CHIEF'S PREFACE

MISSION:

The Mount Rainier Police Department is committed to a policing model of Community Policing. To that end, the Mission is to work in partnership with other city departments, the residential and business community, and other governmental and non-profit agencies to reduce crime, provide a sense of safety and security and improve the quality of life for those who visit, live, and work in the City of Mount Rainier. Community Policing is both a philosophy and an organizational strategy that allows the police department and the community to work together in order to address crime, the fear of crime, social disorder, and blight. It is a service oriented and personalized style of policing which emphasizes ownership, problem solving and a proactive partnership with the community.

General Orders:

To provide a measure of uniformity, consistency, and clarity, as to the responsibilities and assigned duties of the personnel of the Mount Rainier Police Department, this manual has been prepared and published.

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LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

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Chapter 1 - Mission Statement

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Mission Statement

100.1 SECTION TITLE
MISSION:

The Mount Rainier Police Department is committed to a policing model of Community Policing. To that end, the Mission is to work in partnership with other city departments, the residential and business community, and other governmental and non-profit agencies to reduce crime, provide a sense of safety and security and improve the quality of life for those who visit, live, and work in the City of Mount Rainier. Community Policing is both a philosophy and an organizational strategy that allows the police department and the community to work together in order to address crime, the fear of crime, social disorder, and blight. It is a service oriented and personalized style of policing which emphasizes ownership, problem solving and a proactive partnership with the community.

We will show "our" community we value them by exhibiting the following behaviors:

Respect- We will treat all citizens with dignity and respect. We must model this behavior internally first before we can display it externally.

Teamwork- Teamwork is the foundation of our organization. We are professionals who have undertaken a noble profession and we must work together like professionals. That means everyone contributes to advance our goal of providing outstanding customer service to the citizens of Mount Rainier.

Selflessness- All members of the department are public servants. As such we must put the needs of our community above our own. That means adapting our organizational goals to meet the needs of an evolving community. We must hold ourselves accountable to meeting the needs of our community.

VISION STATEMENT

Through innovative thinking and goal setting, we are committed to delivering unparalleled **service** to our community. We will continue to strengthen community relationships and public trust while striving for excellence through employee development, self-discipline, and strong leadership.

S= Selflessness- We will put the needs of our community above our own and strive to improve the safety and security of all residents within the City of Mount Rainier.

E = Effort- Wewill come to work every day focused on our agenda to reduce crime and improve relationships with the community we serve. To that end we must be prepared to maintain an excellent standard of performance

R= Resilience- We will treat everyone with dignity and respect, be open to asking for help when we need it, be mindful of the needs of others, train on high risk topics to build the sort of internal resiliency needed to make it through our chosen profession of Police Officer.

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V= Valuable- Every employee matters, and to that end the organization will invest in every employee to ensure that a standard of training and professional development is maintained.

I= Initiative- As an organization we will work with our residents, the business community, and other key stakeholders to problem solve issues within our community and implement programs.

C= Competency- We must ensure through training and internal controls that we are committed to employee performance to enhance the organizations growth

E= Ethical- We will operate at all times with integrity and principles. We will do the right thing, at the right time, and in the right way.

General Orders:

To provide a measure of uniformity, consistency, and clarity, as to the responsibilities and assigned duties of the personnel of the Mount Rainier Police Department, this manual has been prepared and published.

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Code of Ethics

101.1 SECTION TITLE

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

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

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

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

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

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

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Chapter 2 - Law Enforcement Role and Authority

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Law Enforcement Authority

200.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Mount Rainier Police Departmentto perform their functions based on established legal authority.

200.2 AUTHORITY OF THE MOUNT RAINIER POLICE DEPARTMENT

Certified members of this department are authorized to exercise peace officer powers pursuant to applicable state law (Md. Code CP § 2-102; Md. Code PS § 2-412).

200.2.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE MOUNT RAINIER POLICE DEPARTMENT

Officers may make arrests within the jurisdiction of the Mount Rainier Police Department (Md. Code CP § 2-202):

(a) In compliance with an arrest warrant.

(b) Without a warrant:

1. When an individual commits or attempts to commit a felony or misdemeanor in the presence or within the view of the officer.
2. When the officer reasonably believes that an individual is committing a felony or misdemeanor in the presence or within the view of the officer.
3. When the officer has probable cause to believe that a felony has been committed or attempted, and the individual has committed or attempted to commit the felony, whether or not it was in the presence or within the view of the officer.
4. When there is probable cause to believe a person is in violation of an interim, temporary, or final extreme risk protective order in effect at the time of the violation (Md. Code PS § 5–610).

200.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE MOUNT RAINIER POLICE DEPARTMENT

Officers may make arrests, conduct investigations and otherwise enforce the laws of Maryland throughout the state, without limitations as to jurisdiction, while acting in accordance with Mount Rainier Police Department policies and procedures, except for enforcement of the vehicle laws, when (Md. Code CP § 2-102; Md. Code CR § 5-802):

(a) The officer is participating in a joint investigation with officials from another state, federal or local law enforcement unit, at least one of which has local jurisdiction.

(b) The officer is assisting another law enforcement officer.

(c) The officer is acting at the request of a law enforcement officer or a Maryland State Police officer.

(d) An emergency exists.

(e) The officer is in fresh pursuit of a person who (Md. Code CP § 2-301):

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1. Has committed or is reasonably believed by the officer to have committed a felony within the jurisdiction of the Mount Rainier Police Department.
2. Has committed a misdemeanor in the presence of the officer within the jurisdiction of the Mount Rainier Police Department.

An officer who acts outside his/her jurisdiction shall notify the appropriate state or local official as required by state law (Md. Code CP § 2-102; Md. Code CR § 5-802).

200.3

200.4

200.5

200.6

200.7 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When an officer enters the following states as follows:

1. In Delaware, while in the pursuit of a person believed to have committed a felony, a misdemeanor or a violation of the motor vehicle code (11 Del. C. § 1932).
2. In the District of Columbia, while in pursuit of a person who has committed a felony or who the pursuing officer has reasonable grounds to believe has committed a felony (D.C. Code § 23-903).
3. In Pennsylvania, while in fresh pursuit of a person in order to arrest him/her (42 Pa.C.S. § 8922).
4. In Virginia while in fresh pursuit of a person to arrest him/her for committing a felony (Va. Code § 19.2-79).
5. In West Virginia while in fresh pursuit of a person to arrest him/her for committing a felony (W. Va. Code § 62-11-1).

Whenever an officer makes an arrest in Delaware, the District of Columbia, Pennsylvania, Virginia or West Virginia, the officer shall take the offender to the appropriate judicial officer where the arrest occurred as soon as practicable (11 Del. C. § 1933; D.C. Code § 23-902; 42 Pa.C.S. § 8923; Va. Code § 19.2-79; W. Va. Code § 62-11-2).

200.8

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200.9 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Maryland constitutions.

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Oath of Office

201.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that, when appropriate, oaths are administered to department members.

201.2 POLICY

It is the policy of the Mount Rainier Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

201.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the required oath or affirmation to the Mayor of the City of Mount Rainier in addition to any other form of oath or affirmation required by the Maryland Constitution, state law or ordinance (Md. Const. Art. I § 9; Md. Code CJ § 2-104; Md. Code PS § 3-309). If a member is opposed to taking an oath, he/she shall be permitted to substitute the word “affirm” for the word “swear.”

POLICE OFFICER OATH OF OFFICE

City of Mount Rainier County of Prince George’s State of Maryland

I, _____, do swear (or affirm, as the case may be) that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland; and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of POLICE OFFICER for the City of Mount Rainier, Prince George's County, Maryland according to the Constitution and the Laws of this State and the Charter of the City of Mount Rainier.

_____

[Officer}

[Street Address] [City, State, Zip]

Subscribed and sworn before me, _____, Mayor of the City of Mount Rainier, Prince George's County, Maryland, this the _____ day of _____, 20__.

_____ Mayor

201.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (Md. Const. Art. I § 10; Md. Code PS § 3-309).

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Policy Manual

202.1 PURPOSE AND SCOPE

The manual of the Mount Rainier Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

202.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and that circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably apparent at the time of any incident.

202.3 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract or any employment rights or entitlements. The policies contained within this manual are for the internal use of the Mount Rainier Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Mount Rainier Police Department reserves the right to revise any policy content, in whole or in part.

202.4 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

202.5 DEFINITIONS

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older (Md. Code CJ § 3-8A-01).

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APS - Adult Protective Services.

City - The City of Mount Rainier.

Civilian - Employees and volunteers who are not sworn peace officers.

CJIS - Maryland Criminal Justice Information System.

COMAR - Maryland Code of Regulations (Example: COMAR 10.38.03.02).

Custodian of Records - The authorized person having physical custody and control of the records of the Department (Md. Code GP § 4-101).

Department/MRPD - The Mount Rainier Police Department.

DJS - Maryland Department of Juvenile Services.

DPSCS - Maryland Department of Public Safety and Correctional Services.

Employee - Any person employed by the Department.

Manual - The Mount Rainier Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Md. Code - Maryland Annotated Codes (Example: Md. Code PS § 1-301). Following are abbreviations for sections of the Maryland Annotated Codes referenced in this Policy Manual:

- **CJ** - Courts and Judicial Procedure
- **CL** - Commercial Law
- **CP** - Criminal Procedure
- **CR -** Criminal Law
- **CS** - Correctional Services
- **ED** - Education
- **EL** - Election Law
- **ET** - Estates and Trusts
- **FL** - Family Law
- **GP** - General Provisions
- **HG** - Health – General
- **HS** - Human Services
- **IL** - Insurance Law
- **LE** - Labor and Employment
- **LG** - Local Government
- **NR** - Natural Resources

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- **PS** - Public Safety
- **SG** - State Government
- **SP** - State Personnel and Pensions
- **TG** - Tax – General
- **TR** - Transportation

Md. Const. - Maryland Constitution (Example: Md. Const. Art. IV § 44).

MDOT - Maryland Department of Transportation.

MEMA - Maryland Emergency Management Agency.

Member - Any person employed or appointed by the Mount Rainier Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Civilian employees
- Volunteers

METERS - Maryland Electronic Telecommunications Enforcement Resource System.

MPTSC - Maryland Police Training and Standards Commission.

MSP - Department of Maryland State Police.

MVA - Motor Vehicle Administration.

OAG - Maryland Office of the Attorney General.

Officer - Those employees, regardless of rank, who are sworn members of the Mount Rainier Police Department.

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Peace Officer - Those employees, regardless of rank, who are sworn members of the Mount Rainier Police Department.

Rank - The title of the classification held by an officer.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department

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members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

202.6 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to and has had the opportunity to review the Policy Manual and General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

202.7 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

202.8 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each supervisor holding the rank of Sergeant or above the rank of Sergeant will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their immediate supervisor, who will consider the recommendations and forward them to the command staff as appropriate.

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Unbiased Policing

203.1 PURPOSE

The purpose of this policy is to emphasize the Mount Rainier Police Department's commitment to the unbiased, equitable treatment of all persons.

203.2 POLICY

Persons having contact with members of this agency shall be treated in a fair, impartial, equitable, and objective manner, in accordance with the law, and without consideration of their individual demographics as defined in this policy. Officers shall, at all times, remember that their first and most important duty is to protect the Constitutional rights of all persons with whom they come into contact. To fail in this effort is a violation of law and the principles of the law enforcement profession.

203.3 DEFINITIONS

Biased Policing: Discrimination in the performance of law enforcement duties or delivery of police services, based on personal prejudices or partiality of officers towards classes of individuals or persons based on individual demographics.

Fair and Impartial Treatment: The belief that persons, irrespective of race or other distinctions, shall be treated in the same basic manner under the same circumstances. This does not mean that all persons in the same or similar circumstances can or must be treated identically. Reasonable concessions and accommodations may be, and sometimes should be made, when dealing with individuals with physical or mental disabilities, injury, illness or similar conditions, or when information about them necessitates different treatment.

Individual Demographics: For the purposes of this policy, personal characteristics, to include, but not limited to race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, cultural group, or political status.

Police Services: Sometime referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These include, but are not limited to, such tasks as assistance at fire scenes, traffic accidents and medical emergencies; lifesaving services; crime prevention; preventative patrol; traffic control; public information; education; and similar activities.

203.4 PROCEDURES

A. Fair and Impartial Treatment

1. Biased policing is prohibited both in enforcement of the law and delivery of police services.

2. Officers shall take equivalent enforcement actions and provide equal services to all persons in the same or similar circumstances.

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3. Officers shall not consider individual demographics when performing law enforcement duties or delivering police services except when such characteristics are part of a specific subject description.

4. Unless exigent circumstances exist, officers shall not engage in a law enforcement matter when it involves a family member, friend, relative, or other person with whom he or she has a personal relationship, such that the officer's objectivity may be, or may appear to be, compromised. In situations where the officer is personally involved, he or she will summon other officers for assistance.

B. Compliance

1. Officers who witness or who are aware of instances of biased policing shall report the incident to a supervisor. Also, where appropriate, officers are encouraged to intervene at the time the biased policing incident occurs.

2. Depending on the nature and seriousness of the incident, supervisors may provide the involved officer(s) with informal, non-punitive intervention such as training and counseling.

3. All external complaints and internal complaints that cannot be resolved effectively and appropriately by supervisory personnel - or that are determined to be potentially serious in mature - shall be forwarded to the Chief of Police or other designated authority for investigation.

4. Data relating specifically to complaints of biased policing shall be maintained by the Chief of Police or other designated authority in a manner most suitable for administrative review, problem identification, and development of appropriate actions.

C. Training

All employees will receive basic and periodic in-service training and, where deemed necessary, remedial training on subjects related to police ethics, cultural diversity, police-citizen interaction, standards of conduct, conducting motor vehicle stops, implicit bias and related topics suitable for preventing incidents of biased policing.

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Community Policing

205.1 COMMUNITY POLICING PHILOSOPHY

Community Oriented Policing (COP) and Problem Oriented Policing (POP) are policing philosophies that promote and support organizational strategies to address the causes and reduce the fear of crime and social disorder through problem solving tactics and community and police partnerships. Officers will adopt and utilize this philosophy when conducting their duties and responsibilities. Officers will use the “SARA” (scanning, analysis, response and assessment) model to attack crime and nuisance issues. Community Policing is not an excuse to preclude arrest when necessary. This is a Department wide philosophy.

205.2 SCHOOLS

Through a sergeant, officers will be assigned to assist schools located in the City. This collateral assignment will compliment any officer from the Prince George’s County Police Department that may be assigned to the school. Officers are to work very closely with the schools administrator to close the gap between the youth and police officers. This is accomplished by direct interaction with the children in a learning environment that will also benefit students when out of school.

Examples of direct involvement include but are not limited to reading weekly or bi-weekly to a class, eating lunch with the students and faculty, attending Parent Teacher (and Student) Association meetings at least quarterly and teacher administrator meetings at the schools. Interaction with students and faculty by members of the department are intended to strengthen police and community relations, build partnerships and remove barriers to effectiveness.

205.3 NEIGHBORHOOD ASSOCIATIONS

These groups have many titles, such as Neighborhood Watch, civic association, recreation association, etc. Officers in this assignment will provide assistance through meeting attendance, referral to neighborhood services, working to make neighborhood days successful, planning holiday events, etc. The role of the officer is to be a resource and police liaison to the group.

205.4 PATROL

High visibility patrol serves to promote a safe community and enhances police/community relations. Patrol of the City is the primary duty of officers. Through directed patrols, officers will randomly and frequently patrol assigned areas of concern, and take appropriate action. While on day work officers will patrol on foot the business districts of Rhode Island Avenue, Varnum Street and 34th Street. Segway and bicycle patrols will also be employed to accomplish high visibility patrol.

205.5 ENFORCEMENT

COP starts with establishing trust and partnerships, engages community action and spirit, and results in enforcement initiatives that resolve community concerns and fears. Sometimes the only resolution to a problem is enforcement action (arrest, citation, warnings, etc.). Officers will not

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view Community Policing as a substitute for solid police work and enforcement, but should apply problem solving skills to successfully resolve crime and nuisance problems.

Traffic law enforcement is particularly effective in curbing crime in the several “hot spots” in the City. Traffic enforcement increases police presence, visibility, and often results in the identification of wanted persons, the recovery of stolen motor vehicles and tags, and a multitude of other non-traffic related violations. “Traffic is the key!”

Recognizing the limitation on resources that the Department experiences from time-to-time, officers are encouraged to work with other agencies (other law enforcement agencies, public works, social services, health department, code enforcement, etc). These other agencies have resources that we can employ to resolve community concerns.

205.6 PROBLEM SOLVING

Listed below are some of the more important steps associated with the SARA (Scanning, Analysis, Response and Assessment) model of problem solving, as first proposed by Herman Goldstein.

SUMMARY OF SCANNING STEPS

Step 1

- Develop a laundry list of potential problems.

Step 2

- Problems identified.

Step 3

- Problems prioritized.

Step 4

- State the specific problem.
- List examples of where the problem occurs.
- Which setting is causing the most difficulty?

Review and Preparation for Analysis

Hypothesis

- From what you already know, what do you think is causing the problem?
- General goal statement.
- How will data be gathered and reported?

- When will data collection begin?

SUMMARY OF ANALYSIS STEPS

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Step 1

- What conditions or events precede the problem?
- What conditions or events accompany the problem?
- What are the problem's consequences?
- What harms result from the problem?

