includes any vehicle which is leased or borrowed for use by the CCSO and its personnel or any other vehicle operated in the performance of the employee's duties.

An *Accident Report* will **not** be completed if the driver of the other vehicle intentionally strikes an Agency vehicle or deputy. Criminal charges will be placed against the other driver.

An *Accident Report* will **not** be completed when a deputy performs a PIT maneuver on a suspect vehicle.

More detailed reporting procedures are listed under 13-202, *Responsibilities upon Notification*.

13-201 NOTIFICATION OF INVOLVEMENT

Agency personnel involved in accidents reportable under this section will:

- If the accident occurs within Calvert County, report the occurrence to Calvert Control and their immediate supervisor or the supervisor that is working.

- If the accident occurs outside Calvert County, report the occurrence to the police agency having jurisdiction at the location of the occurrence, and notify the supervisor who is working.

13-202 RESPONSIBILITIES UPON NOTIFICATION

Upon being notified of an accident involving a CCSO vehicle, the supervisor will,

A. If the accident occurred within Calvert County:

   1. Direct that the accident be investigated by a sworn officer the rank of corporal or above.

   2. The investigator will complete a vehicle accident Blue Team entry and all related paperwork.

   3. In cases of fatal or life-threatening accidents, notify the Command Staff, the Accident Reconstruction Team, the Professional Standards Commander, Calvert County State's Attorney and a representative from the Injured Worker's Insurance Fund (IWIF). IWIF is only to be contacted when the life-threatening injury is to Agency personnel.

B. If the accident occurred outside Calvert County:

   1. Attempt to obtain, or have the involved personnel obtain, a copy of the police investigation and report.

   2. The on-duty supervisor or, if applicable, the assigned CCSO investigator will complete a vehicle accident Blue Team entry and attach all related paperwork.

   3. If the accident occurred within a reasonable distance of Calvert County, Maryland - respond to the scene to gather information and provide liaison between the investigating police agency and the CCSO.

4. If the accident involves death, personal injury, or there are unusual circumstances - if practical, visit the scene and meet with the investigating officers. In these cases, the supervisor or on-call commander may designate a CCSO investigator to make a supplemental investigation in conjunction with the local investigating agency.

5. Notify the involved person's commander.

6. In cases of fatal or life-threatening injury accidents, notify the Command Staff, Professional Standards Commander, Calvert County State's Attorney and IWIF. *IWIF is only to be contacted when the life-threatening injury is to Agency personnel.*

Upon completion of the above, the investigating supervisor will adhere to the following procedures:

The investigating supervisor will fill in the *Departmental Accident Log Sheet*, located in the hanging tray in the deputies' room, using the next sequential number. The investigating supervisor will create a Blue Team entry for the accident, prior to the end of the shift, and attach the following information to the file:

- A signed detailed report from the involved deputy.
- A copy of the ACRS Report – the original must be submitted for supervisory review.
- Photos of the vehicle(s) and accident scene. The photographs of the vehicles and crash scene, if applicable, must also be attached to the original MAARS form.
- Witness statements, if applicable.
- Two repair estimates.
- *Vehicle Damage Checklist*.
- Tow bill, if needed.
- Wrap estimate, if needed.

The Blue Team entry will then be forwarded to the Office of Professional Standards Commander. If for some reason the investigating officer cannot include any of the required information by the end of the shift, he will notify the OPS commander via email and make arrangements to provide that information in a timely manner. All other documents shall be forwarded to the Patrol Bureau Office Assistant II.

13-203 INVOLVED DRIVER'S REPORT

Within 10 days of the accident any non-probationary CCSO employee, who is involved in an accident while operating an Agency vehicle that meets the criteria of 13-200, will submit an electronic *Detailed Report* of the circumstances of the accident to the investigating supervisor.

13-203.1 DEPARTMENTAL ACCIDENT CHECK LIST

The Calvert County Sheriff's Office *Departmental Vehicle Damage Checklist,* must be completed on every departmental accident by the investigator. Each block that applies shall be checked and the appropriate information filled in. The fax number is listed on the checklist. The report shall be attached to the Blue Team entry and forwarded to the Patrol Bureau Office Assistant II.

13-204 DISPOSITION OF INOPERABLE AGENCY VEHICLES

When an Agency vehicle is rendered inoperable as a result of an accident, and the accident occurred:

- Within Calvert County, the CCSO investigator will have the vehicle towed to CCSO impound lot.

- Outside Calvert County, the CCSO investigator will decide whether to have the vehicle brought to Calvert County for secure storage or make arrangements with the local police agency to have the vehicle stored at a secure location.

In any case, the Patrol Commander or their designee will assume the control of the inoperable vehicle until such time as repair or disposition is made of the vehicle.

13-205 VEHICLE EQUIPMENT

Responsibility for the CCSO property and equipment carried within CCSO vehicles is the responsibility of the Agency driver of the vehicle. If the driver is unable to fulfill this responsibility because of injuries sustained in the accident, the CCSO supervisor at the scene is responsible for making security arrangements. Lacking a CCSO supervisor on the scene, the CCSO investigator will assume responsibility for the security and disposition of property contained in the vehicle at the time of the accident. If the accident occurred outside Calvert County, and the involved employee is unable to secure the CCSO property, the CCSO supervisor or the CCSO investigator will make arrangements to secure the property.

13-206 VEHICLE REPAIRS

If the vehicle needs to be towed, the Patrol Bureau Commander or designee will secure estimates of the cost of repairs and have the vehicle repaired or replaced in a timely fashion.

When the vehicle is drivable, the operator of the vehicle will obtain two estimates of the cost of repairs and forward them to the accident investigator before the end of the day following the accident. The Assistant Sheriff or their designee will authorize and direct repair or replacement in a timely fashion.

13-207 CONDUCT OF INVESTIGATION

The investigator will conduct a thorough and accurate investigation. The assigned investigator will not have been involved in any event which led to or was connected to an event which led to the accident. Investigators will be responsible for the vehicle accident Blue Team entry; assuring completion of the reports required; the gathering and preservation of any physical evidence pertaining to the accident; the gathering and preservation of all other relevant information such as written statements, photographs, etc. which may have a bearing on the case; and obtaining a Professional Standards investigation number.

Should an investigation by the Sheriff's Office present a potential conflict of interest or position, the Sheriff or Assistant Sheriff may approve another Maryland law enforcement agency to assist or conduct the investigation.

13-207.1 INVESTIGATOR'S REPORT

The investigator will complete the accident Blue Team entry prior to the end of their shift. In addition to the items listed in 13-202, the supervisor will also submit the investigative report in the narrative section of the Blue Team entry and will include their conclusions as to the primary and secondary causes and whether or not the accident was preventable or not preventable. The investigator will include the following information in the report:

A. Any information deemed pertinent to the accident which is not reported on the accident report, including the Vehicle Identification Number (VIN) on the Agency vehicle.

B. Photographs of the vehicles and accident scene.

C. The investigator's conclusions as to primary and any secondary causes and whether or not the accident was preventable or non-preventable.

If subsequent to the completion of the initial report, the investigator becomes aware of new information concerning the investigation, they will complete a supplemental report and submit it to the Patrol Assistant Commander and a copy to the OPS Commander.

All documents pertaining to departmental accidents are to be submitted within 15 days of the date of the accident, unless unique circumstances exist. In such cases the investigating supervisor must seek an extension from the Commander of the Community Action Team.

13-207.2 DETERMINATION OF PREVENTABILITY

As used in this section, a preventable accident is one which occurred because the driver of any vehicle failed to take any action which would have prevented the damage and injury; or the driver of any vehicle took a course of action which was the cause of any damage or injury.

13-208 ACCIDENT REVIEW

The initial Blue Team entry will be forwarded to the Office of Professional Standards. Once the Blue Team entry is complete with all pertinent attachments, it will be forwarded to the Patrol Commander (Fleet Supervisor), who will then add his endorsement to the Blue Team entry. The Blue Team entry will then be sent back to OPS within ten (10) days.

Upon receipt from the Patrol Commander, the Blue Team entry will be transferred to IAPro and forwarded to the Assistant Sheriff for final endorsement. The Assistant Sheriff will be the final determination of the preventability of an accident and the appropriate disposition. The Assistant Sheriff may direct any employee to clarify or provide additional information concerning an accident.

13-208.1 DISPOSITION OF AGENCY VEHICLE CRASHES

Upon receipt, the Assistant Sheriff will review the crash file and make the following determination:

- Non-Preventable – no disciplinary action
- Prevent able – no disciplinary action
- Prevent able – disciplinary action as stated in 13-209

13-209 PENALTIES FOR PREVENTABLE AT-FAULT DEPARTMENTAL CRASHES

It is the policy of the CCSO to apply fair and standardized non-disciplinary and disciplinary actions in those cases involving preventable at-fault departmental crashes.

A standardized matrix will be used as a guide for preventable at-fault departmental crashes to ensure that non-disciplinary and formal disciplinary actions are applied in a fair and consistent manner. The Sheriff or their designee retains final authority regarding any disciplinary action and is not bound by the matrix guidelines.

Recommended corrective/disciplinary action relative to preventable departmental crashes will be based on the following criteria:

- Degree of negligence;
- Property damage;
- Prior preventable departmental crash record;
- Any extenuating circumstances that would impact the cause of the crash and/or the corrective / disciplinary action to be utilized.

The below list of recommended penalties for vehicle crashes occurring within a two year period are options for consideration, and are not all inclusive when making a final decision.

1. First Preventable Crash
   a. Vehicle damage less than $2,500 – verbal counseling
   b. Vehicle damage greater than $2,500 – verbal counseling, or written reprimand

2. Second Preventable Crash
   a. Vehicle damage less than $2,500 – written reprimand; $150.00 dollar fine; and/or remedial driver training

b. Vehicle damage more than $2,500 – written reprimand; $250.00 dollar fine; remedial driver training; and/or suspension of off-duty vehicle usage for a period of 10 days.

3. Third Preventable Crash
   a. Vehicle damage less than $2,500 – written reprimand; $200.00 dollar fine; remedial driver training; and/or suspension of off-duty vehicle usage for a period of 15 days
   b. Vehicle damage more than $2,500 – written reprimand; $350.00 dollar fine; remedial driver training; and/or suspension of off-duty vehicle usage for a period of 20 days.

4. Fourth Preventable Crash
   a. Vehicle damage less than $2,500 – written reprimand; $250.00 dollar fine; remedial driver training; suspension of off-duty vehicle usage for a period of 25 days; and/or five (5) days loss of leave.
   b. Vehicle damage more than $2,500 – written reprimand; $500.00 dollar fine; remedial driver training; suspension of off-duty vehicle usage for a period of 30 days; and/or 10 days loss of leave.

5. Fifth Preventable Crash

   Regardless of the amount of vehicle damage – 20 days loss of leave; demotion in rank; remedial driver training; and/or termination.

All fines will be used to offset the deductible paid through our insurance carrier.

CHAPTER 14
CRITICAL INCIDENTS, SPECIAL OPERATIONS & HOMELAND SECURITY

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	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **CRITICAL INCIDENTS, SPECIAL OPERATIONS & HOMELAND SECURITY** Affects: **ALL PERSONNEL**	Chapter **14**
EFFECTIVE DATE **January 29, 2009**	Rescinds:	Amends: **14-103 on 6/20/18**

14-100 CRITICAL INCIDENTS, SPECIAL OPERATIONS, AND HOMELAND SECURITY

As the chief law enforcement officer of Calvert County, the Sheriff is responsible for the management of law enforcement services during critical incidents and other unusual occurrences. A critical incident is any situation of an emergency nature, which results from disasters, both natural and man-made, and civil disturbances. Disasters include floods, hurricanes, earthquakes, explosions, tornadoes, and releases of hazardous materials. Civil disturbances include riots, disorders, and violence arising from dissident gatherings and marches, rock concerts, political gatherings, or labor disputes.

In most disasters, the Calvert County Sheriff's Office plays a support, rather than a lead role. The Calvert County Sheriff's Office responsibilities in these circumstances are fully described in the Calvert County Emergency Operations plan, published and maintained by the Calvert County Emergency Management and Safety Division.

In the case of a civil disturbance or a significant criminal activity (such as a hostage-taking, barricaded subject situation, or terrorist incident), the Calvert County Sheriff's Office takes the lead role.

Within the borders of Calvert County are located two localities of critical infrastructure. The Calvert Cliff's Nuclear Power Facility and the Cove Point Liquid Natural Gas Import Facility have both been deemed critical infrastructures of national importance by the Department of Homeland Security. The Calvert County Sheriff's Office has been designated as the primary response agency for terrorist incidents within the Federal Response Plan for both facilities.

14-101 MANAGEMENT

The Commander of Special Operations* is responsible for planning for and coordinating the Calvert County Sheriff's Office response to critical incidents. The Calvert County Sheriff's Office is a fully compliant National Incident Management System (NIMS) agency, and as such utilizes the incident command system.

The Commander of Special Operations will create a list of Agency equipment required for critical incidents and emergency situations and will inspect the equipment at least quarterly for operational readiness.

The Commander of Special Operations will also ensure that affected Agency personnel receive documented annual training on the Calvert County Sheriff's Office "All Hazard Plan."

Note: There are times when the Special Operations Commander will not be available. In those instances, the on-call commander will assume incident command. Henceforth, in this policy, the term "on-call commander" may be substituted for the Special Operations Commander (or SOT Commander) when they are not available.

14-102 REQUESTING FEDERAL OR NATIONAL GUARD ASSISTANCE

In the event Federal law enforcement assistance is needed in an emergency situation, the Sheriff or Incident Commander will contact the Baltimore Field Division of the Federal Bureau of Investigation.

In the event National Guard assistance is needed in an emergency situation, the request is made to the Governor's Office by the Director of the Calvert County Emergency Management Agency, or a designee. A request originating from the Calvert County Sheriff's Office will be made by the Sheriff or the Incident Commander to the Director of Calvert County Emergency Management.

14-103 FIRST RESPONSE

In the event of an emergency, the primary function of Sheriff's Office operations is to isolate and secure the area. In the event of an Active Shooter, the first deputy on the scene will make every reasonable effort to immediately locate and neutralize the threat.

A. The first responding deputies must approach the scene with care and:

   1. Be alert for survivors and render aid.

   2. Be alert for explosions that might occur from:

      a. Natural gas;
      b. Propane;
      c. Downed power lines;
      d. Other explosive or hazardous materials, which may be in the area, such as aviation fuel, oxygen canisters, etc.
      e. Secondary explosive devices.

B. Upon arrival at the scene, the deputy will:

   1. Relate clearly to the Calvert Control Center the conditions found upon arrival, and request assistance as needed.

   2. Secure the area.

   3. Close access roads.

   4. Rope or tape-off area as soon as possible.

   5. Ensure that deceased victims are not moved without the approval of a representative of the Maryland Office of the Chief Medical Examiner. In the event of an aircraft accident, ensure that the wreckage and deceased victims are not moved without the approval of National Transportation Safety Board (NTSB) investigators; Federal Aviation Administration (FAA) investigators; the military (if U.S. armed forces aircraft

involved), and the Maryland Office of the Chief Medical Examiner.

6. The first Calvert County Sheriff's Office deputy to arrive on the scene becomes the Incident Commander and continues to play that role until relieved by a deputy of higher rank. Upon relief, the first responder will give a full briefing including the current situation and all actions taken to date.

14-104 SWAT REPORTING REQUIREMENTS

Maryland Annotated Code, Public Safety Article §3-507 requires the reporting of a certain type of tactical law enforcement operation. Every six months, The Special Operations Bureau Commander or his designee shall report the following information to the Governor's Office of Crime Control and Prevention:

A. The number of times the Special Operations Team was "activated and deployed" by the agency in the previous six months;

B. The name of the county and/or municipal corporation and the zip code(s) of the location(s) where SOT was deployed for each activation;

C. The reason(s) for each activation and deployment;

D. The legal authority (e.g. type of warrant, emergency, exigent circumstances, etc.) for each activation and deployment; and

E. The result or outcome of each deployment including whether arrests were made, and how many, whether property was seized, whether forcible entry was made, whether any weapon was discharged by a SOT member, whether any person or domestic animal was injured or killed by an SOT member (by whatever means) and whether any SOT member was injured by a person or an animal during the deployment.

Activation without actual deployment does not require reporting.

For the reporting period of July 1-December 31st, the report is due by January 15th

For the reporting period of January 1-June 30, the report is due by July 15.

Reporting Responsibility in Situations Involving Multiple SWAT Teams:

- In cases where multiple SWAT teams are deployed and/or multiple entries are made into different addresses, each entry will be considered a single deployment and will require separate reporting.

- In situations where multi-agency or multi-jurisdictional teams are deployed for one location, the agency that employs the Tactical Commander or Supervisor of the operation has the responsibility of reporting that deployment.

In situations where multi-agency or multi-jurisdictional teams are deployed for multiple locations, each entry is considered a single deployment, and the agency that employs the Tactical Commander or Supervisor of the operation has the responsibility of reporting that deployment.

14-200 CCSO'S "ALL HAZARD" PLAN FOR CRITICAL INCIDENTS

The Calvert County Sheriff's Office has adopted the protocols of the Federal Emergency Management Agency's Incident Command System (ICS) as its system for managing the response to major incidents for which it has primary responsibility. As noted above, in most natural disasters and many other kinds of emergencies, the Calvert County Emergency Management and Safety Division (or another agency, such as a County fire company), has the primary responsibility. Under those circumstances, the Calvert County Sheriff's Office assumes a support role and performs the functions assigned to it in the managing agency's emergency response plan.

The ICS has a number of advantages for critical incident management:

- It has been widely adopted by crisis management agencies and its protocols and nomenclature are identical nation-wide.
- It provides a clear point of control.
- It is scalable to the size and nature of the incident and can be expanded or contracted as the situation warrants.

One of the hallmarks of ICS is the use of "Management by Objectives" (MBO). MBO represents an approach that is communicated throughout the entire ICS organization. This approach includes the following:

- Establishing overarching objectives.
- Developing and issuing assignments, plans, procedures, and protocols.
- Establishing specific, measurable objectives for various incident, management, functional activities, and directing efforts to attain them, in support of defined strategic objectives.
- Documenting results to measure performance and facilitate corrective action.

Span of control is essential to effective and efficient incident management. Within the ICS, the span of control of any individual with incident management supervisory responsibility should range from three to seven subordinates. The type of incident, nature of the task, hazards and safety factors, and distances between personnel and resources all influence span-of-control considerations.

14-210 COMMAND FUNCTION

It is the responsibility of the command function to provide overall direction and control to the management of any incident. The Incident Commander (IC), usually the first supervisor or commander on the scene, or whoever is designated by the Special Operations Commander, is responsible for activating the command function, as well as the management and successful resolution of the incident and for determining when the ICS structure needs to be expanded based on the nature of the emergency.

14-211 COMMAND POSTS

The IC will establish a command post for the incident. If the CCSO mobile command vehicle is unavailable and one is needed, the IC will contact another allied law enforcement agency and request the use of theirs. Regardless whether the MCP or another facility is used, the command post will be located in close, but safe proximity to the incident.

14-212 MOBILIZATION OF ADDITIONAL AGENCY PERSONNEL

The IC will determine, based upon the nature of the incident, whether emergency mobilization of additional Agency personnel is required, and if so, which personnel to mobilize. Only the Sheriff or command staff personnel may initiate an emergency mobilization.

14-212.1 NOTIFICATION

A. All CCSO personnel's home and cellular telephone numbers are maintained in the Duty Office. In the event of a mobilization, any of these means may be used to contact deputies. Patrol deputies may also be dispatched to contact personnel, if that should be necessary.

B. When a mobilization is implemented, the Incident Commander will advise the Calvert Control Center of the following information to be relayed to off-duty personnel:

1. Nature of the emergency
2. Reporting location
3. Reporting time and
4. Uniform and Equipment Requirements

C. The Calvert Control Center will provide the Sheriff or Commander of Special Operations with the names of personnel who could not be reached, as well as the names of personnel responding.

D. The Calvert County Sheriff's Office duty officer will continue to try to make contact with deputies who have not been reached until they have been contacted, or the mobilization is canceled.

E. Alternatively, the IC may direct a member of the staff to conduct the mobilization or may conduct it him/herself.

14-212.2 MOBILIZATION PHASES

To provide sufficient manpower to respond to unusual occurrences, the following stages have been established:

A. Mobilization - Tier I: This is the first stage alert and announces a minor occurrence that can be handled by on-duty personnel, although they are alerted that their shifts may be extended.

B. Mobilization - Tier II: The second stage alert applies to an occurrence that on-duty personnel cannot control. The Sheriff or Patrol Commander may authorize the next on-duty shift to assist, as well as call for mutual aid law enforcement assistance, if needed.

C. Mobilization - Tier III: The highest stage alert applies when an occurrence threatens the safety of the jurisdiction for an indefinite period and requires the Calvert County Sheriff's Office to make extensive modifications in operations.

14-212.3 MOBILIZATION PRIORITIES

Deputies will generally be mobilized in the following order:

A. Patrol Bureau: The second level of mobilization would consist of an on-coming shift being brought in early, or an off-going shift staying to work over. Increasing levels can involve the recall of off-duty deputies, and cancellation of all scheduled leave. Tier III mobilization would consist of all Patrol deputies working shifts determined by the Sheriff or Incident Commander.

B. Administrative and Judicial Services Bureau: If the emergency is of such magnitude that AJSB personnel are needed, they will be directed as to uniform and equipment needs.

C. Criminal Investigation Bureau: Each plain-clothes deputy will maintain at least one issue uniform shirt and pants. If the emergency is of such magnitude that detective personnel are needed, the situation may require their presence in uniform.

In an actual mobilization crossing bureau lines, every attempt will be made to assign deputies with their normal supervisors.

14-212.4 DECREASE IN SERVICE LEVELS

As each level of increased mobilization is reached, there is a corresponding decrease in the normal service level. Calvert Control Center will be informed as this decrease occurs. This can range from an extended delay in answering routine calls, to response only when there is an actual or imminent threat to life or property. Normal follow-up investigations, warrant service, and other routine patrol activities may be suspended until the emergency has been terminated.

14-212.5 ASSEMBLY

When calling an alert of Tier II or Tier III, the Sheriff or Incident Commander will designate an assembly area for responding units.

A. The primary assembly area is Calvert County Sheriff's Office headquarters. A secondary assembly area may be designated by the Sheriff or Incident Commander:

1. Large parking areas
2. Schools
3. Churches
4. Other public buildings outside the immediate scene of the alert

B. In the event of a civil disorder, the location for assembly will be outside the area of the disorder. In the event of a natural or man-made disaster, the location for assembly will be as close to the scene as safely possible.

C. The Sheriff or Incident Commander will arrange for any special equipment required by the emergency to be marshaled at the assembly site.

D. Regular deputies will mobilize in their assigned Calvert County Sheriff's Office vehicles. Judicial contract deputies will report to Calvert County Sheriff's Office headquarters to obtain their Calvert County Sheriff's Office vehicles before assembling.

E. At the assembly site, the Sheriff or Incident Commander will make assignments and identify specific roles for key personnel.

14-213 OBTAINING SUPPORT FROM OTHER AGENCIES

The IC determines whether support is required from other agencies.

A. The Calvert Control Center has the ability to contact all Maryland State and local law enforcement, fire, emergency medical and other agencies.

B. The Calvert County Sheriff's Office has in place memoranda of understanding for requesting assistance from allied law enforcement agencies. Those agreements describe procedures for requesting, providing, supervising, and paying for any assistance provided.

C. As other agency resources report, they come under the control of the Calvert County Sheriff's Office IC. When possible, units from other agencies will be used as teams under their own supervisory personnel.

14-214 STAGING AREAS

When required by the size of the incident, the IC will establish a staging area, usually in proximity to the MCP. The purpose of the staging area is to provide a location away from the incident itself where resources can report, assemble, and receive orders before responding to the incident scene.

The principal criteria to be considered in selecting the staging area are:

- Safety in relation to the incident scene.
- Ease of access to the incident scene.
- Ease of access for the responding resources.

All resources dispatched to assist will report to the staging area unless directed to a specific post. No resources, including Calvert County Sheriff's Office deputies, will respond to the scene unless dispatched or ordered by the IC.

14-215 PUBLIC RELATIONS

As the incident warrants, the IC will establish a public relations function.

In any emergency situation, a priority is to maintain contact with Calvert County's communities and citizens and to keep the public informed of the ongoing state of affairs, so that they may be aware of the circumstances and take appropriate steps to protect themselves. The active, timely provision of accurate information also helps to control the spread of rumors. It is particularly important, under emergency conditions that only verified information is released, and that information comes from a central, well-informed source.

In an incident of any significant duration, the IC will designate one or more individuals to carry out the public relations function. They serve as the focal point for the release and dissemination of accurate information to the public and to the press.

All press and public inquiries will be referred to the public information function.

14-216 SAFETY FUNCTION

Regardless of the size of the incident, the IC is responsible for the safety of victims, uninvolved persons, and all resources deployed. If the size or type of the incident warrants, the IC will designate a safety officer to coordinate the activities of all resources involved in the incident.

14-217 AFTER ACTION REPORT

The IC is responsible for the preparation of an after-action report regardless of the size of the incident. The after-action report will include a complete timetable of the incident, including the resources responding and deployed; the actions of major participants; and the activation, expansion, contraction, and termination of the ICS. The report will also include "lessons learned" from the incident, which will serve as a guide for future planning.

The after-action report will be provided to the Sheriff.

14-218 OTHER COMMAND FUNCTIONS

The following sections describe the functions of various sections, which may be established in an expanded ICS structure. During an incident, some or all of these sections may be required, and the IC will stand them up as needed.

Regardless whether specific sections are activated, their functions, as necessary, are the responsibility of the IC. That is, in a small incident, the IC and a small staff may carry out the required functions of the Operations Section, a Planning Section, a Logistics Section, and a Finance/Administration Section.

14-220 OPERATIONS SECTION

This section is responsible for all activities focused on reduction of the immediate hazard, saving lives and property, establishing situational control, and restoration of normal operations.

The Operations Section Chief (OSC), designated by the IC, is responsible for the management of all tactical operations directly related to the primary mission.

14-221 ESTABLISHING PERIMETERS

As necessary, the OSC will establish an inner perimeter, outer perimeter, control zone, and traffic control points as necessary. The OSC is responsible for directing and controlling traffic in the vicinity of the incident, including traffic direction and control in the event of and in support of an evacuation.

A. Inner Perimeter: A containment area immediately surrounding the incident site that minimizes minimizes and controls the movement of a subject within that area. The inner perimeter should be sufficiently large to prevent immediate danger to anyone, but small enough to ensure control and management of the area.

B. Outer Perimeter: A large containment area that completely surrounds the inner perimeter and prohibits unauthorized access to the inner perimeter. The outer perimeter should be positioned to afford protection and safety to anyone outside the perimeter boundaries.

C. Control Zone: The space between the outer perimeter and the inner perimeter. Staff monitoring the outer perimeter may allow authorized persons into the control zone for restricted purposes as designated by the OSC.

D. Directing and Controlling Traffic: The exact type of traffic direction and control will depend upon the nature of the incident. For a hostage/barricade situation, traffic will need to be controlled to keep all vehicles outside of the outer perimeter. In a natural disaster situation like a flood or hurricane, traffic control points may be established to help facilitate the egress of residents during evacuations and to prevent unauthorized persons from entering evacuated areas.

14-222 EVACUATIONS

Conducting evacuations of victims, uninvolved persons, and others is an OSC responsibility.

The purpose of evacuation is to remove individuals safely from an area in which they face some danger to an area of greater safety or security.

- In the event of a hazardous materials spill, the OSC will use the evacuation distances listed in the U.S. Department of Transportation *Emergency Response Guidebook*.

- Depending on the geographic circumstances, unauthorized persons (bystanders, residents, merchants, and others) should be evacuated from or secured within the control zone.

- A number of different means may be used for giving an evacuation order, including verbal direction, media broadcast, reverse-911 (when available), and door to door notification.

- Evacuation may be by foot or by means of a variety of vehicles, depending on the circumstances.

14-223 MAINTAINING COMMAND POST AND SCENE SECURITY

The OSC is responsible for traffic control into and security of the inner perimeter, the control zone, including the Command Post (CP), and the outer perimeter. A system of barriers and control points will be established as necessary to ensure the security of the incident scene.

14-224 DETAINEE TRANSPORTATION, PROCESSING, AND CONFINEMENT

In the event that an incident involves the apprehension or detention of subjects, the OSC is responsible for their transportation, processing, and confinement.

A. In an incident involving a small number of arrests, the subjects will be transported, booked, and taken for arraignment in accordance with Calvert County Sheriff's Office practices outlined in Chapter 9 of this manual.

B. For an incident in which the IC believes there will be a number of arrests that cannot be handled practically with standard arrest procedures and staff, the following sections will be invoked. This plan does not assign a specific number of arrests needed to be considered as a mass arrest. Instead, it will rely on the experience of the Sheriff and IC.

14-224.1 PRIOR PLANNING

Prior planning in mass arrest cases should greatly assist in the orderly processing of persons arrested. The OSC will develop an incident-specific written plan to:

A. Arrange for transportation of prisoners, via Calvert County Detention Center.

B. Coordinate with the State's Attorney, the District Court Commissioners and the Department of Juvenile Justice.

C. Advise the Calvert Control Center to notify surrounding jurisdictions of the incident in the event additional manpower is required in accordance with MOUs already in place.

D. Provide advanced warning of possible mass arrests to the Calvert County Detention Center, so that arrangements may be made for sufficient food, water, and sanitation.

The OSC will have at their disposal a list of all vehicles available for transport of mass arrests, as well as a list of drivers licensed to operate any special vehicles which may be used. This list is kept current by the Executive Administrative Aide.

14-224.2 FIRST RESPONSE

Upon arrival at the scene of a demonstration, the OSC will endeavor to identify the leader(s) and, thereafter, communicate with the mass of demonstrators through their leadership, if possible. The demonstration leader(s) will be advised of the laws pertaining to the free movement of pedestrian and/or vehicular traffic while demonstrating, and/or any other statutes that may be violated during their presence.

The OSC will direct that all violations be corrected immediately. If they are, no further enforcement action will be taken. The OSC will then determine what, if any, security measures will be taken at the scene to ensure order throughout the demonstration.

If the leader(s) do not comply with the directives, the OSC will publicly announce to the crowd through a voice amplification system the following announcement and dispersal order: "I am (name and rank) of the Calvert County Sheriff's Office. I hereby inform all persons assembled that you are in violation of (relate statute or ordinance or common law violated, in general terms). I command all of you here assembled to disperse. Failure to do so will subject each of you here to arrest and prosecution."

The OSC will wait a reasonable length of time for compliance. If the crowd does not disperse, they will repeat the order.

If, after the second order, the members of the crowd do not disperse, the OSC may order the arrest of all persons remaining who are in violation of the law.

14-224.3 ARREST PROCEDURES

Every effort will be made to arrest the person in charge of or directing the crowd in the disturbance, provided probable cause exists for the arrest. After receiving the arrest order from the OSC, the arresting and assisting deputies will approach each person in violation of the law and proceed as follows:

A. The arrestee will be advised, "You are under arrest for (whatever violation being committed). You are requested to stand up." (if sitting or lying down)

B. If the arrestee declines to walk, they will be carried by the arresting deputy and the assisting deputy, one holding each arm.

C. If the arrestee stands up and walks, they will be led from the crowd to the vicinity of the remainder of the arrest squad, which will be a short distance away.

D. If the arrestee should resist arrest, the deputy will use the minimum force, which is necessary to effect and maintain the arrest.

All persons arrested will be searched to the extent necessary and handcuffed using handcuffs or flex cuffs in accordance with proper handcuffing guidelines within this Manual.

All weapons and property classified as evidence, contraband, or recovered property will be removed from prisoners. The property will be appropriately tagged and documented by the arresting/recovering deputy. Any large amount of recovered property will be photographed. The OSC will designate a deputy to coordinate the recovery and documentation of all recovered evidence and property. This deputy will become the custodian of the recovered property prior to its being returned or placed in Calvert County Sheriff's Office's Property Held.

14-224.4 PHOTOGRAPHS AND IDENTIFICATION

Before an arrestee is placed in the transport vehicle, the arresting deputy and arrestee will be photographed together using a digital camera. The deputy's I.D. number and the arrestee's name will be placed on the back of the digital picture. If the arrestee refuses to provide their identity, the deputy will list their physical description as well as their clothing description.

If time allows, the arresting deputy should complete an *Arrest Report* with the following information:

- Name of accused
- Arresting deputy
- Date and time of arrest, and
- Charge

If an *Arrest Report* is completed, the arresting deputy will attach the digital photograph to the *Arrest Report* and give them to the deputy in charge of the transport vehicle.

14-224.5 TRANSPORTATION AND SECURITY

When a special transport vehicle is not available or circumstances do not require or permit waiting for the transport vehicle, traditional police vehicles may be used. Juvenile prisoners will be separated from adults prior to transport and will be transported separately.

If buses are available, prisoners will be transported in the following manner:

- Seated two (2) to a seat (bench type)
- Front and rear seats will remain empty
- Deputy posted in front near driver
- Deputy posted in rear by exit door
- Operated by qualified driver
- Bus driven into a secured area for unloading
- Prisoners remain on the bus until the booking process begins

14-224.6 BOOKING / DETENTION FACILITIES

Upon being transported from the scene of the disturbance, adult prisoners will be taken to Calvert County Detention Center to be booked and processed. Juvenile prisoners will be taken to Calvert County Sheriff's Office headquarters where booking stations will be set up in a similar manner as described in 14-224.8 of this policy for adults.

14-224.7 BOOKING PROCEDURES

The OSC will direct processing at the scene.

A. Full adult arrest and booking procedures:

   1. Fingerprinting
   2. Photographing
   3. Charging documents (*Statement of Charges*)
   4. Taken before the District Court Commissioner

B. Adult processing will be conducted in accordance with procedures set forth in Chapter 9 of this Manual.

C. Juvenile processing: all persons charged as juveniles will be processed in accordance with procedures set forth in Chapter 9 of this Manual.

14-224.8 BOOKING STATIONS

The following booking stations will be established in the intake area:

- Identification station
- Fingerprinting station
- Photographing station
- Charging station

Arrestees will be removed from the transport vehicles one at a time and processed, starting at the identification station. The *Arrest Report* and digital photograph will accompany the arrestee throughout the processing procedure.

When a prisoner refuses to provide information for the *Arrest Report*, the deputy will indicate same by noting "refused" or "unable to answer" in the appropriate block. When a prisoner's identity cannot be established, they will be carried on all paperwork as John or Jane Doe.

14-225 POST-INCIDENT INVESTIGATION

Once the immediate incident has been controlled, it is the responsibility of the IC to oversee the investigation of any underlying criminal acts. In carrying out this function, the IC will coordinate with the Calvert County Sheriff's Office's CIB Commander.

The IC will need to be mindful during the incident of the need to preserve evidence that may be needed in any subsequent criminal prosecutions.

14-230 PLANNING SECTION AND INCIDENT ACTION PLAN

Incident Action Plans (IAPs) provide a coherent means of communicating the overall incident objectives in the contexts of both operational and support activities. The Planning Section (PS) is under the command of the PS Chief (PSC), who is designated by the IC, and prepares the documented IAP on the basis of incident objectives developed by the IC. The IC approves the Incident Action Plan (IAP) and all requests pertaining to the ordering and releasing of incident resources.

The IAP also addresses tactical objectives and support activities required for one operational period, generally 12 to 24 hours. The IAP also contains provisions for continuous incorporation of "lessons learned" as incident management activities progress.

The typical components of an IAP are:

- Incident objectives
- Organization list or chart
- Assignment list
- Control Center plan
- Logistics plan
- Responder Medical plan
- Incident map
- Health and Safety plan

Other elements (e.g., evacuation plan or evidence recovery plan) may be added as required by the incident.

14-231 INFORMATION AND INTELLIGENCE

The Planning Section (PS) directs the gathering of information and intelligence, which it disseminates through the IAP or other means. The PS serves as the focal point for the analysis of all information and intelligence gathered by any resource. The IC will ensure that all such information is reported through the chain of command to the PSC.

14-232 POST-INCIDENT DEMOBILIZATION

The orderly disposition of resources after an incident is a significant part of incident management. As appropriate to the situation, the PSC is responsible for developing a demobilization plan, based on the principals that:

- No resource will be retained at the incident site any longer than it continues to serve a function related to the resolution of the incident.

- No resource will be released before its function, related to the resolution of the incident, is complete.

14-240 LOGISTICS SECTION

The Logistics Section (LS) is under the command of the LS Chief (LSC), who is designated by the IC, and is responsible for all support requirements needed to facilitate effective and efficient incident management, including ordering resources from off-incident locations. It also provides facilities, transportation, supplies, equipment maintenance and fuel, food services, communications and information technology support, and emergency responder medical services. This responsibility includes meeting the equipment and supply needs of any specialized teams deployed as resources during the incident.

Initial communications needs are met through the equipment in the MCP. The LSC works with the Director, Calvert Emergency Management, and others to develop effective communications during the incident.

14-250 FINANCE / ADMINISTRATION SECTION

The Finance/Administration Section (FS), under the command of the FS Chief (FSC), is established when the incident is of a level of complexity that requires finance and other administrative support services. Among the functions assigned to FSC are:

A. Identifying and recording the personnel involved in the incident as resources and tracking their hours, including overtime, to ensure accurate payments and/or reimbursements.

B. Identifying and procuring additional financial resources needed for the resolution of the incident.

C. Monitoring and recording all expenses of the incident in conjunction with the IC, OSC, PS, and LS.

D. Documenting personal injuries and damage to or loss of equipment in order to permit the subsequent settlement of liability issues.

14-300 PROCEDURES APPLICABLE TO SPECIFIC INCIDENTS

This section describes issues related to the handling of specific types of incidents, which may be addressed through ICS or otherwise, depending on the nature of the incident. These sections and section chiefs can be expanded or collapsed as needed.

14-310 HAZARDOUS MATERIALS INCIDENTS

14-311 DEFINITIONS

Hazardous Material: Any substance or mixture of substances that presents a danger to public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat, or other means. The following are examples of substances which, in sufficient quantity, may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paint thinners; paints;

pesticides; petroleum products; poisons; radioactive materials; sludge's; and organic solvents.

Hazardous Condition: Any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into the water, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment.

HAZMAT: The Calvert County Sheriff's Office, Office of Homeland Security and Special Operations acts as the Hazardous Materials Response Team (HMRT) for Calvert County. The HMRT personnel specialize in hazardous materials emergencies. They are trained and equipped to make quick decisions, plan strategies and initiate remedial actions.

All deputies receive hazardous materials training to HAZMAT operations level while attending basic police recruit training at the Southern Maryland Criminal Justice Academy. Members of Special Operations maintain HAZMAT training standards to the level of HAZMAT technician and HAZMAT specialist.

14-312 FIRST RESPONSE

A. The first deputy responding to an incident involving the release or potential release of a hazardous material will exercise extreme caution and discretion prior to entering an affected area. Should conditions be such that the deputy would be exposed to the extent that personal safety would be jeopardized, the deputy will not enter the area. The deputy will instead await the arrival of a properly equipped HAZMAT team.

B. The deputy will:

1. Determine wind direction and stay upwind of the chemical spill/leak.

2. Observe any spillage, fire, leakage, fuming, and frost line damage to containers and try to determine the potential for explosion.

3. Stay at least 1500 feet from the spill, if possible. If the type of chemical is known, use the evacuation distances listed in the DOT *Emergency Response Guidebook*.

4. Relate clearly to Calvert Control Center the conditions found upon arrival; ask that Calvert Control Center notify the Sheriff or Commander of Special Operations, and request such additional assistance as may immediately be needed.

5. When chemical spills/leaks involve a train or truck, locate the train engineer/ conductor or truck driver to obtain shipping papers that will identify the chemical spill/leak and other hazardous materials cargo. The deputy will not require the train engineer/ conductor or truck operator to retrieve the shipping papers if there is a risk to their safety.

C. The deputy <u>will not</u>:

1. Approach the container that is holding the chemical until the chemical spill/leak has been identified by the shipping papers or placards. If it is necessary to approach the container, the deputy will do so from the side, and stay away from the ends of the tanks.

2. Use flares or flames in the hazard area or permit smoking. Vapors may be ignited by

heat, sparks or flame.

3. Drive through, walk into, or touch any spilled materials.

D. The deputy will:

1. Keep away from visible vapor clouds or substances that can produce invisible vapors, dust or smoke, and avoid inhalation of fumes, smoke or dust.

2. Approach the incident or vehicle from upwind (wind at the back), if absolutely necessary, to make a rescue.

3. Keep out of low areas, such as ditches or culverts, where fumes naturally collect. Most vapors are heavier than air.

4. Move victims to fresh air, giving artificial respiration if necessary. If a victim has inhaled toxic fumes, use an aspirator rather than giving mouth-to-mouth respiration.

5. Isolate the immediate scene (at least 1500 feet from the spill/leak) and move people upwind. If the chemical is known, use the evacuation distances in the DOT *Emergency Response Guidebook*.

6. If the substance can be identified by placard or label, refer to the current *Emergency Response Guidebook* for guidance pertaining to potential danger and recommended evacuation distances.

7. Establish traffic control points to keep vehicular and pedestrian traffic out.

8. Clear people from the area inside the traffic control points.

9. Detain persons near the scene for medical evaluation to determine if they have become contaminated.

10. Wait for the HAZMAT unit to provide further guidance.

11. If it is apparent the transport vehicle had been leaking hazardous material while in transit, obtain the log book so the affected jurisdictions can be notified by the Maryland DNR.

14-313 DECONTAMINATION

In the event of any incident, which requires a HAZMAT response, all deputies will be evaluated by the HAZMAT safety officer prior to going off-duty. Until the decontamination has been completed, deputies **must not** eat, drink, smoke, touch their eyes or mouth, or urinate. Clothing and equipment, including handguns and radios, must be decontaminated. Clothing and equipment that cannot be decontaminated must be disposed of in accordance with the direction of the HAZMAT unit.

14-314 SPECIFIC DANGERS

Calvert County Sheriff's Office deputies are not equipped with the protective clothing and breathing apparatus afforded fire fighters. They must be alert to the dangers posed by hazardous materials:

- Fire: The hazard with a chemical or pesticide fire is that the fire itself is often not hot enough to destroy or incinerate the substance, yet the chemical is vaporized and carried upward on the vapor to condense and fall back to the ground. People, crops, animals, and anything beneath the descending vapors may become contaminated.

- Explosion: Compressed gases, liquids, and explosives are obvious explosion hazards. A particularly disastrous type of explosion is known as a "breve" (blevee) or boiling liquid expanding vapor explosion. This type of explosion may cause large objects to be rocketed thousands of feet upward and create a fireball that is hundreds of feet in diameter. Propane is the substance most associated with bleves, but most flammable liquids can cause the same reaction. Bleves may also occur with smaller containers of compressed gases similar to those found around houses and even the small cylinders found on barbecue grills or campers.

- Poisoning: Many hazardous materials kill by poisoning. Vapors may be skin irritating, while eye contact may cause blindness. Still others are neurotoxins that attack the central nervous system. Decontamination becomes extremely important in situations where the deputy is exposed to poisonous substances. When instructions are given by officials on the scene or at a hospital concerning decontamination, they should be followed to the letter. If etiological agents (infectious substances) are present, isolation, extensive medical observation, and follow-up treatment may be required.

- Asphyxiation and freezing: Leaks of hazardous gases, liquids or vapors may act to exclude available air, and low areas may accumulate enough odorless material to kill. Certain hazardous materials (e.g., liquid nitrogen) are cryogenic in nature, having temperatures low enough to freeze body tissue instantly.

14-320 CIVIL DISTURBANCES – FIRST RESPONSE

When a deputy encounters an unruly crowd and feels additional assistance is necessary, they will request backup through the Calvert Control Center. The deputy will give the Calvert Control Center a brief analysis of the situation including:

- Approximate size of the crowd.
- Nature of the disturbance.
- Specific location of the incident.
- Approximate number of additional deputies needed.
- Ask that the Sheriff or Commander of Special Operations be notified. The Sheriff or Commander of Special Operations will determine whether to invoke the ICS.

14-330 EVACUATIONS – FIRST RESPONSE

The first responding deputy who arrives at a scene where an evacuation may be necessary will:

A. Communicate all pertinent information on the conditions to the Calvert Control Center.

B. Request that the Sheriff or Commander of Special Operations be notified.

C. Request additional units to assist in isolating the area.

D. If rescue of persons is imperative and it can be done without undue hazard to the deputy, quickly move endangered persons to safety.

The Sheriff or Commander of Special Operations will determine whether to invoke the ICS or the Calvert County EOP.

14-340 HOSTAGE / BARRICADED SUBJECTS – FIRST RESPONSE

A. Many hostage situations develop impulsively during the commission of other crimes. Deputies should consider immediate intervention if the hostage-taker has not gained physical control of the crime scene and victims. In such a case deputies must exercise extreme caution, recognizing that their own safety and that of the victim(s) are paramount.

B. Immediate intervention by Patrol deputies is not appropriate when a subject controls the crime scene and the hostages. A law enforcement assault in this case would needlessly endanger the lives of deputies and hostage(s). The Patrol objective under these circumstances is to contain, analyze, and report on the situation.

C. If the on-scene units determine that hostages have been taken and there is no apparent means by which to retrieve the hostages, or that a subject has barricaded himself/herself in such a manner that approaching him/her would cause possible injury to deputies or bystanders, the deputies will notify Calvert Control Center of the situation and request that the Sheriff, Commander of Special Operations, and the Commander of the Conflict Management Team be notified.

D. On all hostage/barricade subject responses, the Special Operations Team and Conflict Management Team will be dispatched. The Commander of Special Operations shall be designated as the Incident Commander and will have overall command authority for all operations concerning the event. The Commander of the Conflict Management Team and the senior member of the Special Operations Team will function within the Operations Section of the ICS and report to the IC Commander, Special Operations.

14-350 BOMB THREATS – FIRST RESPONSE

Deputies responding to or coming upon bomb threat situations will take the following immediate steps:

A. Ensure that Calvert Control Center has notified the Sheriff and/or the Commander of Special Operations, who will determine if the ICS will be activated.

B. Portable and mobile radio transmitters will be turned off within 500 feet of the location of the alleged bomb until the scene is secured and determined to be safe. Necessary communications will be made by “land line” telephone (not cellular or portable phone) or by going a safe distance away from the scene to use the radio.

C. Without unnecessarily endangering themselves or individuals occupying the threatened facility, conduct a thorough preliminary investigation to determine, among other things:

1. The validity of the threat.
2. Layout of the threatened facility.
3. Location of any suspect device(s).
4. Population of the threatened facility.
5. What other resources, equipment, personnel, etc. may be needed to contain and control the incident.

The deputy will report this information to the Calvert Control Center and ask that it be relayed to the Sheriff or Commander of Special Operations.

D. Make reasonable efforts to identify and locate the owner, manager, or person otherwise in charge of the threatened facility, and advise them that the decision to disregard the threat, search for a device, and/or evacuate the premises is totally at the owner/agent's discretion, unless the deputy has information that would require an evacuation and/or search.

14-360 SEARCH AND RESCUE OPERATIONS

In the event of a missing person, i.e. child, Alzheimer's patient, etc., the Special Operations Team will be dispatched to conduct search and rescue operations. The Special Operations Team has been specially trained as tactical man trackers and search managers for both land and water. The SOT Commander, or on-call commander, will assume command of the incident and may call on other Agency resources, as necessary.

The Incident Commander will assess the situation and will coordinate the use of other resources to include:

- CCSO K-9 Unit/K-9 Units from allied agencies;
- Civilian search and rescue K-9 teams;
- Additional CCSO personnel;
- Personnel from the County's volunteer fire departments;
- Air support; and
- Volunteer citizens

14-400 SPECIAL EVENTS

A special event is an activity such as a parade, athletic contest, fair, or public demonstration that results in the need for control of traffic, crowds, or crimes. The Patrol Commander or their designee, is responsible for planning for special events.

14-401 PROCEDURE

The Commander of Special Operations, or the Commander of the Patrol Bureau, will develop a specific plan for each event. The plan will reflect, at a minimum, accomplishment of the following tasks:

A. Designation of a single person or position as supervisor and coordinator for the event.

B. Written estimate of traffic, crowd control, and crime problems expected for any given event.

C. Contingency plan for traffic direction and control.

D. Use of special operations personnel, if any.

E. Logistical requirements.

F. Coordination with other jurisdictions, with event planners, or others involved in the event, as well as with Agency personnel.

G. Preparation of an *After-Action Report*.

14-500 VIP SECURITY

The Sheriff, Commander of Special Operations, or a designee will act as the supervisor of any security detail for a VIP. Hereafter the word "supervisor" will refer to the Sheriff or his designee.

- In the event the VIP has an accompanying security detail, the supervisor will work with the person in charge of that detail for a coordination of efforts.

- The supervisor will assign as many deputies as necessary to provide adequate security of the VIP and their staff. If additional staff is needed, the supervisor may contact other area law enforcement agencies for assistance.

14-501 SPECIFIC SECURITY MEASURES

The supervisor will develop a specific security plan for the visit. The plan will reflect, at a minimum, accomplishment of the following tasks:

A. The supervisor will establish all area travel routes for the VIP. The supervisor will work closely with the VIP and/or their staff on these routes. The supervisor will keep in mind the needs of the VIP as well as timetables and public relations requirements. These routes should be pre-planned and pre-traveled to identify any hazards or problems that may arise. Alternate routes should be planned.

B. The supervisor will evaluate the need for and make arrangements for obtaining any special-use equipment, including communications equipment, which may be needed during the visit.

C. The supervisor will coordinate with Calvert Control Center to establish specific communications protocols for the visit.

D. The supervisor will make advance inspections of any sites or facilities to be visited or used by the VIP. Ingress and egress of the locations should be noted as well as any other problems of a security nature that the supervisor notices.

E. When the VIP has their own security detail which keeps intelligence information on groups or persons that may be hostile towards the VIP, the supervisor will pass on any information the Calvert County Sheriff's Office has regarding these groups or persons.

F. It may be required that the supervisor arrange for an ambulance to be at each site that the VIP visits. Planning will also be made for the most direct route to the nearest hospital.

G. If necessary, special identification (e.g., lapel pins) will be used to identify those who are armed law enforcement personnel and those who may be given unescorted access to

the VIP or areas to be visited by the VIP.

14-600 CCSO'S SPECIAL OPERATIONS TEAM

The Calvert County Sheriff's Office Special Operations Team (SOT) is comprised of sworn members of the Calvert County Sheriff's Office. The SOT has been designated in the National Incident Management System as a Tier I National Asset. The SOT has primary counter terrorism responsibility at both the Calvert Cliffs Nuclear Power Facility and the Cove Point Liquid Natural Gas Facility. The SOT has been designated as the Hazardous Material Response Team (HAZMAT) for Calvert County. As a result, the members of the SOT are trained and maintain qualifications in the following areas:

- Special Weapons and Tactics
- Hostage Rescue
- Sniper and Counter Sniper Techniques
- HAZMAT Technicians
- MFRI Fire Fighter I
- CBRNE/WMD Certified SWAT Operations
- Clandestine Laboratory Enforcement (CLET/DEA)
- Explosive Breaching
- Search Management/Operations
- Tactical Man Tracking
- Fast Rope and Rappel Master Certifications
- Maritime Operations DHS Levels I, II, and III
- Public Safety Rescue Divers
- Counter Terrorism Boat Operators
- Tactical Medical Technicians

14-601 DEPLOYMENT

The Special Operations Team will be deployed as needed and as designated by the Commander of Special Operations. Units of the Calvert County Sheriff's Office requiring assistance from the Special Operations Team will notify the Commander of Special Operations.

The Special Operations Team will deploy per team protocols for its various missions. If assistance is needed in addition to those assets available to the Special Operations Team, the Commander of Special Operations will request those assets from either local, state or federal agencies per existing memoranda of understanding.

14-602 COORDINATION WITH OTHER COMPONENTS

In any SOT deployment, the requesting component will prepare and brief the operational plan. When a warrant is to be executed by the SOT, the affiant will take the SOT Commander, when practicable (or a designated member of the SOT) to verify the location in advance of the execution of the warrant.

The SOT Commander will develop the tactical plan, its timing and execution, and will be in charge of all operations until the scene has been secured. Other units will provide such assistance as the SOT Commander may request. When the scene has been secured, the supervisor will turn control over to the requesting component, providing such assistance as may be requested.

14-603 SPECIAL OPERATIONS TEAM SELECTION

The Special Operations Team selection process is an extensive one consisting of various components. Opportunities for membership to the Team arise one of two ways: first, additional slots are added to the team due to increased growth. Second, an opening can occur when a current member leaves the Team. At the time of an opening, the Commander of Special Operations will post an announcement for the opening that will detail the below listed process.

Experience. A deputy must have completed at least two consecutive above average evaluations since completion of field training to enter the selection process.

Application - Upon receipt of notice of an opening, those interested in attempting selection will submit a *Detailed Report* to the Commander of Special Operations indicating their intention.

Selection Phase -The Commander of Special Operations will select a date for the selection phase. The selection phase will have three components; a fitness test, a firearms test, and an oral board.

Fitness Test - The following fitness test must be completed within 32 minutes time.

1. 60 pushups on the fist no rest
2. 70 sit-ups
3. Don ballistic vest and helmet
4. 70 lbs. battering ram, carry 75 yards
5. Ascend and descend three flights of stairs
6. Four (4) dead hang pull-ups
7. Doff ballistic vest and helmet
8. Run three miles

Firearms Test - Upon successful completion of the Fitness Test, those candidates who passed will report to the firing range. Upon arrival candidates will be administered the Department's standard pistol qualifications test. A minimum score of 90% must be attained.

Oral Board - Those candidates who successfully passed the firearms test will immediately report to an oral board. The entire Special Operations Team will sit as the oral board for potential candidates.

Final Selection-Upon completion of the selection process the entire Special Operations Team will review the candidate's performance, both during selection, and at their normal duty assignment. Each team member will have input as to final selection. The Commander of Special Operations in concurrence with the Sheriff makes the final selection.

Upon selection, new members will receive initial training in basic special weapons and tactics for law enforcement officers in a course of at least three week's duration approved by the MPCTC.

14-604 EQUIPMENT

The SOT Commander will maintain and provide to each member of the Team, a list of the items of specialized SOT equipment, that the deputy will maintain in his CCSO-issued vehicle.

14-605 TRAINED NEGOTIATION STAFF

The Calvert County Sheriff's Office has deputies who have been trained in negotiations. Those deputies are available for call-out by contacting Calvert Control Center or the Commander of the Conflict Management Team.

Deputies will be selected to be trained as negotiators with the concurrence of the Commander of the Conflict Management Team and the Sheriff. Availability of negotiator training will be made known to the full Calvert County Sheriff's Office staff so that deputies may make their interest known. Among the elements the Commander of the Conflict Management Team will consider in making selections for hostage negotiator training are:

- **Experience**. Generally, a deputy must have at least three (3) years' experience with the Calvert County Sheriff's Office to be considered for hostage negotiator training. The Sheriff may waive this requirement if circumstances warrant.

- **Aptitude and Attitude**. A deputy must have demonstrated, through successful completion of other assignments, strong verbal communications skills; strong analytical and problem-solving skills; the ability to work as a member of a team; and the ability to work under the pressure of deadlines and other stressors.

Those candidates that successfully meet the above two criteria will be given the opportunity to interview in front of an oral board, consisting of the Commander of the Conflict Management Team, or their designee, and two other Team members.

Upon completion of the oral board process, each candidate will be rated and ranked. The candidate with the highest rating will generally be selected for this position. The Commander of the Conflict Management Team, in concurrence with the Sheriff, makes the final selection.

Upon selection, new members will receive basic conflict management training in a one- or two-week school. The Commander of the Conflict Management Team will ensure that each new member gets training in a timely manner.

14-700 HOMELAND SECURITY

The Commander of Special Operations is responsible for the Calvert County Sheriff's Office's Homeland Security Program. He attends regular Homeland Security meetings at which members are briefed on homeland security issues and exchange information on terrorist threats.

14-701 REPORTING & RELAYING TERRORISM INFORMATION / INTELLIGENCE

A. External Information Receipt

1. The State of Maryland maintains an all-source intelligence fusion center and three satellite offices that serve law enforcement and supports other public service agencies in the State of Maryland. The Maryland Coordination and Analysis Center consists of a 24-hour Watch Section and a Strategic Analytical Section.

    a. The Watch Section provides 24-hour support for federal, state, and local agencies involved in law enforcement, fire, emergency medical service,

emergency response, public health and welfare, public safety, and homeland security in Maryland.

b. The Strategic Analytical Section provides strategic analysis to better focus the investigative activities being conducted by law enforcement agencies within the state and to better enable public health and safety agencies to perform their important protective functions.

2. The MCAC routinely provides threat information and intelligence to local law enforcement agencies including the Calvert County Sheriff's Office and the Southern Maryland Information Center (SMIC).

B. Internal Information Dissemination

1. The Special Operations and Homeland Security Bureau shall disseminate any relevant information/intelligence received from the Maryland Coordination and Analysis Center to all Command and Supervisory Personnel.

a. It is the responsibility of the Commander/Supervisor to determine what information is relevant to their subordinates and disseminate it appropriately (roll call information, email, verbal, etc.)

b. Many intelligence bulletins contain information regarding terrorist trends, tactics, and indicators that are critical to the early recognition of the precursors to terrorist activity. This information is critical to preventing terrorist activity but should be shared judiciously.

c. Communication of the received information will primarily be by email; however, time sensitive information may be relayed verbally.

d. All information received shall be considered Law Enforcement Sensitive, unless otherwise designated, and not forwarded or disseminated outside of the law enforcement community and official communication channels. (i.e. private email accounts)

C. Homeland Security Calls for Service

1. In the course of normal duties, deputies may come across or receive information related to Terrorism/Homeland Security. Deputies may be dispatched to calls for service that may include overt actions such as suspicious activity, thefts of materials, or develop information through self-initiated activity (traffic stops, patrol checks, etc.) important to Homeland Security.

2. Reporting Procedures - deputies who discover information of potential consequence to Homeland Security shall:

a. Document the information utilizing a *Case Report* or *Field Observation Report*.

b. Send a copy of the report to the Southern Maryland Information Center (SMIC).

c. Contact the Sheriff’s Office Special Operations and Homeland Security Bureau.

D. Handling of National Crime Information Center (NCIC) inquiries revealing possible terrorist association.

1. The creation of the Terrorist Screening Center (TSC) has resulted in the integration of the Violent Gang and Terrorist Organization File (VGTOF) into the NCIC. The mission of the TSC is to consolidate government terrorism screening processes, maintain current terrorist identities information, and share information between federal, state, and local law enforcement and intelligence communities. This is achieved through the linking of the terrorist watch list and NCIC making it accessible to all U.S law enforcement agencies.

2. An NCIC check of an individual may reveal that they could be a known or appropriately suspected terrorist watch listed by the TSC.

