Chestertown Police Department

Policy & Procedure Manual

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CHESTERTOWN POLICE DEPARTMENT
ADMINISTRATIVE AND OPERATIONS MANUAL

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CHESTERTOWN POLICE DEPARTMENT
ADMINISTRATIVE AND OPERATIONS MANUAL
CHANGE RECORD

INSTRUCTIONS. This record will be used to ensure that all Chestertown Police Department Manuals include the current materials. When you receive a change, it will include a copy of this record, with specific instructions for removing and inserting pages. You are required to initial in the Comment block under Insert after each change to show that you have completed it. Your Manual is subject to inspection to ensure that you are maintaining it properly.

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0-100 **GENERAL**

This is the Administrative and Operational Manual, hereafter referred to as the "Manual," of the Chestertown Police Department the rules, policies and procedures in this manual are binding upon all persons who work for the Chestertown Police Department.

This manual will be the sole repository of permanent written guidance for the Chestertown Police Department. The only exception is that guidance may be issued by General Order of the Chief, pending its incorporation into this manual.

Every permanent Chestertown Police Department Officer will be given a copy of this manual. One copy of the manual will be maintained in the Office Manager's office and one in the Patrol Division for use of civilian employees and Reserve Officers.

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 various pages, or changes on pages, of the Manual are effective as of the date displayed at the lower right corner of each page. All material contained in the Manual is valid until replaced, changed or rescinded in writing.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 Chestertown Police Department, unless it is specifically revoked in writing by the Chief.

0-103 **ORDER OF PRECEDENCE AND SAVING CLAUSE**

This manual is superior to any and all other conflicting documents within the Chestertown Police Department. 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 which 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 Chestertown Police Department 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 and the emergency operation of vehicles. Each employee is issued or has near their work location a copy of the Manual.

Every employee who is assigned a personal copy of the Manual will keep it current and close at hand. The Manual will be referred to for guidance in situations where it may apply and knowledge from memory will not suffice.

Supervisors are required to instruct their subordinates concerning information contained in the Manual and they are required to insure 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**

Every employee issued a Manual, and all supervisors with Manuals issued for use of their personnel, will insure that those Manuals are complete, current and in good condition for use. Persons issued Manuals, and those who use Manuals, will be continually alert for areas of the Manual in need of revision or change.

When it is evident that an area of the Manual should be changed, added to or deleted, a memorandum should be addressed to the Chief or Lieutenant 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.

0-106 **DIRECTIVES OF SUBORDINATE UNITS**

It is the goal of the Chestertown Police Department, given its relatively small size, to include all operational procedures in this manual. However, there may be times when a supervisor will need to issue guidance which will apply to his or her command only. Supervisors have the authority to issue such written directives.

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

a. to assure that the directive is consistent with this Manual; and

b. to determine whether the guidance the directive provides needs to be incorporated in this manual.

0-107 **NEW MATERIAL**

A copy of each revision to this manual will be provided to every CPD employee. Manual holders will update their manuals with the new material. The Office Manager and the Patrol Commander are responsible for updating the manuals in their offices.

When revisions are made to existing material, the specific changes are highlighted with shading. This highlighting is designed to draw the reader's attention to new material. When a page is reissued for any reason, previous highlighting is removed.

Employees are therefore advised to read new material before inserting it into the manual. All supervisors will review new material with their staff and will provide such instruction as is necessary to confirm that staff is able to operate within the parameters of the new material.

0-108 **OTHER WRITTEN GUIDANCE**

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

a. General Orders. As noted above, new, permanent information may be issued in General Order form until it can be incorporated into this manual. A copy of every General Order will be given to each employee. The Order will be filed in Chapter 22, copies of which are maintained in the Patrol Room, the CID, and the Chiefs Office.

b. Special Orders. The Chief may issue Special Orders to transmit temporary information to all employees. Special Orders will generally have expiration dates. Special Orders will be filed behind General Orders in Chapter 22.

c. Personnel Orders. The Chief will issue Personnel Orders to notify staff of new employees, changes in assignments, and similar matters. They will be filed behind Special Orders in Chapter 22

d. 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 22.

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 AGENCY DIRECTIVES**

The Chief or Lieutenant is responsible for developing revisions to the Manual. Whenever it comes to the attention of the Chief that there is a need to revise, add to, or delete from the Manual, he or she will follow the steps below.

0-301 **RESEARCH**

The Chief or Lieutenant will conduct research appropriate to the subject matter of the Manual revision. The Chief or the Lieutenant will create a file for each Manual revision. This file will contain all materials associated with the revision. At a minimum, the file will include:

a. the original form of the policy revised;

b. a copy of information and correspondence supplied to initiate the revision;

c. a copy of material developed by the research conducted in reference to the revision;

d. a copy of each draft developed as a result of the revision process;

e. a copy of any proposed changes to drafts and their source; and

f. the finally approved revision.

The Chief or his / her designee will ensure that proposed or revised directives do not contradict other existing Chestertown Police Department directives or applicable law.

0-302 **CHIEF'S APPROVAL**

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

0-303 **DISTRIBUTION**

Upon approval of the Chief, the Lieutenant will have sufficient copies of the Manual revision made to allow for each existing manual to be updated. The Office Manager will distribute the copies, along with a Distribution Form Memorandum from the Lieutenant on which each employee will sign as having received the revised policy and a Change Record which provides guidance on purging out of date material and filing the change.

Each supervisor will distribute revisions to their employees and have the employees acknowledge receipt of that revision on the Distribution Form. Supervisors will be responsible for returning the completed distribution sheets to the Office Manager for filing.

The employee will follow the instructions on the Change Record which accompanies the change for inserting and removing pages. The Change Record becomes part of the Table of Contents Section of the Manual. Alternatively, the Chief may direct that all employees submit their manuals for updating. The employee will be required to sign the Distribution Form acknowledging receipt of the revision.

0-304 **CHIEF'S PREROGATIVE**

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

CHAPTER 1
JURISDICTION, MISSION, VALUES, GOALS, AND STANDARDS OF CONDUCT
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1-001 **JURISDICTION, MISSION, VALUES, GOALS, AND STANDARDS OF CONDUCT**

The Chestertown Police Department is responsible for the maintenance of order and the delivery of police services to the citizens of Chestertown, Kent County, Maryland. All areas included in the town limits of Chestertown are the jurisdiction of the Chestertown Police Department,

1-100 **MISSION STATEMENT AND CODE OF ETHICS**

The men and women of the Chestertown Police Department are dedicated to service through superior performance. We believe mutual respect, trust and pride in our organization, combined with traditional values and innovative techniques, will ensure the communities right to a safe environment. The Chestertown Police Department has adopted the Law Enforcement Officer′s Code of Ethics. They can be found in Appendix 1-A.

All employees must abide by the Law Enforcement Officer′s Code of Ethics.

1-200 **VALUE STATEMENTS**

The men and women of the Chestertown Police Department 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 that 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 the Chestertown Police Department.

1-300 **GOALS AND OBJECTIVES**

The general goals of the Chestertown Police Department are:

a. to provide professional, effective and efficient law enforcement services to the citizens of Chestertown;

b. to develop a partnership with the citizens and other government agencies to ensure the safety and security of the Chestertown community;

c. to deliver all services and conduct all activities of the Chestertown Police Department in a fair and impartial manner which assures all citizens the benefits of these services and activities; and

d. to strive continually to achieve a living environment within Chestertown which allows the town's residents to go about their daily activities in safety and free from fear of criminal activity.

1-400 **PLANNING AND RESEARCH**

The Chief or Lieutenant is responsible for the planning and research functions and may enlist the periodic assistance of Chestertown Police Department personnel and/or other government agency representatives to assist with the planning process.

a. The purpose of the planning and research function is to support the goal-setting process of the agency.

b. The Chief will, through formal meetings and informal discussion with CPD staff, identify areas and methods for improvement in CPD operations.

c. The Chief may review or direct others to review case and arrest data, traffic volume, citation issuance, or other information for potential areas of improvement.

d. The Chief may review or direct others to review literature or perform other research in the area of state-of-the-art law enforcement practices or equipment for suggested modifications to CPD practices. The end result of these efforts will be changes for the betterment of CPD operations.

1-500 **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 Chestertown Police Department, before assuming sworn status, will take and subsequently abide by the following oath of office:

I, A.B., do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and to the State of Maryland; that I will serve honestly and faithfully to uphold and defend the Constitution of the United States and the Constitution of the State of Maryland; that I will enforce the laws of Chestertown and the State of Maryland; and that I will obey the orders of the Chief and of my superior officers according to the rules and regulations of the Chestertown Police Department, the Town of Chestertown, and the State of Maryland.

1-600 **OFFICER'S AUTHORITY**

The Chestertown Police Department has only one category of sworn personnel, the Police Officer. Police Officer's are defined in ' 2-201 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 arrest. 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 Chestertown Police Department Officer's are certified by the Maryland Police and Corrections Training Commissions and authorized to carry weapons in the performance of their duties.

1-700 **STANDARDS OF CONDUCT**

All employees of the Chestertown Police Department 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 violator to disciplinary action. Ignorance of the rules, procedures, and orders of the Chestertown Police Department 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.

1-701 **OBEDIENCE TO LAWS, REGULATIONS, AND ORDERS**

a. An employee 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 in keeping with the performance of his or her/her 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 his or her supervisor. Responsibility for all prudent and reasonable action necessary for compliance with orders will remain with the superior issuing the order. Accountability for all action taken in compliance with orders remains with the person taking the action.

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

1-702 **CONDUCT UNBECOMING**

An employee will not engage in any conduct or activities on- or off-duty that reflect discredit on him or herself, that tend to bring the Chestertown Police Department into disrepute, or that impair its efficient and effective operation.

1-703 **ACCOUNTABILITY, RESPONSIBILITY, AND DISCIPLINE**

a. Employees are directly accountable for their actions through the chain of command, to the Chestertown Police Department.

b. Employees will cooperate fully in any internal administrative investigation conducted by the Chestertown Police Department 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. 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. On the order of competent authority, an employee will submit to any medical, chemical, or other test, photograph, or lineup. All procedures carried out under this rule will be related specifically, directly, and narrowly to the performance of the employee's official duties and to the subject matter of the investigation.

c. Employees will be accurate, complete, and truthful in all matters.

d. Employees will accept responsibility for their actions without attempting to conceal, divert, or mitigate their true culpability, nor will they engage in efforts to thwart, influence, or interfere with an internal or criminal investigation.

e. Employees who are arrested, cited, or come under investigation for any criminal offense in this or another jurisdiction will report this fact to a superior as soon as possible.

f. Employees who are named as defendants in civil lawsuits, including lawsuits unrelated to their duties with the Chestertown Police Department, will notify the Chief or Lieutenant within 24 hours of notice of the suit.

1-704 **CONDUCT TOWARD FELLOW EMPLOYEES**

a. Employees 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 demean, harass, or intimidate another person.

1-705 **CONDUCT TOWARD THE PUBLIC**

a. Employees will conduct themselves toward the public in a civil and professional manner that connotes a service orientation and that will foster public respect and cooperation.

b. Officer's will treat violators with respect and courtesy, guard against employing an officious or overbearing attitude or language 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, Officer's will adhere to this agency′s use-of-force policy and will observe the civil rights and protect the well-being of those in their charge.

1-706 **USE OF ALCOHOL AND DRUGS**

a. Employees will not consume any intoxicating beverage while on duty unless authorized by the Chief.

b. No alcoholic beverage will be served or consumed on Chestertown Police Department premises or in Chestertown Police Department vehicles.

c. An employee will not be intoxicated in a public place when off-duty.

d. No employee will report for duty with the odor of alcoholic beverage on his or her breath.

e. No Officer will report to work or be on duty as a law enforcement officer when his or her judgment or physical condition has been impaired by alcohol, medication, or other substances.

f. Prior to reporting for duty, Officer's must report the use of any substance that impairs their ability to perform 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 Chestertown Police Department policy on employee drug-screening and testing.

1-707 **SMOKING**

Smoking is permitted only in designated areas outside of Chestertown Police Department headquarters. Smoking while in the presence of non-employees is not permitted, except that an Officer may smoke in the presence of an interviewee who is being given a smoke break. Smoking in Chestertown Police Department Vehicles is prohibited.

1-708 **ABUSE OF LAW ENFORCEMENT POWERS OR POSITION**

a. Employees 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.

b. Employees will not use their authority or position for 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 employee or for another.

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

d. Employees will not solicit or accept contributions for the Chestertown Police Department or for any other agency, organization, event, or cause without the express consent of the Chief or Lieutenant.

e. Employees are prohibited from using information gained through their positions in the Chestertown Police Department to advance financial or other private interests of themselves or others.

f. Employees who institute or reasonably expect to benefit from any civil action that arises from acts performed under color of authority will inform their supervisor.

g. While deprived of police powers, an Officer will not wear the uniform of the Chestertown Police Department or represent him or herself in an official capacity as an employee of the Chestertown Police Department.

h. An employee may not lend his or her identification card or badge to another person or permit it to be photographed or reproduced without the approval of the Chief.

1-709 **OFF DUTY POLICE ACTION**

a. Officer's will not use their police powers to resolve personal grievances (e.g., those involving the Officer, 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, Officer's will summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.

b. Unless operating a marked police vehicle, off-duty Officer's 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 Officer's would reasonably be expected to take appropriate action.

1-710 **PROHIBITED ASSOCIATIONS AND ESTABLISHMENTS**

a. Arresting, investigating, or custodial Officer's will not commence social relations with the spouse, immediate family member, or romantic companion of persons in the custody of this agency.

b. Employees will not knowingly commence 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 employee 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.

c. Except in the performance of official duties, employees will not knowingly enter any establishment in which the laws of the United States, the State of Maryland, are regularly violated.

d. Employees will not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies.

1-711 **PUBLIC STATEMENTS, APPEARANCES, AND ENDORSEMENTS**

Employees will not, under color of authority,

a. make any public statement that could reasonably be interpreted as having an adverse effect upon department morale, discipline, operation of the agency, or perception of the public;

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

c. unless expressly authorized by the Chief or Lieutenant, make any statements, speeches, or appearances that could reasonably be considered to represent the views of the Chestertown Police Department.

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.

1-712 **POLITICAL ACTIVITY**

Except as provided below, an employee of the Chestertown Police Department has the same right to engage in political activities as any other citizen. Employees will be guided by the following examples of prohibited political activities during working hours, while in uniform, or otherwise serving as a representative of the Chestertown Police Department. Employees will not, under color of authority:

a. Engage in any political activity;

b. Place or affix any campaign literature on city 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;

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

1-713 **EXPECTATIONS OF PRIVACY**

Employees will not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, CPD-owned vehicles, file cabinets, computers, or similar areas that are under the control and management of the Chestertown Police Department. While the Chestertown Police Department recognizes the need for employees to occasionally store personal items in such areas, Employees should be aware that these and similar places may be inspected or otherwise entered -- to meet operational needs, internal investigatory requirements, or for other reasons – at the direction of the Chief or Lieutenant. No member of Chestertown Police Department will maintain files or duplicate copies of official agency files in either manual or electronic format at his or her place of residence or in other locations outside the Chestertown Police Department headquarters without the express permission of the Chief.

1-714 **REPORTING FOR DUTY**

a. An employee of the Chestertown Police Department will not absent himself without properly approved leave.

b. An employee will report for duty at the time and place specified by his or her supervisor and will be physically and mentally fit to perform his or her duty. He or she will be properly equipped and cognizant of information for the proper performance of duty so that he or she may immediately assume his or her duties.

c. An employee who is unable to report for duty for any reason will, as soon as possible, notify his or her immediate supervisor of the reasons for the absence.

d. Employees will, while off duty, be subject to call at any time. In the event of an emergency or potential emergency, Employees 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 him or herself ill or injured, or otherwise deceive or attempt to deceive any official of the Chestertown Police Department as to the condition of his or her health.

1-715 **CITIZEN COMPLAINTS**

An employee will courteously and promptly accept any allegation or complaint made by a citizen against any employee of the Chestertown Police Department. The receipt and processing of all complaints will be in conformance with established procedures. See below for the State Mandated procedure for filing a complaint against a police officer employed by the Chestertown Police Department.

1. Complainant Process

a. Citizens can make complaints in person, by telephone or via email.

b. Citizens that make a complaint shall provide a name, mailing address, phone number or email if they wish to receive notifications.

c. In person and telephone complaints should be taken by a supervisor or senior patrol officer at the time the complaint is lodged. All complaints will be handled in a neutral manner with no attempts to influence the complainant in a negative manner. Complainants should complete the Complaint Against Personnel Report form.

d. Email complaints can be sent to dolgos@chestertownpolice.com.

e. Complainants should receive an initial response to the complaint within 72 hours.

f. If the complaint leads to an investigation involving the officer the complainant will receive updates at least one time per week until the complaint is resolved.

g. The Chestertown Police Department will notify the complainant of the outcome of the complaint within 72 of a final disposition, including any imposed discipline in accordance with established confidentiality policies and any applicable law.

h. If the complaint is alleged brutality the complainant must have the written complaint notarized.

2. Public Awareness

a. Complaint process will be posted in the lobby of the Chestertown Police Department and on the police department's website at www.chestertownpolice.com.

1-716 **GROOMING AND PERSONAL APPEARANCE**

Every employee will maintain a neat, well-groomed appearance and will style his or her hair and wear his or her uniform consistent with the Chestertown Police Department policy and procedures in Chapter 3 of this manual.

1-717 **USE OF FORCE**

Consistent with established Chestertown Police Department policy and procedures, an Officer will not use unnecessary or excessive force in carrying out the duties of his or her position.

1-718 **FIREARMS**

An employee will not use, display, or handle any weapon in a careless or imprudent fashion or in a manner contrary to Chestertown Police Department policy.

1-719 **CPD EQUIPMENT**

a. An employee will use and maintain Chestertown Police Department 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 CPD equipment through negligence or carelessness.

b. An Officer relieved of his or her police powers will turn in all CPD-issued equipment specified in the order suspending police powers.

c. An employee will operate any CPD official vehicle assigned to him or her in a careful and prudent manner and will not, through negligent or careless operation, incur or cause damage to be incurred to CPD property or to the property of another. He or she will obey all laws of the State of Maryland and all local ordinances and will conform to all CPD procedures and regulations pertaining to operation and maintenance of CPD vehicles. An employee will at all times set a proper example for other persons in his or her operation of a vehicle.

d. Damage to or loss of CPD equipment will be reported in conformance with CPD procedures utilizing a detailed report.

e. An employee will not have any item of CPD equipment repaired, adjusted, or modified without authorization from the Chief or Lieutenant.

f. Only CPD employees will be permitted to operate or attempt to operate its vehicles, or use its firearms, or use any other of its property. The Chief may make specific exceptions to this rule.

1-720 **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.

1-721 **SECONDARY EMPLOYMENT**

An employee will not be employed in any capacity in any other business, trade occupation, or profession, except in conformance with CPD policy and as approved by the Chief or Lieutenant.

1-722 **PAYMENT OF DEBTS**

CPD 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, he or she fails to do so; or, the effects of the indebtedness have adversely affected the employee’s ability to perform his or her duties or have negatively reflected on the reputation or effectiveness of the Chestertown Police Department. 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.

1-800 **IMPARTIAL POLICING**

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

1-801 **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 Chestertown Police Department is providing services and enforcing laws fairly, equitably, and impartially. Specific instructions for the Chestertown Police Department implementation of ' 25-113 of the Transportation Article of the Maryland Code, Race-Based Traffic Stops, is found in Chapter 12, Traffic Enforcement.

1-802 **DEFINITIONS**

- Investigative stop - A stop based on reasonable articulable suspicion or knowledge of criminal activity. Information may originate with another Officer 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 Officer must be reasonable under the existing circumstances and based on the Officer's knowledge at the time. Officers must be able to point to and describe the specific factors that raised suspicions and led him or her to take action in connection with the traffic stop.

- *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 an Officer 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 Officer continues to detain the motorist and passenger(s). Once the underlying basis for the initial stop has concluded, a police-driver or police-passenger encounter which implicates the Fourth Amendment is constitutionally permissible only if (1) the driver and passenger(s) consent to the continuing intrusion or (2) the Officer has, at a minimum, a reasonable, articulable suspicion that criminal activity is afoot.

1-803 **GUIDING PRINCIPLES**

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

b. 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 4th Amendment of the US Constitution.

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

d. Officers 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 description criteria to particular criminal incidents, or links specific crimes in specific areas to groups of individuals of specific description criteria.

e. Nothing in this or other provisions alters Officer's authority to conduct enforcement actions or otherwise fulfill their enforcement obligations.

1-804 **PROHIBITION OF PROFILING**

While Section 1-803 permits an Officer 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 description criteria to particular criminal incidents, or links specific crimes in specific areas to groups of individuals of specific description criteria. When those specific conditions do not exist,

a. Officers 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.

b. 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. These prohibitions apply to all policing activities, including but not limited to traffic contacts, field contacts, and asset seizure and forfeiture.

1-805 **TRAINING**

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

1-806 **POLICE-CITIZEN ENCOUNTERS**

Police-citizen encounters, when done properly and professionally, has the potential to be positive community relations tools and can be a means of confronting adverse anecdotal information. Officers 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 Officers names and CPD information and explaining reasons for the stops as soon as practical unless doing so compromises the safety of Officers 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 Officer to allow citizens to voice their field contact or enforcement related concerns.

g. Explaining the Chestertown Police Department complaint process.

1-807 **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.

APPENDIX 1-A
Law Enforcement Officers Code of Ethics

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional Rights of all persons to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of law enforcement. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession.... law enforcement.

CHAPTER 2
AGENCY ORGANIZATION
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Appendix 2-A **Agency Organization Chart**

2-100 **AGENCY ORGANIZATION**

The Chestertown Police Department has one major responsibility -- providing police services to the citizens of Chestertown. This chapter describes how the Agency is organized to deliver this service.

2-101 **RANK PRECEDENCE OF SWORN PERSONNEL**

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

Chief
Lieutenant
Sergeant (SGT)
Corporal (CPL)
Patrolman First Class (PFC)
Officer (OFC)

The ranks identified above are used throughout the agency. Regardless 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**

a. In the absence or unavailability of the Chief, his or her functions will be carried out by the Lieutenant or another person designated by the Chief.

b. Chapter 13 of this Manual describes the command structure of the Chestertown Police Department for unusual occurrences.

c. Where personnel of different commands are engaged in a single operation, a Commander designated by the Chief will have primary responsibility for the operation. That Commander will determine the chain of command for the joint operation.

d. In regular, daily agency operations, the Chestertown Police Department will follow the command structure as reflected in the agency organization chart. The first Officer arriving on the scene of an incident will be in charge of the scene until relieved by a commissioned or non-commissioned CPD Officer of higher rank.

2-103 **COMMUNICATION, COORDINATION, AND COOPERATION**

Under the direction of the Chief, the Command Staff will ensure that there is communication among all components of the Chestertown Police Department 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 Chief will meet with the Command Staff individually and as a group as necessary to ensure communication and coordination among all Chestertown Police Department units. The Chief will hold meetings of all employees approximately once each quarter for the purpose of notifying staff of new developments and providing a forum for staff to share information. Unless there is specific reason for confidentiality, Commanders will share all periodic reports to the Chief with all other Commanders. For complex operations, the Chief or Lieutenant will oversee the preparation of an operational plan to ensure the effective coordination of all agency elements.

2-200 **ORGANIZING PRINCIPLES, AGENCY ORGANIZATION CHART**

Command within the Chestertown Police Department 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. All employees are accountable for the use of delegated authority.

c. Each supervisory employee, at every level of the Agency, is accountable for the activities of employees under his or her immediate control

d. Each employee is accountable to only one supervisor at any given time.

e. All communications, unless otherwise specifically directed, will follow the chain of command.
The Chestertown Police Department organizational structure, as shown in the chart found at Appendix 2-1, also reflects the principle that each component is under the direct command of only one supervisor.

2-201 **CPD ORGANIZATION CHART**

The Chestertown Police Department Organization Chart is found at Appendix 2-A.

2-202 **POSITION MANAGEMENT**

The Chestertown Police Department has a position management system which tracks the following information:

a. the number and type of each position authorized in the budget approved by the Chestertown Town Council.

b. the location of each authorized position within the Chestertown Police Department organizational structure; and

c. whether each authorized position is filled or vacant.

This information will be maintained by the Office Manager and provided to the Chief periodically through updated organization charts.

2-203 **SPECIALIZED ASSIGNMENTS**

Because of its size, the Chestertown Police Department has a limited number of specialized assignments. Decisions regarding the continuation of specialized assignments are critical to personnel allocation.

2-300 **DUTIES AND RESPONSIBILITIES OF THE CHIEF**

The Chief is an appointed official who has duties and responsibilities assigned by the Town of Chestertown, and Maryland statutes. Some of the duties and responsibilities of the Chief are found in the following list. This list is for informational purposes and places no limit and no additional duty or responsibility upon the Chief, not already found in law. The Chief:

a. is the final authority for all matters of policy and operations in the agency;

b. is the final authority for all matters of discipline for sworn employees in the agency;

c. establishes orders, rules and regulations for the administration of the Agency;

d. is the final approval authority for all additions, deletions or changes to the AOM;

e. is the authority for all planning, direction, coordinating, controlling and staffing activities of the Agency;

f. is architect of and approval authority for the Agency′s organizational structure;

g. provides for the oversight of the efficiency and effectiveness of all Agency operations and functions;

h. provides direction to maintain all Agency functions and operations within the framework provided by law;

i. 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;

j. provides for Agency staffing by presenting requests for funding to the Town of Chestertown and through such other avenues of revenues as may be appropriately available for this purpose;

k. administers funds to accomplish the Agency′s goals and objectives;

l. provides for the establishment and maintenance of goals and objectives for the Agency;

m. establishes standards of performance and moral character for the Agency′s employees;

n. establishes the various duties and responsibilities for components of the Agency and its employees; and

o. provides training and leadership to employees in order to accomplish the goals and objectives of the Agency.

2-301 **NOTIFICATION OF CHIEF IN EVENT OF CERTAIN OCCURRENCES**

As the Chestertown Police Department s Chief Executive Officer and as an appointee of the Town of Chestertown, the Chief has a need to be informed immediately of certain events. Among these are:

- serious crimes, including homicide, rape, and robbery;
- sex crimes involving minors;
- CPD firearms discharge other than to dispatch a sick or injured animal.
- CPD Officer-involved use of force incidents which result in serious injury to an Officer or a citizen. “Serious injury to a citizen” means injury more severe than OC spray;
- CPD employee-involved motor vehicle or other accidents which result in injury to the employee or a citizen;
- any action by a CPD employee which may result in a significant loss of CPD or citizen property;

- unattended death of person of note;
- any other incident which, in an Officers view, raises a question of the Chestertown Police Department liability or may result in heightened community interest.

Staff will err on the side of notifying the Chief in the event of a question concerning the nature of the incident. All staff have access to the Chief's home and cellular telephone numbers. Those numbers are also available at all times through Kent County Communications. Under most circumstances, the Officer involved in an incident will confer with the shift supervisor, who will make the determination whether to notify the Chief and make the notification, if appropriate. If an employee should be unable confer with a supervisor, he or she should contact the Chief directly. If the Chief cannot be reached, the notification will be made to the Lieutenant, in the same fashion as above.

2-400 **LIEUTENANT**

The Lieutenant is a sworn officer who is designated second in command of the Chestertown Police Department. The Lieutenant is responsible for fulfilling the duties and responsibilities of the Chief during periods of absence or incapacitation of the Chief. In addition to, and/or as enumerated by, the position description for his / her position, the Lieutenant will have the following duties and responsibilities:

a. provide direct, daily supervision of the Chestertown Police Department;

b. provide the Chief with timely and complete information concerning all the activities of the Chestertown Police Department and any information received having a significant impact upon the Agency, its areas of responsibility or its operations;

c. continually monitor the functions and personnel under the command and control of the position of Lieutenant in order to determine their proper functioning;

d. make recommendations to the Chief for improvements in policies and procedures in order to enhance the effectiveness and efficiency of the Agency;

2-3

2-500 **PATROL DIVISION**

The Patrol Division provides immediate police services to the citizens of and visitors to Chestertown. This Division has, as a primary goal, the development and maintenance of a safe and orderly environment for the people who are within the geographical boundaries of Chestertown. The Division provides 24-hour-per-day, 7-days per- week uniformed patrol to respond to calls for service, deter criminal activity and watch for conditions which pose a public danger.

2-501 **PATROL COMMANDER**

The Patrol Division Commander is a sworn position responsible directly to the Lieutenant.
He or she is responsible for the direct supervision of shift supervisors and the performance of administrative duties pertaining to the daily operation of the Division. The Patrol Commander is responsible for the performance of all personnel assigned to the command. The Patrol Division Commander is responsible for:

a. initial response to all calls for service which are directed to the Division;

b. patrol of all areas of the Town with the purpose of crime prevention and detection;

c. detection of conditions which present a hazard to the citizens of Chestertown;

d. removal of hazards and/or warning of citizens of such hazards if it is within his or her ability to do so using the available resources of the Agency and Town.

The Patrol Division Commander will inspect the personnel, equipment, facilities and other resources assigned to the command on a regular basis. He or she 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 OFFICERS**

In addition to, or as enumerated by, the position description for his/her position, Patrol Officers will have the following duties and responsibilities:

a. patrolling the Town of Chestertown;

b. seeking to prevent crime;

c. apprehending and processing violators of the law;

d. enforcing motor vehicle laws and promoting highway safety;

e. investigating vehicle collisions;

f. serving criminal process;

g. rendering assistance to persons where health or property may be in jeopardy;

h. conducting preliminary investigations of all cases where the Criminal Investigation Division does not respond.

i. maintaining accurate records; and

j. preparing reports.

2-600 **CRIMINAL INVESTIGATION DIVISION**

The Commander of the Criminal Investigation Division (CID) is responsible for all of its activities.

The CID handles complex investigations which require significant time, technical investigative expertise, investigative resource networks, flexible manpower assignment or a combination of these factors. Certain cases will almost always fulfill these requirements and are, therefore, made the responsibility of the CID. Other cases are sometimes easily handled by other Agency personnel and are, therefore optionally the responsibility of the CID.

The CID may act in a support role in criminal investigations handled by other components of the Agency, by providing crime scene processing, assistance with interviews and interrogations, and by providing help with other technical matters or sources of information. The determination to assume responsibility of an investigation, in those cases where there is an option, is generally made by the Commander of the CID in response to a request for assistance. In some cases, when an initial report written by another component of the Agency is reviewed by the Commander, he/she may decide the case warrants assignment to a CID detective.

The CID will have the responsibility to investigate the crimes listed in Chapter 2-601. However, this does not imply that detectives will be responsible for initial reports, responding to all crime scenes, or calls for service to these crimes. Whenever practical, detectives will respond to scenes of these crimes to assist until the case is formally assigned. In some cases, detectives will write initial reports, even though other Deputies have initially responded to the scene. Nothing in this policy prohibits members of any other Division from conducting investigations into, or from making arrests for, the enumerated crimes prior to the assumption of an investigation by CID personnel.

2-601 **CRIMES INVESTIGATED BY THE CID**

• Deaths (unless natural)

• Shootings (unless accidental)
• Felony Assault (life threatening or severe injuries)
• Rape
• Sexual Offense
• Robbery
• Kidnapping/Abduction
• Child Abuse
• Elder Abuse
• Critical Missing Persons
• Major Burglary
• Major Forgery and related crimes
• Major Credit Card Fraud
• Follow up investigations of reports by Officers as approved/assigned
• Special investigations assigned by the Chief or Chief Deputy
• Asset Forfeiture
• Administrative investigations as directed by the Chief

2-602 **NARCOTICS ENFORCEMENT**

When man power exists, the Narcotics Enforcement Officers of the Chestertown Police Department will be assigned to the Kent County Narcotics Task Force. The day to day supervision of the Narcotics Investigator will be the responsibility of the Maryland State Police Task Force Supervisor. The Narcotics Enforcement Officer will also be directly supervised by the Lieutenant. The Narcotics Officer is responsible for suppression of the distribution and use of controlled dangerous substances in Chestertown.

2-603 **PROPERTY ROOM**

The Chief's designed Property Custodian is responsible for the secure and efficient storage and disposition of all property which may come into the keeping of the Agency as a result of its daily law enforcement and public safety activities. This includes evidence, contraband, recovered stolen property, found property, etc. The designee will:

a. develop and implement such policies as will allow for the proper chain of custody of evidence and for the availability of the evidence for presentation in court;

b. provide for the disposition of all property which has been held past its usefulness as evidence or which has gone

unclaimed for a period required by law. He or she will see that such funds as may be derived from the sale of property and any cash held, which may be legally converted to the use of the Chestertown Police Department or government activities, is deposited in the proper government accounts.

2-604 **COMMANDER, CRIMINAL INVESTIGATION DIVISION**

The Commander will be responsible directly to the Lieutenant for all matters pertaining to the CID. The Commander is responsible for the administration of all the personnel assigned to the command. The Commander will:

a. develop programs and policies which foster close cooperation between CID personnel and other personnel within the Chestertown Police Department;

b. develop policies to ensure criminal investigations are conducted properly and prepared for presentation before the courts;

c. provide personnel and resources assigned to the CID for response to crime scenes and requests for assistance;

d. assist other law enforcement agencies with ongoing criminal investigations;

e. provide methods for the exchange of information between the Chestertown Police Department and other law enforcement agencies in matters of mutual interest;

f. evaluate the methods of operation of the CID and make recommendations for their improvement;

g. train subordinate personnel in the operation and management of the CID;

h. inspect or cause to be inspected all personnel and equipment under his / her command on a periodic basis.

2-605 **DETECTIVES RESPONSIBILITIES**

Detectives assigned to the CID will investigate crimes, examine evidence, apprehend violators of the law, maintain records, prepare reports and perform other work-related duties as assigned or required. They will maintain a level of expertise in the field of investigations which is generally above that of the other sworn members of the Agency not assigned to an investigative function. In this regard, they will read and know the criminal law which applies to the various cases which they are charged to investigate. They will be aware of current case law as it pertains to their cases. They will read text books and periodicals which apply to their chosen field of investigations. They will become expert as investigators in order that they may be recognized and testify as such in court. Detectives will provide such assistance and support as may be needed to the patrol units of the Agency. They will strive to maintain a working relationship with the patrol function to the benefit of the CID, Patrol, and the Agency. They will share information with Patrol Officers in support of the patrol and investigations functions.

2-606 **CRIME ANALYSIS**

Under the direction of the Commander, the CID is responsible for the on-going analysis of crime in Chestertown and dissemination of information concerning its findings to the Chief, to other CPD staff, and to the public at large, as appropriate. The CID will extract data concerning criminal activity from:

- Criminal Investigative Reports. The CID Commander reviews every CIR filed within the agency and records the type and location of the crime on a map of the town when directed. The map provides an immediate visual display of criminal activity.

- UCR Reports. Monthly UCR reports prepared by the Office Manager provide data on crimes reported to the Chestertown Police Department.

- Research. The CID Commander regularly conducts research on the Internet concerning patterns and trends in crimes. The Commander also receives updates from the Maryland State Police and other law enforcement sources which report on crime trends.

  Because of the relatively small size of the Chestertown Police Department and Chestertown, the CID Commander can detect trends or patterns in crimes with relative ease. (E.g., a series of similar thefts from motor vehicles in a

  certain area.) When the CID Commander detects such a trend, he or she will contact the other Chestertown Police Department commanders to alert them to the trend and to plan strategy to address the issue. The CID Commander may also alert staff directly concerning patterns of criminal activity that are of concern, identifying potential suspects, methods of operation, or other factors. This may be done:

- by memorandum;

- by briefing at a regularly-scheduled CPD staff meeting;

- by direct contact with certain employees;

- by other means.

The commander may similarly exchange information with other law enforcement agencies.

Under appropriate circumstances, the Commander may issue a press release to notify the public of or to solicit the public's assistance in resolving patterns of criminal activity.

In a regular weekly meeting with the Chief, the Commander will identify any crime patterns or trends that may be of significance. If, in the Commander's judgment, a matter needs to be brought to the Chief or Lieutenant's immediate attention, he or she will do so.

2-607 **SUPPORT UNIT**

The Support Unit reports to the Chief. It is generally responsible for the administrative management of the Chestertown Police Department.

2-700 **OFFICE MANAGER**

a. Enter data into MILES/NCIC, perform motor vehicle record checks and criminal records checks;

b. Configure and troubleshoot office automation systems, including CrimeStar ;

c. Maintain the Chestertown Police Department petty cash account;

d. Assist the Chief or his Designee in maintaining records on and reporting on grants received by the Chestertown Police Department;

e. Assist the Chief or his Designee order goods and services for the Chestertown Police Department, maintain records of accounts payable;

f. Assist the Chief or his Designee in maintaining budget execution information for the Chestertown Police Department and assist the Chief in preparing the Chestertown Police Department budget submission;

g. Assist the Chief or his Designee in maintaining training and other personnel records for Chestertown Police Department employees; and

h. Prepare correspondence for the Chief.

2-701 **OFFICE ASSISTANT**

a. Maintain Uniform Crime Reporting Program (UCR) data on an ongoing basis and perform monthly reporting to the MSP;

b. Maintain files of Criminal Investigation Reports, Incident Reports, motor vehicle accident reports, daily reports and vehicle reports;

c. Assist the Chief or his Designee in maintaining employee leave summaries.

2-800 **DEPARTMENTAL CHAPLAINS**

2-801 **APPOINTMENT**

The Chief may appoint one or more chaplains to serve the Chestertown Police Department and, through the Chestertown Police Department, residents of and visitors to the Town. Chaplains are unpaid volunteers who work on an as-needed/as available basis. An appointment as Chestertown Police Department Chaplain may be terminated by either the Chief or the Chaplain at any time, without advance notice.

2-802 **FUNCTIONS**

Chestertown Police Department Chaplains will perform some or all of the following functions:

- Counsel law enforcement officers
- Counsel other CPD staff members
- Counsel the families of law enforcement officers and other CPD staff members
- Visit sick or injured officers and staff
- Assist Officers in making death notifications
- Provide assistance to victims

- Teach officers and staff in areas such as stress management, ethics, and family life
- Assist at suicide incidents
- Serve as liaison with other clergy in the community
- Offer prayers at special occasions
- Serve on review boards, award boards, or other committees as directed by the Chief
- Deal with transients and the homeless

Chaplains may also perform such other duties as the Chief directs.

2-803 **ACCESSING CHAPLAINS**

If a CPD Officer or staff member requires the assistance of a Chaplain for a personal or family matter, he or she should contact the Chaplain directly. If a CPD Officer requires the assistance of a Chaplain for a death notification, suicide, victimization incident, or other operational matter, the Officer will make the request through Kent County Communications. Communications will attempt to contact the Chaplain and inform the Officer of his/her availability. A listing of all available Chaplains and their contact information will also be kept in the on-call book located in the Patrol Room.

APPENDIX 2-A

SEE LAST PAGE OF MANUAL FOR DEPARTMENT COMMAND FLOW CHART

CHAPTER 3
ADMINISTRATIVE PROCEDURES
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3-100 **FISCAL MANAGEMENT**

As the appointed Executive Officer of the Chestertown Police Department, the Chief has the authority and responsibility for the fiscal management of the Chestertown Police Department, within the budget appropriated by the Town Council of Chestertown.

3-101 **BUDGET**

The Chestertown Police Department prepares and submits an annual budget request to the Town Council of Chestertown. Chestertown's fiscal year runs from July 1 of each year to June 30 of the following year.

Within the Chestertown Police Department, preparation and submission of the budget is the responsibility of the Chief. The Chief carries out this function with the assistance of the Office Manager.

While the process may vary slightly from year to year, based on the direction of the Chestertown Budget Office, the principal steps are relatively constant:

a. Early in the calendar year the Chief attends a meeting with the Town Council and receives the calendar, instructions, and forms for submission of the budget for the fiscal year beginning the following July 1.

b. In consultation with the Command Staff, the Chief determines what the personnel, equipment, and other needs of the Chestertown Police Department will be for the budget year.

c. Under the direction of the Chief, the Office Manager translates those needs into specific budget line items, according to the instructions provided by the Town Budget Office.

d. The Office Manager completes all of the forms, schedules, and other materials specified by the Budget Office and presents them to the Chief for final review and approval, sufficiently in advance of the Town's submission deadline to permit the Chief's review.

e. The Chief reviews and approves the budget and submits it to the Town Council.

f. The Chief presents and defends the budget at a hearing before the Town Council.

3-102 **PURCHASING**

a. A Commander who needs an item or a service will notify the Chief's Office Manager.

b. If the item is within the budget and funds are available, the Office Manager will obtain the Chief's approval and arrange for the purchase following the *Chestertown Police Department Policy*: If it is not within the budget, the Chief will confer with the Budget Office of the Town of Chestertown for a determination whether to proceed with the purchase.

c. Standardization of items being purchased is achieved by centralization of major purchasing authority by the Chief.

d. Each Officer is authorized use of a Chestertown Police Department vehicle, in which a credit card has been issued for gasoline purchases. The card is not valid for any other use. Officers will turn in receipts as they obtain them to the Office Manager, who will record the information on the vehicle report. The Office Manager will forward the receipts to the Records Secretary for reconciliation with the bill from the vendor.

e. In the event of an emergency requiring the purchase or rental of equipment, if the item is not within the budget or the authority of the Chestertown Police Department, the Chief will contact the Town Manager and the Town Purchasing Coordinator for assistance. The Town Manager can contact the Town Council for authority to expend funds in excess of those available within the Chestertown Police Department appropriation.

3-103 **ACCOUNTING**

Official accounting for the resources allocated to and expended by the Chestertown Police Department is performed by the Town of Chestertown Accounting Department.

After approval by the Chief, the Chestertown Police Department submits invoices for payment to the Chestertown Budget and Accounting Department, coding the payment to reflect the activity against which the expense is to be charged.

Each month, the Chestertown Police Department receives an account activity listing showing all of the charges against the Chestertown Police Department accounts during the month, by program code.

The Chestertown Police Department also receives a monthly Statement of Expenditures report showing, by program code:

• 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.

3-104 **MAINTENANCE OF CASH ACCOUNTS**

The Chestertown Police Department has three cash accounts:

a. a petty cash account, maintained by the Office Manager;

b. a receipt account for fingerprinting services, maintained by the Office Manager;

c. a receipt account for copies of accident reports and other records, maintained by the Office Manager.

For each account, the following minimal standards apply:

a. maintenance of a ledger showing initial balance, credits, debits, and balance on hand;

b. receipts or other documentation for cash received;

c. authorization for cash disbursement and, where appropriate, requirement for the Chief's approval of expenditures in excess of certain limits;

d. documentation for cash expenditures;

e. persons or positions authorized to disburse or accept cash; and

f. quarterly accounting of cash activities.

3-104.1 **PETTY CASH ACCOUNT**

The petty cash account is a disbursement account which provides a source of cash for incidental CPD expenses. It is maintained by the Office Manager and only the Office Manager or the Chief may make disbursements from the account. The petty cash account will be used for:

a. travel expenses such as mileage for short trips, tolls, and meals, when authorized;

b. minor purchases of office supplies and equipment;

c. minor payment for services such as cleaning and photo processing.