Step 2

- How often does the problem occur?
- How long has this been a problem?
- What is the duration of each occurrence of the problem?

Now that the data has been collected, should you continue with analysis or return to scanning and restate the problem?

Hypothesis

- What are your conclusions about why the problem occurs?

Step 3

- Define a tentative goal.
- Identify resources that may be of assistance in solving the problem.
- What procedures, policies or rules have been established to address the problem?

SUMMARY OF RESPONSE STEPS

Step 1

Brainstorm possible interventions.

Step 2

- Consider feasibility and choose among alternatives.
- What needs to be done before the plan is implemented?
- Who will be responsible for preliminary actions?

Step 3

- Outline the plan and who might be responsible for each part.
- Will this plan accomplish all or part of the goal?
- State the specific goals this plan will accomplish.
- What are some ways data might be collected?

Step 4

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- Realistically, what are the most likely problems with implementing the plan?
- What are some possible procedures to follow when the plan is not working or when it is not being implemented correctly?

SUMMARY OF ASSESSMENT STEPS

Step 1

- Was the plan implemented?
- What was the goal as specified in response?
- Was the goal attained?
- How do you know if the goal was attained?

Step 2

- What is likely to happen if the plan is removed?
- What is likely to happen if the plan remains in place?
- Identify new strategies to increase the effectiveness of the plan.
- How can the plan be monitored in the future?

Step 3

- Post-implementation planning
- Plan modification
- Follow-up assessment

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Chapter 3 - Organization and Administration

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Organizational Structure and Chain of Command

300.1 PURPOSE

This order establishes a proper chain of command and organizational structure for the efficient operation of the Mount Rainier Police Department.

300.2 POLICY

The Mount Rainier Police Department is established by law (Maryland Annotated Code, City Charter and Code). The Department is under the direct supervision of the Chief of Police as delegated by the City Manager. The Chief of Police serves as the chief executive officer of the Department and enforces all rules and regulations of the Department. The Chief of Police may delegate his/her authority from time-to-time as necessary.

300.3 AUTHORITY AND RESPONSIBILITY

Each employee will be assigned duties and responsibilities. Each employee is delegated the authority necessary to effectively execute those responsibilities. Each employee will also be held accountable for the appropriate application of that delegated authority.

300.4 PROCEDURES

A.Organizational Structure.

1. CHIEF OF POLICE. The Chief of Police is the appointed head of the Mount Rainier Police Department and is responsible for its' full and complete operation. From time to time the Chief of Police issues orders, both written and oral, from time-to-time that establish policy and procedures for the operation of the Department and welfare of the community. The Chief of Police has final authority on all disciplinary matters occurring under the Law Enforcement Officers Bill of Rights. The Chief is responsible and reports to the City Manager and from time-to-time to the Mayor and Council.

2. LIEUTENANT. This is a mid-level management position that reports directly to the Chief of Police. This position is responsible for managing a division and accountable for the operation of their division and responsible for oversight of the performance and conduct of personnel assigned to their division. The Lieutenant is responsible for upholding and promoting the rules and regulations of the Department that insure a smooth and efficient operation.

3. SERGEANT. Sergeants are responsible for providing a connective link between command and patrol personnel, and are part of management. This position is responsible for the day-to-day supervision of subordinate personnel. Depending upon staffing, this position is directly responsible to a lieutenant or the Chief of Police. In the absence of the Chief or a lieutenant, a sergeant may act in his/her place as delegated or appointed. The

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duties and responsibilities include that of all subordinate personnel. At the discretion of the Chief of Police officers holding the permanent rank of Sergeant may be designated as First Sergeant (1SGT) or Sergeant First Class (SFC). Sergeants designated as a 1SGT or SFC shall exercise supervisory authority over sergeants of a lower rank. The order of seniority shall be First Sergeant, Sergeant First Class, Sergeant

4. CORPORAL. This is a senior patrol officer or administrative staff member. Employees in this position generally perform uniform patrol duties and from time-to-time direct the work of subordinate personnel. This position receives direct supervision from the sergeant.

5. POLICE OFFICER FIRST CLASS. This is a patrol officer position. Employees in this position are charged with the impartial enforcement of the law. This position receives direct supervision from the sergeant.

6. POLICE OFFICER. This is an entry-level patrol position. Employees in this position are charged with the impartial enforcement of the law. Employees in this position are subject to a one-year probationary period. This position receives direct supervision from the sergeant or corporal.

7. POLICE OFFICER CANDIDATE.This is a sworn officer position with no police powers of arrest, no police authority, and no authority to carry a weapon. Employees in this position are subject to one-year probationary period. This position receives direct supervision from the sergeant or corporal.

8. CIVILIAN EMPLOYEES. Employees classified as civilians are an integral part of the Department operation. Since most persons in these positions are support staff, their direct supervision will be determined according to job classification.

B. Chain of Command

1. The chain of command will be followed at all times. Permission to supersede the chain may only be given by the Chief or a lieutenant.

2. All supervisory personnel are responsible for the performance of employees under their immediate control.

3. In all instances where a policy/procedure specifies that a supervisor be contacted, the Department’s chain-of-command is invoked and is to be followed.

C. Violation of the Chain of Command

1. Department members may not discuss or disclose any information pertaining to investigations, personnel, policies, procedures, complaints, violations, arrests, or encounters with individuals outside of their chain of command. If it is necessary to discuss any of these issues or topics outside of their chain of command, they will notify their immediate supervisor of the necessity, and get approval to proceed through the chain of command.

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2. Department members who violate the chain of command are subject to any or all of the following:

a. written reprimand

b. suspension with pay

c. suspension without pay

d. termination of position

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General Orders

301.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing General Orders.

301.2 POLICY

General Orders will be used to modify policies of the Mount Rainier Police Department when an immediate need to adopt a policy or procedure exists, in order to best meet the mission of the Department. Applicable memorandums of understanding/collective bargaining agreements and other alternatives should be considered before a General Order is issued.

301.3 PROTOCOL

General Orders will be incorporated into the Policy Manual, as required, upon approval. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded if incorporated into the manual.

The Chief of Police or the authorized designee should ensure that all General Orders are disseminated appropriately. General Orders should be numbered consecutively and incorporate the year of issue. All members will be notified when a General Order is rescinded or has been formally adopted into the Policy Manual.

301.4 RESPONSIBILITIES

301.4.1 COMMAND STAFF

Command staff shall periodically review General Orders to determine whether they should be formally incorporated into the Policy Manual, and, as appropriate, will recommend necessary modifications to the Chief of Police.

301.4.2 CHIEF OF POLICE

Only the Chief of Police or the authorized designee may approve and issue General Orders.

301.5 ACCEPTANCE OF DIRECTIVES

All members shall be provided access to the General Orders. Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand.

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Emergency Operations Plan

302.1 PURPOSE AND SCOPE

This policy clarifies the role of the Mount Rainier Police Department and the responsibilities of its members pertaining to large scale emergencies and the Maryland Emergency Management Agency (MEMA) operating under the State of Maryland Emergency Operations Core Plan.

302.2 POLICY

The Mount Rainier Police Department will prepare for large scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

The City Emergency Operations Plan complies with the State of Maryland's Emergency Operations Core Plan, as part of the Comprehensive Emergency Management Program (Md. Code PS § 14-109; Md. Code PS § 14-110). This plan provides guidance for City emergency operations within and outside its borders as may be required.

302.3 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. For the Mount Rainier Police Department, the Chief of Police or the highest ranking on-duty supervisor may activate the local Emergency Operations Plan in response to a major emergency.

The declaration of a local state of emergency may only be made by the City Manager or his or her designee if required by the circumstances. Such a declaration activates the jurisdiction's response (if not already activated) and recovery plan (Md. Code PS §14-111; Md. Code PS § 14-403).

Upon activation of the plan, the Chief of Police or the authorized designee should contact MEMA to assist with mutual aid response from local, state and federal law enforcement agencies (Md. Code PS §14-701; Md. Code PS §14-801; Md. Code PS § 14-601; Md. Code CP § 2-105).

302.3.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Mount Rainier Police Department are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the highest ranking on-duty supervisor.

Failure to promptly respond to an order to report for duty may result in discipline.

302.4 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the Emergency Operations Plan are available in Administration, the Shift Supervisor's office and Communications. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles members will play when the plan is implemented. The Administration Section Commander should ensure that department members are familiar with the roles they will play when the plan is implemented.

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302.5 EMERGENCY OPERATIONS PLAN REVIEW

The Chief of Police or the authorized designee shall review the Emergency Operations Plan at least once every two years and ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS). The Chief of Police or the authorized designee should appropriately address any needed revisions.

302.6 TRAINING

The Department should provide annual training on the Emergency Operations Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Operations Plan and personnel responsibilities when the plan is implemented. Training should incorporate a full or partial exercise, tabletop or command discussion.

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Training

303.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

303.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local and the Maryland Police Training and Standards Commission (MPTSC) training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

303.3 OBJECTIVES

The objectives of the training program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of department members.

(c) Provide for continued professional development of department members.

(d) Ensure compliance with MPTSC rules and regulations concerning law enforcement training.

303.4 TRAINING PLAN

It is the responsibility of the Assistant Chief to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and department-required training is completed by all members as needed or required. The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording and logging of all training for all members.

While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Assistant Chief shall review the entire training plan on an annual basis.

The plan will include information on curriculum, training material, training facilities and scheduling. The plan will address federal, state and department-required, minimum-mandated training of officers and other members.

Employees desiring to attend training will submit a training request (memo) through their chain of command to the Chief of Police.

303.4.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations.

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(a) Federally mandated training:

1. National Incident Management System (NIMS) training.

(b) State-mandated training:

1. MPTSC-approved Police Entry Level Training Program or, when applicable, the Comparative Compliance Training Course and successfully pass the licensing examination before being issued a peace officer's license (COMAR 12.04.01.09).
2. MPTSC-approved entrance-level firearms training and qualification (COMAR 12.04.02.04).
3. No less than the MPTSC-required duration of field training (COMAR 12.04.01.17).
4. No less than 18 hours of MPTSC-approved training annually (COMAR 12.04.01.12).
5. Annual MPTSC-approved firearms training and qualification (COMAR 12.04.02.08).
6. Promotion of an officer to a first-line, or higher, supervisor position requires successful completion of MPTSC-approved supervisor training no more than two years preceding, or one year after, the promotion.
7. Promotion of an officer to a first-line, or higher, administrator position requires successful completion of MPTSC-approved administrator training no more than two years preceding, or one year after, the promotion.
8. If MPTSC-approved supervisor training has not previously been completed, supervisor training shall also be completed within the same timeline.
9. Completion of MPTSC-approved training program on life-saving techniques, including CPR, every two years (Md. Code PS § 3-207; COMAR 12.04.01.12).
10. The proper level and use of force (Md. Code PS § 3-207).
11. Sensitivity to cultural and gender diversity (Md. Code PS § 3-207).
12. Issues related to individuals with physical, intellectual, developmental and psychiatric disabilities (Md. Code PS § 3-207).
13. Any additional training rquired by the MPTSC (Md. Code PS § 3-207).

(c) Locally mandated training (including county or city).

303.5 TRAINING COMMITTEE

The Assistant Chief may establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs.

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The Training Committee should be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Committee members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Assistant Chief may remove or replace members of the committee at his/her discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to an incident. Specific incidents the Training Committee should review include, but are not limited to:

(a) Any incident involving the death or serious injury of a member.

(b) Incidents involving a high risk of death, serious injury or civil liability.

(c) Incidents identified by the Department to determine possible training needs.

The Training Committee should convene on a regular basis as determined by the Assistant Chief, to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Assistant Chief. The recommendation should not identify specific facts of any incidents, such as identities of members involved or the date, time and location of the incident but should focus on the type of training being recommended.

The Assistant Chief will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and the available resources. Training recommendations as determined by the Assistant Chief shall be submitted to the command staff for review.

303.6 TRAINING ATTENDANCE

(a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisors. Excused absences should be limited to:

1. Court appearances.
2. Previously approved vacation or time off.
3. Illness or medical leave.
4. Physical limitations preventing the member’s participation.
5. Emergency situations or department necessity.

(b) Any member who is unable to attend training as scheduled shall notify his/her supervisor as soon as practicable but no later than three hours prior to the start of training and shall:

1. Document his/her absence in a memorandum to his/her supervisor.
2. Make arrangements through his/her supervisor or the Assistant Chief to attend the required training on an alternate date.

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303.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a Web-accessed system that provides training on the Mount Rainier Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Assistant Chief.

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Assistant Chief. Members should not share their passwords with others and should frequently change their passwords to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisors. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet-enabled computer, members shall only take DTBs as part of their on-duty assignment, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

303.8 TRAINING RECORDS

The Assistant Chief is responsible for the creation, filing and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

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Electronic Mail

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Department.

304.2 POLICY

Mount Rainier Police Department members shall use email in a professional manner in accordance with this policy and current law, remaining aware that emails are subject to public disclosure under the Maryland Public Information Act (Md. Code GP § 4-101 et seq.).

304.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

304.4 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities andshall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration or practices of the Department.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive,harassing messages or any other inappropriate content on the email system is prohibited and may result in discipline.

Email messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users. In the event that a member has questions about sending a particular email communication, the member should seek prior approval from a supervisor in his/her chain of command.

It is a violation of this policy to transmit a message under another member's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Members are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of a member's email, name or password. Any member who believes his/her password has become known to another person shall change their password immediately and notify their supervisor.

304.5 EMAIL RECORD MANAGEMENT

Email may, depending upon the content of the message, be a public record under the Maryland Public Information Act and must be managed in accordance with the established records retention schedule and in compliance with state law (Md. Code SG § 10-610; COMAR 14.18.02.04).

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The Records Manager, in consultation with the City's information technology vendor, shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

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Administrative Communications and Staff Notfications

305.1 PURPOSE AND SCOPE

This policy sets forth the manner in which the Department communicates significant changes to its membership, such as promotions, transfers, hiring and appointment of new members, separations, individual and group awards and commendations, or other changes in status. This policy also provides guidelines for notifications to the administrative staff..

305.2 POLICY

The Mount Rainier Police Department will appropriately communicate significant events within the organization to its members.

305.3 PERSONNEL ORDERS

Memorandums may be issued periodically by the Chief of Police or the authorized designee to announce and document promotions, transfers, military leave of absence, hiring and appointment of new members, reinstatements, separations, individual and group awards and commendations, or other changes in status.

305.4 ADMINISTRATIVE STAFF NOTIFICATIONS

The following incidents require an immediate notification to the Chief of Police by the respective Divisional Commander. In descending order the Lt of Operations/Lt of Administration, and Sgts shall make notifications any time the following conditions exists:

1. . Any actual or suspected homicide occurring in the City

2. Any crime of violence during which **confirmed** shot(s) are fired by police, the victim, witness, or perpetrator;

3. Vehicular pursuits in the City, or so near to it as to provoke inquiries;

4. Significant incidents occurring on/at City-owned properties, such as large fights, suicides, serious sex offenses, etc.

5. Any time an officer is seriously injured, feloniously assaulted or killed whether on or off duty

6. Traffic collisions involving City Police vehicles resulting in injury to the officer or other involved party;

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7. Prior to activing personnel beyond minimum staffing levels.

8. Searches for critical missing persons in which the person is not found within an hour, or those of such dimension that may require City officers to respond out of the City limits;

9. Any discharge of an officer's firearm, except to relieve an animal from further suffering, in accordance with established Department policies;

10. Any serious allegations made about any Department employee (i.e., civil rights violation, criminal act, allegation of corruption, Department employee arrested, etc.);

11. Hostage / barricade situation in the City;

12. Armed or Strong Armed robbery in the City;

13. Rape or serious sexual assault which occurs in the City;

14. Fatal traffic collisions in the City;

15. Any time there is an active natural disaster or flooding;

16. Any time there is a major incident at a school;

17. Any train derailment or accident or plane crash;

18. Any hazardous materials incident or other incident that may result in an evacuation, or a major road closure;

19. The arrest in the City of a prominent figure;

20. If an employee's use of force results in a death or serious physical injury;

21. Anytime a prisoner escapes an officer’s custody and is not quickly apprehended

22. A large-scale civil disturbance

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305.5

305.6
Chief of Police General Order

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Supervision Staffing Levels

306.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that proper supervision is available to meet the needs of the Department and members throughout all Sections.

306.2 POLICY

The Mount Rainier Police Department will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Department. The needs of its members should be balanced with the needs of the Department for flexibility and discretion in assigning members to meet supervisory needs. While balance is desirable, the paramount concern is to meet the needs of the Department.

306.3 MINIMUM SUPERVISORY STAFFING LEVELS

Minimum supervisory staffing levels should be established by the Section Commanders for each Section and work group. The supervisory staffing levels should support proper supervision, span of control, compliance with any collective bargaining agreements or memorandums of understanding and activity levels to meet the needs of members and the goals of the Department.

306.3.1 TEMPORARY SUPERVISORS

In order to accommodate training and other unforeseen circumstances, a qualified lower-ranking member may be used as a temporary supervisor in place of a regularly assigned supervisor.

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Job Descriptions

307.1 INTRODUCTION

Introduction

This general order establishes guidelines, duties and responsibilities (with examples) for ranks within the Department. These job descriptions are not all-inclusive of the duties, however they provide a foundation that defines the role of employees at a specific rank or position. Unless otherwise noted, all positions are within the bargaining unit.