3. Each terrorist identity record contained in NCIC-VGTOF has a notice that the individual encountered may have possible ties or affiliation to terrorism and instructions to immediately contact the TSC. Each record has a Handling Code giving specific direction on dealing with the individual.

   a. **Handling Code 1:** Approach with caution. The individual is the subject of an arrest warrant and should be detained pursuant to CCSO arrest procedures. Call TSC.

   b. **Handling Code 2:** Approach with caution. Detain the individual for a reasonable amount of time for questioning. Call TSC.

   c. **Handling Code 3:** Question the individual to determine whether they are identical to the watch list individual. Do not alert the individual that they may be on a terrorist watch list. Call TSC.

   d. **Handling Code 4:** Question the individual to determine positive identity. Do not alert the individual that they may be on a terrorist watch list. Call TSC.

4. If a match is returned on any of the four Handling Codes, a supervisor should immediately respond to the scene.

5. In dealing with these subjects Deputies should be aware of the possible presence of Weapons of Mass Destruction (WMD) materials.

6. Only Handling Code 1 and Code 2 provide cause for detention as there is an active federal warrant (Code 1), or the subject is of immediate investigative interest to federal authorities (Code 2). The initiating deputy must confirm all information with TSC.

7. Absent of other factors, a NCIC return of Handling Code 3 or Code 4 does not provide cause for detention. The Deputy's role is to gather information pursuant to CCSO policies and contact the TSC to determine if the subject is the same individual targeted by the hit.

8. Contacting the TSC per NCIC instructions is necessary, however, additional resources such as the MCAC or FCS Homeland Security Section ca be contacted from the scene for additional assistance at the Supervisor's discretion. Following resolution of the contact, the incident should be documented and forwarded to SMIC, MCAC, and CCSO Special Operations and Homeland Security Bureau.

14-702 CBRN AWARENESS LEVEL GUIDELINES

The Calvert County Sheriff's Office's awareness level guidelines for events involving chemical, biological, radiological, and nuclear weapons (CBRN) are found in the DOT's *Emergency Response Guide*, which every deputy has in their possession Awareness level guidelines for hazardous materials are found elsewhere in this Chapter, sections 310 – 314.

14-703 FIRST RESPONDER EQUIPMENT

The Calvert County Sheriff's Office follows the U.S. Department of Homeland Security's Science and Technology Division standards for first responder CBRN equipment.

14-704 TERRORISM AWARENESS INFORMATION

The Calvert County Sheriff's Office is the primary law enforcement agency within Calvert County. The Sheriff's Office is designated within the Federal Response Plan as the primary counter-terrorism agency within the County. As a result, the Sheriff's Office maintains liaison with the Federal Bureau of Investigations Joint Terrorism Task Force. The CCSO maintains minute by minute contact with the Maryland Coordination and Analysis Center (MCAC). MCAC is the fusion center for intelligence sharing within the State. The CCSO routinely publishes MCAC contact information for the reporting of suspicious activity.

14-800 SPECIALIZED VEHICLES

14-801 MOBILE COMMAND VEHICLE (MCV)

The MCV will be stored at a secure site established for this purpose. The vehicle shall be available for use on a call-out basis, twenty-four hours a day. Command responsibility for the MCV is assigned to the Patrol Commander or his designee. The Commander shall create an SOP as may be necessary to comply with the requirements of this section or to clarify any issues involving the maintenance or use of the MCV. Any personnel assigned duties associated with the MCV will be provided a copy of this SOP by the Commander. All such employees shall become familiar with this SOP.

14-801.1 MCV DEPLOYMENT

The MCV is used as a mobile staging/communications facility for the Calvert County Sheriff's Office. The MCV allows Agency personnel the flexibility to rapidly deploy a command, staging and communications facility to a variety of specialized situations including:

- Parades, fairs and other special events;
- Civil disturbances;
- Barricade/hostage incidents;
- Search and rescue operations;
- Major crime scenes;
- Natural and man-made disasters; and
- Any other critical incident/unusual occurrence.

The MCV is designated as “Mobile Command”; however, MCV operators will use their radio identifier when communicating via the radio.

14-801.1.1 REQUESTS FOR DEPLOYMENT FOR CRITICAL INCIDENTS

Any supervisor may request the MCV be deployed for an incident. However, absent exigent circumstances, a command level officer must authorize the deployment. The command level officer should be advised of the type of incident, the exact location, the name of the on-scene commander, and any other pertinent information.

A list of authorized MCV operators will be kept in the Duty Office along with instructions for deployment.

14-801.1.2 REQUESTS FOR DEPLOYMENT BY OTHER AGENCIES

The MCV, upon approval of the Sheriff, or in exigent circumstances of a command level officer, shall be made available to other governmental agencies for critical incidents/unusual occurrences. Other governmental agencies can include, but are not limited to:

- Calvert County Department of Public Safety;
- Any Calvert County Fire/Rescue Department;
- Maryland State Police;
- Any other public safety agency within the County; and
- Other public safety agencies in surrounding jurisdictions.

The command level officer should be advised of the type of incident, the exact location, the name of the on-scene commander and telephone number, and any other pertinent information.

14-801.1.3 REQUESTS FOR PRE-PLANNED EVENTS

For pre-planned events such as a parade, open house, 4TH of July celebration, use of the MCV will be requested through the Patrol Commander. The Patrol Commander will approve the request and assign a driver.

Requests should include the type of event, location, dates/times of commencement and completion, capabilities needed to ensure the proper technical and operational assistance is scheduled, and the contact name and telephone number/e-mail address.
Critical incidents or unusual occurrences will take precedence over all other assignments.

14-801.2 OPERATION

Only approved CCSO drivers will operate the MCV any time it is deployed. MCV drivers must possess at least a class B CDL license and will receive training in the operation of all equipment contained in, or carried on the MCV. The Commander will maintain a list of all approved drivers to be used in call outs. The MCV will not be utilized for any type of routine patrol activities, pursuits or traffic stops. The Patrol Commander, or if he is unavailable, the command officer in charge of the scene, will arrange for a relief driver if a continuous use is anticipated to, or in fact, exceed 10 hours.

The incident commander will recommend a safe location for the MCV to be set up, although it will ultimately be the driver’s prerogative. Consideration must be given to the fact that the MCV’s

overall length is 41 feet and its height is 13 feet 6 inches. The MCV will not be positioned within the inner perimeter of any critical incident where an active threat exists.

The MCV is not a primary response vehicle. Although equipped with emergency lights and siren, the MCV will not exceed posted speed limits and the emergency equipment shall only be activated if required to get through congested traffic or if needed for visibility at the scene.

When deployed, the MCV operator shall operate and remain with the MCV to provide security for the equipment, and to ensure the maximum capabilities of the unit are realized and remain operational at all times. If the operator must leave the MCV for some reason, another CCSO deputy must provide security during the operator's absence. The MCV operator should only leave the MCV for a bona fide reason such as using the restroom. The MCV operator shall not leave the MCV unattended to perform other duties not related to the MCV.

Before and after each deployment, the designated driver will thoroughly inspect the MCV inside and out for operational readiness, cleanliness and damages. The designated driver will be responsible for ensuring that the MCV is properly set up and will assist other personnel in the proper use of the equipment.

After each deployment, the designated driver will ensure that the MCV is fully fueled and returned in a clean, orderly condition with all equipment intact and ready for use.

14-801.3 CARE AND MAINTENANCE

The Patrol Commander will designate a primary driver who will be responsible for scheduled maintenance and service of the vehicle. He will conduct monthly vehicle inspections, a monthly inventory, and will monthly test all equipment assigned to the MCV. He shall complete a monthly vehicle report for the MCV.

In addition, when not deployed during any two-week time period, the Commander will cause the vehicle to be operated for at least 20 minutes and conduct a routine check of its equipment for operational readiness. In addition to completion of the monthly vehicle inspection sheets, a log will be maintained in the MCV to record all inspections, inventories and maintenance.

14-801.4 EQUIPMENT

The MCV is equipped with a variety of communications equipment to include telephones, computers, and radios designed for interoperability. The MCV is also equipped with a refrigerator, microwave, and coffee maker to be used during lengthy deployments. Additionally, the MCV is equipped with basic equipment such as a fire extinguisher and first aid kit.

14-802 BEARCAT ARMORED VEHICLE

A. The BearCat tactical armored vehicle is primarily used to safely transport SOT personnel to and from a critical incident and as a rescue vehicle in high-risk situations, and for SOT training.

B. SOT personnel who have been trained in the use of the vehicle and possess a valid Maryland driver’s license are authorized to drive the vehicle. The vehicle shall only be driven in the performance of their duties.

C. The BearCat should not be used in a manner that may unduly endanger police personnel or citizens due to limitations of vehicle armor.

D. The Special Operations Commander or their designee is responsible for training on the proper use and driving techniques and ensuring the vehicle is properly serviced and maintained.

E. The following equipment is kept on the vehicle: ballistic blanket

14-803 WATERCRAFT

The Calvert County Sheriff's Office maintains a fleet of watercraft to be used on an as needed basis by members of the Special Operations Bureau in the furtherance of their missions. Examples of such uses are but are not limited to; homeland security operations, counter- terrorism efforts, narcotics interdiction, dive operations, maritime security operations, etc. The Commander of Special Operations or his or her designee will authorize such usages.

Members of the Special Operations Bureau will have completed at a minimum the State of Maryland Safe Boaters Course. Designated coxswains will have completed the United States Department of Homeland Security Anti-Terrorism Boat Handlers Course in Glynco, Georgia. Upon completion of this course of instruction coxswains will attend, and successfully complete the United States Coast Guard Captains Course.

The Commander of the Special Operations Bureau will be responsible for the condition and maintenance of all watercraft.

Due to the varying types of watercraft employed equipment to be kept of each vessel will vary slightly. Each vessel will be equipped in accordance with United States Coast Guard directives. Equipment can be but is not limited to; personal floatation devices, flares, horns, first aid kits, etc.

14-804 TACTICAL OPERATIONS VAN

The Special Operations Team currently utilizes one (1) tactical operations van for use on covert operations; such as drug interdictions, the service of search warrants, and other uses as deemed necessary. The tactical operations van deploys with the Special Operations Team, as authorized by the Commander or their designee in charge of the Special Operations Team.

The tactical operations van is painted a nondescript color and has no permanent external markings, to maintain its anonymity. It has tinted windows so that the occupants cannot be seen. The tactical operations van has been specially configured inside to seat up to 14 members of the Special Operations Team.

14-804.1 MAINTENANCE AND OPERATION

Responsibility of vehicle maintenance is assigned by the Special Operations Team Commander to the member of the team with least seniority. Vehicle maintenance is scheduled every June and December of each year, as the van does not accumulate the required 5,000-mile service interval.

The tactical operations van will be stored at the team base of operations in Prince Frederick, Maryland. This is a secure facility with controlled access where it cannot be seen by the public.

When it is deployed, the van may be operated by any Special Operations Team member, or any sworn member as designated by the Commander of the Special Operations Team. The Operation of the tactical van will conform to the Agency policy listed in Chapter 13 of the *Calvert County Sheriff's Office Administrative and Operational Manual*.

14-804.2 EQUIPMENT

The tactical operations van is equipped with a standard police radio. The tactical operations van has emergency equipment installed including red and blue lights, and a siren for emergency vehicle operations.

The following equipment is available for deployment with the tactical operations van. The equipment to be taken on any specific deployment will be determined by the Special Operations Team Commander. The van is equipped with mission specific equipment including, but not limited to:

- Breaching tools
- Ballistic shields
- Rams
- Pry bars
- Bolt cutters
- First aid kits

The Special Operations Team Commander is responsible for ensuring that the tactical operations van and the equipment contained therein is maintained in a state of readiness.

CHAPTER 15
CRIMINAL INVESTIGATION

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	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **CRIMINAL INVESTIGATION**	Chapter **15**
	Affects: **ALL PERSONNEL**	
EFFECTIVE DATE **January 29, 2009**	Rescinds:	Amends: **15-303 on 9/18/20**

15-100 CRIMINAL INVESTIGATION

The purpose of a criminal investigation is to clear the innocent, recover stolen property, and present the accused to a court of law for determination of guilt or innocence based upon facts and evidence developed during the investigation. In most cases, a criminal offender is not apprehended during the commission of the crime. The majority of crimes are solved through a combination of thorough preliminary and follow-up investigations. This chapter relates to the criminal investigation function as performed by both Patrol deputies and deputies assigned to the Criminal Investigation Bureau.

15-200 INVESTIGATIVE PROCESS

The investigative process consists of the preliminary investigation and the follow-up investigation. Distinction between these stages is not always possible. Patrol deputies generally conduct the preliminary investigation, while detectives generally conduct the follow-up investigation. Any one deputy, or group, however, may conduct the entire investigation if circumstances make this option appropriate.

15-201 PRELIMINARY INVESTIGATION PROCEDURES

The preliminary investigation is directly concerned with the arrest of suspects at or fleeing from the scene, and with initial crime-scene processing and recording of information. It is conducted at the scene of the crime and is generally the responsibility of Patrol deputies. In some instances, the preliminary investigation will bring the case to a satisfactory conclusion, limiting or eliminating the need for additional follow-up investigation. The preliminary stage of the investigation includes, but is not limited to, the following tasks:

- Observing all conditions, events, and remarks at the scene
- Securing the crime scene to ensure that evidence is not lost or contaminated
- Providing aid to the injured
- Determining if a crime has actually been committed, and if so, the exact nature of the crime
- Locating, identifying, and interviewing all victims, suspects, and witnesses
- Obtaining written statements from victims, witnesses, and suspects, if such statements can be obtained legally
- Making an on-scene arrest of the suspect, if appropriate
- Maintaining and protecting the crime scene and arranging for the collection of evidence

- Furnishing other units, via communications, with suspect descriptions; direction of travel; and other relevant information concerning outstanding suspects or vehicles
- Conducting a neighborhood canvass, if appropriate
- Accurately and completely recording all pertinent information by preparing and completing the proper report

15-202 FOLLOW-UP INVESTIGATION PROCEDURES

In cases, which require a follow-up investigation, all or some of the following tasks may be necessary:

- Reviewing and analyzing all previous reports prepared in the preliminary stage, Agency records, and results from laboratory examinations
- Conducting additional interviews and interrogations
- Seeking additional information from other police officers, informants, etc.
- Planning, organizing, and conducting searches, and collecting physical evidence
- Identifying and apprehending suspects
- Determining involvement of suspects in other crimes
- Checking suspects' criminal histories
- Preparing cases for court presentation
- Notifying victim(s)/witness(es) of case status

15-300 CRIMINAL INVESTIGATIONS BUREAU

The CCSO has a Criminal Investigations Bureau (CIB) to provide effective management of specialized investigations. The CIB is responsible for investigating the matters identified below.

15-301 AVAILABILITY AND RESPONSE

The Criminal Investigations Bureau (CIB) will be available on a 24-hour/365 day per year basis. The CIB Commander or their designee will ensure that 24-hour coverage is maintained and will publish both a monthly CIB work schedule and an on-call schedule, which will be kept in the Duty Officer's room.

When there is an incident involving serious injury or death as a result of a serious felony, i.e., rape, robbery, assault, kidnapping, carjacking, neglect or abuse, contact the on-call detective to respond. The on-call detective will then contact the CIB Assistant Commander to also notify the CIB Commander.

For any other incident where it is necessary to contact a detective from the on-call list, i.e., burglaries, frauds, abuse, or neglect cases not involving serious injury or death, the duty officer will contact the on-call detective directly. The duty officer will then briefly outline the details of the incident in an email to the CIB Commander and Assistant Commander.

15-302 DETECTIVES ATTENDANCE AT ROLL CALL

Periodically, detectives will attend roll call briefings conducted for Patrol deputies to enhance relationships between these entities and provide for the exchange of information.

15-303 INVESTIGATIONS CONDUCTED BY CRIMINAL INVESTIGATIONS BUREAU

The below listed offenses/incidents (15-304) are not meant to be all-inclusive. Any criminal offense may be assigned to a detective if, in the opinion of the Commander or Assistant Commander of CIB, the involvement of a detective would improve the chances of satisfactorily resolving the case. Patrol deputies will generally investigate offenses not listed; complete a preliminary and follow-up criminal investigation and submit all required reports. This policy is not intended to prevent a Patrol deputy from remaining involved in a serious investigation that they were initially assigned. With the approval of their supervisor, the Patrol deputy may assist in the investigation; however, the assigned detective will be the lead investigator.

Should an investigation by the Sheriff's Office present a potential conflict of interest or position, the Sheriff or Assistant Sheriff may approve another Maryland law enforcement agency to assist or conduct the investigation.

15-304 PRELIMINARY INVESTIGATIONS

Detectives from the Criminal Investigations Bureau will investigate and provide primary response and subsequent follow-up, regardless of time of occurrence or if an arrest was made, for the following incidents:

1. Homicides, attempted murder
2. Suicides
3. All other death investigations, except those resulting from motor vehicle crashes or unattended deaths supported by a medical prognosis
4. Attempted suicides resulting in traumatic or life-threatening injuries
5. All robberies
6. Rape, sexual offenses, except those in the 4th degree
7. First degree assaults
8. Kidnapping, abduction
9. Carjacking
10. Commercial burglaries
11. Child abuse investigations
12. Vulnerable adult investigations
13. Felony drug violations
14. Use of deadly force by or against Agency personnel
15. Incidents with criminal overtones involving Agency personnel
16. Unusual incidents or serious crimes whose management, as determined by the CIB Commander or Assistant Commander, or Sheriff, would be enhanced by the on-scene response of a detective

15-305 FOLLOW-UP INVESTIGATIONS

Detectives from the Criminal Investigations Bureau will be assigned follow-up investigation of the following incidents:

A. Residential burglaries, except those in the 4th degree

B. Critically missing persons

C. White-collar crimes (embezzlement, fraud, computer crimes, identity theft, etc.)

D. Thefts involving substantial loss or unique characteristics

E. Crimes involving one or more of the following factors:

1. Multi-jurisdictional violations
2. Coordination with other law enforcement agencies
3. Specialized interview/interrogation skills
4. Serial/repetitive crimes
5. Specialized investigative activities (surveillance, wire tap, search warrant, line-up, firearms tracing, etc.)
6. Multiple crime scenes, extensive crime scene processing

F. Any incident/crime as directed by the CIB Commander or Assistant Commander, or Sheriff.

15-306 PRE-EMPLOYMENT BACKGROUND INVESTIGATIONS

A. The Agency shall perform a comprehensive background investigation on all applicants for the position of deputy sheriff to determine that the applicant:

1. Is of good moral character and reputation.
2. Is emotionally stable.
3. Displays the behavior necessary to perform the duties of a police officer.

B. The background investigations shall include the following:

1. Verification of qualifying credentials.
2. A check of military records, when applicable, including obtaining a complete copy of the discharge document.
3. A report from a credit agency regarding the applicant's current and past credit history.
4. An examination of school records or interviews with school officials if the applicant attended school within the last 5 years.
5. Interviews of:

   a. Personal references furnished by the applicant (at least 3).
   b. Neighbors of the applicant within the past five (5) years.
   c. Current and past employers within the last five (5) years.
   d. Co-workers within the last five (5) years.

6. An investigation of the prior use of controlled dangerous substances by the applicant as specified under Regulation 19 of Maryland Police and Correctional Training Commission (MPCTC) standards;
7. Review of any criminal record.

C. The background investigator shall also determine whether an applicant is a loyal United States citizen and appears to be mentally, physically, and emotionally fit to perform law enforcement duties. Interviews may be conducted:

1. In person.
2. By telephone.
3. By completion of an Agency form and questionnaire by the interviewer or individual interviewed.
4. By using other methods designed to elicit useful information from an individual to predict future job performance.

In-person interviews should be conducted for those interviewed who are located within 50 miles of Calvert County. Personal references, and others residing outside the State, may be contacted by correspondence or telephone. When the applicant has resided or been employed out of state, portions of the background investigation may be performed by an appropriate law enforcement agency in that area.

The background investigator shall fingerprint an applicant and submit these records to the appropriate local, state, and national agencies for a search of criminal justice files. The background investigator shall also perform a computer criminal history check utilizing the METERS/NCIC databases. A check of the applicant's driving record will also be performed utilizing the MVA database and/or any out of state motor vehicle databases.

When an individual makes an employment application to the CCSO, that individual will sign a release allowing the background investigator to obtain information that would ordinarily be unavailable or require a court order; e.g., medical records or financial records. Normally these records are easily obtainable once a written authorization has been obtained.

Deputies also conduct pre-employment background investigations on non-sworn personnel such as dispatchers and Animal Control officers. These investigations are conducted in the same manner as prescribed above.

15-307 SEXUAL ASSAULT INVESTIGATIONS

The initial contact with the victim of a sexual assault is critical to a successful investigation and conclusion of the case. Because of the nature of these offenses, the victim must be treated with patience and understanding. There will probably be a need to obtain quick lookout information; however, this need must be considered and handled in light of the victim's condition and state of mind. The victim's emotional and physical health should be of primary concern to the initial responding deputy and detective. The Sheriff's Office is committed to the compassionate treatment of victims of sexual assaults.

15-307.1 INITIAL RESPONSE

Patrol deputies will generally be the first to have contact with a victim. They do not have the responsibility to completely investigate first or second-degree rape nor first, second or third-degree sex offenses. Their responsibilities do include the following:

A. Quickly assess the need for medical attention by the victim and provide this attention as it is found to be needed.

B. Dependent upon the victim's condition, obtain a description of the suspect(s) and of any involved vehicle(s).

C. Verify in general that a specific crime has occurred. It is not necessary at this point to ask for specific graphic descriptions of the particular acts committed.

D. Broadcast a radio lookout for any suspect(s) and/or vehicle(s), giving their last known direction of travel if that information is available.

E. Request additional deputies, a supervisor, and a detective as needed.

F. Protect the victim from further trauma by calm reassurance and removal to a private area as soon as possible.

G. Locate and protect the crime scene, including the physical evidence on the victim's body. This should be accomplished by explaining to the victim the need to not bathe, change clothes, eat or drink.

H. Sympathetically listen to the victim's feelings and emotions, providing verbal support; however, the victim should not be touched or held except to provide immediately needed first aid.

I. Keep the victim continually informed as to what is happening and how and why the investigation is being conducted.

J. Patrol deputies are expected to handle the complete investigation of fourth degree sex offenses only and should conduct in-depth interviews in these cases only, unless they are specifically assigned to do otherwise by a detective or supervisor.

K. When conducting neighborhood or witness interviews, do not volunteer the information that you are investigating a rape or sex crime; instead indicate, when necessary, that it is a serious crime or assault.

L. The initial responding deputy, and any deputy who in any way participates in the initial response to a sex offense, will complete a supplemental report. This report is particularly required of any deputy who questions the victim, a witness, or a suspect. It is also required of a deputy who participates in a neighborhood canvass, search for or protection of the crime scene or any piece of evidence, or who, in responding to the scene, noticed anything unusual or of interest in the case.

15-307.2 CRIMINAL INVESTIGATIONS BUREAU RESPONSIBILITIES

It shall be the responsibility of detectives from the Criminal Investigations Bureau to assume the investigation of all reported first and second-degree rape cases, and all first, second or third-degree sex offense cases. If the initial report of the offense is made within one-hundred twenty (120) hours of its occurrence, adult victims will be transported to the emergency room of Calvert Health Medical Center (CHMC) where a Sexual Assault Forensic Examiner (SAFE) nurse will be called. The detective assigned will call the SAFE nurse to conduct an examination and collect any physical evidence. In the case of a child victim, this examination may be conducted even if the report is not received within one-hundred twenty (120) hours of the assault. The primary detective in the case is responsible to decide the value of such an examination in these cases.

15-307.3 VICTIM INTERVIEWS

The following guidelines will be adhered to when conducting interviews of victims of sexual assault. The investigating deputy should endeavor to make the interview as comfortable as possible for the victim, while at the same time, acquiring the information necessary to successfully conclude the case.

A. The interviewer should make a professional introduction and express his sincere concern for the victim's well-being and his devotion to a successful conclusion of the case.

B. The victim should be addressed with dignity using the victim's last name and appropriate title.

C. Assure the victim that the Sheriff's Office will vigorously pursue the suspect and in all possible ways provide for the victim's safety.

D. Express an empathetic attitude towards the victim and provide assurance that the crime was not the fault of the victim.

E. Convince the victim of the competence and experience of the interviewer and explain the necessity of asking very personal questions.

F. Explain that the interview will be as brief as possible, consistent with the need to obtain information critical to the successful arrest and prosecution of the suspect.

G. An initial interview may be delayed due to the victim's physical or emotional condition. In any event, a second interview will be conducted at a point where there has been sufficient time since the assault to allow the victim to recover from the initial stress induced by that event.

H. The victim will be provided the name and telephone number of the primary detective in order that there remains a flow of information between the Sheriff's Office and that victim, during the course of the investigation and any subsequent prosecution of the case.

I. The victim should at all times be made to feel safe, guiltless, and confident in what will be done as a result of her cooperation with the Sheriff's Office.

15-307.4 VICTIM SUPPORT

As soon as practical during the investigation, the Crisis Intervention Center will be contacted, and a counselor will respond to provide support and advocacy to the victim.

15-307.5 ANONYMOUS SEXUAL ASSAULT REPORTING PROGRAM

The 2005 Violence Against Women Act states that a victim of sexual assault is not required to participate in the criminal justice system in order to be provided with a forensic medical exam. In these cases, the victim’s identity shall remain anonymous and the following procedures shall be followed:

A. If a victim contacts the hospital and wishes to have an evidentiary exam without a police investigation being conducted, a hospital staff member will contact the Sheriff's Office and request a case number. The call taker will generate a call for service entitled, "Police Information". In the remarks of the call for service, the call taker will indicate "Anonymous Sexual Assault Report" and the disposition will be NF – "No further."

B. The on-call Forensic Nurse Examiner (FNE) will be the contacted by the triage nurse at the hospital.

C. When the exam is complete, the nurse will again contact the Sheriff's Office and request that a deputy pick up the Sexual Assault Evidence Collection Kit and any other associated evidence, such as clothing. The deputy will document the chain of custody ensuring that the nurse's information is obtained. The deputy will transport the evidence to the Sheriff's Office and place it into Property Held per Agency policy. Any clothing or other non-biological evidence will be placed into Property Held per Agency policy as well.

D. Evidence will be maintained for 20 years from the date of the exam. If the victim has not contacted law enforcement to have the case investigated, all related evidence will be destroyed.

15-308 IDENTITY CRIME

Identity crime occurs when someone uses your personal information without your permission to commit theft/fraud or other crimes. Identity theft costs businesses, consumers, and individuals billions of dollars. Significant credit problems and financial loss affect an individual for years. Identity crime has been directly linked to terrorist activities in both funding operations and obtaining documents for illegal purposes.

15-308.1 PRELIMINARY INVESTIGATION

Patrol deputies will generally be responsible for conducting the preliminary investigations for identity crimes. Identity crime investigations will be conducted as follows:

A. The deputy will gather information from the victim and will complete a report. A police report is critical in helping victims get rid of fraudulent debts and clear up their credit reports.

B. Advise the victim to call the toll-free fraud number of any one of the three major credit bureaus (Equifax, Experian [TRW], and TransUnion Corp) to place a fraud alert on their credit report. Fraud alerts can help prevent an identity thief from opening additional accounts in victims' names. As soon as the credit bureau confirms the fraud alert, the other two credit bureaus will automatically be notified to place fraud alerts, and all three credit reports will be sent to the victim free of charge.

C. Advise the victim to close the accounts that the victim knows or believes have been tampered with or opened fraudulently.

D. Advise the victim to consider filing a complaint with the Federal Trade Commission (FTC) using the online complaint form at www.consumer.gov; or call the FTC's Identity Theft Hotline at 1-877-ID-THEFT (438-4338); OR WRITE Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580.

E. Give the victim a copy of the *Calvert County Sheriff's Office Identity Crime Brochure*, which contains information on how to contact the three major credit bureaus and how to file a complaint with the Federal Trade Commission. It also contains information on how to minimize the risk of being a victim of identity crime.

15-308.2 FOLLOW-UP INVESTIGATION

The initial report will be forwarded to a CIB supervisor for review. Identity crime, by its very nature, is an extremely difficult case to solve. The CIB supervisor will review the initial report and determine if the case requires any additional investigation. If additional investigation is required, they will determine if the initial investigator or a detective should conduct the follow- up investigation. Generally, detectives will conduct follow-up investigation on identity crime cases that require a very lengthy investigation, have suspects who reside outside of Calvert County, or require subpoenas or search warrants.

15-308.3 PUBLIC AWARENESS PRESENTATIONS

The Calvert County Sheriff's Office will have personnel available to conduct public awareness presentations regarding identity crime. These presentations will be given when requested and periodically at public forums such as Neighborhood Watch meetings.

15-309 COLD CASE INVESTIGATIONS

Over a period of time the position of persons involved in crimes and various other factors in a criminal investigation situation, may change and present new opportunities for law enforcement to solve the case. With advances in DNA (deoxyribonucleic acid) analysis, law enforcement has made a great advancement in its ability to identify unknown offenders, even years after the crime occurred.

DEFINITION: A ***cold case*** is defined as a criminal investigation of a serious felony that remains unsolved. Typically, cold cases involve crimes of violence such as murder, rape, and robbery. The following criteria will be used when evaluating whether a cold case will be investigated:

1. Does a statute of limitation prevent prosecution?
2. Does new technology exist and is there evidence to process with the new technology?
3. Has someone confessed to the crime and if so, is his or her statement credible and corroborated?
4. Has a reliable, competent witness come forward?
5. Has any other new information come to light that can be investigated?

The CIB Commander will ensure that cold cases that meet the criteria above are assigned to a detective(s) and all leads are thoroughly investigated. All of the detective's actions and activities, including lab results and interviews, will be documented by completing supplemental reports. These reports will be placed in the original case file.

15-310 CHILD ABUSE INVESTIGATIONS

A. Immediately upon receipt of a report or information concerning a suspected child abuse case, the Calvert County Department of Social Services, Child Protective Services Unit shall contact the Calvert County Sheriff's Office. The Child Protective Services (CPS) Unit shall attempt to reach the Criminal Investigations Bureau (CIB) by phone. If unable to reach a member of CIB by phone, CPS shall telephone the main number of the

Sheriff's Office and provide as much of the following information as is available at that time:

1. Name and age of the abused child;

2. Street address, directions to the address, and telephone number of the abused child;

3. Identity of the suspected abuser, street address and directions to the address of the suspected abuser;

4. Name, street address, directions to the address, and telephone number of the child's parents, guardians or custodians; and

5. Nature of the suspected abuse.

B. If the Calvert County Sheriff's Office receives a report of suspected child abuse, the Agency shall immediately contact the CPS Unit. During non-business hours, contact will be made by way of a prepared schedule of extended-hour staff provided by the DSS. The deputy making the notification shall provide as much of the following information as is available at that time:

1. Name and age of the alleged abused child;

2. Street address, directions to the address, and telephone number of the alleged abused child;

3. Identity of the suspected abuser, street address and directions to the address of the suspected abuser;

4. Name, street address, directions to the address, and telephone number of the alleged abused child's parents, guardians or custodians; and

5. Nature of the suspected abuse.

15-311 DEATH INVESTIGATIONS

The following procedures will be followed in order to address any **suspicious circumstances** or **potential criminal activity** relating to a death investigation.

In any case where a deputy handles a call for service resulting in the death of a person(s), which is suspicious in nature or has potential criminal overtones, the responding deputy will make contact with an on-duty/on-call forensic investigator, CIB, and Crime Lab. This includes both unattended and attended deaths. It also includes assist sick/injured calls when the victim is transported to a medical facility and pronounced dead upon arrival or shortly thereafter

If the death or assist sick/injured person(s) does not appear to be suspicious in nature or have criminal overtones; the deputy performs life saving measures; and/or the person receives treatment from a medical facility and sustains life after arrival, no Death Report needs to be completed. An Incident Report documenting the incident will be completed.

For fatal overdoses, a DEU detective will be contacted in addition to a detective and forensic investigator.

For all of the aforementioned cases, a Death Report must be completed, regardless of whether or not CPR was in progress, prior to the ambulance leaving the scene. Ensure the scene is well documented with photographs, and all evidence is preserved and collected prior to leaving the scene.

A Death Report will also be completed at the direction of the forensic investigator, or if the decedent is transported to the medical examiner's office.

15-400 CASE SCREENING

The Criminal Investigations Bureau Commander or their designee is responsible for reviewing all criminal reports. They determine which cases are to be forwarded to CIB detectives for follow-up. They also determine which cases should be suspended or remain open by the initial investigator. Factors used in determining the case status include, but are not limited to:

1. Can the suspect be identified?
2. Can the suspect vehicle be identified (tag number)?
3. Is there a positive fingerprint match?
4. Is there a description of the suspect vehicle?
5. Is there a description of the suspect?
6. Is there at least one witness to the crime?
7. Is there an identifiable fingerprint?
8. Is there traceable property?
9. Is there a significant Modus Operandi (M.O.) or pattern?

Serious cases such as homicides, rapes, and other crimes against persons will be thoroughly investigated regardless of the number of existing solvability factors. A case should only be suspended when all investigative leads have been exhausted.

15-401 CASE FILE MANAGEMENT

A. The Calvert County Sheriff's Office utilizes a computerized case status control system to record the following information:

   1. Case number
   2. Assigned investigator
   3. Date assigned
   4. Due date of supplemental report

B. The following administrative designations are used to indicate the case status for each case:

   1. **Open** - indicates that the case is assigned to an investigator and investigative efforts are on-going.

   2. **Suspended** - indicates that all investigative efforts have been exhausted, but the case was not able to be satisfactorily resolved. A suspended case may be re-opened at any time new information or leads become available. A supplemental report will be completed documenting the new information and any new investigative efforts.

3. **Closed** - indicates that the case has been satisfactorily resolved by:

   a. Arrest – A case is closed by arrest when at least one suspect is apprehended through an on-view arrest, arrest warrant, or other charging document.

   b. Exceptional – A case is closed by exceptional means when some element beyond law enforcement control precludes a physical arrest.

      (1) Death of the offender

      (2) Prosecution declined

      (3) Extradition declined or

      (4) Victim refused to cooperate

   c. Unfounded – A case is unfounded when it is determined through investigation that the alleged offense/incident did not occur.

C. The master case file will be kept in the Records Section of the Sheriff's Office. The case file will contain the original copies of the investigative report, written statements, results of examinations of physical evidence, supplemental reports, and other reports and records needed for investigative purposes.

   The assigned investigator may also maintain a case file to be used as an immediate resource. The assigned investigator's case file shall contain only photocopies of reports/records and all originals will be forwarded to the master case file.

D. Case files of criminal investigations are accessible by personnel on a 24-hour basis. The files shall only be accessed for official purposes. Reports and records for on-going investigations regarding vice, drugs, organized crime, or any other sensitive investigation, as deemed by the Criminal Investigations Bureau Commander, will not be placed in the master case file until the case is either suspended or closed. They shall be kept in a confidential file.

E. Master case files will be retained indefinitely.

15-500 VICTIM NOTIFICATION OF CASE STATUS

Maintaining contact with victims, witnesses, and other principals in any investigation is valuable in building public confidence in the Agency, as well as indicating that the law enforcement officers are genuinely concerned about the welfare of the victim and other citizens associated with the case. The lead investigator for every case will maintain contact with the victim and shall notify him/her any time there is a change in the case status.

15-600 FELONY SCREENINGS

Screening is a process wherein the arresting deputy or detective assigned to a felony case will meet with the prosecuting attorney from the State's Attorney's Office and present their case for possible indictment. This process only involves felony cases where an adult is charged or when a juvenile is charged as an adult. This process ensures that all information regarding the case is brought to the attention of the attorney in order that:

1. The case can be properly charged.

2. All pre-trial matters such as forensic testing of physical evidence, written statements, and documentary evidence are completed well in advance of trial.

3. Any problems/issues are discovered and resolved as soon as possible.

Deputies will make a screening appointment with the appropriate attorney from the State's Attorney's Office within 48 hours of making the felony arrest. Unless unavoidable, the appointment will be scheduled during the deputy's normal work hours. Deputies will make this notification via email and/or telephone, making note of the person with whom they spoke. In instances where notifications are made after hours, it will be the deputy's responsibility to keep a record to verify they made contact w/the State's Attorney's Office.

Deputies will bring to the screening any photographs taken and photocopies of the following:

1. Charging document
2. All police reports, including supplements, completed by other deputies
3. The deputy's notes
4. Property records
5. Defendant's criminal history

After screening the case, the attorney may determine that additional investigation is required. The deputy will ensure that the additional investigative tasks are completed and forwarded to the attorney within the timeframe determined by the attorney.

15-700 TASK FORCES

15-701 HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA)

The Drug Enforcement Unit will assign a detective to the Washington/Baltimore HIDTA group. The task force purpose, defining authority, and responsibilities are detailed in the written "Task Force Agreement." This agreement can be located in the master file, maintained by the Executive Administrative Aide.

The detective will coordinate investigations with HIDTA and the Calvert County Sheriff's Office. The detective shall adhere to the policies and procedures of HIDTA and the Calvert County Sheriff's Office. The supervisor of the Drug Enforcement Unit will have the responsibility of evaluating the detective with input from the HIDTA supervisor.

The Sheriff or their designee will regularly evaluate the results of the task force and the need for continued participation by the Calvert County Sheriff's Office.

15-702 PARTICIPATION IN MARYLAND CRIMES AGAINST CHILDREN

The Calvert County Sheriff's Office has entered into a Memorandum of Understanding (MOU) with the Maryland State Police and the Calvert County State's Attorney's Office to achieve maximum cooperation in a combined law enforcement effort aimed at combating Internet crimes against children in the State of Maryland and nationwide. Through this MOU, participants agree to participate in the Maryland Internet Crimes Against Children Task Force (MDICAC) for the purpose of promoting a coordinated effort in investigating and prosecuting said crimes. Through its participation in MDICAC, the Agency benefits from grant resources, joint operations, and training opportunities.

The task force's defining authority and responsibilities are detailed in the written MOU. A copy of the MOU is located in the master file, maintained by the Executive Administrative Aide.

The Sheriff or their designee will regularly evaluate the results of the task force and the need for continued participation by the Calvert County Sheriff's Office.

15-703 SOUTHERN MARYLAND INFORMATION CENTER (SMIC)

The SMIC is a Criminal Intelligence task force comprised of the Maryland State Police, Calvert County Sheriff's Office, Charles County Sheriff's Office, St. Mary's County Sheriff's Office, and the Maryland Coordination and Analysis Center (MCAC). It is the mission of the Southern Maryland Information Center (SMIC), to collect, evaluate, and disseminate information on known or suspected criminal violators, groups or organizations for analytical exploitation. To provide Calvert, Charles, and St. Mary's Counties with timely information regarding matters directly or indirectly affecting the security and welfare of the Southern Maryland area. Areas of priority for attention by the SMIC Task Force agents include criminal enterprise, gangs, multi- jurisdictional crimes, threats to government officials, and specific investigations as directed by the Board of Directors.

The SMIC website address is www.smictf.com.

15-703.1 RESPONSIBILITIES AND ORGANIZATION

The Southern Maryland Information Center will maintain an awareness of all specified and defined criminal activities occurring within in its jurisdictional boundaries. Crimes meeting the established criteria will be reviewed and analyzed by SMIC civilian analysts and the data provided to participating agencies. Such analysis will include identification of crime patterns and identification of suspect patterns. Additionally, the SMIC Task Force may engage in investigations arising from such analysis or assist with active investigations by member agencies. These crimes are defined as follows:

1. Any crime with a gang nexus
2. All robberies, including strong armed robberies
3. All property destruction crimes involving the application or discovery of graffiti
4. Any crime involving a threat to a government official
5. All commercial and residential burglaries
6. Any theft involving the taking of a firearm
7. Homicide
8. All non-domestic assaults
9. All suspicious activity/people/vehicle reports
10. All crimes classified as motivated by race, religion, or ethnicity (RRE)

The Southern Maryland Information Center Task Force will utilize assigned investigators from member agencies, including the Charles County Sheriff's Office, the Calvert County Sheriff's Office, the Maryland State Police, and the St. Mary's County Sheriff's Office. Civilian Analysts will be employed by the SMIC for crime pattern analysis and publication management. SMIC records will be maintained by an Intelligence technician employed by a member agency or the SMIC.

The Task Force's defining authority and responsibilities are detailed in the written MOU. A copy of the MOU is located in the master file, maintained by the Executive Administrative Aide.

The Sheriff or their designee will regularly evaluate the results of the task force and the need for continued participation by the Calvert County Sheriff's Office.

15-800 CONFIDENTIAL INFORMANTS

The use of confidential informants is important to the satisfactory completion of many investigations, including patrol related investigations; drug, vice, and organized crime control functions; and intelligence functions.

It is the policy of the Calvert County Sheriff's Office to use confidential informants, as appropriate, to carry out its law enforcement mission. Paid informants will only be used when the information that they are capable of providing is deemed reliable, and necessary to a criminal investigation, and unavailable through other means.

15-801 DEFINITION

DEFINITION: A ***confidential informant*** is any person, other than criminal justice or law enforcement personnel, who provides information that is useful for investigative purposes. Generally, confidential informants have expectations of receiving something of benefit in return for providing information. Examples are financial gain or reduction or dismissal of criminal charges.

15-802 MASTER FILE

A. Deputies or detectives utilizing confidential informants will adhere to the following procedures:

1. Informant information will be documented in a master informant file, secured in a locked file cabinet and maintained by the Drug Enforcement Unit supervisor.

2. Each deputy or detective who develops an informant must prepare a confidential memo to the Drug Enforcement Unit supervisor, which includes at a minimum, the following information:

   a. Name, aliases, address(es), telephone numbers, associates, physical description, habits, degree of danger to self and and/or others, and any other biological and background information.

   b. Criminal history record.

3. The Drug Enforcement Unit supervisor will prepare a file, which shall contain the following:

   a. A *Confidential Informant Registration* form which contains biographical and background information, criminal history record, and the code number for the informant;
   b. *C.I. Contact* form used to document all contact with the informant;
   c. *Liability Waiver and Conduct* form;
   d. *State's Attorney contract* if applicable*;* and
   e. Any other relevant information such as *Controlled Buy Information Sheets.*

B. Once an individual informant file has been prepared on an informant, it will be the deputy's responsibility to keep the file up to date by forwarding all new information such as transactions, money paid, etc. to the Drug Enforcement Unit supervisor.

15-803 GENERAL PRECAUTIONS

The Drug Enforcement Unit supervisor will maintain a locking file for informant files. They will be the only person to have regular access to the files, although they may designate another deputy to maintain the file in their absence.

The DEU supervisor is responsible for the maintenance of the master file and shall purge any files deemed inactive. Generally, an informant is considered inactive if he has not had contact with the handling detective for more than one year and in the registering detective's opinion, it is not likely the informant will be used again.

Informant files are subject to inspection only by the Criminal Investigations Bureau Assistant Commander, Commander, the Assistant Sheriff, or the Sheriff.
Deputies will not make any "deals" with individuals relating to charging, pleading, or sentencing. Deputies will consult with the State's Attorney's Office regarding these matters.

PRECAUTIONS WITH INFORMANTS: Deputies should deal with informants very carefully, particularly those of the opposite sex of the deputy. Deputies should avoid meeting with informants of the opposite sex by themselves, if possible.

Unlawful activities by informants shall not be encouraged or condoned. Deputies shall not knowingly maintain social relationships with informants or otherwise become personally involved with informants.

15-804 JUVENILE INFORMANTS

Juvenile informants will only be used with approval from the juvenile's parents, and the Drug Enforcement supervisor.

15-805 PROTECTING IDENTITIES

A. The identity of an informant will be kept confidential and will only be revealed to those persons who have a need to know, such as the State's Attorney, supervisors overseeing the investigation, etc.

B. To ensure protection of the identity of a confidential informant, the registering detective will:

1. Instruct the confidential informant during initial briefing not to discuss their role as a confidential informant with anyone.

2. Refer to the confidential informant only by the C.I. number in all written reports/correspondence or simply "confidential source/confidential informant."

3. Provide confidential informant with telephone numbers, or other means of contacting the involved detective(s) directly, in order to reduce the need for the confidential informant to call the Sheriff's Office.

4. Selecting inconspicuous and varied meeting locations to minimize being seen by other persons.

5. Limit confidential informant exposure to other members of law enforcement.

15-806 PAYMENT OF CONFIDENTIAL INFORMANTS

Payment of confidential informants will be handled in the following manner:

A. The deputy advises the Drug Enforcement Unit Supervisor of the need to pay the informant and the amount of funds required.

B. If the payment is approved, the necessary funds are then made available.

C. The confidential informant is given the money and they then sign a receipt. A copy of the receipt is given to the informant and a copy is placed in the informant file, documenting the payment.

15-900 DRUGS, VICE AND ORGANIZED CRIME OPERATIONS

The Calvert County Sheriff's Office will, as part of its criminal law enforcement responsibilities, vigorously pursue violators of drug, vice, and organized crime statutes. Left unchecked, these violations can seriously degrade the quality of life for the citizens of Calvert County. For the purposes of this section:

- ***Drug complaints*** mean the possession, distribution, and/or sale of illegal and controlled dangerous substances.

- ***Vice complaints*** mean involvement in prostitution, illegal gambling, and distribution/sale of obscene and pornographic materials.

- ***Organized crime*** means the unlawful activities committed by organized groups, gangs or associations.

When a member of this Agency receives a complaint regarding vice, drug, or organized crime activity, they will adhere to the following procedure:

A. Determine whether or not the complaint requires immediate action. If so, determine whether the initial response would best be handled by a Patrol deputy, or a detective from the Criminal Investigations Bureau. If necessary, the call taker should consult with a supervisor when determining whether to assign the call to a Patrol deputy or a detective.

B. If the call will be assigned to a Patrol deputy, a call for service will be started capturing all relevant information, and a deputy will respond to investigate the complaint. The deputy will ensure that the final disposition is captured appropriately in the call for service screen, and a report is written. They will complete a *Drug/Vice/Organized Crime Complaint Notification form* and forwarded to the Assistant Commander of CIB for review and subsequent assignment of the complaint if necessary.

C. If the call taker and/or Patrol supervisor determines that immediate action by a detective from CIB is necessary, the supervisor of the Drug Enforcement Unit (DEU) will be contacted for drug complaints and they will assign a detective(s) to investigate the

complaint. The Assistant Commander of CIB will be contacted for vice and organized crime complaints and they will assign a detective(s) to investigate the complaint.

D. If the call taker determines that an immediate response by a Patrol deputy or detective is either not feasible, due to the nature of the complaint, *or* not desirable, the call taker will complete a *Drug/Vice/Organized Crime Complaint Notification* form. The form will be forwarded to the appropriate supervisor for review and subsequent assignment of the complaint.

E. Gather all pertinent information and investigate to the fullest extent possible.

F. Anytime a Patrol deputy makes a felony drug arrest, the supervisor of the DEU is to be notified. The DEU supervisor will determine whether or not it is necessary to have a detective respond to assist with the investigation. If the felony arrest is related to vice or organized crime, the Assistant Commander of CIB is to be notified and they will determine whether or not it is necessary to have a detective respond to assist with the investigation.

15-901 COMPLAINT RECEIVING AND PROCESSING

Deputies may receive complaints from any source, e.g., anonymous, letters, by telephone and from other law enforcement agencies. These procedures will be followed for all complaints of this nature.

Drug/Vice/Organized Crime Complaint Notification forms will be maintained by the DEU Supervisor. They will assign a detective to handle each complaint and ensure follow-up. The detective's name will be noted on the form. Upon completion of an investigation, the final disposition will be noted on the form. If, however, a *Case Report* was generated, the form will be attached to the report. The form will be kept for two years from the date of final disposition, and then destroyed, unless it is incorporated in a *Case Report*.

If a complaint is related to activity occurring outside of the CCSO jurisdiction, the employee receiving the complaint shall ensure that all relevant information is conveyed to the appropriate law enforcement agency in that jurisdiction. The employee may confer with the Drug Enforcement Unit Supervisor if necessary.

The supervisor of the Drug Enforcement Unit will be responsible for keeping the Commander and Assistant Commander of the Criminal Investigations Bureau abreast of current and emerging drug trends, as well as large or noteworthy cases handled by the unit. The Commander and/or Assistant Commander will advise the Sheriff and Assistant Sheriff of these activities on a regular basis.

15-902 CLOSING / SUSPENDING CASES

The supervisor of the Drug Enforcement Unit is responsible for determining case status, based on:

- The source, nature, and potential validity of the information.
- The severity of the problem and the impact on the community.
- The investigative steps necessary and resources required to maintain an investigation.
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15-903 SEPARATION OF RECORDS

The Commander of CIB will ensure that all records generated as a result of an active investigation regarding vice, drug, or organized crime will be maintained separately from the central records system. They will be kept in a secure location. Access to these case files is limited to CIB supervisors and the detective(s) assigned to the investigation. Once the investigation is closed, the case file will be placed into the central records system and filed. Open and suspended cases will remain in a secure location with limited access.

15-904 SURVEILLANCE AND COVERT EQUIPMENT

The Commander of the Criminal Investigations Bureau is responsible for the authorization, distribution, and use of surveillance and covert equipment. Only personnel who have received proper training may use this equipment. The use of surveillance and covert equipment and all Sheriff's Office forensic/investigative equipment shall only be used for bonafide law enforcement purposes. Personal use of this equipment is prohibited. Examples of this equipment include, but are not limited to Cellebrite data extraction tool, body wire, and GPS tracking devices. When utilizing the equipment, members of this Agency will comply with all applicable state and federal laws regarding the use of this equipment.

Equipment will be stored in the equipment room at the Drug Enforcement Unit (DEU) office. The DEU supervisor or their designee will be responsible for equipment upkeep and maintenance.

- All equipment capable of recording audio will be registered with the MSP Technical Surveillance Unit and will be assigned an MSP identification number.

- A *Surveillance and Covert Equipment Log* sign-out will be completed when equipment is checked out and returned. The condition of the equipment will be noted on the log as well as any equipment defects. These defects will be brought to the attention of the detective assigned to equipment upkeep and maintenance who will facilitate the repair.

- Approval for equipment repairs will be obtained from the Criminal Investigations Bureau Commander.

- The sergeant or designee will maintain a file of all equipment repair request, which will include the cost of the repairs and date repaired.

15-905 UNDERCOVER AND RAID OPERATIONS

15-905.1 SURVEILLANCE OPERATIONS

A. *Definition:* Continuous watching of persons, vehicles, places, or objects for an extended period of time.

B. *Procedures:*

1. Designate a supervisor in charge of the surveillance operation.

2. Gather background information on all suspects, premises, and vehicles of the surveillance operation including criminal history checks, use of the in-house computer system, real estate records, etc.

3. Provide relief, back-up security, and perimeter protection for officers if applicable.

4. Establish a means of routine and emergency communications.

5. Select equipment and vehicles.

6. Develop a written operational plan to be disseminated at the briefing.

7. Hold a briefing for participating officers.

8. Maintain overall confidentiality and cover.

9. Ensure that the operation does not infringe on the statutory and constitutional rights of any individual.

10. Conduct a debriefing if necessary.

15-905.2 UNDERCOVER OPERATIONS

A. *Definition:* Any operation in which at least one police officer is acting in an undercover capacity or a confidential informant is being utilized.

B. *Procedures:*

1. Designate a supervisor in charge of the undercover operation.

2. Use all available means to identify all suspects and persons relevant to the undercover operation and gather background information including criminal history checks, use of the in-house computer system, etc.

3. Investigate any history of violence, weapons capabilities, and prior use.

4. Provide relief, back-up security, and perimeter protection for officers, if applicable.

5. Establish a means of routine and emergency communications.

6. Select equipment and vehicles (expense funds, false identity, etc.).

7. Provide funds to undercover officer as needed.

8. Develop a written operational plan prior to the start of the operation.

9. Hold a briefing for participating officers.

10. Conduct a debriefing if necessary.

15-905.3 DECOY OPERATIONS / REVERSALS

A. *Definition:* An investigative technique, where an officer(s) assumes the identity or physical appearance of a victim or potential victim of a crime with the goal of apprehending a suspect in the commission of a crime; or an officer(s) assumes the role of a drug dealer to apprehend drug users.

B. *Procedures:*

1. Designate a supervisor/coordinator for the decoy/reversal operation.

2. Analyze all victims, crimes, locations, and time of occurrence to determine any pattern.

3. Provide relief, back-up security, and perimeter protection for officers if applicable.

4. Establish a means of routine and emergency communications.

5. Select equipment and vehicles.

6. Establish a verbal and visual arrest or help signal for the undercover officer(s).

7. Develop a written operational plan prior to the start of the operation.

8. Hold a briefing prior to the operation for participating officers.

9. Conduct a debriefing if necessary.

15-905.4 RAID / SEARCH WARRANT OPERATIONS

A. *Definition:* An official order signed by a judge authorizing a search of someone's home or other location. The controlling principles governing search warrants are generally provided by the U.S. Constitution's Fourth Amendment.

B. A *Threat Assessment* form will be completed for all search warrants prior to service unless exigent circumstances exist requiring immediate service.

1. Any pre-planned operation involving a felony arrest warrant will have a *Threat Assessment* form completed prior to the service of the warrant, if possible.

2. A copy of the completed *Threat Assessment* form will be forwarded to the Special Operation Team Commander or his designee for review within 24 hours of the warrant service. Copies should include the actual warrant (or hit confirmation), criminal history of all suspects and any other pertinent information used in completing the form.

3. The original *Threat Assessment* form will be submitted with the original case file to the CIB Assistant Commander and Bureau Commander.

C. *Procedures:*

1. Designate a supervisor in charge of the raid/search warrant operation.

2. Complete a CCSO *Threat Assessment for Warrant Service* form. The purpose of this form is to analyze the threat level associated with the search warrant and to determine if the use of the Special Operations Team is necessary based on the threat level. The *Threat Assessment* form addresses the following areas:

a. Suspect Assessment - Information/criminal history regarding known suspects.

b. Offense Assessment - Evaluation of the offense/crime that leads to the search warrant.

c. Weapon Assessment - Suspect(s) past history of using/possessing weapons.

d. Site Assessment - Evaluation of the site of the warrant service to include barriers/fortifications, counter-surveillance, number of persons residing at location, etc.

e. Time Assessment - Evaluation of time allowed for operational planning.

The *Threat Assessment* form utilizes a point system. A positive response to a question equals two (2) points. An unknown response equals one (1) point and a negative response equals zero (0) points. An overall total of 15 points or more requires the use of the Special Operations Team in executing the warrant. The use of the Special Operations Team is optional if the overall total is between one (1) point and 14 points.

3. Use all available means to identify all suspects and persons relevant to the undercover operation and gather background information, including criminal history checks, use of the in-house computer system, etc.

4. Use all available means to determine the layout of the house including informant/undercover intelligence, landlord, rental office, etc.

5. Investigate whether or not there are animals in the residence that could potentially pose a threat to the officers' safety.

6. Investigate whether or not there are children in the residence.

7. Investigate any history of violence, weapons capabilities and prior use.

8. Provide relief, back-up security, and perimeter protection for officers if applicable.

9. Establish a means of routine and emergency communications.

10. Select equipment and vehicles.

11. Develop a written operational plan prior to the start of the operation.

12. Hold a briefing for participating officers and give out specific assignments (arrest team, search team, perimeter, etc.).

13. Prior to the execution of the search warrant, the supervisor in charge will ensure that notifications are made to the Calvert Control Center, the Sheriff's Office duty officer and the Maryland State Police duty officer informing that the search warrant is being executed.

14. Conduct a debriefing if necessary.

15-906 CONTROLLED DANGEROUS SUBSTANCE (CDS) FOR INVESTIGATIVE PURPOSES

The Drug Enforcement Unit (DEU) does not maintain CDS for investigative purposes on a regular basis. If CDS is needed for investigative purposes, the DEU supervisor shall make a request to the Evidence/Property Manager. In the presence of the Criminal Investigations Bureau Commander or Assistant Commander, the DEU supervisor will receive the CDS. The Evidence/Property Manager will document on the Property Record that the CDS has been released to the DEU supervisor.

The CDS is used for one operation and returned immediately to the Evidence/Property Manager upon conclusion of that operation. The Evidence/Property Manager then documents its return on the Property Record.

15-1000 CRIMINAL INTELLIGENCE

A detective from the Criminal Investigations Bureau will be designated as the intelligence detective for the Calvert County Sheriff's Office. The intelligence detective gathers intelligence information through the cooperative efforts of Agency personnel, and personnel from various allied police agencies. This detective will be assigned to SMIC.

Although there is a dedicated intelligence detective, intelligence gathering relating to criminal and homeland security activities is a duty of all sworn personnel when brought to their attention during the course of their assigned duties. All intelligence gathered by personnel should be forwarded to the intelligence detective.

15-1001 TRAINING

The intelligence detective will be responsible for regular training of Agency personnel on how to gather intelligence, as well as what sources of information are available. The training can generally be conducted at roll calls.

15-1002 MAINTAINING LEGALITY AND INTEGRITY

The criminal intelligence function for the Agency is handled through it's participation with the Southern Maryland Information Center (SMIC). SMIC policies and procedures include:

A. Ensuring information collected is limited to criminal conduct or relates to activities that present a threat to the jurisdiction.

B. Safeguarding and secure storage of criminal intelligence information including electronic storage.

C. Methods for purging out of date or incorrect information.

D. Utilization of intelligence personnel and techniques.

SMIC policies and procedures conform to Title 28 Code of Federal Regulations (CFR) Part 23 Criminal Intelligence Systems Operating Policies, which addresses legal and privacy requirements.

The Criminal Investigations Commander, or his designee, will conduct a review, as needed, of Agency procedures and processes including its participation in SMIC to ensure no abuses are occurring.

15-1003 FREEDOM OF ASSOCIATION AND ASSEMBLY PROTECTION ACT OF 2009

In this policy, "covert investigation" means a surreptitious infiltration of or attempt to infiltrate a group or organization for the purpose of interfering with the group's activities that involve freedom of speech or association, the exercise of religion, freedom of the press or the right to petition the government activities that may be protected by the First Amendment to the United States Constitution.

The legal authority for this policy can be found in the Maryland Annotated Code, Public Safety Article §3-701 and 28 Code of Federal Regulations, Part 23.

This policy does not apply to surreptitious or undercover investigations that do not involve protected First Amendment activities.

Members of the Calvert County Sheriff's Office shall not conduct a covert investigation of a person, group or an organization involved in First Amendment activities, to the extent such activities are known to be protected, without the express written authorization of the Sheriff or their designee. The Sheriff or designee will authorize the investigation only if the investigation is justified because:

1. There is reasonable, articulable suspicion that the person, group or organization is planning or is engaged in criminal activity (Mere membership or participation in a group or organization engaged in First Amendment activities does not alone constitute reasonable, articulable suspicion of criminal activity. *See also* 28 C.F.R. § 23.20 (c) defining reasonable suspicion or "criminal predicate."); and

2. A less intrusive means of investigation is not likely to yield satisfactory results.

If the Sheriff is unable to give prior authorization of the covert investigation, they shall, as soon as is practicable, make a written finding that the conditions above existed and justified the covert investigation. (See 28 C.F.R. §23.30(c) requiring accountability by the "head of the government agency.")