To ensure reimbursement from the account, the employee must have prior clearance for the expenditure from the Office Manager. An employee who fails to gain such prior clearance risks not being reimbursed for the expenditure. Upon completion of the transaction, the employee will return the receipt to the Office Manager. If the receipt is in order, the Chief will initial the receipt authorizing payment and the Office Manager will record the expenditure in the petty cash log, disburse the refund to the employee, and retain the receipt in the log.
In order to maintain a sufficient cash balance, the Office Manager will periodically record the receipted expenditures on the Chestertown Payment form and forward it, with the receipts, to the Chestertown Budget and Accounting Office. That office will issue a check to the Chief, which will be cashed to replenish the fund.

3-104.2 **FINGERPRINTING ACCOUNT**

The Chestertown Police Department no longer fingerprints citizens for private reasons.

3-104.3 **SERVICE OF REPORTS ACCOUNT**

The Service of reports account is a receipt account for funds received from one source:

a. Fees paid by citizens for various kinds of police reports. Fees may be received in the form of cash, business check, or money order. For this service the cash, checks, or money orders will be secured in a locking file cabinet in the Office Manager′s office until they can be forwarded to the Chestertown Budget Office.

3-105 **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. See Chapter 15 for information on handling of evidence and seized property.

3-105.1 **RESPONSIBILITY**

Oversight of the property management system will be the responsibility of the Officer Manager. The Office Manager will maintain inventory records for the Chief.

3-105.2 **PROPERTY SUBJECT TO INVENTORY**

The Chestertown Police Department maintains an active automated inventory of the following items of agency-owned property:

a. motor vehicles

motor vehicle equipment, including:

a. radar systems

b. mobile radios

c. video recorders

d. portable radios

e. firearms and less lethal weapons other than OC spray;

f. sensitive police equipment (e.g., soft body armor, entry equipment, bullhorns, flashlights);

g. computer and office equipment with an initial purchase value of more than $50; The Chief will also maintain, for each employee, a *CPD Inventory: Issued Equipment/ Uniforms* form. The form is maintained in the employee′s personnel folder. The form is used to record all equipment and uniform items issued to each employee.

3-105.3 **INVENTORY ISSUANCE**

As property is issued to an employee or Division, the Lieutenant will record in the automated property inventory, for each item of personal property:

- a unique tracking number;
- the category of equipment;
- a description of the item;
- the item serial number, if any;
- other identification, if any;
- the Division to which assigned;
- the Officer to whom assigned, if any.

The Lieutenant will similarly record the issuance of property in the Inventory: Issued Equipment/Uniforms form, including the quantity, type, identification, and any remarks concerning each item issued to an employee.

3-105.4 **INVENTORY UPDATE**

a. Addition. As new property is received, the Office Manager will record it in the automated or manual inventory (or both, as appropriate) before its issuance.

b. Deletion. Non-usable, worn out, or broken items of equipment, property, or apparel will be returned to the Division Commander. The Division Commander will notify the Office Manager to remove the item from inventory records and will make arrangements for disposal of the item.

c. Return/Reissue. When a serviceable item is no longer required by an employee, the item will be returned to the Lieutenant. Similarly, when an employee leaves the Chestertown Police Department, he or she will return all issued uniforms and equipment to the Lieutenant. As property is returned, the Office Manager will record the return in the automated or manual inventory (or both, as appropriate). The Lieutenant will store returned items in a secured storage area. As items are needed, they will be taken out of inventory and reissued, with the re-issuance recorded as above.

3-105.5 **RESPONSIBILITY FOR PROPERTY**

Commanders are responsible for maintaining stored agency property within their divisions in a state of operational readiness. They will oversee the maintenance and care of equipment and supplies assigned to their Divisions. 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 are responsible for the return to their Division Commanders of issued equipment or property when those items are non-serviceable or removed from service. An employee may request at any time, through the Division Commander, a copy of the inventory of equipment assigned to him or her.

3-105.6 **EMPLOYEE PROPERTY CLEARANCE PROCEDURES**

All employees who terminate employment with the Chestertown Police Department will complete a clearance process with Chief, Lieutenant and the Office Manager. During the clearance the Officer will turn in all issued equipment, keys, credit cards, and other property belonging to the Chestertown Police Department. This process must be completed before the employee′s time will be certified for his or her final paycheck.

3-4
3-200 **MOTOR VEHICLES**

3-201 **MANDATORY USE OF SAFETY RESTRAINT DEVICES**

While on or off duty, a Chestertown Police Department employee operating or riding in a vehicle owned by the Chestertown Police Department (or not owned by the Chestertown Police Department 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 uses the restraint devices.

3-201.1 **MANDATORY USE OF CAR SEATS FOR EMPLOYEES 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.

d. Children who have outgrown child safety seats must be properly restrained in booster seats until at least 8 years old, or 4'9" tall.

3-201.2 **TRANSPORTATION OF CHILDREN IN EMERGENCY CIRCUMSTANCES**

Chestertown Police Department 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′s safety equipment would not be suitable, the transport will be made keeping the safety of the child in mind.

3-202 **UNATTENDED VEHICLES**

A vehicle is unattended when the Officer is not in the immediate vicinity of the vehicle or does not have the vehicle in his or her clear observation. When leaving a CPD vehicle unattended, the Officer will remove the keys and lock all doors. Canine Officers may leave the engine running in order to provide comfort control for their animals.

3-203 **PASSENGERS**

Except as necessary in the performance of police duties or as noted below under Off-Duty Usage, an Officer may not transport members of his or her family or other persons in a vehicle without the approval of the Chief.

3-204 **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.

3-205 **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.

3-206 **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 Chestertown Police Department vehicles.

3-207 **TRAVEL OUTSIDE CHESTERTOWN**

On-duty intrastate travel must be approved by the Division Commander or Shift Supervisor. The Chief or Lieutenant must approve all out-of-state travel in vehicles.

3-208 **OFF-DUTY USE OF OFFICIAL VEHICLES**

It is the policy of the Chestertown Police Department to permit designated personnel to use their official vehicles while off duty in order to increase their availability for emergency response. Vehicles will be allocated according to availability on an equitable basis by the Chief. Off-duty vehicle use will not conflict with the number of vehicles needed to maintain patrol and other responsibilities. To be eligible for this privilege, an Officer must live in Kent County or no more than 20 miles outside the boundaries of Chestertown. An employee who is not eligible for the privilege must park his/her vehicle at the Chestertown Police Department when off duty.

An Officer will announce him or herself “10-8" (in service) when beginning an off-duty trip in the Chestertown Police Department vehicle and “10-7" (out of service) at its completion.

3-208.1 **EXCLUSIVE OPERATORS**

Only the employee is permitted to operate the Chestertown Police Department vehicle.

3-208.2 **PASSENGERS**

On or off-duty travel is permitted for members of the employee′s immediate family and other employees. All passengers must be approved by the Chief or Lieutenant.

3-208.3 **EMERGENCY RESPONSE**

An employee may not respond to an emergency while transporting any passenger who is not an employee, except for an authorized ride-along. 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.

3-208-4 **MONITORING OPERATING FREQUENCIES**

An employee operating a vehicle off-duty will monitor the primary operating frequencies of the Chestertown Police Department.

3-208.5 **FIREARM**

An off-duty sworn employee who is the operator of or a passenger in a Chestertown Police Department vehicle will carry a Chestertown Police Department issued firearm.

3-208.6 **ATTIRE**

While operating a vehicle off-duty, an Officer must be appropriately attired to perform a police function effectively while at the same time presenting a favorable image of the Chestertown Police Department. Officers are also responsible for the proper appearance and conduct of their passengers.

3-208.7 **USE OF ALCOHOLIC BEVERAGES PROHIBITED**

An Officer may not operate a Chestertown Police Department vehicle with alcohol in his or her system.

3-208.8 **LARGE OR HEAVY LOADS**

Vehicles will not be used for carrying heavy or excessive loads. Objects may not protrude from the trunk or windows.

3-208.9 **TRAVEL OUTSIDE CHESTERTOWN**

Off-duty travel outside Chestertown must be approved by the Chief or Lieutenant.

3-208.10 **SECONDARY EMPLOYMENT**

No employee will use a Chestertown Police Department vehicle to commute to and from approved secondary employment.

3-208.11 **FUEL CONSERVATION**

Employees issued Chestertown Police Department vehicles are encouraged to minimize the off-duty use of vehicles to reduce fuel consumption.

3-208.12 **REVOCATION OF PRIVILEGE**

The off-duty use of vehicles is a privilege which the Chief may suspend or revoke for abuse. Abuse may include involvement in a preventable collision.

3-209 **VEHICLE EQUIPMENT**

The equipment and supplies to be maintained in assigned patrol vehicles are the responsibility of the designated Fleet Manager. The Fleet Manager is the designated Officer charged with the upkeep, equipment, and maintenance assigned to all vehicles. The designated Fleet Manager will keep each patrol vehicle supplied with the appropriate equipment. Each Officer is responsible for monitoring his or her use of equipment and supplies, and for ensuring that the Fleet Manager is aware of supplies needed.

3-210 **NON-ISSUE EQUIPMENT**

Division commanders, with the approval of the Chief or Lieutenant, may authorize the installation or use of such non-issue vehicle equipment as may be appropriate. An employee installing or using non-issue equipment which has not been so approved will be in violation of this policy.

3-210.1 **PURCHASE, INSTALLATION AND MAINTENANCE**

The purchase, installation, and maintenance of non-issue vehicle equipment are the sole responsibility of the employee. The Chestertown Police Department will not accept any claim for damage to or loss of non-issue equipment.

3-210.2 **REMOVAL**

Should a vehicle be replaced or reassigned, it is the responsibility of the employee to remove the non-issue vehicle equipment at his or her own expense.

3-211 **MAINTENANCE**

The maintenance of vehicles in accordance with manufacturer′s specifications is essential. The Fleet Manager is responsible for timely scheduling and having maintenance performed at the facility designated by the Chief.

3-211.1 **OIL CHANGES**

Oil and filter changes will be performed every 5,000 miles on all departmental vehicles.

3-211.2 **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; and the exterior free of dirt and debris and waxed.

3-212 **VEHICLE REPORT**

Each Officer assigned a vehicle will:

a. turn in fuel ticket copies daily

b. notify the Fleet Manager of defects, damages, and missing equipment

3-300 **WEAPONS**

Only approved weapons and ammunition issued by the Chestertown Police Department may be used by employees in the performance of law enforcement duties, whether on or off duty.

The following are the firearms used **and issued** by the Chestertown Police Department:

a. Primary Handgun Glock model 23, .40 cal.

b. Rifle, Beretta Storm Model CX4,.40 ca.

c. Shotgun, Remington Model 870, 12 Gauge

The Chestertown Police Department Training Officer will maintain a complete record of every weapon approved for official use. For firearms, the record will list the type, description, model, and serial number of the weapon and the person to whom it is assigned. Before any weapon is issued and put into service, it will be inspected for safety by the Chief or Lieutenant. Any weapon determined to be unsafe will be removed from service and repaired under the supervision of the Chief or Lieutenant by an authorized Armor, or destroyed. An employee may not make any repairs or modifications to Chestertown Police Department issued firearms except that, with prior written authorization, handgrips may be changed. Only a certified Armor will make repairs to firearms. Only handguns issued by the Chestertown Police Department may be carried while on duty.

3-301 **OFF DUTY FIREARMS**

Requirements for Officers to Carry Firearm Off Duty

a. Officers carrying off duty firearms must keep their weapon concealed at all times and possess their badge and departmental issued identification card.

b. Officers carrying firearms while off duty will NOT consume any type of an alcoholic beverage or narcotic prescription drug.

c. Officers while off duty will not carry a weapon into an establishment where the primary business (bar) is to serve alcoholic beverages.

d. Officers will have the department's Firearms Instructor or Armor for that particular model, inspect all off duty firearms for safety, reliability and accuracy before they may be utilized in an official capacity.

e. Officers will carry either their departmental issue or off duty handgun while operating or riding in any departmentally owned vehicle.

f. Officers that want to carry a personally owned off duty weapon need to fill out the Off Duty Handgun Carry Request Form (form # 048) that is available from the Training Officer. Once the form is completed by the Training Officer, it will then be submitted to the Chief for final approval.

g. Officers are authorized to carry their departmental issued handgun off duty. All polices listed in Section 3, Subsection 301, Off Duty Firearms, of the Chestertown Police General Orders do apply.

Off-Duty Firearm Requirements

a. Officers can only carry off duty semi automatic handguns from .380 caliber to .45 (auto) caliber in size.

b. The officer must qualify two times a year, once day time and once night time, per in compliance with the Maryland Police and Correctional Training Commission (MPCTC) regulations.

c. The officer must supply their own ammunition which shall be American made hollow point type of ammunition.

d. The firearm must be capable to carry at least 8 rounds of ammunition. Officers that carry an off duty firearm containing less than 8 rounds of ammunition must carry a second magazine.

Carrying Firearm out of State While Off-Duty

a. Officers can carry an off duty firearm out of state. The Federal Law Enforcement Officers' Safety Act of 2004 found in Chapter 44 of Title 18, United States Code, Section 926B authorizes off duty law enforcement officers to carry a firearm in a state other than the state in which the agency they are employed is located.

b. Officers that carry a firearm off duty out of State must possess their departmental issued identification card and badge at all times.

c. Officers approved to carry a firearm for off duty use must make sure the weapon is properly secured when not being carried and shall be protected from theft at all times.

3-302 **SHOTGUNS**

Trained Chestertown Police Officers are issued Remington, Model 870, 12 gauge shotguns for use in their patrol functions. Each officer will be assigned a shotgun which will be carried in their assigned patrol vehicle. Each officer is responsible for the care of all department issued firearms.

3-303 **PATROL RIFLES**

Only authorized, trained officers will carry rifles or submachine guns in their vehicles. Only authorized Chestertown Police Department rifles will used by Chestertown Police Department. Officers may carry a personal owned patrol rifle that has been approved within Section 3-303 of the Chestertown Policy and Procedures. Any officer(s) wanting to carry a

personally owned rifle shall submit a request letter to the Chief of Police. The letter shall contain the make, model and caliber of the weapon. The weapon shall conform to the Chestertown Police Department's patrol rifles standards listed in section 3-303. Before final approval the department's firearm's instructor will inspect and approve that the weapon conforms to the Chestertown Police Department's standards.

A patrol rifle will only be approved if it is:

a. American made AR-15 design;

b. has a barrel length of at least 16 inches;

c. is capable of semi-automatic fire only;

d. has a magazine capacity of 30 rounds or fewer;

e. an armorer's checklist has been completed;

f. uses .223 Remington or 5.56 NATO caliber ammunition;

g. must have both iron sights an approved optic site with no more than four power magnification;

h. registered through the State of Maryland.

The list of manufacturers of patrol rifles that are currently approved are;

a. Armalite

b. ColtDaniel

c. Defense

d. DPMS

e. H & K

f. Les Baer

g. LWRC

h. Mossberg

i. Remington

j. Rock River Arms

k. Ruger

l. Sig Sauer

m. Smith & Wesson

n. Stag Arms

o. Wilson Combat

p. Windham

Qualifications to use personally owned rifle

a. The officer is responsible for the care and maintenance of the weapon. Including all expenses accrued with maintaining the weapon.

b. The officer must qualify with the weapon set forth by the Maryland Police Training Commission and the firearms instructor. This includes initial qualification and annual qualifications.

c. The weapon must use departmental issued ammunition while the officer is using the weapon for Chestertown Police Department official business.

d. If the weapon is used in a shooting incident; the weapon will be seized until the outcome off the incident is determined.

e. Only one rifle will be carried per officer at a time.

f. Officers should transport the patrol rifle in the trunk or rear cargo area of the patrol vehicle at all times when carrying the rifle on patrol.

g. The rifle will be kept in a carrying case at all times when in a patrol vehicle. The patrol vehicle shall be kept locked at all times when a patrol rifle is stored inside.

h. All officers will remove the patrol rifle from the patrol vehicle at the end of each shift.

Deployment of patrol rifles (deployment meaning the actual personal carrying of the weapon)

Patrol rifles should only be deployed for the below listed types of incidents.

a. Training and maintenance.

b. Barricade and/or hostage incident.

c. Any incident where the Special Response Unit (SRU) has been deployed.

d. Search in a wooded area or unoccupied building for dangerous subject.

e. Felony related incidents.

f. Presence of an aggressive animal.

g. To kill a wounded animal.

h. Presence of a dangerous unruly crowd.

i. Active Shooter situations.

3-304 **LESS LETHAL WEAPONS**

The Chestertown Police Department uses two less-lethal weapons:

a. OC Spray. All Officers are trained in the use of and issued 10% *Oleoresin Capsicum* (OC) spray with stream or fog distribution.

b. Baton- All officers are trained in the use of an issued Collapsible Baton.

c. Stun Gun. This weapon, manufactured by Taser fires a non-lethal electrical probe. Only Officers trained in the use of the Stun Gun may operate the weapon.

3-305 **AMMUNITION**

The Chestertown Police Department Firearms Instructor is responsible for ordering all ammunition used by the Chestertown Police Department. An Officer may use only ammunition provided by the Chestertown Police Department in any Chestertown Police Department issued handgun, shotgun, submachine gun, or rifle. The authorized ammunition is: Handgun .40 Cal. 165 grain jacketed hollow point. Shotgun 12 Gauge 1oz. hollow point rifled slug; or 12 Gauge 00 buckshot. Berretta Storm .40 Cal. 165 grain jacketed hollow point.

3-306 **LEATHER**

Only holsters, magazine pouches, and gun belts issued by the Chestertown Police Department as items of uniform equipment may be used by Officers in conjunction with their assigned handgun(s).

3-307 **SURRENDER OF WEAPONS**

An Officer who is suspended is required to surrender to the Lieutenant for the period of suspension all weapons issued to him by the Chestertown Police Department.

3-308 **STORAGE OF AGENCY WEAPONS**

Guidelines for the safe and proper storage of agency-authorized firearms are found in Chapter 5.

3-400 **BADGES AND IDENTIFICATION CARDS**

3-401 **BADGE**

Every sworn employee will be issued a badge signifying his or her status as a law enforcement officer.

3-402 **IDENTIFICATION CARDS**

Sworn employees are issued Chestertown Police Department photo identification cards reflecting their status as sworn law enforcement officers of the Chestertown Police Department and the State of Maryland. Auxiliaries also receive Chestertown Police Department IDs. Non-sworn employees are issued Chestertown Police Department photo identification cards showing name, position, and location of employment.

3-403 **USE OF IDENTIFICATION**

No employee will allow another employee of the Chestertown Police Department or any other person to use his or her badge or identification card. An Officer who is suspended is required to surrender to the Chief for the period of suspension his or her badge(s) and identification card. An Officer will have the Chestertown Police Department badge, identification card, and MPCTC certification card in his or her possession at all times. CPD personnel who are not under cover will, upon request, permit any citizen to view his or her badge and/or identification card.

3-500 **UNIFORMS AND EQUIPMENT**

3-501 **INTRODUCTION**

The Chestertown Police Department will provide uniforms and equipment necessary for the performance of the duties of all employees. All uniforms and equipment remain the property of the Chestertown Police Department.

3-502 **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 Officers, regardless of assignment, will have available for use at least one complete Class A, B, and C uniform. The Chestertown Police Department recognizes four uniform classes:

Class A Dress Uniform.	Blouse, slacks, felt campaign-type uniform hat and Sam Browne belt with shoulder strap (non-commissioned officers). Commissioned officers wear the same uniform, without the Sam Browne belt.
Class B Winter Uniform.	Patrol jacket, long sleeved shirt with tie or turtleneck, slacks, felt campaign hat and gun belt. The issued sweater may be worn at employee′s option.
Class C Summer Uniform.	Slacks, short sleeve shirt, straw campaign hat and gun belt.
Class D Specialized Uniforms.	Bicycle Patrol, Tactical Unit, or other specialized equipment and/or uniform prescribed by the Chief.

3-502.1 **UNIFORM OF THE DAY**

The Chief or Lieutenant 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.

3-502.2 **SELECTION**

The Chestertown Police Department 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 Chestertown Police Department participates.

3-503 **WEAR REQUIRED/PROHIBITED**

When they are on duty, uniformed personnel will appear in the prescribed uniform at all times. An Officer who has been suspended from duty may not wear the Chestertown Police Department uniform.

3-504 **UNIFORM ALLOWANCE**

Every sworn employee will receive a monthly allotment for maintenance of his or her uniforms.

3-505 **UNIFORM REGULATIONS**

The uniform must be worn with pride and in a way to bring credit to the Chestertown Police Department, since it immediately identifies the wearer as a representative of the Chestertown Police Department 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 Chief, 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 Chief.

The following elements of the uniform are issued by the Chestertown Police Department.

3-505.1 **BLOUSE**

The blouse will include chevrons, nameplates, badges and award pins

3-505.2 **PATROL JACKET**

The patrol jacket is part of the Class B uniform; it may not be worn at any official function. It will be worn with the zipper closed at least half way up from the bottom. Chevrons, nameplates, and badges will be worn on the patrol jacket.

3-505.3 **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. No medallion, choker, or necklace will be visible at the neck. The shirt will include chevrons, nameplates, badges and award pins

3-505.4 **NECKTIE AND TIE BAR**

A regulation-issue tie will be worn at all times with the Class A and B uniforms and it will be secured to the shirt by a regulation-issue tie bar 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. In place of a neck tie, a turtleneck type undergarment may be worn.

3-505.5 **SHOULDER PATCH**

The CPD emblem will be worn on the both shoulders of the shirt, blouse, and patrol jacket. Each patch will be placed so that the top is 1 inch below the shoulder seam and is centered on the seam.

3-505.6 **BREAST BADGE**

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

3-505.7 **MOURNING SHROUD FOR BREAST BADGE**

At the direction of the Chief or Lieutenant, each sworn officer will place a mourning band on his or her badge. The mourning band will generally be worn:

a. For 60 days after the death of a Chestertown Police Department member killed in the line of duty;

b. For officers killed in the line duty in Maryland, mourning band is worn until 2400 hours the day of interment.

c. Under other circumstances to be determined by the Chief.

3-505.8 **COLLAR ORNAMENTS (NONCOMMISSIONED OFFICERS)**

With the Class A, B, or C uniform, an Officer will place the collar ornaments (the Seal of Chestertown) on the shirt collar, one on each side, 2 inch back of the collar opening and centered on the collar in a straight line parallel to the collar top.

3-505.9 **INSIGNIA OF RANK (COMMISSIONED OFFICERS)**

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.

3-505.10 **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 worn in the holder provided above the right breast pocket. (A nameplate which does not fit the holder will be placed covering the holder, secured inside the jacket with the attaching pins.)

3-505.11 **OTHER INSIGNIA**

- Length of Service insignia will be attached to the nameplate.
- Commendation insignia’s will be worn immediately above the nameplate, centered.
- The American Flag will be worn above the Commendation Insignia’s, centered.

3-505.12 **UNIFORM PANTS/SLACKS**

Regulation issue uniform slacks will be worn by all personnel unless otherwise prescribed. K-9 personnel may wear a utility uniform.

3-505.13 **UNIFORM SHOES/BOOTS**

Employees will wear traditional military-style dress shoes with plain toe. Shoes 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. With approval of the Commander, a Patrol Officer may wear black leather combat-type boots.

3-505.14 **GUNBELT**

The gunbelt will be worn directly over the waist belt and will fit snugly. 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;
- O.C. spray holder;
- Portable radio carrier;
- Mini-flashlight holder (optional);
- Handcuffs and case;
- Case for protective gloves;
- Key ring holder (optional);
- Cellular telephone;
- ASP baton holder; and
- Stun Gun holster.

3-505.15 **HANDCUFFS**

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 gunbelt (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.

3-505.16 **HOLSTER**

Only holsters issued by the Chestertown Police Department as an item of uniform equipment may be worn.

3-505.17 **MICROPHONE**

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

3-505.18 **RAINCOAT**

A regulation raincoat will be issued.

3-505.19 **HAT**

The regulation hats for the Chestertown Police Department are a straw campaign hat with Police Department Badge insignia, a felt campaign hat with Police Department Badge insignia and the visor baseball style cap. Officers in uniform will wear the hat at all times when they are outdoors, unless operational conditions indicate otherwise. The Chief will determine which hat is to be worn depending on the type of daily patrol or functions.

3-506 **SOFT BODY ARMOR**

Soft body armor (protective vest) is issued to all personnel to provide a measure of protection against assault and to reduce the possibility of fatal or serious injury. The wearing of Chestertown Police Department issued soft body armor, while on-duty, is mandatory for Patrol Officers. It is optional for CID and commissioned officers. However, all 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 Division Commander for replacement. Soft body armor will be replaced every 5 years.

3-507 **ATTIRE FOR PLAIN CLOTHES OFFICERS AND CIVILIANS**

Plain clothes officers 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 and tie.
- Females - suit, dress, skirt or slacks and blouse. Plain clothes officers conducting covert activities may dress appropriately for their assignment, with Division Commander approval.

3-508 **PRE-AUTHORIZED NON-ISSUE UNIFORM/EQUIPMENT**

An Officer will wear personally provided black or dark blue socks with all classes of uniform. An Officer will wear a personally provided crew neck undershirt with the Class C. The Chestertown Police Department authorizes Officers to carry personally owned folding knives or similar cutting instruments with a blade length not to exceed 4 inches. These devices may be used only as tools and not as weapons, except as described in Chapter 8.

3-508.1 **OTHER 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 Chief or Lieutenant prior to use. Approval will be subject to the following procedures:

a. the employee will complete and submit a written request to his or her 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 his or her findings on the request and forwarding it to the Lieutenant .

c. the Chief 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.

3-508.2 **CONDITIONS FOR USE OF NONISSUE EQUIPMENT**

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

- it must be maintained in proper appearance and repair at the employee′s expense;
- it is subject to personal inspection in the same manner as issued equipment; inspection reports will contain remarks relative to personal equipment;
- Commanders may designate which approved, non-issued equipment may be worn by personnel attending special functions;
- Commanders may immediately suspend and, following recommendation to and approval by the Lieutenant, discontinue the use of approved non-issued equipment; and
- 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.

3-600 **PERSONAL GROOMING**

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

3-601 **UNIFORM AND EQUIPMENT**

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. Side arms will be clean and serviceable at all times.

3-602 **FINGERNAILS AND MAKEUP**

Fingernails will be trimmed and free of dirt. Female Officers in uniform may wear only conservative polish or coating. For female Officers, cosmetics will be in good taste and natural in appearance. Eye shadow, false eyelashes, and excessive lipstick are prohibited.

3-603 **HAIR STANDARDS GENERALLY**

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.

3-603.1 **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. 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 beyond the corner of the mouth. Extreme styles (e.g., handlebar mustaches) are prohibited.

g. Other facial hair (such as full or partial beards) is prohibited and employees must report for duty with a fresh shave except in medically approved circumstances.

3-603.2 **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. Hair may we worn slightly over the ears, but the bulk or length of hair may not interfere with the proper wearing of authorized headgear. 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.

3-604 **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.

3-700 **COMPUTER SYSTEMS**

Agency computer systems are created and maintained for accomplishing the mission of the Chestertown Police Department. These policies strictly prohibit the introduction of outside computer software into department owned workstations without the prior approval of the town Systems Administrator.

Additionally, Chestertown Police Department employees will use only Chestertown Police Department issued disks in connection with their work on Chestertown Police Department computers.

3-701 **PROHIBITED USE**

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

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

b. Only employees who have been trained in and authorized access to MAARS/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 covered.

3-702 **MOBILE DATA TERMINALS**

All Chestertown Police Department employees are equipped with mobile data terminals (MDTs). The MDT is an in-car laptop computer on which the CrimeStar recordkeeping system has been installed. The CrimeStar system will be used for the preparation of all reports and for tracking a wide variety of previously manual functions, such as warrants, calls for service, arrests, traffic accidents, and criminal investigative reports. MDTs will be used only for official Chestertown Police Department business and only by those who have been trained in their use. MDTs contain sensitive law enforcement information; use of or access to the MDTs by unauthorized persons is prohibited.

3-703.1 **SYSTEM INTEGRITY**

- General. MDT users are prohibited from modifying default settings, e.g., font size, pixel count, creation of a windows password, etc. and loading any unauthorized software.

- Care of MDT. Special care will be taken to prevent spillage of liquids or other foreign materials onto the MDT. Beverages and other containers will be secured with lids. The employee will clean the MDT device, the screen, and the keyboard daily.

- Inspection. At the beginning of each shift, the Officer will verify that the system has started and is functioning properly. If the employee should encounter a problem with starting or operating the system, he or she will notify the shift supervisor immediately and the Office Manager as soon as possible. The Officer will not personally attempt any repairs to the system other than turning off and restarting the computer.

- MDT to be removed from Vehicle. An Officer may not leave their assigned MDT in his or her vehicle unless directed to do so by the Division Commander or Office Manager (or his or her designee).

3-703.2 **SYSTEM SECURITY**

It is the assigned Officer's responsibility to ensure the security of the MDT against unauthorized use.

- Passwords. Employees will not give their passwords to any other person or persons to use, nor will they leave the password in any discernible written form in or near their computer. Individuals will be held strictly accountable for any transaction appearing under their log on signature and password. Assigned personnel, however, may be required to disclose this information to someone in their chain of command or support personnel for Chestertown Police Department business purposes.

- Vehicle Security. It will be the assigned Officer's responsibility to safeguard the MDT by locking the vehicle upon exiting the vehicle. All personnel are required to log off from all network computer systems at the completion of their workday.

- Transporting Prisoners. Special care must be taken to safeguard information when transporting prisoners. The Officer will log off the system and close the laptop cover during prisoner transport.

3.703.3 **VEHICLE SAFETY**

The driver of any vehicle will not operate an MDT while the vehicle is in motion. Officers will stop their vehicles and park in a safe manner before attempting to access or input information.

3-703.4 **SYNCHRONIZATION**

The CrimeStar database is kept current by resynchronization of the individual MDTs. Each time an MDT is resynchronized, data is transferred from the MDT to the main data base and from the main data base to the MDT. Synchronization can occur only in one specific location:

a. Chestertown Police Department parking lot;

Each Officer will, at a minimum, therefore report to that location and resynchronize the MDT as the first task of his or her shift, except in the event of a priority call. In the event of a priority call, the Officer will report to this location as soon as possible to resynchronize. Similarly, each Officer will report to that location to resynchronize at the end of his or her shift.

3-703.5 **VERIFICATION OF WARRANTS**

Special care must be taken in using CrimeStar to check warrants:

a. Not all local warrants have yet been put into the CrimeStar database. The absence of a warrant in the system does not necessarily mean that there are no local warrants; the Officer must still have Kent Communications check an individual against the Master Warrant List.

b. Before executing any local warrant (whether found in CrimeStar or by Kent Communications), the Officer must verify, either personally or through contact with Chestertown Police Department headquarters, that the warrant is valid.

c. Only internal warrants are recorded in CrimeStar; the Officer must still have Kent Communications search the NCIC and MILES systems for active warrants from other jurisdictions.

3-800 **OFFICE 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 Chestertown Police Department.

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

3-801 **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 pad and pencil available for note taking, and will take down the caller′s name when it is first mentioned.

c. An employee will answer installation telephones by saying: Chestertown Police Department, this is (employee′s name and rank). 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 take a message when a caller asks for another employee who is not present. Every employee will verify that messages are signed by the taker and that the date and time have been noted, and that the name of the caller and the message are verified.

e. When a caller makes a complaint, the employee will obtain all information required to complete a Complaint Against Personnel Report, or will advise the caller how to obtain and complete a Report, before terminating the conversation

3-802 **PERSONAL CALLS PERMITTED**

a. Personal calls should be limited to emergencies and important matters and should be kept to the minimum duration.

b. Examples of the kinds of brief personal calls permitted are:

1) calls to notify family, doctor, etc. when an employee is injured on the job;

2) 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 his or her work schedule without advance notice;

3) calls to locations within the local commuting area than can be reached only during working hours;

4) calls to locations within the local commuting area to make arrangements in an emergency;

5) calls to check on family members;

6) calls of an emergency nature to or from hospitals, doctors, schools, day care, etc.

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

3-803 **PERSONAL LONG DISTANCE CALLS**

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

3-804 **PERSONAL CALLS PROHIBITED**

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

a. Use where there is a toll charge to the CPD, or where the employee intends to reimburse the Chestertown Police Department for the toll.

b. Use which significantly interferes with the conduct of official business.

c. Listening in on or recording telephone conversations, except as authorized by appropriate legal authority.

3-805 **CELLULAR TELEPHONES**

3-805.1 **PROVISION OF CELL PHONES**

a. The Chestertown Police Department will provide each sworn staff member with a cellular telephone.

b. The Chestertown Police Department 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. An Officer may use the cellular telephone for personal use; however, all charges in excess of the basic charge are the responsibility of the Officer, unless the Officer can demonstrate that more than the base number of minutes were used for necessary Chestertown Police Department business.

3-805.2 **BILLING**

Telephone bills will be sent to the Chestertown Police Department front office. The Office Manager will contact the Officer each month with his or her payment amount if monies are owed. Telephone bills must be paid within 5 days of notification from the date of the Office Manager. The Office Manager is responsible for resolving billing disputes with the telephone service provider.

3-805.3 **USE**

a. Officer’s will carry their cellular telephones with them at all times, charged and turned on.

b. Officer’s must be aware that cellular telephone coverage in the County is not universal.

c. Officer’s will use their cellular telephones while on duty to send information which is too lengthy, too sensitive, or otherwise inappropriate for the mobile radio system

3-805.4 **MAINTENANCE AND REPAIR**

Questions about cellular telephone operation, maintenance, or repair should be addressed to the Office Manager.

3-900 **INSPECTIONS**

In order to fulfill the responsibilities of office, the Lieutenant must at all times be familiar with the condition of facilities, equipment and personnel within the Chestertown Police Department. To maintain this familiarity and awareness, there is established a system of inspections. All command and supervisory personnel are charged, on both a random, to continually inspect all that falls within their respective areas of responsibility.

Discrepancies found as a result of inspections will be corrected as they are found if the corrections are within the realm of the inspector's authority and resources. If not, they will be brought to the immediate attention of the inspector's superior.

3-901 **COMMANDERS**

a. Each Commander will, when assuming a command, inventory the entire command and accept responsibility for all he or she finds at his or her disposal as a result of assumption of command. In like manner, each commander, in preparation for turning over a command to another, will inventory his or her command and formally give an accounting of that which is to be turned over. Each such inventory should include personnel inspections, as well as equipment, supplies, vehicles, and physical spaces occupied by the command. The results of the inventory will be reported to the Lieutenant.

b. Commanders will conduct annual physical inventories of all equipment assigned to their commands. The results of the inventory will be reported to the Lieutenant.

c. Commanders will inspect all physical space, personnel, equipment and vehicles at least semi-annually, in March and September. The results of the inspection will be reported to the Lieutenant.

3-902 **SUPERVISORS**

Supervisors will monitor physical space, personnel, equipment and vehicles continually. They will take corrective action with respect to deficiencies they discover, when those deficiencies are within the scope of their authority, and they will report deviations from Chestertown Police Department standards to their Commanders.

3-903 **EMPLOYEES**

a. Employees should engage in a regular process of self-inspection and should also bring to their supervisors attention deficiencies which they note in supplies, equipment, physical plant, or other areas of the Chestertown Police Departments responsibilities.

b. All equipment, uniforms, supplies, vehicles, physical spaces and all other things owned or under the control of the Chestertown Police Department, which are assigned to the keeping of an individual employee, are subject to inspection.

c. If an employee puts 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.

d. Any personal property of any kind which is placed within the vehicles or physical spaces owned or controlled by the Chief is the responsibility of the individual employee placing it there. The Chestertown Police Department 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 Chestertown Police Department.

e. Each employee assigned a vehicle will, at the beginning of each shift, inspect all of the systems of the vehicle for correct operation and ensure that the vehicle is stocked with all materials needed to carry out assigned duties. The employee will also search the interior of the vehicle to ensure that there is no contraband present. The employee will conduct the same search after transporting any prisoner.

3-1000 **LOSS OF/DAMAGE TO CPD EQUIPMENT**

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

3-1001 **DEFINITIONS**

CPD Equipment: equipment or parts thereof owned and issued by the Chestertown Police Department. 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.

3-1002 **SCOPE**

These procedures will apply to all cases of loss of or damage to Chestertown Police Department equipment, except damage to a motor vehicle resulting from a motor vehicle accident, which is covered in Chapter 12.

3-1003 **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 his or her own expense. Every employee of the Chestertown Police Department will assume personal responsibility for all Town property issued to him or her or placed in service for his or her use or convenience.

3-1004 **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 his or her immediate supervisor.

3-1005 **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 a written detailed report.

3-1006 **SUPERVISORY REVIEW**

The supervisor receiving the written detailed report or another supervisor designated by the Chief will initiate an appropriate investigation into the incident and report the facts and appropriate recommendations to the employee′s Commander.

3-1007 **ADMINISTRATIVE REVIEW**

Upon completion of the supervisory review, the detailed report will be submitted to the employee′s Division Commander for initial administrative review. The Division 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 Lieutenant for final administrative review.

3-1008 **DISTRIBUTION OF REPORT**

The report will be filed as follows:

a. a report involving any type of damage to a motor vehicle will be filed in the motor vehicle history file;

b. a report involving damage to or loss of personal issue equipment will be filed in the employee′s personnel file.

3-1009 **RESTITUTION TO CHESTERTOWN POLICE DEPARTMENT**

If the Report involves the theft of or damage to equipment by a third party from whom restitution may be gained, the Lieutenant will be responsible for monitoring the progress of the case through the courts. The Lieutenant 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 Chestertown Police Department.

3-1100 **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.

3-1101 **SECURITY**

The responsibility for security at each work area or facility rests with the respective Division 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. Offices used by personnel will be secured when not occupied. Only authorized employees will be issued keys.

3-1101.1 **PROPERTY SECURED**

Each Commander is responsible for securing Chestertown Police Department property under his or her control so as to prevent public access.

3-1101.2 **DUPLICATE KEYS**

The Lieutenant will establish and maintain a key control system which will include the availability of duplicate keys for all vehicles and facilities.

CHAPTER 4
PERSONNEL ADMINISTRATION
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4-001 **PERSONNEL ADMINISTRATION**

The Chestertown Police Department 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 Chestertown Police Department strives to compensate employees fairly, to provide meaningful assignments which demonstrate the dignity of work, and to treat every employee in an equitable manner.

4-100 **EQUAL EMPLOYMENT OPPORTUNITY, HARASSMENT AND WORKPLACE VIOLENCE**

The Chestertown Police Department 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 Town of Chestertown, set out in its *Personnel Policies and Procedures Manual*.

The Chestertown Police Department has a separate Equal Employment Opportunity Plan which is found as Appendix 4-A.

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

4-101 **SCOPE**

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

4-102 **DISCRIMINATION PROHIBITED**

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

4-103 **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 Town of Chestertown Policies.

4-104 **HARASSMENT**

The Chestertown Police Department 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 Town of Chestertown Manual of Rules and Regulations for Employees.

An employee will normally report harassment through the chain of command; however, if a supervisor is the source of the alleged harassment, the employee may go directly to the Chief or to the Lieutenant.

4-105 **WORKPLACE VIOLENCE**

4-200 **CLASSIFICATION AND PAY**

Except for the position of Chief, every position in the Chestertown Police Department is established pursuant to the requirements of the Town of Chestertown. A copy of each position description is maintained in this manual.

4-201 **BASIC PAY**

Grade levels for Chestertown Police Department employees are set in accordance with the Town of Chestertown. Pay level is based on grade level.

4-201.1 **PAY GRADES**

Sworn employees are paid, based upon their ranks. Non-sworn employees are paid, based upon their grade levels..

4-201.2 **ADVANCEMENT WITHIN GRADE**

Contingent upon funding by the Town of Chestertown, an employee's pay rate may be increased each fiscal year, beginning July 1. If an employee receives an Unacceptable performance evaluation, the employee's pay may be frozen and he/she may not be entitled to a pay increase that fiscal year. A new employee who has been employed before April 1 of any year is eligible to receive an increase on July 1 that year.

4-201.3 **RANK**

Officer
Patrolman First Class
Corporal
Sergeant
Lieutenant

Lieutenant
Chief

4-202 **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 7 but less than 28 days, the employee′s total number of hours exceeds the ratio of 171 hours during 28 days.

The Chestertown Police Department does not provide salary supplementation based upon special skills or augmentation based upon special duties.

Canine Officers are scheduled for two hour less per shift than other Officers in recognition of the time required to care for their animals.

4-202.1 **OVERTIME PAY**

a. An employee who works scheduled or unscheduled overtime hours will submit an overtime sheet for those hours to the Lieutenant no later than 24 hours after the end of the shift when the overtime was worked.

b. Compensation will be at the rate of 11/2 times the employee′s hourly rate.

4-202.2 **COMPENSATORY LEAVE**

Compensatory leave will not be granted unless prior approval is granted by the Chief or Lieutenant, and shall be at the rate of each hour worked for each hour off.

There will be no accrual of compensatory leave time over 10 hours, and should be used by the employee earning the compensatory time as soon as possible.

4-203 **APPROVED ABSENCES**

Provisions for accrual and use of annual leave, sick leave, holidays, military leave, educational leave, funeral leave, family and medical leave, jury duty, subpoena, and leave without pay are fully described the Town of Chestertown Manual of Rules and Regulations for Employees.

4-204 **EMPLOYEE BENEFITS**

The Town of Chestertown provides a comprehensive benefits package to its employees which is described in the Town of Chestertown Manual of Rules and Regulations for Employees.

The Personnel Coordinator in the Town Hall 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 the Coordinator by calling the Town Hall. The Coordinator also has brochures and other materials available for all employee benefit programs.

4-204.1 **RETIREMENT, DEATH, AND DISABILITY BENEFITS**

Sworn employees are covered by the Maryland State Law Enforcement Officers Pension System (LEOPS). Non-sworn employees are coved by the Contributory Pension System for Employees and Teachers of the State of Maryland (State Retirement and Pension System, or SRPS). Employees are provided copies of the brochure describing costs and benefits and further information about the plan from the Maryland State Retirement Agency.

Both programs also provide benefits for employees and survivors in the case of service-connected or non-service connected disability or death.

4-204.2 **HEALTH INSURANCE**

Full time employees are eligible for coverage under the Towns 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 Personnel Coordinator in the Town Hall.

4-204.3 **LIFE INSURANCE**

Full time employees are covered by a Town paid life insurance policy. An employee may obtain a copy of the master policy and further information about the plan by contacting the Personnel Coordinator in the Town Hall.

4-204.4 **LIABILITY PROTECTION PROGRAM**

The Town of Chestertown carries insurance intended to provide protection for employees and the Town in the event of legal action against the employee and the Town, as well as the cost of damages to citizen's 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 Town as a result of willful neglect of duty or purposefully harmful action is the sole liability of the employee involved.