307.2 CHIEF OF POLICE

CHIEF OF POLICE

General Definition and Conditions of Work:

Performs complex professional and administrative work directing all activities of the Police Department: does related work as required. Work is performed under the general supervision of the City Manager. This is a highly responsible supervisory position which requires leadership qualities that can influence subordinates by creating an environment of support, personal example, creativity and positive attitude, and poses the ability to maintain open communication channels with peers and the public. The Chief of Police must create a climate of problem solving rather than blame, and be a role model of the values and goals of the organization through a team concept. Supervision is exercised over all Division personnel.

This is sedentary work requiring the exertion of up to 10 pounds of force occasionally, and/or a negligible amount of force frequently or constantly to lift, carry push, pull or otherwise move objects; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker is subject to inside and outside environmental conditions, extreme cold, extreme, noise, vibration, and hazards. The Chief of Police may be exposed to blood borne pathogens and may be required to wear specialized personal protective equipment.

Essential Functions/Typical Tasks:

Planning, organizing and directing all Police operations; handling personnel and public information matters; ensuring that all laws, regulations and procedures are followed; coordinating work with other law enforcement agencies, city officials and City Manager; maintaining appropriate files and records; preparing reports.

Develops personnel at a management and line level to answer the needs of a generalist Police agency and to develop current and future leaders within the Mount Rainier Police Department;

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conducts annual performance evaluations on the Assistant Chief and Records Manager; reviews and approves all other performance evaluations.

(a) Working with members of the Mount Rainier Police Department:

(b) 1. (a) Plans programs, directs and evaluates the operation of the Police Department;

(b) Develops annual budget proposal and controls budgeted expenses;

(c) Formulates and implements Police policy, procedures, rules, regulations and programs;

(d) Prepares and reviews operational and administrative reports.

(e) Promotes, assigns and disciplines personnel;

(f) Supervises maintenance of records and materials associated with law enforcement activities or administration;

(g) Makes periodic public addresses concerning Police operations and law enforcement;

(h) Meets with the news media for interviews; issues news releases;

(i) Attends meetings and serves on committees, boards and agencies related to promoting crime prevention and improving law enforcement;

(j) Evaluates and implements Federal and State law mandates:

(k) Recommends employment prospects to the City Manager and evaluates work of subordinates;

(l) Advises and assists subordinates with complex Police investigations.

(m) Acts as the Emergency Services Coordinator of the city;

(n) Performs related tasks as required.

Knowledge, Skills, and Abilities:

Thorough knowledge of the laws, rules and regulations relating to the administration of criminal justice and law enforcement; thorough knowledge of scientific methods of crime detection, criminal identification and radio communication; acquire thorough knowledge of the geography of the City; ability to plan, lead and direct the activities of the Department; ability to establish and maintain cooperative relationships with other law enforcement agencies, City officials and with the general public; ability to evaluate the effectiveness of the Police operation and to institute improvements; ability to prepare and review reports; skill in the use of firearms and operation of a motor vehicle.

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307.3 ASSISTANT POLICE CHIEF AND LIEUTENANT
Assistant Chief

General Definition and Conditions of Work:

Performs difficult protective work serving as a supervisor over the administration function of the department, to include fleet maintenance, grant management, preparing the code compliance budget, managing the speed camera program, and other duties as assigned. The Assistant Chief is also the Code Compliance lead. As such they have oversight over the Code Compliance department and all staff contained therein. This is a highly responsible supervisory position that requires leadership qualities that can influence subordinates by creating an environment of support, personal example, creativity and positive attitude, and possess the ability to maintain open communication channels with both peers and the public. The Assistant Chief must create a climate of problem solving rather than blame, and be a role model of the values and goals of the organization through a team concept. Much of the work is performed under normal conditions, but may include emergency conditions that can involve considerable personal hazard. Work is performed under the supervision of the Chief of Police. Supervision is exercised over the Code Compliance staff and the Patrol Lieutenant. This position acts as the department's grant writer.

This is medium work requiring the exertion of 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects; work requires climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, grasping, and feeling; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, operation of machines, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work and observing general surroundings and activities; the Assistant Chief is subject to inside and outside environmental conditions, extreme cold, extreme heat, noise, vibration, hazards, atmospheric conditions and oils. The Assistant Chief may be exposed to blood borne pathogens and may be required to wear specialized personal protective equipment. In the absence of the Chief of Police will assume direct responsibility for the Police Department.

Essential Functions/Typical Tasks:

Performs various administrative tasks; oversees the hiring process; coordinates training, ensures safety of the public; maintains records and files and oversees the agency's records retention and destruction; prepares reports to keep the Chief of Police and the agency informed; oversees the

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hiring process, and makes appropriate recommendations to the Chief;discusses law enforcement issues with other law enforcement agencies and keeps abreast of new investigative methods, rules of evidence, changes in criminal laws and procedures that may affect the operation of the Department; ensures adherence to the ADA regulations and infectious disease prevention, EEO, FMLA and FLSA requirements;

Working with members of the Mount Rainier Police Department:

- Supervises the Code Compliance Department, actively assisting where necessary, to include the scheduling, review of reports, budget preparation, and direct oversight of all Code Compliance staff;
- Holds subordinates accountable to the Department's policies & procedures;
- Plans, organizes and directs the recruitment of staff:
- Evaluates, mentors and counsels subordinate personnel in reference to their duty performance.
- Assists in problem solving within the Department where there may be conflict;
- May assist in the service of warrants, summons and citations; testifies in court;
- Performs yearly evaluations on subordinate personnel;
- Makes periodic public addresses concerning Police operations and law enforcement;
- Keeps training records on all police personnel;
- Meets with the news media for interviews; prepares news releases for the Chief's approval. Performs all duties of a Police Officer and performs related tasks

as required.

Knowledge, Skills, and Abilities:

Thorough knowledge of the rules and regulations of the Mount Rainier Police Department; thorough knowledge of approved principles, practices and procedures of Police work; thorough knowledge of pertinent Federal and state laws and municipal ordinances; thorough knowledge of the geography of the City and the location of all important buildings; ability to command respect of officers, fellow civilian employees and residents; the ability to assign, direct and supervise subordinates' work; ability to deal with the public courteously and firmly and to establish and maintain satisfactory public relations; ability to analyze complex Police problems and situations and to adopt quick, effective and reasonable courses of action; skill in the use of firearms and the operation of a motor vehicle; ability to establish and maintain effective working relationships with associates, other law enforcement agencies, government officials and the general public.

Education and Experience:

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Any combination of education and experience equivalent to graduation from high school; five years of Police experience including 2 years of supervisory experience. If the candidate does not have an associate's degree, they must have attended advanced leadership training (Southern Police Institute, Penn State Police Executive Management School, and/or a comparable school) or must attend such training as soon as possible following appointment.

Lieutenant

General Definition and Conditions of Work:

Performs difficult protective work serving as a supervisor over the patrol section. This is a highly responsible supervisory position that requires leadership qualities that can influence subordinates by creating an environment of support, personal example, creativity and positive attitude, and possesses the ability to maintain open communication channels with both peers and the public. The Lieutenant must create a climate of problem solving rather than blame, and be a role model of the values and goals of the organization through a team concept. Much of the work is performed under normal conditions, but may include emergency conditions that can involve considerable personal hazard. Work is performed under the supervision of the Chief of Police. Supervision is exercised over Police Sergeants, the Detective and Police Officers. The patrol schedule, RMS review and monthly statistical reports for the Chief, patrol division direct supervisor. Manages the field training program, is in charge of the departments hiring process, and manages the property and evidence room. In the absence of the Chief of Police or Assistant Chief may act in the Chief's absence.

This is medium work requiring the exertion of 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects; work requires climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, grasping, and feeling; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, operation of machines, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work and observing general surroundings and activities; the lieutenant is subject to inside and outside environmental conditions, extreme cold, extreme heat, noise, vibration, hazards, atmospheric conditions and oils. The lieutenant may be exposed to blood borne pathogens and may be required to wear specialized personal protective equipment.

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Essential Functions/Typical Tasks:

Supervises the Patrol Sergeants and Officers.

Enforces laws; oversees the patrol function of preliminary investigations; works with patrol staff to identify problems and develop solutions to quality of life issues, neighborhood disputes and criminal activity; ensures safety of the public; maintains records and files, prepares reports to keep the Chief of Police and the agency informed.

Working with members of the Mount Rainier Police Department:

(a) Evaluates, mentors and counsels subordinate personnel in reference to their duty performance. Performs yearly evaluations on both operations sergeants, and ensures all annual reviews are completed for patrol and dispatch;

(b) Coordinates the Department's training program; ensures all personnel receive mandatory and specialized training.

(c) Schedules personnel; plans and supervises special activities;

(d) Supervises the department's field training officer program and ensures it is within best practices;

(e) Delegates tasks to the Patrol Sergeants as appropriate;

(f) Supervises and participates in patrol, traffic or preliminary investigation assignments;

(g) Oversees work of the patrol force; checks quality and quantity of work performed and submits a monthly report to the Chief of Police;

(h) Holds subordinates accountable to the Department’s policies & procedures;

(i) Oversees preliminary criminal investigations; may organize and manage stakeouts;

(j) May deal with restricted and confidential information and material;

(k) Manages the department’s recruitment and intern functions;

(l) Supervises and participates in the preparation of daily, special and periodic plans and reports;

(m) May assist in the service of warrants, summons and citations; testifies in court;

(n) At the direction of the Chief of Police, makes periodic public addresses concerning Police operations and law enforcement and meets with the news media for interviews; issues news releases;

(o) Supervises the investigation function of the Department, actively assisting where necessary, to include the interrogation of suspects, assists in gathering of evidence, manages and may conduct surveillance, apprehends violators; makes arrests;

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Performs all duties of a Police Officer and Sergeant as needed; performs related tasks as required.

Knowledge, Skills, and Abilities:

Thorough knowledge of the rules and regulations of the Mount Rainier Police Department; thorough knowledge of approved principles, practices and procedures of Police work; thorough knowledge of pertinent Federal and state laws and municipal ordinances; thorough knowledge of the geography of the City and the location of all important buildings; ability to command respect of officers, civilian employees and residents; the ability to assign, direct and supervise subordinates' work; ability to deal with the public courteously and firmly and to establish and maintain satisfactory public relations; ability to analyze complex Police problems and situations and to adopt quick, effective and reasonable courses of action; skill in the use of firearms and the operation of a motor vehicle; ability to establish and maintain effective working relationships with associates, other law enforcement agencies, government officials and the general public.

Education and Experience:

Any combination of education and experience equivalent to graduation from high school; five years of Police experience including 2 years of supervisory experience. If the candidate does not have an associate's degree, they must attend advanced leadership training (Southern Police Institute, Penn State Police Executive Management School, and/or a comparable school) should be scheduled as soon as possible.

307.4 SERGEANT

SERGEANT- PATROL

General Definition and Conditions of Work:

Performs difficult protective work serving as squad supervisor in the Patrol Division or investigating crimes; does related work as required. Much of the work is performed under emergency conditions and frequently involves considerable personal hazard. Work is performed under the general supervision of the Lieutenant/Patrol, or the Police Chief, in the Lieutenant/Patrol's absence. Supervision is exercised over subordinate Corporals and Police Officers.

This is medium work requiring the exertion of 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects; work requires climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing,

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pulling, lifting, grasping, and feeling; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, operation of machines, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work and observing general surroundings and activities; the worker is subject to inside and outside environmental conditions, extreme cold, extreme heat, noise, vibration, hazards, atmospheric conditions and oils. The worker may be exposed to blood borne pathogens and may be required to wear specialized personal protective equipment.

Essential Functions/Typical Tasks:

- Supervises patrol officers on an assigned shift; enforcing laws; investigating criminal activity; ensuring safety of the public; maintaining records and files, preparing reports.
- Supervises and participates in patrol, traffic or investigation assignments;
- Oversees work of Police Officers; checks quality and quantity of work performed and submits a daily activity report.
- Evaluates, mentors and counsels subordinate personnel in reference to their duty performance
- Collects evidence, interviews witnesses, suspects and victims; secure and supervises crime scenes;
- Ensures subordinates follow directives, rules and regulations;
- Conducts criminal investigations and stakeouts; Interviews suspects, gathers evidence, conducts surveillance, apprehends violators; makes arrests;
- May deal with restricted and confidential information and material;
- May be assigned to special duty such as D.A.R.E., Choice Program, Alcohol Awareness or similar crime prevention or public relations activity;
- Evaluates work performance of subordinates;
- Supervises and participates in the preparation of daily, special and periodic plans and reports;
- Serves warrants, summons and citations; testifies in court;
- May be selected as a Special Response Team member.
- May act as a Bike Patrol Officer and/or may act as a field training officer;
- Performs all duties of a Police Officer; and,
- Performs related tasks as required.
- Shall ensure that all members of the Department are fully briefed on any problems and all issues of importance at the time they start their tour of duty or within a reasonable time thereafter.

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- Notifies the command staff of any serious incident or misconduct.
- Any other duties assigned

Knowledge, Skills, and Abilities:

Thorough knowledge of the rules and regulations of the Mount Rainier Police Department; thorough knowledge of modern Police methods and procedures; thorough knowledge of Police investigative techniques of identification; thorough knowledge of the geography of the City and the location of important buildings; ability to understand and carry out oral and written instructions; ability to assign, instruct and review the work of subordinates; ability to deal firmly and tactfully with subordinate employees and the public; possession of physical agility and endurance; skills in the use of firearms and the operation of a motor vehicle; ability to establish and maintain effective working relationships with associates and the general public.

Education and Experience:

Any combination of education and experience equivalent to graduation from high school and a minimum of three years of experience as a Police Officer including some supervisory experience.

307.5 CORPORAL

Corporal (CPL)

This is a sworn position directly responsible for the law enforcement activities within the City of Mount Rainier. This position functions as a senior police officer or team leader exercising some supervisory responsibilities. Corporals employ a wide variety of tools and technical skills to include problem-solving abilities to perform community policing. Unless hired at this rank, promotion to the rank of Corporal requires completion of the Department's field training program, at least eighteen

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months independent patrol duty with the Department and three (3) years combined experience as a police officer with the Department or with another public law enforcement agency that has powers of arrest. The Chief of Police shall periodically review the Department's organizational structure to determine the number of Corporal positions necessary to maintain effective leadership and supervision of the patrol force. Advancement to this rank may require successful completion of a formal promotion process.

Duties and Responsibilities: Included are the responsibilities of a police officer, and the associated knowledge, skills and abilities. The incumbents police the City of Mount Rainier and provide protection and assistance to the residents and visitors. May provide supervision and guidance to subordinate personnel. Acts as an FTO, crime prevention or COPS officer. Patrols the City in marked and unmarked cruisers, on foot, bicycle or other means. Testifies in court.

Example of Duties and Responsibilities: Patrols the City enforcing criminal and civil violations including but not limited to traffic, parking, and city code violations. Writes reports, issues citations and makes arrests. May supervise a shift or squad in the absence of the sergeant. Develops or assists in the development of grants, training or schedules and performs other duties assigned by supervisory personnel. Relates to the public in a positive and courteous manner.

Working Conditions. Corporals perform medium work requiring the exertion of 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects; work requires climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, grasping, and feeling; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, operation of machines, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work and observing general surroundings and activities; corporals are subject to inside and outside environmental conditions, extreme cold, extreme heat, noise, vibration, hazards, atmospheric conditions and oils. Corporals may be exposed to blood borne pathogens and may be required to wear specialized personal protective equipment.

307.6 POLICE OFFICER FIRST CLASS

Police Officer First Class (PFC)

This is a sworn position directly responsible for the law enforcement activities within the City of Mount Rainier. The position involves minimal supervisory responsibilities. Employs a wide variety of tools and technical skills to include problem-solving abilities to perform community policing. Unless hired at this rank, requires completion of Department's field training program, at least six months independent patrol duty with the Department and a minimum of eighteen months combined experience as a police officer with the Department or with another public law enforcement agency that has powers of arrest. Performs other duties as assigned. An officer may make application to the Chief of Police at any time after eligibility has been attained requesting placement at this

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pay grade. Advancement to this rank is at the discretion of the Chief of Police, and advancement decisions will be based upon the officer's productivity, performance and conduct.

Duties and Responsibilities: Included are the responsibilities of a police officer, and in addition to those responsibilities may provide minimal supervision to subordinate officers and therefore shall possess and demonstrate the associated knowledge, skills and abilities. Incumbents protect lives, property and personal liberty; preserve the peace; combat crime through prevention and apprehension; and provide assistance to the residents of the City of Mount Rainier, Maryland. Incumbents are directly responsible for the law enforcement activities within the City of Mount Rainier. To accomplish this task, the incumbent employs a wide variety of tools and technical skills to include problem-solving abilities to perform community policing. Writes reports, citations and makes arrests. Patrols the City in marked and unmarked police vehicles, on foot, bicycle or other means. Testifies in court. May act as a field training officer.

Examples of Duties and Responsibilities: Incumbents protect lives, property and personal liberty; preserve the peace; combat crime through prevention and apprehension; and provide assistance to the residents of the City of Mount Rainier, Maryland. The incumbents are directly responsible for the law enforcement activities within the City of Mount Rainier. To accomplish this task, the incumbents employ a wide variety of tools and technical skills to include problem-solving abilities to perform community policing.