Any covert investigation shall be done only for legitimate law enforcement objectives with a due regard for safeguarding the applicable constitutional rights and liberties of all persons who may be affected by the investigation. In every case, the least intrusive investigative methods should be used. The investigation shall conclude when all logical leads related to criminal activity have been exhausted, or when no legitimate law enforcement objective justifies continuing the investigation.

To the extent that investigators engaged in a covert investigation collect information solely about the political beliefs, ideologies, and associations of the individuals, group or organization, the investigators shall not retain or maintain any such information *unless*:

1. The information is relevant to a criminal investigation; or

2. There is reasonable, articulable suspicion that the person, group or organization advocates, supports or encourages the violation of any federal, State or local criminal law that prohibits acts of terrorism, racketeering activity (as defined by 18 U.S.C. §1961), violence, extortion, destruction of property, intimidation, harassment, obstruction of justice, or fraud.

Information entered into and maintained in a criminal intelligence file or database shall be evaluated for the reliability of the source of the information and the validity and accuracy of the information. If information is maintained in a computer database, that information shall be classified in a manner that clearly reflects the purpose for which the information has been collected and maintained, particularly information about a specific individual, group or organization that is suspected of engaging in specific crime(s).

Such records may be disseminated only in accordance with existing CCSO procedures, including but not limited to those based on the Maryland Public Information Act, MD Annotated Code, State Government Article, § 10-601 *et seq.* and 28 C.F.R. §23.3 (b)(3). The database shall be reviewed annually, beginning on January 1, 2011, and any information that has become moot, irrelevant, or is otherwise without law enforcement value shall be purged from the database.

15-1100 CRIME ANALYSIS

The purpose of crime analysis is to collect, review, analyze and disseminate crime reporting information to determine patterns and trends of criminal activity. This information shall be regularly made available to deputies, detectives, command staff, and other support personnel. The information shall be used in both short- and long-term strategic planning as it relates to crime trends, Agency resource allocation, and prioritizing strategic objectives.

15-1101 COMPSTAT

The Crime Analysis function within the Calvert County Sheriff's Office is administered primarily through the use of the CompStat model.

Crime Analysis data is extracted primarily from the CCSO Computer Aided Dispatch (CAD) and Records Management System (RMS). Additionally, criminal reports and field observation reports are utilized.

On a regular basis, CompStat meetings are held at the Sheriff's Office. The meeting is attended by the Sheriff, Assistant Sheriff, representatives of various bureaus/units within the Sheriff's Office, the Maryland State Police, Department of Juvenile Services, and other members within the criminal justice system.

The purpose of the meeting is to discuss current crime trends within the County and to discuss strategies to address these trends. Notes from the meeting are disseminated to other Agency personnel not in attendance.

To supplement these meetings, crime analysis information is disseminated via emails and bulletins to Agency personnel to make them aware of developing crime trends.

Crime analysis data and reports will be utilized to keep the Sheriff, Assistant Sheriff, and other command staff members informed of current crime patterns and trends in addition to their attendance at CompStat meetings.

15-1102 DATA DRIVEN APPROACHES TO CRIME & TRAFFIC SAFETY (DDACTS)

On June 1, 2011, the Calvert County Sheriff's Office implemented the Data Driven Approaches to Crime and Traffic Safety (DDACTS) operational model to reduce the incidence of crimes, crashes, and traffic violations within our community. This is the Agency's long term strategy to reduce traffic crashes in the community.

Operational deployment is based on data related to the following:

A. Crimes

   1. Robberies
   2. Burglaries
   3. Stolen Vehicles
   4. Thefts
   5. CDS Complaints/Violations

B. Traffic Crashes

   1. Reportable Property Damage
   2. Personal Injury
   3. Fatal

C. Enforcement Activity

   1. Traffic Citations/Warnings
   2. DUI/Impaired Driving Enforcement

This data is extracted from the CCSO CAD/RMS.

Areas where there is a significant overlap of crime and crashes are designated as Focused Enforcement Areas (FEA). Deputies are issued maps with FEA's clearly identified on them.

On a regular basis, deputies are deployed in these areas utilizing the following enforcement strategies:

- High visibility traffic enforcement
- Aggressive DUI enforcement
- Identification of suspicious persons/vehicles
- Sobriety checkpoints
- K-9 teams
- License Plate Readers (LPR)
- Bike Patrol

Progress reports are disseminated to all Agency personnel including the Sheriff. Enforcement activity in the FEA's is reviewed to determine if it has been successful in reducing the incidences of crime and crashes. DDACTS will be evaluated regularly and changes made as needed.

15-1200 USE OF POLYGRAPH IN INVESTIGATIONS

The truth verification function of the Agency is comprised of certified polygraph examiners. All examiners will be trained by a certified institution and be graduates of the institution. All examiners will conduct tests using only instruments approved by the Agency.

A sworn member of the Agency holding the rank of sergeant or higher will supervise the use of this instrument. Examiners using the polygraph will have regular assignments throughout the Agency but will be available to conduct examinations when necessary.

It is the purpose of this policy to provide investigative deputies and others with general knowledge of guidance and procedures for the use of polygraph examinations, which will, hereafter, be referred to generally as examinations.

An examination is a valuable investigative tool but should not be used as a substitute for a thorough investigation. An examination may be employed, consistent with this policy, for the following purposes:

1. To verify, corroborate, or refute statements.
2. To obtain additional investigative leads.
3. To narrow or focus criminal investigations.
4. To screen candidates for positions with this or other criminal justice agencies.
5. To assist in the conduct of internal administrative investigations.

The polygraph is defined as an instrument that records certain physiological changes in a person undergoing questioning. The instrument is used in an effort to obtain truth or deception. A polygraph simultaneously records a minimum of respiratory activity, galvanic skin resistance or conductivity, and cardiovascular activity.

15-1201 PURPOSE OF EXAMINATION

Examinations may be authorized when consistent with state law and Agency policy. Situations in which authorization may be requested and approved include, but are not limited to:

A. A request from the State's Attorney's Office as part of an agreement with the defense attorney or for other investigative purposes.

B. An element of a pre-employment investigation of a candidate for a sworn or civilian position in the Agency. Pre-employment examinations will also be conducted for applicants applying with the Detention Center and Control Center;

C. A request from other authorized criminal justice agencies.

D. An attempt to verify or reconcile statements of parents or guardians (e.g., in suspicious cases of missing or abused children) as well as witnesses or other individuals when alternative investigative means have been exhausted.

E. An effort to establish probable cause to seek a search warrant.

F. As part of an administrative or criminal internal investigation of a deputy of this Agency or another criminal justice agency consistent with this policy.

The examinations should not be used to verify a victim's/witness's allegation without sufficient grounds for suspecting that the victim/witness has given false or misleading statements. Examinations conducted on victims of rape, sexual assault or child abuse will only be conducted after all other investigative leads are exhausted. At the same time the investigator must have reasonable cause to believe that the victim is not telling the truth. This type of examination will only be conducted with the approval of the Commander of the Criminal Investigations Bureau or his designee.

Examinations **will not** be conducted on females that are pregnant at the time.

15-1202 PROCEDURES FOR REQUESTING POLYGRAPH EXAMINATION

Once approved by their immediate supervisor, employees of this Agency may request an examination from one of the Agency's authorized examiners.

Any member of this Agency, who wishes to employ an examination as part of an authorized investigation, shall submit a *Sheriff's Office Memo* to the Commander of the Criminal Investigation Bureau, who will in turn assign the request to an examiner. The written request shall include copies of all relevant reports to include, but not limited to:

1. Information obtained in the investigation that supports and justifies an examination.

2. Copies of crime or case reports and investigative reports.

3. Evidence available and withheld from the subject.

4. Background information on the subject to be examined, to include criminal record and possible motivation.

5. Any statements made by the subject, complainants, and witnesses to include alibis.

6. Newspaper articles or other general information concerning the case.

The assigned examiner will review the request and associated reports and make a preliminary determination as to whether a test will be conducted. If approved, a date and time will be set for the test. The examiner will send a *Sheriff's Office Memo* to the requesting deputy advising whether the case was approved for testing, and if so, the date and time the examination is scheduled.

After receiving a prospective case, the examiner will review the material and make the final determination on the suitability of the test. If an examiner feels that an examination should not or cannot be done, the examiner will provide the reason and send a *Sheriff's Office Memo* to the requesting deputy and the Commander of the Criminal Investigation Bureau.

If because of the immediate need for an exam it would be impractical to contact the Commander of the Criminal Investigation Bureau, the requesting deputy may contact an examiner directly and request an examination. In such an instance, the examiner will review the circumstances and suitability of the case and the individual to be tested and make a determination as to whether a test will be conducted. If such a request is made, the examiner will, as soon as

practical, contact and inform the Commander of the Criminal Investigation Bureau of when the test was administered.

15-1203 SUITABILITY FOR EXAMINATION

Submission to an examination must be a voluntary action, with the exception of an employee of this Agency formally directed to take an examination as part of an internal investigation. In all other cases, examinations shall not be administered without the subject's written approval, waiver, or other instrument as required by law.

Certain individuals and conditions are not conducive to successful testing and will generally be deemed unsuitable. Some examples of these individuals and conditions would be:

- Children under the age of 14
- Individuals with certain medical problems
- Individuals with certain mental conditions
- Individuals who are extremely tired
- Individuals under the influence of alcohol or a controlled dangerous substance
- Individuals who are emotionally distraught

If a subject has been interrogated by investigating deputies prior to the exam, it shall be at the examiner's discretion, based on their evaluation of the subject, as to whether or not an examination can be successfully administered. The examiner shall have final authority on these matters.

If a subject is hearing impaired or does not speak English, the requesting employee will help make arrangements for a sign language interpreter or translator, as determined by the examiner.

In any interrogation of a suspect who has agreed, or who may reasonably be asked to agree to an examination, requesting deputies shall not pursue questions that may reveal information only the perpetrator could know. This includes, but is not limited to:

1. Method of entry
2. Property taken
3. Weapons or type of force used to commit the crime
4. Evidence left at the scene
5. Clothing worn by the subject during the crime
6. Unusual acts of the suspect during the crime
7. Location from which property was taken

Juveniles will not be tested unless at least one parent or guardian, and/or a juvenile judge have signed a consent form. Juvenile tests will be handled in the same manner as adult tests; however, the examiner will take the subject's age and mental capacity into consideration when structuring the test.

15-1204 REQUESTING DEPUTY'S RESPONSIBILITIES

Once notified that the request for the examination was approved and after receiving the testing date and time schedule, the requesting deputy shall contact the subject to be tested and arrange for their appearance for the examination. If problems exist with the scheduled date and time, the requesting deputy shall immediately notify the examiner assigned to the case to make arrangements.

Requesting deputies shall not attempt to explain procedures that will be used in the examination but shall advise subjects that these will be explained fully by the examiner. Subjects may be advised of the following:

1. The examination is voluntary, unless otherwise provided by this policy in cases of internal investigations.

2. The approximate length of the examination, with explanation to the subject to get plenty of sleep the night prior to the examination.

Should the subject be late for or cancel the appointment, the requesting deputy shall immediately notify the examiner.

If possible, the requesting deputy, along with any other authorized persons, such as attorneys, parents, or legal guardians, should be present at the start of the examination. The examiner shall be solely responsible for authorizing any person inside the examination or observation room.

15-1205 EXAMINER'S RESPONSIBILITIES

After receiving an examination to administer and all additional documentation, the examiner will make the final determination on whether the case is suitable for an examination. If so, the examiner will coordinate with the requesting deputy to ensure a thorough examination is completed. If scheduling conflicts exist, the examiner, in conjunction with the requesting deputy, will reschedule the examination to accommodate the subject and examiner's schedule.

Once an examination is complete, the examiner will forward a *Sheriff's Office Memo* to the investigating deputy indicating the result of the exam. The examiner will also complete an examination report and provide a copy to the investigating deputy and place a copy in the examination case file.

15-1300 INTERROGATIONS, INTERVIEWS & STATEMENTS

The purpose of this section is to provide basic information and to provide a guide to deputies in a very complex area of the law. Deputies will receive regular guidance in this area through written communications, briefings, and in-service training.
In carrying out interrogations and interviews, and in taking statements, deputies must be mindful of the rights of accused persons so that the information they gain may be legally used.

For the purposes of this section, "interrogation" means the process of a deputy's questioning a person arrested or suspected in a crime, seeking the solution of the crime, keeping in mind a distinct difference exists between custodial and non-custodial interrogations.

15-1301 SECURITY

During an interrogation, a deputy must be alert to personal safety. The deputy's weapon should be secured in a gun lockbox or other secure manner during an interrogation. Should the interrogation take place at a location other than CCSO headquarters, all weapons will be secured in a safe location. Should it not be possible to secure weapons, extreme care for the safety of the deputy and the arrestee must be exercised.

15-1302 BASIC RULE

Information and evidence obtained as the direct result of interrogation may be significantly affected by the legality of the interrogation. Generally, information and/or evidence discovered during an improper or illegal interrogation is not admissible at trial.

15-1303 PRINCIPLES OF MIRANDA V. ARIZONA

The United States Supreme Court has established specific guidelines to be used in police interrogations. They are based on the U.S. Constitution's Fifth Amendment protection against self-incrimination. Based on the case Miranda v. Arizona, they are referred to as the Miranda Rule, Miranda Rights, or Miranda Warnings. The warnings are printed on a card given to every deputy. The deputy must have the card in their possession at all times when they are performing, or likely to perform official duties. The warnings to a person in custody who is to be interrogated are:

- You have the absolute right to remain silent.
- If you choose to answer, your answers can be used against you in court.
- You have the right to a lawyer. If you want a lawyer and cannot afford one, one will be provided for you.
- You have the right to talk privately with your lawyer before answering any questions and to have your lawyer with you during the questioning.
- If you elect to answer questions without having a lawyer present, you have the right to stop at any time and obtain the services of a lawyer.

The Miranda Rule applies to interrogation initiated by the police in a custodial, coercive, police-dominated atmosphere where information, statements and confessions are sought, and responses would tend to incriminate the individual being interrogated. The Miranda warnings must be given when these conditions exist.

A. A custodial environment is considered to exist when:

   1. An inmate of a correctional facility is being questioned in relation to a crime which the inmate is believed to have committed, but not the charge for which the inmate is incarcerated.

   2. A person is arrested for a traffic violation.

   3. The totality of the circumstances represent a custodial environment.

B. Circumstances which individually or in combination may imply a custodial environment are:

   1. Location

2. Length of questioning
3. Physical surroundings
4. Number of police personnel
5. Use of restraint devices
6. Use/presence of weapons
7. Age of the interviewee
8. Required location of the interview
9. Presence of probable cause for arrest
10. Subjective belief of the subject as to their status
11. Focus of the investigation
12. Language used by interviewers
13. The extent to which the interviewee is confronted with evidence of guilt
14. The proximity of the questioning and arrest

C. Miranda rights apply when interrogation is initiated by the police. A deputy is not obligated to stop an individual who spontaneously offers information and/or a confession, regardless of the custodial situation. A deputy may inject an essential question for the purpose of clarification and/or keeping the individual from straying from the original topic. Should the situation move to questions and answers, Miranda rights are required.

D. Generally, Miranda rights are not required unless an individual has been arrested or their freedom is restrained in any significant way, and the individual is subsequently questioned in connection with his or her involvement in the incident. Thus, deputies are not required to administer Miranda warnings to everyone questioned. The Court has also ruled that Miranda warnings are not required solely because questioning occurs at a police station or because the person questioned is a suspect.

E. Miranda warnings are required only where an individual's freedom has been restricted, constituting custody. It is this custodial and coercive environment to which the Miranda Rule applies and should be limited.

F. Some situations where the Miranda Rule will not apply, absent extenuating circumstances, are:

1. Routine processing (fingerprinting, photographing, and personal identification) based on reasonable grounds.

2. Emergency situations where a custodial situation exists and questioning is initiated in the interest of immediate public safety and the answers are voluntary, e.g., a suspect is arrested and <u>immediate</u> questioning is initiated to locate an explosive device about to detonate, or a weapon that was discarded in a public place during a chase.

3. Investigative detentions, e.g., "Stop and Frisk" (see Section 10-504). The longer a person is detained, the greater the responsibility to give Miranda warnings.

4. Roadside questioning normally associated with traffic stops, because of the brevity and relatively non-threatening circumstances. An individual stopped for a violation of the Transportation Article for which a traffic citation may be issued, and the individual entitled to proceed upon signing is not in custody.

5. Other situations where the individual is not under arrest and is free to terminate the contact at any time.

G. A deputy confronted with a decision as to the applicability of the Miranda Rule and who does not have the opportunity to seek legal advice will administer the Miranda warnings before questioning.

15-1303.1 MIRANDA PROCEDURES

A. To be effective, the Miranda warnings must be understood by the individual to be interrogated.

In all cases where a Miranda warning is required, the deputy shall read from the CCSO *Advice of Rights and Waiver* form or from the Agency provided Miranda card. The Miranda warnings should be read even if the individual informs the deputy that he understands their rights prior to them being read. The deputy shall not recite from memory.

When doing so, the deputy will speak distinctly; will provide the opportunity for the individual to be questioned to listen to and understand each right; and will resolve any questions before beginning the interrogation.

B. An individual who invokes any Miranda rights will not be questioned until the individual has consulted with an attorney, the individual or the attorney re-contacts the deputy and agrees to be questioned.

An individual who waives Miranda rights initially and during the interrogation, wishes not to be questioned further, will not be interrogated until the individual has consulted with an attorney and subsequently consents to additional questioning. Once an individual invokes Miranda, the individual or the attorney for the individual can initiate the questioning.

The individual will be re-informed of Miranda rights prior to any subsequent questioning, especially when there is a significant break in the interrogation, a change in persons present, or a change in location.

C. After Miranda warnings have been given and an opportunity to exercise the rights afforded, only the individual being interrogated (including a juvenile) may waive the rights. For the waiver to be effective, it must be done voluntarily, knowingly, and intelligently. Evidence that an individual was threatened, tricked, or cajoled into a waiver in whole or in part, may constitute an involuntary waiver.

D. Only a juvenile can waive their rights. Parents should not be permitted to force the juvenile to waive. Where the juvenile wants to waive but the parents or guardians will not permit it, the deputy will discontinue the interview and contact the State's Attorney's Office.

15-1303.2 CONFESSIONS

For a confession to be admissible at trial, it must have been given voluntarily. Miranda warnings should be applied when a confession is solicited by a deputy. The confession must be given absent any circumstances that may demonstrate an involuntary situation. If it is not, the confession and any evidence discovered as a result of the confession will be inadmissible at trial.

15-1304 PURPOSE OF INTERROGATIONS AND INTERVIEWS

A. Interviewing is crucial to almost every case. Interviewing suspects may:

1. Eliminate needless, costly trials.
2. Increase the likelihood of favorable verdicts in cases which are tried.
3. Ensure against suppressed evidence.
4. Pin the suspect to a definite story, committing him/her before there is time to think or consult with friends, an attorney, friendly witnesses, etc.
5. Allow the deputy and the prosecutor to anticipate defenses (e.g., insanity plea, specific intent crimes, alibi, lesser included crimes, self-defense, etc.) from the start and move to offset them.

B. Interviews of all potential witnesses, including hostile ones, are always necessary in order to:

1. Preserve testimony otherwise lost by passage of time.
2. Pin the defense witness to a single story.
3. Alert the deputy to problems early. What the deputy thinks a witness saw, or may testify to, may be different than what actually comes out on the stand.
4. Reveal sources of additional evidence or information.

15-1305 PREPARING FOR THE INTERVIEW

A. Learn as much about the known facts of the incident being investigated as possible. Read the reports; look at evidence and photographs.

Any interview which is done on the basis of faulty or inadequate information will be apparent to the interviewee. A person with something to hide will be more confident about lying and an innocent person will feel insecure, because of their lack of confidence in the obviously unprepared deputy.

A thoroughly prepared interviewer will drop pieces of obvious knowledge to impress upon the interviewee the need to be cautious about lying.

Thorough preparation will also save substantial time in focusing on and getting to the key issues.

Use the facts of the case to establish an easy method for the defendant to confess. Somewhere in the facts may be the key to getting him/her to confess.

B. Learn as much about the subject and any victim as possible. This includes age, job, family, previous record, and relationship of the defendant to the victim. The deputy must give the subject a reason to tell the truth, particularly if it will potentially hurt him/her or their friends or involve them in something unpleasant. There is a subconscious

desire in most people to want to tell someone, no matter how horrendous the facts. An interviewer has to find the key which unlocks that statement, and the more the interviewer knows about the subject, the more likely they will find that key.

C. Find a quiet place where the interview will not be interrupted, except by design.

1. Minimize distractions, but do not make the surroundings oppressive, which may frighten the subject into silence.
2. If the interview takes place in a car, place it in such a way that it is out of the way of and facing away from substantial distractions.

3. It is preferable not to interview anyone on their ground. Use surroundings unfamiliar to the subject. This is the first step in putting the subject into a submissive mood.

4. Have a clear-cut goal of what is to be accomplished before beginning the interview.

5. List all unknown details to be obtained in the interview. There may not be a second chance to get information overlooked in the first interview.

6. If at some point it is necessary to break a stalemate by confronting the subject with physical evidence or some other statement, make sure it is available.

7. Keep detailed notes on the amount of time interviewing, breaks, and interruptions.

15-1306 FIELD INTERVIEWS

The field interview is an important tool in preventing and investigating criminal activity. Deputies will conduct field interviews in conformance with procedures set forth in this policy.

Deputies may stop individuals for the purpose of conducting field interviews only when reasonable articulable suspicion is present. Reasonable articulable suspicion does not need to meet the same test for probable cause necessary to make an arrest. Deputies must be able to articulate the reason(s) for the stop and be able to point to specific facts, that when taken together reasonably, led the deputy to believe that a crime has been committed or is about to be committed. Such facts may include, but are not limited to the following examples; however, many of these examples alone may not reach the level of reasonable articulable suspicion:

- The actions, appearance or demeanor of an individual suggests involvement in a criminal enterprise or criminal activity.
- The hour of the day or night is inappropriate for the subject's presence in the area.
- The subject is carrying a suspicious object or has bulges in his clothing that suggests he is carrying a weapon.
- The subject is located in proximity to a recent crime.
- The deputy knows of the subject's prior criminal record or involvement in criminal activity.
- The deputy notes other circumstances or behavior, which arouse suspicion.

Deputies must consider the facts that may rise to the level of reasonable articulable suspicion. It is the combination of facts and circumstances along with the reasonable inferences drawn from those circumstances that give rise to articulable suspicion.

Deputies should understand that an individual's mere presence in a public place in itself is not sufficient reasonable articulable suspicion to conduct an investigatory stop.

Nothing in this policy should be construed as preventing a deputy from engaging in a consensual citizen contact whereas the individual is free to leave at any time.

When approaching a suspicious person, deputies will identify themselves and if not in uniform, will display identification.
Before approaching more than one suspicious person, deputies shall determine whether the circumstances warrant a request for backup and whether the contact can be delayed until such assistance arrives.

Deputies should confine questions to those concerning the suspect's identity, place of residence, reason for presence at the location, and other inquires necessary to resolve the deputy's suspicions.

Individuals are not required, nor can they be compelled to answer any questions posed during field interviews. Failure to respond to a deputy's inquiries is not, in and of itself, sufficient grounds to make an arrest, although it may provide sufficient justification for additional observation and investigation.

Deputies have the right to frisk the outer garments of suspects for weapons if the suspect is legitimately stopped, and **there is reasonable articulable suspicion the subject may be armed and presents a danger to the deputy**.

In the event that a field interview results in the establishment of probable cause for an arrest, all of the facts related to the initiation of the field interview and any search will be clearly articulated within the resulting *Case Report* filed by the arresting deputy.

When no arrest is made, the field interview will be documented on a Field Observation Report (FOR). The FOR is an investigative tool for developing suspects of various crimes. FOR's are completed and submitted electronically through Delta Plus. Include a case number and brief narrative describing the circumstances surrounding your contact with the person(s). Once your entry is made into Delta Plus, the records staff will access the FOR and enter the data into New World.

15-1307 INTERROGATION OF SUSPECT / PRISONER

It is necessary to give the Miranda Warning only when there is custody and interrogation. No statements shall be obtained as a result of any promises, threats, or inducements.

A person who is in custody must be advised of their constitutional rights prior to any interrogation. When a person in custody waives their rights, it is necessary that such waiver constitute a knowing, intelligent, and voluntary waiver. If requested, a suspect must be allowed access to legal counsel prior to or during an interrogation.

In cases where a deputy turns a suspect over to a detective, they will advise him/her whether or not the suspect has been given their Miranda Rights.

15-1400 INTERVIEW ROOMS

There are rooms within the Calvert County Sheriff's Office headquarters designated as interview rooms. These rooms are utilized to conduct interviews of persons to include victims, witnesses, and suspects in criminal investigations by both uniformed and non-uniformed personnel. For the purpose of this policy, the polygraph room is considered to be an interview room.

15-1401 WEAPONS CONTROL

Firearms are prohibited in the interview room at any time. All persons under arrest shall be thoroughly searched prior to being placed in the interview room. Persons not under arrest will be screened for weapons by walking through the metal detector upon entering the building. Any person refusing to walk through the metal detector will be denied entry into the building. Once a person has cleared the metal detector and the screening deputy believes the person is clean of any weapons, they shall be issued a visitor pass to be worn while in the building.

15-1402 OBSERVATION AND CONTROL OF ARRESTED PERSONS

No person who has been arrested or is being detained will be brought into an interview room, unless the area is being monitored by an employee, other than the employee handling the person in the interview room. This can be accomplished by contacting the duty officer and advising him/her that you are conducting an interview. The video camera in the interview room will be turned on and monitored by the duty officer for security purposes only.

The deputy placing a person in an interview room will be mindful of the possibility of escape. The custody deputy shall take precautions to prevent the escape of the arrested person. Escape prevention techniques include:

- Thorough searches
- Monitoring
- Proper prisoner handling

In the event there is an escape from an interview room, the custody deputy shall immediately notify all personnel in the facility, and follow the guidelines set forth in this manual regarding prisoner escapes.

15-1403 PERSONNEL PERMITTED IN INTERVIEW ROOM

The maximum number of persons permitted in the interview room, in addition to the subject being interviewed, is two. This can be two law enforcement officers, or one law enforcement officer and a civilian from another agency, such as the Department of Juvenile Services, or the Department of Social Services.

15-1404 SUMMONING ASSISTANCE

Deputies shall not conduct interviews without notifying another employee within the facility. The interviewing deputy shall have some form of emergency communication with him in the interview room, i.e. a cell phone or portable radio.

15-1405 EQUIPMENT / ITEMS TO BE KEPT IN INTERVIEW ROOM

Generally, the interview room contains only a desk and chairs. Additional equipment, such as pens/pencils, note pads, and audio recording equipment, will be brought in by the deputy/detective, as needed.

15-1406 ACCESS TO RESTROOMS, WATER OR COMFORT BREAKS

Persons being interviewed will be provided the opportunity to use the restroom facilities and be provided drinking water and other personal needs, as may be required.

15-1500 EYEWITNESS IDENTIFICATION

This policy establishes guidelines for obtaining accurate eyewitness identification, consistent with the Annotated Code of Maryland, Public Safety Article, Section 3-506. Maryland law requires all law enforcement agencies to adopt written policies pertaining to eyewitness identification and file these policies with the Maryland State Police. These policies must be available for public inspection. Further, the policies must comply with the United States Department of Justice (DOJ) standards on obtaining accurate eyewitness identification.

Eyewitness identification is one of many tools used by law enforcement in the investigation of crime. This investigative tool is vigorously challenged by defense attorneys. Therefore, it is critical that eyewitness identification be conducted in a professional, structured manner, and supported by written documentation and physical evidence. It is also important to point out that the responding deputy may not be the first person to interview a witness. Reporting persons are witnesses, and they may have been interviewed once (albeit briefly) by a dispatcher or call taker. Those personnel should also be familiar with this policy to ensure that as much accurate information as possible is gathered during the initial report.

It is the policy of the Calvert County Sheriff's Office to avoid any action that would be unduly suggestive during any eyewitness identification process.

It is the policy of the Calvert County Sheriff's Office that all eyewitness identifications be conducted in a structured, professional manner designed to clear the innocent as well as identify suspects in criminal offenses.

It is the policy of the Calvert County Sheriff's Office that a criminal investigation will not be concluded or otherwise cease based solely on eyewitness identification. Investigations will continue until all physical evidence has been collected and examined, all witnesses identified, and all reasonable leads explored.

It is the policy of the Calvert County Sheriff's Office that a witness will participate in one and only one type of eyewitness identification. The types of eyewitness identification are:

- Viewing a mug book
- Participating in the preparation of a composite
- Participating in a show-up
- Participating a live line-up
- Viewing a photo line-up

It is the policy of the Calvert County Sheriff's Office that any identification or non-identification of a suspect be documented in writing, along with any comments by the eyewitness concerning the identification or non-identification.

NOTE: The Calvert County Sheriff's Office does not conduct live line-ups.

15-1501 DEFINITIONS

Administrator – the person conducting an identification procedure.

Blind – the administrator does not know the identity of the suspect.

Blinded – the administrator may know who the suspect is but does not know which lineup member is being viewed by the eyewitness.

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

Eyewitness – a person who observes another person at or near the scene of an offense.

Filler – a photograph of a person who is not suspected of an offense and is included in an identification procedure.

Folder Shuffle Method – method for conducting a photo lineup that is conducted by placing photographs in folders, shuffling the folders, and then presenting the folders sequentially so that the administrator cannot see or track which photograph is being presented to the eyewitness until after the procedure is completed. The back of each folder is marked with sequential numbers.

Identification Statement – a documented statement that is sought by the administrator when an identification is made in the own words of the eyewitness, describing the eyewitness's confidence level that the person identified is the perpetrator of the crime, and was given at the time of the identification procedure prior to any feedback.

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

Perpetrator – a person who committed an offense.

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

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

Suspect – a person who is suspected of committing an offense.

15-1502 INITIAL REPORT OF THE CRIME / FIRST RESPONDER (PRELIMINARY INVESTIGATOR)

A. Dispatcher / Call Taker Responsibilities

As the initial point of contact for the witness, the emergency call taker or dispatcher must obtain and disseminate, in a non-suggestive manner, complete and accurate information from the caller. This information can include the description/identity of the perpetrator of a crime. The actions of the call taker/dispatcher can affect the safety of those involved as well as the entire investigation**.**

The call taker/dispatcher shall answer each call in a manner conducive to obtaining and disseminating accurate information regarding the crime and the description/identity of the perpetrator.

During a 9–1–1/emergency call, after obtaining preliminary information and dispatching police, the call taker/dispatcher should:

1. Assure the caller the police are on the way.
2. Ask open-ended questions (e.g., What can you tell me about the car?); augment with closed-ended questions (e.g., What color was the car?").
3. Avoid asking suggestive or leading questions (e.g., "Was the car red?").
4. Ask if anything else should be known about the incident.
5. Transmit information to responding officer(s).
6. Update officer(s) as more information becomes available.

B. Preliminary Investigation

Preservation and documentation of the scene, including information from witnesses and physical evidence, are necessary for a thorough preliminary investigation. The methods used by the preliminary investigating deputy have a direct impact on the amount and accuracy of the information obtained throughout the investigation.

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

After securing the scene and attending to any victims and injured persons, the preliminary investigating deputy should:

1. Identify the suspect(s).

   a. Determine the location of the suspect(s).
   b. Detain or arrest the suspect(s) if still present at the scene.

2. Determine what crime or incident has occurred.

3. Broadcast an updated description of the incident, suspect(s) and/or vehicle(s), as applicable.

4. Verify the identity of the witness(es).

5. Separate witnesses and instruct them to avoid discussing details of the incident with other witnesses.
6. Canvas the area for other witnesses.

C. Obtaining Information from Witnesses

The manner in which the preliminary investigating deputy obtains information from a witness has a direct impact on the amount and accuracy of that information.

The preliminary investigating deputy shall obtain and accurately document and preserve information from the witness(es). When interviewing a witness, the preliminary investigating deputy should:

1. Inquire about the witness' condition.

2. Establish rapport with the witness.

3. Use open-ended questions (e.g., "What can you tell me about the car?"); augment with closed-ended questions (e.g., "What color was the car?"). Avoid leading questions (e.g., "Was the car red?").

4. Clarify the information received with the witness.

5. Whenever possible, have the witness write a written statement.

6. Document the information obtained from the witness, including their identity, in a written report.

7. Encourage the witness to contact investigators with any further information.

8. Encourage the witness to avoid contact with the media or exposure to media accounts concerning the incident.

9. Instruct the witness to avoid discussing details of the incident with other potential witnesses.

15-1503 COMPOSITES

A. Composite Images

Composite images can be beneficial investigative tools; however, they should not be used as stand-alone evidence and may not rise to the level of probable cause. Composites provide a depiction that may be used to develop investigative leads.

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

1. Procedures - The person preparing the composite should:

   a. Assess the ability of the witness to provide a description of the suspect.

   b. Select the procedure to be used from those available (e.g., identikit-type, artist, or computer-generated images).

c. Unless part of the procedure, avoid showing the witness any photos immediately prior to the development of the composite.

d. Select an environment for conducting the procedure that minimizes distractions.

e. Conduct the procedure with each witness ***separately***.

f. Determine with the witness whether the composite is a reasonable representation of the suspect.

2. Witness Instructions - The deputy/detective conducting the procedure should:

a. Instruct each witness without other persons present.

b. Explain the type of composite technique to be used.

c. Explain to the witness how the composite will be used in the investigation.

d. Instruct the witness to think back to the event and their frame of mind at the time.

B. Documenting the Procedure

1. Document the procedure employed (e.g., identikit-type, mug book, artist, or computer-generated image) in writing.

2. Document the results of the procedure in writing, including the witness' own words regarding how certain they are of any identification.

3. Document items used and preserve composites generated.

15-1504 INTERVIEW OF WITNESS BY FOLLOW-UP INVESTIGATOR

A. Pre-interview Preparations and Decisions

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

Prior to conducting the interview, the investigator should:

1. Review the available information.

2. Plan to conduct the interview as soon as the witness is physically and emotionally capable.

3. Select an environment that minimizes distractions while maintaining the comfort level of the witness.

4. Ensure resources are available (e.g., notepad, tape recorder, interview room).

5. Separate the witnesses.

6. Determine the nature of the witness' prior law enforcement contact.

B. Initial (Pre-interview) Contact with the Witness

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

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

1. Develop a rapport with the witness.

2. Inquire about the nature of the witness' prior law enforcement contact related to the incident.

3. Volunteer no specific information about the suspect or case.

C. Conducting the Interview

The investigator shall conduct a complete, efficient, and effective interview of the witness and encourage post-interview communication.

During the interview, the investigator should:

1. Encourage the witness to volunteer information without prompting.

2. Encourage the witness to report all details, even if they seem trivial.

3. Ask open-ended questions; augment with closed-ended questions, then specific questions.

4. Avoid leading questions.

5. Caution the witness not to guess.

6. Ask the witness to mentally recreate the circumstances of the event (e.g., "Think about your feelings at the time").

7. Encourage nonverbal communication (e.g., drawings, gestures, objects).

8. Avoid interrupting the witness.

9. Encourage the witness to contact investigators when additional information is recalled.

10. Instruct the witness to avoid discussing the details of the incident with other potential witnesses.

11. Encourage the witness to avoid contact with the media or exposure to media accounts concerning the incident.

12. Thank the witness for their cooperation.

D. Recording Witness Recollections

The investigator shall provide complete and accurate documentation of all information obtained from the witness.

During or as soon as possible after the interview, the investigator should:

1. Document the witness' statements (e.g., audio recording or witness' written statement).

2. Review written documentation; ask the witness if there is anything, they wish to change, add, or emphasize.

E. Assessing the Accuracy of Individual Elements of a Witness' Statement

The investigator shall review the individual elements of the witness' statement to determine the accuracy of each point.

After conducting the interview, the investigator should:

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

F. Maintaining Contact with the Witness

The investigator shall maintain open communication to allow the witness to provide additional information. During the post interview or any follow-up contact with the witness, the investigator should:

1. Re-establish rapport with the witness.

2. Ask the witness if they have recalled any additional information.

3. Follow interviewing and documentation procedures as previously stated for witnesses.

4. Provide no information from other sources.

15-1505 FIELD IDENTIFICATION

A field identification or show-up occurs when law enforcement officials show one suspect to one witness for the purpose of eyewitness identification. Although courts have recognized that field identification procedures can be suggestive, field identifications have benefits for both public safety and innocent suspects.

First, in situations when police lack probable cause to arrest, but have temporarily detained a suspect who matches a general eyewitness description, field identifications allow police to conduct an eyewitness identification procedure rather than simply releasing a potentially guilty perpetrator.

Second, field identifications benefit innocent suspects because they have the potential to immediately clear an innocent person from suspicion without suffering the indignity of arrest or further investigation.

A field identification is justified when a person has been stopped based on reasonable articulable suspicion that they have committed a recent crime, and it is reasonable to believe that eyewitness identification will help develop probable cause to arrest the suspect. Additionally, the eyewitnesses who will be asked to view the suspect must have had reasonable opportunity to observe the suspect during the criminal act and given a reasonably detailed description of the suspect such as height, weight, hair color, complexion and clothing appearance prior to attempting the field identification.

A. Field Identification Procedures

When circumstances require the prompt display of a single suspect to a witness, the inherent suggestiveness of the encounter can be minimized through the use of procedural safeguards.

The investigator shall employ procedures that avoid prejudicing the witness. When conducting a field identification, the investigator should:

1. Determine and document, prior to the field identification, a description of the suspect.

2. Transport the witness to the location of the detained suspect to limit the legal impact of the suspect's detention.

3. When multiple witnesses are involved:

   a. separate witnesses and instruct them to avoid discussing details of the incident with other witnesses.

   b. if a positive identification is obtained from one witness, consider using other identification procedures (e.g., photo array) for remaining witnesses.

4. Caution the witness that the person they are looking at may or may not be the suspect.

5. Refrain from giving any feedback to the witness regarding the identification.

6. Obtain and document a statement of certainty for both identifications and non-identifications.

B. Recording Field Identification Results

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

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

15-1506 PHOTO ARRAYS

A. Photo Array Preparation

In composing a photo array, the investigator shall:

1. Include only one suspect in each identification procedure.

2. Use at least five fillers, in addition to the suspect. Each filler shall resemble the description of the perpetrator, given by the eyewitness, in significant physical features, including any unique or unusual features. If an eyewitness has previously participated in an identification procedure in connection with the identification of another person suspected of involvement in the offense, the fillers in the identification procedure shall be different from the fillers used in any prior identification procedure.

B. Instructing the Witness Prior to Viewing a Photo Array

1. Before a photo array is conducted, an eyewitness shall be instructed, without other eyewitnesses present, that the perpetrator may or may not be among the persons in the identification procedure.

2. The administrator should carefully instruct the witness by reading from the *Photo Array Instruction Form;* and the witness should be asked to sign the form indicating that they understand the instructions. The investigating deputy and the administrator should also sign and date the form.

C. Conducting the Photo Array Procedure

1. A photo array procedure shall be conducted by a blind or blinded administrator. A blinded administrator shall use the folder shuffle method.

2. If there are multiple eyewitnesses:

   a. The identification procedure shall be conducted separately for each eyewitness;

   b. The suspect shall be placed in a different position for each identification procedure conducted for each eyewitness; and

   c. The eyewitnesses may not be allowed to communicate with each other until all identification procedures have been completed.

D. Documenting the Photo Array Procedure

Utilizing the *Photo Array Instruction Form*, the administrator shall make a written record of the photo array procedure that includes the following information:

1. All identification and nonidentification results obtained during the photo array procedures;

2. The signed identification statement of the eyewitness;

3. The names of all persons present at the procedure;

4. The date and time of the procedure;
5. Any eyewitness identification of a filler; and
6. All photographs used in the procedure.

APPENDIX 15-A

MUTUAL AID AGREEMENT
BETWEEN
THE CHARLES COUNTY SHERIFF'S OFFICE
THE CALVERT COUNTY SHERIFF'S OFFICE
THE ST. MARY'S COUNTY SHERIFF OFFICE

This Mutual Aid Agreement, made this _____day of _____, 2008, by and between the Charles County Sheriff's Office, the Calvert County Sheriff's Office, and the St. Mary's County Sheriff's Office.

WHEREAS, the Federal and State governments encourage law enforcement agencies to employ regional approaches to public safety planning, preparedness and responses to public safety needs; and it is in the public interest that law enforcement agencies throughout the State of Maryland cooperate to the greatest extent possible to provide prompt, effective and professional police services; and

WHEREAS, the Charles County Sheriff's Office, the Calvert County Sheriff's Office, the St. Mary's County Sheriff's Office, the Department of Maryland State Police, and the Maryland Coordination and Analysis Center (MCAC) have entered into a cooperative agreement for the purposes of creating and operating a regional information center known as the Southern Maryland Information Center (hereafter referred to as SMIC); and

WHEREAS, the SMIC will collect, evaluate, analyze, and disseminate information on criminal and terrorism-related activities occurring within the

southern Maryland region, consisting of Calvert, Charles, and St. Mary's counties; and

WHEREAS, the SMIC will coordinate their operations with the Maryland Coordination and Analysis Center (MCAC) to promote and ensure a unified information sharing system for Maryland; and

WHEREAS, the Department of State Police, and the sheriffs and sheriff's deputies of Charles, Calvert, and St. Mary's County (sometimes referred to as police officers) are certified by and trained in current law enforcement techniques and have completed a course of training as prescribed by the Maryland Police and Correctional Training Commission pursuant to Maryland law; and

WHEREAS, the troopers of the Department of Maryland State Police have throughout the State of Maryland, the same powers, privileges, immunities, and defenses as sheriff's, constables, and police officers and may exercise that jurisdiction state-wide in accordance with the Public Safety Article, Section 2-412, however; the Sheriff's and the deputies of Charles, Calvert, and St. Mary's Counties (hereafter referred to as the parties) are limited in law enforcement jurisdiction to the territorial limits of the county in which they are commissioned or employed and to those exceptions as delineated in the Annotated Code of Maryland, Criminal Procedures Article, Sections 2-102 and 2-103; and

WHEREAS, all parties are aware that from time to time both emergency and non-emergency situations develop at locations and times in any jurisdiction when sufficient law enforcement resources are not available to enable police officers to render prompt, effective and professional services to the public; and

WHEREAS, these parties wish to extend prompt, effective and professional police service to the public to the extent that police resources are available; and

WHEREAS, pursuant to the authority conferred under Maryland law, Criminal Procedure Article Sections 2-102, 2-103 and 2-105 of the Annotated Code of Maryland, the parties enter into this Mutual Aid Agreement which may also be referred to as a "Memorandum of Understanding."

NOW, THEREFORE, the parties do hereby agree as follows:

1. Police officers of any of the parties to this Agreement who are assigned to the SMIC, may lawfully go or be sent beyond the boundaries of the county of their respective jurisdiction and may make arrests, conduct investigations, and otherwise enforce the laws of the state of Maryland while in Charles, Calvert, and St. Mary's Counties without limitations as to jurisdiction and without the presence of a police officer from that jurisdiction provided that the law enforcement agency in whose jurisdiction the police officer is conducting the police activity has:

(a) Designated one or more person(s) from the allied Agency to be notified when any of the parties to this Agreement are entering the allied police jurisdiction to conduct police activities;

(b) Notifies the designated person;

(c) Identifies and so states to the designated person the type of police activity and location of said activity;

(d) States to the designated person whether any of the officers will be in plain-clothes; and

(f) Provides the allied Agency an opportunity to be present during the police activity.

2. Each party shall promulgate rules and regulations regarding the implementation of the Mutual Aid Agreement.

3. Whenever an officer of any of the parties acts pursuant to this Agreement, that officer is authorized to act as a police officer provided that the officer's actions are in accordance with the policies and regulations of the officer's employing agency.

4. The manner of conducting police related activities as set forth in this Agreement, shall not affect the authority granted police officers in Criminal Procedure 2-102, matters involving fresh pursuit as provided in Criminal Procedure 2-301, of the Annotated Code of Maryland or any other provision of law.

5. The parties acknowledge that the acts performed in furtherance of this Agreement by police officers, agents or employees and the expenditures made by any party shall be deemed conclusively to be for public and governmental purpose; and all of the immunities from liability enjoyed by the jurisdictions when acting through its police officers, agents or employees for a public or governmental purpose within its territorial limits shall be enjoyed by the jurisdiction to the same extent when acting pursuant to other lawful authority and/or agreement beyond the territorial limits of the parties.

6. The parties acknowledge that the police officers, agents and employees, when acting in furtherance of authority of this Agreement beyond the territorial limits of the jurisdiction in which they are commissioned or employed, have all the immunities from liability as described in the Annotated Code of Maryland, Section 5-612 of the Courts & Judicial Proceedings Article and Section 2-105 (c)(3) of the Criminal Procedures Article and exemptions from laws, ordinances and regulations, and the same pension, relief, disability, workers' compensation, and other benefits enjoyed by them while performing their respective duties within the territorial limits of the jurisdiction in which they are commissioned or employed.

7. Each of the parties to this Agreement agrees that:

(a) The Sheriffs, to the extent permitted by Section 12-104 of the State Government Article and Section 5-522 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland, will indemnify all parties to this Agreement from all claims by third parties against the parties for property damage or personal injury which might arise out of the activity covered in this Agreement.

(b) Each party will waive all claims it might have against the other party for property damage or personal injury arising out of this Agreement while its personnel or equipment are in any jurisdiction acting in accordance with this Agreement.

8. Each party to this Agreement agrees to cooperate fully with the other party in the defense of claims, pursuant to the indemnification provisions of Paragraphs 6 and 7. This cooperation will include the following:

(a) Immediate notification to the other party of any accident or incident resulting in personal injury, damage or having the potential for liability;

(b) Permit a party to this Agreement to conduct a parallel independent investigation of any accident or incident;

(c) Make personnel, records and equipment available for purposes of the defense of any claim or suit.

9. This Mutual Aid Agreement becomes effective upon execution by all parties and shall remain in effect until any party hereto cancels its participation in this Agreement by sending a written notice to all other parties thirty (30) days prior the cancellation.

AS WITNESS the hands and seals of the parties the day and year first above written.

CALVERT COUNTY COMMISSIONERS:

_____

Wilson H. Parran, President

_____

Gerald W. Clark, Vice President

Susan Shaw

Linda L. Kelley

Barbara A. Stinnett

CHARLES COUNTY COMMISSIONERS:

Wayne Cooper, President

Dr. Edith J. Patterson, Vice President

Reuben B. Collins, II

Samuel N. Graves, Jr.

Gary V. Hodge

ST. MARY'S COUNTY COMMISSIONERS:

_____
Francis J. Russell, President

_____
Kenneth R. Dement

_____
Lawrence D. Jarboe

_____
Thomas A. Mattingly, Sr.

_____
Daniel H. Raley

CHAPTER 16
PROPERTY AND EVIDENCE

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	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **PROPERTY & EVIDENCE**	Chapter **16**
	Affects: **ALL PERSONNEL**	
EFFECTIVE DATE **January 29, 2009**	Rescinds:	Amends: **TOC, 16-306, 306.1, 306.2 on 10/16/20**

16-100 PROPERTY AND EVIDENCE

The maintenance and disposition of property and the collection and processing of evidence are among the most important police functions carried out by the CCSO. The CCSO has responsibility for the safekeeping of all property which comes into its possession, either as evidence or otherwise, and for returning property to its rightful owner or custodian as quickly as legal process will permit.

Prisoner personal property is excluded from the CCSO property held process, however, it shall be documented on the *Arrest Report*, transported to the Detention Center and given to the Correctional Officer accepting custody of the prisoner.

16-101 RESPONSIBILITY

The Criminal Investigations Bureau Commander will have overall responsibility for the CCSO property and evidence functions. A sworn deputy, or specifically hired civilian, will be appointed Property/Evidence Manager with the concurrence of the Sheriff and Assistant Sheriff.

16-110 CITIZEN MEDICATION COLLECTION PROGRAM

The Calvert County Sheriff's Office participates in a Citizen Medication Collection program initiated by the Calvert Alliance Against Substance Abuse (CAASA) to provide citizens with a safe and anonymous way of disposing of expired or unwanted drugs and medications. A drop box has been placed just outside the front entrance at the Sheriff's Office. The box is securely affixed and is monitored by surveillance cameras. The drop box is available 24 hours a day, seven days a week. There is no need for the citizen to fill out any forms or answer any questions.

In addition to providing citizens with a safe and secure way to dispose of prescription and over-the counter drugs, it provides an environmentally friendly alternative to other methods of disposal. This program will aid in preventing accidental poisonings, reduce crime related to prescription drug abuse, burglary, and drug misuse by children. Environmentally, it will help prevent tainted water supplies and will keep these drugs out of landfills.

This program will be overseen by the Criminal Investigations Bureau Commander who will have sole access to the drop box. He will coordinate with the Property/Evidence Manager to regularly collect and document the contents. A case number and a property number are assigned to the

drugs removed from the drop box. A record will be sent to CASA for informational purposes and a Property Record will be maintained by the Property/Evidence Manager. All collected items will be destroyed in the same manner as other found/recovered drugs.

The CCSO also participates in the Drug Take Back Day. During that time, collection sites are identified throughout Calvert County, where citizens can discard drugs and medications into a drop box. Deputies are assigned to these locations and are responsible for the security and transportation of the property to the CCSO at the end of the day.

Items which are acceptable to be placed into medication collection boxes, as listed above, are not subject to CCSO policies on evidence and found property. These items are considered discarded property and will be subject to the procedures set forth in this policy.

16-200 PROPERTY

16-201 PROPERTY INVENTORY

The Assistant Sheriff will ensure that the following inspections, inventories and audits of property are performed and documented:

Inspection to determine adherence to procedures used for the control of property is conducted annually by the Criminal Investigations Bureau Commander. The annual inspection is due by December 31st.

An inventory of property will occur whenever the Property/Evidence Manager is replaced, reassigned or transferred. Such inventory should be conducted jointly by the newly designated Property/Evidence Manager, the former Property/Evidence Manager, and the Criminal Investigations Bureau Commander to assure that records are complete, and property is accountable.

Unannounced inspections of property storage areas are conducted as directed by the Assistant Sheriff at least once a year.

16-202 PROPERTY SECURITY

The CCSO will store all property in its custody in designated, secure areas.

The Property Room of the CCSO, and any other area in which property is stored, will remain securely locked at all times that they are not in use by the Property/Evidence Manager or another authorized person. Only the Criminal Investigations Bureau Commander, Criminal Investigations Bureau Assistant Commander, their designee, and the Property/Evidence Manager will have unescorted access to property storage areas. Each entry into the Property Room or other area will be recorded electronically with the date, time, and individual entering the room.

16-203 GENERAL PROPERTY PROCEDURES

Agency personnel will account for all property taken into custody during the course of their duties. Property will be protected from loss, contamination, alteration, destruction and damage.

All property obtained by an employee as a result of official duties will be placed under the control of the Property/Evidence Manager as soon as possible, but no later than the end of the

employee's shift. Property will be considered under the control of the Property/Evidence Manager when a *Property Record* detailing how the property came into the Agency's possession has been completed, the property has been appropriately labeled, and it has been given to the Property/Evidence Manager or deposited in a locked receptacle prohibiting entry by unauthorized persons.

When a controlled dangerous substance or prescription is found on a prisoner at the Detention Center and the correctional officer advises he is unable to keep the property, Agency personnel will take custody of the property; complete a *Property Record* reflecting it shall be held as evidence or destroyed; and also record the same information on the *Case Report*.

In some circumstances, with the approval of the State's Attorney or a designee, evidence may be photographed/ processed and released to the owner. If there is any doubt as to releasability or ownership, property will be submitted to the Property/Evidence Manager for later disposition.

The CCSO will maintain a records system that reflects the location of the property; date and time when the property was received or released; character, type, and amount of property on hand; and chain of custody from the time the property was stored until its destruction or other final disposition.

16-203.1 PURGING PROPERTY

Prompt, authorized property removal (final disposition/destruction) prevents an overload of the property management system and reduces the requirement for additional storage space. Also, the lack of prompt disposition procedures further deprives owners of the use of their property.

Final disposition of found, recovered, seized and evidentiary property shall be accomplished after legal requirements have been satisfied. After one (1) year all lawfully confiscated, seized and evidentiary property, which is no longer needed for prosecution purposes and remains unclaimed, will be purged. After 90 days all found, recovered or abandoned property that remains unclaimed in Property Held will be purged. Purging of property will be accomplished either by auction, destruction/disposal, or lawful conversion to Agency use.

The CCSO will maintain and record strict chain of custody for all property that comes into its possession.

16-204 SPECIFIC PROPERTY PROCEDURES – DEPUTY RECOVERING PROPERTY OR EVIDENCE

To efficiently manage the property held process, all property being submitted into Property Held needs to be sorted into categories and by owners.

Separate Property Records

- A separate *Property Record* with its own property held number shall be completed for each **property owner.**

- A separate *Property Record* with its own property held number shall be completed for each **category of property** (listed below).

PROPERTY CATEGORIES

Each category of property shall be recorded on its own property record with its own property held number.

Destruction - Property submitted for destruction. This property will be destroyed during the next scheduled destruction.

Evidence CDS - Controlled Dangerous Substance (CDS) submitted via MSP 67A (CDS sent to MSP lab for analysis). After CDS evidence is no longer needed for prosecution purposes, this property will be purged via destruction.

Evidence Non-CDS - Evidence submitted other than CDS or money. After lawfully confiscated property is no longer needed for prosecution purposes, the owner may claim it if lawfully authorized to do so. If this property remains unclaimed after one (1) year, and is no longer needed for prosecution purposes, it will be purged either by auction, destruction, or lawful conversion to Agency use.

Evidence (Money) - Money submitted that is seized as evidence for forfeiture. Money that cannot be readily returned to the owner will be deposited at the County Treasurer's Office and not stored in CCSO Property Room. The Property/Evidence Manager will maintain a receipt of this deposit.

Found - Property submitted that was found with no known owner. If this property remains unclaimed after 90 days, it will be considered abandoned and be purged either by auction, destruction or lawful conversion to Agency use.

Released Prior to Submission - Property that was in the deputy's custody but was released to someone by the deputy prior to its submission into Property Held. The deputy must ensure the property release section on the *Property Record* is completed and signed.

Safekeeping General - Property submitted for safekeeping that is intended to be returned to the owner. If this property remains unclaimed after 90 days, it will be considered abandoned and be purged either by auction, destruction or lawful conversion to Agency use.

Safekeeping (Money) - Money submitted, that is intended to be returned to the owner. If the money cannot be readily returned to the owner, it will be deposited at the County Treasurer's Office and not stored in CCSO Property Room. The Property/Evidence Manager will maintain a receipt of this deposit.

Protective Order - Property submitted pursuant to a protective order. Property will be held by CCSO during the duration of the protective order. If legally permissible, the owner may claim the property upon termination of the protective order. If the property remains unclaimed 90 days after the termination of the protective order, it will be considered abandoned and purged either by auction, destruction, or lawful conversion to Agency use.

Impounded Vehicle Key - Only the vehicle keys of a vehicle impounded at the CCSO Impound Lot. (Refer to Chapter 12, Section 510 for procedure.)

16-205 REPORTING PROCEDURE

The deputy will complete, accurately and in detail, each section of the CCSO *Property Record*.

Whenever possible, type *Property Records*. In instances where the *Property Record* is hand-written, press firmly to ensure all information can be clearly read on all copies. All blocks on the *Property Record* are to be completed.

All *Property Records* **must** include a case number and property number, and all copies forwarded to the Property/Evidence Manager. In traffic related matters, attach all copies with traffic arrest paperwork, citations, etc.

The *Property Record* will list each item of property or evidence. Each item should be listed separately as a line item on the *Property Record* whenever possible. Items which generally can be excluded from item by item listing are miscellaneous, non-valuable items; i.e. pencils, pens, old or used clothing, miscellaneous papers, etc.

The deputy will ensure that the property is appropriately packaged and labeled, using the CCSO *Property Held Tag*. The CCSO *Property Record* form is designed to aid the deputy by:

- Allowing a carbon copy of the form to be issued as a receipt to the person the property was taken from.

- Allowing a carbon copy of the form to serve as the owner notification that CCSO has custody of the property and provide guidelines and instructions on how the owner can claim the property.

The deputy seizing or initially taking custody of property should complete the *Property Record* form, including the complaint control number at the time the property is taken into custody.

A property held number (CCSOP#) can be assigned by the duty officer or their designee and recorded on the *Property Record* at that time via radio transmission, or the deputy can assign the property held number to the *Property Record* when the property is brought to CCSO. The deputy must ensure the property is entered into the *Property Number Issuance Log* (in the Duty Officer station) prior to the end of their shift.

When assigning a property held number (CCSOP#), the next available property held number in the log shall be used, which will be entered on the *Property Record*. On the *Property Number Issuance Log* enter the following information, printing clearly in black ink:

- Issue date of the property held number
- Category of property submitted under that property number
- Case number or *Case Report* number
- Submitting deputy's name
- The property owners name
- A brief description of the property

In those cases where more than one *Property Record* is used to segregate each category of property, i.e. CDS, money, etc., the original complaint control number is placed in all related property forms. However, a separate property inventory number (CCSOP#) is assigned for each category of property, even though it relates to a single case. The separate property inventory numbers will be cross-referenced in the appropriate section of the *Property Record* form.

The deputy seizing or initially taking custody of the property shall individually identify it with a property held tag, either attached to it or to the container holding the property.

16-205.1 FORM DISTRIBUTION

All carbons of the *Property Record* are to be properly disseminated by the deputy/employee. If for some reason a carbon was not disseminated to its intended location, it shall be turned in to the Property/Evidence Manager along with the white original copy. No carbons shall be discarded or destroyed by the deputy/employee. The completed forms are to be distributed in the following manner:

White Copy - Permanent *Property Record* for the property record files maintained by the Property/Evidence Manager. Attach this copy to any property that is to be placed in Property Held.

All Other Copies (Green, Pink and Yellow) – Must be attached to the *Case Report*. When a Property Record must be completed after the initial *Case Report*, the **original** case number must appear on the Property Record. Do not put any number other than the original case number on the Property Record.

Even if property is released prior to being submitted into Property Held, a *Property Record* is still completed to account for the property that was in CCSO custody and released. In this situation the officer shall also complete the "property release" section on the back of the white copy of the property record. The officer must ensure the person receiving the property signs the "property release" indicating they took possession of the property.