An employee of the Chestertown Police Department who is served as a defendant in a lawsuit related to his or her official duties will notify the Lieutenant with 24 hours of service and may request appropriate legal representation.

The employee should prepare a memorandum for the Lieutenant 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 division Commander who will then forward the request to the Lieutenant. The Lieutenant will review the request and forward it to the Town's retained attorney.

Employees will not make any statements, or otherwise furnish information regarding an incident or allegation of liability against the Chief or the Chestertown Police Department to anyone outside the agency without first notifying the Lieutenant and the Town Attorney. Approval must be obtained from the Attorney'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 Town's property or interests, without the consent of the Lieutenant and the Town's Attorney.

4-204.5 **TUITION REIMBURSEMENT**

Chestertown's plan for tuition reimbursement for courses related to the employee′s position is described in the Chestertown Manual of Rules and Regulations for Employees. An employee may obtain further information about the plan by contacting the Personnel Coordinator in the Town Hall.

4-300 **RESERVE OFFICER PROGRAM**

The Chestertown Police Department maintains a reserve Officer program as a cost-effective way of meeting the agency′s workforce needs. Reserves are used primarily to help the Chestertown Police Department meet its patrol responsibilities and are be subject to the supervision of the patrol supervisors on duty during their shifts.

4-301 **AUTHORITY, QUALIFICATION AND SELECTION**

Chestertown Police Department Reserve Officers exercises the same powers and authorities as full-time Officers. They carry weapons and have full custodial arrest authority. As such, they must possess and maintain current certification from the Maryland Police and Correctional Training Commission, achieved only after completing the full course of study at an

MPCTC-certified training academy. They also will meet the same qualification requirements and complete the same pre-employment process as full-time Officers.

4-302 **UNIFORMS, EQUIPMENT, TRAINING, LIABILITY PROTECTION**

Reserve Officers will be issued regulation Chestertown Police Department uniforms and equipment. Reserve Officers will be subject to the same weapons qualification requirements, use of force training, and in-service training requirements as fulltime Officers. Reserve Officers have the same liability protection as full-time Officers.

4-303 **TENURE AND BENEFITS**

Reserve Officers are at will contract employees who may be dismissed without cause upon 30 days advance notice. Reserve Officers are not eligible for annual or sick leave, health benefits, life insurance, dental benefits or retirement benefits. They are eligible for medical benefits for injuries sustained in the line of duty.

4-304 **PERFORMANCE APPRAISALS**

Reserve Officers are rated on the same schedule as and under the same standards as full-time Officers.

4-400 **AUXILIARY PERSONNEL**

Auxiliary personnel are uncompensated non-employees who provide assistance to the Chestertown Police Department in the accomplishment of its mission. Auxiliaries are appointed by and serve at the pleasure of the Chief. Auxiliaries are not sworn employees and have no law enforcement responsibilities or authority.

4-401 **DUTIES AND TRAINING**

The duties, role, and authority of each auxiliary will be described in writing and the description will be maintained by the Office Manager. Each auxiliary will have training sufficient to complete his or her auxiliary functions. The written description of the auxiliary's duties will include a statement concerning the training required for the function.

4-402 **UNIFORMS**

Chestertown Police Department auxiliaries are not issued and do not wear uniforms.

4-403 **BENEFITS**

Auxiliaries are not eligible for annual or sick leave, health benefits, life insurance, dental benefits or retirement benefits. They are, however, eligible for medical benefits for injuries sustained in the line of duty.

4-500 **EMPLOYEE ASSISTANCE PROGRAM**

The Town of Chestertown recognizes that an early intervention process that guides an individual with personal and/or

work place problems toward an effective solution benefits the employee and the Town. The Town has therefore established a comprehensive Employee Assistance Program (EAP) for all employees. Copies of the brochure describing program services have been provided to all employees and are available from the Town Personnel Administrator. The services of the EAP are available to employees (both for their own concerns and for their concerns about other co workers), to employees, dependents and household residents, and to supervisors.

4-501 **OBTAINING SERVICES AND CONFIDENTIALITY**

EAP services are available 24 hours a day, 7 days a week by calling the toll-free number in the program brochure. The brochure also lists the range of services available through the program. Except as required by law, all calls to the EAP and all counseling sessions are confidential.

4-502 **REFERRALS TO EAP**

While use of the EAP is always voluntary, there may be circumstances under which an employee will be referred by his or her supervisor. Those circumstances may include:

- an unexplained decline in the employees performance or attendance record;
- misconduct by the employee;
- invocation of the early warning system; or
- the perception by the supervisor that the employee′s performance or conduct is being adversely affected by factors external to the work environment. Referrals to the EAP will be approved by the Lieutenant.

The referral will take the form of a memorandum from the supervisor to the employee, identifying the concerns which prompt the referral, attaching a copy of the program brochure, and advising the employee that he or she is responsible for bringing conduct and performance within acceptable standards. The Lieutenant will arrange an annual briefing on supervisor's responsibilities under the program and on referrals for Chestertown Police Department supervisors.

4-600 **EARLY WARNING SYSTEM**

The early warning system is an information-based management tool designed to identify Officers whose behavior is problematic and to provide a form of intervention to correct that performance. Typically, the Chestertown Police Department will attempt to intervene before

a Officer is in a situation which warrants formal disciplinary action. The Chestertown Police Department small size and command Officers consequent intimate knowledge of Officers behaviors gives it an advantage that larger agencies may lack. The Lieutenant will be responsible for oversight of the system.

4-601 **INITIATING A REVIEW**

A number of conditions may initiate a review. Among these are:

- more than one citizen complaint in a 12- month period;
- a use of force which causes injury to a suspect which requires medical treatment;
- an agency motor vehicle accident resulting in damage greater than $2,000.
- an annual performance evaluation below the Fully Acceptable level; and
- an internal affairs investigation.

This list is not meant to be all-inclusive. While the Lieutenant will initiate a review upon any of these incidents, he or she may also initiate a review based on other factors, such as workers compensation claims or supervisory reports. A supervisor may also suggest a review.

4-602 **CONDUCTING THE REVIEW**

The Lieutenant will conduct the initial review by gathering all available information concerning the employee′s recent conduct and behavior. Most of that information will be available in the employee′s personnel folder, maintained by the Chief. Other information will be available from Chestertown Police Department internal affairs reports, motor vehicle accident reports, citizen complaint files, and other sources. If the Lieutenant perceives a pattern of behavior which constitutes a matter of concern, he or she will convene a meeting with the employee′s immediate supervisor and the employee′s Commander to review the materials. In that meeting, the managers will decide whether intervention is necessary and what form that intervention will take.

4-603 **FORMS OF INTERVENTION**

In most cases, the initial intervention will be in the form of a counseling session with the first-line supervisor. In that session, the supervisor will:

a. specifically describe the conduct or behaviors which are of concern to the Chestertown Police Department;

b. describe alternative conduct or behaviors which would be acceptable;

c. establish a schedule for meeting with the employee at least biweekly for a specified period to review the employee's conduct and performance;

d. specifically inform the employee about Chestertown Employee Assistance Program. In some circumstances, other intervention, such as training, may be necessary.

4-604 **PROGRESS REPORTS**

The first-line supervisor will report to the Lieutenant, through the Commander, after each biweekly meeting with the Officer, on the Officers progress. The Lieutenant will, as required, reconvene the management team if the prescribed interventions are not successful in correcting the Officers behaviors.

4-700 **OFF-DUTY EMPLOYMENT**

4-701 **DEFINITIONS**

a. "Off-duty employment" is the rendering of any service or the sale of anything for pay or remuneration from any source other than the Chestertown Police Department. The definition includes entrance and/or re-enlistment into the military reserve and any form of self employment. 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.

b. "Employee" means every employee of the Chestertown Police Department, unless otherwise indicated.

4-702 **AUTHORIZATION**

An employee who wishes to engage in off-duty employment must submit a memorandum to the Chief. The memorandum will fully and specifically identify the employment activities for which authorization is requested. The request, approved or denied, will be placed in the employee's personnel file. The Chestertown Police Department can authorize "extra-duty employment," wherein the actual or potential use of law enforcement powers is anticipated.

4-703 **REVOCATION**

The Chief may revoke authorization for an employee's off-duty employment at any time that employment conflicts with his or her duties or constitutes a conflict of interest with the Chestertown Police Department. The Chief may also revoke authorization when an employee has been placed on light duty status and the performance of the off-duty employment may adversely affect the injury or illness. The revocation will be made in writing.

4-704 **CONDITIONS FOR OFF-DUTY EMPLOYMENT**

a. Off-duty employment will not be authorized with any entity licensed by, or under the regulatory control of, the Chestertown Police Department.

b. Officers must bear in mind that they are sworn law enforcement officers, even when working in off-duty employment, and that they must take appropriate enforcement or other action to safeguard life and property when circumstances demand such action.

c. Off-duty employment may be authorized for establishments which sell and dispense alcoholic beverages, so long as the sale of alcohol is not the primary business of the establishment. A sworn employee is prohibited from directly selling or dispensing alcoholic beverages.

d. Unless specifically authorized by the Chief in writing, an employee engaging in off-duty employment may not wear the Chestertown Police Department uniform, or any part of the uniform, except the issued sidearm.

e. An employee may not engage in off-duty employment while on sick leave and may not engage in off-duty employment which will impair his or her ability to perform Chestertown Police Department law enforcement duties.

f. Use of Chestertown Police Department vehicles in connection with off duty employment is discussed in Section 3-208.10.

4-705 **LIABILITY**

An injury or illness arising from off-duty employment is not compensable by the Town of Chestertown. Employees have only their personal or job-provided insurance and Town 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 Chestertown Police Department. The exception is an injury resulting from a bona fide law enforcement action taken while working at off-duty employment.

4-800 **RECOGNITION OF MERITORIOUS SERVICE**

4-801 **POLICY**

The Chestertown Police Department strives to recognize outstanding performance on the part of individual employees of the Chestertown Police Department or groups of employees. It also strives to recognize the performance of non-employees who have made significant contributions to or rendered significant services to the Chestertown Police Department.

4-802 **MERITORIOUS SERVICE BOARD**

The Meritorious Service Board consists of the Command staff of the Chestertown Police Department, chaired by the Chief. The Board meets periodically at the call of the Chief. Each member of the Board has the responsibility to bring to the Board′s attention outstanding service which he or she believes is worthy of recognition. The Patrol Commander will serve as Secretary to the Board and will set out in writing the basis for the award recommendation.

4-803 **FORMS OF RECOGNITION**

Chief's Citation for Valor.	This award will be authorized for posthumous presentation to the next of kin of any employee who has died while exercising law enforcement functions, where the circumstances indicate the display of true valor; or for presentation to a member of the Chestertown Police Department whose performance has been identified as outstanding and above and beyond the call of duty, where a risk of life by the member was involved.
Chief's Commendation.	This award will be authorized for posthumous presentation to the next of kin of any employee who has died in the line of duty under honorable circumstances, where facts do not warrant presentation of the Chief's Citation for Valor; or for presentation to a member whose performance has been identified as outstanding and above and beyond the call of duty. Courage and valor play and important role, but are not mandatory.
Chief's Citation.	This award will be authorized in instances where the performance of a member of the Chestertown Police Department is identified as exceptional and exemplifying the highest standard of the police profession.

Chief's Certificate of Valor.	This award will be authorized when a citizen or member of another law enforcement agency has assisted the Chestertown Police Department at a definite risk to his or her own life.
Chief's Certificate of Recognition.	This award will be authorized when a member of the Chestertown Police Department has performed in an exemplary manner for a period of at least one year, with or without an outstanding incident. The award will be authorized in instances where other law enforcement agencies or their members have provided exemplary and meritorious assistance to the Chestertown Police Department.
Chief's Certificate of Appreciation.	This award will be authorized in instances where a citizen has voluntarily provided exemplary assistance to a member of the Chestertown Police Department, or to another citizen in a matter in which the Chestertown Police Department is involved.

4-804 **PRESENTATION**

Awards will be presented at a regularly scheduled meeting of the Town Council of Chestertown or at some other function deemed appropriate by the Meritorious Service Board.

4-805 **DOCUMENTATION**

Awards 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 an employee's personnel folder.

4-900 **DISCIPLINE**

4-900.1 **POLICY**

It is the policy of the Chestertown Police Department that employee performance and conduct will adhere to the Standards of Conduct set out in Chapter 1 of this Manual. Every employee will at all times conduct him or herself in a fashion that is fully consistent with those standards. The Chestertown Police Department is governed by the Rules and Regulations of the Town of Chestertown, Disciplinary Actions, except to the extent that sworn employees may be entitled to alternative procedural rights conferred through the Law Enforcement Officers Bill of Rights (see Appendix 4-D). It is the Town's general practice to use progressive discipline to correct performance, or attitude problems. 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 and responsibilities and other factors.

4-901 **SELECTION OF DISCIPLINE, TRAINING AND COUNSELING**

- When a supervisory Chestertown Police Department employee observes or detects deficiencies in performance or conduct which adversely affect a subordinate's carrying out the functions of his or her position, the supervisor is responsible for determining the appropriate response to those deficiencies. The supervisor may at any time consult with the Chief or Lieutenant for guidance in carrying out his or her duties under this section.

- When the infraction is a first offense and relatively minor, the Supervisor's first thought should be for training or instruction which will correct the subordinate's performance or conduct deficiency. Such training could range from the employee's reviewing the Standards of Conduct (or other written materials) to formal training or re-training.

- 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.

- The supervisor may determine, in his or her discretion, that a formal counseling session is warranted and whether the infraction is serious enough that the Lieutenant should be included in the formal counseling session. Such counseling will be held as soon as possible following the infraction or the conclusion of an investigation disclosing a minor infraction of Chestertown Police Department policy.

- The supervisor will discuss the particular incident with the employee, pointing out the deficiencies in the employee's actions. The employee will be given the opportunity to state his or her views on the matter and to

  suggest corrective action to prevent future occurrences. At the conclusion of the counseling session, the supervisor (with the Lieutenant, as appropriate) will recommend a course of action designed to help the employee improve in the specific areas addressed or avoid recurrence.

- At the conclusion of the formal counseling session, the supervisor will prepare a Chestertown Police Department Personnel Counseling Record Form. The employee will be given the opportunity to review, sign, and receive a copy of and comment in writing upon the form. If the employee declines to acknowledge receipt of the form, a notation to that effect will be made. The original form will be retained in the supervisor's field notes and a copy will be given to the employee.

- The formal counseling procedure is the equivalent of the oral admonishment. For non-sworn employees, the counseling form may be forwarded to the Town's Personnel Administrator.

4-902 **SELECTION OF DISCIPLINE FORMAL DISCIPLINARY ACTION**

4-902.1 **TYPES OF FORMAL DISCIPLINARY ACTION**

The types of formal disciplinary action available and their definitions are described in Chestertown Policies and Procedures:

- Written reprimand
- Summary Punishment
- **Alternative Disciplinary Procedure (ADP)**
- Emergency Suspension
- Trial Board Action:
  - Suspension
  - Within-grade reduction
  - Demotion
  - Dismissal

4-902.2 **EFFECT OF PROBATION**

An employee serving a probationary period on initial appointment is not entitled to the due process requirements of the Chestertown Policies and Procedures or this Chapter, except in the case of alleged police brutality by a sworn employee.

4-902.3 **INVESTIGATION**

In every case of a potential disciplinary action, the Lieutenant will direct an 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 the Law Enforcement Officers Bill of Rights. In some cases the investigation will be simple fact-finding by the supervisor; in other cases, a more formal investigation may be required. The scope of the investigation required will be determined by the Lieutenant, in consultation with the Chief, if necessary. The investigation should reveal:

- whether an offense was committed;
- whether the employee was involved in the offense;
- the past disciplinary record of the employee; and
- recommendations as to sustained or nonsustained findings.

4-902.4 **REPORT TO CHIEF**

In all cases, the result of the investigation will be reported to the Chief.

4-902.5 **WRITTEN REPRIMAND**

A written reprimand, placed in the employee's official personnel folder, is the least severe type of formal discipline and does not invoke the sworn employee's right to a hearing board. 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 his or her own comments included with the reprimand in the official personnel file.

For non-sworn employees, the reprimand may be forwarded to the Chestertown Personnel Administrator.

4-902.6 **MORE SEVERE FORMAL DISCIPLINE**

The Chief may determine that more formal discipline more severe than an official reprimand is appropriate for a sworn employee.

a. Summary Punishment. In all cases where the formal discipline is more severe than a written reprimand, a sworn employee charged with a violation of Chestertown Police Department or Chestertown rules, policy or procedure may have those charges heard by a hearing board.

If the Chief 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 Chief 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. 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 Commander, who will endorse it with the recommended discipline and forward the report, through the Lieutenant, to the Chief.

When the Chief has decided upon the penalty to be offered, the immediate supervisor 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 will be offered summary punishment or advised summary punishment is not appropriate and that the case will be heard by a hearing board.

b. Hearing Board. Where the Chief 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 Chief 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 Chief will appoint the prosecutor for the Chestertown Police Department's case. The investigating Officer may not be the prosecutor if he or she will be a witness at the hearing.

c. Final Disposition. The Hearing Board will make its findings and recommendations to the Chief, who will, consistent with the LEOBR, determine the penalty to be imposed.

d. Appeal. The employee may appeal the Chestertown Police Department's action consistent with the LEOBR.

e. Alternative Disciplinary Procedure (ADP). Refer to Appendix 4 of this chapter.

In the case of a non-sworn employee, discipline more severe than a written reprimand and appeals will be handled in accordance with the Town of Chestertown Rules and Regulations.

4-902.7 **NOTIFICATIONS ATTENDANT TO DISCIPLINE**

In the case of dismissal, 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.

4-903 **EMERGENCY SUSPENSION**

a. An employee may be immediately suspended on an emergency basis by a superior officer when it is in the best interest of the Town or the employee. Concurrence of the Chief will be obtained through channels as soon as possible.

b. The suspended employee will be ordered to appear for a suspension review to determine if the suspension will be continued or terminated pending the disposition of formal charges. The suspension review is in addition to the hearing on the merits required under the LEOBR.

c. The Chief will appoint a 3-member panel composed of law enforcement officers from other agencies as soon as possible following the suspension to determine if the suspension is necessary to protect the interests of the Town or the employee pending disposition of charges, and whether other employment or leave status alternatives are appropriate. The panel will be composed of at least one person of the same rank as the employee. The Chief will designate the chair of the panel. At the review, the employee may:

- Be accompanied by counsel;
- Rebut the reasons for the suspension;
- Present mitigating testimony;
- Suggest alternatives to suspension.

d. The suspension review will be recorded. The tape recording will be forwarded in a sealed envelope to the Chief for retention and inclusion in the investigative case file.

e. At the conclusion of its review, the panel will make a recommendation to the Chief.

f. After consideration of the panel′s recommendation, the Chief will immediately render a decision whether the suspension will be continued and whether it will be without pay. An employee suspended with pay will be advised of the requirement to notify the Lieutenant of the telephone number and location where he or she may be reached on a daily basis between 0900 and 1000 hours, Monday through Friday, exclusive of holidays.

g. Within 5 days of the review, the employee will receive the decision in writing. The decision is conclusive of the suspension only. A copy of the written decision will be maintained in the investigative case file.

h. Where an employee is suspended without pay, and the underlying misconduct is not pursued through the disciplinary process or is not sustained, the employee will be made whole for lost pay, less any outside earnings during the period of the suspension.

4-904 **MAINTENANCE OF RECORDS**

The Chestertown Police Department will maintain a complete record of every disciplinary action, including all reports of the employee, supervisors, investigators, and any statements related to the discipline. The record will include all correspondence related to the discipline, including the results of the hearing board, if one is held. All records of disciplinary actions will be maintained in the employee′s personnel folder in a locked file in the Chief's Office. The records will be retained for the duration of the employee′s service with the Chestertown Police Department.

4-1000 **GRIEVANCES AND APPEALS**

4-1001 **COVERAGE**

Except to the extent that sworn employees may have alternative appeal rights conferred through the Law Enforcement Officers Bill of Rights (see Appendix 4-E), all employees of the Chestertown Police Department are covered by the Grievance Procedure established by the Town of Chestertown.

4-1002 **ROLE OF LIEUTENANT**

The Lieutenant will coordinate the grievance procedure within the Chestertown Police Department and will maintain and control Chestertown Police Department grievance records. Annually, the Lieutenant will analyze the grievances which have been filed for any patterns which indicate the need for changes in agency policies or procedures.

4-1100 **EMPLOYEE ORGANIZATIONS**

- The Chestertown Police Department recognizes an employee′s right to form or be a member of an employee organization. The Chief may recognize employee organizations and meet with representatives to discuss issues of mutual concern. There exists no obligation on the part of the Chestertown Police Department to comply with, endorse, honor, or enter into a binding agreement with any employee organization.

- The Chief may from time to time authorize schedule changes, use of facilities, or use of equipment by members of recognized employee organizations. Such use may not cause additional expense to the Chestertown Police Department.

- An employee′s organizational activities may not interfere with the completion of the employee′s duties.

- All current or prospective employee organizations will be given access to agency bulletin boards on an equal basis, subject to reasonable space limitations.

- An employee may use agency telephones on a limited basis to conduct business on behalf of the organization so long as such use incurs no additional expense to the town, does not interfere with the employee′s completion of his or her duties, and does not interfere with Chestertown Police Department business.

4-1200 **RECRUITMENT AND SELECTION**

4-1201 **PROGRAM RESPONSIBILITY**

The Chief and the Lieutenant are responsible for the Chestertown Police Department recruitment program. The Chestertown Police Department engages in specific recruitment activities in Kent County and elsewhere and designs and distributes recruitment materials. As the agency′s chief recruiters and senior managers, the Chief and Lieutenant are intimately familiar with the agency′s needs, opportunities within the agency, the Town's requirements, and the importance of a representative work force.

All Officers serve as Chestertown Police Department ambassadors and recruiters simply by virtue of their presence in the community. They are expected to be aware of potential recruits, both inside and outside Chestertown and Kent County, and to refer the names of those individuals to the Chief or Lieutenant. Before any Officer is given a specific recruiting assignment, he or she will be thoroughly briefed by the Chief or Lieutenant on the audience to be briefed, the message to be presented, and the outcomes that are expected.

4-1202 **RECRUITMENT PLAN**

The Chestertown Police Department believes that it will best serve Chestertown when its employees reflect the Town's diversity. It is the goal of the Chestertown Police Department to achieve a workforce which is representative, by race, ethnicity, and gender, of the Town it serves. The Chestertown Police Department has adopted a Recruitment Plan, found as Appendix 4-B, as a means to achieving that goal.

4-1203 **VACANCY ANNOUNCEMENTS**

Vacancy announcements for all Chestertown Police Department positions will:

- Identify the position, required education and other minimum qualifications;
- include salary and benefits information;
- be advertised in print media;
- advertise that Chestertown and the Chestertown Police Department are equal opportunity employers on the announcement and the application form; and
- explain how to obtain an application and the deadlines for filing. Vacancy announcements will be sent to churches and other community service organizations. The Chief will seek the assistance of key community leaders in filling vacancies.

4-1204 **APPLICANT RELATIONS**

Maintaining contact with applicants and keeping them apprized of the status of their applications are essential parts of an effective recruitment program. The Chestertown Police Department will inform applicants:

- 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.

4-1205 **SELECTION GUIDELINES**

Appendix 4-C, Selection Guidelines, fully describes the Chestertown Police Department's recruitment and selection procedures.

4-1206 **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 Officer is hired.

4-1207 **SELECTION FOR SPECIALIZED ASSIGNMENTS**

From time to time, internal selections will be made for specialized assignment within the Chestertown Police Department (e.g., Narcotics Investigators, K-9 Officers). The availability of such assignments will be made known to all Officers so that they may express interest in selection for the assignment. Officers will usually be asked to express their interest in writing.

Selections will be based upon the requirements of the specialized assignment and the applicant's length and breadth of experience, training, performance ratings, disciplinary records, specialized skills, or other factors appropriate to the assignment to be filled. The selection will be made by the Chief and Lieutenant.

4-1300 **TRAINING AND CAREER DEVELOPMENT**

4-1301 **POLICY**

It is the policy of the Chestertown Police Department to provide comprehensive employee training to ensure the delivery of the highest level of effective law enforcement services to the citizens of Chestertown.

4-1302 **PROGRAM RESPONSIBILITY**

The Lieutenant, with the assistance of the Training Officer is responsible for overseeing the development and delivery of training programs.

4-1302.1 **TRAINING**

The Chestertown Police Department has an Officer assigned to supervise the training of the department. The Officer will be titled as the Training Officer with supervision from the Lieutenant. The Training Officer will be responsible for all training requirements within the Chestertown Police Department. The Training Officer will be required to complete the following:

a. keep training folders for each Officer.

b. ensure that each Officer's training requirements are met as required by MPCTC.

c. meet regularly with the Lieutenant to discuss training requirements for the department.

4-1303 **ATTENDANCE AT TRAINING**

Training is like any other work to which employees are assigned, and attendance at training programs for assigned employees is therefore mandatory. Legitimate absences, such as illness, court appearance, vacations, etc., may be excused by the Lieutenant. Those employees will have to attend make-up classes when rescheduled. Employees who successfully complete assigned training sessions may be recognized by a suitable certificate, and all training records will be maintained in the employees' training files.

4-1304 **PAYMENT OF EXPENSES**

Employees who are assigned training classes are eligible for reimbursement of mileage (if traveling by privately owned vehicle), lodging, and meal expenses, as appropriate, consistent with the travel regulations of Chestertown. For employees assigned to training, all tuition, books, fees, and related expenses will be paid by the Chestertown Police Department. The Chief or Lieutenant will make arrangements for the payment or reimbursement of expenses.

4-1305 **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;
- Provide the basis for evaluating the participants;
- Provide a basis for evaluating the effectiveness of the training program.

4-1306 **LESSON PLANS**

The Chestertown Police Department 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; and
- 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).

4-1307 **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.

4-1308 **APPROVAL OF LESSON PLANS**

Lesson plans will be submitted to and approved by the Lieutenant. If lesson plans are to be used in courses to satisfy the MPCTC′s in-service or firearms training requirements, they must also be approved by the MPCTC, issued an MPCTC approval number, and resubmitted every 3 years for renewal of approval.

4-1309 **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:

- Training which may be handled within the shift or Division; and

- Training which requires administrative approval and/or supervision.

The immediate supervisor or designee will be responsible for providing Officer remedial training which is minor in nature and may be handled by counseling. The Lieutenant 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 Lieutenant outlining the problem, to include recommended corrective measures.

- Following approval of the formal remedial training program, it will be the responsibility of the Lieutenant or his or her 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 Lieutenant. The maximum time frame allowed for achieving Fully Acceptable performance will be established according to the individual situation and need.

- The Lieutenant will file a performance evaluation when the time frame is exhausted and forward the report to the Chief.

- If the performance evaluation is not Fully Acceptable, the Chief and Lieutenant 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.

4-1310 **TRAINING RECORDS**

Following the completion of a training assignment, the Lieutenant 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; and

- Test scores.

The Chestertown Police Department will also maintain a record of each training class conducted internally. The record will include:

- Lesson plans;
- Name of attendees; and
- Performance of individual attendees as measured by tests, if administered.

4-1311 **NEW RECRUIT TRAINING**

Under Maryland law, an Officer must be certified by the Maryland Police and Correctional Training Commissions (MPCTC) before being permitted to carry a weapon or to have the authority to make arrests. Unless a newly-hired Officer is an experienced law enforcement officer who has already been certified by MPCTC, the Officer must successfully complete a training program consisting of two parts:

- a course at an MPCTC-certified training academy; and
- a 4-week field 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; and
- use of evaluation techniques designed to measure competency in the required skills, knowledge, and abilities.

4-1311.1 **LAW ENFORCEMENT ACADEMY**

In accordance with the regulations of the MPCTC, newly-hired Chestertown Police Department Officers receive their basic training at a law enforcement academy certified by the MPCTC, most often the Eastern Shore Criminal Justice Academy (ESCJA) at Wor-Wic Community College in Salisbury, Maryland.

- The Chief and the Lieutenant maintain a close liaison with the staff of the ESCJA (and other academies). The Lieutenant will coordinate all basic and specialized training assignments to the Academy.
- Based on discussions with the Chief, feedback from the Patrol Commander, and his or her own observations, the Lieutenant will provide written input to the ESCJA (or other academies) as appropriate.
- Upon request, the Chestertown Police Department may provide Officers with specialized skills to assist with instruction at the ESCJA (or other academies).
- The Chestertown Police Department will absorb the cost of tuition, housing, meals, mileage, and wages while employees attend the basic and specialized training at the Academy.
- The ESCJA (or other academies) will provide staff, facilities, instructors, and other resources during the basic training sessions.

- The ESCJA (or other academies) will be responsible for the administration of the prescribed training programs and will provide for the fair and non-discriminatory testing and processing of each student. The Chestertown Police Department and/or worker's compensation will be responsible for any training-related impairment of its employee at the academy, providing the impairment was not the result of negligence on the part of the Academy.
- The ESCJA (or other academies) will provide basic law enforcement training as outlined in the regulations of the MPCTC.
- The Chestertown Police Department will be responsible for training its employees on its office policies, procedures, rules and regulations, general orders, and other written directives after the employee completes academy training.

4-1311.2 **ACADEMY ORIENTATION MATERIALS**

The ESCJA (or other academy) 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; and
- Daily training schedules.

4-1311.3 **FIELD TRAINING**

The Lieutenant has overall responsibility for the Field Training Program. After successful completion of the basic academy training, the Officer will be assigned to a Field Training Officer (FTO) for a minimum of 4 weeks.
The purpose of field training is to give the new officer and previously certified officers a solid grounding in the essential elements of the Chestertown Police Department patrol function, and to permit him or her to operate effectively, alone, as a Chestertown Police Department Officer. During this period, the new Officer will be thoroughly indoctrinated in Chestertown Police Department policies, procedures, rules and regulations. The Officer is rotated through all aspects of the patrol function, including but not limited to vehicle operation (including radio, video recording and radar operation), processing arrests, transporting prisoners, traffic stops, report writing, crime and accident scene processing, criminal investigation, taking statements, and court testimony. During this period the FTO reviews with the new Officer the essential elements of this manual and of Chestertown Police Department police work in a structured fashion. Each day, the FTO will complete a Chestertown Police Department Daily Field Training Evaluation form, indicating the materials covered, the training conducted (i.e., whether by discussion, observation, demonstration or actual performance), the new Officer's performance on the training element, and any deficiencies noted and submit it to the . The Patrol Commander will review the form daily and forward it to the Lieutenant. The FTO will review all reports written by the new Officer to identify deficiencies, especially ones of spelling, grammar, neatness, attention to detail and general organization of thought. After the 4-week training period the Lieutenant and the Patrol Commander will decide, with input from the FTO,
if the Officer is ready for solo duty or is in need of additional training.

4-1311.4 **FIELD TRAINING OFFICERS**

Field Training Officers (FTO) serve as role models for newly-hired Officer's 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, an Officer gains experience and knowledge that increases leadership, training,
and evaluation skills which may enhance career opportunities. The Patrol Commander will make Shift Supervisors aware of the availability of an FTO assignment and will solicit their recommendations for FTOs. To be eligible, an Officer must have attained the rank of Patrolman First Class and has successfully completed an approved FTO training course. The Patrol Commander will endorse the recommendations, as appropriate, and forward them to the Lieutenant. The Lieutenant will consult with the Patrol Commander in making the selection of FTOs. Among the criteria considered are:

- knowledge of the patrol Officer's function;
- demonstrated commitment to the Chestertown Police Department and to the field training program;

- personal appearance, bearing and demeanor; and
- ability to communicate effectively, both orally and in writing.

All FTOs must satisfactorily complete an MPCTC approved FTO training course. Prior to the first FTO assignment and before each subsequent assignment FTOs will be trained by the Lieutenant using the Chestertown Police Department Daily Field Training Evaluation form. The Lieutenant 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 Officer;
- the necessity of communicating clearly and effectively, both with the new Officer and with the Lieutenant and the Patrol Commander, concerning the new Officer's progress.

The Lieutenant and the Patrol Commander will meet at least weekly with the FTO to discuss the progress of the field training program and to evaluate the work of the FTO. The FTO will report to the Patrol Commander any matter of concern in the new Officer's training which arises between the weekly meetings.

4-1312 **IN-SERVICE TRAINING**

For recertification as a law enforcement officer, the MPCTC requires that an Officer receive 57 hours of training every 3 years. The Chestertown Police Department exceeds the MPCTC standard and requires that an Officer receive at least 3 days of training each year. The in-service training program is overseen by the Lieutenant and the Training Officer. 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 Officers perform their jobs. The in-service training described above is in addition to firearms qualification, which is conducted at least twice each year for handgun and rifles and at least one time each year for shotguns.

4-1313 **SPECIALIZED TRAINING**

The primary purpose of specialized training is to prepare employees for new job assignments and/or to enhance the employees' skills, knowledge, and abilities in specialized job assignments. Among the assignments within the Chestertown Police Department that may require specialized training to perform their duties are:

- Crime scene processor;
- Detective/Investigator
- Narcotics investigator;
- Field training officer;
- Firearms instructor;
- K-9 handler;
- Hostage negotiator;

Coordination will be made with the MPCTC, other law enforcement practitioners, or other sources to determine the formal training courses most suited to particular assignment areas. Specialized training should include:

- Development and/or enhancement of the skills, knowledge, and abilities particular to the specialization. In most cases, this requirement will be fulfilled by an off-site course of study of at least 3 days' duration, specific to the specialty, which includes both classroom instruction and practical exercises. For some broad specializations (e.g., Detective), multiple specialized courses may be required.

- Periodic retraining, as necessary, to refresh existing skills or to acquire new knowledge of the specialty.

4-1314 **CIVILIAN ORIENTATION**

All newly hired civilian employees will receive the following training:

- Orientation to the Chestertown Police Department role, purpose, goals, policies, and procedures;
- Working conditions and regulations; and
- Responsibilities and rights of employees.

4-1315 **ONGOING CIVILIAN TRAINING REQUIREMENTS**

All civilian employees will be trained to perform the duties identified in their job descriptions.

- The Office manager may require training to be certified for access to MILES/NCIC.

- The Officer Manager and Office Assistant require training in order to accomplish the Chestertown Police Department's UCR reporting requirements.

4-1316 **TRAINING ON PROMOTION**

Chestertown Police Department Officers promoted to higher level positions will have training appropriate to their new positions. Upon promotion to Corporal, an Officer must satisfactorily complete a MPCTC-approved first-line supervision course. Upon promotion to the rank of Lieutenant or above, an Officer must satisfactorily complete a MPCTC approved law enforcement administration course. In either case, the training must be completed during the first year after promotion.

4-1317 **SHIFT BRIEFING**

Chestertown Police Department Officer's at the beginning of their shifts will receive a shift briefing from the shift in which they replace. This briefing will provide the oncoming shift with the appropriate information needed for their tour of duty.

4-1400 **PROMOTION**

4-1401 **POLICY**

The Chestertown Police Department 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 Chestertown Police Department is committed to making selections for promotion solely on the basis of fitness and merit.

4-1402 **AUTHORITY AND RESPONSIBILITY**

The authority for advancement of sworn CPD employees and the selection of employees for supervisory and managerial positions is vested in the Chief. At the direction of the Chief, the Lieutenant is responsible for administering the CPD's promotion program. The Chief has the final determination of all promotions.

4-1403 **COMPLETION OF PROBATION AND PROMOTION TO PATROLMAN FIRST CLASS**

All newly-hired employees enter the Chestertown Police Department at the rank of Officer and must serve a 2-year probationary period. No later than 2 months before the end of the second year, a new employee′s commander will recommend to the Lieutenant whether the employee should be retained. The retention decision will be based upon the totality of the employee′s performance over the probationary period. To be retained past the end of the probationary period, the employee must have demonstrated Fully Acceptable performance on all elements of the employee′s job. An Officer who satisfactorily completes the 2-year probationary period, after graduation from the police academy, is promoted to Patrolman First Class.

4-1404 **PROMOTION ABOVE THE RANK OF PATROLMAN FIRST CLASS, GENERALLY**

Because of the Chestertown Police Department's small size, turnover in supervisory and managerial positions is not common. As a result, the Chestertown Police Department conducts recruitment for vacancies as they occur, rather than establishing eligibility lists. An individual may express his or her interest in a position at any time one becomes available. Additionally, the Chestertown Police Department does not use assessment centers as an evaluation tool.

a. Announcement. The availability of a promotional opportunity will be announced in writing and a copy of the announcement will be given to each staff member. The announcement will, at a minimum:

1) Identify the position to be filled and its rank;

2) Describe the eligibility requirements for consideration;

3) Provide a general description of the duties of the position;

4) Describe all of the elements of the selection process;

5) Establish the means and a deadline date for expressing interest in the position.

b. Evaluation of Potential. The promotion potential of candidates is evaluated by means of standardized written examinations, panel interviews, and a review of productivity reports.

c. Written Examination. Assembled, written examinations are conducted at Chestertown Police Department headquarters by a staff member who is not a candidate for the promotion. 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 the Chief's files.

d. 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.

e. Reapplication. Any eligible staff member may apply for a promotional vacancy, regardless of his or her success in an earlier promotional process.

4-1405 **PROMOTION TO THE RANK OF CORPORAL**

The availability of a position at the rank of Corporal will be made known to all employees. Any employee with at least 3 years of service with the Chestertown Police Department and whose most recent performance rating was at the Fully Acceptable level may apply. Candidates must achieve a passing grade on a standardized examination and will be evaluated by the Chief or a designee. The Lieutenant will provide productivity reports and other relevant material for consideration. The Chief will make the final selection.

4-1406 **PROMOTION TO THE RANK OF SERGEANT OR ABOVE**

Development of leaders internally and promotion of agency members into positions of responsibility are a sound human resources practice which capitalize on the investments that the agency has already made in the skills of its employees and which, by giving recognition to good performance on behalf of the agency, are performance incentives and help to improve morale. By the same token, there are advantages to bringing in managers from outside the agency, especially if they possess skills not already available in the agency or if there are other reasons to refresh the agency with outside talent.

The decision whether there is a sufficient number of highly qualified internal candidates for any position lies exclusively with the Chief. Based on his judgment of the circumstances, the Chief, with advice from the Lieutenant, may decide to advertise such a position only internally or to advertise it to those outside the agency as well. In either event, any Chestertown Police Department employee who meets the qualification requirements for the position will be eligible to apply and to be considered to be eligible, an employee must have served for at least one year in a position one rank lower than the position to be filled.

The applicant's most recent performance rating must have been at the Fully Acceptable level. Candidates must achieve a passing grade on a standardized examination and will be evaluated by the Chief or a designee. The Lieutenant will provide productivity reports for consideration. The Chief will make the final selection. The Chief's decision will be based upon first-hand knowledge of the candidates, experience, knowledge, skills and abilities.

4-1407 **PROBATIONARY PERIOD**

Any Chestertown Police Department employee selected for promotion to the rank of Corporal or above will be subject to a 1-year probationary period, during which time the Chief will evaluate his or her performance on the job. If the Chief determines, on the basis of that evaluation, that the employee is not performing the duties of the position satisfactorily, the Chief may return the employee to his or her former position.

4-1408 **REVIEW AND APPEAL OF DECISION**

An employee has the right to review the results of and to appeal each element in the promotional process, except non-selection from a list of qualified candidates. The employee may:

- meet with the Chief to discuss his or her rating on the promotional element; and/or
- file a formal written appeal with the Chief, explaining his or her reasons for contesting the determination. The Chief will answer the appeal in writing, within 30 days, sustaining or denying the appeal, and giving the reasons therefore.

4-1500 **PERFORMANCE EVALUATION**

4-1501 **POLICY**

The Chestertown Police Department will regularly and formally evaluate the performance of all Officers, including Reserve Officers, and all permanent civilian employees. The evaluation system serves the interests of the agency and its employees by:

- promoting fair and impartial personnel decisions;
- maintaining and improving performance;
- providing a basis and a medium for personnel counseling;
- assisting with decisions about the tenure of employees; and
- identifying training needs.

4-1502 **PRINCIPLES OF THE RATING SYSTEM**

Each employee′s evaluation will be documented and will cover a specific period. Evaluations will be based only on performance specific to the position occupied during the rating period. The rating assigned to each performance element will be based upon a consideration of the employee's total performance over the course of the rating period. The Chestertown Police Department rating system has five levels, both for overall performance and for individual performance elements:

Level 5 – Superior
Level 4 – Exceeds Expectations
Level 3 – Fully Acceptable
Level 2 – Marginally Acceptable
Level 1 – Unacceptable

The most difficult task for the rater is assigning a numerical value to employee performance. It is possible that two raters might not apply the same values to a person under evaluation. To reduce such differences the Chestertown Police Department Performance Evaluation Forms define what constitutes Unacceptable, Fully Acceptable, and Superior performance for each job element. The categories represent key areas of employee performance on the job: critical

performance tasks, job knowledge, attitude/relations, and appearance. The evaluation form focuses on observations of demonstrated proficiency in elements relevant to the job. Proficiency may be demonstrated in a variety of ways:

- Performing the behavior in the field;
- Performing the behavior in a role play (e.g., “Show me how you would approach the vehicle of a motorist whom you had stopped for speeding”; or
- Written or oral testing.

4-1503 **RATERS RESPONSIBILITIES**

Ratings are given in the Chestertown Police Department by Division Commanders. Each year, before ratings are conducted, the Lieutenant will arrange retraining for the Commanders on the forms and rating process. Commanders are responsible for completing their employees’ performance evaluation reports accurately, fairly, and in accordance with the schedule set by the Lieutenant. Commanders will be evaluated by the Lieutenant or the Chief on the quality of the performance appraisals they prepare and will be held accountable for the uniform application of performance evaluation procedures.

4-1504 **RATING PERIODS**

Each non-probationary Officer (including each reserve Officer) and each civilian employee will be evaluated annually on the basis of his or her performance during the preceding year. The rating period is January 1 through December 31 each year. Supervisors will complete the rating process and provide the official copies of their ratings to the Lieutenant by April 15. All newly hired employees (including newly-hired reserve Officers) will, if no deficiencies are observed which would lead to separation; receive quarterly written evaluations during the 2-year probationary period. Employees promoted or transferred to new assignments will receive evaluations every 6 months for the first year of assignment or promotion, or more often at the Chief's discretion. A non-probationary employee will be advised in writing whenever his or her performance is deemed to be Unacceptable. This written notification will be given to the employee at least 90 days prior to the end of the annual rating period.

4-1505 **RATING PROCEDURES**

All Officers and civilian personnel will be evaluated using the Performance Evaluation Report (PER). Each Commander will rate the employees in his or her command and the Office Manager will rate all civilians not under separate command. The Lieutenant will rate the Commanders, and the Chief will rate the Office Manager and the Lieutenant.
The rater will complete the PER, using the following guidelines:

- To achieve a Fully Acceptable rating, an employee must receive an overall average of at least 3.0. An employee who fails to receive an overall Fully Acceptable rating will receive remedial training and counseling for a period determined by the Chief.