The incumbents police the City of Mount Rainier and provide protection and assistance to its residents and visitors. The incumbents must act effectively in extremely divergent interpersonal situations. Criminals, traffic violators, victims of crime may regularly confront the officers, and persons in need of assistance and at the same time, be able to relate to the residents. The officer's interpersonal relations scope a continuum defined by friendliness and persuasion on one hand and by firmness and force on the other. The incumbents must display a professional self-assured presence and a self-confident manner when dealing with residents and offenders.

The incumbents uphold and enforce State, County, and City laws, rules and regulations. They analyze problems or situations, taking appropriate action. In addition, these officers must be thoroughly knowledgeable about all Department rules, regulations and policies and procedures and state, county and City laws and regulations within their jurisdiction. Additionally, the incumbents must know the various procedures of judicial and semi-judicial organizations and/or agencies within their jurisdiction. Examples of these various agencies include: District and Circuit Courts; (civil or criminal), County and States Attorney's Offices, Juvenile Services, Social Services, the Health Department, the Department of Motor Vehicles, and other government agencies.

These officers must possess the skill to question suspected offenders, victims and witnesses and be knowledgeable of the mechanics necessary to perform all police tasks. The incumbents must have knowledge of all forms and reports necessary to properly document a crime or incident.

307.7 POLICE OFFICER
Police Officer (OFC)

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This is a sworn position with no supervisory responsibilities, and is directly responsible for the law enforcement activities within the City of Mount Rainier. Employs a wide variety of tools and technical skills to include problem-solving abilities to perform community policing. Upon employment, a police officer is given a probationary appointment for a period of one year. The incumbent may be dismissed without recourse except when accused of brutality. This position is subject to close supervision

Duties and Responsibilities: Included are the responsibilities of a police officer. Incumbents protect lives, property and personal liberty; preserve the peace; combat crime through prevention and apprehension; and assist the residents of the City of Mount Rainier, Maryland. Incumbents are directly responsible for the law enforcement activities within the City of Mount Rainier. To accomplish this task, the incumbents employ a wide variety of tools and technical skills to include problem-solving abilities to perform community policing. Writes reports, issues citations and makes arrests. Patrols the City in marked and unmarked police vehicles, on foot, bicycle or other means. Testifies in court. Performs other duties as assigned.

Examples of Duties and Responsibilities:

Police officers police the City of Mount Rainier and provide protection and assistance to the residents and visitors. They must act effectively in extremely divergent interpersonal situations. The officer's interpersonal relations scope a continuum defined by friendliness and persuasion on one hand and by firmness and force on the other. Police officers must display a professional self-assured presence and a self-confident manner when dealing with residents and offenders.

Police officers uphold and enforce state, county, and City laws and regulations. Analyzes problems or situations, taking appropriate action. In addition, these officers must be thoroughly knowledgeable of all Department rules and regulations, Department policies and procedures, as well as state, county and City laws and regulations within their jurisdiction. Additionally, police officers must know the various procedures of judicial, semi-judicial, and administrativeorganizations and/or agencies within their jurisdiction. These agencies include: District and Circuit Courts, (civil or criminal), County and States Attorney's Offices, Juvenile Services, Social Services, the Health Department, the Department of Motor Vehicles, and other government agencies.

Police officers must possess the skill to question suspected offenders, victims and witnesses and be knowledgeable of the mechanics necessary to perform all police tasks. They must have knowledge of all forms and reports necessary to properly record a case.

Knowledge, Skills and Abilities: All officers are required to possess a valid driver’s license, have vision correctable to 20/20, pass the annual In-Service Training course as mandated by the Maryland Police and Correctional Training Commissions, qualify as required with their issued duty weapon, and if required pass an annual physical evaluation.

Working Conditions. Police Officers perform medium work requiring the exertion of 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects; work requires climbing, balancing, stooping, kneeling, crouching, crawling,

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reaching, standing, walking, pushing, pulling, lifting, grasping, and feeling; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, operation of machines, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work and observing general surroundings and activities; Police Officers are subject to inside and outside environmental conditions, extreme cold, extreme heat, noise, vibration, hazards, atmospheric conditions and oils. Police Officers may be exposed to blood borne pathogens and may be required to wear specialized personal protective equipment.

307.8 POLICE OFFICER CANDIDATE

Police Officer Candidate (POC)

Individuals who have no prior police experience or formal police academy training are hired as police officer candidates. POCs have no police authority and shall not perform the tasks of a police officer or identify themselves as police officers. Police officer candidates shall satisfactorily complete a certified basic entrance level police academy curriculum and be certified by the Maryland Police Training Commission (MPTC) before they are eligible for placement at the rank of Police Officer. Police officer candidates are considered probationary employees of the City, however, their required one-year probationary period does not commence until they receive their provisional police officer certification by the MPTC and are placed at the rank of Police Officer. Police officer candidates must be in excellent physical and mental condition, and meet all requirements established by the MPTC. This is a non-union position.

Duties and Responsibilities: The primary duty and responsibility of the Police Officer Candidate is to successfully complete all required basic training to earn certification as a police officer by the Maryland Police Training Commission.

Working Conditions. Police Officer Candidates perform medium work requiring the exertion of 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects; work requires climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, grasping, and feeling; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, operation of machines, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work and observing general surroundings and activities; Police Officer Candidates are subject to inside and outside environmental conditions, extreme cold, extreme heat, noise, vibration, hazards, atmospheric conditions and oils. Police Officer Candidates may be exposed to blood borne pathogens and may be required to wear specialized personal protective equipment.

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307.9 DETECTIVE
DETECTIVE

General Definition and Conditions of Work

Assignments received usually consist of specific cases to be followed to conclusion, normally closing with the preparation of a case for prosecution. This aspect of the work distinguishes the investigator from other Police personnel who make preliminary investigations of cases at the scene of the crime. The investigator's position can include supervisory functions and consists of general duties performed in conjunction with patrol duties. The investigator must use independent judgment and discretion, be highly organized, able to function independently as direct supervision may not be available.

Also performs difficult protective work in the patrol division or investigating crimes; does related work as required. Much of the work is performed under emergency conditions and frequently involves considerable personal hazard. Work is performed under the general supervision of the Patrol Lieutenant or Chief of Police.

This is medium work requiring the exertion of 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects; work requires climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, and feeling; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, operation of machines, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work and observing general surroundings and activities; the worker is subject to inside and outside environmental conditions, extreme cold, extreme heat, noise, vibration, hazards, atmospheric conditions and oils. The worker may be exposed to blood borne pathogens.

Essential Functions/Typical Tasks:

Investigates all assigned cases to the standard established by the Department, to include:

- Demonstrates skill in interviewing and interrogating, properly observing the legal safeguards.
- Testifies in various state and federal courts, presenting a professional and competent image of the Department.
- Handles property and the destruction and storage of evidence and found property.

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- Develops and maintains case files and other paperwork appropriate to investigative matters.
- Knowledgeable about relevant legal processes such as grand juries and obtaining warrants.
- Informs the Patrol Lieutenant of all investigations and the status of same.
- Maintains liaison with investigators of other agencies, court personnel, and correctional officials on matters of mutual concern.
- May deal with restricted and confidential information and material; maintains alarm system permit files
- Evaluates, mentors and counsels patrol personnel in reference to their duty performance, particularly as regards incident reports and follow up investigations;
- Supervises and participates in the preparation of daily, special and periodic plans and reports;
- Ensures subordinates follow directives, rules and regulations;
- Performs all duties required of Police officers.
- Actively promotes crime-prevention strategies and methods. Knowledgeably advises residents and businesses on crime prevention.
- Performs all duties of a Police Officer as needed; performs related tasks as required.

Knowledge, Skills, and Abilities

Extensive knowledge of Police investigative methods and techniques of identification; extensive knowledge of rules of evidence and the law of interrogation and search and seizure; knowledge of local geography; ability to analyze evidence; ability to question and interview skillfully; ability to organize and prepare clear and concise reports; skill in the use of Police equipment; physically fit.

Education and experience

A high school degree; current certification as a law-enforcement officer; a minimum of three years of Police experience with a solid record of superior performance, conduct, and productivity, to include a demonstrated performance of being able to close assigned investigations at the patrol level and has requested and where possible, been provided training into basic criminal investigation techniques.

307.10 RECORDS MANAGER

Records Manager

This is a full-time, non-sworn, confidential position requiring work in an office. This is a non -union and exempt position. Under general supervision of the Chief of Police or his designee:

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Reviews all police reports and citations; enters all necessary information into the Department's records management system; responsible for the overall security and integrity of the Department's records system. Supervises non-sworn personnel.

(a) Prepares the monthly Uniform Crime Report.

(b) Provides crime analysis information to Command Staff and officers as necessary.

(c) Compiles monthly statistical information for both internal use and outside publication.

(d) Prepares bi-weekly payroll summary.

(e) Processes Department internal and external communications and mail, including

confidential/sensitive communications to/from the Chief of Police; this may include, but is not limited to civil litigation, personnel actions, internal investigations, and access to personnel files/records.

Performs other duties as assigned.

Examples of Duties and Responsibilities: Operates personal computer, copy and facsimile machines, and answers telephones. Reviews all police reports and citations daily to insure quality, completeness and legibility. Returns deficient reports to an officer's supervisor for completion and/or correction. Files reports according to Department of Justice UCR codes. Copies and forwards reports to other criminal justice agencies, investigators or officers of this Department, conducts crime analysis. Provides custodial or caretaker responsibility of confidential/sensitive communications to/from the Chief of Police/designee; this may include, but is not limited to civil litigation, personnel actions, workers compensation, internal investigations, and personnel files/records. Handles insurance inquiries regarding copies of reports. Insures confidentiality and security of the records office and files. Inputs and analyzes data in Department computer systems. May testify in court. Addresses members of the public in a courteous manner.

Working Conditions. The records manager performs light work in a standard office environment.

307.11 Parking Enforcement Officer

Parking Enforcement Officer (PEO)

This is a full or part-time position-requiring varied work hours (may be up to 0300 or 3:00 am) any day of the week as assigned. Under general supervision, writes parking citations and identifies abandoned automobiles throughout the City for violation of the City Code. Directs traffic as required. Full-time PEOs may supervise part-time employees. Testifies in court. Requires high school or General Education Diploma. Performs other duties as assigned.

Examples of Duties and Responsibilities: Patrols the City in all types of weather on foot, motor vehicle or by other conveyance. Writes parking citations, collects parking meter revenue. Identifies abandoned automobiles and, with a supervisor's permission, may impound vehicles as necessary. Possesses knowledge of automated citation software with the ability to input and retrieve data. Appears and testifies in court. Prepares technical reports as necessary. Addresses members of

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the public in a courteous manner. Collects parking meter fees. Enters parking citation data into Department computer database. This is a non-union position.

Parking Enforcement Officers are to devote their full time and attention to parking enforcement duties or other duties as assigned by supervisory police personnel.

Working Conditions. Parking Enforement Officers perform medium work requiring the exertion of 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects; work requires climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, grasping, and feeling; visual acuity is required for preparing and analyzing written or computer data, visual observation of parking violations, use of measuring devices, operation of machines, operation of motor vehicles or equipment; Parking Enforcement Officers are subject to inside and outside environmental conditions, extreme cold, extreme heat, noise, vibration, hazards, atmospheric conditions and oils.

307.12 ADMINISTRATIVE ASSISTANT

Administrative Assistant

Under general supervision conducts data entry and retrieval of Departments computer information systems. Processes citations, reports or evidence. May serve as backup evidence custodian and operates computer as required. Performs other duties as assigned. Collateral duties may include some management of all police reports and personnel files, filing of documents, entry of reports and personnel files and other administrative duties as assigned. This is a non-union position.

Examples of Duties and Responsibilities: The incumbent reviews citations for entry into the Department's automated records management database. Processes citations for court to schedule court appearances. May collect fines or fees. Provides reports on citations and revenues. Processes delinquent citations for flagging or fine doubling. Processes, on a daily basis, evidence and property collected to ensure integrity of the chain of custody. Transports evidence as necessary to analysis lab or for destruction. Keeps inventory of property (police, safekeeping and contraband) and evidence. Compiles annual list for evidence destruction or disposal. Releases evidence to owner and for court purposes. May process bills, summons, correspondence and payroll. Addresses members of the public in a courteous manner. May be required to testify in court.

Working Conditions. Administrative assistants perform light work in a standard office environment.

307.13 PROBATIONARY PERIOD

Probationary Period

In addition to any probationary period as defined by the Maryland Police Training Commission Act for police officers, all non-sworn employees are subject to a minimum of six-month probationary period from date of hire except in the case of police officer candidates whose probationary

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period extends from their date of hire until one year after attaining the rank of Police Officer. During this probationary period, an employee may be disciplined up to and including termination without recourse. Probationary periods may be extended for performance, discipline or while under investigation, providing the complaint involved an incident while the employee was on probation. There are no appeal rights for employees disciplined or terminated while in a probationary status, except permanent employees rights defined in a collective bargaining agreement. Probationary periods may be assigned for permanent or tenured employees if the employee receives a less than acceptable annual performance evaluation. For promotions to the rank of Sergeant and above the probationary period is one year.

307.14 AUTO THEFT AND TRAFFIC DETECTIVE

This position was initially created through a DOJ/COPS grant. This position is a Chief Selection that works in the Investigative Bureau under the direction of the Senior Detective and Patrol Lieutenant. This position is open after the initial 3 year grant cycle to any officer below the rank of Sergeant with at least 3 years of police experience. Any officer chosen for this position will be in the role for 3 years and a request can be made through the chain of command to the Chief of Police for a year extension. After a maximum of 4 years another Officer will be chosen. If no one submits a memo of interest for the position the officer can request another 3 year assignment.

General Definition and Conditions of Work

Assignments received usually consist of specific cases to be followed to conclusion, normally closing with the preparation of a case for prosecution. This aspect of the work distinguishes the investigator from other Police personnel who make preliminary investigations of cases at the scene of the crime. The investigator's position can includes non-supervisory functions and consists of general duties performed in conjunction with patrol duties. The investigator must use independent judgment and discretion, be highly organized, able to function independently as direct supervision may not be available.

Also performs difficult protective work in the patrol division or investigating crimes; does related work as required. Much of the work is performed under emergency conditions and frequently involves considerable personal hazard. Work is performed under the general supervision of the Patrol Lieutenant of Administration or Chief of Police.

This is medium work requiring the exertion of 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects; work requires climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, and feeling; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or

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computer data, visual inspection involving small defects and/or small parts, use of measuring devices, operation of machines, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work and observing general surroundings and activities; the worker is subject to inside and outside environmental conditions, extreme cold, extreme heat, noise, vibration, hazards, atmospheric conditions and oils. The worker may be exposed to blood borne pathogens.

Essential Functions/Typical Tasks:

Investigates all assigned cases to the standard established by the Department, to include:

- Investigates all vehicle related crimes within the City of Mount Rainier.
- Conducts traffic enforcement to educate the public, deter and detect criminal activity, address specific citizen complaints of traffic violations.
- Demonstrates skill in interviewing and interrogating, properly observing the legal safeguards.
- Testifies in various state and federal courts, presenting a professional and competent image of the Department.
- Handles property and the destruction and storage of evidence and found property.
- Develops and maintains case files and other paperwork appropriate to investigative matters.
- Knowledgeable about relevant legal processes such as grand juries and obtaining warrants.
- Informs the Senior Detective of all investigations and the status of same.
- Maintains liaison with investigators of other agencies, court personnel, and correctional officials on matters of mutual concern.
- May deal with restricted and confidential information and material; maintains alarm system permit files
- Evaluates, mentors and counsels patrol personnel in reference to their duty performance, particularly as regards incident reports and follow up investigations;
- Supervises and participates in the preparation of daily, special and periodic plans and reports;
- Performs all duties required of Police officers.
- Actively promotes crime-prevention strategies and methods. Knowledgeably advises residents and businesses on crime prevention.
- Performs all duties of a Police Officer as needed; performs related tasks as required.

Knowledge, Skills, and Abilities

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Extensive knowledge of Police investigative methods and techniques of identification; extensive knowledge of rules of evidence and the law of interrogation and search and seizure; knowledge of local geography; ability to analyze evidence; ability to question and interview skillfully; ability to organize and prepare clear and concise reports; skill in the use of Police equipment; physically fit.

Education and experience

A high school degree; current certification as a law-enforcement officer; a minimum of three years of Police experience with a solid record of superior performance, conduct, and productivity, to include a demonstrated performance of being able to close assigned investigations at the patrol level and has requested and where possible, been provided training into basic criminal investigation techniques.

307.15 SECTION TITLE

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Chapter 4 - General Operations

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Use of Force

400.1 PURPOSE AND SCOPE
PURPOSE

The use of force by law enforcement is a matter of critical concern to the public and the law enforcement community. Officers are involved on a daily basis in numerous and varied encounters with people, and when warranted to do so, may use force in carrying out their duties.

This department recognizes and respects the value of human life and dignity. Vesting Officers with the authority to use force to protect the public welfare requires a careful balancing of all human interests.

This policy is not intended to create doubt in the mind of an Officer at a moment when action is critical and there is little time for reflection. It provides basic guidelines governing the use of force so that Officers can be confident in exercising judgment, as to the use of all levels of force, ranging from verbal to lethal force. Procedures regarding the use of departmentally approved and issued weapons are also provided.