General Guidelines for completing the *Property Record* form

Type of Offense/Incident - List call for service classification.
Location - List location of call for service.
Case Number - List call for service number.
Property Number - List property number assigned to items included on that *Property Record*.
Forensic Exam Requested – Indicate "Yes" or "No," attach copy of request form (MSP 67 or MSP 67A) with property record. Attach original MSP 67 or MSP 67A to the property it relates to.
Related Case Numbers – List known case numbers related to that case.
Related Property Numbers – List known property numbers related to that case.
Property Submit Type (check one)
Destroy - List only property submitted for destruction. (Non-evidence contraband and found property with no value. Property for which an owner is not likely seeking its return, and which likely won't be sold in an auction, should be submitted for destruction.)
Evidence - List only property submitted as evidence. Evidence CDS will be included on its own *Property Record*. Evidence non-CDS will be included on its own *Property Record*. Evidence money will be included on its own *Property Record*.
Found - List only found property with no known owner. (Found property with monetary value, which will likely be returned to an owner, if identified or sold in an auction.)
Released Prior to Submission - List property that was in CCSO custody but was released to someone prior to submission, and ensure that the property release section of the property record is completed and signed.
Safekeeping - List non-evidence property submitted for safekeeping that is intended to be returned to the owner.
Protective Order - List property submitted that's related to a protective order and is intended to be returned at the conclusion of the protective order.
Property Received From - List the information regarding the person that the property was received from.
Property Owner - List the information regarding the owner of the property (one *Property Record* per owner).

Arrest made - Indicate "Yes" or "No." If yes, list the information regarding defendant. If an arrest of a known suspect is pending, include the suspect's information. If there are multiple arrests related to this property, include the additional suspect's information in the narrative section on the back of the white copy or a *Property Record* continuation page may be used. (If arrest information involves a juvenile, make sure this information is blocked out on the carbon copies provided as a receipt and as the owner notification.)

May Property be Released Now - Indicate "Yes" or "No."

Property Owner Notified - Indicate "Yes" or "No." If yes, indicate the date, time and how notified.

All Serial Numbers/Tags Checked thru MILES/NCIC - Serial numbers and tags must be checked through MILES/NCIC prior to submission into Property Held. Indicate the date and time this check was done.

Property Manager Use Only - Checks done on firearms by the Property/Evidence Manager prior to their release.

List Additional Arrests on Back Section of White Copy of Property Record or Use Continuation Page

Item Number - List each item separately with a full description.

Submitted by /ID#/ Date - Deputy submitting property, ID#, and date submitted.

Reviewed by/ ID#/ Date - Supervisor checking property and *Property Record*.

Date/Time Placed in Property Held - Date and time property was turned over to Property Held storage.

Location - Indicate the secure location where property was submitted for temporary storage: TS1, TS2, etc. or other location.

Witness - Person witnessing the property placed in secure temporary storage.

Details - (On the reverse side of the white copy) Check one that applies. If related to a protective order, attach a copy of the order.

Circumstances of Recovery or Receipt - Write brief explanation for Property/Evidence Manager, as well as any special requests concerning the property.

Property Release - Used to record information regarding the release of the property; complete all the fields including the signature fields.

Chain of Custody - Used to record chain of custody of property leaving and returning to CCSO Property Held storage.

16-205.2 OWNER NOTIFICATION

When the identity of the owner is known, the investigating deputy will notify that person as soon as possible. The notification may be made telephonically. The notification will be documented on the *Property Record*.

Employees coming into possession of another's property shall submit a completed *Property Record* to the Property/Evidence Manager prior to the end of their shift and diligently attempt to notify the owner that the property is being held and the manner in which it can be released. Method of notification shall be recorded on the appropriate *Property Record*. The pink copy of the *Property Record* form is to be given to the property owner. If the owner is not readily available to receive the pink copy, then the employee shall turn in the pink copy along with the white original copy of the *Property Record* to the Property/Evidence Manager. The Property/Evidence Manager will mail the pink copy to the owner via certified, return receipt requested mail.

16-205.3 PACKAGING AND LABELING PROPERTY FOR STORAGE

All property submitted by a deputy for storage will be properly packaged and labeled using the following procedures:

A. As appropriate, the article will be placed in a properly sized container or envelope.

B. The deputy will affix to the property or it's container a CCSO *Property Held Tag* with the following information:

   1. Date and time it was taken into custody.

   2. Deputy's name, property held number, case number, and description of the property, prior to its being placed in storage.

   3. Property held tags will be affixed in such a manner so as to avoid damaging the property.

C. If the CCSO *Property Held Tag* cannot be used, the property or its container will be labeled with the following minimum information:

   a. Date and time article was found

   b. Name and ID number of deputy

   c. Property held number

   d. Case number

   e. Description of the property or evidence

D. In cases of evidentiary firearms not handled by the crime scene technician, the position and number of rounds will be documented when applicable. Firearms will be unloaded, and if applicable, the chamber will be opened. Ammunition will be packaged separately.

E. Exposed cutting edges, blades or other sharp objects will be packaged so as to avoid damaging any trace evidence, and if possible, will be taped or covered in such a way as to prevent injuries.

F. The chain of custody for all physical evidence must be maintained and documented on the CCSO *Property Record* or other document.

16-205.4 TEMPORARY STORAGE OF PROPERTY

In the event the Property/Evidence Manager is not on duty, the CCSO has lockers to accommodate property that must be stored temporarily before it can be placed into the Property Room. Only individuals authorized unaccompanied access to the Property Room have access to the keys for the evidence lockers.

Deputies utilizing the temporary storage lockers shall have another employee witness them placing the property into the temporary storage location. After placing the property into the locker, the deputy will ensure that the temporary storage locker is securely locked. The deputy will record which temporary locker was used and the witness information on the *Property Record*.

The deputy will keep the yellow copy of the completed *Property Record* to turn in with their report. The deputy will submit the completed white original *Property Record*, along with any other remaining copies of the *Property Record*, to the "property inbox" for processing by the Property/Evidence Manager.

If a deputy receives property, which will not fit into an evidence locker, the property shall be held in a secure area until the Property/Evidence Manager is available. In the event the property is of extremely high value, i.e., precious metals, gems, artwork, etc., or of high sensitivity, the Property/Evidence Manager may be summoned to assume possession. In any case, the duty officer is held accountable to see that the property is secured until received by the Property/Evidence Manager. Every effort is made to maintain the chain of custody, so the integrity of the case is not compromised.

16-205.5 AUTOMOBILE REGISTRATION PLATES AND DRIVERS' LICENSES (MVA)

All seized registration plates and drivers' licenses will be turned in to Property Held and a *Property Record* completed for them. MVA should be listed as the owner. Disposition of these items is coordinated by the Property/Evidence Manager through an MVA representative; and these items will be returned to MVA, unless a specific request is made at the time of submission to keep the item as evidence.

16-205.6 CASH OR OTHER NEGOTIABLE INSTRUMENTS

Whenever money is taken into the custody of the Agency, it will be handled in accordance with the following procedures:

A. When money is taken into custody, the deputy taking custody or making the seizure will promptly count it. The deputy will complete a separate *Property Record* for the money and issue a receipt to the person from whom the money was recovered.

B. Upon return to CCSO, the deputy will count the money in the presence of a supervisor, who shall sign the *Property Record* indicating it was reviewed and correct.

C. The money shall be put into a sealed envelope with the amount written on the envelope. The property held number, case number and the names of the deputy and supervisor that verified the amount are to be written on the envelope containing the money. The sealed envelope of money shall be given to the Property/Evidence Manager.

D. If the Property/Evidence Manager is not available, the sealed money envelope shall be stored in a locked temporary storage locker. Deputies utilizing the temporary storage lockers shall have another employee witness them placing the property into the temporary storage locker. After placing the property into the temporary storage locker, the deputy will ensure that the temporary storage locker is securely locked. The deputy will record which temporary locker was used, and the witness information on the *Property Record*.

E. Currency found during a CDS arrest should not automatically be seized by the arresting officer. The State's Attorney's Office will not apply for forfeiture proceeding for currency seized as a result of a CDS arrest, unless the deputy can articulate that the currency is directly related to the distribution of CDS. The deputy will need to articulate factors such as:

   1. Is the arrested person employed?

2. Was the currency grouped or folded in fashions indicative of CDS distribution?
3. Was the currency being exchanged during a CDS transaction?
4. The amount of currency recovered, etc.

Supervisors will review the circumstances of the case to determine if currency should be seized. If currency is seized as a result of a CDS arrest, the Property/Evidence Manager will be responsible for depositing the seized currency into an account established by the Finance Department.

F. For money submitted that has been seized for forfeiture, the deputy shall complete a Calvert County Sheriff's Office *Request for Forfeiture of Monies* form. The money shall be photocopied, recording the denominations and serial numbers. The *Request for Forfeiture of Monies* and photocopies of the money are to be included in the deputy's case file. A photocopy of the *Request for Forfeiture of Monies* is to be attached to the money when it is submitted into Property Held.

G. The Property/Evidence Manager will verify the amount of the money, resolving any discrepancy with the submitting deputy. The Property/Evidence Manager will prepare a Calvert County *Remittance Advice* form, take the money to the Calvert County Treasurer's Office, and deposit the money at that location. The Property/Evidence Manager will maintain a copy of this deposit, with the property record files, and will provide a copy to the Records Section to be maintained with the case file.

H. If money recovered is evidence (e.g., it is bloodstained in a shooting), the deputy must make this specific request known to the Property/Evidence Manager at the time of submission.

16-205.7 FIREARMS

In addition to the above listed property procedures, when a firearm is seized, the following procedures will be observed:

A. The firearm will be cleared of ammunition and the ammunition packaged separately for storage. If the deputy encountering the firearm is unfamiliar with unloading it, another employee will be requested to assist with the unloading. In the event of an unusual firearm type, which cannot be verified as unloaded, the weapon shall be handled as if it were verified loaded and shall not be left unattended. The "loaded" weapon will be transferred person-to-person and the receiving employee will be informed of the firearm's condition.

B. A deputy seizing firearms shall check all serial numbers through MILES/NCIC prior to submission into Property Held and note the date and time of the check on the *Property Record*.

C. The deputy will complete a *Property Record* describing the weapon by make, model, serial number, caliber, condition/damage or any other identifying characteristics;

D. If the seizure of a firearm is court ordered, a copy of the court order will be attached to the *Property Record*.

E. If related to a protective order, provide a copy of the *Property Record* to the Orders Of Protection Office Specialist II.

F. All firearms submitted to Property Held will be tagged with the CCSO *Property Held Tag* attached to the trigger guard. If the firearm is contained within a box, gun cover or other wrapping, the cover material will be tagged. No markings will be made upon the firearm.

G. The condition of each firearm will be noted on the *Property Record*. This condition note will particularly describe any visible damage to the firearm. When circumstances permit, the owner or person from whom the firearm is taken will be asked to initial the condition notation for each firearm.

H. If possible, each firearm will be handled in such a manner as to prevent damaging the firearm, and to prevent injury to the handler or others. No foreign object will be placed in the barrel, cylinder, magazine or other part of the firearm. No firearm will be dismantled in any fashion. The Property/Evidence Manager will ensure that the firearm is maintained in the condition in which it was received.

16-205.8 CDS PROCEDURES – PREPARATION OF CDS TO BE SENT TO MSP CRIME LAB

All deputies are advised to review the MSP guidelines for the submission of CDS. Unless this procedure is followed accurately, the laboratory will not accept the evidence. All CDS, including prescription CDS, seized as evidence pursuant to a criminal case should be submitted to the lab for analysis. The following procedure will be adhered to:

A. Items submitted to the Maryland State Police Laboratory must be weighed and counted, if applicable (i.e. capsules, pills, and caplets). The seizing deputy will weigh and count the evidence as appropriate.

B. Evidence should be weighed with the least amount of wrapping material possible. Examples of items requiring a weight would include vegetable matter such as marijuana and P.C.P., and powdered substances, such as cocaine and heroin. Items, such as pills, tablets, capsules, squares of blotter paper, etc., should be accurately counted. Items involving traces or residue of suspected CDS need only be accounted for in number, not in weight.

C. The deputy shall complete the form MSP 67, *Request for Laboratory Examination/Chain of Custody Log.* (**Note: *Marijuana weights will not be recorded on the form MSP 67 or Kapak bag by anyone other than the chemist during analysis.***)

D. The deputy shall place the evidence in a Ziplok bag, which is then placed in a clear Kapak evidence bag. There should be no loose items in the Kapak bag. Seal the Kapak bag approximately half an inch from the open end using the heat sealer and initial the heat seal using a permanent marker. All PCP or any other liquid form of CDS must be packaged in double Kapak evidence bags. Both Kapak bags must have all edges heat sealed. Only the outer Kapak bag must be initialed across the seal by the submitter. This is required to prevent exposure of questioned material to others handling the packages.

E. The deputy shall complete the evidence label to include the case number, date of seizure, initials of the sealing deputy and the witnessing deputy and department name. The label shall be affixed on the Kapak bag, so that it is positioned approximately half an

inch down from the top edge and approximately half an inch away from the heat seal. The completed form MSP 67 shall be attached to the evidence bag with one staple and submitted to the Property/Evidence Manager or placed in a secured temporary storage location. (Note: Marijuana weights will **NOT** be recorded on form MSP 67 or Kapak bag by anyone other than the chemist during analysis.)

F. The supervisor will ensure that the deputy has properly completed the MSP 67, evidence label, and signed the heat seal before the evidence is submitted into Property Held.

G. Currency found during a CDS arrest should not automatically be seized by the arresting deputy. The State's Attorney's Office will not apply for forfeiture proceedings for currency seized as a result of a CDS arrest, unless the deputy can articulate that the currency is directly related to the distribution of CDS. The deputy will need to articulate factors such as:

1. Is the arrested person employed?
2. Was the currency grouped or folded in a fashion indicative of CDS distribution?
3. Was the currency being exchanged during a CDS transaction?
4. The amount of currency recovered, etc.

Supervisors will review the circumstances of the case to determine if currency should be seized. Currency submitted into Property, must have its own property number and property record. If currency is seized as a result of a CDS arrest, the Property/Evidence Manager will be responsible for depositing the seized currency into an account established by the Finance Department.

CDS submitted for analysis to the Maryland State Police Lab (checked and submitted by the Property/Evidence Manager) must meet the following guidelines:

A. Exhibits must be packaged **individually** in Ziplok bags and appropriately identified. Items such as pills, tablets and capsules should be accurately counted, but need not be weighed. Pills in bottles must be emptied into the Ziplok bag. The **empty** pill bottle can also accompany the pills in the bag but should be listed on the lab request form. The exceptions to this would be suspected Fentanyl or PCP. They can remain in the packaging in which they are found, making sure to clearly indicate the presence of such on the lab request form. Items involving traces or residue of suspected CDS need only be accounted for in number, not weight.

B. Any items involving wet vegetable matter, such as marijuana, must be dried prior to submission to the MSP Crime Lab. Fresh marijuana decays and can easily develop a toxic fungus if it is not dried. Submissions involving vegetable matter that is not dried may also result in losses of weight as the material dries. Vegetable matter will be packaged in paper bags or other appropriate containers.

C. Evidence involving large quantities of material must be randomly sampled. For pills, tablets and capsules of a quantity greater than fifty (50), a 10% random sample should be submitted. Quantities of fifty (50) or less may be submitted in their entirety.

D. For each Kapak bag / MSP 67 form, there must be a separate property number and separate property record. In cases where there are co-defendants and several

drug/paraphernalia items are found, a separate request for lab exam must be completed for each person being charged.

E. Exhibits involving whole plants of a length greater than one foot should be submitted by taking parts of the plant and submitting them. Parts to be included are the leaves, flowering tops, stems and seeds. Mature stalks and roots need not be included. Seizures dealing with a large number of plants should follow the 10% random sampling guideline.

F. Bulk exhibits of manicured vegetable matter and powders of quantities greater than one kilogram should be randomly sampled by taking ten samples from various locations within the exhibit. The weight of those ten (10) exhibits should not exceed ten (10) grams in net weight.

G. Seizures involving the submission of liquids (volatile, toxic, or otherwise) must be double bagged and securely sealed to prevent spillage and/or leakage of fumes. Many chemicals, such as ether, Benzine, etc., are highly flammable and toxic. If these chemicals are not essential to proving intent or do not have probative value, do not submit them to the MSP Crime Lab. Ascertain their value from the State's Attorney and if not necessary for the successful prosecution of the case, then they should be disposed of in an appropriate and safe manner. When in doubt as to the proper packaging of chemicals, contact a crime scene technician, the Property/Evidence Manager or the CIB Commander for assistance.

H. All evidence to be analyzed will be placed in a heat-sealed clear polyvinyl pouch and the required forms attached to the outside.

I. A 10% sampling shall be submitted for lab analysis with its own property number, its own property record and MSP 67. The remainder of the sampling will be submitted as non-analysis, with its own property record and property number.

J. Syringes for lab analysis must be encased in biohazard safe packaging within the Kapak bag. This property must be accompanied by a letter from the State's Attorney's Office requesting lab analysis. Without this letter this property will not be accepted by MSP lab for analysis.

K. Syringes for non-analysis must be packaged in biohazard safe packaging and be accompanied by its own property record and property number.

L. Syringes/needles that are to be destroyed must be taken to CMH for destruction prior to submission. A property record with property number must be submitted to Property with box checked for "destroy" and a notation under "item." Example: syringe – destroyed at CMH prior to submission.

Evidence will be submitted to the MSP Crime Lab as soon as possible after a seizure. Delays in submission may lead to the evidence not being ready when a case comes to court. Requests for "Rush" cases will not be given priority where lengthy delays in submission are involved.

16-205.9 INSTRUCTIONS FOR MSP FORM 67, CDS SUBMISSION

The form MSP 67, *Request for Laboratory CDS Examination -- Chain of Custody Log* is used to record the items submitted, the chain of custody, and the laboratory results. This form, except

for the chain of custody area, must be typed because of its multiple copies, and the fact that it will be presented in court. The copies of this form will not be separated prior to submission.

Ensure that the case number you list on the form is the same number that appears on the *Case Report*. If an alternate number must be used for some reason, type, "Related Case Numbers" and provide all related case numbers.

Recovered CDS, along with the form, is delivered to the MSP Crime Lab by the CCSO crime scene technicians for analysis. The Agency copy will be returned with the CDS after testing. All lab results must be in writing, even if notified verbally first. Chain of custody is critical for successful prosecution of CDS cases:

- Line 1 of the Chain of Custody area of the form requires the name of the person from whom or the place from which the evidence was originally taken.

- Following lines require the printed name, signature and date and time of each person, who subsequently handles the evidence.

The following information will assist in completing the form:

- **Crime Laboratory File #:** Leave blank. This number will be assigned by the MSP Crime Lab when the CDS is submitted for analysis.
- **Agency Telephone #:**
- **Installation/Agency:** Calvert County Sheriff's Office.
- **Case #:** The CCSO case number.
- **Property Held No.:** The CCSO Property Held Number.
- **Suspect:** ***Full name*** of the suspect. Partial names, nicknames or no name will not be accepted.
- **Victim:** ***Full name*** of the victim.
- **Offense:**
- **Date of Offense:** Enter the date in order of month, day, year.
- **County:** County of occurrence, usually Calvert.
- **Type Examination Requested:** CDS
- **Examination Requested By:** Name of person submitting CDS.
- **Trace Evidence Only:** Explanation is in parentheses in this box of the form.
- **List of Articles:** The list of articles must begin with the following: "Evidence bag 1 of 1: One heat sealed bag containing the following:"
- **Chain of Custody Area:** Complete as instructed earlier in section 205.1.

When packaging CDS for submission to the crime laboratory, MSP requires the initials of the person who seals the Kapak evidence bag to be written directly on the heat seal itself with a permanent felt-tip marker. This is necessary to refute possible concerns about evidence tampering. The crime laboratory will no longer accept CDS for analysis unless the bags are properly sealed and initialed.

In those instances where CDS or prescription medicine is turned in to be disposed of, the matter must be weighed and counted in the presence of a supervisor who will verify and initial the weight notation and place the property in the property locker.

16-206 SPECIFIC PROPERTY PROCEDURES – PROPERTY / EVIDENCE MANAGER

16-206.1 TEMPORARY RELEASE OF PROPERTY

A deputy, who needs to obtain property temporarily for court, review, investigation, or any other purpose, will notify the Property/Evidence Manager. Deputies will notify the Property/Evidence Manager sufficiently in advance of the need of the property to allow for its orderly issuance.

The Property/Evidence Manager will record the issuance of the evidence on the appropriate *Property Transaction Log* and the chain of custody on the *Property Record*. The receiving deputy is responsible for recording the chain of custody on the *Property/Evidence Tag* or other form.

When returning property, the deputy will advise the Property/Evidence Manager what disposition can be made of the property (release, hold, destroy, etc.).

All property temporarily released from the Property Room, for investigative purposes, will be returned by the investigating deputy to the Property/Evidence Manager by the end of the same business day. The exception to this are electronic devices (cellular phones, iPads, Tabs, Laptops, etc.) that need forensic examinations completed on them by detectives of Criminal Investigation Bureau (CIB) and Drug Enforcement Unit (DEU). Detectives will keep said devices in secured locations while in their custody. Once the devices are no longer needed for the forensic examinations, detectives will return said devices to the Property/Evidence Manager immediately. Employees will not retain overnight custody of property in their unlocked desks, office areas, vehicles, or any place that is not secure.

16-206.2 RELEASE OF PROPERTY

Agency employees will not convert to their own use or have any claim to any evidence or recovered property. Persons authorized to receive property eligible for release are the identified owner or the legally authorized representative of the identified owner.

Property will be released from the Property Room only between the hours of 0800 and 1400, Monday through Friday. However, in an emergency or extremely unusual instance, when the property must be released at some other time, the Property/Evidence Manager or other persons designated may be contacted to make arrangements.

Arranging for the return or disposing of property and evidence is the responsibility of the Property/Evidence Manager, in conjunction with the seizing deputy. Property and evidence will be released or disposed of as soon as legally possible or feasible. Property will not be held merely to inconvenience its owner. Deputies will be responsible for notifying the Property/Evidence Manager concerning releasability. Deputies must be sure the case is concluded, there are no co-defendants awaiting trial, and no appeals pending.

Arrangements will be made for evidence or suspected stolen property to be viewed only during the above times, unless it has been authorized and arranged in advance between the investigating deputy and the Property/Evidence Manager.

In order to prevent premature release, the Property/Evidence Manager must be notified, as soon as it is known, of property originally placed in the Property Room as non-evidentiary material, which is subsequently determined to possess evidentiary value.

In all cases, the final disposition of all evidence will be accomplished within six (6) months after all legal requirements (including all appeals) have been met. In the case of serious crimes against persons, the Property/Evidence Manager will consult the Criminal Investigations Bureau Commander before evidence is disposed of. The Criminal Investigations Bureau Commander will consult with the Assistant Sheriff and the State's Attorney, if necessary, to determine whether property should continue to be held.

Final disposition of found, recovered, seized and evidentiary property shall be accomplished after legal requirements have been satisfied. After one (1) year all lawfully confiscated, seized and evidentiary property, which is no longer needed for prosecution purposes, and remains unclaimed, will be purged. After 90 days all found, recovered or abandoned property that remains unclaimed in Property Held will be purged. If not claimed and returned to the owner within that time, the property will be determined to be abandoned and will be disposed of. Purging of property will be accomplished either by auction, destruction, or lawful conversion to Agency use.

16-206.3 DECEASED PERSONS – RELEASE OF PROPERTY TO NEXT OF KIN

The disposition of a deceased person's property is subject to the Estates and Trust Laws of Maryland. However, unless they are being held as evidence or for some other investigative purpose, the personal effects of a deceased person may be released to a competent member of the immediate family (spouse, children, parents, etc.), who was living with the deceased at the time of death. If there is any question whatsoever as to ownership or questions regarding relationships, all property must be forwarded to the Property/Evidence Manager for later disposition.

16-206.4 DECEASED PERSONS – NO RELATIVES TO ACCEPT PROPERTY

When no immediate family member can be located, property will be taken into custody and submitted to the Property/Evidence Manager. If the property is not claimed within a period of 90 days, it will be considered abandoned and disposed of.

16-207 FORFEITURE OF SEIZED FIREARMS

Under the provisions of §13-201 of the Criminal Procedure Article of the Annotated Code of Maryland, certain seized firearms may be forfeited to the CCSO.

16-207.1 DISPOSITION OF FORFEITED FIREARMS

The Sheriff may convert to CCSO use, firearms forfeited under the provisions of §13-201 of the Criminal Procedure Article of the Annotated Code of Maryland. Seized or abandoned firearms, which are not put to official CCSO use, will be sold to an authorized firearms dealer or destroyed. They will not be sold, exchanged or in any other manner given to private individuals or returned to the private market.

Each firearm destroyed will be cataloged on a *Firearms Destruction Log*. The Property/Evidence Manager will mail notice of the gun destruction, describing the guns that were destroyed, to the Maryland State Police Firearms Registration Unit.

The CCSO will maintain and record strict chain of custody for all property that comes into its possession.

16-208 FIREARMS RELEASE PROCEDURES

If a seized firearm is not handled under the procedures in Section 16-207, an owner attempting recovery must complete a CCSO *Request for Return of Firearms* and submit it to the Property/Evidence Manager. The Property/Evidence Manager will conduct a thorough investigation to include running a wanted check through MILES/NCIC, checking for active protective orders, and checking the person's criminal history to determine that the owner may legally possess the firearm before releasing it. The Property/Evidence Manager will document their investigation on a CCSO *Firearms Release Investigation Report.* This report will be forwarded to the CIB Commander for review and approval.

A. Under the authority of United States, 18 U.S.C. 922(g), a person is not legally entitled to receive, possess, ship, or transport any firearm if any of the following apply:

   1. They have been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year.

   2. They are a fugitive from justice.

   3. They are an unlawful abuser of, or addicted to, any controlled dangerous substance.

   4. They have been adjudicated as a mental defective or who has been committed to a mental institution.
      (NOTE: Under Maryland Court of Special Appeals case. Furda v. State of Maryland (2007), an Emergency Evaluation alone is not a commitment to a mental institution.)

   5. They are an alien illegally or unlawfully in the United States.

   6. They have been discharged from the Armed Forces under dishonorable conditions.

   7. Having been a citizen of the United States, he has renounced his citizenship.

   8. They are subject to a court order that restrains the person harassing, stalking, or threatening an intimate partner or child of such intimate partner.

   9. They have been convicted in any court of a misdemeanor crime of domestic violence.

B. Under the authority of Maryland State Law PS 5-133, no person may possess a regulated firearm (all handguns and selected long arms as specified in Maryland Law PS 5-101) if any of the following apply:

   1. They have been convicted of a crime of violence.

   2. They have been convicted of a felony.

   3. They have been convicted of a misdemeanor that carries a statutory penalty of more than two years.

   4. They have been convicted of a violation classified as a common law crime and received a term of imprisonment of more than two years.

   5. They are a fugitive from justice.

6. They are a habitual drunkard. "Habitual drunkard" means a person who has been found guilty of any three crimes under § 21-902(a), (b), or (c) of the Transportation Article, one of which occurred in the past year.

7. They are addicted to a controlled dangerous substance or is a habitual user.

8. They suffer from a mental disorder as defined in § 10-101(f)(2) of the Health - General Article and has a history of violent behavior against the person or another, unless the person has a physician's certificate that the person is capable of possessing a regulated firearm without undue danger to the person or to another.

9. They have been confined for more than 30 consecutive days to a facility as defined in §10-101 of the Health - General Article, unless the person has a physician's certificate that the person is capable of possessing a regulated firearm without undue danger to the person or to another.

10. They are a respondent against whom a current non ex parte civil protective order has been entered under § 4-506 of the Family Law Article.

11. He has received a Probation before Judgement (PBJ) in a domestic violence case.

12. If under the age of 30 years, he has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

Any person requesting the release of a firearm while residing outside the state of Maryland will need to engage an FFL agent to act on their behalf for firearm release requests. Additionally, any person using an FFL for the purpose of attempting to have firearms released will be responsible for any fees, costs or financial expenditures involved in the release of the property.

16-209 PROPERTY MANAGEMENT

In those cases when a court order commands the seizure of property that must be removed from the custody of the owner or individual in possession, a copy of the writ and schedule listing the property seized will immediately be provided to the defendant. If the property seized is to be held in the Property Room of the CCSO, the deputy will complete a CCSO *Property Record Form* and provide a copy to the owner.

All firearms removed by CCSO deputies pursuant to the issuance of a final protective order will be held in the CCSO property room. These firearms will not be released to the respondent of the final protective order for the duration of the order. The deputy will complete a CCSO *Property Record* and provide a copy of the report to the owner of the firearm(s) and the Orders of Protection Office Specialist II. The deputy will also complete a CCSO *Property Held Tag* and affix it the seized firearm.

In all instances where property is seized, a deputy will affect the removal of seized property; fully explain the reasons for its removal, and how and when the individual may regain custody of their property.

16-300 COLLECTION & PRESERVATION OF EVIDENCE

Evidence is any item, which possesses the capacity to prove the existence or non-existence of fact. The most important aspect of evidence collection and preservation is to protect the

incident/crime scene. This is dependent on the first officer to arrive on the scene. The successful prosecution of a case can depend on how evidence is collected and processed.

The first officer on a scene, until relieved by a detective or higher-ranking officer, is responsible for ensuring a crime scene is protected and processed. Dependent on the nature of the incident, the first officer on the scene may make use of additional officers, evidence tape, ropes, and barricades to preserve the integrity of the scene. However, only those personnel necessary to assist in protecting, processing, and investigating the scene should be allowed access.

16-301 LEGAL CONSIDERATIONS

To satisfy legal concerns regarding physical evidence, a deputy must be able to:

- Identify each piece of evidence in court long after it was collected.
- Describe the exact location where (or from whom) an item was found.
- Show the chain of custody of each item from its collection until court presentation.
- Explain any changes in the evidence between the time it was collected and the time it is presented as evidence in court.

16-302 CRIME SCENE TECHNICIAN

Crime scene technicians are available on a 24-hour basis for the prompt collection and preservation of evidence, and to process crime scenes. The CIB Commander or their designee will ensure that 24-hour coverage is maintained and will publish both a monthly Crime Scene Unit work schedule and an on-call schedule, which will be kept in the duty officer's work station area for easy access.

16-302.1 REQUESTING A CRIME SCENE TECHNICIAN

In the absence of an on-duty crime scene technician, the on-call crime scene technician will be notified to respond to incidents. Prior to a crime scene technician being notified to respond to an incident, a CIB supervisor will be notified of the incident and all pertinent information will be relayed to him/her. They will then determine whether or not a crime scene technician will respond. Crime scene technicians shall adhere to all policies and procedures for handling property/evidence as outlined elsewhere in this manual.

When a crime scene technician is not utilized to process a crime scene, the investigating deputy will collect evidence and process the crime scene in accordance with Agency policies and procedures.

Generally, crime scene technicians are not utilized to process and collect evidence at traffic collisions. Deputies from the Crash Reconstruction Unit collect and process evidence from collisions that they investigate; and Patrol deputies collect and process evidence at less serious collision scenes. However, the Crime Scene Unit can be requested to respond, using the same procedures outlined above, in cases where the investigating deputy believes that a crime scene technician's expertise would be beneficial.

16-303 CRIME SCENE PROCESSING – PATROL DEPUTY RESPONSIBILITIES

The Agency has personnel, equipment, and supplies to process scenes for the following purpose:

1. Recovery of latent fingerprints

2. Photography
3. Sketch of the scene
4. Collection and preservation of physical evidence

All deputies are issued the necessary equipment to process most incident/crime scenes to include: a digital camera, evidence bags, fingerprint kit, disposable gloves, and crime scene tape. Deputies have received training on the use of this equipment.

The first deputy at a scene shall determine whether or not there is a need for a crime scene technician to respond. Patrol deputies are responsible for processing all incident/crime scenes not processed by a crime scene technician. Generally, Patrol deputies process their own scenes in cases such as minor traffic collisions, destructions of property, thefts, and minor assaults. In more serious cases and/or when there is a large scene or special skills or equipment are required, a crime scene technician will be utilized. If there is a question about whether or not a particular scene should be processed by a crime scene technician, a CIB supervisor should be contacted.

Patrol deputies will submit the required *Case Report*, which will include details of the crime scene processing and evidence collection.

16-304 BASIC CRIME SCENE PROCESSING GUIDELINES

Recognizing that each incident and/or crime scene will be different, Patrol deputies will, unless circumstances prevent, use the following guidelines for processing a scene:

A. Carefully approach the scene so as not to disturb potential evidence.

B. If necessary, secure the crime scene using crime scene tape.

C. Thoroughly survey the scene to determine its boundaries and secure the area.

D. Photograph all physical evidence with and without evidence markers.

   1. Photograph wide shots of the entire scene from several angles.

   2. Locate, photograph, and mark the location of possible physical evidence. If necessary, take more detailed photographs of the scene and specific items.

E. Note the location of each piece of evidence and possible points of entry and exit of the scene.

F. Process the scene for latent fingerprints.

G. Collect and package physical evidence.

H. Make notes while processing the scene, which will later be used to prepare an investigative report. The report will document the elements of the crime scene and include:

   1. The case number, the date and time the officer arrived on the scene
   2. The location of the crime

3. The names of victims, witnesses, and suspects, if known
4. Existing conditions including lighting, weather, etc.
5. A listing and location of recovered items of evidence, what was photographed
6. Other law enforcement personnel at the scene

Once the scene has been thoroughly photographed, start with the collection of fragile, easily lost evidence or objects which need to be moved immediately, such as loaded weapons. An attempt will be made to collect as much physical evidence as possible, to include collecting materials from known sources (hair, fibers, fabrics, paint, glass, soil, etc.). The person responsible for processing the scene should continue to take photographs as each item is recovered during the collection process.

Most items of evidence may be collected in paper containers, envelopes, packets, plastic or metal cans, and glass vials. Containers must be clean and free from contamination. Each item will be immediately marked or labeled and put into a sealed container. If documented, the item of evidence will be collected.

16-305 PROTECTING THE SCENE

The first deputy responding to a crime scene will:

A. Respond to the scene promptly and safely.

B. Protect the scene to prevent the destruction or contamination of evidence.

1. The first deputy on the scene will establish a perimeter around the scene and direct assisting deputies to help secure the scene.
2. Crime scenes may be secured by deputies, barriers (barricades, rope, or barrier tape), signs used to control access, or other law enforcement officers.

3. For major crimes, a *Crime Scene Log* should be kept denoting the times and names of persons entering and exiting the scene.

4. The first deputy will be aware and note specifics about the scene upon their arrival (body positions, location of evidence, lights on or off, etc.).

C. Ensure the scene is secured until the crime scene technician arrives.

D. Conduct crime scene processing if the crime scene technician is not utilized.

16-306 CRIME SCENE PHOTOGRAPHY

Sworn personnel and crime scene technicians are issued an agency cell phone and/or digital camera with memory card. Photography of crime scenes/incidents will be captured by using an agency issued cell phone or digital camera only. Photographs will be archived to the Digital Information Management System only. See section 16-306.2A for archival procedures. Use of personal cell phones for photography purposes is prohibited.

While each incident/crime scene will be different, members will unless circumstances prevent, use the following general guidelines for photographing a scene:

A. Carefully approach the scene so as not to disturb potential item(s) of evidence.
B. Thoroughly survey the scene to determine its boundaries and secure the area.
C. Photograph wide shots of the entire scene from different angles.
D. Photographs should be taken of the exterior of the building(s) at the crime scene, recognizing that a crime scene may start well outside of an enclosure, structure, or building. Photographs should show:

    1. The address
    2. The relationship of objects in the area where a central point of focus exists, such as a homicide victim in a house.

E. Photographs should be taken from four approximate equal and opposite corners, making an entire sweep of a scene from each corner.
F. If applicable, photographs should be taken from a victim's point of view.
G. Close up photographs, when appropriate, should be taken with and without a scale inserted in the field of view.
H. Crime scene photographs may be taken by a responding deputy, supervisor, or a crime scene technician.

16-306.1 CRIME SCENE VIDEOTAPING

There is no videotaping of crimes scenes as this agency does not issue video cameras.

16-306.2 DIGITAL INFORMATION MANAGEMENT SYSTEM

The Calvert County Sheriff's Office utilizes a secure server known as the Digital Information Management System (DIMS) to archive and log digital evidence such as audio, video, and photographs for later use and court presentation. This agency is committed to ensuring the integrity of all digital evidence. Digital evidence that may be used in a court of law, e.g., crime scene photos, surveillance video, interview room audio/video, etc., shall be archived to DIMS only and shall not be stored within New World, the Axon Capture application, shared drives, local drives, or portable drives. Dissemination of archived digital evidence is controlled by the DIMS administrators. See section 16-306.2C below for users and permissions.

A. Archival Guidelines

    1. Digital evidence, i.e., audio, video, photographs, will be archived to DIMS by end of tour.
    2. No copies will be made of any digital evidence prior to archival. Digital evidence will not be distributed via e-mail. Digital evidence will not be stored in any other location, including New World, shared drive, desktop, etc.
    3. Digital evidence will not be altered in any way prior to archival.
    4. Digital evidence will be downloaded from a camera's memory card, an agency issued cell phone via USB connection, a portable drive via USB connection, or a CD/DVD, to the DIMS workstation.
    5. Memory cards used during download will be automatically deleted after archival is completed.
    6. Digital evidence transfers via USB are not automatically deleted after download and therefore, deputies must delete photos from their device after download is complete. Media from an outside source is exempt from the deletion rule. See rules 8 and 9 below.

7. Deputies and crime scene technicians should make note in their report if digital evidence was archived to DIMS.
8. If digital evidence is received from an outside source/agency, e.g., autopsy photos, deputies and crime scene technicians must download the content to DIMS, and place the original media, e.g., CD, portable drive, etc., in property as a separate item of evidence.
9. If digital evidence is received from a citizen via e-mail, download the evidence to an agency issued cellphone or thumb drive and archive it to DIMS. Printed proof of the e-mail should also be added to your report in New World to maintain chain of custody.
10. If a mistake is made during your download session, e.g., incorrect case number or address entered, make notification to the DIMS administrators via e-mail. You will be notified when your assets have been corrected.

B. Use of DIMS Workstation - The DIMS Workstation is designed specifically for DIMS and shall not be used for any other purpose (e.g. checking e-mail, accessing the internet, etc.) No files will be stored on the workstation except those needed for DIMS operation.

C. DIMS Users and Permissions

1. Administrator - Crime scene technicians are designated as administrators for DIMS. Administrators will have all permissions, as well as designate permissions, for all other users. They will also maintain communication with Technology Services to keep the active directory permissions up to date in the case of new employees or transfers within the Sheriff's Office or State's Attorney's Office. They will also maintain communication with the developer, Linear Systems, to ensure the workstations and servers are maintained, and troubleshoot any issues that may arise. Administrators will also have the ability to edit, move, or delete assets as required.

2. Specialty Unit Members - Deputies assigned to specialty units such as CIB, DEU, and Accident Reconstruction (Recon), will be the only personnel with the ability to view/print (with watermark) assets within those crime types to which they are assigned. Furthermore, assets within the restricted CIB, DEU, and Recon crimes types, will only be viewable by specific supervisors within each of those units. Deputies assigned to CIB, DEU, and Accident Reconstruction will also have the general permissions detailed below under sub section 3, "Deputies."

3. Deputies - Deputies will have permission to download any asset under any crime type to a DIMS workstation. They may view or print (with watermark) any assets assigned to general crime types, e.g., non-specialty unit crime types.

4. State's Attorney's Office - For discovery purposes, Administrators will ensure the State's Attorney and Assistant State's Attorneys will have viewing/downloading/printing (with or without watermark) permissions for all assets under any crime type except the DEU restricted crime type.

Editing or Enhancement of Assets - Editing or enhancement of any asset will only be conducted by a DIMS administrator utilizing the "Export to Photoshop" utility in the DIMS Command Console. All changes made to the asset will be listed in the "Notes" field when the changed asset is re-imported into DIMS. (Note: the original asset will remain in DIMS. A copy of the asset is created for editing/enhancement purposes.)

16-307 CRIME SCENE SKETCHES

Crime scene sketches are an important tool in describing a crime scene just as an accident diagram is important in describing an accident. Deputies assigned to draw field sketches will keep their preliminary sketches and carefully complete a final sketch.
Crime scene sketches will contain, but are not limited to the following basic elements:

1. Measurements, and the full name of any person assisting in taking measurements
2. Relation of the crime scene to other rooms, buildings, geographical features, or roads
3. Address, floor or room number as appropriate
4. Location of significant features of the scene including the victim
5. Date and time of preparation
6. Names of persons preparing a sketch
7. Direction of north
8. Location of items of physical evidence recovered
9. A legend of symbols used to identify objects or points of interest on the sketch

When a sketch is not drawn to scale, the sketch will include a notation "not to scale."

16-308 CRIME SCENE REPORTS

When a deputy or crime scene technician processes the scene of an incident, they will prepare a report that will include at least the following information:

1. Case number
2. Type of incident
3. Date and time arrived at the scene
4. The location of the incident
5. The name of the victim (if known)
6. The name of the suspects (if known)
7. List of physical evidence recovered
8. Number of photographs taken
9. Whether measurements were taken
10. Any other actions taken

Generally, when a deputy processes their own incident scene, they will include the information listed above in the associated *Case* or *Accident Report*. It will not be necessary to complete a separate *Crime Scene Report*.

Crime scene technicians will document the information listed above in a *Crime Scene Report*, which will also include the date and time that they were requested to respond, the disposition of the physical evidence, and the details of any crime scene measurement information. A copy of the *Crime Scene Report* will be placed in the original case file.

16-309 EVIDENCE COLLECTION

Evidence collection will be performed in accordance with Agency policies and methods taught at the Academy. Items should be marked in such a way as not to damage or contaminate the evidence.

Moist or wet evidence (blood, other body fluids, plants, etc.) shall be collected in paper containers and, if appropriate, have a bio-hazard label applied. If there is the possibility of saturation through the paper container, the evidence may be placed in an unsealed, plastic container. To prevent deterioration and contamination, items should be transported immediately by a crime scene technician for drying or other appropriate handling.

Evidence in the form of organic matter, such as food, body fluids, or human tissue may present special problems for preservation. Unless preventive measures are taken, natural decomposition will destroy this type of evidence prior to laboratory examination. Evidence of this nature should be placed under refrigeration.

Each time a piece of evidence is turned over to other personnel, the chain of possession / custody section of the appropriate form shall be completed.

16-309.1 DNA EVIDENCE COLLECTION

Deoxyribonucleic acid (DNA) is analyzed in body fluids, stains, and other biological tissues recovered from evidence. These include blood and bloodstains, semen and seminal stains, tissues, cells, bones, organs, saliva, and hairs. The results of DNA analysis of questioned biological samples are compared with the results of DNA analysis of known samples. This analysis can associate victim(s) and/or suspect(s) with each other or with a crime scene.

A. First responder responsibilities and precautions:

   1. Secure the crime scene
   2. Take universal precautions when handling biological evidence to include wearing gloves
   3. Photograph the evidence before it is touched, moved, or collected
   4. Note the location and condition of the evidence
   5. Maintain a chain of custody for the DNA evidence
   6. The condition of the biological evidence should be noted
   7. Air-dry wet items at room temperature
   8. Avoid contamination and cross-contamination by handling and storing each piece of evidence separately. Package items separately in paper or paper bags. Never use plastic containers.

B. Procedures for the collection, storage, and transportation of DNA evidence:

   1. Personnel shall follow the procedures for the collection, storage, and transportation of DNA evidence as outlined in the *Guidelines for Submitting Physical Evidence* manual prepared by the Maryland State Police Crime Laboratory.

   2. A copy of this manual is located in the crime scene technicians' office.

C. All personnel will be properly trained in the collection of DNA evidence. Deputies shall contact a crime scene technician for guidance if necessary. As soon as practical, DNA

evidence will be submitted to the Crime Scene Unit for storage and submission to the laboratory.

D. The primary resource for DNA evidence submissions is the Maryland State Police Crime Laboratory. Crime scene technicians will coordinate all submissions to the laboratory.

16-309.2 COLLECTING FROM A KNOWN SOURCE

The investigating deputy or crime scene technician will make an attempt to collect as much physical evidence as possible, to include collecting materials from known sources (e.g. hairs, fibers, paint, glass, wood, soil, fabrics, and tool marks) for comparison purposes.

When an investigating deputy or crime scene technician recovers evidence, which requires processing or examination, the individual shall prepare a *Request for Laboratory Examination-Chain of Custody Log* (MSP 67) for items to be examined.

The known items collected shall be submitted to the Maryland State Police Crime Lab for comparison purposes. All items submitted will be documented by the Maryland State Police Crime Lab and entered into their database. The items will remain at the MSP Crime Lab for further examination to unknown sources.

16-310 LATENT FINGER AND PALM PRINTS

Latent prints can be located with the naked eye with the use of a light source. A flashlight held at oblique angles to the surface being examined will make the latent print more visible.

Once located, the latent print needs to be developed by using a fingerprint powder that contrasts to the surface the print is on. A light application of fingerprint powder in a circular motion over the print will cause the print to become more visible.

After the print is developed, the print should be lifted by using lifting tape of the appropriate width. To begin the lifting process, the lifting tape is placed on the surface next to where the print is located. The tape is put in such a position so the tape will be applied to the print from one side to the other in one motion to avoid air bubbles and double lifts. To lift the print, the tape is lifted from one end in a steady, constant motion. The developed print will be transferred to the lifting tape.

Preservation of the lifted print is accomplished by putting the tape lift on a card of contrasting color or on a sheet of clear laminate plastic. Once the lift is put on a card, it is preserved in the condition in which it was lifted. Another way of preserving a print is to photograph the print after development, but prior to lifting. A scale is to be included in the photograph.

Lifts will be numbered and marked with a case number, date/time, type of offense, location, victim, area where prints were lifted, a diagram of the lift location, and the name of the deputy/technician who lifted the prints.

Lifts will be placed in an envelope marked with the case number, the date, time, location lifted, how many cards are in the envelope, and the deputy/technician's name. The envelope will be sealed with evidence tape.

Whenever possible, comparison prints from known suspects should be obtained to submit along with recovered latent fingerprints in an effort to expedite identification efforts. Additionally, elimination prints should be obtained from individuals who may have handled the evidence

before or after the crime was committed, i.e. victims.

The deputy will fully complete a *Property Record*, a form MSP 67, *Request for Laboratory Examination-Chain of Custody Log*, including the *Chain of Custody* section, and give the form and the fingerprints to the Property/Evidence Manager or place them in a temporary evidence locker.

16-311 SEIZURE OF COMPUTER EQUIPMENT

Seizure of computer and other electronic equipment shall be in accordance with the laws of search and seizure. If in doubt, contact an attorney from the State's Attorney's Office for guidance.

All seized equipment shall be given a property number and will be handled like any other item of evidence.

A detective from the Criminal Investigations Bureau shall be contacted prior to the seizure of a computer. If necessary, the detective will obtain assistance from the Computer Crimes Unit of the Maryland State Police or another allied agency, or they may request assistance from one of the federal law enforcement agencies, such as the Unites States Secret Service. If a forensic examination is to be conducted, the detective will make arrangements through one of these computer crimes units.

Deputies shall utilize the following procedures for the seizure of computer equipment and other devices capable of storing data in an electronic format:

16-311.1 COMPUTER SEIZURE PROCEDURES

A. Preserve the area for potential fingerprints.

B. Immediately restrict access to computer(s).

C. Isolate from phone lines because data on the computer can be accessed remotely.

D. If the computer is "OFF," do not turn "ON."

E. If the computer appears to be running a program which is deleting data, then immediately disconnect the power cord from both the power source and the back of the computer. Do not use the "ON/OFF" switch.

F. If the computer is "ON":

1. Stand-alone computer (non-networked)

    a. Photograph screen, then disconnect all power sources; unplug from the wall AND the back of the computer.

    b. Place evidence tape over each drive slot.

    c. Photograph/diagram and label back of computer component with existing connections.

    d. Label all connectors/cable end to allow reassembly as needed.

e. If transport is required, package components and transport/store components as fragile cargo.

f. Do not place diskettes, and other magnetic media, such as tapes in plastic bags, Styrofoam, or other packing material that can build up electricity.

g. Keep away from magnets, radio transmitters and otherwise hostile environments.

2. Networked or business computers

a. Consult a computer specialist for further assistance.

b. Pulling the plug could:

1) severely damage the system

2) disrupt legitimate business

3) create Agency liability.

G. Seize any related materials. Seize software and hardware manuals, handwritten notes, printouts, and any other related material on or near the computer.

16-311.2 FORENSIC EXAMINATION OF COMPUTER

All forensic examinations of computers and other electronic equipment will be coordinated by contacting a detective from the Criminal Investigations Bureau. CIB uses the Maryland State Police Computer Crimes Unit as its primary resource for forensic examinations.

16-312 WIRELESS TELEPHONE SEIZURE PROCEDURES

A. If the device is “ON,” do not turn it “OFF.” If possible, write down all information on the display and photograph. Power down prior to transport. Take any power supply cords present.

B. If the device is “OFF,” leave it “OFF.”

C. Upon seizure, transport device to a trained specialist for forensic examination. As a resource, contact 1-800-LAWBUST (a 24/7 service provided by the cellular telephone industry).

D. Make every effort to locate any instruction manuals pertaining to the device.

16-313 ELECTRONIC PAGING DEVICE SEIZURE PROCEDURES

A. Once pager is no longer in proximity to suspect, turn it “OFF.”

B. Upon seizure, transport to a trained specialist for examination.

16-314 FACSIMILE MACHINE SEIZURE PROCEDURES

A. If fax machine is found “ON,” powering down may cause loss of last number dialed and/or stored faxes.

B. Record telephone line number that the fax machine is plugged into.

C. If possible, all manuals should be seized.

D. Upon seizure transport device to a trained specialist for examination.

16-315 CALLER ID DEVICE SEIZURE PROCEDURES

A. Interruption of the power supply to the device may cause loss of data if not protected by an internal battery backup.

B. Document all stored data prior to seizure, or loss of data may occur.

16-316 REQUESTS FOR EXAMINATION OF EVIDENCE

When a deputy investigating an incident recovers evidence which requires processing or examination, that deputy shall prepare a *Request for Laboratory Examination-Chain of Custody Log* (MSP 67) for items to be examined. A CCSO *Property Record* form shall also be completed, listing all evidence taken from the scene. Evidence will be marked (video surveillance tapes, DVD's and CD's will be labeled with a case number) and packaged in a sealed container and delivered to the Property/Evidence Manager's control by the end of the deputy's shift. The request form will be forwarded to a crime scene technician. If a crime scene technician is available, the investigating deputy shall prepare a request form and turn the evidence over to the technician. When the examination is completed, the item(s) of evidence will be turned over to the Property/Evidence Manager.

When a crime scene technician receives an MSP 67 *Request for Laboratory Examination* which cannot be conducted by members of the Calvert County Sheriff's Office, arrangements will be made to forward the items to an appropriate outside agency. The involved crime scene technician will be responsible for submitting the evidence to the designated laboratory. Evidence shall be packaged and submitted based on the established protocol by the laboratory examining the evidence. All necessary requests and documentation will be completed by the involved crime scene technician. All lab results must be in writing, even if notified verbally first.

CHAPTER 17
COURTROOM SECURITY
AND SERVICE OF PROCESS

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APPENDIX 17-A **CCSO EXTRADITION GUIDELINES**

	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **COURTROOM SECURITY & SERVICE OF PROCESS**	Chapter **17**
	Affects: **ALL PERSONNEL**	
EFFECTIVE DATE **January 29, 2009**	Rescinds:	Amends: **17-106.1 on 11/2/20**

17-100 CIVIL PROCESS

One of the primary functions of the Sheriff's Office as delegated by the Maryland Constitution is the service, execution and enforcement of court issued orders and process. The effectiveness of the courts is dependent upon the prompt and efficient service of this process.

17-101 RESPONSIBILITY

Overall administration of the civil process function is mainly the responsibility of the personnel assigned to the Administrative and Judicial Services Bureau (AJSB) of the CCSO. All civil process received is assigned to this section for tracking and service. However, Orders of Protection are the responsibility of the Patrol Bureau and the CIB Orders of Protection Office Specialist II (OPOSII).

Only CCSO personnel, who are over the age of 18 and not a party to the action being served, may serve process assigned to the Agency. A CCSO deputy will serve writs or civil actions assigned to the Agency that require service by a sworn law enforcement officer.

All CCSO personnel will comply with the rules of this Manual and the Maryland courts when serving process ordered by the courts. Process issued by courts outside the State of Maryland and received by CCSO may have different guidelines as required by their state's legislation. CCSO personnel may use their discretion in the service of these out of state orders (not to include Protective Orders), but at no time will this discretion violate the laws of the State of Maryland.

17-102 RECORDS

CCSO will maintain a database of information regarding each item of civil process and Orders of Protection received for service to include:

Civil Process
A unique control number
Date and time received
Type of process, i.e., civil or criminal
Nature of document, i.e., summons, complaint, order, etc.
Originating court or agency
Name of individual served
Deputy assigned to serve the action

Orders of Protection
A unique control number
Issue and expiration date
Type of order, i.e., protective or peace interim, temporary or final
Originating court
Name of petitioner(s) and respondent
Court case number
Court ORI

Date assigned
Court docket number
Expiration date of process

Scanned order

When service of process has been attempted and returned, CCSO will record in the same database:

Civil Process

- The date and time the process was executed
- Name of the CCSO personnel executing service
- Name of individual served with the action
- Location where process was served
- Method of service, i.e., personal, posting, mail, etc.
- If process is unserved, reason for non-service and any information regarding a forwarding address for the individual upon whom service was attempted

Orders of Protection

- The date and time the order was executed
- Name of deputy executing service
- Location where order was served, if different than address on order
- If unserved, indicate unserved in Aegis Records: Activity tab under Description and select "dismissed or expired."

17-103 FEES FOR SERVICE

All fees will be turned over to designated Administrative and Judicial Services Bureau (AJSB) personnel for accounting purposes. The AJSB administrative personnel responsible for these funds will deposit, provide an accounting of, and transfer these funds in accordance with Calvert County Government Finance Division procedures. The same personnel will also handle the return of fees for process not served.

17-104 PROPERTY MANAGEMENT

In those cases when a court order commands the seizure of property that must be removed from the custody of the owner or individual in possession, a copy of the writ and schedule listing the property seized, will immediately be provided to the defendant. If the property seized is to be held in the Property Room of the CCSO, the deputy will complete a CCSO *Property Record* form and provide a copy to the owner.

All firearms removed by CCSO deputies pursuant to the issuance of a Temporary or Final Protective Order will be held in the CCSO Property Room. These firearms will not be released to the respondent of the Temporary or Final Protective Order for the duration of the order. The deputy will complete a CCSO *Property Record* form. The deputy will also complete a CCSO *Property Held Tag* and affix it to the seized firearm.

In all instances where property is seized, a deputy will affect the removal of seized property; fully explain the reasons for its removal, and how and when the individual may regain custody of their property.

17-105 PROCEDURES

17-105.1 ASSIGNMENT AND ACCOUNTABILITY

Civil process will be entered into the CCSO records management system and distributed for service by designated geographic areas of the County. AJSB deputies will pick up and return papers for service daily. Completed service will be returned daily and placed in the designated AJSB returns box for processing.

Returns on all civil process must be complete and correct. Service attempts and disposition will be noted on the face of the process being served and endorsed by the individual performing the action. Personnel will use the designated space that is provided on some process to note service action or attempts. When this area is not provided, personnel will use the appropriate CCSO stamp and note their action accordingly. Always place this stamp in a clear position on the face of the document. All notes with pertinent information regarding location of subject being served will be stapled to the return, following service.

Designated AJSB administrative personnel will review, copy and return process to the appropriate agency or court, as well as enter the service information into the records management system. Returns for out of state process will be notarized before being returned to the agency or court requesting service. Any questions regarding service of an action will be referred back to the individual performing service or their supervisor.

No less than three attempts will be made to serve each piece of process received by Agency personnel. These attempts (date and time) are recorded on the process document. Attempts will be made at times to best effect service of the action.

The deputy or individual attempting service of process will make every effort possible to locate the individual upon whom service is to be affected. Before process is returned unserved, an effort is to be made to contact the issuing court or attorney for further information. A thorough check will also be made of the CCSO records management system and other databases available to CCSO personnel to aid in location of individuals.

Prior to going on leave or days off, personnel who have been assigned process for service will make arrangements to have paperwork that is due re-assigned. Personnel will also notify their immediate supervisor or AJSB administrative personnel of these alternative service plans.

For assignment and accountability of Orders of Protection, see sections 17-105.6 through 17-105.8.

17-105.2 METHODS OF SERVICE

Different types of civil process have different service requirements. Personnel are to follow the guidelines of this Manual and statutes of the Maryland Annotated Code when deciding which method to use when serving process. The methods of service for Orders of Protection, can be found in sections 17-105.6 through 17-105.8 for methods of service.

According to the Maryland Annotated Code and depending upon what type of action, service upon an individual may be affected by personal service, serving an individual of appropriate age and discretion who also resides at the individual's residence, posting or by first class mail.

A. Service of a summons and complaint in a civil case is served personally or may be left with a person of suitable age and discretion residing at the residence of the individual.

B. Service of subpoenas or process that demands the appearance of an individual in a court action must be personally served.

C. Service of landlord/tenant actions (Failure to Pay Rent, Tenant Holding Over, Breach of Lease, or Wrongful Detainer) can be affected by personal service or posting at the primary entrance to the residence, if the tenant is not at the premises. Service of the action must also be done through the mail by sending a copy of the service to the tenant's mailing address provided on the action. It should be noted that a judgment for the landlord of unpaid rent in a Failure to Pay Rent action, is only given when the tenant is personally served. If time allows, the deputy should attempt personal service before finally posting Failure to Pay Rent actions.

D. A writ is a judicial order commanding the Sheriff or other judicial officer to perform a specified act. Therefore, sworn personnel will serve all writs.

E. The rules for making valid service upon corporations, partnerships, associations, and governments are found in Rule 2-124 (Circuit Court) and Rule 3-124 (District Court) of the Maryland Rules. A copy of the Maryland Rules is always available in AJSB.

In all cases, when service cannot be made because there is no one at the premises, the deputy will leave a business card so that the person sought can contact the CCSO personnel attempting service.

17-105.3 EVICTIONS

When a tenant fails to pay the rent or meet the stipulations of their lease agreement, the landlord may petition the District Court to repossess the premises. The final step in this process is the issuance of a Warrant of Restitution (Eviction Order) ordering the Sheriff to put the landlord in possession of his property, by overseeing the removal of the tenant and their personal property by force, if necessary. The Warrant of Restitution will order that the tenant be allowed to pay the amount due, plus court costs or the court will order that there is "no right of redemption," meaning that the tenant cannot pay and stay.

By law, an eviction cannot be executed on a Sunday or court holiday. By order of the Chief Judge, scheduled evictions for a particular day are cancelled if:

- On the scheduled date and time, there is precipitation or precipitation is clearly imminent;
- And/or the daytime high is forecast to remain at 32 degrees or below.

Evictions are cancelled if the Calvert County Government has been closed. AJSB supervisory personnel will make the decision as to whether or not there is significant snowfall accumulation, as to cause the cancellation of an eviction on a particular day.