- Any numerical rating at level "1" must be specifically documented. For example, an employee might receive a "1" (unacceptable) under category five, Officer Safety. In the comments section, the rater would write "Officer consistently presents his gun to traffic violators and approaches stopped vehicles with objects in both hands."

- Any numerical rating of "5" must be specifically documented.

- Any element which does not apply to the Officer in the position he or she occupies will be marked "not observed" – "N.O."

- The rater will total the number of points scored and divide by the number of elements rated to arrive at a final overall rating. The rater will review the rating with the employee, using the following guidelines:

- The review will be conducted in person;

- The employee will be given an opportunity to include written comments in the report; and

- The employee will be asked to sign the completed evaluation report. The employee's signature indicates only that the employee has received a copy of the report and that it has been discussed with him or her. It does not indicate his or her agreement with the rating.

- A copy of the completed evaluation report will be given to the employee being rated.

- The rater will forward the rating to his or her supervisor. Every rating will be reviewed, officially approved, and signed by the supervisor of the rating official (unless the Chief is the rating official). As part of the performance review, the rating official will counsel each employee concerning:

- The results of the performance evaluation just completed;

- The level of performance expected, rating criteria or goals for the new rating period; and

- Career counseling relative to specialization or training appropriate for the employee's position. All performance evaluations will be maintained in the Chief's immediate office for a period of 3 years.

4-1506 **CONTESTED EVALUATIONS**

An employee who wishes to contest his or her PER will request an interview with the reviewing official. If the matter cannot be resolved to the employee's satisfaction at that level, the reviewing official will schedule a meeting among the employee, the Lieutenant, and the Chief. The Chief's determination on performance rating matters is final.

4-1507 **MONITORING THE EVALUATION SYSTEM**

The Lieutenant will conduct an annual inspection of the performance evaluation system after all evaluation reports have been completed. Among the objectives of the inspection will be to:

- Identify ratings which seem to fall outside the norm for the agency, and determine if they were warranted;
- Identify the reasons for contested ratings; and
- Determine training needs. If a training need exists, the Lieutenant in conjunction with the immediate supervisor will formulate a training program to correct performance deficiencies that are related to skills or knowledge. The Lieutenant will submit a report of the inspection to the Chief, along with any recommendations for changes to the system or related actions.

APPENDIX 4
ALTERNATIVE DISCIPLINARY PROCEDURE (ADP)

Alternative Disciplinary Procedure (ADP)

1. Purpose

   The purpose of the ADP provides an option to an employee for minor violations, when the facts are not in dispute and the employee accepts the recommended disciplinary action.

2. General Provisions

   a. Alleged violations must be serious enough to compel formal disciplinary action although minor in nature.

   b. A formal administrative investigation is not conducted.

   c. An employee accused of the violation must agree with the recommended penalty.

3. Procedures

   a. Upon receipt of a complaint which may be resolved through the ADP, the employee's supervisor will contact the Chief of Police to discuss the merits of the case, feasibility of offering ADP and recommended discipline.

   b. When an agreement is reached with the Chief of Police regarding the use of ADP and the recommended discipline, the employee's supervisor will forward the original charging document to the Police Chief noting the agreed upon disciplinary recommendation, and arrange a meeting with the employee to discuss the allegation and recommended discipline.

   c. The employee's supervisor will ensure the employee understands and/or complies with the following:

      (1) Acceptance of the recommended discipline only applies to ADP.
      (2) Statements made by the employee in the meeting with the supervisor under C3b of this section may not be used in any disciplinary investigation or proceedings against the employee.

(3) Additional investigations and disciplinary actions may result if other allegations of information comes to light.
(4) That procedure will not excuse the employee from being interviewed at a later time to supply information pertaining to other employees or additional allegations.
(5) If the employee does not accept the recommended discipline:

(i) the employee will be ordered, in writing, not to discuss the case with anyone other than his counsel, supervisor or investigator.
(ii) The Chief of Police will be notified of the refusal to accept ADP.
(iii) The alleged violation will be investigated.

4. Penalties

Penalties under ADP will be consistent with the disciplinary matrix guidelines under category B and C.

D. Penalty Disposition Matrix

1. Background

a. The CPD must strive for consistency when applying discipline.

b. In order to assure uniformity and objectivity in the assessment of penalties, the Chief of Police has established a Penalty Disposition Matrix. The guide will list many of the various offenses, along with the recommended penalty for each infraction. The matrix in this chapter includes but is not limited to all possible charges which may arise out of violations of any CPD rules, regulations or orders.

2. Description of Categories

a. Misconduct is classified into broad categories of violations based on progressive degrees of severity.

b. Category 'A' defines the lowest level of misconduct, category 'E' the highest.

c. Repetition of similar misconduct or violations of more serious offenses will lead to higher penalty categories of 'B', 'C', 'D' or 'E'.

3. Category 'A' Violations

a. Category 'A' – minor rules violation. Formal counseling

b. Same or similar conduct within 12 months enhances next violation to category 'B'.

4. Category 'B' Violations

a. Category 'B' – minor misconduct violations. Written reprimand and/or $75 fine.

b. Enhance violation from category 'A'.

c. Same or similar conduct within 24 months enhances next violation to category 'C'.

5. Category 'C' Violations

a. Category 'C' – Misconduct violations. Loss of leave/suspension for 1 to 3 days and/or transfer/reassignment and/or fine of $100 to $150.

b. Enhanced violation from category 'B'.

c. Same or similar conduct within 36 months enhances next violation to category 'D'.

6. Category 'D' Violations

a. Category 'D' – Misconduct violations. Loss of leave/suspension for 4 to 15 days and/or transfer/reassignment and/or ineligible for promotion for 18 months and/or fine of $200 to $250.

b. Enhanced violation from category 'C'.

c. Combination of any three sustained category 'D' violations within 48 consecutive months enhances the third violation to category 'E'.

7. Category 'E' Violations

a. Category 'E' – serious misconduct. Over 15 days loss of leave/suspension and/or transfer/reassignment, and/or demotion and/or ineligible for promotion for 24 months and/or a fine of $500 or termination of employment.

b. Enhanced violation from category 'D'.

8. Violations not referenced in Matrix

a. Violation of any other provisions of any other rule or regulation not referenced in the matrix shall be a category 'A' offense unless extenuating circumstances exist where strict adherence would render an injustice to the department.

9. The Penalty Disposition Matrix provides the following categories of offenses and corresponding penalties:

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Disposition Matrix

	Allegation	A	B	C	D	E
1	Violating limitations on off-duty secondary employment		X			
2	Failure to accept a complaint against a CPD employee in conformance to policy		X			
3	Discourteous towards public/others	X				
4	Use of profanity/obscene gestures toward public/fellow employees	X				
5	Use of insulting/demeaning language concerning race/sex/religion/personal lifestyle/mental/physical disabilities				X	

	or personal characteristics					
6	Failure to comply with military courtesy	X				
7	Unbecoming conduct on or off duty			X		
8	Supervisor discrediting a subordinate through unreasonable/unjust conduct/language		X			
9	CPD employee maliciously threatening/striking/assaulting any other CPD employee					X
10	Fail to obey chain of command	X				
11	Fail to obey lawful order relayed from employee of equal or lesser rank			X		
12	Fail to obey lawful order			X		
13	Inappropriate criticism/ridicule of CPD/other law enforcement agency/judiciary	X				
14	Wearing uniform/representing self in an official capacity while police powers are deprived/suspended					X
15	Using official position for personal/financial benefit					X
16	Using official position to avoid consequence of illegal act for violation that could result in incarceration					X
17	Using official position to avoid consequence of illegal act for violation of traffic laws		X			
18	Unauthorized lending/reproducing of badge and/or ID card					X
19	Unauthorized use of position with the CPD in advertisement/commercial/testimonial		X			
20	Unauthorized signing of a petition as a member of the CPD		X			
21	Signing a petition for an unlawful purpose		X			
22	Unauthorized contact with the media		X			
23	Association with persons known to be racketeers, gamblers, felons, persons under criminal indictment		X			
24	Unauthorized visiting of house of prostitution, gambling house or establishment wherein laws of state/US Govt/local subdivision are violated					X
25	Affiliating with group/organization/persons which advocate violence or overthrow of the US/state/local government by unconstitutional means					X
26	Participating in conduct which could comprise the ability to perform as a law enforcement officer or brings the department in disrepute		X			
27	Violation of criminal/traffic laws that could result in incarceration					X
28	Violation of traffic laws/civil violations		X			
29	Failure to notify supervisor that employee has been charged with a crime/traffic citation			X		
30	Failure to make every effort to pay just debts		X			
31	Seeking/receiving gifts, gratuities, fees, rewards in violation of CPD policy					X
32	Engaging in strike					X
33	Engaging in other job action other than strike				X	

34	Secondary employment in violation of CPD policy		X			
35	Failing to submit required report		X			
36	Late report		X			
37	Failure to transact official CPD business through proper channels	X				
38	Failure to submit written/oral report on order of competent authority regarding an investigation related to performance of duty					X
39	Failure to report information concerning organized crime, vice conditions, etc.					X
40	False reports (written and/or oral)					X
41	Inaccurate/Incomplete reports				X	
42	Improper dissemination of official CPD business			X		
43	Removing official CPD records/reports in violation of CPD policy	X				
44	Identifying to others a person providing confidential information			X		
45	Use of CPD telephones/fax equipment in violation of CPD policy	X				
46	Use of CPD computer equipment in violation of CPD policy			X		
47	Use of CPD computer equipment to read/view/download pornography				X	
48	Fail to submit to interrogation/interview/polygraph for administrative investigation					X
49	Fail to submit to medical/chemical test, photographs or lineup					X
50	Absent without leave (AWOL)			X		
51	Lateness for duty		X			
52	Physically/Mentally unfit for duty	X				
53	Fail to be properly equipped to immediately assume duties	X				
54	Fail to notify department/supervisor of inability to report for duty due to sickness or other reason		X			
55	Feigning illness or injury to leave work early, arrive at work late or to miss work			X		
56	Unauthorized interference with case/investigation assigned to another employee/department			X		
57	Interfering with lawful arrest/prosecution				X	
58	Unauthorized undertaking of investigation or police action		X			
59	Tampering/manufacturing and/or withholding of evidence and/or false criminal charges					X
60	Fail to process evidence/property in accordance with established procedures			X		
61	Converting/misappropriating evidence/property in violation of department procedures				X	
62	Recommending/suggesting product/professional service in violation of polices	X				
63	Failure to take/respond to requests for assistance/advice from public in accordance with department policies/procedures		X			
64	Acting in an official capacity in civil case		X			

65	Failing to carry badge/ID card	X				
66	Failing to furnish name/ID number and assignment to properly entitled person		X			
67	Failure to display badge/ID while taking enforcement action in plainclothes		X			
68	Failure to maintain appearance/uniform in conformance to department policy and procedures		X			
69	Failure of supervisor to take supervisory action when necessary/appropriate			X		
70	Neglect of duty					X
71	Unauthorized absence from assigned place of work during tour of duty		X			
72	Failure to remain awake and alert while on duty		X			
73	Unauthorized drinking of intoxicating beverage while on duty and/or in uniform					X
74	Reporting to work with alcohol in blood				X	
75	Consuming alcohol while in on-call duty status			X		
76	Use of CDS, narcotics, hallucinogen in violation of policy					X
77	Mistreatment of prisoner				X	
78	Improper release/escape of prisoner			X		
79	Unnecessary/excessive force/brutality				X	
80	Unauthorized/careless use/handling/display of weapon		X			
81	Damaging CPD equipment (unintentional)	X				
82	Damaging CPD equipment (intentional) **(including cost of damaged equipment)**			X		
83	Losing CPD equipment		X			
84	Departmental collisions (Damage $1000 or less)	X				
85	Departmental collisions (damage greater than $1000)		X			
86	Departmental collisions through reckless operation			X		
87	Failure to comply with regulations on operation/maintenance of CPD vehicle		X			
88	Fail to obey traffic laws while operating an official vehicle	X				
89	Failure to report damage/loss of department equipment		X			
90	Unauthorized repair/adjustment to department equipment		X			
91	Incompetence					X
92	Prohibited sexual behavior on duty					X
93	Sexual behavior in department vehicle on or off duty					X
94	Unauthorized use of MILES/NCIC or CJIS systems			X		
95	Soliciting/offering personal information from citizenry for person reasons			X		
96	Engaging in acts of discrimination					X
97	Engaging in acts of harassment					X

98	Retaliation					X
99	Racial profiling					X
100	Detaining individuals based on discrimination					X
101	Taking enforcement action based upon discrimination					X
102	Discussing/disclosing administrative complaint information in violation of policy		X			
103	Carrying unapproved firearm on/off duty			X		
104	Firearms in court violations		X			
105	Failure to properly secure weapon in vehicle/office/at home (resulting in injury/wounding)				X	
106	Failure to properly secure weapon in vehicle/office/at home (not resulting in injury/wounding)			X		
107	Use of unapproved ammunition		X			
108	Discharging firearm in violation of departmental policy resulting in injury/death					X
109	Discharging firearm in violation of departmental policy (no injury)				X	
110	Unauthorized/unapproved ride-along in CPD vehicle		X			
111	Failure to submit an accurate, complete, and/or appropriate CPD form		X			
112	Failure to search prisoner incident o arrest			X		
113	Failure to provide medical treatment to prisoner when necessary			X		
114	Failure to provide medical treatment to prisoner when necessary (resulting in serious injury/death)					X
115	Wearing/using unauthorized/unapproved equipment		X			
116	Failure to attend court		X			

c. Supervisors should adhere to the penalties listed for each offense. The matrix is structured to take into account such factors as repeat offenders and the frequency of offenses committed by an individual. Although occasions to deviate from the matrix should be rare, supervisors may, with adequate justification, choose a penalty assessment different from that recommended by the matrix, after consulting with the Chief of Police. 4-23f

APPENDIX 4-A
EQUAL EMPLOYMENT OPPORTUNITY PLAN

1. COMMITMENT

The Chestertown Police Department 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.

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 Chestertown Police Department who violates this policy will be subject to the disciplinary process.

4. HARASSMENT PROHIBITED

The Chestertown Police Department is committed to achieving and maintaining a workplace free of the effects of illegal harassment, including sexual harassment.

5. 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 Chapter 4 of the Chestertown Police Department Administrative and Operational Manual. A non-sworn employee may file a grievance in accordance the procedures of the Town of Chestertown.

APPENDIX 4-B
RECRUITMENT PLAN

1. INTRODUCTION

The recruitment standards of the Chestertown Police Department have embraced several important philosophical concepts. The first is the expectation that this agency will be 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 Chestertown Police Department. This plan does not mandate quotas, nor does it lower legitimate job-related hiring standards or criteria. The Chestertown Police Department 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 broad-based goals, measurable objectives and specific action steps to address under-representation and achieve a sworn workforce that is representative of community composition.

3. POLICY

The Chestertown Police Department will recruit prospective employees in a manner that is consistent with Equal Employment Opportunity and this Plan.

Overall Goal

To achieve a sworn workforce that is representative of the Chestertown population.

Objectives

a. To increase the number of minority or female entry-level officers.

b. To improve the quantity and quality of Chestertown Police Department outreach efforts through finalization and distribution of Chestertown Police Department recruitment information.

c. To focus the Chestertown Police Department's recruitment efforts more clearly.

d. To evaluate Chestertown Police Department's progress with regard to the recruitment and retention of female and minority entry-level officers objectively and quantifiably.

The Chestertown Police Department has identified four specific action items to actively recruit women and minority candidates into the application and testing processes for available entry-level and managerial positions.

Item 1: Finalize and distribute a Chestertown Police Department recruiting brochure.

The Chestertown Police Department currently lacks an effective recruitment brochure. A brochure has been drafted and needs to be finalized. A brochure which would present the Chestertown Police Department in a positive light and emphasize its commitment to excellence and equal employment opportunity should help to attract quality candidates

Item 2: Conduct a more active recruitment program.

Recommended Measures

a. The Chief regularly speaks before a variety of community groups. When he addresses the

minority community, he will express his commitment to a representative workforce. The Chief will also express that commitment when speaking with individual leaders of the minority community.

b. The Chief will provide a copy of this Recruitment Plan to the press.

c. The Chestertown Police Department will post job announcements with community groups, churches, colleges, and community colleges. Among the institutions which will be sent printed recruitment notices are: Washington College; Chesapeake Community College; Salisbury University; Coppin State College; and the University of Maryland Eastern Shore.

d. The Chestertown Police Department will consider establishing an annual recruitment drive, in lieu of position-by-position recruitment, establishing a pool of interested candidates who may be tested and then available when vacancies occur.

Item 4: Conduct career-related activities for targeted populations.

Recommended Measure

a. Continue to promote a ride-along program whereby interested persons have the opportunity to accompany Officers on patrol. The existing waiver form should be used and conditions established. Officers should be encouraged to use the ride-along program as a practical recruitment tool.

Item 5: Make the Chestertown Police Department a more attractive employer.

Recommended Measure

a. Beginning in FY 2007, Chestertown took a significant step toward improving salaries for its law enforcement personnel. That effort was largely the result of efforts by the Chestertown Police Department to demonstrate its difficulty in recruiting and retaining a quality workforce.

4. EVALUATION OF EFFORTS

The following procedures will be utilized to evaluate the efforts associated with affirmative action efforts:

a. The Lieutenant and the Chief will evaluate the Chestertown Police Department Recruitment Plan on an annual basis.

APPENDIX 4-C
SELECTION GUIDELINES

1. POLICY

The Chestertown Police Department views recruitment and selection as one of its most important activities. The CPD 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 Chestertown. In recognition of its goal to have a workforce which reflects the community it serves, the CPD has developed a separate Recruitment Plan, also found as an appendix to this Manual, to increase the employment of women and minorities in the CPD. These guidelines describe the procedures for the most commonly-filled position in the Chestertown Police Department, the entry level Officer who will perform patrol duties. The basic outline of steps is, however, the same for all positions. Minor adjustments will be made to the procedures described herein for other positions.

2. RESPONSIBILITY

As Chief Executive of the Chestertown Police Department, the Chief bears ultimate responsibility for administering the recruitment and selection process; he exercises that responsibility through the Lieutenant.

3. RECRUITMENT

The purpose of recruitment is to ensure that there is a sufficient pool of qualified applicants for each position to be filled. Ideally, the pool will be diverse with respect to gender, race and ethnicity.
The extent of formal recruitment activity will be based upon the actual number of vacancies within the Chestertown Police Department. Personnel may be assigned from time to time to participate at recruiting functions. Examples would include but are not limited to college career day, high school career days, community events and festivals.

All Chestertown Police Department personnel are encouraged to participate actively in the recruitment process by seeking out qualified applicants, publicizing openings and/or testing dates. This approach allows more personnel to become involved in the recruitment process than could be assigned specifically to such duties. As a general rule, only the Chief and Lieutenant serve as formal recruiters. Before any Officer is given a specific recruiting assignment, he or she will be thoroughly briefed by the Chief or Lieutenant on the audience to be briefed, the message to be presented, and the outcomes that are expected.
A community outreach effort will be integrated into personnel recruitment which includes:

- Seeking recruitment assistance, referrals, and advice from community organizations and key leaders.
- Providing job announcements to churches and community service organizations, in order to achieve broader dissemination and greater exposure of recruitment information.
- On-site recruitment and educational programs for educational institutions and community organizations in the Kent County area.

4. BASIC QUALIFICATIONS

a. Law Enforcement Officers. 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
- 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
- Drug screening
- Credit history check
- Military service check

b. Civilians.

- Age 18 at time of selection
- U.S. Citizenship
- High school graduate or GED

- Background and criminal history investigations
- Oral interview
- Drug screening

5. STEPS IN THE SELECTION PROCESS, GENERALLY

Steps in the selection process are subject to change based on the availability of the Psychiatrist, Polygraph Examiner, etc.

Step 1 Solicitation of Applications

Step 2 Physical Fitness Assessment Test

Step 3 Written Examination

Step 4 An oral Interview with the Chief and Lieutenant

Step 5 A thorough background investigation, involving checks with your references, prior employers, and neighbors

Step 6 A polygraph examination (sworn personnel only)

Step 7 A psychological examination, using the MMPI interpreted by a professional psychologist (sworn personnel only)

Step 8 A physical examination by a licensed physician (sworn personnel only)

Step 9 Drug screening

6. UNIFORM TREATMENT OF APPLICANTS

All applicants will be treated uniformly with respect to administration, scoring, evaluation, and interpretation of the results of their tests. 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. SOLICITATION OF APPLICATIONS

A vacancy announcement will be placed by the Town of Chestertown in appropriate local media. The position will be advertised at least twice and the application period will be at least 3 weeks. Typical language for the advertisement will be:

Police Officer: This is a full performance level position with rotating shifts. Must be a U.S. citizen, high school graduate, 21 years of age and hold a valid driver's license. Beginning salary for non-certified applicants ($amount); certified applicants ($amount). Comprehensive benefit package, including Law Enforcement Officers Pension System (LEOPS).

Obtain and return completed application to the Chestertown Police Department, 333 South Cross Street, Chestertown, MD 21620; (410)778-1800. Interested applicants who have applied within the last year should notify the Chestertown Police Department of their interest. Application deadline is 3:00 p.m. on (date). All applicants approved for hire for this position must be able to pass a background investigation and will be required to submit to urinalysis to screen for illegal drug use prior to appointment. The Town of Chestertown and the Chestertown Police Department are Equal Opportunity Employers.

The Publicized information will be adjusted appropriately for other positions. Each candidate is required to submit the Town of Chestertown Employment Application. At the time the candidate picks up or is mailed the application, he or she will receive a copy of the memorandum found as Attachment A. The memorandum informs applicants

of the steps in the employment process, the approximate duration of the process, and that they may reapply if not selected.

After the closing date, the Lieutenant will provide all applications where all remaining processing will take place.

8. INITIAL SCREENING OF APPLICANTS

The Lieutenant will make an initial review of the applications to determine that all applicants meet minimum qualification requirements. The Lieutenant will run a preliminary NCIC check on each applicant to identify any preliminary suitability issues which would eliminate a candidate from further consideration.

A candidate who is eliminated on the basis of this review will be notified of his or her disqualification and the reason for it with the letter found as Attachment B.

Remaining candidates will be scheduled for the written examination, physical fitness test, and oral interview with the letter found as Attachment C.

Applications that contain omissions or deficiencies will be returned to the applicant. The application must be corrected and returned prior to the testing or interview process in order for the applicant to remain in the selection process.

9. WRITTEN TESTING

The purpose of written testing is to evaluate the candidate in terms of such critical elements as judgment, ability to learn, observation and memory, and problem solving ability. The Chestertown Police Department may also apply tests which measure non-cognitive elements such as motivation for police work, attitudes toward people, and sense of responsibility. The Chestertown Police Department will use testing materials only from known sources which can attest to their validity for the position of entry-level police officer. The Chestertown Police Department will also attempt to identify and use tests which have a minimal adverse impact on minorities. All tests will be administered uniformly to all candidates and in accordance with the instructions provided by the vendor.

10. 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 asked of all candidates and
2) there are two 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 Police Officer. 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. Additionally, either one person will conduct all of the interviews; or the panel will decide, in advance of the first interview, which set(s) of questions each of them will ask in all of the interviews.

Each interviewer will have a copy of the examination booklet, 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.

11. PHYSICAL FITNESS ASSESSMENT TEST

The purpose of the Physical Fitness Assessment Test is to evaluate the candidate in terms of his or her ability to perform the physical requirements of a Law Enforcement Officer. The candidate will be required to complete the

following physical requirements in order to proceed forward in the application process. All tests will be administered uniformly to all applicants.

Sit Ups	**Muscular Endurance – The score is the minimum number of bent leg sit ups performed in one minute.**	
Age	Male	Female
20-29	15	13
30-39	14	10
40-49	13	8
50-59	12	6

Flex	**The Sit and Reach - This test measures the range of motion of the lower back and hamstrings. The test involves stretching out to touch the toes from the sitting position. The score is the minimum inches reached on a yard stick with the 15 inch mark being at the toes.**	
Age	Male	Female
20-29	6.6	7.7
30-39	6.2	7.3
40-49	5.7	6.9
50-59	5.3	6.7

Push Ups	**Dynamic Strength – The score is the minimum number of push ups performed.**	
Age	Male	Female
20-29	12	6
30-39	10	5
40-49	7	4
50-59	5	

1.5 Mile Run	**Cardiovascular Capacity – 1.5 Mile Run – The minimum score is in minutes:seconds**	
Age	Male	Female
20-29	18:03	21:46
30-39	19:20	22:19
40-49	19:55	23:43
50-59	21:46	25:05

12. TENTATIVE SELECTION

The Lieutenant and the Chief will review the personal history statements, written examination results, and oral examination results to determine the best qualified candidates for the positions to be filled. If necessary, they may ask a candidate to return for another interview prior to making a tentative selection.

From the best qualified candidates, the Chief will tentatively select individuals for the positions to be filled, subject to their satisfactory completion of the remaining steps in the employment process.

Both successful and unsuccessful candidates will be notified of the results of the process at this point, using the letters found as Attachments D and E.

13. BACKGROUND INVESTIGATION

The Criminal Investigation Division will conduct a background investigation of every candidate prior to appointment to probationary status. The investigating Officer will be furnished with the CPD Employment Application and Personal History Statement and any other pertinent information.

The background investigation will include:

- Verification of candidates' qualifying credentials, educational achievement, employment, age, residence, citizenship, and driver's license.
- Review of candidates' criminal and traffic records; and
- Verification of five personal references (as identified by the MPCTC standards). Obtain from references if there is any knowledge that the applicant has ever said or done anything that would lead them to believe that the applicant could be racist.

The completed background investigation report will be submitted to the Lieutenant. After review, the Lieutenant will submit the report to the Chief with his or her recommendations.
Completed background investigations will be maintained in the candidate′s personnel folder for the duration of his or her employment with the Chestertown Police Department. The background investigation of an unsuccessful candidate will be destroyed by shredding.

14. POLYGRAPH

Candidates for sworn positions 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 that is corroborated by other investigative means may eliminate the applicant from further consideration.

Applicants will be provided with a list of areas from which polygraph question will be drawn, prior to the 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.

15. PSYCHOLOGICAL TEST

Candidates for sworn positions are administered a psychological test. The psychological instrument used by the Chestertown Police Department is the Minnesota Multiphasic Personality Inventory (MMPI), a widely-used and validated test. The results are interpreted by a licensed psychologist.

The results of the psychological test are maintained in the personnel folder in a locked file in the Chief's Office.

16. PHYSICAL EXAMINATION

Prior to being selected, the applicant for a sworn position will submit to a physical examination by a licensed physician, at Chestertown Police Department 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 Chestertown Police Department 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 in the Chief's Office.

17. 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 re-apply, re-test, and be re-evaluated for future positions, provided they meet the general requirements of the Chestertown Police Department selection procedure. Candidates will be required to reapply for consideration.

18. 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. Some of the letters used for notifying candidates of disqualification are found in the Attachments to this Appendix.
While the following list is not exhaustive, it contains the principal reasons that a candidate may be found disqualified:

- the applicant is not a citizen of the United States.
- the applicant will not reach his or her 21st birthday before the end of Academy.
- the applicant is not a high school graduate with a diploma or does not possess an equivalency certificate recognized by the State of Maryland.
- the applicant may not carry a weapon under federal or Maryland law.
- the applicant is unable to read or write the English language.
- 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:

  An applicant may not have been convicted, in any State, of perjury, or making false statements during driver's licensing procedures

  An applicants license may not have been suspended, canceled or revoked in the 3 years prior to application.

  An applicant may not have been convicted of five moving violations in the 3 years prior to the application process.

  An applicant with a conviction of operating a motor vehicle while intoxicated, in any State, must submit a letter of explanation of the circumstances surrounding the arrest for review.

- the applicant is not determined to be of good moral character by a thorough background investigation, including a fingerprint search conducted of local, State, and national fingerprint files or has not been convicted of a felony or of a crime involving moral turpitude.
- the applicant has a history of excessive use of alcohol.

- the applicant has a history of excessive use of drugs.

  An applicant may not, within 3 years of application, have used LSD, cocaine or crack cocaine, heroin, methamphetamine, opium, PCP, and/or mescaline.

  An applicant may not, within 1 year of application, have used marijuana, hashish, hash oil, amphetamines, barbiturates and/or steroids, unless prescribed by a licensed physician and legally dispensed

  An applicant may not, at any time after applying, use any illegal drug.

- the applicant, by reason of conscience or belief, opposes the use of force when appropriate or necessary to fulfill their duties.

- the applicant does not meet physical standards for the position, as determined by the examining physician.
- An applicant must have uncorrected vision of not less than 20-100 in either eye; correctable to 20-20, and normal color vision.
- An applicant must have normal hearing in each ear.
- Chest x-ray findings must be normal.
- the applicant may not make a false statement of fact or of practice deception in the application or the examinations.

19. SECURITY OF SELECTION MATERIALS AND DISPOSITION OF RECORDS

All testing materials, including written and oral test booklets, will be maintained in a locking file cabinet under the exclusive control of the Chief and the Lieutenant. Unused, spoiled, out of date, or otherwise unneeded testing materials will be returned to the vendor or disposed of by shredding.

The retention of selection data is required for research, independent evaluation, and defense against lawsuits. The Chestertown Police Department will therefore maintain selection materials for unsuccessful candidates for a period of 5 years, after which time they will be destroyed by burning or shredding. They will be maintained in a locking file cabinet under the exclusive control of the Chief and the Lieutenant.

The Chestertown Police Department will comply with all federal and State requirements regarding the privacy, security, and freedom of information of all candidate records and data.

ATTACHMENT A

Dear Applicant:

Thank you for expressing interest in the position of Police Officer with the Chestertown Police Department. We believe we are a first-class law enforcement agency, and we exercise great care in evaluating candidates for our entry-level positions.

We want you to understand our selection process and we will do everything we can to keep you informed as you move through it. If you ever have any questions about the process, please call us on (410) 778-1800.

In order to be considered for this position, you must complete and return the attached Chestertown Police Department Employment Application and Personal History Statement.

After the application deadline has passed, we will do a thorough records check on each applicant to ensure that he or she initially meets our suitability requirements. Then the following examinations will be scheduled and you will be notified of the dates.

Step 1 - Written Examination

Step 2 - An oral Interview with the Chief and senior staff members

Step 3 - Physical Fitness Assessment Test

Step 4 - A thorough background investigation, involving checks with your references, prior employers, and neighbors, and potentially involving sensitive or confidential aspects of your personal life

Step 5 - A polygraph examination

Step 6 - A psychological test which will be interpreted by a licensed psychologist

Step 7 - A physical examination by a licensed physician

We will bear the cost of all testing. It is very important that you contact us in advance if you will be unable to keep an appointment for an examination. If you do not do so, you may forfeit the opportunity to continue in the process. Most candidates will complete steps 1, 2, and 3; because of the costs involved, only the most highly qualified candidates will proceed to Steps 4 through 6.

This process may take from 4 to 8 weeks and the order of Steps 4 through 6 may change. The successful candidate will be scheduled for attendance at a law enforcement academy within the State of Maryland certified by the Maryland Police and Correctional Training Commissions. The academy program is residential and lasts for 19 weeks. While you are at the academy, your pay will be at the rate of $Salary annually; upon graduation and certification, you will begin as a probationary Police Officer performing patrol duties in the Town of Chestertown and your pay will be at the rate of $Salary annually.

If you should not be successful as a candidate, we invite you to develop your skills and to apply when we have future vacancies.

We are seeking the best-qualified candidates for our demanding but rewarding positions. We wish you every success in this process and look forward to meeting you.

Sincerely,

ATTACHMENT B

Dear Applicant:

We have completed an initial review of your application for the position of Police Officer with the Chestertown Police Department.
Unfortunately, we have determined that you are not eligible for the following reason(s):

[ ] You must be a U.S. citizen to be hired for this position. You do not meet the citizenship requirement.

[ ] You must be age 21 to be hired for this position. You do not meet the minimum age requirement.

[ ] You must be a high school graduate to be hired for this position. You do not meet the minimum

education requirement.

[ ] You must possess a valid driver's license to be hired for this position. A check of automated law enforcement systems shows that you do not possess a valid driver's license.

[ ] A check of automated law enforcement systems revealed derogatory information which makes you ineligible for appointment.

[ ] Other:

If you believe our determination is incorrect, you should immediately call (name) on (410) 778-1800.

If you are able to correct the condition which currently makes you ineligible for consideration, you are invited to apply for a position with the Chestertown Police Department in the future.

Sincerely,

ATTACHMENT C

Dear Applicant:

Thank you for applying for the position of Police Officer with the Chestertown Police Department. We look forward to meeting you during the examination process.

As we have previously explained, there are a number of important steps involved in the selection process:

Step 1 -- Written examination

Step 2 - An oral Interview with the Chief and senior staff members

Step 3 - Physical Fitness Assessment Test

Step 4 - A thorough background investigation, involving checks with your references, prior employers, and neighbors, and potentially involving sensitive or confidential aspects of your personal life

Step 5 - A polygraph examination

Step 6 - A psychological test which will be interpreted by a licensed psychologist

Step 7 - A physical examination by a licensed physician

We will bear the cost of all testing. It is very important that you contact us in advance if you will be unable to keep an appointment for an examination. If you do not do so, you may forfeit the opportunity to continue in the process.

Most candidates will complete steps 1, 2, and 3; because of the costs involved, only the most highly qualified candidates will proceed to Steps 4 through 6.

This process may take from 4 to 8 weeks and the order of Steps 4 through 6 may change.

The schedule for Steps 1, 2, and 3 is as follows:

Written Examination (Date, time, and place)

Oral Interview (Date, time, and place)

Physical Fitness Assessment Test (Date, time, and place)

The written examination is designed to test your general ability and aptitude for police work; it does not require any specific knowledge of law enforcement principles or practices. The test will take approximately 2 hours. You do not need to prepare for or bring any materials with you to the test.

The oral interview will last for approximately 1 hour. This will be a structured interview in which you will be asked to respond to specific questions. The same questions are asked of all applicants. You do not need to prepare for or bring any materials with you to the test.

The Physical Fitness Assessment Test is designed to test your ability to perform the physical requirements of a Law Enforcement Officer. This test will take approximately 2 hours. To be prepared for this test, you will need to be in athletic clothing and a comfortable pair of athletic shoes. You will be given time to warm up prior to the test.

Once again, thank you for your interest in a position with the Chestertown Police Department.

Sincerely,

ATTACHMENT D

Dear Applicant:

Congratulations. You have been selected from among the many candidates who applied for the position of Police Officer to continue with the examination process.

The remaining steps are:

Step 4 A thorough background investigation, involving checks with your references, prior employers, and neighbors, and potentially involving sensitive or confidential aspects of your personal life;

Step 5 A polygraph examination;

Step 6 A psychological test which will be interpreted by a licensed psychologist

Step 7 A physical examination by a licensed physician

The Chestertown Police Department will conduct the background investigation on the basis of the Personal History Statement you provided with your application. The employers and references you identified on the form can expect to contacted shortly.

The times for the examinations are as follows:

Polygraph Examination (Date, time, and place)

Physical Examination (Date, time, and place)

Psychological Examination (Date, time, and place)

We will bear the cost of all testing. It is very important that you contact us in advance if you will be unable to keep an appointment for an examination. If you do not do so, you may forfeit the opportunity to continue in the process.

As you know, the polygraph examination is an instrument for the detection of deception. It will be used to determine whether the information you have provided in the application process is true. The test will be administered by a certified polygraph operator and you will be provided a list of areas from which the polygraph questions will be drawn before the examination.

The physical examination is required to determine whether you are physically fit for the duties of Police Officer and for participation in the entrance level training program you will attend.

The psychological examination is required to determine whether you are emotionally and mentally fit to perform the duties of Police Officer.

Sincerely,

ATTACHMENT E

Dear Applicant:

Thank you for your interest in the position of Police Officer with the Chestertown Police Department. The pool of qualified applicants was large and, after the written test and oral interview, you were not selected to continue in the employment process.

Your application will be retained in the Police Department Office files for one year and will again be reviewed for consideration in the event another vacancy occurs within that time. You may also apply again after that time.

My best wishes to you.

Sincerely,

APPENDIX 4-D
LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

REFER TO REVISED VERSION WHEN AVAILABLE

APPENDIX 4-E

Chestertown Police Department

333 South Cross Street
Chestertown, Maryland, 21620

OFFICER PERFORMANCE EVALUATION

1. Name of Employee (Last, First Middle)		
2. Job Title		
3. Rating Period	**From (Month/Year)**	**To (Month/Year)**

4. Instructions

The employee will be evaluated by comparing his or her performance over the full rating period with the Performance Standards and Rating Scale Values for this position. The evaluation must follow the scale below. The Chestertown Police Department rating system has five levels, both for overall performance and for individual performance elements:

Level 5 – Superior
Level 4 – Exceeds expectations
Level 3 – Fully Acceptable
Level 2 – Marginally Acceptable
Level 1 – Unacceptable
NO – Not Observed

Performance which falls between level 1 and level 3, or between level 3 and level 5, can be rated at level 2 or 4, respectively. Raters may comment on any observed behavior, but must comment specifically on ratings of “1” and “5”.

Because Chestertown Police Department supervisory Officers also perform regular law enforcement duties they are rated using these standards. However, there are additional elements, found at the end of this document, which apply to supervisors only.

5. Element Evaluation- Patrol Officers	1	2	3	4	5	NO
A. Critical Performance Task						
1. Driving Skills (Stress Conditions)						
2. Driving Skills (non-stress conditions)						
3. Orientations skills (stress conditions)						
4. Orientation skills (non-stress conditions)						
5. Officer Safety (general)						
6. Control of Conflict (voice style)						
7. Control of conflict (physical style)						
8. Investigative procedures						
9. Report Writing (organization/details)						
10. Proper form selection (accuracy/details)						
11. Radio (listens to & comprehends transmissions)						
12. Radio (articulation of transmissions)						
13. Report Writing (grammar/spelling./neatness)						
14. Report writing (appropriate time use)						
15. Field performance (non0stress conditions)						
16. Self-initiated activity						
17. Problem-solving/decision making						
B. Knowledge						
1. Knowledge of Agency Rules and Orders						
2. Knowledge of criminal law						
3. Knowledge of traffic law						
C. Attitude/Relations						
1. Acceptance of feedback						
2. Relationship with Citizens						
3. Relationship with Co-Workers/Supervisors						
4. General Demeanor						

D. Appearance						
1. General Appearance						
6. Overall Evaluation- Patrol Officer						
Add column entries from previous page, then add across to last (“NO”) column						
Divide last column above by number of numerical ratings assigned						

Mark the appropriate box below		
	1.0-1.9	Not acceptable
	2.0-2.9	Marginally Acceptable
	3.0-3.5	Fully Acceptable
	3.6-4.5	Exceeds Expectations
	4.5-5.0	Superior

7. Element Evaluation -- Supervisor	1	2	3	4	5	NO
1. Daily Employee Review						
2. Inspection and Evaluation of Subordinates						
3. Program Management						
4. Control of Workforce -- Command						
8. Overall Evaluation -- Supervisor						
Add column entries from above, then add across to last (“NO”) column.						
Divide last column above by number of numerical ratings assigned.						

	1.0-1.9	Not acceptable
	2.0-2.9	Marginally Acceptable
	3.0-3.5	Fully Acceptable
	3.6-4.5	Exceeds Expectations
	4.5-5.0	Superior

9. Comments

****

Employee Signature:		**Date**	
Rating Official Signature:		**Date**	
Reviewing Official Signature:		**Date**	

CHAPTER 5
SAFETY AND HEALTH
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5-001 **POLICY**

The Chestertown Police Department is committed to providing a safe and healthful work environment for every employee.

5-100 **SAFETY**

5-101 **MANDATORY USE OFSAFETY RESTRAINT DEVICES**

Chapter 3 mandates the use of safety restraint devices in all Chestertown Police Department vehicles.

5-102 **SOFT BODY ARMOR**

Chapter 3 describes issuance of and Chestertown Police Department policy for the use of soft body armor.

5-103 **BLOODBORNE PATHOGENS**

The following exposure control plan (ECP) is provided to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with OSHA standard 29 CFR 1910.1030, Occupational Exposure to Bloodborne Pathogens.
The ECP is a key document in implementing and ensuring compliance with the standard. This ECP includes:

- Determination of employee exposure;
- Methods of exposure control, including:
- Universal precautions
- Engineering and work practice controls
- Personal protective equipment
- Housekeeping;
- Hepatitis B vaccination;
- Post-exposure evaluation and follow-up;
- Communication of hazards to employees and training;
- Record keeping; and
- Procedures for evaluating circumstances surrounding an exposure incident.

5-103.1 **PROGRAM ADMINISTRATION**

- The Lieutenant or his / her designee is responsible for the implementation of the ECP. He or she will maintain, review, and update the ECP at least annually, and whenever necessary to include new or modified tasks and procedures.
- Employees who are determined to have occupational exposure to blood or other potentially infectious materials (OPIM) must comply with the procedures and work practices outlined in this ECP.
- The Lieutenant will maintain and provide all necessary personal protective equipment (PPE), engineering controls (e.g., sharps containers), labels, and red bags as required by the standard. The Lieutenant will ensure that adequate supplies of the aforementioned equipment are available in the appropriate sizes.
- The Lieutenant will be responsible for ensuring that all medical actions required are performed and that appropriate employee health and OSHA records are maintained.
- The Lieutenant will be responsible for training, documentation of training, and making the written ECP available to employees, OSHA, and National Institutes of Occupational Safety and Health (NIOSH) representatives.

5-103.2 **EMPLOYEE EXPOSURE DETERMINATION**

All employees in the job classification of Chief or Police Officer have occupational exposure. There are no job classifications in which some employees have occupational exposure and some do not.

5-103.3 **METHODS OF IMPLEMENTATION AND CONTROL**

5-103.3.1 **UNIVERSAL PRECAUTIONS**

All employees will use universal precautions.

5-103.3.2 **EXPOSURE CONTROL PLAN**

Employees covered by the bloodborne pathogens standard receive an explanation of this ECP during their initial training session. It will also be reviewed in annual refresher training. All employees have an opportunity to review this plan at any time during their work shifts by contacting the Lieutenant or Patrol Commander. The Lieutenant is responsible for reviewing and updating the ECP annually or more frequently if necessary to reflect any new or modified tasks and procedures which affect occupational exposure and to reflect new or revised employee positions with occupational exposure.