II. POLICY

It is the policy of the Mount Rainier Police Department that each incident involving the application of any degree of physical force upon the person of another must be evaluated based on the facts known to the Officer at the time of the incident. The totality of the circumstances will be considered when reviewing use of force incidents.

Under no circumstances may the use of physical force be more than that which is necessary to achieve a lawful purpose. Officers are permitted to use the amount of force that is objectively reasonable and necessary to protect themselves or others from what is reasonably believed to be a threat of bodily harm, or death to effectuate an arrest, or gain compliance. Whether the use of force is objectively reasonable shall be judged from the perspective of an Officer at the time the force is used, based upon facts known or reasonably available to him or her at the time of the incident.

The use of a firearm is, in all probability, the most serious act in which a law enforcement Officer will engage. It is, therefore, imperative not only that the Officers act within the boundaries of legal guidelines, ethics, good judgment and accepted practices, but also that the Officer be prepared by training, leadership and direction, to act wisely wherever using a firearm in the course of duty.

Officers shall refrain from using force unnecessarily and shall prevent similar conduct by others. The use of excessive force will subject Officers to discipline, possible criminal prosecution, and/or civil liability. The use of chokeholds and similar carotid holds by Officer in non-lethal situations s is prohibited except when deadly force would be authorized.

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III. DEFINITIONS

A. Active Aggression: Any physical action(s) against a police officer(s)and/or another person, with less than deadly force.

B. Active Resistance: Any action by a subject(s) that attempts to prevent a police officer(s) from gaining control of the subject(s).

C. Administrative Review: A documented review of the known facts of an incident or occurrence indicating whether policy, training, equipment, or disciplinary issues should be addressed.

D. Deadly Force: Force that a reasonable and prudent person would consider likely to cause death or serious personal injury. (CALEA 4.1.2)

E. Excited Delirium: The combined physiological and psychological state of excitement characterized by exceptional agitation, hyperactivity, overheating, excessive tearing of the eyes, hostility, superhuman strength, aggression, acute paranoia and endurance without apparent fatigue brought about by psychosis, drug and/or alcohol intoxication or a combination of factors.

F. Empty Hand Control: Techniques that cover a number of subject control methods with the officer utilizing his hands and not yet employing any weapon(s).

G. Less-Lethal Force: Force which is not intended or reasonably likely to result in death or serious physical injury. (CALEA 4.1.2)

H. Officer Presence: The officer is clearly identified as an officer and uses his/her presence totake control of the situation. In the event that the presence of the officer does not curb or decrease the amount of resistance, or stop the violation of law, the officer must be prepared to escalate using force.

I. Passive Resistance: Any type of resistance where the subject(s) does not attempt to defeat the police officer(s) attempt to touch or control the subject(s) but the subject(s) will not voluntarily comply with verbal and/or physical attempts of control.

J. Physical Force: Force other than deadly force or force through the use of less-lethal weapons to establish or maintain physical control over a person. (CALEA 4.1.2)

K. Psychological Intimidation: Non-verbal cues indicating the subject(s) potential for physical resistance. The cues may include but are not limited to: subject(s) attitude; appearance; and, physical readiness.

L. Serious Physical Injury: Injury which is potentially life threatening. (CALEA 4.1.2)

M. Verbal Direction: Communication directed toward controlling the actions of a subject, including direction or commands. If resistance continues after using proper verbal and non- verbal skills, the officer must be prepared to further escalate the use of force.

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N. Verbal Noncompliance: Any verbal response indicating the subject(s) unwillingness to obey a lawful command from a police officer. These commands include, but are not limited to: commands of detainment; arrest or to stop an unlawful act; and/or, dangerous behavior.

O. Reasonable Belief: A set of facts or circumstances known to the officer are such as to cause an ordinary and prudent police officer to act and think in a similar way under similar circumstances. (CALEA 4.1.2)

P. Probable Cause: Regarding deadly force, means facts and circumstances known to theOfficer which would warrant a prudent and cautious person with the knowledge, training, and experience of the Officer to believe that a suspect has committed a crime involving the inflictionor threatened infliction of serious physical harm.

IV. DISTRIBUTION OF ORDER

The policies of the Department regarding the use of physical force, less-lethal weapons and equipment, deadly force, and discharging firearms will be set forth in this Order and Manual. Each sworn officer will be issued a copy of this Order and Manual, instructed in these policies and demonstrate proficiency before employing any of the weapons or tactics as trained. Only

Departmentally issued or approved weapons, equipment and chemical agents will be authorized. (CALEA 4.3.4)

V. INJURY OR ALLEGED INJURY

Any time there is an injury or an alleged injury as a result of a level of force used by an officer,the officer will do the following: (CALEA 4.1.5)

A. Examine the injury and render appropriate medical aid, as quickly as reasonably possible.

B. Request that the Prince George's County Fire Department (PGFD) or other appropriate jurisdiction respond to the scene to evaluate the individual. Cause the transportation of the individual to a hospital, if necessary.

C. Immediately notify the on-duty Shift Supervisor, who shall respond to the scene and photograph the injury or alleged injury.

D. Charge the individual on a statement of charges or obtain a warrant if circumstancesdictate, not a citation in lieu of arrest. Any exceptions must be approved by the on-duty Shift Supervisor.

E. Prepare a detailed incident report and submit it prior to the end of the officer's tour of duty, if physically capable. If the officer is not physically capable, the on-dutyShift Supervisor shall cause an incident report to be written.

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F. In the event a member is injured the on duty supervisor shall complete the appropriate injury paperwork and make notification to their division commander by the end of the tour of duty. Supervisors shall also begin the process for a Use of Force Review.

VI. PROGRESSION OF FORCE

Officers will consider and, if possible, employ a progression of force. The progression of force may not be possible under all circumstances, however, officers will use a reasonable level of force when force is used to obtain a lawful objective.

DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An Officer who observes another employee use force that exceeds the degree of force permitted by law must promptly report these observations to a supervisor.

VII. FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to (CALEA 4.1.1):

A. The conduct of the individual being confronted (as reasonably perceived by the officer at the time).

B. Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).

C.Influence of drugs/alcohol (mental capacity).

D. Proximity of weapons.

E. Availability of other options (what resources are reasonably available to the officer under the circumstances).

F. Seriousness of the suspected offense or reason for contact with the individual.

G. Training and experience of the officer.

H. Potential for injury to citizens, officer and suspects.

I. Special knowledge the officer has about the subject.

J. Risk of escape.

K. Type of crime and/or call for service.

L. Other exigent circumstances.

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NOTE: It is recognized that officers are expected to make split-second decisions and that the amount of time an officer has available to evaluate and respond to changing circumstances may

impact his/her decision.

VIII. CONTROL OPTIONS

A. Suspect Actions: In the course of their duties, officers may find it necessary to use force to overcome resistance, protect property and defend themselves or others. When applying control

options, the totality of the circumstance, as well as other factors involved must be considered. Levels of resistance may include:

1. Psychological Intimidation.

2. Verbal Noncompliance.

3. Passive Resistance.

4. Active Resistance.

5. Active Aggression.

6. Deadly Force.

B. Officer Actions: Based on the totality of circumstances an officer has the following control options available for suspect control:

1. Officer Presence.

2. Verbal Direction.

3. Empty Hand Control.

4. Less-Lethal Weapons.

5. Deadly Weapons.

IX. EXCITED DELIRIUM (Acute Behavioral Disturbance)

A. This mental status normally manifests itself in the violent behavior of an individual, who is likely to act in a bizarre and manic way. It can be caused by psychiatric illness, drugs (in

particular cocaine), alcohol and a combination of these.

B. The following is a list of the possible signs exhibited by such person:

1. Aggressive and or bizarre behavior;

2. Impaired thinking and disorientation;

3. Hallucinations;

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4. Acute onset of paranoia;

5. Diminished sense of pain;

6. Unexpected physical strength;

7. Sweating and fever; and/or,

8. Sudden tranquility after very frenzied activity.

C. A suspect who is or may be suffering from this condition is highly vulnerable to the risk of dying suddenly in circumstances which incorporate a violent struggle.

D. Consideration, must, if possible, be given to an alternative means of restraining, while still affording an appropriate measure of protection to the public and officer(s) present. The individual should be given as much freedom of movement as reasonably possible.

E. A struggle with a suspect, whether handcuffed or not, may lead to the point of exhaustion and sudden death. Excited delirium is a medical emergency and shall be treated as such.

X. USE OF FORCE REPORT

The Department will incorporate a use of Force Report to document all reportable incidents involving the use of force by officers. Each officer utilizing a level of force, as outlined by this policy, shall complete a Use of Force Report as soon as possible, but no later than the

end of the officer's tour of duty, unless incapacitated.

A. A Use of Force Report will be submitted in the following circumstances:

1. A firearm is discharged, for other than training or recreational purposes. Training and

recreational purposes are defined as the following: (CALEA 4.2.1.a)

a. Departmentally authorized training;

b. Legal target practice; and,

c. Competitive shooting.

2. An officer takes an action that results in, or is alleged to have resulted in, injury or death of another person; (CALEA 4.2.1.b)

3. An officer applies force through the use of lethal or less-lethal weapons; or, (CALEA 4.2.1.c)

4. An officer applies weaponless physical force at a level as defined in Section VIII of this Order. (CALEA 4.2.1.d)

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B. Each individual officer shall provide justification on the narrative portion of the Use of Force Report and fill out all blocks. The narrative will annotate who, what, when, where, how and why.

1. In addition to the Use of Force Report, the primary reporting officer willcomplete a detailed incident report.

2. The incident report and any related supplemental paperwork will be submitted for review by the shift supervisor to the Patrol Lieutenant.

C. USE OF FORCE REPORT ADMINISTRATIVE REVIEW: (CALEA 4.2.2)

1. The Shift Supervisor shall respond to the scene of all reportable use of force incidents and conduct an investigation.

2. The investigation shall include, but is not limited to, interviewing and obtaining statements from witnesses and the suspect(s).

3. Upon review of the Use of Force Report, the Shift Supervisor shall determine whether Department policies were followed or if there were any other notable issues such as training or equipment failures.

4. If the Shift Supervisor finds no violations of policy he/she will forward it to Patrol Lieutenant.

5. The Patrol Lieutenant shall review the Use of Force Report and any other comments forwarded by the Shift Supervisor. If the Lieutenant agrees that no policies were violated, the report will be forwardedto the Lieutenant Colonel for review via the chain of command.

6. The Lieutenant Colonel shall review all Use of Force Reports and Shift Supervisor and/or Division Commander comments. If the Lieutenant Colonel concurs with the Use of Force, he/she will sign the report and the original report shall be filed with the Chief's Office.

7. At any stage in the Administrative Review process, the Chief of Police or his/her designee may initiate an investigation if Department policies were not followed.

8. Endorsement of the reports with a signature shall reflect that the reviewing Shift Supervisor or Patrol Lieutenant is in agreement that Department policy was adhered to. Should the Shift Supervisor or Patrol Lieutenant not be in agreement a memorandum shall be attached to the Use of Force Report and forwarded through the chain-of command. The Chief of Police or his/her designee shall determine who shall investigate the possible breach of policy.

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9. Reviewers should keep in mind whether training, policy, weapons/equipment or discipline

issues need to be addressed.

10. If training, policy, weapons or equipment issues are noted, the Chief of Police shall ensure appropriate action is taken.

XI. NON-REPORTABLE USE OF FORCE LEVELS

Neither Department policy nor CALEA standards require the reporting of the use ofweaponless, hand-to-hand control techniques that do not produce injurieswhen gaining control of non-compliant individuals who are not actively resisting. These techniques include, but are not limited to; physical touching, gripping or holding, frisking, pain compliance measures,pressure point application, come-alongs or handcuffing. Any other uses of force or those listed in this section where injury occurs or is alleged shall be reported on a Use of Force Report.

(CALEA 4.2.1.d)

XII. USE OF CHOKE HOLDS AND LATERAL VASCULAR NECK RESTRAINTS

The use of choke holds and Lateral Vascular Neck Restraints are prohibited except when deadly force would be authorized.

XIII. DEADLY FORCE

A. Police Vehicles. Officers will not attempt to deliberately collide with other vehicles or to use the police vehicle to force any vehicle off the roadway, unless deadly force would be authorized.

B. Use of Firearms: The Department's policy concerning the use of deadly force and discharging firearms is as follows:

1. Officer will not unnecessarily draw or display any firearms, or carelessly handle afirearm.

2. Warning shots are prohibited, as it exposes officers and citizens to unnecessary dangers. (CALEA 4.1.3)

3. Deadly force may be used in self defense or in the defense of others, when an officer is confronted by what he/she reasonable believes is an imminent threat of death or

serious physical injury. It is important to note: (CALEA 4.1.2)

a. When possible, a warning should be given prior to the use of deadly force;

b. The officer must reasonably believe that all other means of effecting the arrest are futile; and,

c. The decision on whether the suspect poses an imminent threat, if not apprehended, must be based on information known to the officer at the

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time.

4. Firearms will not be used under circumstances in which a substantial and unjustifiable risk of injury or death to bystanders exists.

5. Officers will not discharge firearms at or from moving vehicles, or suspects fleeing in vehicles, unless the officer's life or the life of another person is in eminent danger of serious physical injury or death and no escape route is available.

6. Deadly force should not be used when less force would be sufficient to affect an arrest or repel an assault.

7. Firing into buildings, doors, windows, or other openings is prohibited when the person lawfully fired upon is not clearly visible to the Officer.

8. Officers will not discharge a firearm at or from a moving vehicle except as a necessary measure of self-defense or defense of another when a suspect is using lethal force.

9. Firearms shall not be discharged when it appears likely that an innocent person may be injured.

10. Officers shall not discharge a weapon outside the City of Mount Rainier to destroy an injured animal.

11. The discharge of firearms to destroy animals is permitted to prevent substantial harm to the officer or another person, or when an animal is so badly injured that humanity requires its relief from further suffering.

12. Officers who discharge(including accidental discharge) any firearm will notify the Shift Supervisor as soon as possible and submit the appropriate paperwork as outlined in this Order as soon as practical. (Firearms training and lawful target practice are exempt from this paragraph).

13. The officer's Division Commander, or his/her designee, in his her absence, will be notified of the weapon discharge incident.

XIV. DE-ESCALATION OF DEADLY FORCE

In situations where the officer must overcome an attack that the officer reasonable believes would produce serious injury or death to the officer or another person, the officer may use any methods necessary to overcome the attack. However, once the situation has stabilized and the

threat of serious injury or death is past, the officer must once again immediately resort to approved less-lethal force, tactical repositioning, slowing down situations that do not pose an immediate threat, calling for a supervisor, and other resources.

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NOTE: As a last option in order to save his/her own life or the life of another, an officer may use any action necessary, even ones prohibited by this Order.

XV. DEPARTMENTAL INVESTIGATIVE PROCESS IN USE OF DEADLY FORCE

Departmental Investigative Process

The following procedures will be used to investigate every incident of firearms discharge by a Department member except for target practice, ballistics examinations, authorized training, and incidents involving the humane destroying of animals.

A. Involved Officer(s) Responsibility:

Whenever an Officer discharges his or her firearm accidentally or officially, he or she will immediately:

- **Determine the physical condition of any injured person and render first aid when appropriate.**
- **Request necessary emergency medical aid.**
- **Notify Communications of the incident and location; remain at the scene until the arrival of supervisor or investigators (when appropriate).**
- **Do not discuss the case with anyone except supervisory and investigative personnel, or the Officer(s) private attorney.**
- **Protect their weapon for examination and surrender said weapon to the appropriate investigator.**
- **The Officer(s) will prepare a Use of Force report of the incident prior to the end of the involved Officer(s) shift if the Officer(s) are physically and emotionally able to do so.**
- **If the involved Officer(s) are unable to complete the Use of Force report, a supervisor or command Officer will prepare the report using the best information available.**

<u>Discharge in City with Personal Injury</u>

Immediate notification of:

Police Communications

On duty Supervisor

Patrol Lieutenant

Lieutenant Colonel

Chief of Police

<u>Discharge in City without Injury</u>

Immediate notification of:

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Police Communications

On duty Supervisor

Patrol Lieutenant

Lieutenant Colonel

Chief of Police

<u>Discharge Outside of City with Personal Injury:</u>

Police Communications for the appropriate jurisdiction

On duty Supervisor

Patrol Lieutenant

PGPD Investigations Unit

Lieutenant Colonel

Chief of Police

<u>Discharge Outside of City without Injury:</u>

Immediate notification of the On Duty Sergeant who will respond to the scene, if within driving distance to the City of Mount Rainier and will confirm the notification of the discharge to the appropriate jurisdictional police agency and coordinate interagency communications.