AJSB will schedule evictions when requested by the landlord, after receiving the Warrant of Restitution from the courts. No evictions will be scheduled unless AJSB has received the Warrant of Restitution from the District Court. Evictions are scheduled on a first come, first served basis with evictions that are cancelled due to weather conditions receiving priority. AJSB personnel will make every effort to schedule evictions to give tenants a minimum 48-hour

notice. This policy is meant to reduce manpower needs by ensuring the tenant has time to secure funds to satisfy the warrant or arrange to have their personal property removed. However, if the 48-hour policy will cause a grievous loss of income or property to the landlord, AJSB supervisory personnel can waive the policy. After a landlord has arranged the date and time for the eviction with AJSB personnel, a deputy will post an eviction notice on the property detailing the date and time of the eviction.

At the time of the eviction, the tenant may tender the amount due on the Warrant of Restitution by money order, certified check or cash, unless "no right of redemption" has been ordered. If the tenant presents the amount due while the eviction is underway, and the landlord agrees to accept it, the deputy may halt the eviction and return the warrant cancelled/paid.

All of the tenant's property, to include vehicles and property stored in outbuildings will be removed from the property to the edge of the county/state right of way, or to a place where the tenant will have 24 hours from the time of the eviction to reclaim the property. Landlord must supply a locksmith or tow truck, if needed.

If a tenant is not present and an offensive weapon or firearm is found, it will be confiscated. The deputy will also confiscate any prescription medications, controlled dangerous substances, or alcoholic beverages that may be found. The deputy will use his discretion in the disposition of alcoholic beverages. Alcoholic beverages will either be poured out and disposed of or transported to CCSO headquarters. The deputy will transport the items to CCSO headquarters and complete a *Property Record* and *Property Held Tag* for these items. Notification of the seizure will be mailed to the tenant's last known mailing address for forwarding. Serial numbers for all firearms found during an eviction will be checked through Calvert Control to see if it is wanted.

If an Animal Control Officer is needed during an eviction, the deputy will contact one to respond.

17-105.4 WRIT OF EXECUTION & SEIZURE OF PROPERTY

A Writ of Execution is issued by a court at the request of a plaintiff/creditor when the court has rendered a money judgment in his or her favor. The Writ is directed to the Sheriff and orders the Sheriff to "levy" the property of the defendant/debtor.

A levy may be made on real or personal property. The plaintiff/creditor or his attorney, through the Instructions to the Sheriff attached to the Writ, will define what property they want levied/seized and whether to remove the property, leave the property and restrict its use, or levy and leave.

The deputy will carefully ensure that the property to be seized matches the property described in the Writ.

A Schedule, Appraisal, and Return of Levied Property Under a Writ of Execution (Schedule) will be completed when property is levied under a Writ of Execution. The deputy will make a listing of all personal or real property seized, its appraised value, and where the property is located pursuant to the levy.

The deputy will provide a copy of the Writ and Schedule to the defendant, if he or she is present at the time of service. If the defendant is not present, a copy will be posted in a prominent location and a copy will be mailed to the defendant at the address provided on the Writ.

When the instructions command the Sheriff to levy and remove personal property, the deputy must contact the plaintiff/creditor before levy to arrange a location for the property to be held. CCSO does not have facilities for storage of personal property that has been levied. Property removed pursuant to a Writ of Execution remains under the control of the Sheriff until the time of the sale of the property or its release. The Sheriff is accountable for seized property and its safekeeping. Therefore, the plaintiff/creditor in the action must provide a secure facility that AJSB supervisory personnel approve to house the property. Access to the property must be restricted to AJSB personnel only and a key provided to AJSB personnel.

Funds collected from the defendant, pursuant to the service of a Writ of Execution by a deputy, will immediately be turned into AJSB administrative personnel for disbursement.

After the waiting period specified in Courts and Judicial Proceedings of the Maryland Annotated Code for levied property, the plaintiff/creditor may request the Sheriff set a sale for the property seized. AJSB supervisory personnel will arrange the sale of this property according to the provisions of the Maryland Annotated Code.

17-105.5 WRIT OF REPLEVIN

This action directs the Sheriff to take possession of property described within the writ from the defendant and return it to the plaintiff. Prior to the execution of this type of writ, the deputy will contact the plaintiff to arrange the transfer of the property listed on the Writ of Replevin. The deputy will ensure that the plaintiff, or an agent of the plaintiff, is present at the time of service to take possession of the replevied property.

17-105.6 PROTECTIVE ORDER

Maryland has three types of civil protective orders (also referred to as orders for protection): interim, temporary and final protective orders. Protective Orders are not effective until served on the respondent. Service, tracking, enforcement, and entry of these orders into Maryland Electronic Telecommunications Enforcement Resource System/National Crime Information Center (METERS/NCIC) are of primary importance to the CCSO. The control and timely service of these orders are the responsibility of the CIB OPOSI and the Patrol Bureau.

Protective Orders are served upon the respondent by deputies assigned to the Patrol Bureau and are logged in/out on a 24-hour, shift-to-shift basis, so that service of all protective orders are continually being attempted throughout the day.

When a Protective Order is received for service, the CCSO personnel receiving the Order will complete a *Protective and Peace Order Checklist* with every petitioner in person or by phone and give the Protective Order to the duty officer for immediate assignment to be logged on the *Protective/Peace Order Gun Log Sheet*. The petitioner does not have the authority to request the time of service or suspend service efforts. One of the court certified copies attached to the order for service is placed in the Protective/Peace Order tray in the Duty Office. The CIB OPOSI and the Patrol Bureau are responsible for the tracking, records maintenance, forwarding of orders to other jurisdictions for service, and research service/location information. The CIB OPOSI prepares the protective orders for entry into METERS/NCIC.

Deputies attempting service of these orders will note the date/time/disposition of each attempt on the *Return of Service by Law Enforcement Officer* that is attached to the front of the order. Before securing at the end of their daily shift, deputies will return all protective orders assigned to them for service and any returns for served orders to the duty office. Unserved orders will be

brought to the attention of the incoming shift and returns for orders served and expired orders will be placed in the Protective/Peace Order tray in the Duty Office. The Patrol Bureau and CIB personnel will update service/location information for unserved orders to assist in effecting service.

If specified in the court order, the Sheriff's Office will respond to the vacated residence of a respondent to a *Protective Order* with that respondent to gather their personal belongings. Absent any unusual or extraordinary circumstances, respondents will not be escorted to a court ordered vacated residence prior to 8:00 a.m. or after 10:00 p.m. Absent any unusual or extraordinary circumstances, respondents will be given twenty (20) minutes to gather items at the court ordered vacated residence. The respondent is allowed to gather personal medications, tools of their trade, personal clothing and effects. NO firearms or weapons are allowed to be removed from the residence. The respondent will not be permitted to return to the residence any additional times to gather belongings unless the issuing judge authorizes it via an amendment to the court order.

Deputies will **not** escort respondents to a court ordered, vacated residence while in an off-duty capacity unless they first obtain approval from the on-duty shift supervisor and must notify the Control Center prior to and after leaving the residence.

Prior to assigning a deputy to respond to a court ordered, vacated residence with a respondent, the Patrol supervisor or their designee will attempt to contact the petitioner at the telephone number(s) listed on the court order and advise him/her that the respondent will be coming to the residence with a deputy. This attempt will be noted on the Sheriff's Office copy of the court order.

In addition to Orders of Protection records management entry requirements, the CIB OPOSI will create a file for each respondent in a protective order action in which the court certified copy is kept, as well as METERS/NCIC entry records, firearms information, and all protective orders where the individual is a respondent in the action. CIB personnel prepare orders for entry into METERS/NCIC by researching the CCSO records management system for numeric identifiers and reviewing personal information addendum sheets, submitted by the petitioner with the order to ensure proper entry. They also maintain an electronic listing of protective order expiration dates to ensure removal from METERS/NCIC.

17-105.7 PEACE ORDERS

Peace orders are civil and provide relief from abuse for individuals who are not eligible under the protective order statutes of the State of Maryland. Peace orders are not effective until served on the respondent. Service, tracking, and enforcement are of primary importance to the CCSO. The control and timely service of these orders is the responsibility of the CIB OPOSI and the Patrol Bureau.

Peace orders are served on the respondent by deputies assigned to the Patrol Bureau and are logged in/out on a 24-hour, shift-to-shift basis, so that all peace orders are continually being attempted throughout the day. The petitioner does not have the authority to request the time of service or suspend service efforts. Patrol Bureau personnel and the CIB OPOSI will update service/location information for unserved orders to assist in effecting service.

When a peace order is received for service, the CCSO personnel receiving the order will complete a *Protective and Peace Order Checklist* with every petitioner in person or by phone; enter the information required onto the *Protective/Peace Order Gun Log Sheet*; and give the

Protective Order to the duty officer for immediate assignment. One of the court certified copies attached to the order for service is placed in the Protective/Peace Order tray in the Duty Office, Patrol Bureau and CIB personnel are responsible for tracking, forwarding orders to other jurisdictions for service, and records maintenance.

Deputies attempting service of these orders will note the date/time/disposition of each attempt on the Return of Service by Law Enforcement Officer (Peace Order) that is attached to the front of the order. Before securing at the end of their daily shift, deputies will return all Peace Orders assigned to them for service, and any returns for served orders to the Duty Office. Unserved orders will be brought to the attention of the duty officer of the incoming shift and returns for orders served and expired orders will be placed in the Protective/Peace Order tray in the Duty Office.

17-105.8 INTERIM PEACE AND PROTECTIVE ORDERS

The Maryland Annotated Code provides legislation that allows the issuance of protective and peace orders by District Court Commissioners when District Court is not in session. Individuals needing this type of relief must appear in person at the Sheriff's Office. When an individual arrives, in person, at the Sheriff's Office to make application for an interim order, the SCO will contact the on-call District Court Commissioner.

After contacting the on-call Commissioner, the SCO will contact the Crisis Intervention Center Hotline to provide an on-call advocate.

The SCO will then inquire about the petitioner's relationship with the respondent to discern whether to give the petitioner the forms for a protective or peace order.

For the safety of the individual filing the petition, the petitioner will begin filling out the forms at the Sheriff's Office until the commissioner arrives at his office in the Goldstein Building. Upon his arrival at his office, the commissioner will contact the duty officer or SCO to let him/her know they are there, so the petitioner and advocate can go meet him/her.

Upon issuance of the order, the commissioner will contact the duty officer or SCO at the Sheriff's Office to have a deputy immediately pick up the order (service sheet and two copies), and any warrants issued to the individual for service. The petitioner does not have the authority to request the time of service or suspend service efforts.

The deputy will then go to the Sheriff's Office, bring two complete copies of the interim order to include the order, petition, and addendums, and place one in the Protective/Peace Order tray in the Duty Office. The other copy is for service upon the respondent. If the individual to be served also has a warrant, Duty Office personnel will note that fact in red on the order to be served upon the respondent.

The shift supervisor or SCO will complete a *Protective and Peace Order Checklist* with every petitioner in person or by phone, and log service information on the *Protective/Peace Order Gun Log Sheet*. CCSO law enforcement will immediately attempt service upon the respondent of the order. Deputies attempting service of these orders will note the date/time/disposition of each attempt on the *Return of Service by Law Enforcement Officer* that is attached to the front of the order. Before securing at the end of their daily shift, deputies will return all interim protective and peace orders assigned to them for service, and any returns for served orders to the designated location in the duty officer's room. Unserved orders will be brought to the attention

of the incoming shift; returns for orders served and expired will be placed in the Protective/Peace Order tray in the Duty Office.

If service is for an individual located in a jurisdiction outside of Calvert County, the duty officer, SCO or deputy on duty at that time will fax a copy of the order to that jurisdiction for service.

17-105.9 OUT OF STATE PROTECTIVE ORDERS

All states have protective orders, but they may have different names than the orders issued by the Maryland court system. Federal law directs jurisdictions to give *full faith and credit* to valid orders of protection issued by other jurisdictions (18 U.S.C. § 2265-55). Under Maryland Law, *full faith and credit* and out of state orders are covered under Family Law 4-508.1 of the Maryland Annotated Code.

Out of state protective orders are enforceable only to the extent of relief allowed under protective orders issued in the State of Maryland.

Any court order for protection should be presumed valid if <u>all</u> of the following are found:

1. The order gives the name of the parties;
2. The order contains the date the order was issued, which is prior to the date when enforcement is sought;
3. If the order has an expiration date, the date of the expiration in the order has not occurred; *****
4. The order contains the name of the issuing court;
5. The order is signed by or on behalf of a judicial officer;
6. The order specifies terms and conditions against the abuser.

Verification is not required under Federal and State law and may be necessary only if the order does not appear valid on its face.

The petitioner does not have the authority to request the time of service or suspend service efforts.

***** It should be noted that some states have non-expiring protective orders.

17-105.10 EXTREME RISK PROTECTIVE ORDER

Purpose: Extreme Risk Protective Orders (ERPO) are meant to prohibit a Respondent from possessing a firearm where there is sufficient information to believe that the Respondent poses an **IMMEDIATE** and **PRESENT DANGER** of causing personal injury to the Respondent, the Petitioner, or other individuals by possessing a firearm. The purpose of the ERPO is to reduce gun deaths and injuries by restricting a Respondent's access to firearms and ammunition.

A petition for or the issuance of the ERPO does not in any way affect the ability of law enforcement to remove or seize firearms and/or ammunition from any person or property as permitted by any other law.

A. Definitions:

   1. Extreme Risk Protective Order (ERPO) means: a civil Interim, Temporary, or Final Protective Order prohibiting the Respondent from possessing and purchasing a

firearm and ammunition and ordering the Respondent to surrender to law enforcement any firearm and ammunition in the Respondent's possession for the duration of the Order.

2. Ammunition means: a cartridge, shell, or any other device containing explosive or incendiary material designed and intended for use in a firearm. (Annotated Code of Maryland, Public Safety Article, §5-133.1 (a)

3. Firearm means: a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or the frame or receiver of such a weapon. Firearm includes a handgun, rifle, shotgun and starter gun. (Annotated Code of Maryland, Public Safety Article, §5-101(h) (1 & 2)

4. Petitioner means: an individual who files a petition for an Interim, Temporary or Final ERPO. A Petitioner may be any one of the following:

   a. Physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage or family therapist, or designee of a health officer who has examined the individual;

   b. A law enforcement officer;

   c. The spouse of the Respondent;

   d. A cohabitant of the Respondent;

   e. A person related to the Respondent by blood, marriage, or adoption;

   f. An individual who has a child in common with the Respondent;

   g. A current dating or intimate partner of the Respondent; or

   h. A current or former legal guardian of the Respondent.

5. Respondent means: a person against whom a petition for an ERPO is filed.

6. Possessing a firearm and ammunition means: where the Respondent has firearms and/or ammunition within their control; this includes those firearms and ammunition where the Respondent has access to or is within their easy reach. Possession also includes firearms and ammunition in other locations inside and outside of the Respondent's residence and where the Respondent may not be the owner of the property, but the circumstances show that the Respondent has reasonable control or possessory interest over the firearms and/or ammunition. (Firearm Surrender Task Force: Law Enforcement Instructional Guide, Failure to Surrender Firearms-Final Protective Orders (2004))

7. Interim ERPO means: when the District Court is closed, the Petitioner can file a petition with the court commissioner for an Order and the court commissioner can issue an Order. The Extreme Risk Protective Interim Order requires the Respondent to surrender to law enforcement authorities any firearm and ammunition in the Respondent's possession; and prohibits the Respondent from purchasing or

possessing any firearm or ammunition for the duration of the Interim Order. An Interim ERPO may include a referral from the commissioner to law enforcement for a determination of whether the Respondent should be taken for an emergency mental evaluation. An Interim ERPO shall be effective until the earlier of the Temporary ERPO hearing or the end of the second business day the office of the District Court clerk is open following the issuance of the Interim ERPO.

8. Temporary ERPO means: when the District Court is open, a Petitioner can file a petition with the District Court for the issuance of an ERPO. A hearing will be held and if the Temporary ERPO is issued by a District Court judge, it requires the Respondent to surrender to law enforcement authorities any firearm and ammunition in the Respondent's possession; and prohibits the Respondent from purchasing or possessing any firearm or ammunition for the duration of the Temporary Order. A Temporary ERPO may include a referral from the District Court judge for an emergency mental evaluation of the Respondent. A Temporary ERPO shall be effective for not more than seven (7) days after service of the Order unless extended by the judge or in the event the Order expires when the court is closed, the Order shall be effective until the second day on which the court is open.

9. Final ERPO means: after a hearing on a petition for the issuance of a Final ERPO, an Order may be issued by a District Court judge requiring the Respondent to surrender to law enforcement authorities any firearms and ammunition in the Respondent's possession; and prohibits the Respondent from purchasing or possessing any firearm or ammunition for the duration of the Order. A final ERPO shall be valid for a period stated in the Order not to exceed one year unless superseded by a Circuit Court judge's order or the Order is modified, rescinded, or for good cause shown, extended for 6 months beyond the period specified.

10. Reasonable grounds means: where there is a preponderance of the evidence to support the belief that the respondent poses an **immediate and present danger** of causing personal injury to the respondent, the petitioner, or another individual by possessing a firearm. Reasonable grounds are akin to probable cause. The determination of whether probable cause exists requires a nontechnical, common sense evaluation of the totality of the circumstances in a given situation. Probable cause exists where the facts and circumstances, taken as a whole, would lead a reasonably cautious person to believe that the Respondent poses an **immediate and present danger** of causing personal injury to himself, the Petitioner, or another individual by possessing a firearm.

B. Factors used by the Court or Commissioner in Determining whether the Issuance of an ERPO is Appropriate:

1. Any information known to the Petitioner that the Respondent poses an **immediate** and **present danger** of causing personal injury to the Respondent, the Petitioner, or another person by possessing a firearm and any specific facts in support of this information;

2. The Petitioner's basis of knowledge of supporting facts, including a description of the behavior, statements of the Respondent or any other information that led the Petitioner to believe that the Respondent presents an **immediate** and **present danger** of causing personal injury to the Respondent or another person;

3. A description of the number, types, and location of any known firearms believed to be possessed by the Respondent;

4. Any supporting documents or information regarding:

   a. Any unlawful, reckless, or negligent use, display, storage, possession, or brandishing of a firearm by the Respondent;

   b. Any act or threat of violence the Respondent made against the Petitioner or against another person, whether or not the threat of violence involved a firearm;

   c. Any violation by the Respondent of a Protective Order under Title 4, Subtitle 5 of the Family Law Article;

   d. Any violation by the Respondent of a Peace Order under Title 3, Subtitle 15 of the Courts Article;

   e. Any abuse of a controlled dangerous substance or alcohol by the Respondent, including any conviction for a criminal offense involving a controlled dangerous substance or alcohol; and

   f. Where disclosure is permitted or not otherwise prohibited by law, any health records or other health information concerning the Respondent.

C. Law Enforcement Response:

1. Emergency Evaluations:

   Where an officer files a petition for an emergency evaluation and the officer has reasonable grounds to believe that the evaluee poses an **immediate and present danger** of causing personal injury to himself or other persons by possessing a firearm, the officer should, in most cases, also file a petition for an ERPO.

2. Domestic and other types of calls for police assistance:

   Where an officer is on a scene and the officer personally observes behavior that would lead the officer to conclude that he has **reasonable grounds** that an individual poses an **immediate** and **present danger** of causing personal injury to himself/herself or to other persons by possessing a firearm, the officer should, in most cases, file a petition for an ERPO.

   Where an officer is on the scene but does not personally observe behavior that an individual poses an **immediate and present danger** of causing personal injury to himself/herself or to other persons by possessing a firearm, however, the officer receives information meeting the criteria stated above, the officer shall immediately make a determination whether the complainant/witness/victim meets the legal criteria to petition the court for the issuance of an ERPO. In those cases where the complainant/witness/victim is an eligible person for relief, the on-scene officer shall explain to the complainant/witness/victim what an ERPO is and the process to obtain the Interim or Temporary Order as is appropriate. In these situations, the complainant/witness/victim is in the best position to obtain the ERPO since the complainant/witness/victim has the necessary background information regarding the

Respondent's behavior and the specific facts that may be needed to justify the issuance of an Order. For this reason, the officer shall provide the complainant/witness/victim with the ERPO information pamphlet which explains the process for filing of the petition. The officer shall then determine if the complainant/witness/victim intends to file a petition for an ERPO. In those instances where the complainant/witness/victim indicates that they will be pursuing an ERPO, the officer shall document this fact**. It is however, always in the officer's discretion, even in cases where the complainant/witness/victim is a person eligible for relief, to file the ERPO petition.** ***If the complainant/witness/victim indicates that they will not be pursing an ERPO, the officer should determine whether it is appropriate for the officer to file the petition.***

In those cases where the officer does not personally observe the behavior of the individual and the witness/complainant/victim is not a person eligible for relief, the officer should determine whether it is appropriate for the officer to file the petition for the ERPO.

3. Officers who are investigating cases where the issuance of an ERPO may be appropriate should make a good faith effort to secure firearms and ammunition in the Respondent's possession during the original call for service. This action should result in an effort to eliminate the potential harm and the need to secure the weapons and ammunition at a later time should an ERPO be issued. In the event where the ERPO is not issued or the petition is subsequently dismissed, the weapons and ammunition can be returned to the lawful owner if the individual is not barred from possessing the firearms and ammunition by State or Federal law.

D. Service of ERPO Orders

1. Interim Orders:

   a. On receipt of an Interim Order officers shall have initiated a computer check to determine whether the Respondent is the registered owner of a regulated firearm;

   b. Immediately on receipt of an Interim Order officers shall attempt to serve the Order on the Respondent;

   c. Officers shall make a good faith effort to secure any firearm(s) and/or ammunition in the Respondent's possession;

   d. Officers shall make a return of service to the Clerk of the Court; and

   e. Within 2 hours after service of the Order, officers shall electronically notify the Department of Public Safety and Correctional Services of the service using an electronic system approved and provided by the Department of Public Safety and Correctional Services.

2. Temporary Orders:

   a. On receipt of a Temporary Order officers shall have initiated a computer check to determine whether the Respondent is the registered owner of a regulated firearm;

b. Immediately on receipt of a Temporary Order officers shall attempt to serve the Order on the Respondent;

c. Officers shall make a good faith effort to secure any firearm(s) and/or ammunition in the Respondent's possession;

d. Officers shall make a return of service to the Clerk of the Court; and

e. Within 2 hours after service of the Order, officers shall electronically notify the Department of Public Safety and Correctional Services of the service using an electronic system approved and provided by the Department of Public Safety and Correctional Services.

3. Final Orders:

a. On receipt of a Final Order officers shall have initiated a computer check to determine whether the Respondent is the registered owner of a regulated firearm;

b. Immediately on receipt of a Final Order officers shall attempt to serve the Order on the Respondent;

c. Officers shall make a good faith effort to secure any firearm(s) and/or ammunition in the Respondent's possession;

d. Officers shall make a return of service to the Clerk of the Court; and

e. Within 2 hours after service of the Order, officers shall electronically notify the Department of Public Safety and Correctional Services of the service using an electronic system approved and provided by the Department of Public Safety and Correctional Services.

E. Obtaining Firearms and Ammunition in the Possession of the Respondent:

Upon serving an Interim, Temporary, or Final ERPO, officers shall make a good faith effort to secure all firearms and ammunitions in the possession of the Respondent.

1. Consent Search: Although every situation is different, when an ERPO has been issued, officers may subsequently develop information that firearms and/or ammunition are in the possession of the Respondent, the Petitioner, or other individuals. In this case, the Petitioner or other individuals may have the legal authority to give consent to the officers and allow officers access into the home or other locations to secure any firearms and/or ammunition. The Respondent may also have the legal authority to give officers consent to search the home or other location.

2. Search Warrant: Officers, during their investigations, may develop probable cause to apply to the court for an Order to search a specific location or locations in situations where the Respondent has failed to surrender firearms and/or ammunition.

3. Where officers have probable cause to believe that the Respondent is in possession of firearms and/or ammunition and after giving proper notice, the Respondent

refuses to surrender the firearms and/or ammunition, officers shall arrest the Respondent for violating the ERPO.

F. Law Enforcement Responsibility upon Taking Possession of Firearms and/or Ammunition

Officers or other Agency personnel coming into possession of firearms and/or ammunition in accordance with an ERPO shall at the time of surrender or seizure:

1. Issue a receipt to the Respondent identifying the make, model, and serial number of all firearms and ammunition seized or surrendered as a result of an ERPO;

2. Provide a copy of the receipt to the Respondent;

3. Retain a copy of the receipt for the Agency's records;

4. Provide information to the Respondent on the process for retaking possession of the firearms and/or ammunition on the expiration or termination of the Order; and

5. Transport and store any firearms (in a protective case if available) or ammunition surrendered or seized in accordance with the ERPO. Storage of the firearms shall be in a manner intended to prevent damage to the firearms while the Order is in effect and officers or other personnel shall not place any mark on the firearms for identification or other purposes.

G. Court Attendance:

Officers who apply for Interim, Temporary, or Final ERPO will be required to attend the court proceeding(s). Where the officer is the petitioner in a Temporary ERPO hearing, the officer may have to contact witnesses ahead of the scheduled hearing and request they attend (NOTE: Time constraints may not allow sufficient time to subpoena witnesses).

H. Law Enforcement Responsibility upon Expiration of ERPO:

Upon the expiration or termination of an ERPO, the Agency shall:

1. Notify the Respondent that the Respondent may request the return of the firearms and/or ammunition;

2. Before releasing firearms and/or ammunition to the Respondent, verify that the Respondent is not otherwise prohibited from possessing firearms and/or ammunition.

3. On request of the Respondent who is not otherwise prohibited from possessing firearms and/or ammunition, the Agency shall return the firearms and/or ammunition to the Respondent no later than:

   a. 14 days after the expiration of an Interim or Temporary Order;

   b. 14 days after the court terminates a Final Order; or

   c. 48 hours after the expiration of the Final Order.

NOTE: Firearms and ammunition shall not be released at the same time. They are to be released separately and on different days by appointment only.

4. A Respondent who does not wish to recover firearms and/or ammunition or who is otherwise prohibited from possessing firearms and/or ammunition may sell or transfer the firearms and/or ammunition to:

   a. A Federal Firearms Licensed Dealer (the FFL must provide written proof that the Respondent has agreed to transfer the firearms and/or ammunition to the dealer and this Agreement must be verified with the Respondent and the verification documented in writing);

   b. Another person who is not prohibited from possessing the firearms and/or ammunition under State and/or Federal Law and who does not reside in the same residence as the Respondent. Written proof from the FFL dealer that the firearm has been transferred to the person must be provided. The Agreement must be verified with the Respondent and the verification documented in writing; or

   c. Request the Agency destroy the firearms and/or ammunition.

5. If an individual other than the Respondent claims ownership of a firearm and/or ammunition surrendered or seized as a result of an ERPO, the Agency shall only release the firearm and/or ammunition to the individual if:

   a. The individual provides proof of ownership of the firearm and/or ammunition; and

   b. The Agency determines the individual is not otherwise prohibited from possessing the firearm and/or ammunition.

6. In the event a firearm and/or ammunition is not reclaimed within 6 months after the notice to a Respondent as required in Paragraph 7(c), no party shall have the right to assert ownership of the firearm or ammunition and the Agency may destroy the firearm and/or the ammunition.

I. Violations of an ERPO:

Officers **shall arrest** with or without an arrest warrant any person whom the officer has probable cause to believe is in violation of an Interim, Temporary, or Final ERPO in effect at the time of the violation.

17-106 ACCEPTING SERVICE OF PROCESS

When a process server comes to the Sheriff's Office during normal business hours (Monday – Friday), the DO or SCO will contact the Civil Process Unit. Someone from that unit will take the civil process paper, log it in, and assign it to a civil process deputy for service. After normal business hours, the SCO or DO will adhere to the following procedures:

A. Record the name and phone number of the individual requesting service

B. Collect the fee for service. ***Do not collect a fee for deputies summoned in criminal or DV cases.***

1. $40 for cases filed in Maryland
2. $60 for cases filed out of state
3. Cash or check made payable to “Sheriff, Calvert County”

C. Record the documents to be served

D. Record your name

E. Put all papers and fees received in the Civil Process Office Assistant II’s box

The same procedures apply when accepting service on behalf of a deputy.
If the court date is scheduled 48 hours or less from the time the process server comes to the Sheriff’s Office, they will be advised that an attempt will be made to contact the deputy regarding the court date. Service cannot be guaranteed as the deputy may be on scheduled days off, on leave, etc.

Any questions regarding civil process may be answered by accessing the “T” drive/Civil Process Info.

17-106.1 SERVICE OF PROCESS ACCEPTANCE FOR AGENCY EMPLOYEES

A. Agency employees, whether on or off duty, will accept any legal court or civil process which is served on them personally.

B. Agency employees will not accept service of process, subpoenas, or certified/registered mail on behalf of another employee.

C. Attorneys and/or process servers may, at any time, request CCSO Civil Process deputies serve the court ordered process or subpoenas on their behalf at the applicable service fee. Procedures are listed above in 17-106 or they may contact the deputy on their agency cell phone to arrange for personal service. Agency personnel who receive notification for service will make themselves available within a reasonable period of time to be served.

D. Effective November 2, 2020, District Court subpoenas will no longer be printed and placed in mailboxes. A file containing District Court subpoenas will be emailed to all sworn agency personnel at the beginning of each week. Additionally, a copy of the current week’s District Court subpoenas will be placed in a binder on the roll-call table at the beginning of each week.

   Sworn agency members are responsible for reviewing the District Court subpoenas each week for their court dates. District Court subpoenas are considered served once they have been emailed to sworn agency personnel.

17-106.2 ACCEPTING SERVICE FOR ORDERS OF PROTECTION

When a petitioner comes to the Sheriff’s Office during normal business hours (Monday – Friday), the Duty Office will contact the Orders of Protection Office Specialist II to process. After normal business hours, the Duty Office will accept and adhere to the procedures indicated in 17-105.6 to 17-105.8.

There is no service fee for Protective Orders or Peace Orders related to sexual assault, dating violence, or stalking. District Court collects Peace Order fees and forwards to the Administrative and Judicial Services Bureau.

17-200 CRIMINAL PROCESS

There are two types of criminal process: criminal summons and arrest warrants. Only sworn deputies may execute either type of criminal process for the CCSO.

17-201 RESPONSIBILITY

Overall administration of the service of warrants and other criminal process is the responsibility of the Commander of the Criminal Investigations Bureau. For the purposes of this policy, a warrant is any criminal process including arrest warrants, bench warrants, body attachments, and criminal summonses. However, all Patrol deputies are required to assist the Criminal Investigations Bureau Commander in the service of criminal process.

17-202 WARRANT ENTRY, WARRANTS AND WANTED PERSONS

The Calvert County Sheriff's Office maintains an automated listing of active warrants and a master warrant file containing the hard copy of the warrant.

A. All warrants are entered into the Calvert County Sheriff's Office computerized warrant module.

B. The Calvert County Sheriff's Office follows the criteria established by the Calvert County State's Attorney's Office for entering warrants into the METERS/NCIC computer systems. The Agency also uses extradition guidelines established by the State's Attorney's Office, Appendix 17-A.

C. The Calvert County Sheriff's Office receives warrants from other jurisdictions to attempt service in Calvert County. These warrants are entered into the CCSO computerized warrant module and assigned a warrant number. The warrant is filed according to the number generated from the database. The warrant is then assigned to a deputy for service. The files are maintained for 60 days. After 60 days, the warrants are cleared and sent back to the originating agency.

D. Warrants received, whether by mail, hand delivered, or picked up from the courts will be delivered to the civilian warrant specialist for logging in the process. Child support writs of body attachment are also entered into the state computer system, CSES (Child Support Enforcement System).

   1. The warrants civilian personnel will enter the criminal process into the CCSO computerized warrant file.
   2. The warrants are assigned a warrant number that is generated by the CCSO computerized warrant file.
   3. The warrants are placed in a file folder and filed in numerical order by the warrant number generated by the Agency database.
   4. The warrants civilian personnel will assign the warrant to a deputy from the Warrant Unit.
   5. If applicable, the warrants are sent to the Calvert Control Center for entry into METERS/NCIC.

E. The information contained on warrants is verified by researching the master name index in the CCSO database and by utilizing the state Criminal Justice Information System (CJIS) to ensure proper entry into METERS/NCIC.

F. As warrants are served or recalled, they are cleared out of the CCSO warrant system and cleared from METERS/NCIC.

G. Warrants are accessible 24-hours a day via the CCSO computerized warrant system or by the master warrant file, which is kept in the Duty Office.

17-203 CRIMINAL SUMMONS

A criminal summons is a charging document whereby the defendant is officially charged with a crime(s) without being taken into physical custody. The defendant need only sign the court copy of the summons. If the defendant refuses to sign the court copy, then write “refused to sign” and give the defendant their copy.

17-204 CRIMINAL CITATIONS

The Maryland Uniform Criminal Citation (DC/CR 45) is used for charging adults (18 years of age and older) with petty offenses. A petty offense is defined as any violation of state, county, or local ordinance for which the penalty does not exceed imprisonment for more than three (3) months and/or a fine of $500.

A criminal citation may only be issued to adults who reside in the State of Maryland and who furnish satisfactory proof of identity. The deputy must also believe that the individual will appear for court.

The criminal citation is only to be used when the defendant is charged and released without physical arrest. It is not to be used in those cases where the defendant has been arrested, processed, fingerprinted and taken before a District Court Commissioner. Each criminal citation form will reflect only one charge.

A physical arrest should be made for petty offenses when the deputy feels that an arrest is more appropriate than the issuance of a citation.

When a criminal citation is issued in lieu of a physical arrest, the Agency will not obtain fingerprints or photographs. This consideration should be evaluated when deciding whether to use the criminal citation.

The deputy must have probable cause and follow the same standards for other misdemeanor arrests in order to issue a criminal citation. The deputy shall complete and sign a probable cause statement on the back of the State’s Attorney’s copy. Deputies must complete a *Case Report* and any other appropriate reports required for a criminal arrest. The defendant must sign the citation.

17-205 ARREST WARRANTS

Arrests warrants are warrants issued by a District Court Commissioner based on an *Application for Statement of Charges* completed by a law enforcement officer or by a citizen. An arrest warrant gives a law enforcement officer the authority to take the person named on the warrant into custody to be later taken in front of a judicial officer of the court. The warrant will indicate whether or not it may be served in the county of arrest or is required to be served in the county that it was issued.

17-206 CRIMINAL WARRANTS

Criminal warrants are warrants issued by the Circuit Court charging the defendant with a criminal offense. When a defendant is taken into custody on a criminal warrant, they are held pending their appearance before the issuing court.

17-207 BENCH WARRANTS

Bench warrants are warrants issued by judges authorizing a law enforcement officer to take the defendant into custody for failing to appear for court or for violating conditions of probation or pre-trial release. Some bench warrants have to be served in the county where they were issued.

17-208 WRIT OF BODY ATTACHMENT

A writ of body attachment authorizes a law enforcement officer to take a person into custody in certain civil cases such as child support cases. Child support cases can pay the purge and do not need to go to court. The defendant is held pending their appearance before the issuing court. Writs of body attachment are also used to take a juvenile into custody to bring them before the juvenile court.

17-209 CRIMINAL INDICTMENTS

A criminal indictment is a formal written accusation of a crime, which is affirmed by a grand jury and presented to the Circuit Court to begin criminal proceedings against the accused. The defendant is held pending their appearance before the issuing court.

17-210 WARRANT PROCEDURES

The following procedure will be utilized by all deputies serving the warrants listed in 17-205 through 17-209.

With the exception of search warrants, deputies will serve criminal process within the jurisdictional boundaries of Calvert County. Attempts to serve criminal process outside of Calvert County should be made by a law enforcement agency having jurisdiction in that area, although a Calvert County deputy may assist them. Calvert County deputies attempting to locate criminal processes outside of Calvert County should notify the appropriate agency to request their assistance; however, circumstances may require deputies to make an arrest prior to notification. This also applies to the following jurisdictions with which we have a mutual aid agreement: Charles County Sheriff's Office, St. Mary's County Sheriff's Office, and Anne Arundel County Police Department.

17-210.1 ATTEMPTS TO SERVE WARRANTS

A. Deputies shall use all available resources to locate wanted subjects to include checking the CCSO computer system, CJIS computer system, Linx, Lexis Nexis, MVA, social media, post office, neighbors, friends, relatives, etc.

B. Deputies shall document day and time of every attempt to locate a wanted subject.

17-210.2 SERVICE OF WARRANTS

A. Each warrant will be confirmed prior to the actual arrest.

1. Calvert County warrants – Confirmation will be made by Sheriff's Office personnel checking the master warrant file and inspecting the warrant.

2. Out of county warrants – Confirmation will be made by contacting the jurisdiction holding the original warrant, either via teletype or telephone.

B. The deputy shall serve the warrant on the subject and the deputy will sign their name, rank, date, time, and location of service, as required.

C. The deputy will have the warrant removed from the CCSO computerized warrant system and METERS/NCIC if applicable.

D. If the warrant was not originally assigned to the deputy, the deputy will notify the assigned deputy by email that the warrant was served.

E. The deputy will complete an offense or supplement report if applicable.

F. Utilizing the CCSO computerized warrant system, deputies shall update all relevant information concerning the subject to include:

1. Personal identification information;
2. Current address;
3. Telephone number;
4. Occupation/place of employment; and
5. Any other pertinent information.

17-210.3 WANTED SUBJECT IN CUSTODY BY ANOTHER JURISDICTION

When a law enforcement agency contacts the Calvert County Sheriff's Office (CCSO) and advises they have custody of an individual wanted by the CCSO, the following procedure will be followed:

A. Verify the name of the inquiring agency and officer/representative's name.

B. Obtain all relevant information in reference to the detained person.

C. Verify that the person is wanted by the CCSO.

D. Pull the warrant file and validate the wanted status.

E. If the wanted person is eligible for extradition, notify the inquiring agency and advise them of any special requirements documented in the warrant.

1. Notify the appropriate warrant clerk of the wanted person's status via email.
2. Place the warrant folder in the warrant tray located in the Duty Officer area.

F. If the person is being detained by a local agency and can be served in the county of arrest, fax the warrant to the arresting agency. Require the arresting agency to fax back a copy of the CEPI.

1. Notify the appropriate warrant clerk of the person's status via email.
2. Place the warrant folder in the warrant tray located in the Duty Officer area. Under no

circumstances will a warrant that has been verified on a person who is to be extradited, or has been served in another county, be placed back in the active warrant file.

17-211 SEARCH WARRANTS

A search warrant is a written warrant issued by a judge, which authorizes the police to conduct a search of a person or location for evidence of a criminal offense.

A. A deputy shall apply for a search and seizure warrant to a judge of the Circuit Court for Calvert County or a judge of the District Court of Maryland for Calvert County if the residence or item to be seized is located within Calvert County.

B. If the residence or item to be seized is located in a county other than Calvert in Maryland, the deputy shall apply for a search and seizure warrant to a judge of the Circuit Court for the appropriate county or a judge of the District Court of Maryland. The deputy **must** notify the primary law enforcement agency for that county prior to service of the search warrant and ask for their assistance.

C. Deputies will not apply for search warrants for locations outside of Maryland. In those cases, the deputy will contact the local law enforcement agency for that jurisdiction. A law enforcement officer from the local jurisdiction will act as the affiant of the search warrant. The deputy may act as a co-affiant for the warrant.

A search warrant must be served within 15 calendar days after it was issued, after which it expires and is void. The return must be made to the issuing judge within ten days to the issuing judge, along with the inventory of property seized. Returned warrants are kept sealed but may be viewed by persons whose property was seized, or per court order.

17-300 CIRCUIT COURT, COURTHOUSE AND CIRCUIT COURT HOLDING FACILITY SECURITY

17-301 AUTHORITY

The Courts and Judicial Proceedings Article of the Maryland Code 2-404 provides that an appellate court may direct a sheriff to attend the court or perform services for the court. The Circuit Court for Calvert County has directed the Sheriff of Calvert County to provide courtroom security whenever the court is sitting. The role of the CCSO is to provide an armed presence in the courtroom and to maintain the peace, if required, and prisoner management in the courthouse.

In support of this directive, CCSO maintains a holding facility within the main courthouse complex that provides a temporary, secured area for individuals who are in the custody of the Sheriff and the courts. This facility does not house individuals overnight and is managed by the Sheriff and his deputies.

The Sheriff of Calvert County has been directed by the Calvert County Government to provide security for the main Calvert County Courthouse located at 175 Main Street, Prince Frederick, Maryland. The Circuit Court for Calvert County, the Calvert County Commissioners Hearing Room and Offices, the County Treasurer's Office as well as other County government departments are located in this building. The role of CCSO is to ensure that the building and its perimeter are secure, operate the security screening equipment at its main entrance, and maintain the peace, if required.

17-302 RESPONSIBILITY

The Administrative and Judicial Services Bureau Commander is responsible for providing courtroom and courthouse security as detailed in this section. The AJSB Sergeant is the first line supervisor for court/courthouse security.

The AJSB Sergeant will conduct and document a comprehensive survey of court and courthouse security plans and procedures, as needed. In the meantime, a review of the daily, weekly, and monthly courthouse inspection sheets completed by courthouse deputies can be reviewed to help determine any courthouse security needs.

17-302.1 COURT SECURITY COMMITTEE

A Standing Committee on Security Issues meets quarterly to discuss security issues relating to the Circuit Court/Calvert County Courthouse. The committee is chaired by the County Administrative Judge (or the Court Administrator in the absence of the County Administrative Judge). Its membership consists of various stakeholders to include Sheriff's Office personnel, court personnel, Technology Services staff, and personnel from the Calvert County Department of Public Safety.

The committee is empowered to exercise rigorous oversight on all matters relating to security within the court building to include facilities, equipment, and personnel.

17-303 APPEARANCE AND DEMEANOR

As a representative of the Sheriff and the court, personnel assigned to court and courthouse security are in frequent direct contact with the general public, jury members, defendants, attorneys and members of the court. Personnel's personal appearance and demeanor can greatly enhance the climate and dignity, respect and efficiency of the judicial system.

All personnel assigned to courtroom security will be dressed in the Class B uniform of the day. Uniforms will be neat, clean and pressed with shined brass and shoes.

Personnel's demeanor must be such that in no way will their actions or speech reflect unfavorably upon the integrity of their office or the court. They should maintain a pleasant disposition in their contacts with persons in the courtroom. However, they must avoid excessive friendliness with attorneys, defendants, witnesses and members of the jury during the course of trial. This type of behavior may be misunderstood as acts of partiality or influence.

17-304 EQUIPMENT

The following equipment has been identified for the protection of the Calvert County Courthouse, Courts, and Courthouse Holding Facility:

A. Electronic access control system for all exterior and primary interior doors of the courthouse. This security system is monitored and handled by the Calvert County Sheriff's Office Administrative and Judicial Services Bureau (AJSB) and supported by the Calvert County Government. Employees must possess a key fob to enter and exit doors. Admittance to areas is based on an individual's job duties and is approved by a supervisor. The only door to the courthouse without a security reader is the main entrance. All master keys are held by the supervisor of Buildings and Grounds within the Calvert County Government.

B. The public address system installed in the main courthouse located in Prince Frederick is to be used solely for notifying the general public and employees in case of emergency events. Announcements are to be clear, to the point, and made by knowledgeable supervisory personnel or a courthouse deputy familiar with the event. A supervisor may authorize an employee to make the emergency announcement if the employee's immediate supervisor is unavailable. Emergency page buttons for this system are located at the Duty Office of the Sheriff's Office located in Calvert House, the Emergency Management Office, Public Safety, and the metal detector located at the main entrance of the courthouse.

C. Panic Alarms in all courtrooms, chambers, Treasurer's Office, and several other offices.

D. Cameras in the lobby and parking lots monitored by the Sheriff's Office and Calvert Control Center.

E. Walk through metal detector at the main entrance of the courthouse and handheld metal detector.

F. Sheriff's Office K-9 trained to search for explosives.

G. Armed deputy with radio communications and asp baton.

AJSB personnel, assigned to monitor the electronic access control system, will ensure its operation on a daily basis.

Deputies assigned to court, courthouse, and court holding facility security will have their sidearm, asp baton, and mobile 2-way radio with ear piece with them at all times.

17-305 HOLDING FACILITY

The holding facility located in the main courthouse is a temporary housing area for detainees involved in court proceedings. It is not intended to house long-term prisoners. Detainees will not be held longer than 8 hours in this facility.

Holding facilities provide the following conditions for detainees:

- Adequate lighting as required by local code or ordinance;
- Circulation of fresh or purified air in accordance with local public health standards;
- Access to a toilet and drinking water.

The facility has an automatic fire alarm and heat and smoke detection system, and fire equipment approved in writing by state fire officials. Daily, a court security deputy will conduct a visual inspection and testing of the automatic fire detection devices. Weekly, a court security deputy will conduct a visual inspection of fire equipment in the court holding area. Both of these inspections will be documented on the *Inspection of Court Holding Facility* form.

At least semiannually, Building & Grounds personnel will cause a documented testing of fire equipment.

In emergency situations when the courthouse must be evacuated, deputies assigned to the facility will follow one of the three posted emergency evacuation plans for exiting the holding facility via the designated emergency exits. The deputy in charge of the lock up for the day will

ensure during the evacuation that all prisoners are accounted for, take custody of the detention log and remove it, and contact the Calvert Control Center to notify the Detention Center to send vans to transport the prisoners to the main County detention facility.

Deputies assigned to the holding facility will maintain radio contact with Calvert Control and deputies assigned to the courthouse to ensure smooth operation of the courts and in case of emergencies.

Deputies assigned to the holding facility will arrange and document weekly sanitation inspections of the holding facility for vermin and pests or any condition conducive to harboring or breeding of insects or vermin with the Calvert County Government's Buildings and Grounds. If necessary, pest control professionals will be contracted to clean or fumigate the facility.

Procedures for gaining access to medical services will be posted in the main facility area used by detainees in both English and Spanish.

A first aid kit is available in the facility and is subjected to a documented weekly inspection and replenished, as necessary.

Cell surveillance cameras are pre-set to minimize invading the detainee's privacy and shall not be adjusted to view other portions of the cell unless authorized by the AJSB Commander or Assistant Commander. The monitoring of restroom areas shall be avoided.

Holding cells are equipped with video monitoring equipment and when occupied shall be monitored by the Court Holding deputy.

17-305.1 EMERGENCY MEDICAL PROCEDURES

Legible instructions shall be permanently posted in the area of the holding cells instructing detainees how to alert staff of an emergency, including the need for medical assistance. These instructions shall be posted in both English and Spanish.

If a detainee indicates or appears in need of medical assistance, the court deputies will follow the procedures below.

1. Provide First Aid up to the level of the responding deputy's training.
2. Summon Emergency Medical Assistance (911)
3. Separate the ill detainee and secure all other detainees.
4. Notify the Department of Corrections personnel or the Calvert County Detention Center if the inmate is incarcerated by their respective agency.

These and any additional procedures addressing medical situations within the Court Holding facility will be reviewed and approved by a licensed physician.

All court deputies in the holding cell areas are trained at the academy level in first aid. First aid will be provided up to the level of which that the deputy has been trained.

17-306 PROCEDURES

CCSO deputies assigned to the courts, courthouse, or the court's holding facility, upon initial hiring, will receive training on the operations of the holding facility, the equipment provided, and

fire and emergency responses. Deputies will also receive special training in the use of physical restraint to ensure the safety and security of the staff and detainees. The deputies assigned to the courthouse will receive updated training on the above procedures as needed; and it shall be documented.

17-306.1 ADMISSION TO THE COURTHOUSE – GENERAL

The courthouse is a public building. Two guiding principles of our democratic form of government are the rights of public trial and access to the courts. Against these rights must be weighed the need to maintain the safety of all participants in the litigation process and the security of the process itself.

Thus, absent some clear and discernable intention to create disruption, all persons must be given access to the courthouse and the functions carried out within it. However, anyone who creates a disturbance, which disrupts the conduct of the court's business will be removed and no one is permitted to bring into the courthouse any item which could facilitate such disruption.

Among the items which may not be brought into the courthouse, except by authorized persons are:

1. Weapons or items which could be used as weapons, including firearms, knives or other cutting instruments, scissors, knitting/crochet needles, bottle/can/letter openers, tools, and O.C. or other chemical sprays.
2. Explosive or incendiary devices.
3. Illicit drugs.
4. Audio or video recording devices.
5. Cameras.

For the purpose of these procedures, all such prohibited items are collectively referred to as "contraband."

A sign is posted outside the main entrance doors of the courthouse where the public enters notifying the public that they will be subject to screening and a search.

Law Enforcement Officers. Law Enforcement officers who are on official business may be permitted to enter the courthouse with sidearms (or with other weapons in the event of an emergency). Officers entering the courthouse on private business (e.g., as plaintiffs, defendants, or witnesses in their personal capacities) or as defendants in any civil or criminal matters, are not permitted to be armed within the courthouse.

17-306.2 SCREENING ENTRANTS

Employees and certain other pre-cleared individuals have been issued a proximity card, which gives them the ability to bypass screening at the main entrance to the courthouse. All other persons will be screened each time they enter the building.

Screening consists of:

- Passing through the walk-through magnetometer or being screened by magnetometer wand; and

- A thorough hand-search of all bags, handbags, purses, briefcases, backpacks, waist packs or any other container in which contraband could be concealed.

17-306.3 WALK-THROUGH MAGNETOMETER

Most individuals seeking entrance will be asked to remove all metal items (such as keys, change, and cellular telephones) from their pockets and to place them in a tray which will be sent through the x-ray security machine for examination by the court deputy, and then pass through the magnetometer. See *Medical Exception* below for alternatives to this general rule.

The individual will be instructed to pass through the magnetometer in the following manner:

- Arms at side, not touching the scanner sides;
- Hands out of any pockets, open and empty; and,
- Walking straight through at a normal speed.

Individuals will not be told to place their hands over a metal object (e.g., jewelry, belt buckle, etc.) to avoid the magnetometer alarm. Be sensitive to people wearing difficult to remove jewelry; hand scanning may be the preferred method.

17-306.4 HAND SCANNING

Hand scanning will be used when an individual fails to clear the walk-through magnetometer, after all attempts have been made to remove metal objects in the person's possession, and for persons who for medical reasons cannot use the walk-through magnetometer. The proper method for using the hand wand is:

1. Verify that pockets have been emptied.

2. Ask subject to stand with legs apart and arms raised.

3. Position yourself in front of the subject, keeping your eyes on the subject during the entire search.

4. Press button on hand scanner to activate.

5. Cover the subject's entire body with the hand scanner, keeping the device about four inches from the body while searching.

If the hand scanner detects a metal object on the subject, the person will be asked to remove the object for the deputy's examination, if that is possible. If removal is not possible, the deputy will examine the object by sight before continuing the search. If the object is not readily visible, the deputy may ask the subject to step out of public view and rearrange their clothing to allow the deputy to see the object. More intrusive searches may be conducted only under the guidelines for searches provided in this manual. Deputies will at all times respect individuals' rights to privacy but without compromising the security of the Courthouse.

If an individual states that they cannot be scanned with the hand scanner, the individual must submit to a hands-on search (see *Medical Exception*, below).

17-306.5 MEDICAL EXCEPTION

An individual, who claims medical reasons for not passing through the walk-through magnetometer will be permitted to bypass that device but will be thoroughly searched with the hand scanner. If an individual claims medical reasons for not being subject to hand scanning, the individual will be subject to a “hands-on” search, which should be done out of public view.

17-306.6 HAND-SEARCH OF POSSESSIONS

The deputy will ask any individual, who is carrying an item in which contraband could be concealed, to place that item on the counter and to open it for inspection. The deputy will search within the item and will feel the item itself to detect contraband.

17-306.7 CONTRABAND DISCOVERED

If a deputy discovers an individual to be in possession of contraband in the course of the magnetometer or hand-search, the individual will be instructed that he or she may not enter the courthouse with the item.

The individual may leave the courthouse, dispose of the item, and then return for re-search and entry, if appropriate.

The deputy **will not** hold any item for a person while he or she enters the courtroom.

17-306.8 DELIVERY AND SERVICE PERSONS

Uniformed employees of recognized delivery services will be permitted to enter the courthouse with packages or parcels for delivery, without inspection, upon presentation of proper identification.

For other deliveries, the deputy will telephone the recipient of the delivery for authorization. The delivery person will be required to pass through the magnetometer, but the packages may enter without inspection.

For service persons with tools or other items, which would otherwise be contraband, the deputy will telephone or meet with the recipient of the service for authorization. The service person will be required to pass through the magnetometer and any toolbox or container will be searched for weapons.

The Calvert County Government Buildings and Grounds supervisor may accompany service persons into the courthouse with tools without inspection.

17-306.9 PRE-SHIFT CHECKS

Deputies assigned to the courts and courthouse will check the operation of the metal detectors, panic alarms, and radio communication equipment at the beginning of each shift. The AJSB Sergeant will oversee the testing of all equipment at least once a month.

At the beginning of their shift, deputies on courthouse security will conduct a thorough security check of the building and the courthouse property, ensuring that all doors are secure, no unattended packages, or breaches in security.

Deputies assigned to courtroom duty will conduct a thorough search of the courtroom for unattended parcels and other suspicious items, prior to the beginning of court. The deputy will do a thorough search of the jury room, witness room, halls outside chambers, and jury box for weapons or other contraband.
At the beginning of their shift, holding facility deputies will conduct a thorough search of the main area of the facility, facility restrooms, and all cells for weapons and contraband. Deputies will conduct a search of cells after a prisoner has been removed and prior to use by another prisoner. All exterior and interior holding facility doors will remain locked at all times and will be accessed only by authorized personnel. The only exceptions are the doors to the men's and women's lavatories and the deputies' break room. Deputies will also ensure that security readers and magnetic locks on all holding facility doors are functioning properly.

17-306.10 WEEKLY INSPECTION OF COURT HOLDING FACILITY

At least once a week, bars, locks, windows, walls, floors, ventilator covers, glass panels, access plates, protective screens, doors, and other security devices shall be checked carefully for operational wear and detainee tampering. Inspections shall be conducted every Monday prior to detainees being placed in the cell, if possible. The results of these inspections should be submitted in writing to the Administrative and Judicial Services Bureau (AJSB) Sergeant or their designee via the *Inspection of Court Holding Facility form*. All defective security equipment should be replaced or repaired immediately. All holding areas and other areas to which detainees have access should be searched for weapons and contraband. It is the responsibility of the AJSB sergeant to ensure that the inspection is completed, documented in writing, all repairs are made and a weekly inspection file be maintained.

17-306.11 PATROLLING THE FACILITY

In addition to the pre- and post-shift inspections, the deputies will conduct patrols daily. The patrol will consist of a walk-through of all public areas of the building, all offices and a walk around the perimeter of the building and the parking lot. At least one deputy will remain at the courthouse while another deputy performs the patrol. Should there be a need for a deputy response during the patrol, the patrolling deputy will respond.

17-306.12 RESPONSE

A deputy will respond to every duress alarm, door ajar alarm, disturbance or call for assistance from courthouse personnel or visitors. At least one deputy will remain at the front entrance post while another responds to the alarm or disturbance.

17-306.13 EMERGENCIES

A. <u>Fire</u>

In the event of a fire alarm, the automated fire system will immediately begin announcing a fire evacuation. When the courthouse must be evacuated, deputies assigned to the facility will follow one of the posted emergency evacuation plans for exiting the courthouse via the designated emergency exits. The deputy posted at the main entrance will facilitate evacuation of courthouse personnel and visitors through the main entrance if possible. All other deputies will go to the other posted emergency exit to facilitate evacuation of courthouse personnel and visitors. After all persons have been evacuated, each deputy will remain outside the respective door to provide a measure of security and to greet and assist fire personnel.

The deputy in charge of the lock up for the day will ensure during the evacuation that all prisoners are accounted for, take custody of the *Detention Log* and remove it, and contact the Calvert Control Center to notify the Detention Center to send vans to transport the prisoners to the main County detention facility.

When the emergency is concluded, the deputies will return to the courthouse, ensure that all systems have been returned to normal operation and then screen all entrants to the building. As soon as entry workload permits, one deputy will conduct a patrol.

B. Bomb Threat

If a bomb threat to the courthouse is made via the courthouse switchboard the deputy at the entrance post will:

1. Advise the switchboard operator to press *57 on the telephone to lock in the source of the call.
2. Contact Calvert Control **by telephone only**
3. Call the clerks of both courts.

The decision to evacuate the main courthouse rests with the judges of the respective courts or, in their absence, with the Clerk of the Circuit Court. The decision to close County offices rests with the County Administrator. In the event of a decision to evacuate, the deputies will follow the procedures outlined above for fire evacuation. **Once a bomb threat is received, all wireless transmissions, including radio, walkie-talkie and cellular telephone, must cease.**

C. Inclement Weather

The decision to close the courthouse rests with the County Administrator and the notification will be made by the Director of Public Safety. If the courthouse is open on time or the opening is delayed, deputies must report to duty at the time the courthouse opens. If the courthouse is closed entirely, then the deputies are not required to report for duty.

D. Natural Disaster

In the event of a natural disaster, which requires evacuation of the courthouse, the deputies will follow the procedures outlined above for fire evacuation.

E. Civil Disturbance/Demonstration

In the event of a civil disturbance or demonstration on the courthouse grounds, the deputies will notify Calvert Control. Deputies may close and secure the main entrance in the event of an imminent threat to the security of the courthouse and the safety of its occupants. In that event, the duty officer will immediately notify the Clerk of the Circuit Court.

17-306.14 END OF TOUR OF DUTY

At the end of the tour of the duty the deputies will:

1. Secure the main entrance doors.

2. Deactivate the walk-through magnetometer and secure all electronic and other equipment.
3. Perform a walk-through of the public areas of the building, beginning on the top floor, including all rest rooms.

17-306.15 COURTROOM DEPUTY

Personnel assigned to courtroom security will report to their assignment 15 minutes prior to commencement of court. This will afford the deputies time to observe spectators, witnesses, and defendants for behavior that may signal the possibility of later disturbance.

Deputies assigned to the court shall position themselves in the front of the courtroom maintaining a low profile and being readily accessible to provide safety and security and quell any disturbances that may occur.

A courtroom deputy will enforce the rules of the Court as to proper conduct and appearance.

If a courtroom deputy senses a disruptive situation evolving, he shall immediately notify other deputies assigned to courthouse duty and the AJSB Sergeant.

Should a deputy assigned to a court become ill or for any reason must leave the court, they shall notify the AJSB Sergeant for proper relief.

During a court recess, deputies assigned to a courtroom will remain in view or in close proximity of the courtroom. The courtroom will be cleared and locked between recesses. Prisoners will be returned to the holding facility during recesses. The deputy assigned to the court will make arrangements with the Court Clerk to be notified at the commencement of court.

During lunch breaks for court sessions, the deputy may leave the courtroom area only after they are sure the courtroom is in an orderly state and must return 15 minutes prior to commencement of court. The courtroom will be cleared and locked during lunch recess. The deputy will unlock the courtroom 15 minutes prior to commencement of court.