5-103.3.3 **ESTABLISHING ENGINEERING CONTROLS AND WORK PRACTICES**

Engineering controls and work practice controls will be used to prevent or minimize exposure to bloodborne pathogens. The Chestertown Police Department identifies the need for changes in engineering control and work practices through:

- Review of OSHA records
- Suggestions from local hospital
- Employee suggestions

Chestertown Police Department evaluates new procedures or new products by examining the specific problem or product to identify the best corrective measure. This may include consulting with the local health department and/or hospital. Medical equipment salespeople may be asked to give demonstrations of new products. Once all of the reviews are done, the Lieutenant will make the most appropriate corrective steps. The following staff are involved in this review and evaluation process:

- All command staff
- Any Officer who desires to participate

5-103.3.4 **SPECIFIC ENGINEERING CONTROLS AND WORK PRACTICES**

- Use of CPR mask with one-way valve while ventilating patients.
- Use of sharps container. A sharps container is located in the patrol office. It will be inspected and maintained or replaced by the Lieutenant whenever necessary to prevent overfilling. Needles will not be bent or recapped. Following acquisition, contaminated sharps will be placed in the sharps container in the patrol office.
- Universal Precautions Universal precautions will be used on every medical call and when cleaning or handling medical equipment. Universal precautions will be used, when feasible, before arresting someone with obvious injuries and/or bleeding.
- Hand washing. Hand washing will be done as soon as practical following the removal of Personal Protective Equipment (PPE), at the completion of patient care, arresting an injured subject, or after an exposure of blood to the skin, eyes, or mucous membranes. If the employee anticipates a delay in hand washing, then the employee will use the waterless hand cleaning gel (i.e. Isagel, ZEP, or alcohol foam). The waterless hand cleaning gel is located in the office and patrol cars. The employee will still wash his/her hands after using the waterless gel or cleaners.
- Eye Flushing. Eye-flushing resources for use after exposure are available at:
- Chestertown Police Department Office
- Any County fire department/rescue squad
- Chester River Hospital Center (CRHC)
- Equipment Decontamination. Any medical equipment and/or police equipment that needs to be shipped for repairs must be decontaminated. This may include removal and discarding disposable parts in the biohazard trash containers at CRHC. If the item cannot be properly decontaminated, a self-adhesive biohazard label will be attached indicating which parts are still contaminated.

5-103.3.5 **PERSONAL PROTECTIVE EQUIPMENT (PPE)**

PPE is provided to all employees at no cost to them. Training in the use of the appropriate PPE is provided by the Lieutenant for the tasks or procedures employees will perform. The available PPE are: protective gloves, 1-way
CPR mask; sharps container; and handwash. PPE is located in each patrol vehicle and in the Patrol office supply cabinet and may be obtained at any time by employees. The Fleet Manager is responsible for maintaining an adequate supply of
PPE in the supply cabinet. Each employee is required to check the patrol vehicles at the beginning of each shift to ensure that PPE is properly stocked. All employees using PPE must observe the following precautions:

- Wash hands immediately or as soon as feasible after removal of gloves.
- Remove PPE after it becomes contaminated with blood or other potentially infectious material (OPIM), and before leaving the work area. Remove the PPE in such a way as to avoid contact with the contaminated surface.
- Used PPE may be disposed of in the Soiled Utility Room at CRHC emergency department.
- Wear PPE gloves when it can be reasonably anticipated that there may be hand contact with blood or other potentially infectious materials (OPIM), and when handling or touching contaminated items or surfaces. Always
replace gloves if torn, punctured, contaminated, or if their ability to function as a barrier is compromised.
- Utility gloves may be decontaminated for reuse if their integrity is not compromised; discard utility gloves if they show signs of cracking, peeling, tearing, puncturing, or deterioration.
- Never wash or decontaminate disposable gloves for reuse.
- Wear appropriate face and eye protection when splashes, sprays, spatters, or droplets of blood or OPIM pose a hazard to the eye, nose, or mouth.
- All employees using PPE will observe the following procedures for disposal of contaminated materials:
- All contaminated PPE will be cleaned or disposed of at CRHC emergency department. The following contaminated PPE will be placed in Biohazard trash cans:
- Face shields
- Gloves
- Regulated waste will be placed in containers which are closeable, constructed to contain all contents and prevent leakage, appropriately labeled or color-coded (see labels), and closed prior to removal to prevent spillage or protrusion of contents during handling.
- Upon becoming two-thirds full, all sharps containers will be taken to CRHC emergency room for disposal. The sharps container will be properly closed and placed in the designated location in the Soiled Utility Room.
Replacement sharps containers are located in this room also. The procedure for handling other regulated waste
is:
- Blood soaked clothes will be placed in a red biohazard bag and/or trash can. The bag will then be placed in the CRHC Soiled Utility Room biohazard trash can.
- Disposable medical equipment and bandages will be placed in a red biohazard bag and/or trash can. The bag will
then be placed in the CRHC Soiled Utility Room biohazard trash can.
- Non-disposable medical equipment will be placed in a red biohazard bag and taken to the CRHC Soiled Utility Room for decontamination. The procedure for cleaning equipment and surfaces is as follows:
- Wear the appropriate PPE

- Equipment (such as handcuffs) and surfaces can be cleaned using Cavicide. Apply Cavicide to the equipment by thoroughly wetting the area to be cleaned. Allow the area to remain wet for two minutes at room temperature. Follow by wiping the surface using a paper towel or cloth towel. Discard the towel in a biohazard container once cleaning is completed.

- Broken glass, plastic, or other materials, which may be contaminated, will be picked up using mechanical means, such as a brush and dustpan. McBride′s Cleaners, located at 20 Washington Square Shopping Center, can launder the following contaminated articles: uniform shirts, pants and coats. Handle contaminated laundry as little as possible, with minimal agitation. Wear the appropriate PPE when handling and/or sorting contaminated laundry. Place contaminated laundry in red biohazard bags before transport. The McBride′s employee must be told of the contents and that the articles are contaminated. The cost of the cleaning is included in the Officers monthly clothing allowance.

5-103.3.6 **LABELING CONTAMINATED MATERIALS BROUGHT INTO THE CPD**

Appropriate labels and red biohazard bags will be used whenever contaminated materials are brought into the Chestertown Police Department. Employees will notify their Commanders or supervisors if they discover regulated waste containers, refrigerators containing blood or OPIM, contaminated equipment, etc. without proper labels.

5-104 **HEALTH AND SAFETY OFFICER**

The Lieutenant will serve as Health and Safety Officer. His or her duties, in accordance with the Hazardous and Toxic Substances Law (commonly known as the Right to Know Law) will be to:

- identify all hazardous and toxic substances used or stored by the Chestertown Police Department.

- maintain alphabetically, by common name, a Material Safety Data Sheet for each hazardous and toxic substance uses or stored by the Chestertown Police Department.

- inform employees of their entitlements under the act.

5-105 **FIRING RANGE SAFETY**

5-105.1 **INSTRUCTOR REQUIRED**

5-105.2 **FIRING RANGE SAFETY RULES**

The Chestertown Police Department does not have it’s own firing range. When employee’s of the Chestertown Police Department use any other police department firing range the following will be followed;

- 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.

- Soft body armor is required, unless advised otherwise by the Firearms Instructor.

- Dry firing is allowed only under the supervision of the Firearms Instructor.
- Follow all commands of the Firearms Instructor as they are given. **Do not anticipate any commands.** Ask questions if a command is not understood.
- No loaded weapons 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.
- Range safety is **everyone's** responsibility. Anyone who observes any unsafe condition or act should give the command to cease fire.
- Keep the muzzle of the weapon pointed in a safe direction, normally down range, at all times. In the case of a malfunction, keep the weapon pointed down range until assisted by the Instructor. **Only the Instructor will clear a misfire.**
- Discontinue firing if a weak or unusual report is felt or heard. Keep muzzle down range and obtain assistance from an instructor.
- Keep finger off the trigger and outside the trigger guard until the weapon is on the target.
- Do not leave the firing line at any time during the firing until given the command by an Instructor.
- Do not bend over, attempt to recover magazines, etc., until the line is declared safe.
- 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.
- When carrying shotguns/rifles or other shoulder weapons around the range they will be in a high port position with the muzzle above the head with actions open and in a safe condition.
- 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.
- No shooter will be permitted on the range if there is knowledge or reason to believe he or she has consumed alcoholic beverages or taken any other type of drug or medication that could impair his or her ability to handle a weapon safely.
- Loading and unloading will only be done on the firing line under direction of the Instructor or in a designated loading/unloading area.
- Talking is prohibited on the firing line except when conversing with the Instructor.
- Personnel not actually firing will not interfere with shooters or instructors.
- No live ammunition is allowed in or around the cleaning area.
- Only Chestertown Police Department provided ammunition will be used.
- After firing, every employee will wash his or her hands thoroughly before touching them to the mouth or eating or smoking.

5-106 **SAFE STORAGE OF AGENCY ISSUED WEAPONS**

Every Officer is responsible for the safe and secure storage of agency-issued weapons.

5-106.1 **HANDGUNS**

When they are not in use, handguns will be stored unloaded using the agency-issued gun lock. If the Officer has a gun safe, the weapon should be stored in the safe with the gun lock applied. Ammunition will be stored in a separate location from the weapon.

5-106.2 **RIFLES AND SHOTGUNS**

All issued agency and personal weapons to include patrol rifles and shotguns will be either secured in the officers assigned patrol vehicle or in the Police Department gun locker. All weapons will be kept clean and free from debris at all times. When secured in the officers issued patrol vehicles, the rifle will be kept in the secured trunk of the vehicle in an appropriate weapons case. The patrol rifle will be stored with a full ammunition magazine inserted, with the chamber empty and action closed. The firing pin will be released (commonly known as car safe carry). The issued departmental shotgun will be kept in the appropriate shotgun locking rack located in the vehicle with chamber empty, action closed and firing pin released (commonly known as car safe carry). The magazine tube will be kept full with .00 buck shot rounds. All weapons will be locked and secure at all times until needed by the officer. If the vehicle will be out of the assigned officers possession (for example, repairs), all weapons will be removed and stored in an appropriate secured weapons locker. When weapon is stored in the police departments weapons locker it will be free and separate from any ammunition.

5-106.3 **TRAINING**

Safe and secure storage of agency weapons will be included in all firearms training.

5-200 **HEALTH**

5-201 **GENERAL HEALTH AND FITNESS**

Each employee is required to maintain a level of general health and fitness sufficient to carry out the essential duties of his or her position, with or without reasonable accommodation. 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 Lieutenant. The Lieutenant will determine if it is necessary to refer the employee to a Chestertown Police Department physician for an examination, at Chestertown Police Department expense, to determine the employee′s continued ability to perform the essential duties of his or her position.

5-202 **PHYSICAL EXAMINATION**

The Chestertown Police Department requires a physical examination, at its expense, as part of the hiring process for new Officers. The result of that examination is kept in the employee′s personnel file. The Chestertown Police Department has no other regular examination program.

5-203 **REPORTING PREGNANCY AND RETURN TO DUTY FOLLOWING CHILDBIRTH**

When an employee determines that she is pregnant, she will submit a report to her supervisor, accompanied by a statement from her physician indicating the date on which she is due and the date beyond which she will be unable to perform all of the duties of her position. A pregnant Officer who is unable to perform all of the duties of her position will be assigned to light duty for the duration of her time at work before delivery. Six weeks after delivery of a child, the employee will submit a statement from her physician indicating the date on which she will be able to resume all of the duties of her position.

5-204 **LIGHT DUTY AND RETURN TO DUTY**

Light duty is divided into two categories, limited duration and long-term:

- limited duration light duty status may be granted to an employee who is expected to return to full duty and an appropriate date for return to full duty of less than 1 year can be established.

- long term light duty status may be granted to an employee who is not able to return to full duty due to permanent disability.

An employee in long-term light duty status will not retain police powers, the Chestertown Police Department-issued badge or weapon, and will not be assigned a Chestertown Police Department vehicle. Daily transportation to and from work will normally be the responsibility of the employee on light duty status. An employee in either light duty category may retain the Chestertown Police Department identification card and police officer certification card so long as certification is maintained. Return to duty is predicated on the ability of the employee to perform all the essential duties of his or her position. The Chief may require, at CPD expense, necessary medical evaluations when determining whether an employee may return to full duty status.

5-205 **MANDATORY SCREENING FOR ILLEGAL DRUG USE**

The Town of Chestertown has adopted the requirement of a drug free workplace. Every CPD employee is subject to urinalysis screening for illegal drugs prior to employment. As employees in safety sensitive positions, all Officers are subject to random urinalysis screening for illegal drugs.

5-206 **TRAUMATIC INCIDENT COUNSELING**

The Chestertown Police Department will provide assistance to any employee who has been a principal in a life threatening or fatal incident. Examples of such incidents include shootings, stabbings, and automobile accidents. The immediate supervisor will refer to the Lieutenant any employee who has been the principal in an incident resulting in death to another or a life threatening incident resulting in injury to him- or herself or another. After giving a statement to the appropriate investigative body, the employee will immediately be placed on administrative leave, reassigned to administrative functions, or placed on light duty for at least 48 hours, as determined by the circumstances on a case-by-case basis, by the Lieutenant.

The Chestertown Police Department physician will assess the extent of trauma undergone by the employee, and, if indicated, refer the employee to the Chestertown Police Department psychologist for counseling. If additional counseling is prescribed, the employee will remain on light duty, administrative leave, or assigned to administrative functions until released by the CPD physician.

When an employee has been involved in a traumatic incident without death or injury, the Commander may, of his or her own volition or at the request of the employee, reassign the employee to administrative functions or place the employee on light duty. The Commander will immediately notify the Lieutenant so that a determination of the necessity of further treatment may be made.

5-207 **EMPLOYEE SUPPORT SERVICES**

For assistance with the wide range of services available through the Town of Chestertown,
Chestertown Police Department employees can contact the Personnel Administrator in the Town Office. That individual is able to assist with matters including:

- health benefits

- retirement

- employee assistance program
- life insurance
- leave
- credit union
- blood bank

CHAPTER 6
CONCURRENT JURISDICTION AND MUTUAL AID
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6-001 **CONCURRENT JURISDICTION AND MUTUAL AID**

This Chapter describes the relationships between the Chestertown Police Department and the other agencies which have responsibility for enforcing the law in Kent County. It also describes the agreements Chestertown has established with those jurisdictions and with other, neighboring jurisdictions, to assist each other in the event of need.

6-100 **CONCURRENT JURISDICTION**

Chapter 2 of this manual describes the jurisdiction of the Chestertown Police Department, Chestertown, Maryland. However, other law enforcement agencies also have the authority to enforce the law within the Town. This section describes the jurisdiction of each.

6-101 **CHESTERTOWN POLICE DEPARTMENT**

The Chestertown Police Department can enforce the laws of the State of Maryland anywhere within the boundaries of the Town of Chestertown, as defined in Chapter 2. In Chapter 9 of this manual, the principles of fresh pursuit are discussed. Those principles govern a Chestertown Police Department Officer's authority to enforce the law outside Chestertown.

6-102 **MARYLAND STATE POLICE**

The Maryland State Police (MSP) has the authority to enforce the laws of the State throughout the State, including in Chestertown.

6-103 **KENT COUNTY SHERIFF'S OFFICE**

In general, the Kent County Sheriff's Office has authority to enforce the laws of the State only within their jurisdiction. Chestertown and the Kent County Sheriff's Office agree that if a Kent County Sheriff's Office Deputy is in need of assistance they may call the Chestertown Police Department to respond and assist. The Chestertown Officer may exercise police powers within the County.

6-104 **QUEEN ANNE COUNTY SHERIFF'S OFFICE MARYLAND**

Agreements between Chestertown and Queen Anne County Sheriff's Department, Maryland provide that if a police officer of that jurisdiction is on official duty on a highway, road, street, or alley that intertwines or abuts the other, and observes a crime in progress in the other jurisdiction, the officer may exercise police powers in the neighboring jurisdiction. However, because of the water boundaries with Queen Anne′s Counties this is not a likely circumstance. Enforcement issues with this jurisdictions is more likely to involve fresh pursuit or, as described below, mutual aid. Chestertown and Queen Anne County have agreed that a Queen Anne County Deputy in need of assistance may call the Chestertown Police Department to respond and assist. The Chestertown Officer may exercise police powers within the County.

6-200 **MUTUAL AID AGREEMENTS**

Chestertown Police Department has entered into agreements with the following jurisdictions to provide mutual aid in emergency situations:

a. Kent County, Maryland

b. Rock Hall, Maryland

c. Queen Anne County, Maryland

Note: In the event assistance is required from Delaware agencies, the Chestertown Police Department will request it through the MSP

6-201 **PROVISIONS OF THE AGREEMENTS**

The agreements with all of the jurisdictions are the same. They provide:

a. When the Chief or the chief law enforcement officer of the other jurisdiction determines that there is an emergency situation and the jurisdiction does not have sufficient personnel or equipment immediately available to handle the emergency, he or she may ask for assistance. The determination to make a request and to respond to a request lies solely with the Chief or the head of the other agency, or a designee.

b. The Criminal Procedure Article of the Maryland Code gives an officer who is dispatched under these circumstances full authority to exercise police powers.

c. Chestertown Police Department Officers sent to another jurisdiction will be specifically told by their Commander(s) where and to whom they are to report.

d. Radio communications will be maintained either through Kent Central Alarm or through the issuance of portable radio units provided by the other jurisdiction. The agreements also include provisions concerning reimbursement for services, liabilities of the parties, and review and revision of the agreements.

CHAPTER 7
INTERNAL AFFAIRS
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7-001 **INTERNAL AFFAIRS**

All complaints against the Chestertown Police Department or its employees, including anonymous complaints, will be investigated appropriately. Responsibility for the internal affairs function in the Chestertown Police Department rests with the Lieutenant, under the supervision of the Chief.

Through the issuance of this manual, and at least annually at full staff meetings, employees will be informed of the procedures for filing internal affairs complaints. Employees will also be informed of the procedure for citizens to file complaints against employees or the agency, and will keep Chestertown Police Department Complaint Against Personnel Report forms in their vehicles.

The procedures described in this Chapter will apply to the following matters:

- any citizen complaint of wrongdoing by a Chestertown Police Department employee;
- any allegation, regardless of the source, of a violation of criminal law by a Chestertown Police Department employee; and
- any allegation of a serious administrative violation by a Chestertown Police Department employee, as determined by the Chief.

7-100 **RECEIVING COMPLAINTS**

Complaints against employees of the Chestertown Police Department will be processed in accordance with this section.

- The employee first acquiring knowledge of a citizen complaint will immediately notify the superior officer on duty, who will notify the Lieutenant.
- The on-duty Officer will provide the citizen with the Chestertown Police Department Complaint Against Personnel Report. The citizen will be advised that he or she may complete the report and leave it or may take the report, complete it at another time, and return it by mail or in person. If the citizen leaves the form, the Officer on duty will forward the form to the Lieutenant in a sealed envelope. The citizen will be advised that, in accordance with the LEOBR, a complaint form must be notarized.
- A Chestertown Police Department employee who wishes to file a complaint concerning another employee of any rank will submit the complaint in the form of a detailed report through the chain of command.
- A complaint concerning the Chief should be made to the Town of Chestertown, State Prosecutor′s Office, the Maryland State Police, the Federal Bureau of Investigation, or any other appropriate law enforcement agency.
- Anonymous callers should be referred to the Lieutenant. Anonymous complaints are not, per se, excluded from investigation. The Lieutenant or his or her designee will make every attempt to gain the cooperation of the complainant.
- The Lieutenant will notify the Chief as soon as possible of all complaints against Chestertown Police Department personnel, regardless of the source.
- Excessive Force complaints may be made by the aggrieved subject, immediate family member, person present at the alleged incident or someone who has a video recording of the incident, that to the individual's knowledge, is unaltered, or the parent of a minor child.

7-200 **ASSIGNING COMPLAINTS FOR INVESTIGATION**

The Lieutenant will review the Complaint Against Personnel Report and any related reports and will, in all cases, consult with the Chief to determine whether the complaint will be investigated by the employee′s supervisor, the
Chestertown Police Department Criminal Investigation Division, another commissioned officer of the Chestertown Police Department, or by another agency.

- In general, supervisors will investigate allegations of violations of Chestertown Police Department rules and regulations made against their subordinates, unless the Lieutenant determines another investigator would be more appropriate.
- In the case of a serious violation of Chestertown Police Departments rule or regulation, or any violation of law, the Chestertown Police Departments Investigative Division will investigate, unless the Lieutenant determines another investigator would be more appropriate.

- Regardless of the seriousness of the offense, the CID commander will review the report before it is presented to the Lieutenant for final action. The CID Commander reports directly to the Chief on all internal affairs matters.

- Where investigation by the Chestertown Police Department Investigative Division would represent a conflict of interest or position, the Lieutenant may decide to assign responsibility for an investigation to another commissioned officer or perform the investigation himself or herself. With the approval of the Chief, he or she may also request the assistance of another law enforcement agency in the investigation.

7-300 **INVESTIGATION OF COMPLAINTS**

7-301 **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, internal affairs investigations will be completed in 30 days. The investigating authority may request in writing, and the Lieutenant may grant in writing, extensions of the time required for investigation. Excessive Force Complaint must be filed within 366 days of the incident.

7-302 **NOTICE TO COMPLAINANT**

Once a complaint has been assigned for investigation, the Chief will notify the complainant in writing:

- that the complaint has been received;

- to whom it has been assigned;

- that they will be kept apprized of the status of the investigation. They will be informed that the investigation will be completed within 30 days or notified of the status every 30 days.

- All complaint alleging excessive forwarded must be signed and sworn to under the penalty of perjury that the facts are true.

- At the conclusion of the investigation, the Chief will notify the complainant of the results.

7-303 **ANONYMOUS COMPLAINTS**

By their nature, many anonymous complaints are difficult to substantiate. This will not preclude a preliminary inquiry into the matter. The investigation will be terminated when no additional evidence can be obtained.

7-304 **NOTICE TO EMPLOYEE**

The employee will be notified at the earliest appropriate time that he or she is the subject of a complaint or internal investigation. At that time, the Lieutenant will provide the employee a written statement of the allegations and the
Employee's rights and responsibilities relative to the investigation, including the employee′s rights under the Law Enforcement Officer's Bill of Rights.

7-305 **INVESTIGATIVE METHODS**

When their use is material and essential to the matter under investigation, any of the following investigative methods may be employed, consistent with the rights of accused persons in criminal cases and consistent with the LEOBR:

- Laboratory or medical examinations;
- Photographs of employees;
- Line-ups including employees;
- Submission of financial disclosure statements; and
- Use of instruments for the detection of deception

7-306 **DUTY STATUS DURING INVESTIGATION**

When it is in the best interests of the Town and/or the employee, an employee may be suspended during the pendency of an internal investigation under the procedures outlined in Chapter 4 of this Manual.

7-307 **CONCLUSION OF INVESTIGATION**

When the investigation is completed, the investigator will provide the Lieutenant a written report which summarizes the investigation and includes written conclusions of fact for each allegation. The allegations of fact must be clearly articulated and sufficiently documented to serve as the basis for subsequent disciplinary proceedings, should they be warranted. The report will include all supporting documentation and will be submitted in a binder with sheet protectors. After reviewing the results of the investigation, the Lieutenant will recommend to the Chief the course of action to be pursued, consistent with Chapter 4 of this Manual.

7-308 **RECORDS AND REPORTS**

The records of all complaints against the Chestertown Police Department or its employees and of all internal affairs investigations will be maintained in a locked file in the Chief's office. Only the Chief and Lieutenant will have access to those records.

CHAPTER 8
USE OF FORCE
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8-001 **USE OF FORCE**

The protection of human life is the highest value of the Chestertown Police Department. As sworn police officers of the State of Maryland, Chestertown Police Department Officers have the responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and the protection of property must at all times be subservient to the protection of life. When possible officers should make every attempt to de-escalate the situation before using any type of force. There are times when officers will have to revert to using force depending on the type of threat that is imminent.

8-002 **DEFINITIONS**

For the purpose of this Chapter, the following terms have the definitions indicated:

- **Deadly force** — force that is likely to cause death or serious physical injury.
- **Serious physical injury** — injury which creates a substantial risk of death or which is likely to cause serious permanent disfigurement, loss, or extended impairment of the function of any body member or organ.
- **Less lethal force** — force which is not deadly force.
- **Resistance** — the force used against a Officer by a subject whom the Officer is attempting to control (for example, to arrest).
- **Reasonable belief** — A belief based on facts or circumstances which would lead an ordinary and prudent person to act or think in a similar way under similar circumstances.
- **Excessive Force** — A degree of force whose application is inappropriate to the circumstances and is not reasonably believed to be necessary to effect an arrest or to defend any person from bodily harm. No single definition of excessive force can be offered; each situation must be evaluated according to its particular circumstances. Excessive use of any weapon or physical control technique may constitute excessive force.

8-100 **GENERAL POLICIES**

In the Chestertown Police Department, only sworn personnel are authorized to use force in the performance of their duties. However, an occasion may arise in which non-sworn personnel must use force while on duty, either in self-defense or in the defense of others.

The following policies apply to both sworn and non-sworn employees:

a. It is the policy of the Chestertown Police Department to use the minimum amount of force necessary to accomplish lawful objectives, i.e., to effect an arrest and overcome any resistance offered. The use of unnecessary force serves only to erode the public confidence and support which are essential to the performance of the Chestertown Police Department mission. The use of excessive force, regardless of the provocation or action of an offender, will result in certain and severe disciplinary action and may result in criminal prosecution.

b. This policy is internal guidance 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 than exists under the law. Violations of this policy may form the basis for Chestertown Police Department administrative sanctions only; violations of law will form the basis for civil or criminal sanctions in a recognized judicial setting.

c. The degree of force used in making arrests will be consistent with Chestertown Police Department policy prescribed in this manual and will not be unnecessary or excessive.

d. Deadly force may consist of the use of firearms, or of items, articles, instruments, or equipment other than firearms which are designed, intended and routinely used for other legitimate police purposes, such as vehicles, portable radios, flashlights, etc. Deliberate use of any such equipment in a potentially deadly manner is prohibited, except in cases where the use of deadly force is specifically authorized under this policy.

e. Only agency personnel demonstrating proficiency in the use of agency-authorized weapons are authorized to carry such weapons. Before being authorized to carry a weapon, an Officer will receive a copy of this Manual and be instructed in the Chestertown Police Department's use of force policy. This instruction will be documented in
the employee′s personnel folder.

f. A Chestertown Police Department employee 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 a 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 the Kent County Emergency Medical Services for a more thorough evaluation and treatment, if necessary.

g. In the event the employee immediately involved in the incident is unable to carry out this responsibility, it will be the responsibility of the on-site supervisor to do so.

h. An employee whose actions result in the death or serious physical injury of another person will be placed in a non-duty status with pay (administrative leave) until the incident can be investigated, unless the Lieutenant or the Chief determines that an emergency suspension under Chapter 4 of this manual is more appropriate. In addition to use of force incidents, this provision applies to an employee involved in a motor vehicle accident which results in death or serious physical injury to another. The immediate supervisor will verbally notify the employee of his or her being placed on administrative leave. The determination will be verified in writing by the Lieutenant or the Chief. The employee will be returned to duty by the Chief or Lieutenant only when all available information indicates the return is in the best interest of the Chestertown Police Department.

i. If a Chestertown Police Officer is involved in an incident where he/she observes and believes that excessive force is being used the officer shall intervene to stop the use of excessive force. Officers are to report any witnessed excessive force to their immediate supervisor.

Excessive force intervention policies shall be followed only when the officer is confident that the force witnessed was excessive based on the officers experience and training.

8-101 **CONTINUUM OF FORCE**

The Chestertown Police Department recognizes a continuum of force to be applied by a Officer gauged to the degree of resistance offered by a subject.

- Officer's presence;
- Verbal control (persuasion, advice, warning);
- Empty hand control;
- O.C. spray;
- Less lethal munitions (when available);

- Taser's
- Deadly force.

Among the variables which may affect the level of force selected by the Officers are:

- Relative size of the Officer and subject; 8-2
- Gender of the Officer and subject;
- Relative age and physical conditioning;
- Reaction time;
- Danger to citizens and the Officer;
- Environment and weather conditions;

Once a Officer determines that he or she must use physical force, the level of force used will be dependent upon the Officer's perception of resistance, the danger of that resistance, and whether that resistance is placing the Officer or
another in jeopardy of serious injury or death. It is important to note that each Officer's perception of the danger of the level of resistance will be based upon his/her training, experience, knowledge of physical control techniques, and the totality of the circumstances which exist at the time.

8-200 **DEADLY FORCE PERMITTED**

The degree of force used in a confrontation must be consistent with both the severity of the incident and the urgency of its disposition. An Officer 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 felon when all of the following conditions exist:

1) every other reasonable means of effecting the arrest has been exhausted;

2) the perpetrator is a known felon or the Officer has a reasonable belief that the perpetrator committed a felony;

3) the perpetrator actually used or threatened the use of deadly force in the commission of the felony;

4) the Officer has a reasonable belief that the felon poses a significant threat of using deadly force against the Officer or others if not immediately apprehended;

5) every reasonable consideration has been given to prevent inadvertent injury to innocent bystanders; and

6) where feasible, the Officer has given notice of intent to use deadly force and the felon refuses to obey the order to halt.

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 Officer should either have witnessed the crime or should have a reasonable belief that the suspect committed, is committing, or is about to commit an offense against which the use of deadly force is permissible.

d. The authority for an Officer to use deadly force during a fresh pursuit outside Maryland is the same as that within the State. Where an Officer is in fresh

pursuit of a dangerous felon outside Maryland and all conditions set forth in this section are present, the Officer may use deadly force to effect the arrest or prevent the escape of the felon. The use of deadly force during fresh pursuit outside Maryland must be justified by the officer employing it to the authorities of the foreign jurisdiction. Justification will be based upon the Officer's strict adherence to Chestertown Police Department policy.

8-300 **FIREARMS USE (OTHER THAN DEADLY FORCE) PERMITTED**

a. A Chestertown Police Department Officer may discharge a firearm:

1) to kill a dangerous animal that is jeopardizing the safety of the Officer or the public;

2) to kill an injured wild or domestic animal, if the Officer has the consent of the owner or has been requested to do so by a veterinarian. Where a reasonable attempt to locate the owner has failed or a veterinarian is not readily available, the Officer may use discretion in deciding whether to kill the animal to relieve its suffering.

3) to give an alarm or to call assistance when no other means is available.

4) in practice on the firing range.

b. The authority of a Chestertown Police Department Officer to carry or use a firearm while on duty outside Maryland is governed by the laws of the State where the Officer is assigned. An Officer who expects to carry a weapon outside Maryland on an extradition or other assignment is responsible for determining in advance the law of the States in which travel will take place.

8-400 **FIREARMS USE PROHIBITED**

a. A Chestertown Police Department Officer may not discharge a firearm:

1) as a warning;

2) in any felony case which does not meet the conditions set out in Section 8-200;

3) in any attempt to apprehend a misdemeanant; or

4) at or from a moving vehicle, except:

- as a measure of self-defense or defense of another when the suspect is using potentially deadly force other than the vehicle.
- when all conditions regarding a fleeing felon in Section 8-200b are present.

- when a vehicle is driven in a manner deliberately intended to kill or severely injure a Officer or citizen who is on foot.

b. A Chestertown Police Department Officer 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 Chestertown Police Department policy.

c. No Officer will display a weapon in a flagrant manner which is unsafe or would invite unfavorable comment from the public.

d. An off-duty Officer will not wear a firearm at any activity where the Officer will be consuming alcoholic beverages unless authorized by the Chief in covert operations.

8-500 **LESS LETHAL WEAPONS**

a. A portable radio, flashlight, or other similar instrument 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 effected. Unless the situation meets the conditions for the use of deadly force described in Section 8-200.

b. O.C. spray is an auxiliary weapon intended for use only when a Officer 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.

- O.C. spray is intended as an alternative to the police baton and may 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 Officer will provide the arrestee, as soon as possible after arrest, with the opportunity to flush the eyes with fresh water and wash the parts of the body exposed to the chemical.
- 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. Officers 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 against whom O.C. spray has been used should not be transported until he or she has been treated by the Officer and should not be transported face-down.

8-501 **TAZERS**

a. The Tazer is an auxiliary weapon intended for use only when an Officer 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 the Tazer. The use of the Tazer may reduce or eliminate the necessity of other and more potentially injurious means of force.

- The Tazer is intended as an alternative weapon and may not be used indiscriminately.
- The duration of the electrical shock should not be more than the minimum required to effectively incapacitate the arrestee.

- When the Tazer is used to facilitate an apprehension, the Officer will provide the arrestee, as soon as possible after arrest, with the opportunity to be examined by a medical professional.

- The effectiveness of the Tazer may be severely limited on certain individuals (e.g., those under the influence of alcohol or drugs) and under certain conditions. Officers should place guarded confidence in its use.

- The Tazer will not be used on a person who has been secured and is properly in custody.

- Only Officers specifically trained in the use of the Tazer may carry and deploy it.

8-600 **REPORTING USE OF FORCE INCIDENTS AND WEAPONS DISCHARGE**

a. An employee who is involved in any of the following types of incident will notify his or her immediate supervisor as soon as possible:

- 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-than-lethal weapons; or

- applying weaponless physical force beyond the level of empty hand muscling techniques.

The supervisor will notify the Commander, who will notify the Chief and Lieutenant.

b. An employee who is involved in such an incident will not discuss it with anyone other than the Officer's Commander, the investigator(s) assigned to conduct any criminal or administrative investigation of the incident, or the employee′s selected counsel, until authorized to do so by the Commander. Press relations will be handled by the Lieutenant or the Chief.

c. The Chestertown Police Department will ensure that an employee involved in a deadly force or weapons discharge incident will be afforded their rights under the law. Particular attention will be paid to ensuring that involved personnel are permitted legal representation, should they desire it. Personnel involved in incidents resulting in death or serious injury will be treated in accordance with Section 5-216.

d. The employee will submit the Chestertown Police Department Use of Force Report by the end of the tour of duty during which the incident occurred. The report will contain all of the specific facts and circumstances relating to the incident. At the request of the employee′s Commander or supervisor, the employee may be required to submit a detailed report of the incident within 10 days.

e. If an employee is injured, incapacitated, or otherwise unable to prepare the report, the Commander will prepare the report based upon facts obtained verbally from the employee and/or witnesses. When the employee is again capable, he or she will submit the required detailed report or sign a transcript of verbal information given.

f. An Officer who discharges a firearm to kill an animal need only submit an incident report to his or her supervisor. A copy will be forwarded to the Lieutenant.

8-700 **ADMINISTRATIVE REVIEW**

a. The employee′s Commander will make an initial review of the employee′s report of a use of force, use of deadly force, or firearms discharge incident.

b. After review of the report, the Commander will determine whether the incident did or did not conform to the use of force requirements of this Chapter. The Commander will endorse the report and forward it to the Lieutenant along with his or her recommendation for action, if any.

c. The Lieutenant will determine whether additional investigation of the incident is required and will oversee such investigation, if any.

d. The Lieutenant will determine, ultimately, whether the employee′s actions in the incident were consistent with the policies articulated in this Chapter and will indicate that conclusion on the use of force report. 8-6

8-800 **WEAPONS QUALIFICATION**

a. An Officer must demonstrate and maintain proficiency in the use of a Chestertown Police Department authorized weapon before being authorized to use it.

b. An Officer will, at a minimum, be trained and qualify annually with all approved firearms assigned to him or her.

1) In the event an Officer fails qualification with a weapon, the Officer will not be permitted to carry that weapon in the line of duty until the Officer has re-qualified. This may require the employee′s suspension from active duty in accordance with the procedures outlined in Chapter 4 of this manual. The Chestertown Police Department will work with any employee who fails qualification to assist the employee in meeting proficiency requirements.

2) All qualification will be under the supervision of a certified Firearms Instructor and will be documented in the Officers Personnel File.

8-900 **LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2004**

8-901 **CURRENT EMPLOYEES**

The Law Enforcement Officers Safety Act of 2004 (LEOSA, 18 U.S.C. 926B-C) permits current sworn Officers of the Chestertown Police Department to carry concealed firearms in any State, regardless whether that State has laws which prohibit the carrying of concealed firearm. The Act has several limitations:

a. The Officer must be in possession of his/her Chestertown Police Department photo identification card.

b. The Officer may not be under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

c. The Officer may not be the subject of any disciplinary action by the Chestertown Police Department.

d. For the purpose of this section, firearm includes only an Officer's Chestertown Police Department-issued duty weapon.

8-902 **RETIRED EMPLOYEES**

The Chestertown Police Department may certify retired employees under the LEOSA Act.

CHAPTER 9
ARREST AND TRANSPORTATION OF PRISONERS
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9-000 **ARREST AND TRANSPORTATION OF PRISONERS**

9-001 **ARREST**

The law of arrest in Maryland is found in 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 thereto.

Maryland law makes a basic distinction between a felony and a misdemeanor. Generally, the law allows an Officer 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 Officers 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 an Officer must act and to provide specific guidance. Of necessity, this information must be an overview of the law with explanations of key elements. Officers 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 14, Criminal Investigation.

9-002 **USE OF DISCRETION**

In general, it is not the role of law enforcement to decide whether a person who breaks the law should be prosecuted. That decision lies with the State′s Attorney. However, many instances of public contact will occur where an arrest may be made but should not be affected due to mitigating circumstances. It is the policy of the Chestertown Police Department that any decision by a law enforcement officer not to arrest should be made only after careful consideration of the following:

- an arrest would cause greater risk of harm to the public than not making an arrest;
- an arrest would cause harm to an offender who poses no threat of danger to the public; and
- the seriousness of the crime committed.

A decision not to arrest when there are grounds for arrest may, at times, be a good law enforcement practice. Public empathy can be enhanced by the careful use of discretion and potential ill will can be avoided.

Should an Officer have any questions concerning a particular situation, he or she should confer with a supervisor for specific guidance.

9-003 **ALTERNATIVES TO ARREST**

As noted above, there are situations in which Officers 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 Incident or Criminal Report to record the Officer's reasons for using this alternative to arrest.

- *Referrals*. Referrals may be made to other Chestertown Police Department 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*. Officers may exercise discretion in minor traffic and ordinance violations by delivering oral or written warnings. Compliance is the goal of minor enforcement actions.

- *Citations.* These are formal enforcement procedures that are alternatives to arrest since they do not involve physical custody.

9-100 **PRINCIPLES OF ARREST**

9-101 **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 an Officer he or she is not bound to inquire into the particulars of the complaint. If the warrant is in due form and issued by a person having a right to issue it, the duty of the Officer is to execute it
without further inquiry, and the warrant will protect him or her.

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 Officer making
the arrest must verify the information as soon as practical.

9-102 **WARRANTLESS ARRESTS**

a. An Officer may arrest without a warrant any person who commits, or attempts to commit, any felony or misdemeanor in the presence of, or within the view of, the Officer.

b. An Officer who has probable cause to believe that a felony or misdemeanor is being committed in the Officer's presence or within the Officer's view, may arrest without a warrant any person whom the Officer may reasonably believe to have committed such offense.

c. An Officer may arrest a person without a warrant if the Officer has probable cause to believe that a felony has been committed or attempted and that such person has committed or attempted to commit a felony whether or not in the Officer's presence or view.

d. A Officer may arrest a person without a warrant if the Officer has probable cause to believe that the person battered that person's spouse or other individual with whom the person resides, there is evidence of physical injury, a report to the police was made within 48 hours of the alleged incident and the three circumstances listed below for a misdemeanor arrest are met.

e. A Officer may arrest a person without a warrant, for a misdemeanor, if the Officer has probable cause to believe that one of the listed offenses in ' 2-203 of the Criminal Procedure Article of the Annotated Code of Maryland has been committed; that the person has committed the offense; and that unless the person is immediately arrested:

- the person may not be apprehended;
- the person may cause injury to the person or damage to the property of one or more other persons; or
- the person may tamper with, dispose of, or destroy evidence. The listed offenses in ' 2-203 of the Criminal Procedure Article are:
- manslaughter by vehicle or vessel;
- malicious burning or an attempt to commit the crime;
- malicious mischief or an attempt to commit the crime;
- theft where the value of the property stolen is less than $500 or an attempt to commit the crime;
- giving or causing to be given a false alarm of fire;
- indecent exposure;
- a crime that relates to controlled dangerous substances or an attempt to commit the crime;
- wearing, carrying, or transporting a handgun;
- carrying or wearing a concealed weapon; and
- prostitution and related crimes.

9-103 **ARREST OF FUGITIVE FROM ANOTHER JURISDICTION**

The Commander of the Patrol Division or his or her designee will oversee all proceedings involving fugitives.
An Officer 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 an Officer 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 Chestertown, the Officer 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 Chestertown and they want to attempt service, Officers of this Agency will assist. If there is any question regarding the warrant, it should be verified through MILES / NCIC. If an arrest is effected, the person will be turned over to this Agency where he or she 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.

9-104 **ARREST OF ILLEGAL ALIENS**

When a person is booked on any criminal charge and is also suspected of being an illegal alien, the arresting Officer will:

- Contact the Immigration and Naturalization Service to attempt ascertain the individual's immigration status.
- If the information is available from Immigration and Naturalization Service, it will be included in the narrative at the bottom of the Chestertown Police Department Arrest Report Form.

An Officer will not initiate an arrest merely to determine a suspect′s alien status. Illegal aliens are foreign nationals and are subject to the following section.

9-105 **ARREST OF FOREIGN NATIONALS**

A foreign national is any person who is not a citizen of the United States, including a person who is in the United States illegally. An Officer who arrests a foreign national will adhere to the following procedures:

a. Determine the foreign national′s country; and

b. Determine if the foreign national′s country is on the list of mandatory notification countries (A Consular Notification Book is maintained at the Chestertown Police Department Patrol Office); if it is, the Officer will:

   - notify that country′s nearest consular officials, without delay; and
   - tell the foreign national that the notification is being made.

c. If the foreign national′s country is not on the mandatory notification countries list, the Officer will:

   - offer, without delay, to notify the foreign national′s consular officials; and
   - if requested to do so, notify the nearest consular officials.

d. The Officer will note in Criminal/Incident Report the time that any notification was made.

9-106 **EXEMPTIONS FROM ARREST**

a. 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 Shift Supervisor or Kent Communications can resolve a question concerning an individual's entitlement to diplomatic immunity, 24 hours a day, by contacting the U.S. Department of State.

b. 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. 9-4

9-200 **ARREST PROCEDURES**

9-201 **USE OF FORCE IN ARRESTS**

It is the policy of the Chestertown Police Department 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 Officer will knock on the door, identify himself or herself as an Officer 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 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 Officer 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 Officer personally, or may help the suspect destroy evidence.

9-202 **USE OF RESTRAINING DEVICES -- GENERALLY**

A prisoner who is taken into custody will be handcuffed prior to transportation. Handcuffs will be double locked. Officers will always consider their own safety in determining whether to handcuff subjects in front or behind the back. 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.

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.), an Officer may use discretion in applying handcuffs. Leg irons, flex-cuffs or other devices may be used to secure disorderly or violent prisoners to prevent injury to a person or damage to property.