B. Responding Officers' Responsibility:

Responding Officers who arrive at scenes of other Officer(s) uses of force resulting in death or injury will, if appropriate:

- **Render or ensure first aid is provided to injured Officer(s) or others after triage examinations.**
- **Alert Communications to situation and request medical assistance and additional personnel as deemed necessary.**
- **Secure any suspect(s), injured or otherwise, according to directives.**
- **Secure and protect the scene from a contamination of evidence.**
- **Identify and/or detain any witnesses present and**
- **Remain at scene until supervisory personnel arrive unless there are hazardous conditions that require evacuation of the immediate area for safety purposes.**

C. Shift Supervisors' Responsibility:

Supervisor(s) shall immediately respond to the scene of all use of force incidents where an injury is claimed or sustained. Supervisors shall ensure:

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- **At least one Officer will remain with the bodies or injured person(s). In cases where persons are taken to the hospital, assigned Officers will remain with the persons, preserving any physical evidence, until relieved by investigators.**
- **Officers will be directed to secure the incident scene.**
- **At least one Officer will be directed to remain with the involved Officer(s) to ensure their safety, well being, and that no unnecessary questioning concerning the incident is initiated.**
- **One Officer will be sent to the medical facility to act as a liaison between medical and agency personnel if an Officer is injured and taken to an emergency facility.**
- **As safety permits, involved Officer(s) weapons must be secured. Firearms, shell casings, and magazines are to be left undisturbed for evidentiary purposes. Involved Officer(s) will be issued replacement firearms if suspensions are not involved.**
- **Ensure that all personnel at incident scenes will submit detailed supplementary reports of their activities.**

Supervisors on scene are to contact Prince George's County SIRT. Supervisors shall complete a detailed memo to be submitted to the Chief of Police.

D. Commander of Patrol Responsibility:

In the event of an injury or when requested, the Commander of Patrol will report immediately to the scene and complete the following:

- **Secure the scene**
- **Conduct a preliminary field investigation**
- **Render command assistance to the assigned supervisors**
- **Verbally brief the Chief of Police as soon as reasonably possible**
- **Assist the involved Officer(s)**
- **Act as the department spokesperson in all inquiries until the PIO arrives**
- **Submit a written report to the Chief of Police according to policy**
- **The chief of Police or a designee will make notification arrangements to the next of kin if Officer(s) are critically injured. The Chief will ensure that follow up support is provided to families of involved Officer(s).**
- **If Officer(s) use deadly force or cause serious physical injuries, the Chief of Police or designee will determine if Officer(s) should be removed from line-duty assignments, pending administrative reviews to determine if the Officer(s) are to be placed on suspension, paid administrative leave, in non contact assignments, or returned to full duty status.**
- **If the incident occurs outside the City of Mount Rainier, the Commander of Patrol will respond to the scene. In all cases, the Commander of Patrol will**

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be responsible for collecting and forwarding copies of reports made by other agencies.

E. The Lieutenant Colonel or designee will ensure:

- **Follow up medical support is provided to involved Officer(s); and**
- **Arrangements are made for Officer(s) who use lethal force or cause serious physical injuries as the result of agency activities to receive post-incident debriefing and/or counseling as soon as practical after the incident**

F. Investigation Unit Responsibility:

- **Conduct a thorough investigation of every shooting by a Police Officer that result in injury or death**
- **Proceed to scene immediately upon notification**
- **Secure the scene**
- **Examine and seize weapon(s) that have been fired**
- **Separate, secure and interview all scene witnesses**
- **Photograph and diagram the scene**
- **Secure all physical evidence**
- **Obtain all other necessary reports**
- **Prepare a detailed report where required and submit same to Chief of Police**
- **When appropriate, notify Prince George's County State's Attorney's Office**

When not investigated by the Mount Rainier Police Department, the appropriate Prince George's County Police Department Investigative Unit will be notified.

G. Responsibility:

- **A department member who has received training in internal affairs investigations will respond to scenes when Officer(s) use lethal force or when there are serious physical injuries resulting from agency activities.**
- **Investigations into the uses of force as described in the General Order may be conducted internally or the Chief may request an outside agency to review it.**
- **The Internal Affairs investigator will submit a detailed Investigatory Report to the Chief of Police. The report will contain relevant facts and circumstances surrounding incidents and determinations if:**
  - **Activities of Officers were in accordance with Maryland law and department directives.**
  - **Activities of Officers were in apparent violation of Maryland law and should be referred to the Chief of Police who will confer with the State's Attorney's Office.**

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- **Activities of Officers were justifiable under Maryland law but violated departmental directives.**
- **Disciplinary action is necessary; or**
- **Changes should be made regarding:**
  - **Training**
  - **Supervision and accountability procedures**
  - **Psychiatric or psychological counseling**
  - **Hiring and promotion criteria**
  - **Deployment and dispatch techniques; or**
  - **Operational policies and practices**

H. Administrative Leave/Duty (CALEA 4.2.3):

Any Officer directly involved in a deadly force incident or any action resulting in a death or serious physical injury will be removed from operational assignment and placed on Administrative Leave pending an administrative review of the incident. The leave will be without loss of pay or benefits, pending results of the investigation. This leave will not be interpreted to imply or indicate that the Officer has acted improperly or inappropriately.

While on Administrative Leave, the Officer(s) will remain available at all times for official interviews and statements regarding the incident.

Upon return to duty, the Officer may be assigned to Administrative Duty for a period of time as deemed appropriate by the Officer, their psychologist and the Chief of Police.

I. Psychological Services for the Involved Officer:

In all cases where a firearm has been discharged, with or without injury, by a Police Officer, the involved Officer will be required to undergo an emotional debriefing with the departmentally furnished psychologist within five (5) days of the incident and prior to returning to full duty. This requirement shall not apply to Officers who discharge their weapons to destroy an injured animal.

The debriefing session will remain protected by the privileged professional psychologist code of ethics.

J. Re-qualification Procedures:

Prior to being restored to full duty, Officers are required to attend weapon re-qualification with a department firearms instructor.

K. Civil Rights Investigation:

The Mount Rainier Police Department will respect the rights of the Federal Government to conduct an independent investigation to identify any civil rights violations that may have occurred.

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The Mount Rainier Police Department will not order or request any of its Officers who may be the subject of an investigation to confer with Federal Investigators without the advice of counsel.

L. Annual Review:

At least annually, the Patrol Lieutenant should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

(a) **The identification of any trends in the use of force by members.**

(b) **Training needs recommendations.**

(c) **Equipment needs recommendations.**

(d) **Policy revision recommendations.**

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400.1.1 DEFINITIONS

400.2

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400.2.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

(a) Immediacy and severity of the threat to officers or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

(c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of suspected drug or alcohol use.

(e) The individual's mental state or capacity.

(f) The individual's ability to understand and comply with officer commands.

(g) Proximity of weapons or dangerous improvised devices.

(h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.

(i) The availability of other reasonable and feasible options and their possible effectiveness.

(j) Seriousness of the suspected offense or reason for contact with the individual.

(k) Training and experience of the officer.

(l) Potential for injury to officers, suspects, and others.

(m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

(n) The risk and reasonably foreseeable consequences of escape.

(o) The apparent need for immediate control of the individual or a prompt resolution of the situation.

(p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(q) Prior contacts with the individual or awareness of any propensity for violence.

(r) Any other exigent circumstances.

400.2.2 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

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(b) Whether the individual can comply with the direction or orders of the officer.

(c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

400.2.3

400.2.4 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Mount Rainier Police Department for this specific purpose.

400.2.5 ALTERNATIVE TACTICS – DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

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400.4.1

400.4.2 REPORTING DEADLINE
Any use of force by a member of this department shall be documented as required in the Report Preparation Policy (Md. Code PS § 3-514).

400.5 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

400.6 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

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(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.

1. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the individual may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
2. Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

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Use of Force Reporting

401.1 PURPOSE

The purpose of this policy is to provide officers and supervisors with guidelines for reporting the use of force by members of the Mount Rainier Police Department.

401.2 POLICY

The authority to use force carries with it the need for accountability to safeguard the rights of the public and preserve the integrity of the police agency and the jurisdiction that provides this authority. As such, it is the policy of the Mount Rainier Police Department that the use of force, as designated herein, shall be reported in a timely, complete, and accurate manner as prescribed by this General Order.

401.3 DEFINITIONS

Use of Force - For purposes of this General Order, use of force is the amount of effort required by an officer(s) to compel compliance from a person. Except as noted below, this includes any use of force occurring while the officer is acting in an official law enforcement capacity. This includes undercover, plainclothes, or uniform assignments whether on or off duty. Any individual who has been injured or who reports being injured shall be reported on forms and in a manner designated by this General Order. Police use of force is recognized in the following categories:

Physical Force - Use of any part of the officer's body or the use of police canines to compel compliance.
Chemical Force: Use of any CN, CS, Mace, or OC aerosol or foam spray to compel compliance.

Impact Force - Use of any object, i.e., nightstick, baton, flashlight, etc., as a weapon to compel compliance.

Electronic Force - Use of any electronic equipment, i.e. Taser®, stun gun, or similar electronic control device (ECD).

Firearms Force -The discharge of a firearm of any type to compel compliance.

Exceptions: Police actions not included in the above definition are handcuffs when used as a restraint in arrest and transport activities; transport by vehicle; physical removal of peacefully resisting demonstrators; display of weapon (unholstering or brandishing of a firearm without pointing it at anyone); presence of police officers, horses or canines; or police issuance of tactical commands (verbal judo).

401.4 PROCEDURES

A. Responsibility for Reporting

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1. Officers shall make an immediate verbal report to their supervisors and then file a use-of-force report following:
   (a) any use of force; and
   (b) any incident where a person claims to have been injured or is injured during an interaction with an officer.
2. Each officer who uses force in an incident shall submit a separate written use-of- force report.
3. Reportable force incidents include any use of force beyond passive physical guidance. Handcuffing a complaint suspect is considered passive physical guidance. All use of force incidents are required to be reported to a supervisor and documented on the use of force forms in accordance with this policy. Use of force incidents include, but not limited to:

   1. Empty hand tactics (Takedown with Injury, Strikes, Kicks) 2. Baton/Impact Weapons (Strikes) 3. OC Spray 4. Taser/CEW 5. Canine Bites 6. Use of Force with Firearm a) Pointing a firearm at a suspect(s) acquiring a sight picture.

   a) Use of the compressed high ready with the muzzle oriented in the direction of the suspect(s).
4. Any officer who witnesses a use of force shall advise a supervisor and shall submit a use-of-force report.
5. Officers who encounter an individual with obvious injuries, and the circumstances of the encounter coupled with the nature of the injuries are such that the person may claim the injuries resulted from contact with the officer, shall complete a use-of- force report.
   (a) All use-of-force reports shall specify the actions of the suspect that necessitated the use of force, the reasons why the officer used force, as well as any suspect complaints of injury, medical treatment received, or refusal of medical treatment.
   (b) The arresting officer shall notify transporting officers if force was used on the arrestee, or if the arrestee has an injury or complaint of pain.
   (c) Supervisory officers shall investigate and report on uses of force as directed in paragraph C of this section.

B. Referral/Transport for Medical Treatment

1. Arresting and transporting officers shall ask prisoners whether they are injured or ill.
2. A suspect shall be examined by an appropriate health care provider prior to interrogation or prisoner processing for purposes of detention when suffering from or complaining of injury or illness or when, among other instances, the individual:
   (a) is struck on the head with an impact weapon or other hard object;

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(b) is restrained about the neck or throat;

(c) is struck with a less-lethal weapon projectile such as a Taser® dart, or

(d) is bitten by a police canine.

3. An injured prisoner shall not be admitted to or held in detention without being examined and released by a physician or qualified health care provider. Whenever there is doubt concerning the need for medical attention, it should be resolved through examination of the subject by an appropriate health care provider.

4. Refusal of treatment shall be documented and verified by the officer and attending physician or health care provider.

C. Supervisory Responsibilities

D. An officer's immediate supervisor shall be summoned and shall respond to any incident of use of force on a priority basis. In any instance of use of force, the supervisor shall:

A. 1. (a) Document the officer's and suspect's statements of actions taken, injuries sustained, and medical treatment needed or desired;

(b) Identify/interview witnesses as appropriate;

(c) Document, as necessary, the scene of the incident;

(d) Complete a supervisor's use-of-force report and forward to the Chief of Police. The supervisor report must be signed. Any policy deviations involving the use of force, the supervisor must complete a detailed memo of any violations and forward to the Chief of Police.

2. The shift supervisor shall notify the Chief of Police in cases involving injury or complaint of injury, hospitalization, or death of a person resulting or allegedly resulting from an officer's use of force.

3. In all cases involving a subject's death, the shift supervisor shall immediately notify the Chief of Police and the Prince George's County Police Special Investigations Response Team.

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Supervisor Daily Activity Report

402.1 PURPOSE AND SCOPE

402.2 POLICY

A Sergeant Daily Activity report (D.A.R) is designed to inform the Chief of Police and his administrative staff of the daily activities of operations personnel.

402.3 PURPOSE

The purpose of this general order is to establish uniform guidelines for the preparation of the Patrol Division daily activities report (D.A.R).

402.4 <B><U>PROCEDURE</U></B>

(a) The most senior patrol division supervisor working one of the four rotating shifts shall complete a DAR. The DAR shall be submitted near or at the end of the shift. The DAR's shall be submitted electronically to the Chief of Police.

(a) All command DAR's shall be completed using Microsoft Word using Times New Roman font 12. Supervisor's DAR's should be reflective of the goals of the organization. The Mount Rainier Police Department adheres to the tenants of community policing. The DAR's headings and narrative should reflect this.

(b) Sergeant DAR's shall be a narrative of all officer and supervisory accomplishments throughout the shift. These entries shall include but are not limited to:

(a) 1. Briefing personnel on new policy.

2. Police calls for service that involve an arrest, prisoner injury, use of force, or any case that would be of interest to the Chief or the administrative command staff.

3. Entries for personnel files to include commendations or criticisms. These entries should be meaningful.

4. Entries identifying problem areas and what solutions were implemented to address them.

5. Shift assignments and leadership provided to subordinate personnel.

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Supervisor Daily Activity Report

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Handcuffing and Restraints

403.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

403.2 POLICY

The Mount Rainier Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

403.3 USE OF RESTRAINTS

Only members who have successfully completed Mount Rainier Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest
- The demeanor and behavior of the arrested person
- The age and health of the person
- Whether the person is known to be pregnant
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes
- Whether the person has any other apparent disability

403.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

403.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and should not be restrained by the use of leg irons or waist chains. Handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property (Md. Code CS § 1-101; Md. Code CS § 9-601).

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No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others (Md. Code CS § 1-101; Md. Code CS § 9-601).

403.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

403.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

403.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

403.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

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Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

403.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

403.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

403.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

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(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

403.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report. Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

403.9 TRAINING

Subject to available resources, the Patrol Lieutenant should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

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(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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Control Devices

404.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

404.2 POLICY

In order to control individual subjects who are violent or who demonstrate the intent to be violent, the Mount Rainier Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Chief of Police may also authorize other positions or individual department members to use specific control devices.

404.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only those members who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a person who is violent or who demonstrates the intent to be violent and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

404.4 RESPONSIBILITIES

404.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor may authorize the use of a control device by selected department members or those in specialized assignments who have successfully completed the required training.

404.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

404.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

404.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to him/herself or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignments or at the direction of their supervisors.

404.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Shift Supervisor, Incident Commander or Prince Georges County SO SWAT Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire and emergency medical services personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation, if needed.

404.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, OC spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in, violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of department members or the public.

404.7.1 OC SPRAY

Uniformed members carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field members may carry OC spray as authorized, in accordance with the needs of their assignments or at the direction of their supervisors.

404.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should

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not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where an individual has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward an individual, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training or a product demonstration, is exempt from the reporting requirement.

404.7.3 TREATMENT FOR OC EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those who complain of further severe effects shall be examined by appropriate medical personnel.

404.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, the owners or available occupants should be provided with notice of the possible presence of residue which could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean-up will be at the owner’s expense. Information regarding how and when the notice was delivered and the individuals notified should be included in related reports.

404.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

404.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of individuals engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

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(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at officers, other department members and/or other people.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

404.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the suspect must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

404.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect shotguns and projectiles at the beginning of each shift to ensure that the shotguns are in proper working order and the projectiles are of the approved type and appear to be free from defects.

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When they are not deployed, shotguns will be unloaded, and properly and securely stored in police department vehicles. When deploying a kinetic energy projectile shotgun, officers shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

404.10 TRAINING AND QUALIFICATION FOR CONTROL DEVICES

The Assistant Chief shall ensure that those members who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the member's training file.

(c) Members who fail to demonstrate proficiency with the control device or knowledge of the Use of Force Policy will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.

Non-Deadly Force Weapons and Methods:

a. Officers are not permitted to use any non-deadly weapon or method unless qualified in its use as may be required by the Department, the Maryland Police Training snd Standards Commission, or the weapon's manufacturer.

b. Officers shall complete requalification/recertification on all issued/approved non- deadly force weapons as required by the Department, the Maryland Police Training and Standards Commission or the weapon's manufacturer. Failure to complete requalification/ recertification will result in the suspension of the officer's authority to carry or deploy that weapon.

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404.11 REPORTING USE OF CONTROL DEVICES

Any application of a control device shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

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Conducted Energy Device

405.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the Electronic Control Device (COMAR 12.04.05.02).

405.2 POLICY

The Electronic Control Device is used to control a violent or potentially violent individual. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

405.3 ISSUANCE AND CARRYING ELECTRONIC CONTROL DEVICES

Only members who have successfully completed department-approved training may be issued and carry the Electronic Control Device (COMAR 12.04.05.03(B)).

Electronic Control Devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the Electronic Control Device and cartridges that have been issued by the Department (COMAR 12.04.05.02(C)(1)). Uniformed officers who have been issued the Electronic Control Device shall wear the device in an approved holster. Non-uniformed officers may secure the Electronic Control Device in the driver's compartment of their vehicles.