When court is adjourned for the day, the deputy will remain in the courtroom until it is secured and in an orderly state. The courtroom is cleared and locked at the end of the day.

17-306.16 CUSTODY AND MOVEMENT OF PRISONERS

Deputies will maintain custody of any prisoner in their charge. All prisoners will be handcuffed and under the direct control of the courtroom security deputies.

Handcuffs should be removed from the prisoner before entering the courtroom. The exception to this rule should be made when dealing with a security risk, bond or preliminary hearing. If in doubt, check with the AJSB Sergeant. Never cuff or maintain cuffs on a defendant or prisoner in view of a jury during a trial, unless approved by the court.

Upon entering the court, the courtroom deputy and the prisoner will move to the front of the court. When the defendant's case is called, the deputy will maintain a low profile, but be in direct control at all times.

There will be no visits in the courtroom between the prisoner and anyone other than his attorney or court-related personnel. If the judge orders a courtroom visit between the prisoner and other

persons, the deputy must maintain visual contact of both parties to make sure there is no touching or anything being passed between them.

No person will be allowed to give money, clothing or packages to a prisoner while in court. These persons will be directed to take these items to the proper location.
Once a defendant has been committed and placed in the courtroom deputy's custody, the deputy shall maintain control, use proper cuffing procedures, and transport the prisoner without delay directly to the holding facility.

In the event of an escape of a detainee, the deputy will alert, via his mobile radio, all courthouse deputies, Calvert Control Center, and the duty officer at the main Sheriff's Office who will alert additional personnel as needed. Courthouse deputies will immediately secure the courthouse proper and begin a search. CCSO supervisory personnel in charge of the search will secure operations when they are completed.

17-306.17 HOLDING FACILITY DEPUTIES

Deputies will ensure that nonessential persons granted access to holding facilities will not violate a detainee's privacy, impede facility operations or obstruct development of information for presentation in court by either the prosecution or the defense. Access of all nonessential persons will be prohibited in emergency situations.

Firearms, knives, batons, chemical sprays and any other weapons, will be secured in the lock box provided before entering the holding facility and the deputy will retain the key. An exception to this policy would be an emergency situation where time is of the essence for the safety of either the prisoner or the officer.

Deputies will perform an inventory search of the detainee coming from court at the time of booking and prior to entry into the holding cell. An itemized inventory of property will be taken from the detainee and will be secured with the property taken from the detainee. This property and inventory will be turned over to corrections officers when the detainee is transferred to their custody.

Deputies entering occupied cells will ensure that keys to the cells and exterior doors are secure, that their radio and ear piece are operational, and another deputy is aware of their activities. Cell keys will be kept inside the deputy's desk within the holding facility when they are not in use. A master manual key to each cell will be kept in the locked key box inside of the court deputy's office. To reduce the opportunity for escape, it is preferable that a deputy not enter a cell alone, unless monitored by visual or audio surveillance or has a radio for emergency purposes.

Once a prisoner has been placed in a holding cell the court deputy assigned to the holding facility will complete a visual inspection of all prisoners being held every hour. The court deputy will then write the date and time of the inspection and any comments pertaining to the inspection in the *Holding Cell Log*. Special attention shall be given to those prisoners displaying bizarre behavior. This system serves as a security alerting system, which is vital to the safety of detainees and officers, and to the security of the facility.

When supervising detainees of the opposite sex, deputies will summon a female correctional officer or deputy to search a female detainee. When not feasible, there must be at least two male deputies, one to perform the search and another to monitor all contact.

The court holding facility is not equipped to provide treatment to persons under the influence of drugs or alcohol. Such persons should be detained in other facilities, when available. When

these facilities are unavailable, special consideration should be given to detainees who are under the influence of alcohol or other drugs or who are violent or self-destructive. They will be held apart from other detainees in a secured area, where they will not injure themselves or others.

All CCSO deputies are certified in CPR and First Responders medical care. Should a detainee have a medical emergency, a deputy will administer appropriate care pursuant to their CPR and First Responder training. Calvert Control will be notified to have an ambulance respond, and if needed, the detainee will be transported to the emergency room at Calvert Health Medical Center. Any incident that threatens the security of the holding facility will be documented on a CCSO *Case Report* by the investigating deputy and filed with their supervisor.

17-306.18 ACCESS TO HOLDING AREA

A. Non-essential personnel are not permitted in the holding area when a prisoner occupies a holding area room.

B. Only law enforcement officers, correctional officers or fire/EMS personnel are permitted in the holding area when there is a prisoner in custody.

C. Tours of headquarters will not include the holding area when there is a prisoner in custody.

17-306.19 PRISONER SEPARATION

A. Males and females will not be placed in a holding room together.

B. The detention of juveniles will be in accordance with the Juvenile Operations Policy.

17-307 HIGH PROFILE TRIALS

If, after discussion with the Circuit Court judge, the Sheriff determines that a case is of sufficient public interest and/or controversy that there is a potential for disruption, he will direct the Commander of the Administrative and Judicial Services Bureau to develop a special event plan following the procedures described in chapter 14 of this Manual. The plan will be tailored specifically for that trial, but will include some or all of the following elements and such other elements as may be appropriate:

- Deployment of personnel to the courthouse to provide additional security, and specific assignments for each post.
- Deployment of walk-through and hand-held magnetometers at the door to the courtroom or courthouse, depending on the level of risk.
- Deployment of the Special Operations Team.
- Instituting a command post.
- Coordination with MSP and federal law enforcement agencies.

17-308 WRITTEN REPORTS

It is the policy of the CCSO that all unusual, emergency or security related events (e.g., suicide attempts, escapes, fire, bomb threats, etc.) will be documented on the Agency's *Case Report*. This report will be completed by the investigating deputy by the end of the tour of duty and turned in to their supervisor.

APPENDIX 17-A

CALVERT COUNTY SHERIFF'S OFFICE
EXTRADITION GUIDELINES

Misdemeanor cases that are non-extraditable (Serve in Maryland only):

Bad checks under $100
Theft Under $100
All traffic offenses excluding DWI/DUI
Animal Control violations
Civil child support warrants
Attachments for contempt
Alcohol violations

Misdemeanor cases extraditable from **DC, DE, PA, & NJ**:

Assault-2nd degree
Bad checks over $100
Theft over $100 but under $500
Possession of a controlled dangerous substance or paraphernalia
Destruction of property
Telephone misuse
Unauthorized use of a motor vehicle
Trespassing
Violation of Protective Order
Sex offense-4th degree
False statement to a police officer
Weapons violations excluding handguns
Fraud
Indecent exposure

Misdemeanor cases extraditable from **DC, DE, PA, NJ, VA, WV**:

DWI/DUI

Felony cases extraditable from **anywhere in the United States** with the State's Attorney's approval:

Theft over $500
Burglary-1st, 2nd, and 3rd degree
Sex offense-1st, 2nd, and 3rd degree
Distribution/Possession with intent to distribute a controlled dangerous substance
Assault-1st degree
Escape from confinement
Murder
Arson or threat of arson

CHAPTER 18
COMMUNICATIONS

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	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **COMMUNICATIONS**	Chapter **18**
	Affects: **ALL PERSONNEL**	
EFFECTIVE DATE **January 29, 2009**	Rescinds:	Amends: **18-210, 210.1 (new) on 4/3/19**

18-100 COMMUNICATIONS POLICY

The Calvert County Sheriff's Office deputies receive radio dispatching and 911 communications services from the Calvert Control Center, the agency which provides emergency communication services to the County. The CCSO has entered into a Memorandum of Agreement with the Calvert Control Center for the provision of those services through its communications center. This policy includes the parameters of the agreement between the Sheriff's Office and the Control Center, and the proper procedures for utilizing these services.

All radio operations are conducted in accordance with Federal Communications Commission (FCC) procedures and requirements. The Control Center has access to the FCC's rules and regulations.

The Calvert Control Center provides 24-hour, toll free voice and hearing impaired (TDD) telephone access for emergency calls for service.

Immediate communications capability provides a measure of safety and security to law enforcement and the public. The Calvert Control Center has 24-hour, two-way radio capabilities providing continuous communications between the dispatchers and the deputies.

Deputies are issued portable radios to be used while they are away from their patrol vehicles to maintain communications with the Control Center for exchanging information, requesting assistance, receiving orders or instructions, and responding to calls for service.

18-200 PROCEDURES

Effective July 1, 2014, the Calvert County Sheriff's Office will abolish the use of Common Language Protocol and will utilize the 10-Code System.

The codes to be used can be found in 18-408, Codes and Phonetic Alphabets.

18-201 RECORDING INFORMATION

Through the use of the Computer Aided Dispatch (CAD) system, the Calvert Control Center shall record the following information for every call for service and self-initiated activity:

1. Complaint Control Number (CCN)
2. Date and time of request or self-initiated activity

3. Name, address, and telephone number of complainant, if possible
4. Type of incident reported
5. Location of incident
6. Deputies who responded/handled to include primary and back up deputies
7. Time of dispatch
8. Time of deputy's arrival
9. Time of deputy's return to service
10. Disposition of the reported incident

18-202 MAINTAINING RADIO CONTACT

A. Deputies will notify Control Center personnel, via radio when engaging in the following activity:

   1. When beginning and ending their tour of duty
   2. All self-initiated activity including traffic stops and suspicious vehicles/persons
   3. When responding to a call for service/incident
   4. When arriving on the scene of a call for service/incident
   5. When clearing a call for service/incident
   6. Anytime information needs to be relayed quickly to dispatchers or to other units, such as a Be On the Look-Out (BOLO) for a crime that has just occurred

B. Deputies will notify the Control Center whenever they are out of service for any reason.

C. Radio identifiers are assigned to all personnel who utilize the police radio system. Radio identifiers are assigned in the following manner:

   1. CS 1 Sheriff
   2. CS 2 Assistant Sheriff
   3. CS 3 - 15 Captains, Lieutenants, and First Sergeants
   4. CS 16 - 20 Reserved for Future Use
   5. CS 21 - 215 All other personnel
   6. AC 900 - 905 Animal Control Officers

   Personnel assigned to the K-9 unit will use the designator, "K-9" in lieu of CS in front of their number.

   Personnel assigned to the Criminal Investigations Bureau will use the designator, "CIB" in lieu of "CS" in front of their number.

   Personnel assigned to the Special Operations Team will use the designator, "SOT" in lieu of "CS" in front of their number.

   Personnel assigned to the Administrative and Judicial Services Bureau will use the designator, "CP" in lieu of "CS" in front of their number.

D. Communications with interacting agencies will be handled as follows:

   1. Deputies shall use normal communication procedures when communicating with other allied police agencies utilizing the Calvert County police talk groups. Using 10 codes is acceptable.

2. Deputies who need to communicate with an allied police agency via that agency's talk group shall identify themselves by placing "Calvert" in front of their radio identifier. For example: A deputy needing to communicate with Anne Arundel County Communications on an AAPD talk group would state, "Calvert CS 20 to Anne Arundel Communications."

3. Deputies communicating with any other Calvert County Government agency or Calvert County fire and rescue personnel will use common language to relay information.

E. The Control Center will be responsible for routine dispatching and deployment of field units based on established protocols. The criteria for the assignment of the number of field personnel in response to an incident is covered under 11-201 *Classification of Calls.* Under this policy, calls for service are classified as a Priority 1, 2, 3, or 4. Based on the classification, at least the minimum number of deputies is dispatched. The Patrol supervisor shall increase or decrease the number of deputies responding based on the circumstances of the call.

F. When a Sheriff's Office supervisor has knowledge of a situation of such a nature that it is necessary for him/her to assume command of field unit assignments on the scene, they will advise the Control Center and assume command.

G. A Patrol supervisor shall be present at the scene of the following incidents and will assume command unless relieved by a higher-ranking deputy:

1. Anytime a deputy is seriously injured
2. Motor vehicle collision involving a deputy
3. Major crime such as homicide, shooting, or robbery
4. Hostage/barricade situation
5. Fatal or serious motor vehicle collision
6. Disaster, catastrophe, or severe weather producing emergency condition
7. Deputy involved shooting
8. Serious complaint or incident involving a police officer
9. Any other incident where a Patrol supervisor is requested

H. Dispatchers will dispatch back up units to a deputy requesting assistance or an activated emergency alarm. Dispatchers are not to assume that the emergency alarm was activated by accident and are to attempt to make contact with the deputy who activated the alarm while other units are sent to the deputy's location.

18-203 INFORMATION AVAILABILITY

Dispatchers shall have immediate access to the following Agency resources:

1. Patrol supervisor and on-call commander
2. Daily patrol schedule
3. Agency personnel roster including residential telephone numbers (Available by contacting CCSO Duty Office)
4. Visual maps detailing Calvert County boundaries and Sheriff's Office patrol areas
5. Computer Aided Dispatch (CAD) records indicating the deputy's current status
6. Maryland Electronic Telecommunications Enforcement Resource System (METERS) and National Crime Information Center (NCIC)

7. Written procedures and telephone numbers for obtaining emergency and necessary external services to the Agency
8. Tactical dispatching plans for crimes in progress, e.g. bank robbery, vehicle pursuits, and other tactical operations

18-204 VICTIM / WITNESS CALLS

Dispatchers are often the first representatives for complainants of calls that are eventually handled by the Calvert County Sheriff's Office. The first duty of dispatchers is to judge the characteristics of the call to determine what priority the call should be classified as.

When there is a question whether or not a deputy is needed immediately, the dispatcher will err on the side of caution and immediately dispatch a deputy or consult with a Patrol supervisor.

Dispatchers will inform the complainant of the deputy's response to include whether the deputy will respond immediately or not, or whether they are being referred to another agency.

When lower priority calls received by the Control Center are held because there are no readily available units, the dispatcher will contact the CCSO and MSP to advise them of the call. If either agency's supervisors determine that there will be a need to hold the call for an extended period of time, they will ensure that the complainant is contacted and advised of the delay.

The Calvert County Sheriff's Office has been designated as the single point of contact for providing victim/witness assistance information. When a dispatcher receives a call from a citizen requesting victim/witness services, they will transfer the call to the Sheriff's Office. Duty Office personnel have information available to provide the caller for obtaining services either directly through the Sheriff's Office or through an outside agency, such as the Crisis Intervention Center.

When a call is received from a victim or witness requesting information or services, the call-taker will obtain all relevant information to include the following:

1. Determine whether an emergency service is required
2. Determine whether special victim/witness needs are involved
3. Inform the victim or witness of the Agency's response, including direct law enforcement service and/or referral to another agency

Also refer to Chapter 21-203, which also addresses victims and witnesses.

18-205 RECORDING AND PLAYBACK

The Calvert Control Center has the capability of immediate playback of recorded telephone and radio conversations while it maintains a continuous recording of radio transmissions and emergency telephone conversations within the Control Center.

1. Recordings will be retained for a minimum of thirty days.
2. The Calvert Control Center Division Chief or <u>their</u> designee will be responsible for ensuring the secure handling and storage for recordings.
3. The Control Center has an established procedure for requesting copies of recorded telephone conversations and radio transmissions, which includes completing a request form. Deputies shall follow these procedures when obtaining copies and shall only obtain

copies of recordings to be used for legitimate Agency business, such as evidence and training.

The Control Center has access to local, state, and federal criminal justice information systems through the Maryland Electronic Telecommunications Enforcement Resource System (METERS) and National Crime Information Center (NCIC). There are also computers available at the Sheriff's Office for authorized users to access these databases.

18-206 CELLULAR TELEPHONES

The Calvert County Sheriff's Office issues cellular telephones to members of the command staff as well as other members of the Agency who are subject to being in an on-call status. Those deputies having cellular telephones assigned to them will use them in accordance with the policies set forth in the Calvert County Personnel Manual.

18-207 EMERGENCY NOTIFICATIONS

Requests for emergency notifications can come from different sources such as other law enforcement agencies, hospitals, and citizens. Generally, only requests that are of an emergency nature, such as death, illness, or injury notifications should be delivered. However, exceptions may be made at the discretion of the Patrol supervisor.

Upon receipt and verification, the dispatcher will record the incident and relay the information to the appropriate deputy as soon as possible.

18-208 MISDIRECTED EMERGENCY CALLS

The Calvert Control Center and the Calvert County Sheriff's Office will accept any misdirected emergency call and will forward the call to the appropriate agency having jurisdiction.

If the call is of a non-emergency nature, the call-taker may choose to provide the caller with the telephone number of the agency having jurisdiction over the matter in lieu of directly transferring the call.

18-209 BUSINESS AND RESIDENTIAL ALARMS

The Calvert Control Center directly monitors County facilities including public schools. The Control Center does not directly monitor commercial and private residential alarm systems. Alarm monitoring companies generally contact the Control Center by telephone whenever an alarm is activated and there is a need for a law enforcement response.

The Calvert County Board of County Commissioners adopted the False Alarm Regulation (Resolution No. 24-01) on June 19, 2001. The False Alarm Reduction Unit (FARU), under the Calvert County Department of Public Safety was established to monitor alarm users and alarm businesses, encouraging responsible operations, reliability and proper use of alarm systems. One of the main goals of the FARU is to reduce and/or eliminate false alarm dispatch requests that summon police and emergency personnel unnecessarily. The FARU is responsible to implement the conditions set forth in the County Code regarding alarm operations and to invoice fees and/or penalties for violators of the False Alarm Regulation.

For response procedures to private security alarms, see Chapter 11-1000.

18-210 REPORTS BY PHONE OR MAIL

Deputies may take certain reports from citizens by telephone in lieu of an on-scene response when:

1. The incident is a misdemeanor or non-criminal event.
2. The incident is not domestic related.
3. No injuries are involved
4. Crime scene processing or other on-scene action is not required.
5. The suspect is not at the scene.
6. The complainant agrees that it is acceptable to file the report by telephone.

In all other cases, a deputy will respond to the scene.

Reports which may be handled by telephone include:

1. Theft of registration plates
2. Lost or found property
3. Supplemental information to a previous report

Any offense or incident reported by mail or e-mail will be handled in the same manner as if it were reported in person or by telephone. If necessary, a deputy will attempt to contact the complainant by telephone if additional information is needed.

18-210.1 RESPONDING TO THEFT OF PRESCRIPTION MEDICATION

When responding to a report of the theft of prescription medication, advise the complainant to provide a note from the prescribing doctor of the type, amount, and date the prescription was issued. This information must be provided prior to taking the report.

18-211 EMERGENCY MEDICAL DISPATCHING

Calvert Control Center personnel are trained in and use an emergency medical dispatch system for giving first aid instructions to callers. Dispatchers complete and maintain Maryland State approved emergency medical dispatch (EMD) and cardio-pulmonary resuscitation (CPR) certifications.

Any telephone calls received by the Sheriff's Office that involve a medical emergency will be immediately transferred to the Control Center for dispatching and medical instruction.

18-300 CONTROL CENTER SECURITY

The Calvert Control Center is located in a secure area within the Calvert County Courthouse with access restricted to authorized personnel only.

The Control Center has a back-up site from which it can operate. The Control Center maintains a generator as an alternate source of power to ensure continued operation of emergency communication equipment in the event of failure of the primary power source. The system is automatically tested weekly and a full test is conducted annually along with preventive maintenance. The tests are documented.
All equipment located in the Control Center is secure and protected. Security measures taken to protect equipment include:

1. Video surveillance equipment
2. Locked doors restricting public access
3. Radio equipment power sources, transmission lines, and antennas are housed in a restricted access, locked, secure area

18-301 TELEPHONE SYSTEM

The Calvert Control Center maintains the 9-1-1 system for emergency calls for Calvert County. The system has enough trunk lines to reduce the potential of an emergency call not being answered. They also maintain a non-emergency line (410-535-3491) for use by the public.

The Calvert County Sheriff's Office also maintains non-emergency numbers for law enforcement service (410-535-2800 and 301-855-1194).

18-400 RADIO PROTOCOL

18-401 RADIO INTEROPERABILITY

The Control Center has multi-channel radio equipment capable of two-way operation on joint public safety frequencies. This allows interoperability communications between law enforcement, fire and rescue personnel, and other County departments such as Highway Maintenance. This interoperability is necessary to provide proper coordination and deployment of resources in times of emergencies.

18-402 ASSIGNED CALLS

Calling a Deputy: Deputies should respond by giving their radio number, giving their location, and telling the dispatcher to 10-68 (go ahead) when called by the dispatcher.

Example

Dispatcher: "Calvert to CS1."
Deputy: "CS1, Duke Street at Main Street, 10-68."

Call for service Information: The dispatcher will provide the deputy with the basic call information:

1. Location
2. Nature of call
3. Special interest information, i.e. weapon involvement, vehicle involvement, crime in progress, etc.

18-403 SELF-INITIATED CALLS

Deputies will often initiate a call:

Example

Deputy: "CS1 to Calvert."
Dispatcher: "Calvert to CS1, 10-68."

When a deputy locates a need for law enforcement action or initiates a case, the dispatcher will be made aware of the following basic information:

a. Deputy's location
b. Location of problem
c. Nature of call
d. Special interest information
e. Additional assistance needed, if any

18-404 TRAFFIC STOPS

A deputy initiating a traffic stop will notify the Control Center via radio by first giving the location of the traffic stop.

Example

Deputy: "CS1 to Calvert, traffic northbound Route 2 at Dalrymple Road."

Dispatcher: "Calvert to CS1, 10-68."

The deputy will then provide the Control Center with the registration number, state, and a description of the vehicle.

Deputy: "CS1 to Calvert, Maryland ABC-123, blue Pontiac Grand Am."

18-405 CHECKING DEPUTY'S WELFARE

The Control Center will conduct welfare checks when a deputy engages in an activity involving a suspect or potential suspect. The dispatcher will check on the deputy five (5) minutes after arriving on scene and every five (5) minutes thereafter.

18-406 REGISTRATION AND WANTED CHECKS

A deputy requesting a registration or wanted check via radio will notify the Control Center by giving their radio number, then stating the following:

Example

Deputy: "CS1 to Calvert, 10-63 10-28 through (State)."

After the request has been made, the deputy will standby until acknowledged by the dispatcher. This will give the dispatcher a chance to clear any other traffic before the check. Once a dispatcher is prepared for the check, he/she will acknowledge the deputy:

Example

Dispatcher: "Calvert to CS1, 10-68 the 10-28."
The deputy may then give the registration information to the dispatcher.

Example
Deputy: "CS1 to Calvert, Maryland Adam Boy Charles 1 2 3."

Wanted checks on subjects will be given: last name, first name, full middle name, and then the date of birth, race, and gender. All registration and driver's license checks will also be checked for wanted by the dispatcher unless requested by providing a soundex/license number only.

18-407 DRIVER'S LICENSE CHECKS

A deputy requesting a driver's license check will notify the Control Center by giving their radio number followed by "10-27" Once the deputy has notified the Control Center of the driver's license request, he/she will stand-by until a dispatcher has cleared any other communications traffic. When the dispatcher has acknowledged the deputy, the deputy will give the driver's name, date of birth, race, and sex in the same manner as a wanted person check.

Example

Deputy: "CS1 to Calvert, 10-63 10-27."

Dispatcher: "Calvert to CS1, 10-68."

Deputy: "Smith, John Adam DOB 01-01-34 white male through Maryland."

The dispatcher will then give the driver's license information to the deputy in the following manner:

1. Status of license, i.e., valid, expired, suspended, or revoked
2. Class of license
3. Expiration date
4. Restrictions
5. Current number of points
6. Results of "wanted" check

Example

Dispatcher: "Valid class C expires in 2011, 10-29 10-74."

18-408 CODES AND PHONETIC ALPHABETS

A. Dispatchers and deputies will use the following Ten codes:

Ten Codes

10-0	Caution	10-25	Report in person to (meet)…
10-1	Unable to copy – change location	10-26	Detaining subject expedite
10-2	Signal good	10-27	Drivers license information
10-3	Stop Transmitting	10-28	Vehicle registration information
10-4	Acknowledgment	10-29	Check for wanted
10-5	Relay	10-30	Unnecessary use of radio
10-6	Busy unless urgent	10-31	Crime in progress
10-7	Out of service	10-32	Man with gun
10-8	In service	10-33	EMERGENCY
10-9	Repeat	10-34	Riot
10-10	Fight in progress	10-35	Major crime alert
10-11	Dog case	10-36	Correct time

10-12 Stand – by (stop)
10-13 Weather/road report
10-14 Prowler report
10-15 Civil disturbance
10-16 Domestic problem
10-17 Meet complainant
10-18 Quickly
10-19 Return to…
10-20 Location
10-21 Call…by telephone
10-22 Disregard
10-23 Arrived at scene
10-24 Assignment completed
10-50 Accident (F,PI,PD)
10-51 Wrecker needed
10-52 Ambulance needed
10-53 Road blocked
10-54 Livestock on highway
10-55 Intoxicated driver
10-56 Intoxicated pedestrian
10-57 Hit and run (F,PI,PD)
10-58 Direct traffic
10-59 Convoy or escort
10-60 Squad in vicinity
10-61 Personnel in area
10-62 Reply to message
10-63 Prepare to make written copy
10-64 Message for local delivery
10-65 Net message assignment
10-66 Message cancellation
10-67 Clear for net message
10-68 Dispatch information
10-69 Message received
10-70 Fire alarm
10-71 Advise nature of fire
10-72 Report progress on fire
10-73 Smoke
10-74 Negative
10-37 (Investigate) suspicious vehicle
10-38 Stopping suspicious vehicle
10-39 Urgent—use lights, siren
10-40 Silent run—no lights, siren
10-41 Beginning tour of duty
10-42 Ending tour of duty
10-43 Information
10-44 Permission to leave…for…
10-45 Animal carcass at…
10-46 Assist motorist
10-47 Emergency road repair at…
10-48 Traffic standard repair at…
10-49 Traffic light out at…
10-75 In contact with…
10-76 En route…
10-77 ETA (estimated time arrival)
10-78 Need assistance
10-79 Notify coroner
10-80 Chase in progress
10-81 Breathalyzer operator
10-82 Reserve lodging
10-83 Work school xing at…
10-84 If meeting…advise ETA
10-85 Delayed due to …
10-86 Officer/operator on duty
10-87 Pickup/distribute checks
10-88 Advise present telephone # of…
10-89 Bomb threat
10-90 Bank alarm at…
10-91 Pick up prisoners/subject
10-92 Improperly parked vehicle
10-93 Blockade
10-94 Drag racing
10-95 Prisoner/subject in custody
10-96 Mental subject
10-97 Check (test) signal
10-98 Prison/jail break
10-99 Wanted/stolen indicated

B. The NCIC Terrorist Codes are as follows:

1. **Handling Code 1 – Approach with Caution.** The individual is the subject of an arrest warrant and should be detained pursuant to CCSO arrest procedures. Call the Terrorist Screening Center (TSC).

2. **Handling Code 2 – Approach with Caution.** Detain the individual for a reasonable amount of time for questioning. Call TSC.

3. **Handling Code 3 – Approach with Caution. Do Not alert this individual to this notice.** Question the individual to determine whether he/she is identical to the watch list individual. Call TSC.

4. **Handling Code 4 – Approach with Caution. Do Not alert this individual to this notice.** Question the individual to determine positive identity. Call TSC.

C. Authorized Caution Codes will be utilized for broadcasting officer safety information and may be utilized during police/violator contacts. This information is contained in the CAD and NCIC files:

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

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

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

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

4. Communication officers or Sheriff's communications operators will only say, "Caution codes not on File," when there is no history or no propensity for violence in criminal history.

D. Either the Standard Military or Standard Police Phonetic Alphabet will be utilized when conducting radio communications. Both are permissible.

Police Phonetic Alphabet

Adam	**J**ohn	**S**am
Boy	**K**ing	**T**om
Charles	**L**incoln	**U**nion
David	**M**ary	**V**ictor
Edward	**N**ora	**W**illiam
Frank	**O**cean	**X**-ray
George	**P**aul	**Y**oung
Henry	**Q**ueen	**Z**ebra
Ida	**R**obert	

Military Phonetic Alphabet

Alpha (AL fah)	**J**uliet (JEW lee ett)	**S**ierra (SEE air rah)
Bravo (BRAH voh)	**K**ilo (KEY low)	**T**ango (TANG go)
Charlie (CHAR lee)	**L**ima (LEE mah)	**U**niform (YOU nee form)
Delta (DELL tah)	**M**ike	**V**ictor (VIK ter)
Echo (ECK oh)	**N**ovember (no VEM ber)	**W**hiskey (WISS key)
Foxtrot (FOKS trot)	**O**scar (OSS ker)	**X**-ray (ECKS ray)
Golf	**P**apa (pah PAH)	**Y**ankee (YANG key)

Hotel (HOH tell)	**Q**uebec (keh BECK)	**Z**ulu (ZOO loo)
India (IN dee ah)	**R**omeo (RO me oh)	

18-409 STOP TRANSMITTING (10-3) RADIO CODE

Whenever a 10-3 (Stop Transmitting) radio code is requested, the following procedures will be observed:

A. The deputy requesting the 10-3 will have priority on that channel, and all other communications shall be limited to the dispatcher checking the deputy's welfare.

B. Any deputy not responding to, or assigned to assist the deputy requesting the 10-3, shall switch to an alternate TAC channel at the direction of the Calvert Control Center.

C. Any deputy, who responds to assist the deputy requesting the 10-3, shall immediately switch to TAC 1, advise the dispatcher that he/she is responding, then switch back to PMAIN to monitor the channel. At no time will any personnel talk over a channel that has a 10-3 placed on it, unless it is to answer directly to the deputy who requested the channel.

D. Once the deputy advises the 10-3 is no longer needed, the Calvert Control Center will advise units on PMAIN and TAC that communications can resume normally on PMAIN.

A deputy failing to adhere to this section is subject to a Category "A" violation of the Disciplinary Matrix.

18-500 ASSIGNMENT OF CALLS FOR SERVICE / INCIDENTS

The Calvert County Sheriff's Office, the Maryland State Police, and the Calvert Control Center have entered into an agreement in reference to the assignment of calls for police service in Calvert County. Under the agreement:

A. The Calvert County Sheriff's Office will handle all calls/incidents that are received directly by Sheriff's Office personnel via telephone calls directly to the Sheriff's Office, in person, or anytime that Agency is specifically requested.

B. The Maryland State Police will handle all calls/incidents that are received directly by State Police personnel via telephone calls directly to the barrack, in person, or anytime that Agency is specifically requested.

C. All emergency calls received by the Control Center will be broadcast on the PMAIN channel. The deputy or trooper who is the first to arrive on scene will be responsible for handling the call.

D. All non-emergency calls/incidents received by the Control Center via E911 or a non-emergency line will be dispatched to the closest available police unit.

E. If a Patrol supervisor from MSP requests that a deputy handle an MSP call/incident due to lack of manpower, the Sheriff's Office Patrol supervisor will determine whether it is feasible to do so. If it is feasible, a deputy will handle the call. Likewise, a Sheriff's Office Patrol supervisor may request the assistance of MSP to handle a Sheriff's Office call/incident if there is not a deputy available. The requesting agency contacts the other agency directly, not through the Control Center.

CHAPTER 19
RECORDS AND REPORTS

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EFFECTIVE DATE **January 29, 2009**	**OFFICE OF THE SHERIFF CALVERT COUNTY, MD**	
	Subject: **RECORDS AND REPORTS**	Chapter **19**
	Affects: **ALL PERSONNEL**	
	Rescinds:	Amends: **19-303 on 11/6/19**

19-100 RECORDS POLICY

The Records Unit of the Calvert County Sheriff's Office is responsible for ensuring the integrity and security of the centralized records function. Recognizing the necessity of complete records to law enforcement, the Agency has established procedures designed to ensure this process.

The Records Unit is a section within the Criminal Investigations Bureau.

19-200 PROCEDURES

19-201 SECURITY AND ACCESSIBILITY OF RECORDS

Report documents, including juvenile records, are maintained in locked file cabinets within the Calvert County Sheriff's Office Records Unit in areas not accessible to the public. Report documents will only be accessed by Agency personnel for legitimate law enforcement purposes in accordance with this policy and laws governing the release of information.

During normal business hours, Records Unit personnel will retrieve records for other Agency personnel, the public, and other agencies, as needed. Since all investigation files are scanned into the New World computer system, deputies are able to access files electronically at any time of day.

File cabinets will remain locked when Records Unit personnel are not present.

Older records are stored off-site at the Island Creek Facility in a locked room with access restricted to Records Unit personnel only. Anyone needing a record from that site should contact one of the Records staff.

Juvenile records will be maintained, along with adult records, in the Case Report Document Binder. Juvenile records will be clearly labeled as such.

The following records are securely maintained in Agency operational components:

Record	**Operational Component**
Complaints against personnel / OPS investigations	OPS
Intelligence	SMIC
Confidential informants	DEU
Traffic	Patrol Bureau
Civil Process	Administrative Bureau

These records are only accessible to the person(s) responsible to oversee them.

19-202 RELEASE OF AGENCY RECORDS

When requesting case history records information, the requestor must fill out an *Information Request* form and pay the associated fees, which are as follows:

- Accident Report / Fatal Accident Report $10
- Reconstruction Report $2/page
- Criminal Report ..... $5 up to 5 pages, $2/page thereafter
- CD's ..... $10 each
- Photos ..... $1 each
- Additional fees of $28/hour are required for any research or copying that exceeds two (2) hours.

When requesting information in person, the requestor must establish his identity by a valid driver's license with a photograph or a badge or identification card. If uncertainty exists concerning the identity of the requestor, contact with the requestor's agency or means of identification may be required.

The following procedures apply when employees, other agencies or the public request records:

A. *Case Reports* may be released to any person. Exceptions would be if:

1. The case is open and active;
2. The case has not been adjudicated;
3. The case is in the process of being adjudicated;
4. Information in the report is too invasive or personal, e.g., rape case. This includes cases where there are no criminal charges.

Victims of domestic violence are specifically entitled by law to receive a copy of a report or photographs associated with their case.

Case Reports may be furnished to insurance company representatives after appropriate review and removal of any restricted information.

B. *Automated Crash Reporting System (ACRS)*: In general, copies of accident reports may be released to any person. However, by enactment of Maryland House Bill 488, a person may not, for personal gain, access a report for the purpose of soliciting another person to sue or to retain a lawyer to represent the other person.

Motor Vehicle Accident Reports are now available online at www.crashdocs.org/md-calvertcountysheriff within seven to ten business days after the date of the accident.

C. Non-criminal justice agencies or individuals who are not persons in interest are only entitled to have names released, but no other personal information contained in *Case Reports*.

D. All subpoenas are required by law to be hand served or sent via certified mail with no exceptions.

E. All requests for records or information made by a member of the media will be forwarded to the Agency Public Information Officer (PIO).

F. Public Information Act Requests: All requests for records under the Maryland Public Information Act (PIA) or Federal Freedom of Information Act (FOIA) will be forwarded to the Assistant Sheriff or his designee.

1. All requests will be in writing.
2. The Assistant Sheriff or his designee will review the records with legal assistance, as needed, to determine their status under the PIA or FOIA.
3. If it is determined that the records are to be disclosed, he/she will notify the requestor that the records are available for inspection or copying.
4. If it is determined that the records will be withheld in whole or in part, he/she will promptly send the requestor a letter explaining why those records are exempt from disclosure, citing legal authority and instructing the requestor how to seek review of the decision.

G. All adult disposition requests are referred to District or Circuit Court.

19-203 JUVENILE RECORDS

A. All juvenile fingerprint cards, photographs, criminal records, and computerized records authorized for retention will be securely maintained and will be distinguished as juvenile records through the use of juvenile designators.

B. Juveniles are fingerprinted and photographed when charged with a criminal offense.

C. Releasable Records: The following juvenile records may be disclosed to law enforcement agencies/personnel for investigative purposes and to the State's Attorney's Office and Juvenile Services for prosecutorial purposes:

1. Juvenile *Case Reports*
2. *Youth Reports*
3. Photographs
4. Fingerprints
5. Civil offense citations, and
6. Juvenile citations

D. *Juvenile History Records Information* (JHRI) is releasable to law enforcement agencies, the Department of Juvenile Services, and persons or organizations authorized by court order for the following specified purposes:

1. Criminal investigation
2. Court order
3. *Youth Report*
4. Contact information (FOR), or
5. Traffic violations

E. *Juvenile Disposition Information Requests* will be referred to the Department of Juvenile Services, located at 200 Duke Street, Suite 2800, Prince Frederick, Maryland. Juvenile records are retained even after the offender has reached adult age. Maryland law does

not prohibit this retention and these records are maintained as long as they are still beneficial for legitimate law enforcement purposes.

F. Records Review by Respondents: Juvenile offenders may review their records if authorized by court order.

G. Expungement of Juvenile Records: Juvenile Records will only be expunged pursuant to a court order.

19-204 RECORDS RETENTION SCHEDULE

The CCSO records retention schedule can be found in Appendix 19-B. The records retention schedule addresses both paper and electronic documents. Older paper documents are transported to the County's archives facility for long term storage.

19-205 EXPUNGEMENT OF RECORDS

A. Criminal records are subject to State expungement regulations.

B. It is the policy of this Agency to have the Calvert County State's Attorneys' Office file the answer to the *Application and the Petition for Expungement* on behalf of the Agency.

19-205.1 EXPUNGEMENT PROCEDURES

A. The final *Order of Expungement* is received and date stamped.

B. The record cited in the order is researched in the Calvert County Sheriff's Office network. All references in the network to the case are documented by module and tracking number on the face of the original order.

C. Expungement is completed by the deletion of all references in the network to the expunged case and individual. This deletion must be complete except for the Call for Service and to the extent that it is impossible to retrieve the expunged record.

D. The Call for Service record in the network shall remain for accountability purposes. However, all referential information to the individual involved will be removed from the call screens, and the notation "expunged case" will be made somewhere on the initial screen to ensure security.

19-205.2 EXPUNGEMENT ACCESS GUIDELINES

Expunged records cannot be disclosed, released, disseminated, reviewed, inspected, accessed or copied without an order from the court of original jurisdiction. To ensure that expunged records are not released, employees shall adhere to the following guidelines:

A. Prior to releasing a copy of a *Case Report*, check the "Documents" tab in NWS for the following document: "Contact Records EXP."

B. When there has been an expunged arrest, the word, "EXPUNGED" will be in the field at the bottom of the front page of the "Calls for Service" screen in CISCO.

C. If a case that has been expunged is found, and there is a request for a copy of that report, turn it over immediately to the Records Unit personnel.

19-205.3 EXPUNGEMENT COMPLIANCE REQUIRED

When the expungement is completed, the individual executing the order will complete the *Certification of Compliance* (return) and ensure that a copy of the certificate is mailed to the individual whose record was expunged. The original of the *Certificate of Compliance* will be returned to the appropriate court. A file copy of the certificate will be attached to the original order, with module and tracking information, and locked in a cabinet within the Agency.

19-206 SANCTIONS FOR UNAUTHORIZED DISCLOSURES

The law prohibits the unauthorized disclosure of expunged records. Any employee releasing expunged information can be subject to criminal charges, administrative disciplinary action, and/or civil suits.

19-300 REPORTS

19-301 UNIFORM CRIME REPORTING (UCR)

The Calvert County Sheriff's Office participates in the Maryland Uniform Crime Reporting System (UCR). The Agency reports data to the state UCR system for subsequent inclusion in the national UCR system administered by the F.B.I. Personnel from the Records Unit receive training for meeting the reporting requirements of the UCR system.

Records Unit personnel extract information from arrest records and *Case Reports* and prepare a report that is submitted to Maryland UCR.

19-302 REPORT ACCOUNTING SYSTEM

Each dispatched call that requires a police report is given a unique computer-generated case number. The number format is the same for all types of reports. The first two digits are the year followed by the case number.

Completed reports are submitted to a supervisor for review then forwarded to the Records Unit. The electronic report includes information regarding the victim, suspect, type of crime or incident, property, etc. Copies are distributed to other criminal justice agencies such as the State's Attorney's Office and the Department of Juvenile Services, as required.

On the report, the deputy will indicate the status of the initial report as *open*, *closed*, *suspended*, or *unfounded*. Supplements for open cases will be submitted every ten days until the case is successfully closed or suspended due to a lack of investigative leads.

A CIB supervisor will review *Case Reports* to determine which cases should be re-assigned to a detective for follow-up. The initial deputy will be notified via e-mail when a case is re-assigned to a detective.

Supervisors will ensure that deputies under their supervision submit supplements when required in a timely manner. The supervisor may utilize the CCSO computer system to review open case logs for deputies.

19-303 COMPUTER SYSTEM SECURITY

Technology Services is the department within Calvert County Government that provides computer services and technology solutions to the Agency. The Records Executive Administrative Aide within the Criminal Investigations Bureau acts as a liaison and coordinates those services.

The CCSO computer system is administered by Technology Services in accordance with their policies and procedures to include integrity and system security of records; introduction of outside computer software; and computer file back-up and storage devices.

To maintain the security of the system, no one can log-on to Agency computers without their own specific log-in name and password. Passwords are required to be changed every 90 days to prevent unauthorized access.

Access to New World Systems applications is limited to employees who have had a complete background investigation and polygraph investigation. Employees will not provide anyone with their personal username and password to log into New World Systems.

19-304 COMPUTERIZED CRIMINAL RECORDS

All computerized criminal records are access controlled by password. These records shall be treated in the same manner as any other criminal record and will only be accessed for official purposes.

Access, release, and dissemination of all computerized criminal history records obtained via CJIS/METERS/NCIC will be in accordance with state and federal laws regarding those databases.

The following purpose codes must be used when obtaining a criminal history (III)

Code:	Translation:
C	Criminal Justice Purposes
J	Criminal Justice Employment
F	Criminal record requests to determine convicted felon for sale of firearms
D	Courts hearing civil domestic violence or stalking cases

19-305 FIELD REPORTING SYSTEM

The following is a list of reports used by this Agency with a description of when each form should be used:

A Case Report is used to document all incidents where at least one crime or offense is alleged to have been committed in Calvert County.

Examples: Assault, murder, rape, burglary, theft, destruction of property, etc.

The *Case Report* is also used to document all calls for service/activity where no crime/offense has been committed, but there is a need to document the case beyond the call for service.

The following non-criminal incidents shall be documented by completing a *Case Report*:

- Petition for Emergency Evaluation applied for by a deputy
- Found property
- Recovered stolen property (If outside agency took initial report)
- Industrial accident
- Lost property
- Drug overdose
- Attempted Suicide
- Suicide & other death investigations

Supplemental Report: This report is to be used as a follow-up report to an initial investigation. It is also used by deputies to document their actions in cases where another deputy completes the initial report.

Arrest Report: An *Arrest Report* is completed anytime an adult is charged with an offense or taken into custody on a warrant. This includes on-view arrests, DUI arrests, and persons arrested for other traffic offenses. Juvenile arrests will be captured on a *Youth Report*.

Maryland Automated Accident Reporting System (MAARS) Report: Effective January 1, 2015 the Maryland Automated Accident Reporting System (MAARS) Report will no longer be accepted. Accident reporting will be captured utilizing the Automated Crash Reporting System (ACRS) below.

Automated Crash Reporting System Report (ACRS): The ACRS report form was developed to capture more accurate and detailed data for law enforcement and highway agencies; to facilitate the reporting of crashes (accidents) for law enforcement officers; and to become compliant with Federal Model Minimum Uniform Crash Criteria (MMUCC) standards. ACRS will be the new electronic accident reporting system. The Delta Plus program will be utilized to capture this information.

Maryland State Missing Persons Report: No longer used. Must document in narrative of Case Report.

Domestic Violence Case Summary: This report will be used as a supplemental page to a *Case Report* to document all domestic violence cases. A domestic violence case is defined as an allegation of assault where the victim and suspect are currently in or have previously been in an intimate relationship.

Alcohol Influence Report: This report will be completed for all DUI/DWI cases.

Vehicle Report: A *Vehicle Report* will be completed whenever a vehicle is stored at a tow lot or the CCSO Impound Lot at the request of a deputy.

Death Report: No longer used. Must document in narrative of Case Report.

Property Report: A *Property Report* will be completed anytime property is taken into the custody of a Sheriff's Office employee even if only for a short period of time. This includes property seized as evidence, found property, and property for safekeeping.

All reports are required to be reviewed and signed and dated by a supervisor.

Reporting Requirements: Every incident reported in one or more of the following categories, if alleged to have occurred in Calvert County, will be properly documented:

1. Citizen reports of crimes
2. Citizen complaints
3. Incidents resulting in an employee being dispatched or assigned
4. Criminal and non-criminal cases initiated by deputies
5. Incidents involving arrests, citations, or summonses

Proper documentation may be in the form of a *Case Report* or may be documented by way of entry into the Agency Computer Aided Dispatch (CAD) or Records Management Systems (RMS) as indicated elsewhere in this manual.

19-305.1 GENERAL FIELD REPORTING PROCEDURES

Deputies of this Agency shall make or cause to be made, complete, detailed and accurate reports for all reportable incidents/offenses on the proper forms and in the proper formats. Additionally:

- All proper names, including those of businesses, must be spelled out in full.
- Twenty-four-hour military time will be used throughout all reports.
- The exact location of occurrence, including at least the hundred block designation, if not the correct, complete physical address, will be recorded on the report. When appropriate and available, the town, community, subdivision, etc., will be listed.
- When possible, contact information for all victims, complainants and witnesses will include residence and employment addresses and phone numbers.
- Every effort will be made to include **dates of birth** for all persons named in any *Case Report* or supplement. This includes complainants, victims, witnesses, suspects, and accused.
- All initial reports will be completed and submitted to the appropriate supervisor prior to securing from duty, unless they are specifically authorized to be placed “on hold” by a supervisor. Generally, domestic violence reports and reports requiring METERS/NCIC entries should not be placed “on hold.”
- In any case when an initial report is not completed by the end of shift, supervisory approval shall be obtained; the Detail Tab shall be completed and submitted with all notes, computer printouts, etc.; and a note attached explaining the circumstances of delay.
- In no case, without the permission of a command staff member, shall a report be placed “on hold” if the reporting deputy does not anticipate reporting for duty the following day; e.g., days off, scheduled leave, etc.
- Supervisors are responsible for ensuring that reports are submitted in the prescribed timeframe for all calls for service that require a report.
- All reports will contain all available, relevant information.
- Reports will be reviewed and approved or rejected by the appropriate supervisor immediately upon completion.
- If the Department of Juvenile Services intake officer determines that a juvenile will be incarcerated at a juvenile holding facility, the arresting deputy will provide a copy of the *Case Report* immediately to the intake officer.
- Regardless of an investigation’s status, supplemental reports will be completed and submitted if any additional information is developed.

- Under no circumstances shall an employee knowingly include, or permit the inclusion of, any false, fraudulent or misleading information in any official report prepared or produced by this Agency.
- Under no circumstances shall an employee exclude any information which by its omission would be misleading or fraudulent. Further, no pertinent information shall be omitted with the intent of avoiding a follow-up investigation or avoiding completion of a multiple page report.

19-306 CASE NUMBERING SYSTEM

Every incident of law enforcement service, including traffic collision investigations, criminal investigations and miscellaneous calls require a case number. Deputies are assigned a unique case number for every incident, whether self-initiated or assigned through dispatch. Case numbers are computer generated and are given in consecutive order, beginning with the number 00001 on January 1, proceeded by the year (i.e., 2006-00001).

19-307 DISTRIBUTION OF REPORTS

A. Distribution of reports within the Agency

1. Reports submitted to the Records Unit will be reviewed for accuracy and completion. If corrections are needed, the report will be returned electronically to the reporting deputy for revision. Once approved, the report will be merged into NWS. The original copy of all *Case Reports* is placed in a case file along with any accompanying documents, such as written statements.
2. Records Unit personnel will forward all reports containing drug overdoses to the Drug Intelligence Coordinator for review.
3. Records Unit personnel will forward copies of all reports containing gang or intelligence related information to our Southern Maryland Information Center (SMIC) representative.
4. Traffic collision reports, and traffic citations will be forwarded to the Patrol Bureau Office Specialist II and/or Office Assistant II for distribution and filing. Civil citations – except for civil citations for marijuana – will be forwarded to the Patrol Bureau Office Specialist II.
5. All reports involving juveniles will be forwarded to the School Liaison Supervisor.

B. Distribution of reports outside of the Agency

1. Copies of reports and *Youth Reports* involving juvenile arrests, along with any photographs, statements, and supporting documents are forwarded to the Department of Juvenile Services.
2. Copies of domestic violence related reports are forwarded to the Domestic Violence Coordinator from the Crisis Intervention Center.
3. Copies of reports involving juveniles, who are present at the scene of a crime, are forwarded to the Department of Social Services.

19-308 GLOBAL SUBJECT JACKET

The NWS utilizes automated global subject jacket files to serve as a cross-reference to all documents in which a person has been named. The global subject jacket files include names of victims, complainants, suspects, persons arrested, persons issued citations, investigative contacts, calls for service, and persons involved in motor vehicle collisions.

19-309 INDEX FILE

The Calvert County Sheriff's Office maintains a records management system (RMS) that provides an index system that includes:

1. Calls for service and crimes by type, name, date, and deputy
2. Calls for service and crimes by location
3. Stolen, found, recovered, and evidentiary property files

19-310 TRAFFIC RECORDS SYSTEM

The Calvert County Sheriff's Office has a traffic records system containing:

1. Traffic collision data
2. Traffic enforcement data
3. Roadway hazard information

19-311 TRAFFIC CITATION MAINTENANCE

The Patrol Bureau Commander is responsible for controlling the flow of Maryland Uniform Traffic Citations within the CCSO. Deputies will receive new citation books from the supply closet located adjacent to the Deputies Room. When a deputy obtains a new citation book, he shall complete the sign-out log. The receipt on each book will be completed, signed, and submitted to the Patrol Bureau Office Specialist II. Each citation is accountable to the deputy. Citations will be stored in a secure area.

Annually, the MVA conducts an audit of Maryland Uniform Citations assigned to the CCSO. When the Patrol Bureau Office Specialist II receives the audit from the MVA, she will check the status and location of all citations to ensure they are accounted for. Any citations not accounted for will be brought to the attention of the Patrol Bureau Commander.

The Patrol Bureau Commander shall designate a supervisor who shall be responsible for ensuring that the sign-out log is properly maintained.

Once a deputy has issued a citation, he will place all remaining copies of each citation except for the officer's copy in the citation drop box located in the hallway outside of the Deputies Room. This will be done by the end of his tour of duty. The Patrol Bureau Office Specialist II will ensure that these citations are forwarded appropriately.

19-312 ID NUMBER AND CRIMINAL HISTORY

A unique identification number is assigned, and a criminal history file is maintained on each person custodially arrested using the Agency's computerized Records Management System. All subsequent arrests and information concerning that person will be referenced to their identification number.

A file will also be maintained by the crime scene technicians, that will include a CCSO fingerprint card for all persons custodially arrested.

19-400 REPORT MATRIX

Appendix 19-A is a matrix of all major periodic reports and activities required by the Manual. The activities are identified by the responsible party, the CCSO Manual provision, and the frequency of the activity. The AJSB Commander is responsible to update the Report Matrix, as needed. Each bureau commander will use that chart to ensure compliance with all Manual requirements.

The AJSB Commander shall ensure that periodic reports, reviews, and other time sensitive activities are completed in the time frame prescribed by the Manual. If a time sensitive report is not submitted within the prescribed time frame, the AJSB Commander will contact the assigned employee's immediate supervisor to ensure that the employee completes the report as soon as possible.

19-500 FORMS CONTROL

The AJSB Administrative Aide is responsible for managing the forms used by the CCSO. This responsibility will include:

- Maintaining an inventory of all forms created and approved for use by the CCSO.
- Reviewing all proposed CCSO forms to ensure that they are complete, accurate, and do not duplicate another form already in existence.
- Making the forms available in paper form and on the Sheriff's Office "T" drive for the deputies to use.
- Troubleshooting when there is a problem with the use of any form on the "T" drive.

A Patrol Bureau sergeant will be responsible for the re-supplying of all forms. The Patrol Bureau Commander will select the Patrol sergeant who will be in charge of the CCSO forms supply.

19-501 RECOMMENDATIONS FOR NEW OR CHANGED FORMS

An employee who has a suggestion for a new form, for the modification of an existing form, or the combination of several existing forms, will submit that suggestion, along with mock-ups of the new form(s) to the AJSB Administrative Aide through the chain of command.

APPENDIX 19-A

CCSO REPORT MATRIX by position responsible

Position Responsible	CCSO Manual Reference	Recipient	Frequency	Name of Activity
Academy Instructor	9-701	AJSB	Triennial	Temporary detention training
Academy Instructor	11-1801	Commander AJSB	Entry-level	Training on persons with mental disabilities
Academy Instructor	11-1801	Commander AJSB	Triennial	Training on persons with mental disabilities
		Commander		
AJSB Deputy	4-B-7	Sheriff	As Needed	Evaluate recruitment plan
Commander				
AJSB Sergeant	17-306	Accred Office	As Needed	Training of court holding facilities
AJSB Sergeant	17-302	Sheriff	As Needed	Documented security survey
Assistant Sheriff	1-502	Sheriff	Annual	Review of 10 year plan
Assistant Sheriff	1-908	Sheriff	Annual	Administrative review of bias based profiling
Assistant Sheriff	16-201	Sheriff	Annual	Unannounced Inspection of Evidence Room
Assistant Sheriff	4-A-1	Sheriff	Annual	Review EEO complaints and recommend changes to
				plan
Canine Supervisor	Canine SOP's		Annual	Certification of K-9 teams
CAT Team	21-104	Sheriff	Triennial	Review crime prevention programs
CAT Supervisor	12-402.1	CAT Suprvsr	Annual	Calibration radar/laser devices
CIB Commander	16-201	Sheriff	Annual	Inspection to determine adherence to property control procedures
CIB Commander	2-635	Sheriff	As Needed	Written evaluation of juvenile programs
CIB Commander	15-1002	Sheriff	As Needed	Review procedures & process of criminal intelligence
CIB Commander	21-208	Sheriff	As Needed	Victim/Witness assistance needs analysis
CIB Office Spec. II	3-104.3	Sheriff	Quarterly	Inspect/Audit confidential funds
Commanders	4-903	AJSB	Initial	Rater training for supervisors
		Commander		
Commanders	1-401	Sheriff	As Needed	Update written goals/objectives. Commanders to Asst Sheriff Asst Sheriff to Sheriff

APPENDIX 19-A

Position Responsible	CCSO Manual Reference	Recipient	Frequency	Name of Activity
Commanders	2-104	Sheriff	As Needed	Workload Assessment
Commanders	3-101	Asst Sheriff	Annual	Budget recommendations
Commanders	4-904	Sheriff	Semi-annual	Performance Evaluation Report
Court Deputies	17-304	AJSB Sgt	Monthly	Test courtroom security equipment
Court Deputies	17-305	AJSB Sgt	Weekly	Documented inspection of first aid kit, court holding facility
Court Deputies	17-305	AJSB Sgt	Weekly	Visual inspection of fire equipment, court holding facilities
Court Deputies	17-305	AJSB Sgt	Daily	Documented inspection of fire detection devices, court holding facility
Court Deputies	17-305	AJSB Sgt	Weekly	Documented sanitation inspection, court holding facilities
Court Deputies	17-306.9	AJSB Sgt	Each use	Security check of each cell
Court Deputies	17-306.10	AJSB Sgt	Weekly	Documented security check of court holding facility
Deputy	17-306.17	AJSB Sgt	Incident	Threat to court holding facility or person report
Deputy	11-406	Patrol Cmdr	Incident	Pursuit or roadblock report
Deputy	16-308	Suprvsr	Incident	Report of deputy processing crime scene
Deputy	9-406	Sheriff	Incident	Report on transported prisoner escape
Deputy	16-205	Suprvsr	Incident	Report how property came into CCSO possession
Deputy	8-700	Suprvsr	Incident	Use of force report
Executive Administrative Aide	3-104	Sheriff	Quarterly	Inspect petty cash, finger-printing, and service of process accounts
Lead Firearms Instructor	8-900	AJSB Commander	Annual/ Biennial	Less lethal weapons proficiency/Elec Control Weap
Lead Firearms Instructor	8-900	AJSB Commander	Annual	Firearms proficiency
Patrol Commander	11-406	Sheriff	Incident	Review of pursuit report
Patrol Deputy Commander	9-706	Sheriff	Triennial	Administrative review of temporary detention facility and procedures
Patrol Supervisors	9-706	Patrol Comdr	Each shift	Inspect holding cell

APPENDIX 19-A

Position Responsible	CCSO Manual Reference	Recipient	Frequency	Name of Activity
Professional Standards	7-408	Sheriff	Annual	Statistical and narrative internal affairs report; information made available to public and employees
Professional Standards	8-800	Sheriff	Annual	Analysis of use of force reports
Professional Standards	8-800	Sheriff	Incident	Review use of force report
Radar/Laser Operators	12-402.3	Stays with operator	Each use	Calibrate radar devices and tuning forks
Special Operations Commander	14-101	Sheriff	Quarterly	Unusual Occurrence equipment readiness inspection
Spec Ops Comdr	14-101	Sheriff	Annual	Documented training on All Hazard Plan
Supervisors	4-904	Sheriff	Semi-annual	Sworn employee performance evaluation
Supervisors	3-800	Commanders	Quarterly	Inspect all personnel, equipment and vehicles
Supervisors	4-921	Sheriff	Quarterly	Entry level/probationary employee performance evaluation
Supervisors	4-921	Sheriff	Annual	Performance evaluation - civilian personnel
Supervisors	4-907	Sheriff	Annual	Performance evaluation - special deputies
Training Coordinator	4-715	AJSB Commander	Annual	In-service training

APPENDIX 19-B

CALVERT COUNTY SHERIFF'S OFFICE
Records Retention Schedule*

TYPE OF RECORD	RETENTION TIME
Annual Reports	Indefinitely
Arrest Reports	Retain until subject is deceased
Background Checks	1 year
Body Camera Footage (non-evidentiary)	1 year
Body Camera Footage (evidentiary)	3 years
CJIS Logon Identification Reports	2 years
Criminal Intelligence Files	5 years
DUI Reports – open DUI Reports – closed	Keep until closed 1 year after final adjudication
Employment Applicant Files	7 years
Expungements	5 years
Field Observation Reports	3 years. If information gathered relates to an open investigation, then place in that case folder.
Fingerprint Records	Retain until subject is deceased
Fleet Records	3 years after vehicle's disposal
K-9 Reports	10 years
Leave Slips	3 years
MAARS or ACRS Accident Reports Detailed Crash Investigation Reports	5 years 5 years
Missing Persons Reports – open Missing Persons Reports – closed	Keep until closed 3 years from close date
Monthly Performance Reports	3 years
Case Reports	Indefinitely
Payroll Records	1 year (record copy kept by Finance & Budget)
Personnel Files	Indefinitely
Property Held Ledger	Indefinitely
Property Records – open Property Records – closed	Keep until closed 3 years
Protective Orders / Peace Orders	3 years after expiration
Report Requests	1 year
Safety Equipment Repair Orders	3 years
Teletypes	1 year
Traffic Citation Transmittal form and (optional) Law Enforcement Headquarters' copy	1 year
Traffic Warnings	1 year
Uniform Crime Reports	5 years

APPENDIX 19-B

TYPE OF RECORD	RETENTION TIME
Uniform Criminal / Civil Citations	2015 and following are stored in NWS indefinitely
Use of Force Reports	3 years past employee's termination
Vehicle Inspection Reports	3 years
Vehicle Storage Reports – open Vehicle Storage Reports – closed	Keep until closed 3 years from close date
Warrants	1 year after served
Youth Reports (signed paper copy)	3 years

All records will be destroyed by shredding or burning at the end of the retention period listed.