9-203 **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 Officer, and to prevent possible harm to the arrestee or others. These subjects are more thoroughly discussed in Chapter 10, Search and Seizure.

a. An Officer 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:

- property carried unlawfully
- property lawfully carried, but dangerous to life or which could facilitate escape; and
- evidence.

c. An Officer taking custody of a prisoner will, prior to transport, detention, interview or interrogation, search the prisoner regardless of previous searches.

d. An Officer bringing a prisoner into Chestertown Police Department Headquarters will search the prisoner, regardless of previous searches.

e. The following rules will apply to searches of prisoners of the opposite gender:

- The arresting Officer will exercise the same diligence in searching all prisoners for concealed weapons or other dangerous instruments.
- Once a prisoner is in custody and properly restrained, searches will be conducted by persons of the same gender.

f. Strip searches and body cavity searches are discussed in Chapter 10, Search and Seizure.

9-300 **TRANSPORTATION OF PRISONERS**

As a general rule, the transportation of persons already in custody in the Kent County Detention Center (KCDC) is the responsibility of the KCDC. The Chestertown Police Departments principal transport responsibilities involve transporting an arrested person to Chestertown Police Department headquarters for booking, transporting the arrested person to appear before the District Court Commissioner, transporting a person who has been committed by the Commissioner to the KCDC, 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

1) the possibility of injury to the transporting Officer, the prisoner, or others and

2) the possibility of damage to Chestertown Police Department property, including vehicles, is minimized.

9-301 **TRANSPORTATION BY PATROL CAR**

a. An Officer will employ the proper restraints and must exercise good judgment in the transportation of prisoners, keeping in mind the dual goals of maintaining the Officer's own safety and delivering the prisoner safely.

b. When transporting in a vehicle equipped with a prisoner barrier, the prisoner will be properly restrained, situated in the rear seat, and wearing the seat belt and shoulder harness. Before placing the prisoner in the rear seat,
the Officer will verify that the locks have been set so that they cannot be opened from inside the vehicle. No more than two prisoners may be transported in the rear behind the prisoner barrier. If more than one prisoner is
transported, both prisoners must be handcuffed behind the back.

c. When transporting in a vehicle without a prisoner barrier, 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 Officer will sit behind the driver to increase security.

d. 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 Officer and should not be transported face-down.

e. In the case of a prisoner transported by an Officer of the opposite gender or the transportation of a juvenile, the odometer reading, location and destination will be reported to Kent Communications. Upon arrival at the destination, the same information will be transmitted.

f. Under normal circumstances, an Officer will not interrupt a prisoner transport. The only exception is if the Officer encounters a situation in which his or her immediate intervention will prevent the death or serious injury to a person. An Officer encountering any other kind of incident will alert Kent Communications of the need for assistance.

g. During extended transports outside Chestertown, Officers will exercise extreme caution when stopping for fuel or meals or allowing prisoner's reasonable opportunity to use toilet facilities. Officers will not announce the intention or location of a rest stop to the prisoner or others. Officers traveling the same route with any frequency will alternate rest stops and avoid establishing any pattern.

h. During transport by the Chestertown Police Department, prisoners will not be permitted to communicate with other persons.

9-302 **TRANSPORTATION OF PRISONERS COMMERCIAL AIR**

9.302.1 **AIRLINE NOTIFICATION LETTER**

Arrangements will be made by the Criminal Investigation Division Commander, or his / her designee. A letter will be prepared for the Chief's signature to the airline security office and will be sent at least 1 week prior to the flight, or as soon as possible. The letter will include the following:

- Airline and flight number;
- Description and identification of transporting Officer(s);
- A request for Officer to travel armed;
- Request to transport a prisoner.

The Officer will carry a copy of the letter while traveling.

9.302.2 **AIRLINE TO HAVE AUTHORITY OVER WEAPONS AND PRISONERS**

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

9-302.3 **PREPARATION FOR FLIGHT**

The Officer(s) will adhere to the following procedures when making a flight with a prisoner:

- No alcoholic beverage may have been consumed within 8 hours of flying, per FAA regulation;
- The Officer will contact airline security officials at least 1 hour prior to departure;

- The Officer will search the prisoner thoroughly prior to boarding the aircraft;
- The Officer will introduce him or herself to flight personnel;
- The Officer and the prisoner will enter the plane prior to other passengers; and will deplane after other passengers.

NOTE: Gas propellants are prohibited - Officers will not carry O.C. spray aboard the aircraft.

9-302.4 **PRISONER SECURITY**

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. The Officer will sit between the prisoner and any aisle. The prisoner may be restrained at the Officer's discretion. The prisoner will be physically escorted at all times while aboard the aircraft.

The prisoner will not be permitted to use metal utensils to eat. Alcoholic beverages will not be consumed by either the Officer(s) or prisoner. During transport by the Chestertown Police Department, prisoners will not be permitted to communicate with other persons.

9-302.5 **TRANSPORTING DANGEROUS PRISONERS**

When transporting a dangerous prisoner, at least two Officers will be required, and no more than one dangerous prisoner will be transported on any single flight. The Officer(s) will make a judgment concerning whether a prisoner is dangerous by considering the charge(s), demeanor, past actions and propensity for violence of the prisoner.

9-302.6 **AIRLINE HIJACKING**

An Officer 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.

9-303 **ARRIVAL AT THE DESTINATION**

Upon arrival at the destination to which a prisoner is being transported or from which a prisoner will be transported, the Officer will observe the following precautions:

- the Officer will observe local rules for securing weapons;
- the Officer 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.
- the Officer will deliver to or receive from the receiving agency documentation for the incarceration, as appropriate.
- the Officer will advise or inquire of the other agency’s personnel whether there are any potential medical or security hazards. The Officer will take whatever additional measures may be required given the security or medical status of the prisoner.

9-304 **PRISONER ESCAPE**

In the event of a prisoner escape within Kent County, the Officer will immediately alert Kent Communications and then take appropriate measures to re-apprehend the prisoner. If an escape occurs in another jurisdiction within
Maryland, the Officer will

- immediately notify local authorities by cellular telephone via 9-1-1;
- immediately notify the Lieutenant via cellular telephone; and
- take appropriate measures to re-apprehend the prisoner. If an escape occurs in another State, the Officer will:
    - immediately notify local authorities by cellular telephone via 9-1-1;
    - immediately notify the Lieutenant via cellular telephone; and
    - provide appropriate assistance to local authorities in re-apprehending the prisoner.

Regardless where the escape occurs, upon return to Chestertown Police Department headquarters, the Officer will submit a Criminal/Incident Report fully describing the conditions which led to the escape, the manner of the escape, the actions taken to re-apprehend the prisoner, the success of those efforts, and criminal charges filed, as appropriate.

9-305 **SPECIAL TRANSPORT SITUATIONS**

Typically, the transportation of persons already in custody within Kent County is the responsibility of
the Kent County Detention Center. The Chestertown Police Department does not frequently encounter situations in which
injured, ill, or mentally or physically disabled persons must be transported. Officers will be guided by the following
procedures:

- If a person has been injured in the process of being taken into custody (or if an injured person is taken into custody), the Officer will ask Kent Communications to dispatch an emergency medical technician to evaluate the prisoner.
- With the advice of the EMT and the Patrol Supervisor, the Officer will determine whether and how the prisoner will be transported for medical care. In most circumstances, it is preferable that the prisoner be transported for
medical care by ambulance (with the Officer accompanying the prisoner in the ambulance) rather than in the patrol car.
- If the prisoner can be treated on an out-patient basis, the Officer will remain with the prisoner until he or she can be released from medical care and taken to Chestertown Police Department Headquarters for booking. The prisoner will remain in restraints, if that is possible and if it is not, the Officer will exercise extra vigilance while the prisoner is unrestrained. Only in the most extreme circumstances will the prisoner be permitted out of the Officer’s sight.
- If the prisoner must be treated as an inpatient, the Officer will contact the Patrol Supervisor so that arrangement may be made to maintain custody.
- During booking, the Officer should always be aware of the physical condition of the prisoner and alert to any changes which could suggest a need for medical attention.

- In the event an Officer must transport an ill prisoner or one who is physically or mentally handicapped, the Officer will identify in advance of the transport, if possible, the special needs to be accommodated. The Officer will consult with his or her supervisor for advice on handling the transport.

9-400 **CRIMINAL ARREST PROCESSING**

Generally, the Officer making an arrest is responsible for processing the subject. The Chestertown Police Department uses one automated system for arrest processing: the CrimeStar Law Enforcement Management Records System. All information in relation to the arrest will be entered into this system by the Office Manager. The Officer is responsible for completely filling out the OCA report which is to be turned in to the Office Manager.

9-401 **CRIMESTAR ARREST/ BOOKING REPORT**

The initial step in booking is to completely fill out an OCA report which is located in the patrol room.

9-402 **FINGERPRINTING**

The second step in booking is to complete the Maryland State Police and FBI finger print cards.

9-402.1 **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 a designated police agency within 3 days of sentencing to be processed.

The Office Manager or will obtain the information needed to complete the fingerprint cards from the defendant's initial arrest. After the officer has filled in the order and had the defendant sign where indicated, the original and copy of the "Court Ordered Fingerprinting" will be given to the secretary along with the fingerprint cards.

The Office Manager will forward the completed original order to the District Court to show compliance. The secretary will complete the fingerprint cards, and forward them to CJIS Central Repository.

9-403 **PHOTOGRAPHING**

There is a digital camera located in the supply cabinet of the Patrol room which will be used for taking all booking photographs.

Every subject being booked will be photographed. If the individual is arrested on more than one warrant, only one set of photographs need be taken.

The steps for taking booking photographs are:

a. The subject will be photographed bareheaded, wearing eye glasses (but not sunglasses) only if he or she normally wears eye glasses.

b. The Officer will insure that there is a memory device in the camera.

c. The Officer will adjust the camera stand and position the subject so that the arrest board is located below the subject's chin.

d. The Officer will set the arrest board with the arrested subjects OCA number and the current date.

e. The Officer will take two photographs, one with the arrest board in place, one without the arrest board, and one without the arrest board with the subject facing to his or her left.

f. The Officer will preview the photographs to ensure that they have adequately captured the subject's image.

g. The Officer will then place the camera back in its charger in the cabinet.

9-404 **PROCEDURES FOR PROCESSING FUGITIVES OTHER AGENCY (FOA)**

When a person alleged to have committed a violation of the Maryland Criminal Law is taken into custody for that violation in Kent County, but the warrant cannot be served in Kent County (e.g., a Circuit Court warrant or some District Court Warrants), the demanding agency will be notified that an arrest has been made on its warrant. The agency will be advised that the Chestertown Police Department will not process the arrestee and arrangements will be made to transfer the arrestee to the custody of the other agency.

9-405 **FUGITIVE OTHER STATE**

In the case of the apprehension of a fugitive from another State or a federal fugitive, the prisoner will be subject to full arrest processing and presentation to the District Court Commissioner.

9-406 **SUBMITTING THE REPORT**

The Officer will submit the following documents in support of every arrest to the Office Manager:

- OCA Arrest Report
- fingerprint card
- Digital Photographs
- Warrant or other charging document

9-500 **JUVENILE PROCEDURES**

For the purpose of this section, a juvenile is a person who has not yet reached his or her eighteenth birthday and who is subject to the jurisdiction of the Circuit Court sitting as a juvenile court.

Officers dealing with juvenile offenders will use the least coercive among reasonable alternatives. They will determine, based on all the facts and circumstances of the offense, whether to:

- Release the juvenile outright with no further action;
- Issue a written citation to the juvenile offender (with a copy to the juvenile′s parent or guardian);

- Refer to the Department of Juvenile Services;
- Take the juvenile into custody.

In making this determination, the Officer will consider the nature of the offense, the age and circumstances of the juvenile, the juvenile's record, and recommendations for diversion from complainants or victims. 9-10

9-501 **CATEGORIES OF JUVENILES**

There are three categories of juveniles who may be petitioned to the Court:

a. A delinquent is one who has committed an act which would be a crime if committed by an adult and who requires guidance, treatment, or rehabilitation.

b. A juvenile in need of supervision is one who needs guidance, treatment or rehabilitation because the child: is required by law to attend school and is habitually truant; is habitually disobedient, ungovernable and beyond the control of the person having custody without substantial fault on the part of that person; deports him or herself in so as to injure or endanger him or herself or others; or has committed an offense applicable only to children (e.g., runaway).

c. A juvenile in need of assistance is one who needs the assistance of the Court because of a mental handicap or the failure to receive ordinary and proper care and attention; or the parents, guardian, or custodian are unable or unwilling to give proper care and attention.

9-502 **JUVENILES NOT UNDER THE AUTHORITY OF THE JUVENILE COURT**

There are circumstances under which the juvenile court does not have jurisdiction over a person who has not attained the age of eighteen; in these cases the juvenile is treated as an adult:

a. A person who has reached his or her fourteenth birthday is alleged to have committed an act which, if committed by an adult, would be a crime punishable by death or life imprisonment. The person is treated as an adult for all charges arising out of the same incident. The Court may remove such charges to juvenile court.

b. A person who has reached his or her sixteenth birthday is alleged to have committed one of the following crimes, when the person is treated as an adult for all charges arising out of the same incident. The Court may remove such charges to juvenile court:

- Abduction
- Kidnapping
- First degree assault
- Second degree murder/attempted second degree murder
- Manslaughter, except involuntary manslaughter
- Second degree rape/attempted second degree rape

- Robbery with a deadly weapon/attempted robbery with a deadly weapon
- Forcible second degree sexual offense under '' 3-306(a)(1) of the Criminal Law Article or an attempt to commit this offense
- Forcible, aggravated third degree sexual offense under '' 3-307(a)(1) of the Criminal Law Article

- A crime in violation of 5-101 of the Criminal Law Article (restrictions on sale/possession of regulated firearms); (sale/transfer/disposal of regulated firearms); and (short barreled rifles and shotguns)
- Possessing a firearm during and in relation to a felony or a conspiracy to commit a felony drug trafficking crime in violation of '' 5-621 of the Criminal Law Article
- Use of a firearm as prohibited in '' 5-622 (Firearm Crimes) of the Criminal Law Article
- Carjacking or armed carjacking as prohibited in '' 3-405 of the Criminal Law Article
- Wearing, carrying or transporting a handgun in violation of '' 4-203 of the Criminal Law Article
- Use of handgun or antique firearm in commission of a crime in violation of '' 4- 204 of the Criminal Law Article
- Use of machine gun in a crime of violence or for an aggressive purpose in violation of '' 4-504 or '' 4-505 of the Criminal Law Article.

c. A person who has reached his or her sixteenth birthday is alleged to have done an act in violation of any provision of the Transportation Article or other traffic law or ordinance, except an act that prescribes a penalty of incarceration.

d. A person who has reached his or her sixteenth birthday is alleged to have done an act in violation of law, rule, or regulation governing the operation of a boat, except an act that prescribes a penalty of incarceration.

9-503 **CUSTODY**

a. A juvenile may be arrested for any act which would be a crime if committed by an adult. As with an adult, the Officer will use the minimum amount of force necessary to effect an arrest and overcome any resistance offered.

b. As a general rule, juveniles will be taken into custody and/or referred for formal action under the following circumstances:

- the juvenile commits an act which would, if committed by an adult, be a felony.
- all delinquent acts involving weapons;
- all serious gang-related delinquent acts;
- all delinquent acts involving aggravated assault and battery;
- all delinquent acts committed by juveniles on probation or parole or by those with a case pending;
- all repeated delinquent acts (within 12 months).

c. The Officer will decide whether to handcuff or otherwise restrain a juvenile using the same criteria as an adult, keeping in mind the number of Officers present, the physique and stature of the juvenile, the juvenile′s reputation for violence and conduct at the time of arrest, known arrest record or lack of record, and the standing of the juvenile in the community.

d. The Officer will determine whether the juvenile has been harmed or is in danger of being harmed.

e. Unless the juvenile is in need of medical assistance, he or she will be brought to CPD headquarters without delay. An Officer will not transport a juvenile together with an adult who has been charged with or convicted of a crime unless the child is being proceeded against as an adult.

f. Search and seizure provisions of the law for adults apply equally to juveniles.

g. The Officer is responsible for notifying the juvenile's parents, guardian, or custodian as soon as possible after the arrest.

h. Complaints by parents or requests for juvenile delinquency action against their own children, where no police action has occurred, will be referred to the Department of Juvenile Services.

9-504 **INTERROGATION OF A JUVENILE**

a. Maryland law does not require the presence of a parent, guardian, or attorney as a condition or properly interrogating a juvenile. The presence of a parent, however, will be taken into account by a court asked to determine whether a statement given by the juvenile is voluntary. The younger and/or more limited the juvenile in intellect and experience, the more the Officer will need the presence of the parent to gain the admissibility of the juvenile′s statement.

b. If the Officer believes that the juvenile is unable to understand and exercise his or her rights or if the juvenile requests it, the interrogation will be conducted in the presence of at least one parent, preferably both; or the guardian or other person having charge of the child. If no one having custody is available or will respond, the Officer will contact the Department of Juvenile Services.

c. If circumstances require interrogation at Chestertown Police Department headquarters, the interrogation will be conducted in a private office and with no more than two Officers present. The interrogation will be limited to the duration necessary to elicit required information.

d. When a juvenile is interrogated at a school, an administrator will be present.

e. The Officer will explain the agency′s and the juvenile justice system′s procedures to the juvenile and the parents or other adults.

f. The Officer will read the juvenile the Miranda warnings to determine that the juvenile understands his or her rights before beginning the investigation. After advising the juvenile, the Officer should ascertain if the parents, guardian, or neutral party has understood the juvenile′s rights, if they are present.

g. Only the juvenile can waive his or her 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 Officer will discontinue the interview and contact the State′s Attorney′s Office.

h. Before a juvenile submits to a polygraph examination, parent, guardian, or juvenile authority must sign a Consent Form in the presence of the investigating Officer or examiner.

9-505 **DETENTION**

Detention of juvenile criminal offenders at Chestertown Police Department headquarters may not exceed 6 hours for the purpose of identification, processing, or transfer to another facility. Juveniles must be segregated by sight and sound from and have no more than accidental or haphazard contact with adult offenders.

A juvenile held for a status offense (e.g., runaway) may be handcuffed if necessary "to themselves or non-stationary object, but may not be held securely in an adult lockup for any reason". 9-13

There are six circumstances under which a juvenile may be placed in detention:

a. A parent or guardian cannot be located.

b. The parent or guardian refuses to pick up the juvenile.

c. If the adult refuses to respond solely because of inconvenience to themselves, they will be advised that they may be charged with Child Abandonment. If after being so advised the adult still does not respond, the child will be placed in detention and the adult may be charged at a later time.

d. When the parent or guardian is located but does not have transportation and/or cannot leave the home because of other children.

e. If the circumstances warrant, every reasonable effort will be made to provide transportation for the child to the home, where release will be effected. The determination whether to provide transportation will be made by the supervisor in charge, who will be guided by the availability of manpower, distance involved, etc.

f. When an Officer has reason to believe the juvenile will leave the jurisdiction;

g. When an Officer has reason to believe the child will bring harm to him- or herself or to someone else.

9-506 **AUTHORITY FOR DETENTION**

An Officer who determines that a juvenile must be detained for one of the reasons cited in 9-505 will contact the Department of Juvenile Services Intake Division for authorization. It is the Department of Juvenile Service's decision whether to release or detain the juvenile. If detention is authorized, the Officer will transport the juvenile to the Carter Youth Center or another facility approved by the Department of Juvenile Services.

9-507 **RELEASE OF JUVENILE**

A juvenile may only be released to a parent, guardian, another responsible adult relative, or other person having legal custody of the juvenile.

9-508 **RECORDS AND REPORTS**

a. The law requires that juvenile arrest records be kept separate from adult records so that juvenile confidentiality can be maintained.

b. When a case is to be forwarded to the Department of Juvenile Services, the Officer will:

1) fully complete a Chestertown Police Department Juvenile Referral form;

2) ensure that the Criminal Report or other applicable report is included. The report will contain the notation Referred to The Department of Juvenile Services.

3) place the referral and the report in the supervisor′s box for review. If the report is acceptable, the supervisor will forward the report to the Records Secretary, who will record the referral and forward the case to Juvenile Services.

4) Complete a department arrest report (OCA).

9-600 **TEMPORARY DETENTION**

The Chestertown Police Department does not have a prisoner holding facility. The Patrol Room is the principal site for temporary detention of prisoners during processing. At times it may be necessary to use other parts of Chestertown Police Department Headquarters in order to achieve separation of adults and juveniles and, if necessary, separation by gender. Among the areas that may be used for this purpose are:

- the department's juvenile detention room which contains two viewing windows;
- the department' training room;

Regardless of the area used, a detainee will never be left unsupervised in any area of the Chestertown Police Department. Nor will a detainee be locked in any room.

9-601 **TRAINING**

All newly-hired Officers will receive training on proper use of various Chestertown Police Department facilities for temporary detention as part of field training.

9-602 **SUPERVISION AND ACCOUNTABILITY**

The Officer who makes an arrest and brings a prisoner to Chestertown Police Department headquarters is responsible for the safety and security of the temporary detainee while at Chestertown Police Department headquarters. While he or she may obtain assistance from other Officer's, the arresting Officer is ultimately responsible and accountable for processing, searching, and temporarily detaining the individual. Only sworn personnel have responsibility for persons in detention. All

Officers' are authorized to use the Patrol Room and other areas for temporary detention and will coordinate and cooperate with other Officers who are using the facility simultaneously. As noted above, an Officer may handcuff a non-juvenile to the wall in the patrol room if the detainee is uncooperative or unruly. The wall has been designed as an immovable object for securing detainees.

9-603 **SECURITY**

Access to the Patrol Room is electronic key fob/ card-controlled. The following security principles will be strictly observed:

- as noted above, every prisoner will be searched upon arrival at Chestertown Police Department headquarters, even if the detainee was searched initially upon arrest.
- as noted above, there are lock-boxes in the Patrol Room which Officer will use for their weapons when they are engaged in any activities which bring them in close personal contact with detainees, such as fingerprinting.

- except in unusual circumstances, other persons will not be given access to prisoners while they are in temporary detention at the Chestertown Police Department. A parent or guardian′s access to a juvenile is an exception to this principle. Officers will, of course, honor detainees' rights to counsel.

- Officers 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. An escape will be handled as described in the previous section on that subject.

- as noted above, detainees will not be locked in or left unattended in any area of the Chestertown Police Department.

9-604 **FIRE PREVENTION**

No smoking or open flames are permitted in the Patrol Room. The Patrol Room is equipped with a fire extinguisher which is readily accessible to Officers. In the event of a fire, the Officers primary responsibilities is his or her own safety
and that of the detainees. The arresting Officer will:

- notify Kent Communications using his or her portable radio;

- determine if the fire is of a sufficiently minor nature that it can be controlled immediately with a fire extinguisher. If it is, he or she will do so;

- if there is any question about control of the fire, the Officer will immediately secure and evacuate his or her detainees as safely as possible.

- Prisoners may be assembled in front of the Chestertown Police Department headquarters, and temporarily taken to the Kent County Detention Center.

9-605 **SEPARATION OF DETAINEES**

Juvenile detainees must be separated by sight and sound from adult detainees, except when they are being fingerprinted and photographed. For this purpose, the department's training room may be used. Officers will use their judgment about separating male and female detainees. Since detainees are under constant supervision, separation by gender is not required.

9-606 **FACILITIES**

The Patrol Room has a unisex bathroom and drinking water access. Detainees will be given reasonable access to these facilities, consistent with security and processing needs. If a detainee has been or will likely be held for several hours and it is meal-time, they may make arrangements to obtain a meal.

9-607 **INSPECTIONS AND REVIEW OF PROCEDURES**

At least once during each shift, the Shift Supervisor will inspect the Patrol Room for:

- Security issues
- Safety (including fire safety) issues
- Cleanliness, including cleanliness of the bathroom.

The Shift Supervisor will take corrective actions as necessary, and report any serious deficiencies by memorandum to the Lieutenant.

9-700 **INTERROGATION**

See Chapter 14, Criminal Investigation, for a detailed discussion of interrogation requirements and guidelines, including the Constitutional protections of accused persons.

9-800 **PROMPT PRESENTMENTS**

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 Officer 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 an Officer 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.

CHAPTER 10
SEARCH AND SEIZURE
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10-001 **SEARCH AND SEIZURE**

Under the exclusionary rule, a police agency 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.

An Officer 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. The Officer who performs all of these actions with care will help ensure that the Chestertown Police Department's actions will be lawful and that the validity of the search and seizure will be upheld in court.

All property or evidence seized or taken into custody will be handled in accordance with Chapter 15 of this Manual.

10-002 **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 an Officer 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, 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.

10-003 **USE OF FORCE IN SEARCHES**

When making a reasonable search of a person (whether with warrant or incident to arrest), an Officer may use only that degree of force necessary to protect him or 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 Officer'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, an Officer may use reasonable force to prevent the person from swallowing the evidence and to remove the object.

10-100 **SEARCH WARRANTS**

10-101 **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.

10-102 **APPROVAL OF WARRANTS**

Before an Officer applies for a search warrant, the completed application and affidavit must be approved by the Lieutenant. In preparing warrants, Officers may ask for a review by the State′s Attorney′s Office.

10-103 **AFFIDAVIT**

When applying for a search warrant, the Officer 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:

a. Commission of a specific offense;

b. That certain specifically identified contraband/evidence/property directly related to the offense is being sought; and

c. 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.

10-103.1 **AFFIDAVIT BASED ON OFFICER'S OWN KNOWLEDGE**

Where the facts are within an Officer's personal knowledge, the Officer will set forth in detail in the probable cause section of the warrant:

a. The dates and times he observed the facts;

b. The place where he observed the facts;

c. Exactly and in detail what facts he observed;

d. A brief synopsis of the Officer's experience and training.

10-103.2 **AFFIDAVIT BASED ON ANOTHER′S KNOWLEDGE**

In this case, the Officer 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 Officer believes what the other person told him. Such an affidavit will necessarily be longer than one based solely on the Officer's personal knowledge. The Officer will set forth in detail in the probable cause section of the warrant:

a. The date the Officer was told the facts;

b. The name and address of the person who told the Officer the facts, except in the case of a confidential informant;

c. The date the other person observed the facts;

d. That the other person personally observed the facts and how they observed them;

e. The place where the other person observed the facts;

f. Exactly and in detail what facts the other person observed;

g. An explanation why the Officer believes what the other person told the Officer is true; and

h. A brief synopsis of the Officer's experience and training.

10-103.3 **AFFIDAVIT BASED ON CONFIDENTIAL INFORMANT INFORMATION**

An Officer is not required to disclose the identity of a confidential informant in a search warrant affidavit. When the informant′s identity is not disclosed, however, it is especially important to explain why the Officer believes the facts related by the informant are true. If a confidential informant is a private citizen not involved in criminal activity, that fact will be mentioned in the affidavit.

To substantiate the informant′s reliability, the Officer will set forth in detail in the probable cause section of the warrant:

a. The informant′s past record for accuracy;

b. Whether valid arrests and convictions have been based on that information;

c. What facts the Officer has personally observed which corroborate the information related by the informant;

d. If appropriate, that the Officer has received a statement from the informant indicating that the informant has committed or has participated in the commission of the crimes indicated.

e. 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.

10-103.4 **DETAIL IN AFFIDAVITS**

Frequently, the State′s case is only as strong as the Officer's affidavit. An Officer should include in the affidavit all information having any bearing on the Officer's conclusions. Listing all of the relevant information not only ensures the validity of the warrant, but also gives the Officer the opportunity to decide if there is sufficient information to justify the issuance of the warrant.

10-200 **EXECUTION OF WARRANTS**

A search warrant must be executed by the Officer to whom it was issued unless the warrant specifies that it may be served by the applicant or any other duly sworn police officer. The Officer 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 Officer 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: 10-3

a. The warrant must be served within 15 days of issuance;

b. When a warrant is to be executed by an entry team, the affiant will take the team supervisor (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 Chestertown Police Department will be to knock and announce when serving warrants. The Team Supervisor (or other Officer in charge of warrant service) may determine that a warrant may be served without knocking and announcing.

d. The search warrant will be read to the 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. Only the time necessary under the circumstances may be used to conduct the search.

g. The Officer 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, reasonable suspicion may justify the frisk of all persons present for offensive weapons.

j. An inventory will be completed containing an accurate description of all property removed. The Officer 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 Officer will return the executed warrant and property inventory to the issuing court or judge within 10 days of execution.

m. All items taken into custody will be handled and processed as provide for in Chapter 15, Property and Evidence.

10-201 **OBTAINING EVIDENCE FROM A PERSON**

When a search warrant is needed to obtain evidence such as clothing worn, fingernail clippings, hair, body fluids, body cavity searches, from a person, the following guidelines will apply:

a. If an Officer has adequate advance information that an individual has or will have on his or her person items subject to lawful seizure, then the Officer will obtain a warrant for the search.

b. If a suspect or witness is asked to provide exemplars 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), an Officer 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 Officer comes upon other evidence of the specified crime or another crime, the Officer may seize that evidence.

   1) If a person carries a weapon in violation of the law, the Officer may take it.

   2) If a person is carrying a weapon legally, the Officer may take it to protect himself, but the person searched must be told where he can retrieve the weapon.

10-202 **EXCEPTION TO AVOID LOSS OF EVIDENCE**

To avoid a possible loss of evidence, an Officer may hold property which is under the Officer'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, an Officer should seek guidance from the CID Commander or the State′s Attorney′s office.

10-300 **SEARCH INCIDENT TO ARREST**

A search incident to a lawful arrest is permitted to protect the arresting Officer 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.

10-301 **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 Officer should conduct the search.

Note: When a prisoner is transferred from the custody of one Officer to another, the receiving Officer will make a subsequent search for his or her 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 an Officer 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 Officer takes possession of the evidence (e.g., a weapon or narcotics) and then makes the arrest, the seizure is lawful. This is an exception and the courts will apply it strictly.

e. An Officer 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 Officer's need to protect him or herself, to prevent escape, and to prevent the destruction of evidence, an unreasonable delay may make it appear that the Officer was not concerned about any of those possibilities, but rather conducted the search for some other reason.

f. The Officer 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.

10-302 **SCOPE OF SEARCH INCIDENT TO ARREST**

As a general rule, an Officer 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 his or her 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 Officer 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, an Officer 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.

10-303 **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 Officer, for safekeeping, fruits of the crime for which the arrest was made, fruits and/or instrumentalities of another offense, contraband, etc.

b. An Officer 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.

10-400 **OTHER SEARCHES AND SEIZURES**

10-401 **STRIP SEARCHES**

a. A strip search is the removal or rearrangement of any clothing which permits a visual inspection of the genitals, buttocks, anus, or female breasts.

b. A strip search will be considered only when the facts known to the Officer or the observations made by the Officer establish the reasonableness of a strip search. (For example, controlled dangerous drugs are
routinely concealed, and in some cases small weapons may be concealed.)

c. A strip search may be conducted upon authority of a valid search warrant, incident to a lawful arrest, or based upon probable cause.

d. Strip searches will only be permitted in the following circumstances:

1) the Officer has a reasonable suspicion that the subject is concealing a weapon; or

2) the Officer has a reasonable suspicion that the subject is concealing contraband.

e. A strip search will be conducted in a secluded, private area by a Officer of the same sex as the person being searched, and will be done professionally and efficiently, showing care for the arrestee′s privacy and comfort.

f. Force may be used only to the extent necessary to effect submission to the examination.

g. In every case, a strip search will be documented in a written report. The documentation will include the reason for the search, the Officer conducting the search, the location where the search was conducted, and those persons present for the search.

10-402 **BODY CAVITY SEARCH**

a. A body cavity search may be conducted upon authority of a valid search warrant or incident to a lawful arrest.

b. Body cavity searches will only be permitted in the following circumstances:

1) the Officer has a reasonable suspicion that the person has within his or her body evidence which should be removed; or

2) upon authority of a valid search warrant.

c. A body cavity search without a warrant must be approved by an Officer’s immediate supervisor or the senior officer on duty.

d. The retrieval of evidence from a body cavity will, when practical, be made by a licensed doctor or nurse working under sanitary conditions and in a medically approved way.

e. Force may be used only to the extent necessary to effect submission to the examination.

f. In every case, a body cavity search will be documented in a written report. The documentation will include the reason for the search, the Officer authorizing the search, the medical personnel conducting the search, the facility where the search was conducted, and those persons present for the search.

10-403 **SEIZURE OF ABANDONED PROPERTY**

If in the course of a lawful arrest (or other lawful action by a Officer, 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, an Officer 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 of 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.

a. There is no requirement that the person intended to get rid of the property permanently.

b. Property discarded in response to an unlawful arrest or unlawful entry by an Officer may not be lawfully seized.

c. If the property is discarded in the person′s dwelling or its curtilage (or the person′s hotel room, automobile, or any other are under the person′s control), it cannot be considered abandoned and cannot be seized. 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.

d. Some examples of legally seized abandoned property are:

   1) a package of heroin picked up from the street after a scuffle during an arrest from an automobile.

   2) a package of narcotics which lands in a public courtyard after being thrown out the window of an apartment by a person under surveillance.

   3) an envelope dropped to the floor of the police station by a person under arrest.

   4) an object dropped on the street by a person stepping out of a car for questioning.

10-404 **STOP AND FRISK**

a. This expansion of a constitutionally permissible search permits an Officer 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 or deadly weapon concealed upon or about the individual. The search is permitted when:

   1) The Officer has a specifically-based reasonable suspicion that the person has committed, is committing, or is about to commit a crime; or

2) The Officer has a specifically-based reasonable suspicion that the person is armed and dangerous and immediate action must be taken to protect the Officer 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.

b. The following circumstances may be considered by the Officer in determining whether reasonable suspicion exists to justify a stop. This list is not intended to be all inclusive:

1) Observation of unusual conduct and actions of the suspect.

2) Appearance or demeanor of the suspect.

3) Age and gender of the suspect.

4) The hour.

5) The neighborhood.

6) Bulges in the suspect's clothing which may suggest a concealed weapon.

7) The appearance of objects the suspect may be carrying.

8) Proximity to a known crime scene.

(9) Prior knowledge of the officer including the suspect's prior record, information from an informant or third party, or overheard conversation.

c. Once sufficient reasonable suspicion is established and the Officer decides to initiate the stop, the Officer will:

1) be clearly identified as a police officer by being in uniform or, if not in uniform, by announcing that he or she is a Chestertown Police Department Officer and at the same time displaying his/her 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.

d. The individual may not be compelled to answer these or any other questions.

1) If the individual refuses to answer a Officer's questions or identify themselves, he/she may be questioned further but may not be unduly detained or deprived of freedom of movement in any significant way unless the Officer is prepared to make a formal arrest in accordance with legal requirements for an arrest.

2) The failure or refusal to answer questions, or answers considered unsatisfactory are 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 Officer reasonably suspects danger to his or her own safety or that of another person.

e. The circumstances which an Officer may consider in determining whether reasonable suspicion exists to justify a frisk include those which justify a stop and, in addition:

1) The type of crime suspected whether it is a crime of violence or involving the use of a deadly weapon.

2) Reasonableness of the Officer's fears for his or her own safety or that of others. When the Officer must deal with more than one suspect or where help is not close at hand, there may be increased danger. 10-8

3) age and gender of the suspect.

4) Any other information perceived by the Officer as bearing on the suspect's potential for violence.

f. When the Officer 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, he may frisk the person.

g. 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 his or her person that could be a weapon, the Officer is authorized to search the part of the suspect's clothing containing the object, but may not search further.

h. 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 Officer may arrest the suspect for committing a crime in his presence. Incident to such a lawful arrest, the Officer may make a further, more detailed search of the suspect and the immediate surroundings. On the other hand, if the Officer 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.

10-405 **WARRANTLESS SEARCHES**

Several exceptions to the rule on searches permit a Officer to make a search without a warrant. However, the courts review such searches closely. They include:

a. Emergencies. An Officer may search if there is not time to get a warrant and the situation requires immediate action (e.g., the Officer hears a scream from inside a house followed by a gunshot).

b. Fresh Pursuit. An Officer may search if he or she is chasing an escaping suspect or is about to catch up with one who is ready to flee.

c. Incident to arrest. Discussed above.

d. Plain view doctrine. Discussed above.

e. Consent search. Discussed below.

f. 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.

g. Open fields, even though privately owned, may be searched without a warrant.

h. Observation of a dwelling or its curtilage (see 4-403) 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.

i. Listening to conversations or other sounds occurring 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. If a physical trespass is necessary or if an electronic or mechanical device is necessary, a warrant must be obtained.

10-406 **CRIME SCENE SEARCHES**

a. As noted in above, entry and subsequent warrantless search of premises is permitted in emergency situations when an Officer has a reasonable belief that there is within a need for immediate assistance. Officers at the scene of a homicide or similar serious offense may conduct a warrantless search to locate victims and/or suspects.

b. 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. The fact that a crime has occurred at a specific location does not automatically authorize an unlimited search of the premises.

10-500 **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.

10-500.1 **USE OF FORCE IN VEHICLE SEARCHES**

a. If an Officer has a legal right to search a vehicle and if the occupant refuses to allow the Officer to proceed, the Officer may use the force reasonable and necessary to effect the search.

b. Using unreasonable force to stop a vehicle may make a subsequent search of the vehicle illegal, even though it was based on probable cause.

10-501 **VEHICLE SEARCH INCIDENT TO ARREST**

a. A search of a vehicle incident to a lawful custodial arrest of one or more of its occupants is predicated on the Officer's right to protect themselves and others, seize evidence, and prevent the destruction of evidence.

b. The search may include the person(s) arrested, the passenger compartment of the vehicle and any packages, containers and property, either open or closed, contained therein.

c. Locked containers may not be searched, since the courts have determined that the arrestee would have been precluded from reaching the contents.

d. For a search to be valid:

1) There must be a lawful custodial arrest.

2) The search must be close in place and time to the arrest. If it is not, the conditions on which the search is based may be lost. The Officer may summon additional staff to secure the suspects at the scene or reasonably close by while the arresting Officer conducts the search of the entire passenger compartment and any containers found in it.

NOTE: Probable cause or even mere suspicion that contraband, evidence or a weapon is in the vehicle is not required. This criteria is applicable only incident to a lawful arrest.

10-502 **WARRANTLESS SEARCH OF A VEHICLE BASED ON PROBABLE CAUSE**

a. An Officer 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.

b. 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:

1) 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.

2) 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.

3) 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.

c. If a lawful arrest is made, the search may be expanded based on the incident to arrest principle.

d. 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 a question raised why a warrant was not obtained.

e. 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.

f. 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 an Officer to search its non-arrested occupants. A thorough search of an occupant is justified only if the Officer has a reasonable suspicion that the person possesses evidence of a criminal offense. An Officer may, however, pat down the outer clothing of any occupant whom he reasonably suspects may possess a weapon and whom he feels poses a danger to himself or others.

10-503 **ITEMS IN OPEN VIEW**

The open view doctrine applies to all vehicles. Any contraband or evidence of a criminal offense seen while a Officer 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.

10-504 **ABANDONED VEHICLES**

An abandoned vehicle may be seized and searched without a warrant and without probable cause.

10-505 **SEIZED VEHICLES**

a. Whenever possible, a vehicle to be retained as evidence or for further processing should be driven from its place of recovery to the Chestertown Police Department by the investigating Officer to provide for proper safeguarding and chain of custody of evidence. When it is not possible to drive the vehicle from the place of recovery to the Chestertown Police Department, the Officer will arrange for its removal by the nearest available tow vehicle. The Officer

will secure the vehicle prior to towing and follow the vehicle as it is being towed to provide for proper safeguarding and chain of custody of evidence.

b. A vehicle used to violate laws concerning the transportation of liquor, cigarettes, or 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.

c. 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 (a stolen car), it may be subject to a later, more careful examination just as is any other lawfully seized item.

d. 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.

10-506 **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.

10-600 **CONSENT SEARCH**

One′s consent to a search of his or her person or property under his or her 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:

a. The individual gives consent with the knowledge that he or she need not consent to a search.

b. The individual gives consent voluntarily, i.e., freely, without duress or coercion; and

c. The consent is clear and explicit.

The courts will examine a waiver of the Constitutional right carefully. 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.

10-601 **CONSENT MUST BE VOLUNTARY**

a. Any coercion or intimidation, actual or implied, will invalidate the consent. For example: An Officer pounds on a door and announces that he or she has come to make a search or wants to talk or look around the premises. If the Officer is given permission to enter, the courts have often found there is no valid consent because such a situation creates a coercive atmosphere.

b. Consent obtained through fraud or misrepresentation is not voluntary: An Officer without a warrant tells the occupant of a house that he or she has one. The individual consents to the search, but it may be held invalid by the courts.

c. On the other hand, a voluntary confession of guilt, which precedes consent, to search has been found to indicate that the consent was voluntary.

d. 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.

10-602 **CONSENT MUST BE CLEAR AND EXPLICIT**

Before an Officer relies upon consent to justify a search, he or she should be certain not only that the person is aware of his or her rights and is under no coercion, but that a clear and explicit right to search has in fact been given.

a. A consent to enter is not consent to search. (But, after a legal entry, evidence in open view may be seized.)

b. A statement that an Officer is welcome to search may not imply that he or she is welcome to search without a warrant. Where practicable, an Officer should obtain written consent. A signed and witnessed waiver provides the best proof of clear, voluntary consent. When possible, the Chestertown Police Department Consent to Search and Seize form should be used.

10-603 **WHO MAY GIVE CONSENT**

a. Valid consent to a search may be given only by the person with a right to occupy the premises. For example:

1) A landlord cannot consent to a search of a tenant′s premises, unless the tenant has abandoned the premises or been evicted.

2) 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.

3) A parent can give consent to a search of premises occupied by his / her minor child.

4) 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.

5) 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.

6) A person with custody of personal property belonging to another may consent to its search only if he or she has been given full control over the property, or if the property has been left on the premises without his or her authorization. Consent by a person having only conditional custody, such as that given for storage or shipment is not valid.

b. 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.

1) Generally, one spouse can consent to a search of a residence shared with the other spouse.

2) One joint tenant can consent to a search of jointly held premises.

3) A partner can consent to a search of partnership premises.

10-604 **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.

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CHAPTER 12
TRAFFIC ENFORCEMENT

SENSITIVE MATERIAL

CHAPTER 13
CRITICAL INCIDENTS, SPECIAL OPERATIONS AND HOMELAND SECURITY

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SERVICE OF PROCESS
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16-000 **SERVICE OF CRIMINAL SUMMONS**

16-100 **CRIMINAL SUMMONSES**

The Chestertown Police Department is responsible for the service of criminal summons. The Chestertown Police Department uses the CrimeStar Records Management System for recording the receipt and execution of all criminal Summonses.

16-101 **RESPONSIBILITY**

Overall administration of the Criminal Summons function is the responsibility of the officer assigned as Summons/Warrant Control Officer, and all Criminal Summons are assigned to him/her for service. However, all Patrol Officers are required to serve Criminal Summons.

16-102 **RECORDING CRIMINAL SUMMONS RECEIVED**

The Chestertown Police Department uses CrimeStar to record the receipt and execution of all Criminal Summons. The physical copies of the documents are maintained in a file in the Patrol Division. Criminal Summons are received by the Office Manager, who oversees the entry of the documents into CrimeStar. CrimeStar is used to record and maintain the following information on all Criminal Summons:

- the date and time received;
- the nature of the document;
- the issuing Court;
- the name of the defendant whom the paper is to be served;
- the date of assignment
- the court docket number; and
- the date service is due.
- The officer in charge will also record, when service has been made:
- the date returned;
- the return status; and

- the Officer who served the paper.