Members carrying the Electronic Control Device should perform a spark test prior to every shift.

When carried while in uniform, officers shall carry the Electronic Control Device in a weak-side holster on the side opposite the duty weapon.

(a) All Electronic Control Devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the Electronic Control Device.

(c) Officers shall be responsible for ensuring that the issued Electronic Control Device is properly maintained and in good working order.

(d) Officers should not hold a firearm and the Electronic Control Device at the same time.

(e) Do not store the TASER near flammible liquid or fumes.

(f) Do not place the air cartridges near any source of static electricity.

(g) Each officer shall be issued two cartridges. The serial number of those cartridges shall be recorded and that officer is responsible for their care, proper use and replacement.

(h) Officers will function test their tasers at the start of a shift. The function test will include removing the taser cartridge, pointing the taser away from you in a safe direction, and checking the arc function.

(i) The taser battery must be downloaded every 30 days.

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(j) The taser can not be taken into water. If your taser gets wet wait dry it off and wait 24 hours before conducting a function test.

405.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the Electronic Control Device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the Electronic Control Device may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required, to display the electrical arc (provided that a cartridge has not been loaded into the device) or the laser to gain compliance prior to the application of the Electronic Control Device. The aiming laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the Electronic Control Device in the related report.

405.5 USE OF THE ELECTRONIC CONTROL DEVICE

The Electronic Control Device has limitations and restrictions requiring consideration before its use. The Electronic Control Device should only be used when its operator can safely approach the subject within the operational range of the device. Although the Electronic Control Device is effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

405.5.1 APPLICATION OF THE ELECTRONIC CONTROL DEVICE

The Electronic Control Device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or is physically resisting.

(b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the Electronic Control Device to apprehend an individual.

The Electronic Control Device shall not be used to psychologically torment, elicit statements or to punish any individual.

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405.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the Electronic Control Device on certain individuals should be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the Electronic Control Device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

405.5.3 TARGETING CONSIDERATIONS

The preferred targeting areas include the individual's back or front lower-center mass. The head, neck, chest and groin should be avoided when reasonably practicable. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the Electronic Control Device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

405.5.4 MULTIPLE APPLICATIONS OF THE ELECTRONIC CONTROL DEVICE

Officers should apply the Electronic Control Device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Officers should not intentionally apply more than one Electronic Control Device at a time against a single individual.

If the first application of the Electronic Control Device appears to be ineffective in gaining control of an individual, the officer should evaluate the situation and consider certain factors before additional applications of the Electronic Control Device, including:

(a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

(b) Whether the probes are making proper contact.

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(c) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(d) Whether verbal commands, other options or tactics may be more effective.

After the subject has complied, handcuff the subject immediately to minimize the threat of injury to either the officer or the subject, providing officer safety. Handcuffing may be accomplished safely while the electrical impulse is still being transmitted as long as the officer stays clear of the wire leads and probes.

405.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the Electronic Control Device. After the subject has complied, handcuff the subject immediately to minimize the threat of injury to either the officer or the subject. Handcuffing may be accomplished safely while the electrical impulse is still being transmitted as long as the officer stays clear of the wire leads and probes. As soon as practicable, officers shall notify a supervisor any time the Electronic Control Device has been discharged. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

405.5.6 DANGEROUS ANIMALS

The Electronic Control Device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

405.5.7 TASER® CAM™

The TASER CAM is activated any time the safety is in the off position. The safety should be in the safe position unless the officer intends to use the device. Because the TASER CAM memory is limited, the video and audio data should be downloaded frequently and retained as required by the department records retention schedule.

405.5.8 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department Electronic Control Devices while off-duty.

Officers shall ensure that Electronic Control Devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

405.6 DOCUMENTATION

Officers shall document all Electronic Control Device discharges in the related arrest/crime reports and the Electronic Control Device report forms. Unintentional discharges, pointing the device at a person, laser activation and arcing the device, other than for testing purposes, will also be

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documented on the report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

405.6.1 ELECTRONIC CONTROL DEVICE FORM

Items that shall be included in the Electronic Control Device report form are:

(a) The type and brand of Electronic Control Device and cartridge and cartridge serial number.

(b) Date, time and location of the incident.

(c) Whether any display, laser or arc deterred a subject and gained compliance.

(d) The number of Electronic Control Device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the Electronic Control Device was used.

(f) The type of mode used (probe or drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any officers sustained any injuries.

(m) Copies of all reports shall be forwarded to the TASER instructor.

The Assistant Chief should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Assistant Chief should also conduct audits of data downloads and reconcile Electronic Control Device report forms with recorded activations. Electronic Control Device information and statistics, with identifying information removed, should periodically be made available to the public.

405.6.2 REPORTS

The officer should include the following in the arrest/crime report:

(a) Identification of all personnel firing Electronic Control Devices.

(b) Identification of all witnesses.

(c) Medical care provided to the subject.

(d) Observations of the subject’s physical and physiological actions.

(e) Any known or suspected drug use, intoxication or other medical problems.

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405.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove Electronic Control Device probes from a person's body. Used Electronic Control Device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by Electronic Control Device probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The Electronic Control Device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the Electronic Control Device (see the Medical Aid and Response Policy).

405.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the Electronic Control Device may be used. A supervisor should respond to all incidents where the Electronic Control Device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the Electronic Control Device. The device's onboard memory should be downloaded through the data port by a supervisor or Rangemaster and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

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405.9 TRAINING

Personnel who are authorized to carry the Electronic Control Device shall be permitted to do so only after successfully completing the initial department-approved training (COMAR 12.04.05.03). Any personnel who have not carried the Electronic Control Device as a part of their assignments for a period of six months or more shall be recertified by a qualified Electronic Control Device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued Electronic Control Devices should occur every year (COMAR 12.04.05.04). A reassessment of an officer's knowledge and/or practical skills may be required at any time if deemed appropriate by the Assistant Chief. All training and proficiency for Electronic Control Devices will be documented in the officer's training files.

Command staff, supervisors and investigators should receive Electronic Control Device training as appropriate for the investigations they conduct and review.

Officers who do not carry Electronic Control Devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Assistant Chief is responsible for ensuring that all members who carry Electronic Control Devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of Electronic Control Devices during training could result in injuries and should not be mandatory for certification.

The Assistant Chief should ensure that all training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the Electronic Control Device and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the Electronic Control Device.

(h) The requirements established in COMAR 12.04.05.05.

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405.9.1 TRAINING CERTIFICATION

The Assistant Chief should ensure certification is made to the Maryland Police Training and Standards Commission (MPTSC), on forms or in a manner determined by the MPTSC, that officers have successfully completed training requirements (COMAR 12.04.05.02).

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Officer-Involved Shootings and Deaths

406.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

406.2 POLICY

The policy of the Mount Rainier Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

406.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

(a) A criminal investigation of the suspect's actions.

(b) A criminal investigation of the involved officer's actions.

(c) An administrative investigation as to policy compliance by involved officers.

(d) A civil investigation to determine potential liability.

406.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

406.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, Mount Rainier Police Department would control the investigation if the suspect's crime occurred in Mount Rainier.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be handled by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

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406.4.2 CRIMINAL INVESTIGATIONS OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

406.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

406.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

406.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved MRPD officer will be the officer-in-charge and assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

(a) Secure the scene, identify and eliminate hazards for all those involved.

(b) Take reasonable steps to obtain emergency medical attention for injured individuals.

(c) Request additional resources from the Department or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

406.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved MRPD supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

    1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any MRPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

    (a) Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

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(b) The initial on-scene supervisor should not order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Shift Supervisor and Communications. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional MRPD members until properly relieved by another supervisor, or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

1. Each involved MRPD officer should be given an administrative order not to discuss the incident with other involved officers or MRPD members pending further direction from a supervisor.

2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

406.5.3 SHIFT SUPERVISOR RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Shift Supervisor shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or other commanding officer.

All outside inquiries about the incident shall be directed to the Chief of Police.

406.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- City Manager
- Patrol Section Commander
- Officer-Involved Shooting rollout team [do we have a rollout team? If not, remove this]
- Outside agency investigators (if appropriate)
- Chief of Police supervisor
- Local Government Insurance Trust
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

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406.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer (Md. Code PS § 3-104):

(a) Any request for legal or union representation will be accommodated.

1. Involved MRPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

2. Requests from involved non-MRPD officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with agency representatives will be privileged only as to the discussion of non-criminal information.

(d) A licensed psychotherapist shall be provided by the Department to each involved MRPD officer. A licensed psychotherapist may also be provided to any other affected MRPD members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.

2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved member shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved MRPD officer shall be given reasonable paid administrative leave (as allowed by Md. Code PS § 3-112) following an officer-involved shooting or death. It shall be the responsibility of the Shift Supervisor to make schedule adjustments to accommodate such leave.

406.6 CRIMINAL INVESTIGATION

It shall be the policy of this department to utilize the Office of the State's Attorney to conduct an independent criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the Office of the State's Attorney to avoid duplicating efforts in related criminal investigations.

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Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

(a) MRPD supervisors and Chief of Police personnel should not participate directly in any voluntary interview of MRPD officers. This will not prohibit such personnel from monitoring interviews or indirectly providing topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents in writing.

406.6.1 REPORTS BY INVOLVED MRPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved MRPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved MRPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved MRPD officers of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

406.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should

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take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

406.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Patrol supervisor to assign appropriate investigation personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the Office of the State's Attorney and may be assigned to separately handle the investigation of any related crimes not being investigated by the Office of the State's Attorney.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Patrol supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Section Commander.

406.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved MRPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Chief of Police and will be considered a confidential officer personnel file.

Interviews and interrogations of members shall be subject to department policies and applicable laws (Md. Code PS § 3-103 et seq.).

(a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent written

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consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency (Md. Code PS § 3-104(l)).

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer’s physical and psychological needs have been addressed before commencing the interview.

2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Md. Code PS § 3-104(j)).

3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Md. Code PS § 3-104(k)).

4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

5. The Chief of Police shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board [Do we have a use of force review board?], which will restrict its findings as to whether there was compliance with the Use of Force Policy.

7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

406.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Departmentor the City's liability insurer to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

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All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

406.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn video and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

406.10 DEBRIEFING

Following an officer-involved shooting or death, the Mount Rainier Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

406.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Administration Section Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other civilian). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and all other members of the Department, including supervisory and Chief of Police personnel.

406.10.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

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406.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift Supervisor, Patrol Section Commander and Public Information Officer in the event of inquiries from the media.

No involved MRPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Section Commander.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

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Firearms

407.1 PURPOSE AND SCOPE

PURPOSE

The Mount Rainier Police Department in order to provide consistent and effective service to the citizens of Mount Rainier shall establish guidelines for all officers required to carry a firearm.

407.2 POLICY

It is the policy of the Mount Rainier Police Department to regulate the types of authorized weapons and ammunition officers are issued and permitted to carry and use, both on and off-duty. It is imperative that the Department's officers are properly trained and qualified in the use of all authorized weapons, and that proper inspections and maintenance is conducted to ensure that they meet minimum safety requirements. All authorized weapons will be inspected by a qualified weapons instructor or armorer prior to an officer being allowed to carry them

407.3 SAFETY AND HANDLING OF FIREARMS

A. Basic Safety Rules: All sworn personnel of this Department will adhere to the following basic safety rules and "Condition Check Rule" at all times while handling any firearm.

1. Treat all firearms as though they are loaded.

2. Point the muzzle in a "safe direction." "Safe direction" is defined as an area where if accidental or negligent discharge occurs, only minor property damage, and no human injury, will result.

3. Keep your finger outside the trigger guard until your sights are on the intended target and you intend to fire.

4. Be sure of your target and what is around and behind it.

5. "Condition Check Rule": Whenever you pick up a firearm that has been out of your direct control (even for an instant), open the action and check to make sure the firearm is unloaded.

6. Prior to each qualification, the firearms instructor will brief all officers on the firearms safety rules and "Condition Check Rule" prior to firing.

7. Officers will immediately inspect and unload all firearms that come into their possession unless a particular circumstance or investigative procedure prevents them from

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doing so. Officers not familiar with a particular weapon will immediately contact the on duty Shift Supervisor or a Department firearms instructor for assistance.

IV. CARE OF FIREARMS

A. Cleaning and Care: Officers are responsible for the care and cleaning of Departmentally issued firearms, as well as personally owned firearms, authorized to be carried both on or off-duty. Weapons shall be clean and lubricated at all times, and cleaned as soon as practical following a

qualification.

B. Field Stripping: Disassembly of Department issued firearms for cleaning is limited to "field stripping" only. (Personnel trained as Glock armors are exempt from this).

C. Repairs: Firearms in need of repair shall be submitted, without undue delay, to the Range Master with a written memorandum describing the type of malfunction and, if known, the cause.

D. Damage to weapons: Damage to Departmental firearms will be immediately reported to the on- duty Shift Supervisor. A written memorandum must be submitted and the firearm shall be taken out of service until checked by the Range Master. A replacement weapon will be issued by the Range Master.

E. Monthly Inspections: Squad and Unit Supervisors will conduct monthly inspections of Departmentally issued weapons.

V. DEPARTMENTAL FIREARMS OUT-OF-STATE CARRY

In accordance with the Law Enforcement Officers Safety Act (LEOSA), active duty police officers may carry Departmentally approved firearms on their person outside of the State of

Maryland. Officers are reminded they do not have police powers and possess no authority to act as a police officer while traveling armed outside of the State. Officers must abide by the laws of that state. It is the responsibility of the individual officer to seek qualified answers to foreseeable issues arising when they plan to travel to or through other states and choose to carry a concealed firearm. At all times when carrying firearms, officers will be in the physical possession of their Departmentally issued badge and identification card which identifies them as police officers. Officers are reminded they must still obey local restrictions or prohibitions against carrying concealed weapons on private, as well as state or local government property. Officers are further reminded they must obey federal, state and local laws and restrictions regarding the carrying of firearms in airports and on airplanes. All other Departmental rules and regulations regarding the safe handling and care of weapons, Departmental approval (weapons and ammunition), weapons maintenance and storage, and qualification/certification apply to officers who choose to carry their weapons outside the State of Maryland. Officers who are under the influence of alcohol or any other intoxicating or hallucinatory drug or substance are prohibited from carrying any firearm whatsoever, both inside and out of the State of Maryland. Officers subject to any disciplinary action by this agency are prohibited from carrying firearms outside the State of

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Maryland. Under the provisions of LEOSA, officers are not authorized to carry any machine gun, firearms silencer or destructive device.

VI. DEPARTMENTAL FIREARMS AND AIRCRAFT

A. If the officer is traveling by air, the FAA Law Enforcement Officer Flying Armed Guidelines and the U.S. Department of Homeland Security Procedures guidelines shall be adhered which include the following:

1. The officer must have attended the required FAA Law Enforcement Officer Flying Armed training, conducted by an authorized instructor, prior to being authorized by theChief of Police or his/her designee to board an aircraft with a Department issued firearm.

A copy of the training certificate should be attached to the memorandum.

2. The officer must have the operational need to fly armed.

3. Once permission is granted by the Chief of Police, a National Law Enforcement Telecommunications System (NLETS) message must be submitted to Transportation Security Administration (TSA) via ORI VAFAM0199. Note: Effective July, 15, 2009, TSA no longer accepts the original Chief's letter of authority for the purpose of flying while armed.

4. An NLETS receipt, with Unique Alphanumeric Identifier, is transmitted from the Transportation Security Operations Center (TSOC) back to the Agency.

5. On the day of travel the officer checks-in with the airline ticket counter, identifies his/herself and confirms that they are in possession of a Unique Alphanumeric number received via NLETS. The officer receives the armed traveler paperwork provided by the airline and proceeds to the Armed Officer Screening Checkpoint.

6. At the Armed Officer Screening Checkpoint the officer provides the Unique Alphanumeric Identifier from the NLETS message and displays his/her badge, credentials, boarding pass, a second form of government identification, and required airline paperwork, commonly referred to as Person Carrying Firearms (PCFA) forms.

7. The officer will complete the officer Logbook and proceed to his/her boarding gate.

8. At the boarding gate the officer will provide the airlines armed traveler paperwork and inform the gate agent of his/her presence and status.

9. The officer then meets with the Pilot in Command, Federal Air Marshals, Federal Flight Deck Officers, and/or other Law Enforcement Officers onboard the flight as directed.

NOTE: If an Officer is traveling by air and does not want to be armed while on the airplane that member can place their firearm in a TSA approved case i.e Pelican and check the case with your luggage.

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B. STORAGE OF FIREARMS WHILE ON LEAVE

Officers going on vacation or leave may, if they so desire, make arrangements with the Department Range Master to secure their Department issued weapons in the armory.

C. PREVENTIVE MAINTENANCE

A Department Range Instructor/Armorer will be responsible to conduct preventative maintenance of each Department issued firearms. Firearms not serviced shall be taken out of service until the preventative maintenance is conducted. A replacement firearm will be obtained.

407.3.1 TRAINING REQUIREMENTS

VII. SAFETY INSPECTIONS

Prior to an officer carrying their assigned duty weapon, the weapon shall be safety inspected by a Range Instructor. The inspection shall be properly documented, establishing that the weapon has passed inspection.