CHAPTER 20
PRESS RELATIONS

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	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **PRESS RELATIONS**	Chapter **20**
	Affects: **ALL PERSONNEL**	
EFFECTIVE DATE **January 29, 2009**	Rescinds:	Amends: **20-306 on 7/15/20**

20-100 PUBLIC INFORMATION POLICY

One of this Agency's goals is to develop a maximum flow of information to the public through press and the electronic media services with a minimum disruption to police activity. It is the policy of the Calvert County Sheriff's Office to make information regarding crimes and other incidents generally available to the news media, unless such information is legally privileged, would violate the constitutional rights of the accused, or is otherwise specifically prohibited in this or any other Sheriff's Office policy.

20-200 COOPERATING WITH THE NEWS MEDIA

It is the policy of this Agency to make information on crimes and other incidents generally available to the news media, unless such information is legally privileged, would violate the constitutional rights of an accused, or is otherwise specifically prohibited in this or any other Agency policy. All members of this Agency will extend courtesy and cooperation to the media at all times, within the guidelines and limitations defined in this order, with the understanding that successful accomplishment of the police mission takes precedence. The Agency will disclose information as promptly as circumstances permit. At no time will information be released prematurely or withheld for the exclusive benefit of any individual reporter or segment of the news media, except that specific queries of an exclusive nature will be respected.

20-201 POLICY INPUT

When policies or procedures involving the media are being developed, copies of such proposed policies or procedures will be provided to all area media agencies for comment, if desired. Comments received will be incorporated in Agency procedures, as appropriate. Copies of any approved changes in media release policies or procedures will be provided to all media agencies for dissemination.

20-300 DUTIES OF THE PUBLIC INFORMATION FUNCTION

The public information function of the Agency shall include, but is not limited to the following:

A. Assisting media personnel in covering news stories at the scenes of incidents where the Agency has responded and has an ongoing responsibility.

B. Preparing and distributing Agency media releases whenever there is information concerning activities of the Agency, which is of interest to the public.

C. Arranging and assisting for news conferences as may be required by the existing circumstances.

D. Coordinating and authorizing the release of information about victims, witnesses, and suspects.

E. Coordinating and authorizing the release of information concerning confidential Agency investigations and operations.

F. Developing procedures for releasing information when other public service agencies are involved in a mutual effort.

20-301 RELEASABLE INFORMATION

The following information should be made available to news media in criminal matters, subject to restrictions contained elsewhere in this policy:

1. The name of the individual arrested, if charged as an adult; age, sex, residence, employment, and similar biographical information.
2. The substance of the text of the charge(s).
3. The identities of the investigating and arresting agencies and the length of the investigation.
4. The circumstances immediately surrounding an arrest or crime, including the time and place, resistance, pursuit, use of weapons and nature of any injuries sustained. A description of any physical evidence seized at the time of the arrest, other than a confession, admission, or statement, unless release of such information would hinder the investigation.
5. The identity of crime victims except as specified herein.
6. The type of weapon used.
7. In the case of juvenile offenders – age, sex, and general area of residence only.
8. When rape or sex offenses are involved – the age and sex of the victim, and general location of the offense only.
9. Any information contained in a public record.
10. That an investigation is in progress and the general scope of the investigation.

20-302 NON-RELEASABLE INFORMATION

The following information will ***not*** be released to the news media in criminal matters:

1. Information, which may jeopardize the successful conclusion of an investigation.
2. Statements related to the character, reputation or prior criminal record of an arrested person or a prospective witness, or any opinion as to the guilt or innocence of the accused.
3. The existence or contents of any admissions, confessions, or statements attributable to an accused person, or failure to make a statement.
4. The performance or the results of any examinations or tests, or the refusal of the accused to take any examinations or tests or participate in a lineup.
5. Statements concerning the identity, credibility or anticipated test.
6. The possibility of a plea of guilty to the offense charged, or to a lesser offense, or any other disposition.
7. Opinions concerning evidence or any argument in the case, whether or not it is anticipated, that the evidence or argument will be used at trial.

8. Name, address and current location of any victims of sex offenses.
9. Name of a suspect that could lead to the identity of a victim in a sex offense.
10. Names and addresses of witnesses of crime.
11. Identity of a person charged with a crime, but not yet arrested, unless public assistance is sought in locating the individual, or to warn the public of any dangers the individual may present.
12. Names, addresses or other information, which could lead to the specific identity of juvenile offenders.
13. The existence or contents of any suicide note.
14. The amount of money taken in any robbery, except for general descriptors, such a "small amount."
15. Names and precise addresses of residential burglary victims.
16. Names or other information, which would lead to the identity of persons, who have attempted to commit suicide.
17. Opinion or speculation as to fault or civil liability.
18. On motor vehicle accident reports, where a juvenile is charged with a violation of the Transportation Article or Criminal Law, Homicide by Motor Vehicle, which upon conviction may involve incarceration, as all or part of the penalty; all reference to charges shall be purged prior to the release of the report.

20-303 NON-CRIME INFORMATION

Non-crime related information in the following categories may be released:

1. With review and approval of the Sheriff, organizational or policy changes, or major personnel changes providing that the information has been previously released to members of the Agency.
2. Human interest stories concerning the Agency or its personnel.
3. Accidents, natural disasters, or calamities, or other incidents of public interest.

Home addresses or telephone numbers of Sheriff's Office employees will not be released.

20-304 NEWS MEDIA ACCESS

At the scenes of crime scenes, natural disasters, and other major events, it may be necessary for the police to establish perimeters and control access. Any such limitations should be clearly explained to media representatives. News media representatives should not be in a position to interfere with law enforcement operations at the scene of an incident. Deputies may deny access for legitimate law enforcement investigative reasons or for safety reasons. It will be the responsibility of the media representative to obtain any permission necessary, once the legitimate law enforcement mission allows access to the scene on private property.

20-305 NOTIFICATION OF NEXT OF KIN

Members of the Sheriff's Office first notify the next of kin and obtain an identification of a deceased victim of a criminal act or accident prior to releasing the name and address to the news media. Notification of the next of kin of a living and seriously injured victim of a criminal act or accident is made before releasing the name and address to the news media. However, if the next of kin cannot be located within a reasonable amount of time, the reason will be determined, and the news media advised. The decision concerning whether or not to release the names publicly will then be the responsibility of the Sheriff or his designee.

20-306 PRESS RELEASES

The release of information to the media/public is a function of the Public Information Officer (PIO) at the direction of command staff. Information releases are sent to the various media sources, to include social media, by the Public Information Program Assistant (PIPA). Inquiries from the press shall be directed to the PIO or the PIPA. Any release of information, sensitive in nature, shall be reviewed by the Sheriff prior to being released.

When an incident occurs that attracts immediate public attention, the PIO or the PIPA and the on-call commander shall be notified and they will coordinate the release of information to the public. The on-call commander, along with the PIO, will designate a liaison to brief the news media.

20-400 SPECIFIC OPERATIONAL ISSUES

20-401 CRIMINAL INVESTIGATIONS BUREAU (CIB) INVESTIGATIONS

Information regarding investigations conducted by CIB personnel will only be released to the media with prior approval of the CIB Commander or Assistant Commander.

20-402 INTERNAL AFFAIRS INVESTIGATIONS

All inquiries by the media regarding internal investigations will be directed to the Sheriff or his designee.

20-403 PHOTOGRAPHY BY MEDIA

The deliberate posing of a person in police custody for photographing by the media is prohibited. The media does have the right to photograph a person in police custody, as long as it is not a posed picture. For example, media representatives can photograph a suspect or accused being taken to a bond hearing, court, police station or jail. If the suspect is a juvenile or if undercover police personnel are in jeopardy of being exposed to the media cameras, police personnel must take appropriate steps to ensure that the juveniles or undercover personnel's identity is not revealed, especially through pictures taken by the media. Police personnel should not attempt to interfere with media personnel photographing an actual ongoing event. However, if security or other valid reasons exist, media access may be restricted.

20-404 MEDIA INTERVIEWS

A person in public custody will not be subjected to a media interview, unless the person in custody requests an interview in writing or consents to the interview after being informed of his right to consult with counsel and his right to refuse to grant an interview.

20-405 CRITICAL INCIDENTS

For press relations during critical incidents, see Chapter 14.

CHAPTER 21
COMMUNITY POLICING AND VICTIM / WITNESS ASSISTANCE

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APPENDIX 21-A DOMESTIC VIOLENCE LETHALITY ASSESSMENT PROTOCOL

	OFFICE OF THE SHERIFF CALVERT COUNTY, MD	
	Subject: **CRIME PREVENTION AND VICTIM / WITNESS ASSISTANCE**	Chapter **21**
	Affects: **ALL PERSONNEL**	
EFFECTIVE DATE **January 29, 2009**	Rescinds: **21-120 on 9/18/20**	Amends: **21-207 on 7/15/20**

21-100 CRIME PREVENTION AND COMMUNITY RELATIONS

The Calvert County Sheriff's Office is committed to establishing close community ties with and responding to the needs of the community, as well as the development and perpetuation of community relations and crime prevention programs. All CCSO employees will perform community policing and crime prevention activities on a daily basis with the intent to reach a reasonable balance between reactive and proactive law enforcement.

21-101 CRIME PREVENTION

Any crime prevention program developed by the CCSO is designed to promote community involvement and reduce the opportunity for the commission of criminal offenses. While the prevention of crime is the responsibility of both law enforcement and the citizenry, the police must assume the leadership role in planning and developing the community response to the crime problem.

When possible, the Agency will provide crime prevention input into the development and/or revision of zoning policies, building codes, fire codes and residential/commercial building permits.

21-102 EMPLOYEE'S ROLE

The daily conduct of every employee reflects on the CCSO as a whole. The responsibility for meeting the CCSO's community relations objectives is therefore shared by all personnel. Successful community relations depend upon a unified, coordinated effort that requires participation, enthusiasm, and the skills of all employees.

When any employee comes into possession of information which reflects on community attitudes, concerns, or problems, he/she will forward that information to the CST / CAT Supervisor. The CST / CAT Supervisor will then determine a plan of action or forward the information to the appropriate bureau or unit.

21-103 COMMAND COMMITMENT

The CCSO is committed to correcting actions, practices, and attitudes that may contribute to community-police tensions and grievances from citizens. As an elected official and the top law enforcement officer in the County, the Sheriff regularly attends community functions and makes himself available to citizens who have concerns about the operations of the CCSO. The Sheriff

regularly seeks the input of community leaders, both elected and unelected, about citizen satisfaction with law enforcement in the County. The Assistant Sheriff assists the Sheriff in this effort.

21-104 CRIME PREVENTION PRIORITIES

A. Identifies what types, locations and severity of crimes are occurring within the County and where prevention activities would be the most beneficial.

B. Maintain crime prevention and safety programs for the community. Crime prevention safety programs are created, promoted, and then offered to various segments of the community. The criteria used to develop programs will include targeting programs by crime type and geographic area on the basis of crime data, as well as programs that address community perceptions and misperceptions of crime.

C. Every three years conduct a review and evaluation of existing programs to ascertain if the needs of the citizens are being met.

21-105 JUVENILE CRIME PREVENTION PROGRAMS

The Calvert County Sheriff's Office is committed to the development of and/or participation with programs designed to prevent and control juvenile delinquency. The following is a list of juvenile programs in which the Sheriff's Office participates:

- School Liaison Program;
- Boys and Girls Club of Southern Maryland;
- CCSO Explorers Post;
- Camp Cops; and
- Junior Police Academy

21-110 CRIME SUPPRESSION TEAM (CST) / COMMUNITY ACTION TEAM (CAT)

The Crime Suppression Team and the Community Action Team shall have the following duties and responsibilities:

- Selective traffic enforcement activities
- Community patrols and selective enforcement activities
- Drug Abuse Resistance Education (D.A.R.E.) Program
- Crime prevention activities
- Recruitment activities
- Honor Guard
- Bike Patrol Unit
- Motorcycle Unit

The CCSO has several crime prevention and safety programs. Those that are a part of the Crime Suppression Team and/or Community Action Team include:

- Neighborhood Watch
- D.A.R.E.
- School Safety Program
- Residential and Business Security Surveys

- Calvert County Annual National Night Out

The School Liaison Program falls under the auspices of the Criminal Investigative Bureau.

21-111 CRIME PREVENTION ACTIVITIES

The purpose of this project is to thwart crime before it occurs, identify and arrest those committing crimes in progress, and decrease the potential of crime through high visibility in our communities. The project will place a specified number of deputies in designated communities during specified time periods as an enhancement to our current community patrols. Time periods will be identified and modified, as necessary, in accordance with statistical data concerning crime and crime occurrence, as provided by the Commander of the Criminal Investigative Bureau.

Communities throughout the County will be saturated during the time periods, as specified. All communities throughout the County will be visited during the course of this project, some more than others, based upon statistical data provided by the Commander of the Criminal Investigative Bureau.

The Teams will:

- Be highly visible while in the community.
- Engage citizens in conversation.
- Seek information from citizens regarding concerns.
- Interact with children and teens.
- Be ever alert for crimes in progress.
- Enforce traffic laws while in the community.
- Issue Field Observation Reports (FOR's), as necessary.
- Provide assistance when necessary.

21-112 RESIDENTIAL CRIME PREVENTION GROUPS

The CCSO is involved in a County-wide Neighborhood Watch Program. The Agency will also assist in organizing crime prevention groups in residential and business areas and will maintain liaison with these and other interested community groups.

21-113 COMMUNITY RELATIONS

The community involvement function falls under the management of the Crime Suppression and Community Action Teams and shall include the following:

1. Establishing liaison with existing community organizations and establishing community groups where they are needed.
2. Assisting in the development of community involvement policies for the Agency.
3. Publicizing Agency objectives, community problems, and successes.
4. Conveying information transmitted from citizens' organizations to the Agency.
5. Improving Agency practices bearing on police - community interaction.
6. Developing problem oriented or community policing strategies.

21-114 TRAFFIC-SELECTIVE ENFORCEMENT ACTIVITIES

A Patrol Bureau Assistant Commander will be designated as the coordinator of selective enforcement activities within the CCSO. He will work very closely with the Calvert County Traffic Safety Coordinator who is responsible for collecting, analyzing, and evaluating local crash and enforcement data. The Traffic Safety Coordinator obtains data through the Maryland Highway Safety Office and through crash reports and enforcement data supplied by the CCSO. The Traffic Safety Coordinator and Patrol Bureau Assistant Commander will meet on a regular basis to discuss crash data and enforcement activity and to compare how the crash data correlates to the enforcement data. Information they review includes the location, time of day and the day of the week of crashes, type of crash and the primary factor which caused the crash. They will also review the age of the driver to address any young driver issues. Additionally, they attend quarterly Traffic Safety Council meetings where these issues are also discussed.

When an area is identified requiring selective enforcement activity, the First Sergeant will disseminate this information to deputies via an email and request that they conduct enforcement in that area. Additionally, the Assistant Commander will utilize members of the CST / CAT to conduct enforcement activity.

Techniques used to reduce crashes in selected areas include:

1. High visibility patrols to deter unlawful driving behavior;
2. Roving saturation patrols to locate and cite traffic offenders/arrest DUI offenders;
3. Stationary Radar/LASAR enforcement;
4. Sobriety Checkpoints to deter driving while impaired and to educate the public on the dangers; and
5. Using marked and unmarked vehicles depending upon the enforcement activity.

Some selective enforcement activities are accomplished through federal and state grants which are administered through the Traffic Safety Council. For these activities, deputies target selected areas on an overtime basis.

The evaluation of the selective enforcement activities shall be accomplished through the annual and quarterly reports prepared by the Traffic Safety Coordinator. The report will include a summary of identified problematic crash and impaired driving areas, a summary of selected traffic enforcement activity, and any traffic education activities.

In addition to areas selected due to crashes and alcohol related arrests, deputies are also responsive to requests from citizens who bring traffic concerns to our attention. When a citizen contacts the Sheriff's Office regarding speeding in the neighborhood or some other traffic related issue, the information is forwarded to the Patrol Bureau Assistant Commander or the CST / CAT Supervisor. They will then disseminate the information via email and/or place it on the Roll Call Log. The information is also given to a member of CST or CAT, who then will conduct a selective enforcement activity in the area.

21-115 TRAFFIC SAFETY EDUCATIONAL MATERIALS

The Crime Suppression Team and the Community Action Team of the CCSO will be responsible for promoting and disseminating traffic safety educational materials and programs.

21-200 VICTIM / WITNESS ASSISTANCE

21-201 VICTIM / WITNESS RIGHTS

The Calvert County Sheriff's Office is committed to the development, implementation, and continuation of victim/witness assistance programs that ensure victims and witnesses are treated with fairness, respect, compassion, and dignity.
The rights of Maryland victims of crimes are established in Article 47 of the Maryland Constitution:

> *A victim of crime shall be treated by agents of the State with dignity, respect, and sensitivity during all phases of the criminal justice process.*
>
> *In a case originating by indictment or information filed in a circuit court, a victim of crime shall have the right to be informed of the rights established in this Article and, upon request and if practicable, to be notified of, to attend, and to be heard at a criminal justice proceeding, as these rights are implemented and the terms "crime", "criminal justice proceeding", and "victim" are specified by law.*

Nothing in this Article permits any civil cause of action for monetary damages for violation of any of its provisions or authorizes a victim of crime to take any action to stay a criminal justice proceeding.

21-202 ROLE OF AGENCY IN VICTIM / WITNESS ASSISTANCE

The Criminal Investigations Bureau Commander is responsible for developing policies and procedures concerning victim/witness assistance, including:

- Ensuring that all personnel inform victims/witnesses of services that are available to them.
- Ensuring that all personnel maintain confidentiality of victims/witnesses and their role in case development to the extent consistent with the law.
- Using press releases and other media resources to inform the public about the Agency's victim/witness assistance services.
- Establishing and maintaining relationships with the State's Attorney's Office and the Calvert County Crisis Intervention Center, who also provide services to victims/witnesses in the County.
- Ensure that the victim/witness feels protected and secure through our efforts, and to help facilitate successful prosecution of the case.

21-203 AVAILABILITY OF VICTIM / WITNESS ASSISTANCE

The Sheriff's Office shall maintain victim/witness assistance and referral information on a 24-hour basis by personal contact with a deputy and by telephone contact via 911 and the non-emergency telephone lines at the Sheriff's Office.

The Calvert County Sheriff's Office has referral information for the Crisis Intervention Center. The Crisis Intervention Center is part of the Calvert County Health Department. They provide services to victims such as counseling, advocacy, safety planning, and temporary shelter. They maintain a 24-hour telephone line.

The Crisis Intervention Center has a law enforcement coordinator, who works directly with the Sheriff's Office to provide assistance to victims of domestic violence and sexual assault. The law enforcement coordinator is also available to assist victims of other crimes as well.

Deputies should refer to and use the *Domestic Violence Lethality Assessment Protocol*, which can be found at the end of this chapter, Appendix 21-A.

21-204 THREATS AGAINST VICTIMS / WITNESSES

Members of the Calvert County Sheriff's Office will provide appropriate assistance to victims/ witnesses who have been threatened or who, in the judgment of the Agency, express specific, credible reasons for fearing intimidation or further victimization.

A. Appropriate assistance will be determined by the nature of each individual case, and the resources available to the Agency; and if possible, will be commensurate with the danger faced by the victim/witness.

B. Appropriate assistance may range from placing the threatened victim/witness in protective custody to offering words of encouragement to the threatened person.

C. Deputies will inform victims/witnesses that, at any sign of danger, they should call 911 and there will be an appropriate law enforcement response.

D. Deputies will inform victims/witnesses regarding protective and peace order procedures if appropriate to the circumstances and provide them with the appropriate literature explaining the procedure.

E. In cases where there is an active court case, the deputy will notify appropriate personnel from the State's Attorney's Office and will coordinate their response with them.

F. Under Maryland law, a court with jurisdiction over a criminal matter or juvenile delinquency case may pass an order that is reasonably necessary to stop or prevent the intimidation of a victim or witness. The deputy may direct the victim to contact the court to ask for this assistance.

G. In the event the victim/witness is outside the jurisdiction of the Calvert County Sheriff's Office, the appropriate agency shall be notified and requested to provide the necessary assistance. It is the deputy's duty to assist with the appropriate notification.

21-205 VICTIM / WITNESS ASSISTANCE SERVICES

21-205.1 VICTIM / WITNESS ASSISTANCE SERVICES DURING PRELIMINARY INVESTIGATION

Victim/witness assistance services to be provided during the preliminary investigation include:

A. Giving the victim/witness information about applicable services, e.g., counseling, medical attention, compensation programs or emergency financial assistance, and victim advocacy. Referral information for the Crisis Intervention Center should be given to the victim as they provide these services in Calvert County.

B. Advising the victim/witness what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates him/her.

C. Giving the victims/witnesses the case number and explaining the subsequent steps in the processing of the case.

D. Providing the telephone number to the Sheriff's Office and advising the victims/witnesses that they may call that number to report additional information about the case or to receive information about the status of the case.

21-205.2 VICTIM / WITNESS ASSISTANCE SERVICES DURING FOLLOW-UP INVESTIGATION

Victim/witness assistance services to be provided during the follow-up investigation, if any, include:

A. Recontacting the victim/witness periodically to determine whether needs are being met, if in the opinion of the Agency; the impact of a crime on a victim/witness has been unusually severe and has triggered above-average need for victim/witness assistance.

B. Explaining to victims/witnesses the procedures involved in the prosecution of their cases and their role in these procedures, if not an endangerment to the successful prosecution of the case. The victim/witness may be referred to the State's Attorney's Office, which has victim/witness coordinators who can assist with explaining this process.

C. Scheduling line-ups, interviews, and other required appearances at the convenience of the victim/witness and at the option of the Sheriff's Office, providing transportation if feasible.

D. Promptly returning victim/witness property taken as evidence (except for contraband, disputed property, and weapons used in the course of the crime) where permitted by law or rules of evidence if feasible.

E. Assigning a victim advocate, if available, to the victim/witness during follow-up investigation. The Crisis Intervention Center and the State's Attorney's Office are both resources that may be utilized to accomplish this.

21-205.3 VICTIM / WITNESS NOTIFICATION OF SUSPECT'S ARREST

Victims and witnesses are provided with a booklet, *Crime Victims and Witnesses: Your Rights and Services,* upon contact. The booklet is produced by the Governor's Office of Crime Control and Prevention and walks the victim/witness through the criminal justice process, including the toll-free phone number for VINE (Victim Information and Notification Every day). VINE information can also be accessed on the Sheriff's Office website.

VINE provides victims of crime with court case information, notification of the suspect's arrest, the charges, and custody status. If feasible, the victim/witness shall be notified by the States' Attorneys' Office, the Department of Social Services or the Sheriff's Office.

21-206 NEXT OF KIN NOTIFICATION

Notification of next-of-kin in a case where there is a death, serious injury, and /or serious illness shall be handled as follows:

1. Notification should be made as promptly as possible.

2. Notification should be made in person.

3. A Sheriff's Office chaplain should be notified and should accompany the deputy to make the notification. A relative or close friend of the next of kin could also be utilized. If possible, the chaplain or other person accompanying the deputy should drive to the location separately, so that they can remain with the notified person after the deputy leaves to provide any additional support and assistance necessary.

4. In cases where the seriously injured or ill person has been transported to a hospital, the deputy should assist with making arrangements to have the notified person transported to the hospital.

5. If the victim's next of kin resides outside of Calvert County, the deputy should contact the law enforcement agency for that jurisdiction and request that they make notification. The deputy should ensure that all pertinent information concerning the notification is relayed.

21-207 REQUIRED NOTIFICATION FOR DOMESTIC VIOLENCE CASES

If a domestic violence case meets at least one of the following circumstances below, the investigating deputy shall contact a State's Attorney representative as soon as possible after responding to the incident.

Notification should be made in the following situations/cases:

1. Any domestic violence incident resulting in potential **felony** charges.

2. Any domestic violence incident resulting in a **serious physical assault** (i.e., victim is transported to hospital with serious physical injuries**)** not resulting in felony charges.

3. Any domestic violence incident in which the investigating deputy, based on their observations/information obtained, believes that State's Attorney's Office should be made aware of.

4. Any domestic violence situations involving victims/suspects who have been "red flagged" as being in potentially dangerous situations. Names of flagged victims and suspects will be given to the Calvert Control Center for entry into the Computer Aided Dispatch (CAD) system. When responding to domestic violence calls, the Control Center will notify the responding deputies that the victim and/or the suspect have been "red flagged."

5. The State's Attorney's Office will maintain the red flag list and will obtain input from both law enforcement personnel and domestic violence counselors.

A list of "red flagged" victims and suspects will be kept on the Sheriff's Office "T" drive under *Red Flagged Domestic Violence Cases* and will be updated as needed and a copy will be placed on the roll call log whenever the list is updated.

Notification should be made in the following situations/cases:

1. Any domestic violence incident resulting in potential **felony** charges.

2. Any domestic violence incident resulting in a **serious physical assault** (i.e., victim is transported to hospital with serious physical injuries**)** not resulting in felony charges.

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A list of "red flagged" victims and suspects will be kept on the Sheriff's Office "T" drive under *Red Flagged Domestic Violence Cases* and will be updated as needed and a copy will be placed on the roll call log whenever the list is updated.

21-208 VICTIM / WITNESS ASSISTANCE NEEDS REVIEW

In order to provide the most appropriate assistance to victims and witnesses, the Criminal Investigations Bureau Commander will complete a documented review of victim/witness assistance needs and available services within Calvert County as needed, to include:

1. The needs of victims and other witnesses

2. How those needs are being met by other government agencies and by community organizations

3. Identification of unfulfilled needs and the selection of those that are appropriate for the Agency to meet

The Criminal Investigations Bureau Commander may obtain input from other victim/witness services in the County when conducting this review.

APPENDIX 21-A

DOMESTIC VIOLENCE LETHALITY ASSESSMENT PROTOCOL

The Calvert County Sheriff's Office voluntarily participates in the Domestic Violence Lethality Assessment Program through the Maryland Network Against Domestic Violence.

Introduction

In the context of the protocol, lethality assessment for first responders is comprised of conducting a lethality assessment through the use of a screening instrument; contacting the domestic violence hotline when a victim is assessed as being in danger; asking the victim to speak with a hotline counselor; and offering services to the victim as determined by the situation.

When to Initiate a Lethality Assessment

A deputy should initiate a lethality assessment when he/she responding to a domestic situation, and

1. There is reason to believe that an assault or an act that constitutes domestic violence has occurred, whether or not there is an arrest; or
2. There is a belief or sense on the part of the deputy that once the victim is no longer in the care or presence of the deputy, the potential for assault or danger is high; or
3. Repeat calls for service; or
4. The deputy believes one should be conducted.

Lethality Assessment Form

The deputy will use the form entitled, *Domestic Violence Lethality Screen for First Responders* (referred to as "Lethality Screen") to ask the victim the lethality assessment questions.

Lethality Assessment Questions

The lethality assessment questions are as follows:

1. Has he/she ever used a weapon against you or threatened you with a weapon?
2. Has he/she threatened to kill you or your children?
3. Do you think he/she might try to kill you?
4. Does he/she have a gun or can he get one easily?
5. Has he/she ever tried to choke you?
6. Is he/she violently or constantly jealous or does he/she control most of your daily activities?
7. Have you left him/her or separated after living together or being married?
8. Is he/she unemployed?
9. Has he/she tried to kill himself?
10. Do you have a child that he/she knows is not his/hers?
11. Does he/she follow or spy on you or leave threatening messages?

How to Ask the Questions

The deputy should tell the victim that he/she will ask the victim a short series of questions to help the responder determine how much immediate danger the victim is in. The assessment questions should be in the order they are listed on the form.

Ask All the Questions

The deputy should ask all the questions, even if the victim responds positively to Questions #1 through #3. The more questions to which the victim responds positively is indicative of the increasing immediate danger to the victim.

Assessing the Responses

A. After the deputy asks the questions on the Lethality Screen, he/she will handle the information as follows:

   1. **Yes to Q. #1, #2, or # 3 = Referral.** A "yes" or positive response by the victim to any of Questions #1, #2, or #3 reflects a high danger situation and automatically triggers the protocol referral process.
   2. **Yes to any Four of Q. #4 - #11=Referral.** If the victim gives negative responses to Questions #1 - #3 but gives positive responses to at least four of Questions #4 - #11, that reflects a high danger situation and triggers the protocol referral.

B. "No" or negative responses to all of the assessment questions, or positive responses to no more than three of Questions #4 - #11, may still trigger the protocol referral if the deputy believes it is appropriate.

   1. A deputy may trigger the protocol referral whenever they believe the victim is in a potentially lethal situation.
   2. Whenever the victim has responded negatively to all questions or given positive responses to no more than three of Questions #4 - #11, the deputy should ask the victim the following questions: "Is there anything else that worries you about your safety? (If "yes") What worries you?" The response to the question may help the deputy better determine whether the protocol referral should be triggered.

Protocol Referral Not Triggered or Victim Does Not Complete the Screen

If the protocol referral is not triggered or the victim does not complete the lethality screen, the deputy will:

A. **Advise of the Dangerous Situation.** Advise the victim that domestic violence is dangerous, and sometimes fatal.
B. **Advise to Watch for Signs.** Inform the victim to watch for the signs listed in the screen because they may convey to her that she is at an increased level of danger.
C. **Refer to Provider.** Refer the victim to the domestic violence service provider (Crisis Intervention Center).
D. **Provide Contact Information.** Provide the victim with the deputy's contact information or contact information of others who may be available during times when the deputy is not, in case the victim wants to talk further or needs help.
E. **Prepare a Domestic Violence Report.** If there is an allegation or belief that an assault has occurred or an act that constitutes domestic violence has occurred, a Domestic Violence Report will be completed. If no assault or other domestic violence act has occurred, complete a Case Report.

   1. Record what occurred concerning the screen.
   2. Note that the protocol referral process was not triggered.
   3. Specify what resources were recommended to the victim.
   4. Explain what, if any, follow up actions were taken and why.

High Danger Assessment-Implementation of the Protocol Referral

If a high danger assessment is made or the deputy believes that it is appropriate, he/she will implement a protocol referral as follows:

A. **Advise of Assessment.** Advise the victim that the deputy has conducted an assessment of the victim's situation that has shown that the victim is at an increased level of danger, and that people in the victim's situation have been killed.

B. **Request by Deputy to Call Hotline.** The deputy will then tell the victim that he/she would like to call the domestic violence hotline to have the victim speak with a counselor.

C. **If the Victim Agrees to Speak with the Counselor.** The deputy will call the Domestic Violence Protocol Referral Hotline and advise the counselor that he/she has made a high danger assessment, or believes that the victim is in danger, and would like the counselor to speak with the victim.

1. At the appropriate time during the conversation between the victim and the counselor, the counselor will ask the victim if he/she may speak with the deputy about the situation.
2. The deputy will be guided by their discussion with the counselor.

D. **If the Victim Initially Declines to Speak with the Counselor.** The deputy will:

1. Tell the victim that the deputy will contact the Domestic Violence Protocol Referral Hotline to receive guidance on how to proceed with the situation.
2. Tell the victim that he/she would like the victim to reconsider speaking with the hotline counselor.
3. After the deputy concludes the conversation with the counselor, ask the victim if she/he has reconsidered and would now like to speak with the counselor.

E. **If the Victim Continues to Decline to Speak with the Counselor.** The deputy will:

1. **Repeat Assessment.** Reiterate their assessment that the victim is in a dangerous situation.
2. **Advise to Watch for Signs.** Inform the victim to watch for the signs listed in the screen because they may convey to her that she is at an increased level of danger.
3. **Refer to Provider.** Strongly encourage the victim to call the domestic violence service provider (Crisis Intervention Center) and provide the referral information.
4. **Provide Contact Information.** Provide the victim with the deputy's contact information or contact information of others who may be available during times when the deputy is not, in case the victim wants to talk further or needs help.
5. **Review Basic Safety Steps.** Review some basic safety steps and advise the victim not to let her abuser know about these steps because they may provoke the abuser to further violence. Such steps may include any of the following if the deputy believes they are appropriate for the situation:

   a. Suggesting that the victim consider filing for a protective order.
   b. Advising the victim to consider staying at another location if the abuser has been arrested because the abuser will usually be released from custody in a matter of hours.
   c. If the victim wishes to leave the home, advise the victim:
      1) to remove necessary documents and immediate necessities.
      2) that the deputy will either provide transportation or arrange for transportation

for the victim, if needed;

3) that the domestic violence program can provide shelter, counseling, and referral services.

6. **Inform Supervisor.** Notify your supervisor of the high danger assessment and of the victim's wishes. Based on the information provided by the deputy, the supervisor may decide that no follow-up should be made in this particular case or that follow-up is necessary and should be accomplished by either the initial deputy or a detective from the Criminal Investigative Bureau, depending on the circumstances.

F. **Assist with Safety Plan.** With permission from the victim and within the deputy's capability, assist:

1. the Crisis Intervention counselor in developing an immediate safety plan.
2. the victim in carrying out the immediate safety plan.

G. **Prepare a Domestic Violence Report.** If there is an allegation or belief that an assault has occurred or an act that constitutes domestic violence has occurred, a *Domestic Violence Report* will be completed. If no assault or other domestic violence act has occurred, complete a Case *Report*.

1. Record what occurred concerning the screen.
2. Note that the protocol referral process was not triggered.
3. Specify what resources were recommended to the victim.
4. Explain what, if any, follow up actions were taken and why.

Practical Considerations in Administering Screen

When a deputy is unable to initiate a Lethality Screen on the scene or carry out the full protocol:

A. **Consider Circumstances.** The deputy must consider the immediate circumstances in determining whether to initiate a Lethality Screen and whether it will be feasible to employ all aspects of the protocol referral process. Such a consideration may sometimes occur when the abuser is present, the victim is intoxicated, the victim goes to the hospital, or there is no telephone available.

B. **Do Not Initiate Screen if Unsafe.** If the circumstances do not permit or the deputy believes that the initiation of the Lethality Screen may place the victim in immediate danger, or if the deputy is unable to assure the victim's immediate safety, the deputy should not initiate the Lethality Screen at that time.

C. **Follow-up Cases in Which Screen is not Initiated.** If the deputy is unable to initiate a Lethality Screen at the scene, but believes that the victim may be in danger, the deputy will implement as many procedures of the protocol referral as possible, and take whatever measures are considered necessary and desirable by the victim. The deputy should be in contact with a hotline counselor to discuss the situation to better determine a course of action. The deputy should consider trying to administer a Lethality Screen at a safe time and location in order to determine the level of danger the particular victim is in.

When the Victim Has No Phone Available

When the victim has no landline phone, the deputy is under no obligation to use their personal cell phone. However, the deputy may consider this as an option, or consider other possibilities such as using

a neighbor's phone.

When the Victim's Landline Phone Is Used

1. **Clearing the Call to the Hotline.** Ensure that you clear the line of the hotline's phone number. For most phones, calling a familiar number after the hotline call will clear the previous hotline call.
2. **Do Not Use Landline Phones that Record the History of Outgoing Calls.**
3. **Do Not Use the Victim's Cell Phone.** Do not use the victim's cell phone because monthly cell phone bills record all call history.

Use of the Lethality Screen in Cases of Mutual Assault

Assess situation very carefully. Be extremely cautious of administering Lethality Screens to both parties.

CHAPTER 27
STANDARD OPERATING PROCEDURES
(SOP's)

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	Subject: **BIKE PATROL UNIT**	**General Order #:**
	Affects: **ALL PERSONNEL**	**11-0013**
EFFECTIVE DATE **January 29, 2009**	Rescinds:	Amends:

1.0 BIKE PATROL UNIT

1.1 BACKGROUND

Sheriff's agencies have traditionally responded to the community's need for routine patrol and presence by utilizing marked patrol cars. Although this approach increases efficiency and productivity in some circumstances, interaction with the public often suffers in the process. The public at times perceives the deputies to be nameless, faceless deputies who travel through the County from call to call. This perception, while often accurate, is not ideal. The public has a strong desire to have its deputies be an integral part of their communities. Effective policing requires a partnership between the Sheriff's Office and the community; patrolling by bicycle facilitates this partnership. Deputies on bicycles remove the barrier created by the patrol vehicle, giving a perception of accessibility and improving police interaction with the citizens they serve. Further, bicycle patrols increase public contact, while not significantly increasing response times in most cases.

1.2 MISSION

The mission of the Calvert County Sheriff's Office Bike Patrol Unit is to provide community oriented, directed patrol on mountain bicycles. Bicycles are extremely effective in patrolling areas such as boardwalks, bike paths, parks, and special events that draw a large crowd. Additionally, bicycle patrols will be utilized in business districts, neighborhoods, and shopping centers to provide a community-based link between the Sheriff's Office and the community. The unit will strive to resolve community conflict, reduce the opportunity for criminal activity, and reduce citizen fears, while maintaining law and order.

1.3 PURPOSE

The purpose of the Bike Patrol Unit is to provide an alternative to the traditional motorized patrol. The program is designed to provide speed of response in certain settings, while facilitating verbal interaction with members of the community. The Bike Patrol Unit is intended to place accessible patrol deputies in neighborhoods and shopping and business districts where residents and business owners can get to know the deputies. Contacts with the public by Bike Patrol deputies are less confrontational, resulting in a humanistic approach more conducive to resolving conflict. Members of the public are more likely to make contact with a deputy on a bicycle and more inclined to divulge information on past or present problems within the community.

2.0 SELECTION PROCESS

The Bike Patrol Unit is staffed with deputies who volunteer and express an interest in the program. A deputy with at least one year of patrol experience may apply for a position on the Bicycle Patrol Unit, when a position becomes available. Each deputy applying for a position will be interviewed by the Bike Patrol Unit Supervisor, and at least two other members of the unit. The members of the interview panel will then select deputies to the Bike Patrol Unit who have successfully passed the interview process. While designated as a unit, all personnel in the Bike Patrol are assigned to other positions within the Agency and are primarily responsible to those assignments.

3.0 SUPERVISION AND RESPONSIBILITIES

3.1 BIKE PATROL SUPERVISOR

The Bike Patrol Supervisor is appointed by the Commander of the Administrative and Judicial Services Bureau and is responsible for managing the Bike Patrol Unit. Additional responsibilities for the Bike Patrol Supervisor include:

- setting the general policy for the use of the Bike Patrol.
- establishing the S.O. P. for the Unit and reviewing/updating/revising it as needed.
- setting training standards and coordinating training of Unit members.
- coordinating the utilization of available equipment throughout the Unit.
- maintaining files on Bike Patrol activities conducted though out the year.
- accessing needs and providing an annual budget to the Assistant Sheriff.
- fielding any inquiries or concerns regarding the Unit.

The Bike Patrol Supervisor is ultimately responsible for the utilization and assignment of the Bike Patrol deputies. In the absence of the Bike Patrol Supervisor, the next highest-ranking member of the Bike Patrol Unit will be responsible for a directed patrol assignment.

The Bike Patrol Supervisor will conduct regular inspections of Bike Patrol personnel and equipment to see that they are maintained in operational readiness. The Bike Patrol Supervisor will also be responsible for conducting training for the unit at a minimum of three times per year.

3.2 STAFFING AND DUTIES

Ideally, deputies should be assigned to directed bike patrol in pairs. The assignment of deputies to Bike Patrol duties will be determined by manpower and staffing considerations. The Bike Patrol Supervisor will review minimum staffing requirements before making directed Bike Patrol assignments.

Agency bicycles will only be operated by personnel who are attending or have successfully completed the Police Cyclist Course or an approved equivalent. Members of the Bike Patrol Unit may be utilized for routine patrol, public exhibitions, special assignments, directed patrol, and any other function where a standard patrol car is used.

Bike Patrol deputies will be held accountable for adherence to all Agency rules and regulations and written directives. Bike Patrol deputies will take proper action in all violations of law brought to their attention, with reasonable consideration given to the limitations of their bicycles. Deputies should greet citizens at every opportunity; soliciting their support in fulfilling the

Agency's commitment to maintaining order and the quality of life through community-based policing. Our goal is to diminish criminal conduct and resolve community problems in the patrol area.

Bike Patrol deputies will concentrate their efforts on their assigned patrol areas. Deputies will advise Calvert Control Center via radio when they begin their Bike Patrol assignment and when they complete their assignment. Bike Patrol deputies are required to give their location to Calvert Control Center when making violator contacts. They will be diligent in monitoring radio traffic and will volunteer to respond to calls for service if they are in the general area. Bike Patrol deputies are responsible for handling any calls dispatched within their directed patrol area.
Bicycle Patrol deputies will complete the Bicycle Patrol Activity Log upon completion of each Bike Patrol assignment. This form will be forwarded to the Bike Patrol Supervisor for statistical purposes.

3.3 UNRESOLVED ISSUES

Any item or issue not directly addressed in this Standard Operating Procedure, or which needs attention or clarification, shall be sent through the chain of command to the Bike Patrol Supervisor.

4.0 TRAINING AND REQUIREMENTS

Deputies in the Bike Patrol Unit should be volunteers with a minimum of one year's patrol experience before being accepted into the Bike Patrol Unit. Bike Patrol duties will involve increased contact with the public, riding in a variety of lighting and weather conditions, and may include speaking to groups about bicycle safety. Deputies should be highly motivated, professional, and willing to represent the Agency in a variety of settings.

Deputies should be in good physical condition, and capable of riding a bicycle for an entire shift. They should not have a history of sick leave abuse, or of regular injuries, or any other condition that would interfere with carrying out their duties. If the Agency or the Bike Patrol Supervisor has any questions or reservations about a deputy's physical condition, that deputy will not be allowed to patrol by bicycle until the issue is resolved.

In order to promote safe operation, avoid accidents, prevent injuries, and reduce liability, deputies will successfully complete the "Police Cyclist" course certified by the International Police Mountain Bike Association (IPMBA), or the Law Enforcement Bicycle Association (LEBA) prior to riding a mountain bike for an assignment.

In order to be certified to patrol by bicycles deputies must:

- demonstrate the ability to safely operate a mountain bike in a variety of situations over varied terrain.
- demonstrate the ability to utilize the mountain bike defensively, exit the bike in an emergency, and patrol using accepted methods.
- demonstrate basic knowledge of mountain bike repair and maintenance.
- successfully pass a written test covering bicycle laws, patrol techniques, and safe cycling requirements.

Training and certification as a Bike Patrol deputy are available to all full-duty, sworn personnel of any rank, with approval of the affected employee's supervisor.

5.0 EQUIPMENT

The Bike Patrol Unit uses a variety of multi-speed mountain bikes adapted to meet the needs of the Agency and of the individual deputy. Bicycles utilized for patrol should be equipped with a bike lock, a rack, rear pack, front and rear light, and a bell or horn. They should also have a water bottle and cage, a tool kit, and a spare inner tube. Deputies should have reports, flashlights, notebooks and citation books, as needed, for their assignment of the day.

The word "Sheriff" will be on both sides of the rear pack, or elsewhere on the bike, in order to clearly identify it as an Agency bicycle. No alterations will be made without the authority of the Bike Patrol Supervisor.

The mountain bike may be issued to an individual deputy, who will be primarily responsible for the care and maintenance of their issued bike. With the permission of the Bike Patrol Supervisor, issued mountain bikes may be used off-duty. Deputies will properly lock and secure the bicycle any time it is out of their immediate control. Any questions regarding the use of the mountain bike will be directed to the Bike Patrol Supervisor.

5.1 DAMAGE TO BICYCLES AND BICYCLE MAINTENANCE

Bike Patrol Personnel utilizing bicycles are responsible for minor repairs and routine maintenance. Each bike will be equipped with a tool kit, and a spare tube. Chain lubricant and air pumps are located in the Sheriff's Office shed. Deputies should not attempt any repair that they are not equipped or competent to complete.

At the beginning of each Bike Patrol assignment, the deputy will carefully inspect their bike to ensure that it is in safe operational condition. Any defect or damage will be reported immediately to the Bike Patrol Supervisor. Major repairs or damage over $100.00 will be documented on an *Equipment Loss/Damage Report*. All needed repairs will be authorized by the Bike Patrol Supervisor. A certified bike shop will conduct all repairs on the mountain bikes if the repair is not minor in nature. The Bike Patrol Supervisor will designate the bike repair shop.

Any collision between a Sheriff's Office mountain bike and a motor vehicle will be reported on a M.A.A.R.S. report, with a copy forwarded to the Bike Patrol Supervisor. All other collisions, falls, or similar incidents, which result in either property damage or personal injury, will be reported on a *Detailed Report*, detailing all pertinent facts. A copy of the *Detailed Report* will be forwarded to the Bike Patrol Supervisor.

6.0 UNIFORMS

Bike Patrol deputies will wear a departmentally approved Bike Patrol uniform when riding the bike. Standardization will give all Bike Patrol deputies a uniform appearance, increase recognition of the unit by the public, and require deputies to always wear safety related equipment. The Bike Patrol uniform will consist of the following items:

- Helmet (approved to ANSI or Snell standards)
- Issued gun belt and accessories
- Riding gloves
- Protective eyewear
- Plain black athletic shoes
- Ballistic vest (optional)

The following outerwear will be worn, depending on weather conditions:

Summer

Approved black shorts
Gray polo-style shirt with “Sheriff” markings
Plain black athletic socks
Issued Bike Patrol vest with “Sheriff” markings

Winter

Approved black pants
Issued Bike Patrol Jacket with “Sheriff” markings
Plain black socks

Any uniform variations must receive prior approval of the Bike Patrol Supervisor.

	STANDARD OPERATING PROCEDURES	
	Subject: **BLOOD KIT PROCEDURES** Affects: **ALL PERSONNEL**	**General Order #:** **19-0045**
EFFECTIVE DATE **January 2, 2019**	Rescinds:	Amends:

MARYLAND BLOOD KIT PROCEDURES

All evidential blood kits for alcohol and drug testing will need to be initialed by the person who seals the inside plastic clamshell box with evidence tape. This is to comply with the requirements of the MSP Forensic Sciences Division. **Kits received without the required initials cannot be processed by the lab, and will be held by CTAU until the person who sealed the kit responds to Pikesville to initial the plastic box**. Carefully follow the instructions below.

- **Check expiration date** on outside of box and remove glass blood tubes from plastic tubes. Retain plastic tubes.
- Qualified medical person must sign MSP form 34 and blood collection report (small card included in kit).
- If conscious, suspect must sign DR-15 and consent form (small card included in kit). If unconscious, print “Unconscious” on the signature line of both forms and initial to the right of the word “Unconscious”. If the suspect consents to the blood test but refuses to sign any paperwork, write the words “Refused to Sign” on the signature line of both forms and initial to the right of the words “Refused to Sign”.
- Fill out the 2 small stickers with all information except time and date of blood draw. Once the needle goes into the suspect’s vein, write in the date and time of blood draw. Use these labels to seal the glass tubes after taking possession, covering the grey rubber stoppers completely.
- Shake tubes gently, place full glass tube back inside plastic tubes, and replace caps on plastic tubes.
- Place tubes in plastic clamshell box in the sponge cutout. NOTHING ELSE SHOULD BE PLACED IN THE PLASTIC BOX.
- Seal plastic box along the edges using 2 of the included red or blue evidence/security seals. It doesn’t matter which color evidence seal is used.
- **Using a felt tip permanent marker, initial BOTH evidence seals on either side of the words, “Laboratory Results” located at the bottom of the Blood Collection Report that’s attached to the plastic box. The initials must overlap the evidence seals and the Blood Collection Report.**
- Fill out the information on the lid of plastic box. “Location of drawing” is hospital name.

<u>CHAIN OF CUSTODY (ON TOP OF PLASTIC CLAMSHELL BOX)</u>

- “Received from”-qualified medical person’s name.
- “By”-your name.

- Date and time you received the tubes. This will normally be the same date and time of the blood draw.
- Place PLASTIC BOX ONLY in biohazard bag. NO PAPERWORK IS TO BE SEALED IN OR PLACED IN ANY OPEN POCKET OF THE BIOHAZARD BAG.
- Seal biohazard bag and place in cardboard mailer along with completed form 34 (minus the arresting officer's copy), consent form (card), and blood collection report (card).
- Close and seal open edges of cardboard mailer with at least 2 of the remaining evidence/security seals.
- Immediately place in U.S. Mail or hand deliver to CTAU.

	STANDARD OPERATING PROCEDURES	
	Subject: **COURT HOLDING FACILITY EMERGENCY EVACUATION** Affects: **ALL PERSONNEL**	**General Order #:** **10-0005**
EFFECTIVE DATE **April 15, 2010**	Rescinds:	Amends:

CIRCUIT COURT HOLDING FACILITY EMERGENCY EVACUATION

The purpose of this Emergency Evacuation Plan is to provide for the prompt and safe evacuation of detainees from the Circuit Court Holding Facility to a hazard free area. In emergency situations when the Circuit Courthouse must be evacuated, deputies assigned to the holding facility lock-up will evacuate detainees via two assigned emergency exits. In order to evacuate detainees, the west door leading out into the back-parking lot will be designated as the primary emergency exit. If the primary emergency exit cannot be used, then deputies will escort detainees out the east door. This will lead to the main hallway. The deputies will then exit the detainees out the front door of the courthouse which leads to the east side of the building.

The deputy in charge of the lock-up for the day will ensure during the evacuation that all detainees are accounted for at all times, take custody of the detention log and remove it. The deputy in charge of the lock-up will notify the Calvert Control Center to notify the Detention Center to send transport vans to transport the detainees to the County Detention Center. The deputy in charge of the lock-up will be in charge of asking for additional assistance from other road patrol deputies via communicating with the Calvert Control Center.

If a detainee indicates or appears in need of medical assistance, the deputy assigned to the Court Holding Facility will provide first aid up to the level of the deputies training. If it appears that detainees will need to be transported to the hospital, the deputy will promptly and safely evacuate the detainee out of the Court Holding Facility and will notify the Calvert Control Center that he/she needs an ambulance at the location where the detainee has been evacuated. The deputy will maintain custody of the detainee at all times while the ambulance transports the detainee to the designated hospital.

	STANDARD OPERATING PROCEDURES	
	Subject: **COURTHOUSE BOMB THREAT**	**General Order #:**
	Affects: **ALL PERSONNEL**	**11-0013**
EFFECTIVE DATE **June 6, 2011**	Rescinds:	Amends: **2.1 on 9/12/18**

COURTHOUSE / GOLDSTEIN BUILDING

1.0 BOMB THREAT RESPONSE PLAN

The Calvert County Sheriff's Office shall consider two options when a bomb threat is received at the Calvert County Courthouse (Circuit Court), the Goldstein Building (District Court), or any other County building.

The two options are:

1. Conduct a thorough, systematic search of the facility and adjoining grounds without evacuation unless a device is located during the search; or

2. Evacuate the facility and once evacuated, conduct a thorough, systematic search of the facility and adjoining grounds. The Incident Commander will determine if a full or partial evacuation will take place.

In most responses to bomb threats that are general and non-specific in nature, Option 1 will be utilized. Each building that contains courtrooms is a secure facility. Those entering the building, who are not employees, are screened via metal detectors and x-ray machines. The size of a potential explosive device that can be carried into the building is minimized. Those within the building who are not in the immediate vicinity of a small improvised explosive device are receiving protection from the building itself. Evacuation of the building places employees in the parking lots, out in an exposed environment with little or no protection. A device placed inside of a vehicle could be considerably larger in size than a device that could be carried into a building. With all of these facts in mind, employees are afforded more protection remaining in their office space.

2.0 RECEIPT OF THE THREAT

Obtaining accurate information is vital to selecting the appropriate response. The most frequent receipt of bomb threats is via telephone. Persons likely to receive such calls (Control Center, switchboard operator) should be trained in the following procedures:

- Try to keep the caller on the line long enough to obtain further information.
- Record, in writing or by recorder, the exact words the caller used. Attempt to determine

the exact type and location of the device, appearance, and time of detonation.

- Attempt to determine the sex, age, and caller's mental attitude to include reasons for placing the device.
- Note any accent or peculiarity of speech which may help identify the caller, as well as any background noise that may provide a clue to the caller's identity or location.

A *Bomb Threat Checklist* should be utilized to ensure that these procedures are followed, and all information is documented.

2.1 NOTIFICATIONS

When a bomb threat is received, the call taker shall notify the Control Center if the call was not received by a dispatcher.

The Control Center shall immediately:

- Notify the Sheriff's Office by calling the Duty Office at x 2361 or 410-535-2800;
- Notify one of the court security deputies/officers working at the front entrance;
- For Calvert County Courthouse bomb threats, notify the Court Administrator, Burgess Wood, or in his absence, a representative of the Circuit Court;
- For Goldstein Building bomb threats, notify Judge Saunders or in his absence, a representative of the District Court; and
- Calvert County Director of Public Safety, Jackie Vaughn.

The Sheriff's Office Duty Officer or communications operator shall immediately notify the Patrol supervisor, the AJSB Commander, and the Special Operations Team Commander. The Special Operations Commander, or in his absence the ranking commander on the scene, will assume command of the incident and decide whether to search without evacuation or evacuate then search the facility.

If the decision is made to evacuate, it shall be done using pre-established procedures for each respective building maintaining accountability for all employees. For the Calvert County Courthouse, these procedures shall include use of the Emergency Alert Public Address System along with a walk-through by law enforcement personnel to ensure that the building has been completely evacuated. Procedures for evacuating personnel within County buildings can be found in the *Calvert County Emergency Response Guide*. Since a bomb threat may be a ploy to place a judge in a position to be assaulted, extreme caution must be utilized when evacuating judges. All judges and masters should be escorted by law enforcement personnel to the pre-designated evacuation location, which will be a secure facility such as the MSP barrack or the Sheriff's Office.

2.2 RESPONSE PROCEDURES

A. Upon notification of a bomb threat, as many on duty personnel as possible will be dispatched to the scene. This includes members from all bureaus as the search will be manpower intensive.

B. The Special Operations Team will be activated and dispatched to the scene.

C. Members of the Criminal Investigative Bureau (CIB) will be dispatched to conduct the criminal investigation.

D. The first arriving deputies will contact the respective building security supervisor to coordinate actions.

E. The building will remain open and responding deputies may be called upon to assist at security checkpoints

F. The Incident Commander will contact the respective judge(s) or designee to coordinate actions. The Incident Commander will make a determination whether or not to establish a command post and will communicate such to other personnel.

G. The on-scene supervisor, usually but not always a supervisor from Special Operations, will assume the role of Operations Section within the Incident Command System (ICS). The Operations Section will systematically divide the building by sections for searching and assign those areas to search for suspicious packages.

H. The Operations Section will maintain a record of areas searched and by whom.

I. When entering an office space to be searched, deputies will calmly notify employees of the bomb threat. Deputies will solicit employees' assistance in searching their office for suspicious packages as they can better determine items that appear out of place. Deputies should caution employees not to touch any suspicious packages located. Care should be taken to minimize the release of information so as to not compromise the criminal investigation. All efforts should be made to reassure and calm employees, so as to reduce fear and panic.

J. If any courts are in session, the proceedings will be stopped long enough to search the courtroom. Anyone in the courtroom will be permitted to remain in the room; however, they will be asked to stand near the walls and away from the seating area so that the courtroom can be properly searched.

K. Court security personnel shall conduct a search of the public common areas and will search those persons they deem necessary. Responding deputies may be called upon to assist in these areas as needed.

L. K-9 Explosive Detection Teams will scan the inside of the building, the outside perimeter and vehicles within the nearby parking lots.

M. There will be no road closures unless deemed necessary by the Incident Commander.

N. In the event that a suspicious package is located, The Incident Commander will be notified, and further actions will be initiated. Those include but are not limited to full building evacuation, partial evacuation, or further shelter-in-place actions.

O. Members of Special Operations are trained to mitigate such incidents and will immediately begin assessment/mitigation operations.

2.3 USE OF PUBLIC INFORMATION OFFICERS (PIO)

If an incident appears that it is going to be long in duration, especially involving evacuations, the County PIO (Calvert County Courthouse bomb threats only) and the Sheriff's Office PIO shall coordinate the release of information to the public. Generally, the PIO's will be directed to the

command post.

2.4 END OF EVENT NOTIFICATION

Once the Incident Commander determines that the building has been searched and if evacuated, it can be reoccupied, he will make notifications to the Court Administrator, County Administrator (Calvert County Courthouse bomb threats), and any other County/State supervisory personnel as necessary.

Court security personnel will be vigilant when persons are re-entering the building to ensure that unauthorized persons are not permitted to enter without being properly screened.

The Incident Commander shall complete an *After Action Report*.

EFFECTIVE DATE **January 10, 2012**	**STANDARD OPERATING PROCEDURES**	
	Subject: **HANDGUN TEST FIRING** Affects: **ALL PERSONNEL**	**General Order #:** **12-0015**
	Rescinds:	Amends:

1.0 INTRODUCTION

In cooperation with the Maryland State Police Forensic Sciences Division (MSPFSD), the Calvert County Sheriff's Office Crime Laboratory (CCSOCL) will test fire certain handguns for entry into the National Integrated Ballistics Identification Network (NIBIN). The equipment and protocol for handgun testing have been provided and approved by the MSPFSD Firearm & Toolmark Section.

2.0 EQUIPMENT USED FOR TEST FIRING

- Savage Range Systems Forensics Buddy portable bullet recovery system for ballistic comparison,
- Proper eye, ear protection & ballistic vest,
- Submitted handgun evidence

CCSOCL personnel trained and approved by the MSPFSD to conduct handgun test firings include:

- CST Jan Veeder
- CST Greg Crump

2.1 TEST FIRING CRITERIA

A. Test firing will be conducted in the Calvert County Sheriff's Office Crime Laboratory Drying Room.
B. Test firing will only be conducted on handguns/ammunition with a stated muzzle energy of less than 1300 ft/lbs. This device will handle handguns up to 45 cal.
C. Only full metal jacketed (FMJ) factory load ammunition may be test fired into the Savage Range Systems Forensic Buddy portable bullet recovery system.
D. **NO** 22 cal. handguns may be test fired into the Savage Range Systems Forensic Buddy portable bullet recovery system.

2.2 PROTOCOL

A. Inspect the Savage Range Systems Forensic Buddy portable bullet recovery system prior to performing and test fire. Ensure that:

   1. The media capsule is full and in the proper position;
   2. The rear sliding door is properly in place;
   3. The gas vent on top of the unit is clear;

4. Any flammable materials are at a safe distance from the unit during operation.

B. Perform a visual and safety examination of any handgun to be test fired. The safety examination includes “dry firing” the weapon one time. If the weapon does not appear to be in proper operating condition, **DO NOT TEST FIRE.** If the individual performing the test firing is not comfortable with the operation of the weapon, **DO NOT TEST FIRE.** Submit the weapon to the MSPFSD/Firearms & Toolmark Section for further evaluation.