16-103 **PROCEDURES**

16-103.1 **ASSIGNMENT AND CONTROL**

a. At some point during his or her shift, each Patrol Officer will stop at Chestertown Police Department headquarters to see if there is any Criminal Summons for service. The Patrol Officer will take any Criminal Summons and attempt to make delivery during the shift (with the exception of Night Patrol).

When service is accomplished, the return of service will be recorded on the return copy of the Summons. When the Officer returns to Chestertown Police Department headquarters, he or she will place the completed summons in the Office Managers box. The Office Manager will ensure it is recorded and return the summons to the Court.

e. The first Officer who attempts but is not able to accomplish service, will note the attempt in the Attempt column on a Chestertown Police Department Summons Service Record, noting the date and time of the attempt, his or her ID number, and any remarks (such as when the target of the service is expected to be available or where the target can be found). The Officer will then return the paper to the alphabetical file from which he or she took it. Completing the Summons Service Record completely and accurately eliminates the requirement to make entries concerning attempted service on the process itself.

f. Subsequent unsuccessful attempts at service will be recorded on the same Summons Service Record form, using serial numbers in the Attempt column (i.e., 1, 2, 3, etc.) to record each attempt.

g. On a daily basis, the officer in charge will review all un-served process to determine whether any of it must be returned to the Court as not servable. If a summons cannot be served, the officer in charge will return it to the Office Manager so that it may be returned.

16-200 **PROTECTIVE ORDERS**

a. A protective order provides relief to a victim of abuse (the petitioner) by a person (the respondent) who is: the petitioner′s current or former spouse; the person with whom the petitioner lives; a person related to the petitioner; or a person with whom the petitioner has a child. A vulnerable adult and certain specified relatives of an eligible person or a respondent may also petition the court.

b. Valid for up to 12 months, the protective order may order a respondent: to refrain from abusing or threatening to abuse any person eligible for relief; to refrain from contacting, attempting to contact, or harassing any person eligible for relief; to refrain from entering the residence of any person eligible for relief; to vacate the home shared with the person eligible for relief; to stay away from the place of employment, school, or temporary residence of the person eligible for relief or home of other family members; to stay away from a child care provider of a person eligible for relief; to surrender any firearm; to participate in professionally supervised counseling or a domestic violence program.

The order may also award custody of a child or children to a person eligible for relief, as well as temporary child support, and temporary use of a vehicle jointly owned with the respondent.

c. There are two temporary protective orders: an interim protective order issued by a Commissioner, valid until the matter can be heard by a Judge; and a temporary *ex parte* order issued by a Judge which is normally
valid for up to 7 days.

d. A temporary or interim protective order is not effective until it is served; a final protective order is effective upon issuance by the Court. Regardless of type, it is therefore imperative that protective orders be served immediately.

f. Violation of a protective order is a misdemeanor punishable by a fine not exceeding $1,000 or imprisonment not exceeding 90 days, or both.

g. An Officer may arrest with or without a warrant a person who the Officer has probable cause to believe is in violation of any protective order in effect at the time of the violation. See Chapter 9, arrest.

16-300 **PEACE ORDERS**

a. A peace order establishes distance between two persons (the petitioner, who asks for the peace order, and the respondent) who are not related and who do not live together. Valid for up to 6 months, a peace order may order a respondent: to refrain from committing or threatening to commit certain specified acts against the petitioner; to refrain from contacting, attempting to contact, or harassing the petitioner; to refrain from entering the residence of the petitioner; to stay away from the place of employment, school, or temporary residence of the petitioner; to participate in professionally supervised counseling or, if the parties are amenable, mediation.

b. A temporary peace order accomplishes the same ends and is issued pending a hearing on the peace order itself. It is effective for up to 7 days, but may be extended.

c. A peace order is not effective until it is served. It is therefore imperative that peace orders be served immediately.

d. Violation of a peace order is a misdemeanor punishable by a fine not exceeding $1,000 or imprisonment not exceeding 90 days, or both.

e. An Officer may arrest with or without a warrant a person who the Officer has probable cause to believe is in violation of a temporary peace order or peace order in effect at the time of the violation. See Chapter 9, arrest.

16-400 **INTERIM PROTECTIVE AND PEACE ORDERS**

a. A District Court Commissioner has the ability to issue an interim protective or peace order during hours when the Courts are closed. Like other such orders, interim orders are not effective until they are served.

Because they will, in most cases, be served outside regular business hours, the following procedures have been established to provide petitioners with a reasonable degree of protection during the interim petition process.

b. Upon issuance of an interim peace/protective order, the Court Commissioner will notify the Kent County Sheriff's Office, through Kent Central Alarm, to respond for service. A Kent County Sheriff's Office Deputy will respond to take possession of the interim order. The Deputy will immediately fax a copy of the order to the MSP.

c. Upon receipt of the faxed order, the MSP will enter the information into MILES/NCIC.

d. The Sheriff's Office Deputy will immediately attempt service of the interim order. When service is completed, the Sheriff's Office Deputy will immediately fax the served order to the MSP. MSP will enter the service information into MILES/NCIC, allowing police to impose an on scene arrest of a respondent who violates an order. The Sheriff's Office Deputy will also fax a copy of the served order to the District Court Commissioner′s Office on (410) 810-3374.

e. If a Sheriff's Office Deputy is not available and the order is for service within Chestertown, the Chestertown Police Department will be called to pick up the order and will carry out the MSP notification procedures.

16-500 **WARRANT AND WANTED PERSONS FILE**

The Chestertown Police Department uses CrimeStar to maintain an automated listing of active warrants. Overall administration of the criminal service of process function is the responsibility of the CID Commander. The CID Commander is responsible for reviewing all criminal process served and for recording warrants and criminal summons served in the Chestertown Police Department automated warrant tracking system.

Warrants received from the District for Kent County are logged into the automated system by the officer assigned to warrants and summones or a designee.

The information maintained in CrimeStar includes:

- the date and time received;
- the nature of the document;
- the issuing Court;
- the name of the Officer to whom service is assigned;
- the name of the person upon whom the warrant is to be served;
- the date of assignment; and
- the court docket number.

Required fields in CrimeStar assist the CID Commander in verifying that all necessary information is on the warrant and entered into CrimeStar.

Once warrants have been recorded, the warrant information is available to all CrimeStar users.

16-501 **DISPOSITION OF WARRANTS**

After recording, warrants are placed in a file in folders alphabetically by name of defendant. Warrant information is available 24 hours per day, 7 days per week via CrimeStar. Hard copies of the warrants are available on the same basis in the Patrol Room. When a warrant is served, the warrant and related paperwork are placed in the CID Commander's
box for review. As part of the review, the officer in charge (or a designee) closes the warrant in CrimeStar, noting the date served and the Officer who serves the warrant. The officer in charge can also cancel a warrant in the system, if it is otherwise withdrawn.

16-502 **ENTRY OF WARRANTS INTO NCIC/METERS**

Kent County warrants which meet the following criteria are entered into NCIC/METERS:

Where the State's Attorney's Office has indicated that it will extradite, a warrant will be entered into NCIC per the below listed protocol.

a. All warrants for violent crimes against a person and any felony charges or any Failure to Appear (FTA) warrants for the same type of charges will be entered into NCIC.

b. All FTA warrants for traffic charges and minor misdemeanor charges, including FTA misdemeanor warrants will be entered into METERS.

c. All second degree assault warrants will be reviewed by the Lieutenant who will determine by the severity of the incident which system the warrant should be entered into.

16-503 **WARRANT SERVICE**

Only sworn Officers may execute arrest warrants for the Chestertown Police Department. Each oncoming shift supervisor will review the active warrants and, as appropriate, assign them for execution. Specific arrest and booking procedures are described in Chapter 9 of this Manual.

a. The first Officer who attempts but is not able to accomplish an arrest, will note the attempt as "#1" in the Attempt column on a Chestertown Police Department Warrant Service Record, noting the date and time of the attempt, his or her ID number, and any remarks (such as when the target of the service is expected to be available or where the target can be found). The Officer will then return the warrant to the active warrant cabinet in the Patrol Room.

b. Subsequent unsuccessful attempts at service will be recorded on the same Warrant Service Record form, using serial numbers in the Attempt column (i.e., 1, 2, 3, etc.) to record each attempt.

CHAPTER 17
COMMUNICATIONS
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17-000 **COMMUNICATIONS**

17-001 **POLICY**

The Chestertown Police Department receives communications services from Kent County Emergency Management Agency (KC-EMA), the agency which provides emergency services County-wide. The Chestertown Police Department has entered into a Memorandum of Understanding with KC-EMA for the provision of those services through its operating communications arm, Kent Communications. This Chapter describes the parameters the agreement between the Chestertown Police Department and Kent Communications.

17-100 **PROCEDURES**

17-101 **SYSTEM OPERATIONS**

a. All radio operations are conducted in accordance with Federal Communications Commissions (FCC) procedures and requirements. The FCC's rules and regulations are available on the FCC's website.

b. The communications center provides 24 hour, toll-free voice and TDD telephone access for emergency calls via the 9-1-1 system to residents of Kent County.

c. The telephone system located at the communications center is designed to separate emergency from non- emergency calls.

d. The communications center has 24 hour two-way radio capabilities providing continuous communication between the communications center and the Officers.

e. The communications center maintains multi-channel radio equipment capable of two-way operation on a joint public safety frequency.

f. The communication center maintains relevant information pertaining to each request for service. The information includes:

1) Log Number

2) The date and time of the request

3) The name and address of the complainant, if possible

4) The type of incident reported

5) The location of the incident reported

6) The identification of the Officers assigned as primary and backup

7) The time of dispatch

8) The time of the Officer's arrival

9) The time of the Officer's return to service

10) The disposition or status of reported incident

17-102 **MAINTAINING RADIO CONTACT**

a. Patrol Officers will notify Kent Communications when they begin and end their shifts and will maintain continuous radio contact with Kent Communications throughout their shifts. When an Officer is transporting a juvenile or a prisoner of the opposite gender, the Officer will relay his or her call sign, the time, location, destination and odometer reading at the beginning of the trip, and the same information at the end of the trip.

b. Patrol Officers will call in their status whenever they are out of service.

c. Each Chestertown Police Department is assigned a permanent call sign used for identifying the Officer during radio transmissions.

The Chestertown Police Department will supply the communications center with a list of these numbers and will update this list as needed.

d. Officers arriving at the scene will determine if more assistance is necessary or if a supervisor is required. The supervisor may make an independent determination based on his/her monitoring the radio traffic.

e. Kent Communications will monitor the status of each Officer by keeping track of the time that each Officer has been on a call.

f. Officers are issued 800 MHz radios capable of communicating with other responding law enforcement agencies, as described below. However, Kent Communications will assist with those communications, as needed, and
will relay information from other responders who may be using different means of communications.

g. Officers will always keep their portable radios on, unless the situation warrants otherwise; i.e. bomb threat, Officer safety, avoid detection, courtroom duty, etc.

h. Each Officer's mobile radio is equipped with a "Signal 13" button. When that button is activated, it triggers a notification to Kent Communications that the Officer is in distress. If the Officer does not respond appropriately
to Kent Communication's queries, all available units will be dispatched to the Officer's last reported location.

17-103 **INFORMATION AVAILABILITY**

a. The Patrol Commander or a designee will ensure that Kent Communications has the following information:

1) The call sign of the Chief and each Chestertown Police Department Officer.

2) Current shift assignments for all Patrol Officers, including identification the Shift Supervisor.

3) Residence address and telephone number of every agency member.

4) Cell phone number(s) of every agency member.

b. Kent Communications will maintain access to current maps of Kent County and surrounding areas.

c. As the County emergency dispatchers, Kent Communications personnel have immediate access to other emergency service agencies, such as the Kent County Sheriff's Office, Rock Hall Police, State Police, fire, rescue, ambulance and animal control. Kent Communications keeps a real-time record of all of the law-enforcement and other emergency assets on duty.

d. Kent Communications will rely upon reports and requests of responding Officers for information on incidents in progress. Determinations as to the number of Officers to be assigned to an incident and the need for a supervisor will be made by the responding Officer and communicated to Kent Communications.

e. Kent Communications dispatchers are MILES/NCIC certified. They have the capability of making inquiries for Officers at any time.

17-104 **CALLS FOR INFORMATION AND SERVICE**

Kent Communications maintains a procedure for responding to calls for information or services. This includes:

a. Judging characteristics of the call to determine whether an emergency or non-emergency response is required.

b. Informing the caller of the Chestertown Police Department's response. This may include:

1) the dispatch of an Officer on a call for service;

2) referral to the Chestertown Police Department on a non-emergency basis;

3) referral to another appropriate agency on an emergency or non-emergency basis.

17-105 **VICTIM/WITNESS CALLS**

a. Emergency requests for service from victims and witnesses will always be handled through the dispatch of an Officer.

b. During regular working hours, victim/witness requests for information and/or non-emergency services, including both initial and subsequent requests, will be forwarded to the Victim Services Provider at Kent County Sheriff's Office.

c. After regular working hours, victim/witness requests for information and/or non-emergency services, including both initial and subsequent requests, will be relayed to the shift supervisor. The shift supervisor will contact the victim or witness and determine what response is appropriate.

17-106 **RECORDING AND PLAYBACK**

Kent Communications has the capability of immediate playback of recorded telephone traffic while maintaining a continuous recording of radio transmissions and emergency telephone conversations.

a. Recordings are retained for a minimum of 45 days

b. Recordings are stored in a locking file cabinet accessible only by the Director of KC-EMA.

c. The Chestertown Police Department will be given access to any recording of its operations, or of any other matter under its investigative jurisdiction, upon the request of a member of the Command Staff to the Director of KC-EMA.

17-107 **EMERGENCY MESSAGES**

Upon receipt of an emergency message by Kent Communications, the Emergency Communications Specialist will contact the on-duty Patrol Supervisor for a determination how the information should be delivered. Examples of emergency messages would include but are not limited to death messages and notification of serious illness or injury received from foreign law enforcement agencies.

17-108 **MISDIRECTED EMERGENCY CALLS**

Kent Communications promptly handles and reroutes misdirected emergency calls via transfer to surrounding counties or other authorities having jurisdiction in the matter.

17-109 **BUSINESS AND RESIDENTIAL ALARMS**

Kent Communications has a separate phone line for incoming calls from business and residential alarm companies. Officers will be dispatched to answer such calls in the regular course of business. Further information on alarm response will be found in Chapter 11, Patrol.

17-110 **SECURITY MEASURES**

a. Kent Communications is located in a secured environment with access limited to authorized personnel only.

b. All equipment located in Kent Communications is secure and protected.

c. The Kent County Detention Center maintains a generator as an alternate source of power to ensure continued operation of Kent Communications emergency communication equipment in the event of the failure of the primary power source.

d. The generator and transmission lines are in a secure building.

17-111 **EMERGENCY FIRST AID INSTRUCTION**

Kent Communications Emergency Communications Specialists are trained in and use a computer-based emergency medical dispatch system for giving first aid advice to callers. However, this service is not authorized by or under the direction of the Chestertown Police Department.

17-200 **RADIO PROTOCOL**

Because Kent Communications provides emergency radio services to all of Kent County′s law enforcement, fire, ambulance, and rescue services, it is essential that Officers adhere strictly to the following guidelines for communications.

17-201 **SYSTEM USE**

When using a mobile or portable radio, hold the microphone approximately one (1) inch from the mouth, press the microphone button firmly, then speak slowly and clearly toward the mouthpiece in a normal voice. Do not hold the microphone directly in front of the mouth, but slightly at a 45 degree angle, so as to speak across the microphone.

17-202 **ASSIGNED CALLS**

Calling an Officer: Officers should respond by giving his/her radio number and tell dispatch to “go head” when called by the Kent Communications: Example:

Communications operator: "Kent to C-52"!
Officer: "C-52, go ahead".

Trip Information: The Emergency Communications Specialist will provide the Officer with the basic call information:

a. Location;

b. Nature of call;

c. Special interest information; i.e. weapon involvement, vehicle involvement, crime in progress, etc.

17-203 **SELF-INITIATED CALLS**

Sometimes the Officer will initiate the call: Example:

Officer: “C-52 to Kent”
Communications Operator: “Kent to C-52, go ahead”

When an Officer locates a need for law enforcement action or initiates a case, Kent Communications will be made aware of the following basic information:

a. Officer's location;

b. Location of problem;

c. Nature of call;

d. Special interest information; and

e. Additional assistance needed, if any.

17-204 **TRAFFIC STOPS**

When stopping a vehicle at night or under other hazardous circumstances, the Officer will notify Kent Communications by giving his/her radio number and advising of the stop. The Officer will stand-by until acknowledged by a communications

operator before giving further information. The Officer will then give the type of stop if other than traffic, license number of vehicle, his/her location, and number of occupants. The communications operator will run a wanted check of the vehicle upon request.

17-205 **CHECKING OFFICER WELFARE**

Kent Communications will check on the Officer after 2 minutes and every 3 minutes thereafter. If the Officer feels the situation is under control, he/she should advise the communications operator "OK", unless he/she is going back in service immediately.

17-206 **REGISTRATION AND WANTED CHECKS**

An Officer requesting a registration or wanted check will notify Kent Communications by giving his/her radio number, the ten code indicating “prepare to make written copy” and the ten code for the check: Example:

Officer: "C-52 to Kent, 10-63, 10-28 through (State).″

After the request has been made, the Officer will stand-by until acknowledged by Kent Communications. This will give Kent Communications a chance to clear any other traffic before the check. Once a communications operator is prepared for the check, he/she will acknowledge the Officer: Example:

Communications operator: "Kent to C-52, go ahead with your 10-28".

The Officer may then give the registration information to the communications operator:
Example:

Officer: "C-52, 10-28 on Frank-Boy-Mary-1-2-3.″

Wanted checks on subjects will be given: last name first, first name, full middle name, and then the date of birth, race, and gender. All registration checks will also be checked for wanted by the communications operator; the Officer will not need to request both. Example:

Officer: "C-52, 10-29 on Smith, John DOB 01-01-34"

A response will be given to the Officer by a communications operator as follows: Example:

Communications operator: "Kent to C-52".

Officer: "C-52, go ahead"

Communications operator: "C-52, 10-74 on Smith"; or "10-74 on plate."

17-207 **DRIVER'S LICENSE CHECKS**

Request of dispatch: An Officer requesting a driver's license check will notify Kent Communications by giving his/her radio number followed by "10-27". Once the Officer has notified Kent Communications of the driver's license request, he/she will stand-by until a communications operator has cleared any other communications traffic. When the communications

operator has acknowledged the Officer, the Officer will give the driver's license number and state. The driver's name and date of birth will not be used, unless the driver's license number is not known. Driver's license checks are run on request.

Example request:

Officer: "C-52 to Kent, 10-27"

Communications operator: "Kent to C-52, go ahead"

Officer: "10-27, David 484664927, Iowa".

When the communications operator has secured the license information, he/she will notify the Officer by calling his/her radio number and advising 10-27. The Officer will prepare to copy and acknowledge by giving his/her radio number. The communications operator will then give the driver's license information to the Officer in the following manner

a. Status of license; i.e. valid, invalid, suspended, or revoked;

b. Class of license;

c. Expiration date;

d. Restrictions;

e. Current points if available; and

f. Number of pages of record.

Example:

Communications operator: "Kent to C-52, 10-27"

Officer: "C-52, go ahead"

Communications operator: "Valid 9-6-2000; issued 10-10-96 not valid for cycle."

17-208 **TEN CODE USE**

Officers will familiarize themselves with and use the following signal, Ten Codes, and phonetic alphabet used by the Chestertown Police Department and Kent Communications.

Signal 13 - Officer needs assistance

<u>Ten Codes</u>

10-0 Caution
10-1 Unable copy -- change location
10-2 Signal good
10-3 Stop Transmitting

10-4 Acknowledgment (OK)
10-5 Relay
10-6 Busy unless urgent
10-7 Out of service
10-8 In service
10-9 Repeat
10-10 Fight in progress
10-11 Dog case
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
10-25 Report in person (meet) . . .
10-26 Detaining subject, expedite
10-27 (Drivers) license information
10-28 Vehicle registration information
10-29 Check for wanted
10-30 Unnecessary use of radio
10-31 Crime in progress
10-32 Man with gun
10-33 EMERGENCY
10-34 Riot
10-35 Major crime alert
10-36 Correct time
10-37 (Investigate) suspicious vehicle
10-38 Stopping suspicious vehicle
10-39 Urgent use light, siren
10-40 Silent run no light, 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 . . .

10-50 Accident (F, PI, PD)
10-51 Wrecker needed
10-52 Ambulance needed
10-53 Road blocked at . . .
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 report
10-74 Negative
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 report
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 Present telephone # of . . .
10-89 Bomb threat
10-90 Bank alarm at . . .
10-91 Pick up prisoner/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

Phonetic Alphabet:

A Adam	**J** John	**S** Sam
B Boy	**K** King	**T** Tom
C Charles	**L** Lincoln	**U** Union
D David	**M** Mary	**V** Victor
E Edward	**N** Nora	**W** William
F Frank	**O** Ocean	**X** X-Ray
G George	**P** Paul	**Y** Young
H Henry	**Q** Queen	**Z** Zebra
I Ida	**R** Robert	

17-300 **800 MEGAHERTZ RADIOS**

The Chestertown Police Department has entered into an agreement with the Queen Anne′s County Sheriff′s Office (QACSO) under which the latter will provide 800 megahertz (800 MHz) radio service to the Chestertown Police Department. The 800 MHz radio will permit direct emergency communications between a Chestertown Police Department Officer and Maryland State Police or QACSO units.

17-301 **EQUIPMENT**

Each Chestertown Police Department vehicle will be equipped with a portable 800 MHz radio unit and a charger. The portable radio will be kept in the charger when it is not in use.

17-302 **OPERATION OF 800 MHZ RADIOS**

The 800 MHz radio operates in the same fashion as the Chestertown Police Department's portable radios. Chestertown Police Department Officers will use the same protocols (including their call numbers and 10-codes) for identifying themselves and communicating with other law enforcement officials or dispatchers on the network.

17-303 **USE OF 800 MHZ RADIOS**

Chestertown Police Department Officers will turn on and monitor the 800 MHz radio traffic throughout their shifts. Under the terms of the Memorandum of Understanding with the QACSO, a Chestertown Police Department Officer may communicate using the 800 MHz only under the following circumstances:

a. When responding to a call for service in Queen Anne′s County; or

b. While on a joint operation with QACSO or MSP while in Kent County.

Any other use of the 800 MHz radios is prohibited.

17-400 **MOTOROLA CELLULAR TELEPHONES**

Each Chestertown Police Department Officer is issued a Motorola Smart Phone. Staff will keep their cell phones telephones with them at all times, both on and off duty.

b. The telephone will be kept fully charged at all times using the charger provided.

c. Each Officer is allotted a certain number of minutes of use per month. Any Officer who exceeds their allotted minutes will be responsible for reimbursement to the Police Department within five days of notification from the Office Manager.

d. Questions about cellular telephone operation, maintenance, or repair should be addressed to the Office Manager.

CHAPTER 18
RECORDS AND REPORTS
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Appendix 18-B **RECORDS RETENTION SCHEDULE**

18-000 RECORDS AND REPORTS

The Chestertown Police Department's operational recordkeeping function is based on the CrimeStar Law Enforcement Records Management System. While the Chestertown Police Department continues to maintain some manual records, recordkeeping is increasingly accomplished electronically through the use of CrimeStar.

18-100 CRIMESTAR FUNCTIONALITY

CrimeStar is a comprehensive system for input, review, storage, and retrieval of a wide variety of law enforcement information. Through its various modules, CrimeStar is capable of tracking and storing information on a full range of law enforcement functions, including:

- Calls for service
- Incident Reports (IRs)
- Criminal Investigation Reports (CIRs)
- Supplemental Reports
- Traffic Accident Reports
- Warrants
- Documents for Civil Service
- Arrest and Booking
- Field Interviews
- Mug shots
- Email service.

Information is entered into and retrieved from CrimeStar either from desktop computers located at Chestertown Police Department Headquarters or laptop computers located in Chestertown Police Department vehicles. Desktop computers synchronize with the CrimeStar database instantaneously; laptop computers resynchronize when the Chestertown Police Department Officer goes to a location equipped with an antenna and gives the "resynchronize" command.

The parking lot at Chestertown Police Department headquarters is equipped for resynchronization.

CrimeStar also serves as a master name index, giving the Chestertown Police Department electronic search capability for all individuals who have been named in Chestertown Police Department reports as subjects, victims, complainants, and arrestees. The Chestertown Police Department has a manual master index which is retained but has been replaced by CrimeStar.

CrimeStar also includes special identifying procedures for juveniles, based on the date of birth. When an individual accesses a juvenile record, a special notice appears to alert the user to take special precautions with the record. 18-1

18-101 **SECURITY, INTEGRITY, AND DATA ACCESS**

The CrimeStar System is operated and maintained at the Chestertown Police Department CrimeStar is backed up daily; backed-up data is stored on a separate storage device.

Only Chestertown Police Department staff authorized by the Chief are given access to CrimeStar. Each computer on which CrimeStar is installed is Windows password protected; additionally, CrimeStar itself requires that each individual have a unique user ID and password.

The Chestertown Police Department IS Department uses automated programs for Windows and CrimeStar password management; the programs provide an audit trail for all log-ons to the system.

All approved staff have 24/7 access to CrimeStar (either “read only” or “read-write”, depending on their access level). All hard-copy central files are kept in locking file cabinets which are secured when the office is not occupied. Both adult and juvenile files are accessible only by the Chief, Lieutenant, CID Commander, Office Manager, and Administrative
Aide. If records should be needed during hours when the office is not occupied (and not available through CrimeStar), one of these individuals is always available by call in. All of the same security procedures apply to juvenile records maintained in CrimeStar.

18-102 **MANUAL RECORDS**

In addition to the information maintained electronically in CrimeStar, the Chestertown Police Department maintains certain records manually and in hard copy. Hard copies of all completed CIR cover sheets, TAs, Arrest Reports, and fingerprint cards (accompanied by the memory media containing the subject’s photograph) are forwarded to the Office Manager, who is responsible for overseeing the processing of that information and the maintenance of the Chestertown Police Departments manual central records system.

The Chestertown Police Department manual central records system consists of the following elements for adult offenders:

a. With an individual′s first arrest, he or she is assigned a unique number that becomes the individual′s identifier. The number is the first letter of the individual′s last name, and a three digit sequential number. The cards are filed alphabetically.

b. Criminal Information History File, which includes all arrest reports and any executed arrest warrants for the individual. The files are alphabetical.

c. Mug Shot File (for pre-CrimeStar offenders), which includes the photograph taken at the time of the individual′s arrest(s), which are filed by ID number.

d. Mug Shot Books (for pre-CrimeStar offenders), in which photographs are filed by race, gender, and a separate ID number.

The Chestertown Police Department central records for juveniles are kept in a separate file from those of adults and consist of:

a. With an individual′s first arrest, he or she is assigned a unique number that will become the individual′s identifier. The number is the first letter of the individual′s last name, and a three digit sequential number.

As noted above, the Chestertown Police Department also maintains a pre-CrimeStar Master Name Index, which includes the name of each perpetrator and victim, with all CIR/IR report numbers. All of these records are maintained by the Chestertown Police Department indefinitely.

18-103 **MANUAL PROCESSING**

Upon receipt of reports and other materials from the CID Commander, the Office Manager will:

a. In the case of an arrest, take the digital photograph from the media submitted with the fingerprint cards and move the digital photograph into CrimeStar.

b. Determine if the individual has been previously arrested by the Chestertown Police Department. If not, a Criminal History Number will be assigned to the individual.

c. Create a new Criminal History Information Card or update the existing Criminal History information Card with the new arrest information, including new address.

d. File the arrest report and any attached warrants in a new or existing Criminal History Information File, establishing a new file if this is the individual′s first arrest.

e. If an arrestee is a juvenile who has been charged with one of the crimes listed in Appendix 18-A, notify the Superintendent of Kent County Schools via telefax.

f. file the IR reports, CIRs, TAs, and supplements by month and year.

18-104 **UNIFORM CRIME REPORTING SYSTEM**

The Chestertown Police Department participates in the Uniform Crime Reporting System (UCRS) administered by the State of Maryland and the Federal Bureau of Investigation. The Office Manager receives training from the State in and has the responsibility for meeting the reporting requirements of the UCR System.

a. On a daily basis, the Office Manager extracts information from Arrest Reports and CIRs and tallies the recordable incidents on logs provided by the State.

b. On or before the 5th day of each month, the Office manager compiles the daily tally information into the monthly report, on the forms prescribed by the State, and forwards them to the Maryland State UCRS office.

c. In carrying out these functions, the Office Manager is guided by detailed, written instructions on the categorization of offenses provided by the FBI.

18-200 **FIELD REPORTING SYSTEM**

The Chestertown Police Department maintains a comprehensive field reporting system, using CrimeStar. The goal of the system is to ensure that all activities of Chestertown Police Department personnel are accurately accounted for and that a report is prepared in every instance of:

a. a citizen report of crime;

b. a citizen complaint;

c. an incident resulting in the dispatch of a Chestertown Police Department Officer;

d. a criminal or non-criminal case initiated by a Chestertown Police Department Officer; and

e. an incident involving an arrest or summons. 18-3

18-201 **CALL FOR SERVICE**

The “Call for Service” is the building block for CrimeStar. An Officer will complete a call for service for any significant police activity which takes him or her from routine patrol duties. For example:

- dispatched calls
- court attendance
- speed enforcement
- citizen flag downs
- traffic accidents
- patrol checks
- assisting other agencies;
- school bus monitoring
- property recovered
- business checks
- criminal summons service
- 911 hang-ups
- traffic hazards
- business or home alarms
- training

As the Officer creates a call for service, CrimeStar automatically generates a unique incident number. The incident number carries through with the incident on all subsequent system entries and is the means by which the records on the incident are retrieved. CrimeStar requires the Officer to complete certain required information. If the incident is of the type which requires a written report (as described below), the Officer will indicate “report taken” in the disposition section of the call for service.

18-202 **DISPOSITION OF CALLS FOR SERVICE**

Using the daily report generated by CrimeStar, the Supervisor reviews all calls for service to determine that they have been completed fully and accurately and to see if the Officers determination concerning a follow-up report is correct. If any of the information is incorrect, the supervisor corrects it. The CID Commnader or a designee reviews the calls for service and records all which require a written report in a log. Officers have 3 days from the completion of a call for service to submit a full report of the incident. The CID Commander monitors the log to ensure that required reports are received.

18-203 **IR REPORTS**

An Officer will complete a CrimeStar incident report (IR) for every significant incident which does not result in the completion of a Criminal Investigation Report (CIR). Examples include, but are not limited to:

- Alcohol influence reports
- Skateboarding enforcement
- Fleeing and eluding
- Unattended death
- Canine deployment

The Officer will, within 3 days, complete a cover sheet, report check list, and complete the report in CrimeStar, and place it in the CID Commander’s box for review. The CID Commander or a designee will review the report, return it for correction or additional information if necessary, or approve the report. When the report is approved, the CID Commander or a designee will use the case management module of CrimeStar to record the completion and approval of the report and lock the record.

When a report has been approved, all paper work related to the incident will be forwarded to the Office Manager. If the report is one which must be forwarded to the State’s Attorney a copy will be forwarded by the Office Manager.

18-204 **CIR REPORTS**

An Officer will complete a CrimeStar CIR for every crime which is reported by a citizen or which the Officer discovers.
The Officer will, within 3 days, complete the report in CrimeStar and place all related paperwork in the CID Commander’s box for review. The CID Commander or a designee will review the report, return it for correction or additional information if necessary, or approve the report.

When a report has been approved, all related paperwork forwarded to the Office manager. A copy will also be provided to the CID Commander.

The CID Commander reviews and maintains a log of all CIRs received. The CID Commander sends a reminder to the reporting Officer every 10 days for follow-up reports due on CIRs. When the case is closed, the CID Commander or a
designee will use the case management module of CrimeStar to record the completion and approval of the report and lock the record.

18-205 **DOCUMENTING STOLEN VEHICLES**

Whenever an Officer takes a report of a stolen vehicle, the Officer taking the report must, before the end of his/her shift fax the vehicle information to the Maryland State Police Centreville Barracks for entry into the NCIC.

The fully-completed report will be due according to the normal reporting schedule; in the narrative section of the report, the Officer will document that he or she has provided the information to the appropriate party for entry into NCIC.

18-300 **RELEASE OF INFORMATION**

The Chief is the custodian of all records in the possession of the Chestertown Police Department. All Chestertown Police Department records are subject to State and federal privacy laws and to the Maryland Public Information Act (PIA). The interpretation and application of those laws can be complex.

Therefore, only the Chief, the Lieutenant or, at their direction, the Office Manager or the Office Assistant, will release information or records to the general public. The following provisions do not apply to records which are the subject of discovery or other court action.

18-301 **FORM OF INFORMATION REQUESTS, CHARGES FOR DOCUMENTS**

A person asking for the release of information from the Chestertown Police Department must address the request to the Chief in writing, so that there will be no question what specific records the person is seeking. The Chestertown Police Department is under no obligation to create records which do not already exist in response to a request. The Chestertown Police Department will make the determination to grant or deny access to a record as quickly as possible, but in any event within 30 days as required by the Maryland Public Information Act (PIA).

As a general rule, the Chestertown Police Department will charge the requestor $0.25 per page for documents copied on the Chestertown Police Department copier, unless the total charge is less than $1.00, in which case the fee will be waived. In his sole discretion, the Chief may waive fees greater than $1.00 if it is in the public interest. Fees must be paid before the records are released to the requestor.

18-302 **INVESTIGATORY RECORDS**

The PIA provides that inspection of investigatory records of the Chestertown Police Department may be withheld when the Chief determines that disclosure would be contrary to the public interest. Investigatory records of the Chestertown Police Department include (but are not limited to):

a. IR reports;

b. CIR reports;

c. Criminal case files;

d. Intelligence and informant files;

e. Criminal information history records, as defined in section 18-100, above; and

f. Motor vehicle accident reports.

When the Chestertown Police Department receives such a request from the general public, the request will be referred to the Chief or Lieutenant for determination of if the report can be released.

18-303 **PERSONS IN INTEREST**

A person in interest (generally the subject of a record or a designee), may be denied access to investigatory records in more limited circumstances, that is, only when the release would:

a. interfere with valid and proper law enforcement proceedings;

b. deprive another person of a right to a fair trial or an impartial adjudication;

c. constitute an unwarranted invasion of personal privacy; 18-6

d. disclose the identity of a confidential source;

e. disclose investigative techniques or procedures;

f. prejudice an investigation; or

g. endanger the life or physical safety of an individual.

18-304 **TRAFFIC ACCIDENT REPORTS**

Reports of investigation of traffic accidents are among the most commonly requested Chestertown Police Department records. As a general rule, accident reports will be released to:

a. any driver involved in an accident;

b. any person injured in an accident;

c. the attorney for any driver or person injured;

d. the insurance company of any person involved in an accident.

There will be a charge of $5.00 for each copy of an accident report.

18-305 **CRIMINAL RECORDS INQUIRIES BY POLICE AGENCIES**

Criminal history records information will be disseminated to criminal justice agencies/persons and/or authorized agencies for:

a. Criminal justice investigations;

b. Criminal justice Agency employment investigations.

18-305.1 **TELEPHONE REQUESTS**

Telephone requests from law enforcement agencies may be honored if the requesting party is personally known to the Chestertown Police Department employee receiving the request. If not, the requestor will be asked to send the request, on agency letterhead, by telefax, so that identity may be verified.

18-305.2 **IDENTITY VERIFICATION**

When requesting criminal history records 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.

18-306 **JUVENILE RECORDS**

Maryland statutes place strict limits on agencies ability to release information relating to juveniles. As noted above, the Chestertown Police Department maintains records of juveniles separate from those of adults. The general principle of the Maryland law is that, in addition to their internal use in the Chestertown Police Department, juvenile records may be disclosed only to

a. the Department of Juvenile Justice;

b. to another law enforcement agency in the investigation and prosecution of the child; or

c. in limited circumstances, to the Superintendent of Kent County Schools.

Release of juvenile information, other than to the Kent County Schools in the circumstances required by law, will only be made with the approval of the Chief.

18-307 **SANCTIONS FOR UNAUTHORIZED DISCLOSURES**

Improper dissemination of information to unauthorized agencies or persons may result in:

a. Agency Administrative Disciplinary Action; and

b. Civil suits

18-308 **LEGAL PROCESS FOR RELEASE OF INFORMATION**

For the purpose of this section, legal process is any court order served upon the Chestertown Police Department for the production, inspection or disclosure of Chestertown Police Department records.

All court orders or subpoenas for police records will be processed as follows:

a. The Lieutenant or a designee will accept subpoenas and court orders for the production or inspection of police records in State/Federal courts or related legal proceedings;

b. Subpoenas Duces Tecum will be referred to the State′s Attorney′s office to determine which records should be produced for pre-trial discovery;

c. When there is doubt regarding court orders from federal courts and other jurisdictions, the Lieutenant or a designee will consult with the State′s Attorney;

d. When a Subpoena *Duces Tecum* involves a homicide case, the Lieutenant or a designee will confer with the State′s Attorney for compliance determination and, subsequently, notify concerned investigators.

18-400 **EXPUNGEMENT OF RECORDS**

18-401 **GENERAL POLICY**

Employees receiving requests for ex-pungement procedure information will refer the requestor to the Clerk of the appropriate court of jurisdiction (District or Circuit), where the requestor may file a petition/application for the ex-pungement of records. The following are subject to ex-pungement rules and procedures:

a. Arrest name indices;

b. Arrest reports;

c. Criminal identification indices;

d. Criminal Photographs;

e. All fingerprints and handwriting samples;

f. Records of detention or confinement.

18-402 **EXPUNGEMENT PROCEDURES**

Criminal records are subject to State ex-pungement regulations. When court-ordered ex-pungement procedures are initiated, records are physically removed from the storage location. When ex-pungement orders are received from the court, Chestertown Police Department records are then sealed in envelopes and stored in locked file cabinets, inaccessible to the law enforcement body.

Criminal history report information recipients and petitioners are notified in writing of the ex-pungement order, and compliance thereof.

The Office Manager will:

- Prepare Chestertown Police Department responses to inquiries;
- Execute the provisions of ex-pungement orders served on the Agency;
- Inform the Chief of any such actions.

18-403 **EXPUNGEMENT ACCESS GUIDELINES**

Expunged records cannot be disclosed, released, disseminated, reviewed, inspected, accessed or copied without an order from the court of original jurisdiction.

18-404 **EXPUNGEMENT COMPLIANCE REQUIRED**

Ex-pungement compliance will be acknowledged to the appropriate court and petitioner with a “Certification of Compliance″ within 30 days of notification by the Lieutenant or his/her designee.

18-500 **RECORD RETENTION**

The policy of the Chestertown Police Department is to maintain records in a manner which allows the Agency to fulfill its legal duties. This task may be accomplished by:

a. Creating only those records necessary for the operational and administrative functions of the Agency; and by

b. Storing records in the most economical manner which provides the level of access needed to make the information useful and meet the operational and administrative needs of the Agency; and by

c. Disposing of records which no longer serve a useful function for the Agency. 18-9

18-501 **RECORDS RETENTION SCHEDULE AND RECORDS DISPOSAL**

The Chestertown Police Department Records Retention Schedule is included in this manual as Appendix 18-B. All official Chestertown Police Department records which have reached the end of their retention period will be disposed of by incinerating or shredding.

18-502 **RECORDS MAINTAINED IN OPERATIONAL COMPONENTS**

All operational components are authorized to maintain, for official purposes, copies of records in the Chestertown Police Department central records system. Most components additionally maintain various logs and other tracking records described in this Chapter or elsewhere in this manual.

The only distinct official record-keeping systems authorized in the Chestertown Police Department are those maintained by the Criminal Investigation Division:

a. Criminal Investigative case files are maintained by the CID.

b. Records of evidence and seized or recovered property are maintained by the Property Manager.

18-600 **FORMS CONTROL**

The Lieutenant is responsible for managing the forms used by the Chestertown Police Department. This responsibility will include:

a. maintaining an inventory of all forms created and approved for use by the Chestertown Police Department.

b. reviewing all proposed Chestertown Police Department forms to ensure that they are complete, accurate, and do not duplicate another form already in existence;

c. obtaining the approval of the Chief for issuance and use of any form.

No form will be created or used in the conduct of Chestertown Police Department business which has not been approved by the Chief.

18-601 **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 Lieutenant through the chain of command.

APPENDIX 18-A
REPORTABLE JUVENILE OFFENSES

1. BACKGROUND.

As a general matter, the Courts and Judicial Proceedings Article of the Maryland Code provides that police records relating to juveniles may not be divulged, except by court order. An exception to that provision is found in ' 7-303 of the Education Article. That section provides:

(b) *Notification of local superintendent – Arrest and charges.* If a child enrolled in the public school system is arrested for a reportable offense, the law enforcement agency making the arrest shall notify the local superintendent of the arrest and the charges within 24 hours of the arrest or as soon as practicable. The "reportable offenses" are listed below.

2. POLICY AND PROCEDURE

The Chestertown Police Department will adhere strictly to this statutory requirement. The Records Secretary is responsible, in the process of reviewing all arrest reports and preparing fingerprints for transmittal to the MSP, for identifying juvenile arrests which meet the reporting criteria. When an arrest meets those criteria, the Records Secretary will notify the Superintendent of Kent County Public Schools, by telefax, using the form designed for that purpose.

3. REPORTABLE OFFENSES

a. A juvenile of any age arrested for one of the following crimes will be reported to the Superintendent of Schools:

Crimes of Violence (Criminal Law Article, ' 14-101).

1) Abduction

2) Arson in the first degree

3) Kidnapping

4) Manslaughter, except involuntary manslaughter

5) Mayhem

6) Maiming

7) Murder

8) Rape

9) Robbery or armed robbery

10) Carjacking or armed carjacking

11) Sexual offense in the first or second degree

12) Use of a handgun in the commission of a felony or other crime of violence

13) An attempt to commit any of the above crimes

14) Assault with intent to murder, rape, rob, or commit a sexual offense in the first or second degree

Weapons Offenses (Criminal Law Article, ' 4-101, ' 4-102, ' 4-203, ' 4-204)

1) Wearing or carrying a concealed dangerous weapon

2) Wearing or carrying a dangerous weapon, chemical mace, pepper mace, or a tear gas device openly with the intent to injure.