C. Document the handgun to be test fired on the Maryland State Police Firearms Test Fire Certificate, MSP 21-60.

D. Two (2) test firings will be performed on each handgun tested.

E. Place the barrel in the shooting port of the Forensic Buddy, positioning the muzzle as deeply into the device as reasonable as possible. Maintain a level and straight muzzle alignment for the purpose of discharging the bullet directly down the center of the tube.

F. Hold the firearm securely and discharge when ready.

G. Remove the firearm and place in a safe position.

H. Raise the rear safety door, remove the media capsule and remove the filler cap.

I. Pour the media slowly into the collection tray and collect the bullet.

J. After harvesting the bullet, stand the capsule in a vertical position and refill with media from the collection tray using a large funnel. Replace the capsule into the body of the unit until properly seated.

K. A MSP Test Fire Certificate will be generated for each weapon tested.

L. A CCSO Crime Lab file will be generated for each weapon tested.

M. A copy of the Test Fire Certificate will be placed in the CCSO Crime Lab Test Fire Logbook. A second copy will be forwarded to the submitting officer & a copy will be placed in the CCSO Central Records case file. A final copy will be forwarded to the MSPFSD along with the test firing evidence.

N. If a handgun test firing is requested by an outside agency, a copy of the Test Fire Certificate will be forwarded to that agency. Outside agencies are responsible for submitting any generated test fire evidence to the MSPFSD Firearm & Toolmark Section.

3.0 EVIDENCE SUBMISSION

When evidence is submitted to the MSPFSD Firearm & Toolmark Section, the following procedures shall apply:

A. The two (2) cartridge casings and two (2) projectiles generated from the test firings should be packaged together in a sealed, labeled manila envelope. The label should contain the following information:

1. Agency Name
2. Case #

3. Make
4. Model
5. Caliber
6. Serial #
7. Offense
8. Date of Test Fire
9. Technician

B. A MSP form #67 “Request for Laboratory Examination – Chain of Custody Log” should be completed. The request for examination should be labeled “Operation Test Shots”.

C. A copy of the MSP Test Fire Certificate and MSP form #67 will accompany evidence submitted to the MSPFSD Firearm & Toolmark Section for analysis.

	STANDARD OPERATING PROCEDURES	
	Subject: **INVESTIGATION OF COMPLAINTS AGAINST PERSONNEL** Affects: **ALL PERSONNEL**	**General Order #:**
EFFECTIVE DATE **August 26, 2011**	Rescinds:	Amends: **3.6 on 7/15/20**

1.0 PURPOSE

To establish standard operating procedures for the Office of Professional Standards (OPS) and Sheriff's Office (CCSO) personnel regarding the intake and investigation of complaints against personnel.

2.0 RESPONSIBILITIES

A. To protect the public, by maintaining a fair, impartial, efficient public service reporting, and investigative process.
B. To protect the Agency from public censure resulting from alleged employee misconduct by mediating or conducting a fair and impartial investigation.
C. To protect the CCSO employee from false allegations of misconduct by conducting a thorough investigation.
D. To remove unfit employees that engage in serious acts of misconduct, or who have demonstrated they are unfit for law enforcement duties and must be removed for the protection of the public, the Agency, and Agency personnel.
E. Identifying and correcting procedural problems and training issues. Allegations and investigations may disclose problems or deficiencies with policy, procedures, or training, allowing improvement and correction to those areas.

3.0 INVESTIGATIVE PROCESS

From the filing or initial discovery of a complaint against personnel, whether originated internally or by way of public service reporting, there is a distinct process that must be followed to ensure that the complaint is accurately and appropriately documented for either investigation or mediation referral.

There are several ways that a complaint against personnel may originate, i.e., public service reporting, anonymous, or internally. As a result, the following process is designed to be applied where applicable. It is the responsibility of the OPS to oversee the investigative or mediation process of the complaint from initial receipt to final disposition.

After an initial assessment of the complaint by the OPS, and in some cases the employee's bureau commander, the case may be assigned for investigation or referred to mediation. The assigned investigator need not be a member of the OPS but will be under the guidance of OPS. The investigator will be responsible for managing the investigation, maintaining related files, preparing reports and documents, collecting evidence, and other related duties during the investigation.

If an investigation is conducted and the case is not referred to mediation, the investigator is then required to prepare a final investigative report that contains a finding of fact based on factual

information and supportive evidence.

There are several different findings with which an investigator could conclude his investigation, such as, sustained, non-sustained, exonerated, unfounded, and/or closed by mediation.

3.1 INITIAL RECEIPT OF A PUBLIC SERVICE REPORT OR INTERNAL COMPLAINT

A field supervisor initially receiving a public service report from a citizen, a supervisor, or another CCSO employee wishing to lodge an internal complaint against another employee of the CCSO, will take the following action:

A. Public Service Report – A supervisor on-duty will meet with the citizen and discuss the complaint. After gathering all related information and if applicable, any evidence, the supervisor will then make a public service report Blue Team entry. The supervisor will note in the summary section if he/she was able to successfully resolve the complaint with the complainant's approval or provide the complainant with a *CCSO Complaint Against Personnel* form to complete and submit. After completing the Blue Team entry, the supervisor will then forward the entry electronically to the OPS for review.

B. Internal Complaint – A supervisor or CCSO sworn employee, who wishes to submit an internal complaint on another employee of the CCSO, will complete an internal Blue Team entry. After completing the Blue Team entry and providing all relevant information to include any evidence, the employee will forward the entry electronically to the OPS for review.

   CCSO civilian personnel, will adhere to County Government policy regarding complaints against civilian Agency employees.

   For complaints involving sworn personnel, the employee will contact their supervisor and the supervisor will adhere to the above process. If the complaint is against the employee's sworn supervisor, then the employee would contact the Assistant Sheriff or the OPS Commander.

3.2 RECEIPT OF COMPLAINT FROM CITIZENS OR CCSO EMPLOYEES

OPS personnel receiving a public service report complaint or an internal complaint from another employee of the CCSO will take the following action

A. The OPS Commander or their designee will receive the Blue Team entry via the IAPRO database for review and to ensure that the complaint is appropriately documented.

   NOTE: If OPS personnel are the initial complaint intake supervisors, then OPS personnel would gather all relevant information from the complainant to include any evidence and enter that information into the IAPRO database under either a public service report or internal complaint. OPS personnel will note in the summary section if he or she was able to successfully resolve the complaint or had to provide the complainant with a CCSO complaint against personnel form to complete and submit.

B. After the initial review, the OPS Commander or their designee will meet with the effected employee's bureau commander to assess the complaint, to determine if the complaint will be assigned for investigation or forwarded to the mediation center for mediation referral.

C. After determining a course of action, the OPS Commander or their designee will meet with the Assistant Sheriff and brief him/her on the complaint and the course of action chosen.

NOTE: After review, the Assistant Sheriff reserves the right to change the course of action chosen.

D. If it is determined that the complaint will be investigated, then a field level supervisor or OPS investigator will be assigned to conduct the investigation. If it is determined that the complaint is best suited for mediation, then the complaint will be forwarded to the Community Mediation Center of Calvert County for mediation referral.

E. The assigned investigator or OPS Commander will then ensure that a letter is sent to the complainant, via regular mail, acknowledging the receipt of the public service report and the name of the assigned investigator, or that the complaint has been forwarded for mediation referral.

3.3 MEDIATION

Mediation is a confidential alternative to the traditional complaint process. Mediation offers a different way of handling concerns or frustrations that citizens and police officers may have after interacting with one another. These concerns and frustrations often lead to citizens filling complaints against the officer.

The mediator is a neutral third party trained and experienced in assisting citizens and police officers in talking through and possibly resolving their differences.

The OPS will identify those cases during the assessment phase, where the citizen/police officer may benefit from a face to face dialogue that will enable them to voice their different perspectives based on their interaction with one another.

Identified mediation cases will then be forwarded to the mediation center for referral. Mediation is a voluntary, confidential process in which both parties must agree to attend. If either party does not agree to attend mediation, then the complaint will be assigned for investigation and the traditional process will take place. If both parties agree to mediation, then there will be no further investigation. The case will be closed with mediation being the resolution. Mediated cases will not be a part of the respondent's OPS file.

Note: If both parties agree to mediation, the officer must make a concerted effort and participate during the process. If it is found that the officer did not make a concerted effort during the process, then the case will be sent back to the OPS, at which time the case will be assigned for investigation.

3.4 DURING THE INVESTIGATION

During the Investigation, the assigned investigator will:

A. Manage due dates, which may include requesting extensions as required.

B. Review all documentation for compliance with LEOBR.

C. Keep the complainant informed of the complaint status on a periodic basis via telephone or by mail. All efforts will be documented in the investigator's notes.

3.5 UPON COMPLETION OF THE INVESTIGATION

A. The investigator will prepare a written detailed factual report containing a final finding/disposition. The finding/disposition can be any of the following: sustained, non-sustained, exonerated, unfounded, or administratively closed. After completion and review for sufficiency and accuracy, the investigator will forward their report through the chain of command for review and recommendations.

B. Those cases that are forwarded for mediation referral, where both parties agree to attend mediation, will remain with the OPS for final disposition. In general, mediated cases will be closed by way of mediation, with no further action.

C. After the investigator's report has made it through the chain of command, or the adjudication process, or the OPS has received its final letter from the mediation center, the report will be filed away in the secure, locked OPS file cabinet.

D. The investigator, OPS Commander, or their designee will then send the complainant a final letter advising the disposition of the case. The respondent officer will be notified of the final case disposition during the adjudication process, by letter, electronic mail, or in person.

3.6 SUSTAINED FINDINGS

A. After receiving the investigator's detailed report with a finding of sustained, the respondent's bureau commander will review the case and recommend the following: disciplinary action, remedial training, or counseling.

B. The report with the bureau commander's recommendation will then be forwarded to the Assistant Sheriff for review and final endorsement. After the Assistant Sheriff's review and recommendation, the final report will be forwarded back to the OPS.

C. The OPS Commander or their designee will review the final report and recommendations. After review, and in some cases after conferring with the agencies legal counsel, a formal charging document will be prepared outlining the case specifications, specific charges, and recommended action. The OPS Commander, or their designee and the affected employee's commander, will then meet with the respondent and their supervisor, or legal counsel and serve them with the charging document.

D. Upon serving the respondent with the charging document, they may elect to do the following:

1. If the facts of the case are not in dispute and the respondent accepts the recommended action, the case is then adjudicated.

2. If the respondent disputes the facts of the case, the case will move forward to a hearing board.

3. If the respondent does not dispute the facts of the case but does dispute the recommended action and the action falls within the scope of summary punishment, a one person hearing board will be formed to hear the case and render a decision on the proposed action.

3.7 NON-SUSTAINED, EXONERATED AND UNFOUNDED FINDINGS

A. After receiving the investigator's detailed report with any of the above findings, the effected employee's bureau commander will review the case and the recommended finding.

B. If the employee's bureau commander agrees with the recommended finding, an endorsement, concurring with the finding will be completed. The report and its contents, to include all endorsements, will then be forwarded to the OPS Commander for data entry into IAPRO and then to file.

C. If the bureau commander does not concur with the investigator's findings and finds that the complaint is sustained, then section "3.5" and its subsections will be followed.

3.8 HEARING BOARDS

A. In the event that an employee disputes the facts of a case and elects to take that case to a hearing board, the OPS Commander or their designee will act as the coordinator for said board. The hearing board will consist of one board chairperson and two other panel members, one being of equal rank as the respondent.

B. A hearing board chairperson and panel members will be selected from outside agencies.

C. The hearing board coordinator will coordinate dates, times, and locations of the hearing with the respondent's legal counsel as well as the Agency's counsel. The hearing board coordinator or their designee will assist the Agency's legal counsel with preparing matters such as discovery, preparing correspondence of basic notifications, etc.

All legal process to be served, associated with the hearing board, will be forwarded to the Administrative and Judicial Services Bureau, Civil Process Unit for service.

3.9 POST HEARING

A. The hearing board coordinator or their designee will coordinate with the hearing board chairman to transmit the written decision of the board to the Sheriff; and

B. Coordinate the return of the hearing board's decision and serve the respondent in compliance with LEOBR.

3.10 DISCOVERY PACKAGE

The discovery package will be assembled by the hearing board coordinator or their designee from the investigative file, as designated by Agency counsel. Generally, pursuant to the LEOBR, the discovery package will be delivered to the respondent or their attorney at least 10 days prior to the hearing.

A. Items that should not generally be included in the discovery package include, but are not limited to the following:

1. Investigative notes.

2. Memorandum / correspondence between investigator and counsel.

3. Charging document with disciplinary recommendations.

4. Command level endorsements with recommended disciplinary action(s).

5. Non-exculpatory papers

B. Items that may typically be discoverable, subject to approval by Agency counsel are:

1. Investigative report.

2. Respondent, victim, and witness statements.

3. Copies of photographs, internal correspondence pertaining to suspensions, notice of interrogation, etc.

3.11 APPEALS PACKAGE

Generally the appeals package will be assembled by the Agency's legal counsel in conjunction with the OPS.

4.0 REPORTING PROCEDURES

4.1 GENERAL PRINCIPLES

In all OPS documentation and tracking procedures, efforts will be made to ensure that data compilation is performed through the IAPRO and Blue Team software applications and are adjusted as required to address the dual concerns of:

A. Providing an accurate and searchable historical record of the process and outcome of events overseen by the function; and

B. Continually modifying data collection efforts to ensure that adequate information exists to allow for analysis of employee and Agency actions.

4.2 DAILY

The OPS Commander or their designee will:

A. Maintain the IAPRO and Blue Team applications, which includes complainant and respondent information, date received, investigator assigned, due dates, and current status.

B. Maintain OPS investigative files.

C. Maintain the Early Warning System.

4.3 YEARLY

The OPS Commander or their designee will provide the Sheriff and Assistant Sheriff with the following reports:

A. Annual statistical data on all complaints received and their dispositions.

B. Annual use of force analysis.

C. Annual statistical data on all Agency vehicle accidents.

D. Annual evaluation of the Early Warning System.

5.0 RECORDS PROCEDURES

5.1 RECORDS OF DISCIPLINARY ACTION

Records of disciplinary actions may consist of investigative files, disciplinary recommendations, and hearing board records, etc. These documents are confidential by nature, and as such, will only be maintained where access is restricted.

A. All OPS investigative files/cases will be maintained by the OPS in secure, locked file cabinets, located within the OPS office.

B. Those cases that have been adjudicated with a finding of sustained, will be kept indefinitely.

C. Those cases that have been adjudicated with a finding of non-sustained, exonerated, or unfounded, will be expunged after 3 years, pursuant to the LEOBR.

NOTE: Those cases that meet the above criteria that are in civil litigation will not be expunged until the civil litigation and all related appeals have been finalized.

D. The OPS has an automatic expungement policy.

5.2 USE OF FORCE AND AGENCY VEHICLE ACCIDENT DATA

A. Use of force data will be stored in the IAPRO software system indefinitely. At any time, use of force data from any reported use of force incident may be retrieved for visual inspection, or for print to hard copy.

B. Agency vehicle accident data and report information will be kept in compliance with the LEOBR. Vehicle accidents that are found to be preventable (sustained) will be kept indefinitely. Those accidents that are found to be non-preventable, will be automatically expunged after 3 years.

Vehicle accident reports will be kept in a secure, locked file cabinet, within the OPS office.

6.0 COMPLAINT PROCEDURE – PUBLIC INFORMATION POLICY

The CCSO strives to protect the public, the Agency, and its Agency employees by maintaining a high quality of professional conduct. All CCSO sworn employees to include its supervisors and command staff have been provided with information on how complaints against CCSO employees are to be received and investigated, and how to make the information regarding the complaint process available to the public.

Information regarding the complaint process is made available through literature at the CCSO and through the CCSO website.

7.0 LAWSUITS, TORT CLAIMS, AND OTHER LEGAL PROCESS

The OPS is the CCSO records keeper and liaison between the Local Government Insurance Trust (LGIT), the Office of Budget and Finance Risk Management Section, the Office of the

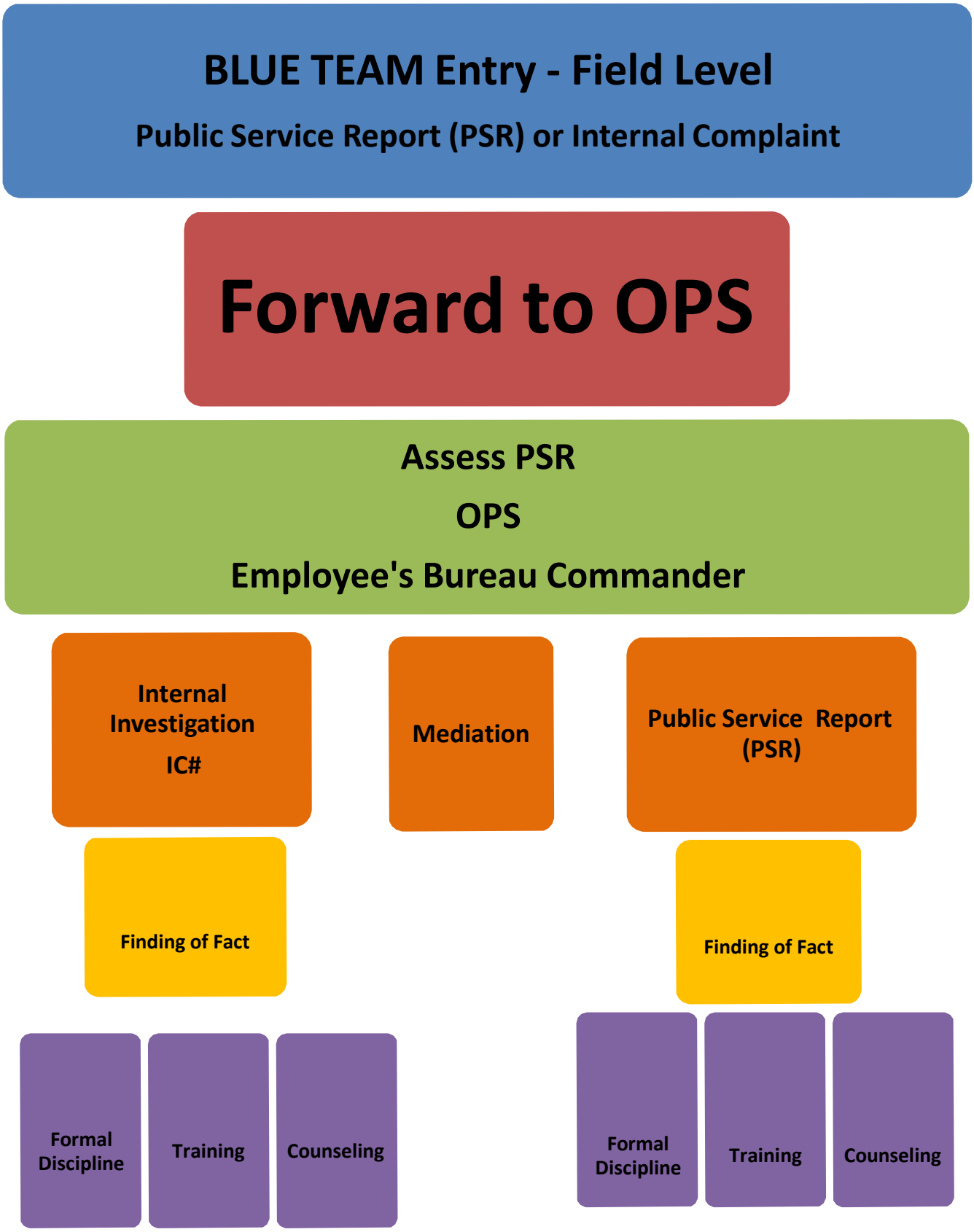
Attorney General, the County Attorney, or the Agency's legal counsel regarding any suit or claim.

In most instances the court process relating to a suit or claim are either received by the Office of Budget and Finance Risk Management Section or by the CCSO, by way of certified mail or personal delivery to one or more persons named in the suit.

When process is received relating to a suit or claim, the OPS Commander or their designee will notify the Assistant Sheriff and the Office of Budget and Finance Risk Management Section. A file will be created containing the process paperwork and any other related material and will be filed in the OPS file cabinet.

If the Sheriff is named as a defendant in the suit or claim, they will receive legal representation from the Attorney General's Office. However, in some instances i.e., a motor vehicle accident, LGIT will become the primary entity responsible for legal representation.

OFFICE OF PROFESSIONAL STANDARDS
COMPLAINT FLOW CHART



	STANDARD OPERATING PROCEDURES	
	Subject: **K-9 OPERATIONS** Affects: **ALL PERSONNEL**	**General Order** **20-0052**
EFFECTIVE DATE **February 25, 2020**	Rescinds:	Amends: **10.0 on 2/25/20**

1.0 MASTER K-9 TRAINER

The Master K-9 Trainer is a full-time training position and falls under the Administrative Bureau. The Master K-9 Trainer's responsibilities, experience, and work management should be viewed as the sworn equivalent of a sergeant.

The Master K-9 Trainer will utilize operant and classical training techniques in line with the Agency's current standards and guidelines for patrol, tracking, detection of explosives, detection of drugs, and other source odors as necessary. Specific training tasks will include, but are not limited to: obedience, controlled aggression, article search, building search, area search, tracking, and decoying. These tasks are designed to:

- Manipulate K-9 behavior through proper decoying/baiting techniques.
- Prepare K-9's for operational missions to include acclimation into new and various environments.

1.1 OTHER RESPONSIBILITIES

A. Initial training of handler and K-9.
B. Monthly K-9 in-service training.
C. Conduct initial training, re-training, and K-9 procurement for outside agencies, with the approval of the Sheriff.
D. Properly secure, handle, transport and account for K-9 training aids.
E. Develop and follow established training protocols in accordance with Agency standards and guidelines.
F. Effectively document K-9 training records.
G. Assist, when needed, in instruction of new handlers and K-9's in patrol, tracking, and detection.
H. Locate, test, select, and procure the best police service dogs for use in the Agency's K-9 program. This includes the CCSO puppy program.
I. Develop, procure, and maintain training facility and equipment. Order and issue K-9 related equipment, as needed by handlers and K-9's.
J. Maintain the CDS and explosive training aids.
K. Assist the K-9 Supervisor in the management of the K-9 budget.
L. Assist the K-9 Supervisor, as directed, in keeping statistics and reports of the following:
    1. Monthly narcotic detection K-9 sniffs; provide an annual report of the results.
    2. State of the K-9 program reported to the Sheriff at the beginning of each year.

3. K-9 Use Reports and monthlies to review for statistical data and to monitor K-9 teams.
4. K-9 bite packets to review and give endorsement in detail.

2.0 SELECTION OF K-9'S AND HANDLERS

A. K-9 Officer Selection

The deputy selection process will be conducted by the Sheriff or his designee, the K-9 Supervisor and if requested, with assistance of the Master K-9 Trainer.

Among the characteristics a deputy should have to be selected as a K-9 handler, are:

1. Maturity, health and fitness; an affection and enthusiasm for the working dog; and a lifestyle suited to caring for the police dog.
2. The willingness to care for and house the K-9 at the deputy's residence, and a secure outdoor area for the K-9 that conforms to Agency requirements.
3. Good verbal and written communication skills, and willingness to undertake K-9 handling that include:

    a. Training for effective use of the police dog.
    b. Giving consideration to K-9 health and safety.
    c. Maintaining K-9 vehicle and equipment.
    d. Advancing K-9 skills through training.
    e. Completing accurate K-9 reports.
    f. Handling public relations, education, and demonstrations.

B. Police K-9 Selection

K-9's will be selected at the discretion of the Master K-9 Trainer. Among the characteristics a dog should have to be selected as police K-9 are:

1. **Age**: A mature K-9, usually 18 months to 4 years of age.
2. **Breed:** adequate size to assist in arrests; physical capability to perform required search tasks; and be a deterrent image for psychological impact.
3. **Sex:** Either an intact male or a spayed female.
4. **Health and Fitness:** Have completed x-rays and a medical evaluation conducted by the CCSO veterinarian.
5. **Character and drive for police work:** The K-9 needs to display aggression for patrol tasks; search drive for detection tasks; and sociability for public relations tasks and off-duty life.

3.0 TRAINING

A. Initial Training

The Master K-9 Trainer will conduct the following initial handler and K-9 courses, when needed:

1. Eighteen (18) week patrol/utility K-9 course
2. Twelve (12) week explosive detection course
3. Twelve (12) week tracking course
4. Eight (8) week narcotic detection course

5. Three (3) week decoy course

B. Monthly K-9 In-Service

The Master K-9 Trainer or assistant trainer will schedule and conduct monthly in-service training in accordance with Agency and national industry preferred practices. The in-service schedule will be forwarded to the K-9 Supervisor and handlers. Generally, Wednesdays will be used for eight-hour training days for the patrol dog teams. For detector K-9 teams, training will be conducted in four-hour blocks, during a handler's normal work day.

C. K-9 Teams Training

1. Dual purpose K-9 teams will be trained 32 hours a month:

   a. 16 hours of patrol dog training on two Wednesdays a month;
   b. Eight (8) hours detection training with a K-9 trainer; and eight (8) hours of training conducted by the handler during his shift.

2. Patrol / Utility K-9 teams will receive 16 hours of training on two Wednesdays a month.
3. Detection K-9 teams will receive 16 hours of training a month:

   a. Eight (8) hours with a K-9 trainer; and
   b. Eight (8) hours conducted by the handler during his shift.

4. Tracking K-9 teams receive 16 hours of training a month:

   a. Eight (8) hours with a K-9 trainer; and
   b. Eight (8) hours conducted by the handler during his shift.

D. Outside Agencies

The Master K-9 Trainer conducts initial training courses, re-training, and procurement for outside agencies with the approval of the Sheriff.

E. Problem Solving

The Master K-9 Trainer may require a K-9 team to attend additional training to correct problem areas or implement new skills. He will also conduct shift spot training with K-9 teams on the street, as schedules and circumstances allow.

F. Annual Certifications

1. The minimum standards to certify K-9 teams will be developed by the Master K-9 Trainer.
2. The Master K-9 Trainer will conduct annual certifications. He must be present during the certification for a K-9 team to certify.

G. Training Records

1. At the end of all training sessions conducted by the Master K-9 Trainer, patrol/utility

K-9 handlers will document the areas of training they receive on a *K-9 Training Form*.

2. The *K-9 Training Forms* will be turned in to the Master K-9 Trainer for review and comment.
3. The Master K-9 Trainer will maintain the training records.

    a. Each K-9 team will have a three-ring binder.
    b. Each three-ring binder will contain the team's training records, certification records, and rabies vaccination records.

4. The Master K-9 Trainer will keep a journal on each detector dog team and single purpose tracking team.

    a. The journal will record all training conducted by the Master K-9 Trainer.
    b. The journal will be signed by the trainer and handler at the conclusion of each training session.

4.0 ADMINISTRATIVE PROCEDURES

A. Handler Compensation

Handlers will be compensated for the "at home care" of their K-9's (time spent in the care, feeding, grooming, and other needs of the animal) in a manner consistent with the Fair Labor Standards Act.

B. On-Call Responsibilities

An on-call schedule will be kept for K-9 Unit members on the duty officer's desk.

5.0 LINE AND OPERATIONS PROCEDURES

The K-9 Supervisor will maintain a complete record and file for each active K-9 unit used by the CCSO. The said files will be kept accurate and obtain all current information related to the appropriate K-9.

In the event that the K-9 handler affects an arrest, and the suspect is injured, whether from the use of physical force or the use of the K-9, the handler will immediately notify the shift supervisor, Patrol Commander, and the Sheriff. The shift supervisor will investigate the incident and ensure the required reports are completed:

1. K-9 Deployment Report
2. Use of Force Blue Team entry
3. Case Report (if applicable)
4. Completed original of the "Spleen Risk Notification" form
5. Photographs of the K-9 involved injuries: full body and facial

The K-9 Supervisor and Master K-9 Trainer will review the incident and include comments regarding the deployment of the K-9, and if required, will address any issues that should be handled through maintenance training. If applicable, areas of concern will be identified and corrective action taken, either through the maintenance training or through administrative punishment as determined by the Sheriff, the Patrol Commander, and/or the K-9 Supervisor.

K-9 handlers will use, and/or permit their K-9's to use only that amount of force that is necessary

to apprehend and render safe, a fleeing, hiding, and/or combative individual. The deployment of a K-9 for the location and apprehension of a suspect is a use of force that must be consistent with the CCSO's principles of escalation and de-escalation of force.

1. Except in exigent circumstances, or where there is an imminent danger of death or serious injury, the handler should keep the K-9 in visual contact.
2. When apprehending a suspect, the K-9 will be commanded to disengage as soon as the suspect is subdued or readily complies with the handler's directions.
3. The K-9 will be leashed upon the arrest of the suspect or conclusion of a building search.

A K-9 team will not be used to apprehend a person suspected of being under the influence of drugs or alcohol or a person believed to be suffering from a psychological condition if no crime has been committed.

No K-9 will be committed until a proper announcement has been given in a loud and clear voice, such as "Police K-9, come out or the dog will be released." A public address system in a building or a patrol vehicle can assist in this announcement. This will allow innocent persons the chance to exit the area and allow the suspect the opportunity to surrender.

1. A reasonable amount of time will be given to allow persons to comply with this warning prior to releasing the K-9 off-lead. The warning will be repeated on each level of a multi-level structure (including private residences) and/or as the search progresses through a large or divided building.
2. Where there is a reasonable belief that the suspect speaks a language other than English, a deputy or other individual fluent in that language should be summoned to the scene, if available and exigency of the situation permits.
3. The only exception to this order will be if the verbal warning would otherwise increase the risk of injury or escape. If practical, a shift supervisor will be notified of the intention not to give the warning.
4. The text and occurrence/non-occurrence of this warning will be documented in every *K-9 Incident Report* that involves the deployment of the K-9.

A K-9 will not normally be handled or given commands by anyone other than the assigned handler. Only under emergency conditions will another handler command the K-9.

Any unusual incidents will be reported through the proper chain of command.

6.0 K-9 USE REPORTS

Start a card for all K-9 activity and clear as "No Further," **except** for the following situations in which *K-9 Use Reports* must be written:

- A suspect is located/apprehended
- Lost person is located
- Evidence is located
- K-9 causes damage to any property
- An accidental bite occurs
- The K-9 is injured or killed
- The K-9 fails to perform task as trained, i.e. lacks drive

CDS Sniffs:

- When K-9 alert was probable cause for search
- When K-9 caused damage to any property
- When evidence was located

Tracks and Evidence/Article Searches:

- *K-9 Use Reports* will be written on all tracks and evidence/article searches. (The State's Attorney's Office likes to have a report even if the suspect or evidence is not located.)

Once complete, the report is to be given to the K-9 Supervisor.

7.0 K-9 EQUIPMENT

K-9 handlers are issued special equipment over and above the standard police gear. It is the responsibility of the K-9 handler to ensure that this K-9 equipment is maintained and in good working condition at all times. K-9 equipment is to be inspected quarterly by the K-9 Supervisor. The following equipment will be kept on the animal or in the K-9 deputy's assigned CCSO vehicle:

- Transport cage
- Muzzle
- Tracking line
- Metal link collar
- Six-foot lead
- Water bowl
- Reward toy
- Protective vest
- Grooming tools

In addition, the deputy may carry the following equipment, consistent with the animal's training:

- Tab
- Four-foot lead
- Bite sleeve
- Agitation collar
- Tracking harness
- Pinch collar

A secure kennel is required at the deputy's residence.

8.0 DETECTION TEAMS

8.1 DRUG DETECTION TEAMS

CDS K-9 Training Aids: The CDS training aids will be used only for the training of drug detection K-9 teams. CDS training aids will be obtained by the K-9 Supervisor and Master K-9 Trainer. The K-9 Supervisor and Master K-9 Trainer will be responsible for:

1. Maintaining a current list of training aids possessed by the CCSO.
2. Storing the training aids in a secured location within the CCSO. The K-9 Supervisor, the Master K-9 Trainer, and a designated K-9 handler will have access to the storage location.
3. The K-9 Supervisor and Master K-9 Trainer will conduct a complete physical inventory of each training aid annually. Any discrepancies will be forwarded to the Patrol Commander for appropriate action.

To prevent scent contamination, each box will only contain one type of CDS. There will also be a list of the training aids that are required to be inside of each box.

8.2 EXPLOSIVE DETECTION TEAMS

A. Procurement

The K-9 Supervisor and Master K-9 Trainer will obtain explosives yearly, when available, from the SOT Commander or designee.

B. Tracking

The explosive training aids will be used only for the training of explosive detection K-9 teams. The explosives will be weighed and described in a log book that will be kept at the storage area. The training aids will be weighed and inspected annually by the K-9 Supervisor and Master K-9 Trainer. The weight(s) and date will be recorded in the log book.

C. Destruction

When necessary, the explosive training aids will be turned over to the SOT Commander or designee to be destroyed. The date, type explosive, and weight will be recorded in the log book and signed by the K-9 Supervisor, Master K-9 Trainer, and SOT Commander or designee.

9.0 HEALTH, CARE AND SAFETY OF ASSIGNED K-9'S

A. K-9 Health and Care

K-9 handlers are responsible for the health, care, and well-being of their assigned K-9(s).

1. Each K-9 handler will ensure that their K-9 is kept in the best possible health and cleanliness through routine bathing and maintenance of the K-9's home environment and assigned patrol vehicle.

2. The K-9 Supervisor will ensure all Agency K-9s visit the CCSO veterinarian for routine checkups and medical shot maintenance. Veterinarian visits for matters other than emergencies and routine medical shot maintenance must first be approved through the K-9 Supervisor.

3. In the event of serious sickness or injury, the K-9 will be taken to the CCSO veterinarian. Whether the incident occurs during duty or off-duty hours, the Sheriff and K-9 Supervisor will be notified. If the K-9 is injured while on duty, a *K-9 Deployment Report* will be completed.

4. In the event that a K-9 is sick or injured to the degree that it cannot perform its assigned duties, the K-9 handler will immediately notify the Sheriff and K-9 Supervisor.

5. All receipts and documentation of CCSO veterinarian visits must be supplied to the K-9 Supervisor.

6. During periods of vacation, extended leave, or sickness when the K-9 handler cannot maintain an assigned K-9, the K-9 will be housed only at the specified kennels approved by the K-9 Supervisor and Sheriff.

7. K-9 food and supplies will be purchased as needed through the pre-established businesses, with receipts or documentation supplied to the K-9 Supervisor. He will ensure adequate amounts of dog food are provided for K-9s each month.

8. K-9 handlers will not use excessive force in the handling, training, or working of any assigned police dog.

B. K-9 Safety

Safety must be the primary concern of the K-9 handler at all times. A K-9 handler must be in complete control of the K-9 at all times, as the handler is solely responsible for the actions of the K-9. Safety and control must be practiced at home as well as on duty.

1. Showing off with the K-9 is strictly forbidden.

2. While in public, K-9 handlers must be mindful of pedestrian traffic and be particularly alert for unpredictable actions from the public, such as attempts to pet or agitate the K-9.

3. When at home, contact with the K-9 must be limited to the K-9 handler and household/family members. K-9s will be properly and safely isolated, if needed, whenever friends, guests, relatives, etc. are visiting the handler's home. Doors used to isolate the K-9 during such times will be equipped with a locking or slide type bolt lock placed high enough to prevent children from opening the door.

4. In the absence of the handler, care for the K-9 will be limited to mature and responsible members of the handler's household who have demonstrated the ability to control the K-9. Household members will not remove K-9s from the handler's property, except under emergency conditions, such as the need for veterinary care.

5. At no time will the K-9 be left outside, unsupervised, unless on the handler's confined property. Gates to the confined property must be locked or secured to the extent that a child cannot open the gate.

C. K-9s in Unattended Vehicles

1. Handlers will not unnecessarily leave their K-9s in their vehicles.

2. On days when it is necessary to leave a K-9 vehicle running for the safety of the dog, great care will be used in securing the vehicle.

3. When practical, vehicles will be turned off and secured with the windows down.

4. Vehicles left running to air-condition or heat the K-9 will be kept locked. Handlers should make every attempt to leave the vehicle in an area where they can maintain a vigilance in checking on the K-9 with a frequency that guarantees its safety.

5. Any K-9 left unattended in a vehicle for a period of time, must be checked with a frequency that is consistent with the setting and ambient conditions.

10.0 POLICE K-9 TRAINING

A. Certifications of K-9 teams.

1. Certification of K-9 teams will take place on an annual basis each fall. Certification may take more than one day depending on the number of teams to be certified and number of areas certifying in.

2. All certifications will be valid/current for one year upon annual re-certification.

3. The Master K-9 Trainer will conduct certifications. For a K-9 team to certify, the Master K-9 Trainer must be present during the certification.

4. The minimum standards for certifying K-9 teams will be developed by the Master K-9 Trainer.

B. Retraining of certified K-9 teams.

1. Retraining can only be conducted by the Master K-9 Trainer or an assistant trainer.

2. It is the individual K-9 handler's responsibility to ensure he/she and their K-9 attend retraining.

3. The Master K-9 Trainer will conduct retraining every month. It is not mandatory for K-9 teams to attend every retraining day, but it should be a priority.

4. K-9 handlers must schedule their retraining days a month in advance with the Master K-9 Trainer.

5. It is the sole responsibility of each K-9 team to be familiar with the certification procedure and minimum certification standards that K-9 teams must perform to certify. If a K-9 team is having problems with one or more of the minimum certifying standards, it is the handler's responsibility to ensure the trainer is aware, so those areas are addressed in retraining.

6. The Master K-9 Trainer may require a K-9 team to attend additional training days to correct problem areas or teach new techniques the K-9 trainer wishes to implement. K-9 teams will attend as many training days as necessary to ensure that problems are corrected, and certification standards are met. The Master K-9 Trainer will also conduct on-duty spot training with K-9 teams on the street, as schedules and circumstances allow.

C. K-9 Handler Fitness Test

The following fitness test must be completed within seven minutes time:

1. Run a half mile
2. Run the obstacle course located at Island Creek K-9 Training Facility
3. Carry a heavy bag for approximately 50 yards

The fitness test will be conducted annually in the fall during the annual K-9 re-certifications. The fitness test will be overseen by the K-9 Supervisor or designee. If a handler fails the fitness test in the fall, the handler will have one opportunity during the next 30 days to retake the test. If the handler fails again, there will be a remedial in 90 days. If the handler does not pass within the 90 days, the handler will be relieved of his K-9 duties. A handler has three attempts to pass the fitness test:

a. the initial test;
b. one within 30 days following the initial test; and
c. one within 90 days following the initial test, the date to be determined by the K-9 Supervisor.

D. Training records

At the end of all training sessions conducted, the Master K-9 Trainer, assistant trainer or handler will document the areas of training. The Master K-9 Trainer will maintain the training records. Each K-9 team will be assigned a three-ring binder. Each three-ring binder will contain a K-9 team's training records, and certification records.

11.0 REQUESTS FOR BOMB SQUAD K-9 UNITS

The following information is for K-9 Explosive Detector Units. They are listed by jurisdiction. When making a request to an outside agency for a K9 Explosive Detector Unit (Bomb Dog), please have ADC Map Coordinates, Physical Address, and Contact Number for the Incident Commander on scene.

Calvert
Capability: Four (4) Explosive Detection K9 Teams: Cpl. Morder, K9 Dodo; DFC Funchion, K9 Legion; DFC Morgan, K9 Bruno; and DFC Moran, K9 Abel.
Request is made through the Sheriff's Office if not on duty.

Anne Arundel County Sheriff
Capability: Two (2) K9 Explosive Detection Units
They are staged during normal business hours at the Circuit Court House and are requested through the Security Bureau **(410) 222-1797**
After hours they can be requested through the Dispatch Center **(410) 222-1570**

Anne Arundel Police
Capability:

Annapolis City
Capability: Four (4) K9 Explosive Detection Units
Requests are made through Anne Arundel Fireboard Communications **(410) 222-8271**
Ask for one of the Annapolis City Fire Marshall's and they will page them out

Charles County
Capability: Three (3) K9 Explosive Detection Units
Requests are made through Charles County Communications **(310) 609-3480**

St. Mary's County
Capability: One (1) K9 Explosive Detection Unit
Requests are made through St. Mary's Sheriff's Department Headquarters **(301) 475-4040**
Ask for the Duty Officer

Prince George's County
Capability: Three (3) K9 Explosive Detection Units
Requests are made through PG County Communications **(301) 499-8400**
Ask for them to contact the Duty Chief and they will make the decision

Fire Marshall Bomb Squad
Capability: One (1) K9 Explosive Detection unit
Request is made through MD Joint Operations Center **(877) 636-2872**
This unit responds from Bel Air in Northern Maryland

	STANDARD OPERATING PROCEDURES	
	Subject: **MOTORCYCLE UNIT** Affects: **ALL PERSONNEL**	**General Order #:** **19-0045**
EFFECTIVE DATE **January 2, 2019**	Rescinds:	Amends: **1.2, 1.2.1; 2.0, 2.3 on 1/2/19**

1.0 MOTORCYCLE UNIT

The primary objective of the Motorcycle Unit is to supplement the Calvert County Sheriff's Office's efforts in promoting traffic safety through fair and impartial enforcement of traffic laws, especially in areas not ideally suited for conventional patrol vehicles. Additionally, the Motorcycle Unit is used for high visibility patrols and special events such as the County Fair, Independence Day celebrations, National Night Out, funeral detail, and parades.

The Motorcycle Unit is a function within the CCSO Traffic Safety Unit. The unit is comprised of deputies assigned to the various bureaus within the Agency. Members serve on a part-time volunteer basis.

The Traffic Safety Supervisor manages the day to day operations of the Motorcycle Unit and all requests for the Motorcycle Unit are coordinated through him.

1.1 MOTORCYCLE UNIT MEMBER QUALIFICATIONS

When a position becomes available within the Motor Unit, the vacancy will be announced and all prospective candidates will be interviewed by a selection panel chosen by the Patrol Commander or his designee. The selection panel shall consist of the Traffic Safety Supervisor and at least one member of the Motorcycle Unit.

To be a member of the Motorcycle Unit, the deputy must:

- Possess a valid Maryland Class "M" license
- Pass an operational skills test
- Receive above satisfactory performance evaluations
- Be physically fit and able to lift a fully equipped police motorcycle that is lying on its side to an upright position without bodily injury
- Have an acceptable Agency driving record

1.2 MOTORCYCLE TRAINING REQUIREMENTS

A deputy must satisfactorily complete a CCSO approved 80-hour basic training program in motorcycle operations. Thereafter, 12 hours of motorcycle operation in-service must be satisfactorily completed annually in order to maintain certification.

A recertification test will be conducted on the last day of the in-service training. If a motor officer fails the recertification test, he will have 30 days to retest and qualify. If the motor officer is unable to pass recertification, he will be prohibited from operating a Sheriff's Office motor unit until he receives additional training, or he will be removed from the Motorcycle Unit program .

1.2.1 OPERATIONAL SKILLS TEST AND QUALIFICATIONS

The following outlines the operational skills test and rider qualifications to be evaluated during the test:

A. Skill Level Criteria
   1. Qualified: three (3) out of five (5) clean runs per course
   2. Not Qualified: less than three (3) out of five (5) clean runs per course

B. Cone Course Exercise
   1. 90 degree pull out
   2. Double circle
   3. Mouse trap
   4. Off-set cone weave
   5. Double U-turn box
   6. Intersection

2.0 USE AND OPERATION

A. No employee of the CCSO will operate a motorcycle unless a member of the Motorcycle Unit or authorized by the Sheriff or his designee.
B. When the motorcycle is used for training, maintenance, or operated off-duty for secondary employment, the deputy sheriff will be required to wear a CCSO utility style uniform.
C. The deputy will wear the issued helmet and above the ankle boots at all times while engaged in the operation of the motorcycle.
D. The deputy will wear proper eye protection at all times while riding.
E. The motorcycle will not be operated in any weather which, in the operator's opinion, will hinder the safe, effective operation of the motorcycle.
F. Motorcycles shall not be used during periods when fog or smoke significantly limit driving visibility.
G. Deputies riding motorcycles shall not be assigned the investigation of a vehicle crash during periods when it is raining.
H. High speed pursuits involving an Agency motorcycle will be consistent with the CCSO Administrative and Operational Manual pursuit policy in 11-300 and following. In addition:

   1. When the Agency motorcycle is involved in a high-speed pursuit, the deputy immediately notify the duty officer and request a marked patrol vehicle to assist.
   2. The motorcycle deputy will relinquish the primary pursuit vehicle responsibility upon the arrival of a marked patrol vehicle.
   3. The motorcycle will not be used in a rolling roadblock to apprehend a fleeing violator.

I. Headlights on the motorcycle will illuminate at all times during operation.
J. The transportation of passengers on the Agency motorcycle is prohibited. If transportation is required, a patrol vehicle will be used.

2.1 REPAIR AND MAINTENANCE

The Traffic Safety Supervisor will ensure that all motorcycles are repaired and maintained according to the motorcycle manufacturer's recommendations. They may designate a Unit member to be assigned this task.

2.2 PRE-RIDE CHECK

Prior to riding the motorcycle, the operator should:

- Check the oil level and fuel level
- Check the tires and inspect for uneven/excessive wear and other unsafe conditions, and ensure they are inflated to the proper PSI
- Check for fluid leaks and visible wear of equipment that could pose a safety hazard
- Check the drive chain/belt for proper lubrication and wear
- Check the operation of lights, siren, and radio

2.3 STORAGE OF MOTORCYCLES

When not in use, motorcycles will be kept at the Agency secured lot or in an area designated by the CAT supervisor. With the permission of the Traffic Safety Supervisor, an operator may keep the vehicle at his residence overnight if more convenient than driving to CCSO Headquarters. The motorcycle must be secured in a garage or shed.

3.0 ISSUED EQUIPMENT

The deputy will wear the appropriate uniform of the day with the following exceptions:

- The deputy will wear riding breeches in lieu of trousers
- The deputy will wear English style riding boots
- The deputy will wear an approved safety helmet, with open face
- The deputy may wear leather riding gloves
- The deputy may wear rain gear, when appropriate
- The deputy may wear a leather police style jacket, when appropriate

3.1 EQUIPMENT STORED ON MOTORCYCLE

The following equipment will be stored on the motorcycle:

- First aid kit
- Flashlight
- Clipboard/notebook with necessary forms
- Traffic citation/warning books
- Six (6) highway flares (minimum)
- Bloodborne pathogens protection kit

Calvert County Sheriff's Office

30 Church Street
Prince Frederick, MD 20678

MOTORS PRELIMINARY RANGE EVALUATION

NAME (print):				**QUALIFIED** ☐
DATE:		**STAFF:**		**NOT QUALIFIED** ☐

3 OUT OF 5 CLEAN RUNS TO QUALIFY

COURSE	RUN 1	RUN 2	RUN 3	RUN 4	RUN 5	INITIALS	TOTAL CLEAN
90 DEGREE							
DOUBLE CIRCLE							
OFFSET WEAVE							
MOUSE TRAP							
DOUBLE U TURN							
INTERSECTION							

	STANDARD OPERATING PROCEDURES	
	Subject: **NALOXONE (Narcan)**	**General Order #:**
	Affects: **ALL PERSONNEL**	**14-0030**
EFFECTIVE DATE **November 13, 2014**	Rescinds:	Amends: **5.0; 6.0 on 12/31/14**

1.0 PURPOSE

The Calvert County Sheriff's Office recognizes that opioid usage is a serious public health and safety issue to the citizens of Calvert County. With this in mind Naloxone (Narcan) is a recognized drug that may counter the respiratory depression effects of an opioid overdose. Deputies will be trained in recognizing the possible signs of opioid overdose, and the proper administration of Naloxone.

2.0 TRAINING

Those deputies already holding a Maryland medical license of Emergency Medical Technician-Basic, Emergency Medical Technician-Intermediate, or Paramedic will be given Naloxone and can use it per already established Maryland protocols.

Those deputies not already holding a Maryland medical license must receive the State mandated training course to be administered by the County Health Officer. Records of this training will be maintained by the Executive Administrative Aide, and the County Health Officer.

3.0 DEPLOYMENT

Upon completion of the aforementioned training a 4mg / 2ml dosage of Naloxone, syringe, and nasal atomizer will be given to each certified deputy. These items are to be kept with the deputy's first aid kit and pocket CPR mask. These items expire every two years, and upon expiration are to be returned to the Commander of Special Operations for replacement.

4.0 ADMINISTRATIVE PROCEDURES

Upon determining the need to administer Naloxone the following procedures will be utilized:

A. The Naloxone box will be opened, and purple safety cap removed from the medication vial.
B. The yellow caps from the syringe will be removed and the nasal atomizer will be attached to the syringe.
C. The medication vial will be inserted into the syringe.
D. Place the nasal atomizer into one nostril of the patient and push approximately 1ml (half the total amount in the vial) into the nostril of the patient.

E. Place the nasal atomizer into the other nostril of the patient and deliver the remaining Naloxone approximately 1ml to the patient.
F. Monitor the patient and report your dosage to arriving emergency medical personnel.
G. Be cognizant of maintaining the patient's airway, as he/she may vomit. If you suspect this to be true, place him/her in a position of comfort on their left side.
H. Dispose of the used equipment via standard bloodborne pathogens practices, as you would any bio-hazard. The equipment is not considered a sharps hazard.

5.0 REPORTING REQUIREMENTS

After any administration of Naloxone, a *Case Report* is to be completed and submitted through proper channels. If this event is deemed a live safe, the on-duty Commander and Sheriff are to be notified immediately. A copy of the *Case Report* is to be forwarded to the Commander of Special Operations for reporting purposes to the State of Maryland.

6.0 RE-STOCKING

Upon receipt of a *Case Report* indicating usage of Naloxone, the Commander of Special Operations will ensure that the deputy is re-supplied with new medication and delivery mechanisms.

EFFECTIVE DATE **January 29, 2009**	**STANDARD OPERATING PROCEDURES**	
	Subject: **TRAINING**	**General Order #:**
	Affects: **ALL PERSONNEL**	
	Rescinds:	Amends: **3.0, 4.0 on 6/20/18**

1.0 PURPOSE

To provide structure within the organization which promotes education and training to all employees specifically designed to enhance career development. Training will be approved, pursuant to this standard operating procedure, in accordance with the Maryland Police and Correctional Training Commission, the Southern Maryland Criminal Justice Academy (SMCJA), and all applicable local, state, and federal mandates.

2.0 MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS

A. Established by Maryland law, and made up of state officials and other professionals, the Maryland Police and Correctional Training Commissions (MPCTC) sets and maintains minimum eligibility and training criteria for publicly employed police, correctional, and juvenile justice officers, parole and probation agents and drinking driving monitors. The MPCTC staff supports the two (2) commissions.

B. The law requires police officers to maintain a valid certification to perform their professional duties. This certification demonstrates that the officer has met and continues to meet the required selection standards and training requirements.

3.0 SOUTHERN MARYLAND CRIMINAL JUSTICE ACADEMY

A. The SMCJA is a training academy supported by Calvert, St. Mary's and Charles Counties' Sheriffs' Offices through monetary payments and dedicated employees. It is the institution of choice for mandated deputy sheriff entry level training, and for mandated in-service training of these agencies.

B. The Commander of SMCJA is responsible to the Sheriffs of Calvert, St. Mary's and Charles counties collectively for the operation of this academy.

C. The Deputy Commander of the Administration and Judicial Services Bureau will monitor the activities of the employees assigned to the SMCJA and determine that their job performance is to the credit of the Agency. He/she will assist the Assistant Sheriff in maintaining an awareness of the programs and operations of the SMCJA.

5.0 TRAINING ATTENDANCE

A. Employees are informed in writing requiring attendance for any training. Affected employees must attend the training unless otherwise excused by a bureau commander.

B. Only mandated training required by MPCTC requires rescheduling in the event of a scheduling conflict. In such instances, the affected employee's bureau commander, upon notification by the employee, is responsible for ensuring rescheduling occurs.

C. All employees are responsible for the submission of a *Report of Training* form through the chain of command within ten (10) days from completion.

6.0 L ESSON PLANS

Lesson plans for less formal training that is 30 minutes or less in length and does not require testing, such as but not limited to roll call training, must be approved by the bureau commander of the trainer. All other training courses conducted by employees of this Agency will be in accordance with the MPCTC standards and subsequently approved by MPCTC.

A. In order to gain such approval, the training module must be submitted identifying the curriculum in a manner which describes the topic to be studied, time allocated for the topic, a brief explanation and reason the topic is included for instruction, in terms of current job needs.

B. All approved MPCTC training modules require verification of an employee's successful completion. This verification will be in the form of written or practical testing. The employee must attain a minimum score of 70% to receive credit. In the event an employee fails to demonstrate successful completion, remedial training will occur on all mandated in-service training modules.

C. In instances where written testing must be demonstrated, an alternative method for recording such completion may be used, if approved by the MPCTC.

D. A master lesson plan file will be maintained for all training conducted by the Agency or at the direction of the Agency. This file will retain lesson plans for programs which have been discontinued or changed, maintaining the outdated plans for support of any future litigation regarding training. These lesson plans will contain at least:

1. A statement of performance and job-related objectives.
2. The content of the training and specifications of the appropriate instructional techniques.
3. A statement authorizing that the lesson plan is approved for a particular training purpose under authority granted by the Assistant Sheriff, bureau commander, training committee; and
4. Identification of any tests used in the training process and the acceptable score for receiving credit for successful completion of the program.

7.0 REMEDIAL TRAINING

A. All employees must successfully complete mandatory in-service training. In the event an employee is unable to attain an acceptable score, the employee will be recycled through the subject training module within the calendar year in an effort to promote acceptable career development.

B. Additionally, remedial training may be the result of disciplinary action, newly identified trends or an employee's inability to demonstrate a particular practice incumbent of a certain position or function. This training should occur immediately upon detection and within an acceptable timeframe.

C. Employees are encouraged to understand remedial training is not punitive but attempts to provide solutions to the employee's ineffectiveness and enhance overall job performance. Should the employee unsuccessfully complete remedial training, he/she must actively participate during this phase of instruction or be subject to disciplinary or performance related action.

D. Upon completion of the remedial training, the employee will complete a *Report of Training Form* through the chain of command within ten (10) days from completion.

8.0 EMPLOYEE TRAINING FILE

Once training has been completed, a *Training Completion Form*, along with any training certificates, proof of attendance, or test scores will be emailed or forwarded to the AJSB OAIII. These will be included in the employee's training file. In the case of disciplinary remedial training, a copy will also be filed with the Office of Professional Standards.

9.0 MAINTENANCE OF TRAINING RECORDS

A. A record of each training program conducted by the Agency will be maintained. This record will contain, at least, the course content (lesson plan); the names of attendees and their association if they are from outside the Agency; and the performance of each attendee as measured by tests (if administered).

B. All employee training records will be maintained confidentially by Administrative and Judicial Services Bureau personnel in the affected employee's training file. Employee training files will be updated each time a report of training or other documentation is received.

C. Agency employees assigned to the SMCJA will be responsible for notifying the MPCTC of all mandated training completed for deputy sheriffs on a yearly basis.

10.0 INSTRUCTOR QUALIFICATIONS

To be assigned as a full-time instructor or conduct any training for SMCJA, individuals must meet certain requirements as set forth by SMCJA and/or MPCTC. These requirements may include one (1) or more of the following:

A. Certification by the MPCTC as a provisional, associate or full instructor as outlined in the Code of Maryland Regulations (COMAR) Title 12 – Subtitle 04 – Chapter 01 (Police) and Title 12 – Subtitle 10 – Chapter 04 (Corrections).

B. Background experience and/or education in a particular field which would qualify the person as an expert,

C. Vocation in a particular field which would qualify the person as an expert.

D. Any other requirement(s) deemed appropriate by the Commander of SMCJA or the MPCTC.

11.0 ROLL CALL TRAINING

A. The Sheriff's Office shall have a roll call training program, the objectives of which shall be to educate, increase awareness, stress training objectives, increase effectiveness, re-establish goals and priorities, and advise of specialized enforcement programs.

The Patrol Commander shall designate a person to act as the Roll Call Training Coordinator. The Coordinator will determine:

1. When training will be conducted;
2. What materials will be presented; and
3. Who will conduct the training.

B. Agency members becoming aware of a training need shall contact the Coordinator.

C. Various instructional methods and materials may be used to conduct roll call training, i.e., PowerPoint, video, hand-outs, etc.

D. If possible, roll call training should be brief, generally lasting less than thirty minutes.

E. Agency personnel should provide feedback concerning roll call training to determine whether the program is meeting their needs.

12.0 FUNCTIONS REQUIRING SPECIALIZED TRAINING

A. There are several positions throughout the Agency, which require specialized training. Each employee who is assigned to a specialized function will receive initial training by either attending a training course to develop skills in the particular specialization or receiving instructions and on the job training.

B. This training is continuously enhanced by the on the job training and supervision by experienced employees. Employees are afforded the opportunity to attend additional training and seminars on the specialization through the training budget.

C. The following is a list of the Agency functions requiring specialized training:

1. Office of the Sheriff – Office of Professional Standards

2. Patrol Bureau

   a. Canine Unit (Narcotics Detectors, Explosive Detectors, Patrol and Search Dogs)
   b. Field Training Officer

c. DARE Officer/School Resource Officer
d. Accident Reconstructionist
e. Drug Recognition Expert

3. Administrative and Judicial Services Bureau

a. Judicial Services – Court Security and
b. Civil Process

4. Criminal Investigations Bureau, including C.I.T.
a. Detective-Criminal and Drug
b. Crime Scene Technician

5. Special Operations Bureau
a. Firearms Instructor
b. Special Operations Team member

6. Miscellaneous
a. Hostage Negotiation Team
b. Bike Patrol Team member
c. Polygraph Examiner

D. Training and Education

1. Any employees given the primary responsibility for crime scene processing will receive specialized in-service training to develop the following skills:

a. Recovering latent fingerprints and palm prints;
b. Recovering foot, tool, and tire impressions;
c. Photographing crime or accident scene sketches; and
d. Collecting, preserving, and transmitting physical evidence, including biological materials.

2. These topics should also be provided as refresher training for investigative employees as a component of their in-service training program.

13.0 CIVILIAN TRAINING

A. Certain positions within the Calvert County Sheriff's Office require in-service training as an essential function of those positions. In addition, civilian employees are encouraged to attend position-related seminars and training to supplement and encourage growth within the Agency.

B. The following civilian positions require completion of the CN1 (National Crime Information Center (NCIC) Logon Certification) course administered by Criminal Justice Information System (CJIS) before being authorized to access confidential information involving state, national and local agencies:

1. Records Section employees
2. Civil Process Unit employees
4. Warrant Unit employees
5. System Administrator

C. Records Section employees are required to attend the course entitled “Uniform Crime Reporting.” This is an in-service course accredited by the MPCTC.