3) Carrying or possessing a firearm, knife, or deadly weapon of any kind on public school property

4) Wearing, carrying or transporting a handgun, concealed or open, on or about the person

5) Wearing, carrying, or knowingly transporting a handgun, concealed or open, in a vehicle on a road or parking lot generally used by the public

6) Using a handgun or antique firearm capable of concealment in the commission of a crime of violence

Controlled Dangerous Substances Offenses (Criminal Law Article, '' 5-602 through 5-609, '' 5-612 through 5-614, ' 5-617, ' 5-618, ' 5-627, ' 5-628)

1) Manufacturing, distributing, possessing with intent to distribute, or dispensing CDS

2) Manufacturing, distributing, or possessing equipment to produce CDS

3) Creating, distributing, or possessing with intent to distribute a counterfeit substance

4) Keeping a common nuisance

5) Passing, issuing, making, or possessing a false prescription

6) Volume dealership, drug kingpin, importing CDS

7) Distributing fake CDS

8) Possessing or purchasing noncontrolled substance believed to be a CDS

9) Manufacturing, distributing, dispensing, or possessing with intent to distribute in or near a school

Destructive Device Offenses (Criminal Law Article ' 4-503, ' 9-504, ' 9-505)

1) Manufacturing, transporting, possessing, controlling storing, selling distributing or using a destructive device

2) Possessing explosive material, incendiary material, or toxic material with intent to create a destructive device

3) False statement or rumor as to destructive device or toxic material (bomb threat)

4) Manufacturing, possessing, transporting, or placing a device constructed to represent a destructive device, with intent to terrorize, frighten, intimidate, threaten or harass

b. In addition, a juvenile at least 16 years of age charged with one of the following offenses will be reported to the Superintendent of Schools (Court and Judicial Proceeding Title, ' 3-8A-03, referencing CL ' 3-307(a)(1), ' 4-404, ' 4-405, ' 5-621, ' 5-622; Art. 27, ' 445, ' 446, ' 481C):

1) Sexual offense in the third degree

2) Illegally selling, transferring, or possessing a regulated firearm

3) Possessing, selling, transferring, or disposing of a stolen regulated firearm

4) Possessing a short-barreled rifle or shotgun

5) Using, wearing, carrying, or transporting a firearm during a drug trafficking crime

6) Possessing, owning, carrying, or transporting a firearm by a person convicted of a drug offense

7) Using or possessing a machine gun in a crime of violence or for an offensive or aggressive purpose

APPENDIX 18-B
RECORDS RETENTION SCHEDULE

This schedule shows the retention period for official records of the Chestertown Police Department. All records listed on this schedule will be disposed of by shredding or burning. Under "Retention Period", the notation "**I**" indicates that a record will be kept indefinitely. "C + 1" indicates that the current year plus one year's records will be maintained.

Record Name	Retention Period	Record Name	Retention Period
IR Cards	**I**	IR Reports	**I**
CIR Reports	**I**	Field Interview Cards	**1 Year**
Traffic Accident Reports	**I**	Use of Force Reports	**I**
K-9 Reports	**I**	Municipal Violations	**I**
Uniform Criminal/Civil Citations	**I**	Tobacco/Alcohol Citations	**I**
UCR Reports	**I**	Criminal Service Ledger	**I**
Traffic Citations (Officer Copy)	**I**	Traffic Citations (KCSO Copy)	**I**
Traffic Warnings	**3 Years**	Personnel Files	**I**
Applicant Files	**I**	Criminal Index Cards	**I**
Mug Shots	**I**	Criminal History Cards	**I**
Criminal History Files	**I**	Juvenile Index Cards	**I**
Juvenile Mug Shots	**I**	Juvenile History Files	**I**
Criminal Investigation Files	**I**	Property Held Forms	**I**
Evidence Room Property Log	**I**	Evidence Room CDS Log	**I**
Evidence Room Entry Log	**I**	Monthly Performance Reports	**I**
Performance Appraisal Records	**2 Years**	KCSO Manual Distribution Form	**1 Year**

CHAPTER 19
PRESS RELATIONS
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19-000 **PRESS RELATIONS**

19-001 **PUBLIC INFORMATION POLICY**

The Chestertown Police Department places a high value on the public′s right to know the activities of their local law enforcement agency. Public awareness of the events that affect their lives makes them better partners in fighting crime and builds support for the Chestertown Police Departments law enforcement efforts. The local press is a primary link to the citizens of Chestertown; the Chestertown Police Department will develop and maintain a positive relationship with local print and broadcast media to keep its public informed.

19-002 **SOLICITING MEDIA INPUT**

The relationship between the press and the Chestertown Police Department is vital to the public′s timely receipt of information concerning the law enforcement environment in Chestertown. The Chestertown Police Department will therefore periodically seek input from the major media outlets in Kent County concerning its public information policies.

19-100 **GENERAL GUIDANCE**

All Chestertown Police Department employees who are authorized to communicate with the press will:

a. restrict any statements to the facts. They will not make personal or subjective statements concerning official Chestertown Police Department business.

b. not make comments "off-the-record". If it is appropriate for the Chestertown Police Department to comment, comments will be on the record and for attribution; if it is not appropriate for the Chestertown Police Department to comment, no comment will be made.

c. bear in mind that the health and safety of victims, the rights of the accused, the reputation of the Chestertown Police Department, and the well-being its employees may depend on an employee's discretion.

d. maintain an open and professional relationship with the press.

19-200 **PROCEDURES**

The release of law enforcement information to members of the media or community can have considerable implications. Not only does the information become a matter of public record, but improper release of such information may significantly interfere with the investigative process, create poor public relations, require a change of venue, be improperly interpreted, incorrectly reflect the performance of the Chestertown Police Department, and have ramifications on pending court cases. Therefore, all supervisors will control the release of information to the public and news media.

19-201 **DUTIES OF PUBLIC INFORMATION FUNCTION**

The Chief or a designee is responsible for the public information function of the Chestertown Police Department. He will act as the point of control for disseminating information to the community, media, and other criminal justice agencies. General functions and duties of persons authorized to release information to the media include, but are not limited to:

a. Assisting news personnel in covering routine news stories, and at the scenes of incidents;

b. Preparing and distributing Chestertown Police Department news releases;

c. Arranging for and assisting at news conferences;

d. Coordinating and authorizing the release of information about victims, witnesses, and suspects;

e. Coordinating and authorizing the release of information concerning confidential Chestertown Police Department investigations and operations; and

f. Developing procedures for releasing information when other public service agencies are involved in a mutual effort.

19-202 **PRESS RELEASES**

In keeping with the goal of maintaining the public's awareness of events in their community, the Chestertown Police Department will prepare and issue a News Release for every reported crime, every motor vehicle accident involving injuries or for which charges were filed, and every traffic citation involving driving while intoxicated. The Office Manager will prepare the news release on the Chestertown Police Department News Release Form.

The Chief will review news releases and provide them, at least once per week, to the Kent County News, the Star Democrat, and radio station WCTR. Only the Chief or a designee may make press releases concerning on-going criminal investigations.

19-203 **MEDIA ACCESS TO SCENES OF INCIDENTS**

Bonafide news media representatives will have reasonable access to scenes of major fires, natural disasters, or other catastrophic events, and perimeter of crimes scenes provided the media representatives, including photographers, do not interfere with law enforcement operations. Incidents that arise between news media representatives and members of the Chestertown Police Department will be referred to the Chief.

19-204 **TELEPHONE INQUIRIES**

Chestertown Police Department employees are authorized to give public information over the telephone to known representatives of the news media. In cases where the media representative is not known, verification of identity may be accomplished with a telephone call to the employing agency.

19-205 **IMPARTIALITY**

News information will be released impartially. Information will not be withheld, delayed, or selectively released to favor a particular media representative or agency. Specific inquiries made independently by media representatives may, however, be honored at the time of the inquiry.

19-206 **INVESTIGATIVE INFORMATION**

Investigative information will be released only by the Chief or a designee. Media requests for investigative information will be referred to the Chief, his designee or the Commander of the CID. Investigative information which may be released is applicable only to cases over which the Chestertown Police Department has *primary responsibility and jurisdiction*. In matters under the principal control of another agency, that agency's guidelines will control the release of information.

Investigative information which may be released, unless otherwise restricted, includes:

a. The type or nature of an incident such as a fire, accident, homicide, suicide, rape, robbery, assault, or burglary;

b. The location, date and time, injuries sustained, damages, and a description of how the incident occurred;

c. Amount and type of property taken, including value when known (rounded to nearest hundred dollars);

d. The identity and general address (town or area) of a victim;

e. The name, age, and address of any person over the age of 18 charged with a crime;

f. The fact that a juvenile (a person under the age of 18) has been taken into custody, including gender, age, general *area* of residence, and nature of the charge;

g. Requests for aid in locating evidence, a complainant, or a suspect. A person's race may be released as descriptive information in such cases;

h. Numbers of Officers, or people and names of agencies involved in an event or investigation, and length of the investigation; and

i. The name of Officer in charge of the case, his/her position or area of assignment.

Information which will not be released in connection with the investigation of an event or crime, unless authorized by the Chief or Lieutenant includes:

a. The identity of any victim of an abduction, sexual assault, or child abuse, or related information which, if divulged, would tend to lead to the victim's identification;

b. Investigative techniques and names of undercover or special investigation Officers will not be released.

c. The identity of any juvenile who is a suspect or a defendant in any case over which the juvenile court has jurisdiction;

d. The identity of any critically injured or deceased person prior to notification of next of kin;

e. The specific cause of death, until determined by the State or County Medical Examiner;

f. Investigative information pertaining to evidence in a criminal case:

1) Contents of confessions or failure or refusal of the accused to make a statement;

2) Photographs of the accused without the consent of the Chief;

3) The results of any examination or tests conducted or refusal by the accused to submit to any examinations or tests;

4) The identity, testimony, or credibility of any prospective witness; and

5) Information received from other law enforcement agencies without their approval.

6) Contents of suicide notes;

7) Personal opinions pertaining to the merits of the case or quality of evidence gathered;

8) Personal opinions pertaining to the guilt or innocence of the accused;

9) Unofficial statements concerning personnel or internal affairs matters;

10) Home addresses and telephone numbers of Chestertown Police Department employees; and

11) Valuables or cash overlooked by crime perpetrators.

19-207 **ARREST INFORMATION**

Certain facts may generally be released at the time of, or immediately following an arrest and formal charging. For example:

a. The name of the accused, age, description, general residence address, and marital status;

b. The nature or text of the charge as contained in a complaint, warrant, indictment, or information;

c. The identity of the investigating and arresting Officers, or agency, and the length of the investigation; and

d. The circumstances immediately surrounding an arrest, such as:

1) Time and place of arrest;

2) Method of arrest;

3) Resistance, and any injuries resulting;

4) Possession and use of weapons by the suspect; and

5) Description of items or contraband seized.

Arrest information which will not be released (except by the Chief, Lieutenant or a designee to aid an investigation or warn the public) generally falls into two categories.

a. After an event, but before arrest or during investigations, information should not be released regarding:

1) The identity or location of any suspect, except that the existence of a suspect may be acknowledged without further comment;

2) Results of an investigative procedure (such as a line-up, polygraph, fingerprinting, lab, or ballistics test). However, the fact that tests are performed may be acknowledged without further comment;

3) Information which, if prematurely disclosed, would significantly interfere with an investigation or apprehension, particularly: unchecked leads; unverified information; specifics of "M.O."; details known only to a suspect or Officer; and information which may cause a suspect to flee or avoid apprehension;

4) Identity of a prospective witness;

5) Identity of a victim/witness which would prejudice an investigation to a significant degree or place the victim in clear personal danger.

b. After an arrest and formal charging, but prior to adjudication, certain information is restricted to ensure constitutional guarantees of a fair and impartial trial. Also, improper disclosure could form the basis for a legal defense.

Therefore, during this sensitive period, information should not be released regarding:

1) Prior criminal record, character, or reputation of a defendant;

2) Existence, or contents of any confession, admission, or statement of a defendant, or a failure to make such;

3) Performance or results of any tests or a defendant's refusal or failure to submit to investigative tests such as a polygraph, etc.;

4) Identity, credibility, character, statement(s) or expected testimony of any witness, or prospective witness;

5) Statement(s), prospective testimony, character, or credibility of any victim;

6) Any opinion about the guilt or innocence of a defendant, or the merits of the case, including arguments and evidence, or whether their use in court is expected;

7) Possibility of a guilty plea, plea bargaining, or other disposition; and 8) Reports, transcripts or summaries of proceedings from which the press and public have been excluded by judicial order.

19-300 **SPECIFIC OPERATIONAL ISSUES**

19-301 **CRIME OR INCIDENT SCENES**

a. General access. Officers will extend every courtesy to bonafide news media representatives (reporters and photographers) who are actively covering an incident at the scene. These courtesies will permit closer access, generally providing an opportunity to view the scene, than that granted to the general public and will provide for vehicles and equipment to be located closer, so long as such courtesy does not interfere with either the mission or with general traffic flow. Also, where there is danger of personal injury, access will be restricted until the supervisor in charge determines the area is safe.

b. Direct access at crime scenes. Direct access by media personnel will be allowed only after all known evidence has been processed and the on-site investigation has been completed. This restriction is necessary to preserve the integrity of the scene. After such integrity is ensured, media mobility will not be restricted except that permission must be obtained from owners or their representative when photographs, films or videotape are to be taken on private property.

c. Hostage or barricade situations. In hostage or barricade situations, the Chief or Lieutenant will designate a preliminary press area immediately upon arrival at the scene and establish it closer to the scene when it is safe to do so.

19-302 **PHOTOGRAPHING, TELEVISING, RECORDING**

a. In public places. News media representatives will be allowed to freely photograph, film, or videotape at the scene of any incident so long as their activity does not significantly interfere, compromise, or jeopardize the investigation. Officers may take protective measures, such as covering a body, in order to prevent photographing or televising it, if such actions are necessary.

b. Of suspects/accused persons. Suspects or persons in custody will not be deliberately posed for photographs, telecasts, or interviews. Officers will not pose themselves with a suspect, nor enter into any agreement to have a suspect or person in custody at a prearranged time and place to be photographed, televised, or interviewed. No action will be directed against the news media to prevent or impede their lawful right to photograph such persons at crime scenes or in other public places.

c. News media access. Media access to, and movement within, fire lines at commercial and residential fire scenes is controlled by the ranking fire official. When news media arrive at such events, the ranking Officer on the scene will confer with the ranking fire official and assist in establishing an observation point from which media may observe and/or photograph the scene.

d. Mobility of media. All decisions governing media mobility rest with the judgment of the ranking fire official. Every effort should be made to accommodate media needs in recognition of the unpredictable duration of fires.

19-303 **INTERVIEWING PERSONS IN CUSTODY**

News media representatives will not be permitted to interview persons in custody.

19-304 **CONFIDENTIAL OR INTERNAL INVESTIGATIONS**

a. Confidential operations. Confidential intelligence or investigative information from the CID will not be disclosed, except with the express permission of the Chief or Lieutenant.

b. Internal investigations. Sensitive or investigative information (particularly the identity of Officers involved) will not be disclosed, except with the express permission of the Chief or Lieutenant.

1) When information is released on internal investigations, it will conform with State law and the rights of the Officers; and

2) When details of an internal investigation are to be released to news media, disclosure will be made only after the case has been closed.

19-305 **SUICIDES**

The fact that a suicide has occurred may be acknowledged, along with factual information. The name, address, age, gender, occupation of the victim may also be released after notification of next of kin. The fact that a suicide note exists may also be acknowledged, without further comment. Contents of all such messages are considered personal and confidential and will not be made public.

19-306 **CITIZEN REQUESTS**

Should a citizen request that information concerning an incident not be released or reported to the media, Officers will explain that crime information is generally considered public information and therefore, available to news media. Officers will also explain that such a request will be noted in the official report on the incident. Once so noted, the decision to publish unrestricted information about the event will be left to the media.

CHAPTER 20
COMMUNITY POLICING AND VICTIM/WITNESS ASSISTANCE
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20-100 **COMMUNITY POLICING**

The Chestertown Police Department is committed to establishing close 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 Chestertown Police Department employees will perform community relations and crime prevention activities on a daily basis with the intent to reach a reasonable balance between reactive and proactive law enforcement.

20-101 **EMPLOYEE ROLE**

The daily conduct of every employee reflects on the Chestertown Police Department as a whole. The responsibility for meeting the Chestertown Police Departments 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 or she will provide a written report to the Chestertown Police Department Community Policing Coordinator, through his or her commander. The Chestertown Police Department Field Interview Report Form may be used for this purpose.

20-102 **COMMAND COMMITMENT**

The Chestertown Police Department is committed to correcting actions, practices, and attitudes that may contribute to community-police tensions and grievances from citizens. As the Chief of the Chestertown Police Department regularly attends community functions and makes himself available to citizens who have concerns about the operations of the Chestertown Police Department. The Chief regularly seeks the input of community leaders, both elected and unelected, about citizen satisfaction with law enforcement in the Town. The Lieutenant assists the Chief in this effort. Under the direction of the Chief, the Lieutenant also:

a. Establishes liaison with existing community organizations or establishes community groups where they are needed;

b. Develops community involvement policies for the Chestertown Police Department;

c. Publicizes agency objectives, community problems, and successes;

d. Conveys information transmitted from citizens' organizations to the Chestertown Police Department;

e. Improves agency practices bearing on police/community interaction;

f. Identifies additional training needs for Chestertown Police Department employees in the area of community involvement; and

g. Develops problem-oriented or community policing strategies.

20-103 **PROGRAM COORDINATOR**

The Chief will designate an Officer who will have principal responsibility for the Chestertown Police Departments Community Policing program. The Coordinator′s role will include:

a. Establishing liaison with formal community organizations and other community groups;

b. Assisting with establishing community groups where such groups do not exist.

c. Submitting a quarterly report to the Chief, through the Lieutenant, which includes:

1) a description of current concerns voiced by the community;

2) a description of potential problems that have a bearing on law enforcement activities within the community;

3) a statement of recommended actions that address previously identified concerns and problems; and

4) a statement of progress made toward addressing previously identified concerns and problems.

20-104 **PROGRAMS**

The Chestertown Police Department has established active community involvement programs, including

- Random Foot Patrols
- Take home car program
- Town meetings
- Patrols at Community Events
- Social Media Announcements

20-105 **IDENTITY THEFT**

Where reasonable and appropriate, officers engaged in public education/information forums, community crime prevention and awareness presentations or similar speaking or information dissemination efforts will provide the public with information on the nature and prevention of identity theft.

20-200 **VICTIM/WITNESS ASSISTANCE**

20-201 **BACKGROUND**

The Chestertown Police Department is committed to the development, implementation, and continuation of effective victim/witness assistance programs. The Chestertown Police Department recognizes that providing assistance to victims of and witnesses to crimes is as important to its role in law enforcement as identifying and apprehending criminal perpetrators.

The Kent County Sheriff's Office has a position of Victim/Witness Services Provider (VWSP) who is available to the Chestertown Police Department. The Victim/Witness Services Provider is responsible for coordinating support services to all crime victims in Kent County, regardless whether the underlying criminal case is handled by the KCSO, the Maryland State Police, or a local Kent County law enforcement agency. In most cases, the law enforcement officer is the first to arrive on the scene of a crime and is the initial source of protection for the victim.

The manner in which the Officer treats the victim at the time of the crime and afterwards affects not only the victim's immediate and long-term ability to cope with the crime, it can determine the victim's willingness to assist in the prosecution.

20-202 **RIGHTS OF VICTIMS**

The rights of Maryland victims of crimes are established in Article 47 of the Declaration of Rights 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.*

20-203 **INFORMATION FOR VICTIMS**

20-203.1 **TELEPHONIC ASSISTANCE**

A victim or witness who calls the Chestertown Police Department during working hours will be referred to the VWSP The Patrol Supervisor on duty can direct an Officer to respond to the citizen or can telephone the citizen to provide the required information about available resources. If the situation requires, the Supervisor may also call out the VWSP through Kent Communications to provide assistance.

20-203.2 **PAMPHLETS**

The Chestertown Police Department stocks a pamphlet prepared by the Maryland State Board of Victim Services, *Crime Victims and Witnesses: Your Rights and Services,* which contains specific contact information for victim/witness services for the Mid-Shore Counties, including Kent County.

Every Officer will have a supply of the pamphlet available in his or her vehicle. A copy of the VWSP's card is attached to each pamphlet. Every victim of a crime for which a Criminal Complaint is completed will be given a copy of the pamphlet, along with the Officers business card or with the Officers name and telephone number filled in on the cover of the pamphlet.

The Chestertown Police Department stocks a pamphlet prepared by the Maryland Network Against Domestic Violence, *What to do when your home isn't SAFE*, which contains information about obtaining Protective Orders and Peace Orders and includes a "hotline" number for victims of abuse.

Every Officer will have a supply of the pamphlet available in his or her vehicle. A responding Officer will give a copy of this pamphlet to the complaining party in every domestic call. If a person has been the victim of a crime in a domestic situation, the person will be given copies of both pamphlets.

20-203.3 **PRELIMINARY INVESTIGATION**

In addition to providing the pamphlets described above, the Officer gives the victim information about available services. The Officer will:

a. adivse the victim of the existence of the VWSP position and note the copy of the VWSP's card to the victim. The Officer will explain that information concerning counseling, medical attention, compensation programs, or emergency financial assistance, and victim advocacy are available from the VWSP.

b. advise the victim to call 9-1-1 if there are any subsequent attempts at victimization or intimidation.

c. point out the sections of the pamphlets which identify subsequent steps in the legal process and explain that the VSWP can provide the case number.

d. encourage the victim to call the Officer or the VWSP if he or she has any questions about them, wants to report any additional information about the case, or wants to receive information about the status of the case.

20-203.4 **FOLLOW-UP INVESTIGATION**

The Chestertown Police Department also has obligations to victims during the follow-up investigation, if there is one. The VWSP will coordinate with the Officer assigned to lead a follow-up investigation and will contact the victim and all witnesses within 15 days of initiation of the investigation. The VWSP will be responsible for victim/witness assistance services:

a. If, in the opinion of the VWSP, the impact of a crime on a victim or witness has been unusually severe and has triggered above-average need for victim/witness assistance, the VWSP will re-contact the victim/witness periodically to determine whether his/her needs are being met;

b. If it will not endanger the successful prosecution of the case, the VWSP will assist the investigating Officer in explaining to the victim and to witnesses the procedures involved in the prosecution of their cases and their role in those procedures;

c. With the assistance of the VWSP, Officers will make reasonable attempts to schedule line-ups, interviews, and other required appearances at the convenience of the victim and witnesses and, will, with the approval of the Lieutenant, provide transportation for the victim or witness;

d. Victim/witness property taken as evidence (except for contraband, disputed property, and weapons used in the course of the crime) will be returned promptly, where permitted by law and rules of evidence; and

e. The VWSP will refer victims to other agencies which can provide additional victim advocate services to the victim/witness during follow-up investigation, if necessary and appropriate.

20-203.5 **ARREST OF SUSPECT OR CHANGE OF STATUS**

Upon arrest of a suspect, the VWSP will, with the concurrence of the lead Officer, will notify the victim of the arrest, the charges, and the arrestee's custody status. The VWSP will notify the victim and witnesses of any change in status of a case, in compliance with Chapter 14.

20-204 **INTIMIDATION OF VICTIMS/ WITNESSES**

The Chestertown Police Department will provide appropriate assistance to victims/witnesses who have been threatened or who, in the judgment of the VWSP (with the concurrence of the Lieutenant), express specific, credible reasons for fearing intimidation or further victimization. What constitutes appropriate assistance will vary with the nature and credibility of the threat and the Chestertown Police Department resources available.

a. Officers will, as a matter of course, have informed victims and witnesses that, at any sign of danger, they may call 9-1-1 and there will be an appropriate law enforcement response.

b. Victims of abuse will have been provided with the pamphlets described above and made aware of their ability to seek Protective or Peace Orders.

c. With notification to the Lieutenant, other arrangements may be made: for example, periodic patrol checks;

d. If other action is required, the VWSP will work with the State′s Attorney, the MSP, or others to develop an appropriate response.

20-205 **VICTIM/WITNESS ASSISTANCE TO KCSO PERSONNEL**

The VWSP is responsible for rendering Victim/witness assistance services to Chestertown Police Department personnel and their families following line-of-duty deaths or serious injuries. That assistance includes:

a. Notification of the Officer's family in a timely and personal manner;

b. Assisting the family at the hospital;

c. Helping the family with legal and benefits matters

d. Counseling the family regarding finances and other possible problems;

e. Supporting the family during criminal proceedings, if any; and

f. Maintaining long-term contact with the family and remaining aware of their needs.

20-206 **EMERGENCY/DEATH MESSAGES**

Under certain circumstances, including upon request of law enforcement officials of another jurisdiction, the Chestertown Police Department may be required to notify next of kin of the serious injury or death of a family member.

The Chestertown Police Department will observe the following procedures for such notifications:

a. In all cases, the Officer or the VWSP will verify with notifying officials the cause of death or injury and how the identity of the victim was established.

b. The Officer or the VWSP will attempt to locate clergy or family members to accompany the Officer on the notification. However, notification should not be unduly delayed by such attempt.

c. If the person notified is alone, the Officer or the VWSP will, unless operational considerations prevent it, remain with the individual for a reasonable time, or until family, friends, or neighbors arrive.

CHAPTER 21
CHESTERTOWN POLICE DEPARTMENT
CRIMINAL INVESTIGATION DIVISION (CID)
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21-100 **CRIMINAL INVESIGATION DIVISION**

The Criminal Investigation Division (CID) of the Chestertown Police Department will consist of one full time Detective. The Detective will investigate cases in accordance with the Chestertown Police Department Policy Procedures. At any time the Detective can request other investigative assistance through the Lieutenant. The Detective and Lieutenant, or Lieutenant's designee, will share on call status to ensure the availability of a full time investigator. The Detective will report to the Chief per the Chestertown Police Department Command flow chart.

21-101 **REQUESTS FOR INVESTIGATORS**

Requests for investigators to be handled by CID shall be made in one of two ways:

1. The patrol officer will contact the Detective if the incident is within the CID protocol. The detective will then be briefed on the situation. The Detective will then determine if he/she will respond to the scene at that time if off duty or will advise the officer that the case will be reviewed the next business day. It will be the discretion of the Detective to determine if he/ she will take over the case based on the policies and procedures of the police department (General Order 21-102).

2. A request through Kent Communications for an Investigator to respond to the scene of a crime or other incident by a requesting officer of the Chestertown Police Department that is on the scene. All officers shall use the below listed protocol for requesting CID.

    a. All death investigations (the MSP Homicide Unit shall be the primary investigative unit for Homicides).

    b. Rape/ Sex Offenses (including child sexual abuse).

    c. Robberies (armed or strong armed).

    d. All embezzlements.

    e. Child abuse which requires medical attention.

    f. First degree assaults (with serious injury).

    g. All burglaries.

    h. All law enforcement involved shootings or use of force that result in a death. The MSP Homicide Unit shall be the primary investigative unit for such investigations.

    i. Any criminal case with a continuing course of action containing more then two victims in a short time frame.

21-102 **CASE EVALUATION**

1. Request for CID involvement (excluding those based upon section 2-A) shall be evaluated by the Detective or Lieutenant and shall be rated according to the following solvability factors:

   a. Known, Named, or described suspects.

   b. Physical evidence present

   c. Witnesses.

   d. Suspect vehicle identification.

   j. Significant modus operandi.

   k. Traceable property.

21-103 **CASE DISPOSITIONS**

1. Following the evaluation conducted by the Detective, one of the following dispositions shall be applied.

   a. Acceptance of the case and assumption of full investigative responsibility.

   b. A request for further information from the requesting officer before a final case disposition is made.

   c. Rejection of the case and return of same to the requesting officer with a brief explanation.

2. Follow up investigations/ contacts shall be completed in compliance with General Order 14-300 & 301 of the departments policy and procedure manual.

21-104 **INVESTIGATOR RESPONSIBILITIES**

1. The assigned investigator must act in a professional manner at all times when investigating cases.

2. The Detective's daily attire will primarily consist of "business like attire", i.e. dress pants, dress shirt, tie. A dress jacket is optional.

3. If the Detective receives illegal narcotics information from his/ her investigations, the assigned investigator will forward that information to the Kent County Narcotics Task Force.

4. The assigned investigator remains an officer of the Chestertown Police Department and as such his/ her primary responsibility will be for the betterment of the department. At the discretion of the Chief of Police and or his/her designee, the investigator may be re-assigned temporarily to fulfill other Chestertown Police Department obligations.The assigned investigator will be supervised directly by the Chief and or his/her designee. The assigned investigator will inform the Chief of his/her agenda weekly to keep the Chief up to date on investigations, criminal activity trends, etc.

CHAPTER 22

CRIMINAL JUSTICE INFORMATION SECURITY PROCEDURES

22-100 Criminal Justice Information Physical Protection Policy

Purpose:

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

This Physical Protection Policy was developed using the FBI's *CJIS Security Policy* 5. 3 dated 8/4/2014. The intended target audience is Chestertown Police Department personnel, support personnel, and private contractor/vendors with access to CJI whether logically or physically. The local agency may complement this policy with a local policy; however, the *CJIS Security Policy* shall always be the minimum standard and local policy may augment, or increase the standards, but shall not detract from the *CJIS Security Policy* standards.

Physically Secure Location:

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

Visitors Access:

Employees of the Chestertown Police Department will not allow unescorted visitors in any unauthorized areas of the building.

Authorized Physical Access:

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

All personnel with CJI physical and logical access must:

1. Meet the minimum personnel screening requirements prior to CJI access.
    a. To verify identification, a state of residency and national fingerprint-based record checks shall be conducted within 30 days of assignment for all personnel who have direct access to CJI and those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI.
    b. Support personnel, private contractors/vendors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be subject to a state and national fingerprint-based record check unless these individuals are escorted by authorized personnel at all times.
    c. Prior to granting access to CJI, the Chestertown Police Department on whose behalf the contractor is retained shall verify identification via a state of residency and national fingerprint-based record check.
    d. Refer to the *CJIS Security Policy* for handling cases of felony convictions, criminal records, arrest histories, etc.
2. Complete security awareness training.
    a. All authorized, Chestertown Police Department, Noncriminal Justice Agencies (NCJA) like city or county IT and private contractor/vendor personnel will receive security awareness training within six months of being granted duties that require CJI access and every two years thereafter.
    b. Security awareness training will cover areas specified in the *CJIS Security Policy* at a minimum.
3. Be aware of who is in their secure area before accessing confidential data.
    a. Take appropriate action to protect all confidential data.
    b. Protect all terminal monitors with viewable CJI displayed on monitor and not allow viewing by the public or escorted visitors.
4. Properly protect and not share any individually issued keys, proximity cards, computer account passwords, etc.
    a. Report loss of issued keys, proximity cards, etc to authorized agency personnel.
    b. If the loss occurs after normal business hours, or on weekends or holidays, personnel are to call the Chestertown Police Department POC to have authorized credentials like a proximity card de-activated and/or door locks possibly rekeyed.
    c. Safeguard and not share passwords, Personal Identification Numbers (PIN), Security Tokens (i.e. Smartcard), and all other facility and computer systems security access procedures. See Disciplinary Policy.
5. Properly protect from viruses, worms, Trojan horses, and other malicious code.
6. Web usage—allowed versus prohibited; monitoring of user activity. (allowed versus prohibited is at the agency's discretion)
7. Do not use personally owned devices on the Chestertown Police Department computers with CJI access. (Agency discretion). See Personally Owned Policy.
8. Use of electronic media is allowed only by authorized Chestertown Police Department personnel. Controls shall be in place to protect electronic media and printouts containing CJI while in transport. When CJI is physically moved from a secure location to a non-secure location, appropriate controls will prevent data compromise and/or unauthorized access.
9. Encrypt emails when electronic mail is allowed to transmit CJI-related data as such in the case of Information Exchange Agreements.
    a. (Agency Discretion for allowance of CJI via email)
    b. If CJI is transmitted by email, the email must be encrypted and email recipient must be authorized to receive and view CJI.
10. Report any physical security incidents to the Chestertown Police Department's LASO to include facility access violations, loss of CJI, loss of laptops, Blackberries, thumb drives, CDs/DVDs and printouts containing CJI.
11. Properly release hard copy printouts of CJI only to authorized vetted and authorized personnel in a secure envelope and shred or burn hard copy printouts when no longer needed. Information should be shared on a "need to know" basis. (See Sanitization and Destruction Policy)
12. Ensure data centers with CJI are physically and logically secure.
13. Keep appropriate Chestertown Police Department security personnel informed when CJI access is no longer needed. In the event of ended employment, the individual must surrender all property and access managed by the local agency, state and/or federal agencies.
14. Not use food or drink around information technology equipment.
15. Know which door to use for proper entry and exit of the Chestertown Police Department and only use marked alarmed fire exits in emergency situations.

16. Ensure the perimeter security door securely locks after entry or departure. Do not leave any perimeter door propped opened and take measures to prevent piggybacking entries. 12-2
17. **Roles and Responsibilities:**

Terminal Agency Coordinator (TAC)

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

Local Agency Security Officer (LASO)

Each LASO shall:

1. Identify who is using the CSA (state) approved hardware, software, and firmware and ensure no unauthorized individuals or processes have access to the same.
2. Identify and document how the equipment is connected to the state system.
3. Ensure that personnel security screening procedures are being followed as stated in this policy.
4. Ensure the approved and appropriate security measures are in place and working as expected.
5. Support policy compliance and ensure the CSA ISO is promptly informed of security incidents.

Agency Coordinator (AC)

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

CJIS System Agency Information Security Officer (CSA ISO)

The CSA ISO shall:

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

Information Technology Support

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

1. Protect information subject to confidentiality concerns—in systems, archived, on backup media, and until destroyed. Know where CJI is stored, printed, copied, transmitted and planned end of life. CJI is stored on laptops, mobile data terminals (MDTs), computers, servers, tape backups, CDs, DVDs, thumb drives, RISC devices and internet connections as authorized by the Chestertown Police Department. For agencies who submit fingerprints using Live Scan terminals, only Live Scan terminals that receive CJI back to the Live Scan terminal will be assessed for physical security.
2. Be knowledgeable of required Chestertown Police Department technical requirements and policies taking appropriate preventative measures and corrective actions to protect CJI at rest, in transit and at the end of life.
3. Take appropriate action to ensure maximum uptime of CJI and expedited backup restores by using agency approved best practices for power backup and data backup means such as generators, backup universal power supplies on CJI-based terminals, servers, switches, etc.
4. Properly protect the Chestertown Police Department's CJIS system(s) from viruses, worms, Trojan horses, and other malicious code (real-time scanning and ensure updated definitions).

a. Install and update antivirus on computers, laptops, MDTs, servers, etc. 12-3
b. Scan any outside non-agency owned CDs, DVDs, thumb drives, etc., for viruses, if the Chestertown Police Department allows the use of personally owned devices.

5. Data backup and storage—centralized or decentralized approach.
    a. Perform data backups and take appropriate measures to protect all stored CJI.
    b. Ensure only authorized vetted personnel transport off-site tape backups or any other media that store CJI that is removed from physically secured location.
    c. Ensure any media released from the Chestertown Police Department is properly sanitized / destroyed. (See Sanitization and Destruction Policy)
6. Timely application of system patches—part of configuration management.
    a. The agency shall identify applications, services, and information systems containing software or components affected by recently announced software flaws and potential vulnerabilities resulting from those flaws.
    b. When applicable, see the Chestertown Police Department Patch Management Policy.
7. Access control measures
    a. Address least privilege and separation of duties.
    b. Enable event logging of:
        i. Successful and unsuccessful system log-on attempts.
        ii. Successful and unsuccessful attempts to access, create, write, delete or change permission on a user account, file, directory or other system resource.
        iii. Successful and unsuccessful attempts to change account passwords.
        iv. Successful and unsuccessful actions by privileged accounts.
        v. Successful and unsuccessful attempts for users to access, modify, or destroy the audit log file.
    c. Prevent authorized users from utilizing publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
8. Account Management in coordination with TAC
    a. Agencies shall ensure that all user IDs belong to currently authorized users.
    b. Keep login access current, updated and monitored. Remove or disable terminated or transferred or associated accounts.
    c. Authenticate verified users as uniquely identified.
    d. Prevent multiple concurrent active sessions for one user identification, for those applications accessing CJI, unless the agency grants authority based upon operational business needs.
    e. Not use shared generic or default administrative user accounts or passwords for any device used with CJI.
    f. Passwords
        i. Be a minimum length of eight (8) characters on all systems.
        ii. Not be a dictionary word or proper name.
        iii. Not be the same as the User id.
        iv. Expire within a maximum of 90 calendar days.
        v. Not be identical to the previous ten (10) passwords.
        vi. Not be transmitted in the clear or plaintext outside the secure location.
        vii. Not be displayed when entered.
        viii. Ensure passwords are only reset for authorized user.
9. Network infrastructure protection measures.
    a. Take action to protect CJI-related data from unauthorized public access.
    b. Control access, monitor, enabling and updating configurations of boundary protection firewalls.
    c. Enable and update personal firewall on mobile devices as needed.

d. Ensure confidential electronic data is only transmitted on secure network channels using encryption and *advanced authentication when leaving a physically secure location. No confidential data should be transmitted in clear text. **Note: for interim compliance, and for the sole purpose of meeting the advanced authentication policy, a police vehicle shall be considered a physically secure location until September 30th 2013. For the purposes of this policy, a police vehicle is defined as an enclosed criminal justice conveyance with the capability to comply, during operational periods.*
e. Ensure any media that is removed from a physically secured location is encrypted in transit by a person or network.
f. Not use default accounts on network equipment that passes CJI like switches, routers, firewalls.
g. Make sure law enforcement networks with CJI shall be on their own network accessible by authorized personnel who have been vetted by the Chestertown Police Department. Utilize Virtual Local Area Network (VLAN) technology to segment CJI traffic from other noncriminal justice agency traffic to include other city and/or county agencies using same wide area network.

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

LASO Name:	LASO Phone:	LASO email:
AC Name:	AC Phone:	AC email:
State C/ISO Name:	C/ISO Phone:	C/ISO email:

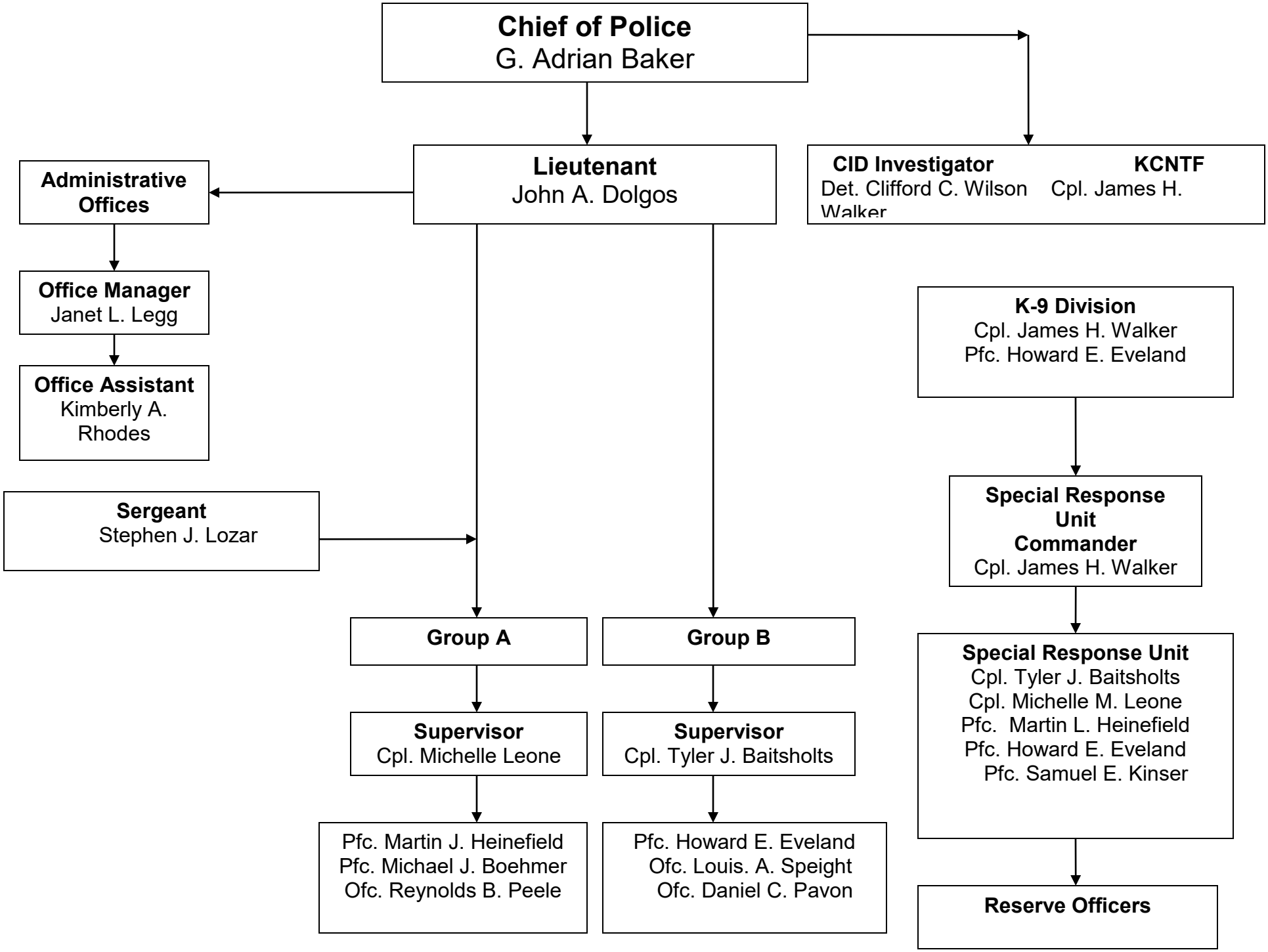
Penalties:
Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and / or termination.

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

Acknowledgement:
I have read the policy and rules above and I will:

- Abide by the Chestertown Police Department Physical Protection Policy. I understand any violation of this policy may result in discipline up to and including termination.
- Complete the security awareness training and take action to protect the Chestertown Police Department's facilities, personnel and associated information systems.
- Report any unauthorized physical access to the Chestertown Police Department's LASO.

Signature: _____ Date: _____/2016____


Chief of Police
G. Adrian Baker
Lieutenant
John A. Dolgos
CID Investigator
Det. Clifford C. Wilson
KCNTF
Cpl. James H. Walker
Administrative Offices
Office Manager
Janet L. Legg
Office Assistant
Kimberly A. Rhodes
Sergeant
Stephen J. Lozar
K-9 Division
Cpl. James H. Walker
Pfc. Howard E. Eveland
Special Response Unit Commander
Cpl. James H. Walker
Group A
Group B
Supervisor
Cpl. Michelle Leone
Supervisor
Cpl. Tyler J. Baitsholts
Special Response Unit
Cpl. Tyler J. Baitsholts
Cpl. Michelle M. Leone
Pfc. Martin L. Heinefield
Pfc. Howard E. Eveland
Pfc. Samuel E. Kinser
Pfc. Martin J. Heinefield
Pfc. Michael J. Boehmer
Ofc. Reynolds B. Peele
Pfc. Howard E. Eveland
Ofc. Louis. A. Speight
Ofc. Daniel C. Pavon
Reserve Officers