VIII. TRAINING / QUALIFICATIONS

A. At least annually all officers shall qualify with all issued or authorized personally owned weapons approved for on duty use. This includes departmental issued semi-automatic pistols. If an officer elects to carry an approved off duty personally owned semi-automatic pistol that meets department requirements he/she shall also pass all required firearms courses.

Note: Departmental and Personally owned Patrol Rifles require Bi-Annual Qualification.

B. TRAINING REQUIRNMENTS

1. The Maryland Police Training Commission is responsible for establishing the minimum requirements for police officers to carry firearms. The department's firearms coordinator shall ensure that all firearms instruction conducted by the department meets if not exceed the minimum requirement(s) established by MPTC and has been approved by the Commission.

2. In the event of an accidental discharge, the involved officer shall be required to undergo re-training. The Chief of Police may assign an officer involved in an on or off-duty accidental discharge to administrative duties pending completion of training.

3. An officer will be allowed no more than three attempts to pass the MPTC approved qualification course on any given range day, unless authorized by the Range I Instructor. If more than three attempts are allowed by the Range Instructor,

the Range Instructor must complete a written memorandum to the Patrol Lieutenant detailing why additional attempts to qualify was necessary. If an officer can not qualify the Patrol Lieutenant shall then direct the firearms instructor to take custody of the following:

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Duty weapon

Issued badge

MPTC certification card

Issued cruiser keys

4. An officer who fails to meet any MPTC approved qualification course after three attempts will be granted a ten (10) day grace period during which time he/she will be assigned to an administrative position pending qualification. An officer who fails to qualify after completion of remedial training will not be authorized to return to full duty. Failure to qualify may subject the officer to disciplinary action, up to and including, dismissal.

5. Each officer shall receive training and instruction on Use of Force before being authorized to carry the Department issued firearm.

C. Officers are not mandated to carry a handgun when off-duty. An officer who elects not to carry a handgun while off-duty shall not be subject to disciplinary action if an occasion should arise in which they could take action if they were armed. Exception: Off-duty officers, while operating a

Department vehicle, shall carry a Departmentally approved weapon.

D. All range activities to include proficiency training shall be monitored and documented by a Department Range Instructor. There shall be no more than five officers on the range line per one instructor at any given time during all range firing.

E. Officers must carry their duty weapons in a holster (to include belly-band and fanny pack style holsters) while off-duty.

F. Eye and ear protection are required as mandatory range equipment for all firing drills and qualifications.

IX. REMEDIAL TRAINING

The Range instructors shall meet and formulate a remedial training program for the involved officer. This plan may include but is not limited to the follow:

- Classroom instruction
- Laser Shot simulator
- Personal instruction
- Skill drills designed to improve the shooters fundamentals
- Requalification attempt

This remedial instruction shall be at least eight hours and may if necessary be conducted over several days. If after remedial training the officer still cannot record a passing score then he/she shall remain in a non contact assignment until further remedial training can be conducted.

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The involved officer will receive a second eight hour block of remedial training prior to another attempt at qualification.

X. CONTINUED FAILURE TO QUALIFY

A. If after two remedial sessions (16 hours) the officer is still not able to qualify he/she will remain in their non contact assignment.

B. The firearms instructor and any instructor who provided the involved officer with remedial training shall meet with the Chief of Police to discuss the officer's failure. The firearms instructors shall provide the Chief with their assessment of the officer's deficiencies and if further remedial training will assist the officer in overcoming these deficiencies. The Chief of Police will make the final determination whether further remedial training will be provided or if other administrative actions up to and including termination will be taken.

XI. AUTHORIZED WEAPONS AND AMMUNITION

FIREARMS

A. After proper authorization and demonstrated proficiency, officers will be issued a firearm by the Department. Officers will be responsible for the care and safety of the firearm. This responsibility extends to the officers' homes and they should be keenly aware of the very real danger of keeping a firearm in their residence. Maryland Law states, an individual may not store or leave a loaded firearm in any location where the individual knew or should have known that an unsupervised minor would gain access to the firearm. When not under the immediate control of the officer, all Departmentally issued firearms will be secured in a manner that ensures they are not accessible to any person that is not a sworn member of the Department. Long guns may be stored in the officer's locked locker at the station. The use of the lock box is an acceptable manner to secure the service weapon. The use of the trigger lock or gun safe is also encouraged. The Department also encourages officers to take similar precautions with other firearms in the home.

C. The Chief of Police or his/her designee may authorize an Officer to carry an alternate duty weapon while assigned to a specialized duty assignment. Prior to any Officer being authorized to carry an alternate duty weapon that Officer must first qualify with the alternate weapon.

Officers are prohibited from making any modifications to their issued firearm. Only authorized departmental armorers are permitted to work on departmental firearms. Only factory manufactured ammunition is permitted for use with departmentally owned firearms. The use of reloaded ammunition is prohibited. Officers may not use any ammunition with explosive heads designed to explode on impact or with liquid filled cavities.

D. Officers may purchase the following equipment for their issued departmental firearm:

i. Slip on rubber grips

ii. Talon grips (rubber or granulated)

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1. Prior to use, the officer will have both the grip and weapon inspected to ensure it does not interfere with the normal operation of the weapon.

2. Officers who may want a weapon mounted light shall make a request through their chain of command. Prior to the use on duty of a mounted light system the Officer will fire a departmental approved weapon mounted light course of fire.

E. Authorized Off Duty Weapons:

1. Off duty firearms must be:

i. Semiautomatic

ii. 9mm,.380.45 or.40 caliber

iii. Have a minimum magazine capacity of six rounds

iv. Have a double-action firing mechanism

v. If capable of firing in single action, have an external de-cocking mechanism

vi. Any firearm permitted to be carried on duty

2. Any firearm to be carried off duty shall be approved by the Chief of Police or his/her designee.

3. Officers shall qualify annually at day and night fire with their authorized off duty weapon. The make, model, and serial number shall be recorded and maintained by the Department.

5. Members who elect to carry a 9mm caliber off duty shall use the approved duty ammunition.

6. If an authorized off duty firearm becomes unavailable, or the Officer fails to qualify with the weapon, they must carry their issued firearm pending availability or qualification of another authorized off duty weapon.

7. If an officer fails to qualify with their personally owned off duty weapon then they shall not be authorized to carry that weapon until they successively pass qualification with that weapon.

8. If an officer fails to qualify with a departmentally issued or personally owned patrol rifle then they shall be removed from the program until they qualify.

9. The Departmental Range Master/Armorer shall be responsible for maintaining a database of all approved lethal weapons authorized for each officer to carry.

XI. CONDITION OF WEAPONS

A. The Departmentally issued weapon shall be in the following condition when on-duty, in uniform or when carried as authorized:

1. Loaded with Department issued service ammunition;

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2. A round shall be chambered;

3. Cleaned and properly maintained.

B. Any unserviceable issued firearm shall be turned in to the Range Master/Armorer, who shall document on the appropriate form make immediate arrangements for replacement of the firearm.

XIII. METHOD OF CARRYING WEAPONS

A. The on-duty weapons shall be in the issued holster appropriate with assignment and on the side hip.

B. While off-duty, officers' weapons shall be:

1. Their Departmentally issued or off-duty weapon.

2. Concealed from public view, except when the officer is in uniform or is at a crime scene where his/her police identification is visible and he/she is readily identifiable as a police officer.

3. Worn when operating a police vehicle; either the Departmentally issued or off duty weapon.

C. All firearms that are transferred or re-issued will be inspected and documented by the Departmental Range Master/Armorer prior to being issued or carried.

D. Defective weapons will be placed out of service by the Range Master/Armorer and will be properly marked and stored.

XIV. AUTHORIZED SHOULDER FIRE WEAPONS

PATROL RIFLES

A. Each officer must maintain his/her issued or personally owned and approved patrol rifle in a clean and serviceable condition.

B. Officers shall not modify or alter a Departmentally-owned or personally-owned patrol rifle.

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C. Should an officer's issued patrol rifle need repair, he/she shall submit written notification to his/her supervisor. The supervisor will arrange for the prompt repair of departmentally-owned rifles by an approved armorer/gunsmith. If the rifle will be out of service for an extended period, a spare departmental rifle may be issued after it has been zeroed for the officer.

Officers whose personally owned patrol rifle is in need of repair shall have the rifle repaired at their own expense and will be taken out of service. Personally owned rifles must be inspected by a Department approved armorer prior to being returned to service after repair.

D. Carrying issued or personally owned approved Patrol Rifles

(a) **Officers are not authorized to carry any firearm until such time as they have received copies of and been instructed in the Department's use of force policies and guidelines as described in Department General Order Use of Force.**

(b) **Officers shall have ready access to their departmentally-issued patrol rifle, ammunition and issued or approved accessories while on duty. Refer to Section III. D. 12, below, for accessories criteria.**

(c) **The issued and/or personally owned authorized patrol rifle for all officers shall be an AR-15 type Semi-Automatic Carbine,.223 caliber / 5.56 NATO, with a 10.5" - 16" barrel (must be ATF complaint if personally owned). Rifles in.223 /5.56 NATO must have a barrel twist rate of 1/7 or 1/9. A barrel twist rate of 1/12 is not permitted or authorized. All authorized rifles must be equipped with an iron sight system, sling, and a dedicated high quality white light (Surefire, Pentagon, Night-Ops, etc**

(d) **The carrying of patrol rifles while outside the State of Maryland, is governed by the laws of the individual jurisdiction and officers shall comply with those laws.**

(e) **In the event that an officer is suspended from the Department or the officer's authorization to carry a Department firearm is temporarily or permanently suspended or revoked, the officer's authorization to carry a patrol rifle is automatically and concurrently rescinded. All Departmentally-owned weapons or ammunition will be confiscated.**

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(f) **All patrol rifles must be inspected by an approved armorer before being approved for use. The armorer shall forward a written recommendation for approval/disapproval to the Chief of Police or designee for his/her consideration.**

7. Only one patrol rifle per officer shall be approved for carry.

8. All officers shall have approved patrol rifles inspected annually by a certified armorer/gunsmith and submit documentation to the Department firearms coordinator that the patrol rifle is in proper and safe working condition. Failure to submit appropriate documentation by December 31st of each calendar year shall result in automatic suspension of the officer's authority to carry the patrol rifle.

a. On January 1st of each year the firearms coordinator shall supply the Chief of Police or designee with a list of all officers who have not had their patrol rifle inspected and/or who have not submitted the required documentation.

b. Upon receipt of this list, the Chief of Police or designee shall notify the affected officers that their privilege to carry the patrol rifle is suspended until they comply with the provisions of Section III. D. 8.

9. Officers shall exercise the utmost care and caution when handling firearms. Careless or irresponsible handling and/or use of a firearm will subject an officer to disciplinary action.

10. Weapons shall never be left unattended or in an unsecured place where they are accessible to other persons.

12. The following modifications and or accessories are authorized for patrol rifles; front night sight post, flip up iron sights, vertical grip, CQB style optics (EOTech, Aimpoint, Trijicon ACOG, Trijicon Tripower, Trijicon Reflex, Bushnell), picatinny rail fore ends, additional magazines with a capacity of not more than 30 rounds, and a Mag Coupler. Magnification cannot be above 4 Power.

E. Deployment

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1. An officer who carries a patrol rifle during his/her tour of duty must, at all times, becognizant of the extreme power of this firearm. An officer who discharges a patrol rifle in a public place must first and foremost consider the safety of innocent bystanders. Anofficer may not discharge a patrol rifle in a public place when the danger to innocent bystanders outweighs the threat that prompts the officer to shoot.

2. If an officer is justified in discharging a firearm, and is in compliance with the provisions of Department General Orders, his/her use of a patrol rifle rather than his/her issued or approved handgun shall not be considered a violation of this General Order.

3. An officer who has been certified with the patrol rifle may be issued a Department patrol rifle if available. Certified officers who wish to carry a personally-owned rifle which meets the criteria set forth in this General Order may do so at the discretion of the Chief of Police.

i. At no time will an officer who has not qualified with a Departmental patrol rifle be issued or otherwise carry a patrol rifle.

4. Patrol rifles, when not assigned, shall be kept in the Department's firearms safe.

i. The firearms safe shall remain locked except while issuing or returning firearms from use.The supervisor issuing or receiving firearms from his/her personnel is responsible for securing the firearms safe.

ii. Officers without take home cars are responsible for transporting their personal or departmentally-issued patrol rifle in a safe manner.

8. A patrol rifle, while in a Department police vehicle equipped with a locking mount, shall:

1. Be secured in the locking mount.

2. Have the safety on.

3. Have the rifle bolt forward on an empty chamber.

4. Have a loaded magazine locked in place.

5. Have the dust cover closed.

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9. A patrol rifle, while in a Department police vehicle that does not have a locking mount, shall:

1. Be secured in a gun case (hard or soft) in the trunk.

2. Have the rifle bolt forward on an empty chamber.

3. Have a loaded magazine locked in place.

4. Have the dust cover closed.

5. Rifles shall not be stored in the vehicle overnight.

10. While a patrol rifle is being carried in a cruiser, an officer shall not leave the vehicle unlocked or unattended while it is being operated or with the keys in the vehicle.

11. Because of the extreme destructive power of a patrol rifle, safe handling and use of the rifle must be a constant consideration for the officer carrying one. Officers must consider the following criteria before removing the patrol rifle from his/her police vehicle when arriving at the scene of a call:

1. Nature and location of the call.

2. The possibility of a subject presenting an armed threat to the officer.

3. Safety of innocent bystanders.

4. Previous problems in the same area or with same type of call.

12. The following situations are some examples of authorized patrol rifle deployment:

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407.3.2

407.3.3

407.3.4

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407.4 EQUIPMENT

407.4.1

407.4.2

407.4.3

407.4.4

407.5

(a)

407.5.1

407.5.2

407.5.3

407.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training semi-annually with their duty firearms. In addition to semi-annual training, all members will qualify semi-annuallywith their duty firearms. Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on the required range course meeting minimum standards and requirements (COMAR 12.04.02.08; COMAR 12.04.02.05).

Officers may not use or carry a firearm that has been surrendered or for which authority to carry or use has been withdrawn, except during supervised training to meet the annual firearms training and qualification requirements (COMAR 12.04.02.08(E)(3)).

All officers shall qualify semi-annuallywith their issued handgun and all approved off duty handguns in accordance with the current regulations established by the Maryland Police Training and Standards Commission. All courses of fire for training and qualification shall be developed by the firearms coordinator and approved by the Chief of Police. All approved qualification and training courses shall meet all MTCSC requirements. For qualification purposes, officers shall be required to fire a minimum score of 80%

If an officer fails to qualify with the issued weapon on the day of qualification, the officer will be rescheduled on the next available day for another qualification attempt. *The officer will not be permitted to wear or carry any weapon until the officer posts two consecutive passing scores on

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the next qualification attempt. In the event the officer's weapon is taken, the officer's supervisor and the Chief of Police shall be notified. The officer will be placed in a limited-duty status and will be assigned non-enforcement duties until two consecutive scores are posted. All qualification attempts will be conducted as directed in the approved course of fire.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

407.6.1

407.6.2

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407.7.1 ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, Electronic Control Device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

407.7.2 INJURED ANIMALS

When an animal is injured in a traffic accident, the member shall notify the appropriate local organization to give such injured animal medical care (Md. Code TR § 20-106).

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

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407.7.3 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

407.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Assistant Chief after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-participation or non-qualification.

The range shall remain operational and accessible to department members during hours established by the Department.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Rangemaster.

All firearms will be inspected and cleaned by the Rangemaster according to the established schedule or as directed by the Assistant Chief.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Assistant Chief documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Assistant Chief.

The Assistant Chief shall report firearm qualification scores for each firearm the officer is authorized to use or carry to the Chief of Police by January 15 of the calendar year immediately following firearms qualification. The Chief of Police shall submit the report to the MPTSC by January 31 (COMAR 12.04.02.08(D)).

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Retiree Concealed Firearms

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Mount Rainier Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

408.2 POLICY

It is the policy of the Mount Rainier Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

408.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

408.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Mount Rainier Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

408.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

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agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by Maryland law or by a private person or entity on his/her property if such prohibition is permitted by Maryland law.

408.4 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Shift Supervisor of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Arrests, Convictions and Court Orders Policy.

The retiree is responsible for obtaining the proper handgun training and qualification for active law enforcement officers. The retiree may obtain handgun certification and a LEOSA certification card from the MPTSC.

408.4.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable Department policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

408.5 FIREARM QUALIFICATIONS

The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

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408.6 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

408.7 MARYLAND RETIRED LAW ENFORCEMENT OFFICER IDENTIFICATION CARD

The Chief of Police shall provide a retiring officer with an identification card within 45 days after the officer's retirement if the officer (Md. Code PS § 3-513):

(a) Retired in good standing for reasons other than mental instability.

(b) Before retirement, was certified by the Maryland Police Training and Standards Commission (MPTSC), had statutory powers of arrest in Maryland and completed an applicable probationary period.

(c) Pays a fee set by the Mount Rainier Police Department (not to exceed $20).

Upon request, any officer who retired prior to Oct. 1, 2015, shall be issued an identification card if the criteria set forth above are satisfied.

408.7.1 MARYLAND RETIRED LAW ENFORCEMENT OFFICER IDENTIFICATION CARD FORMAT

A Maryland retired law enforcement officer identification card shall be in the form approved by the MPTSC and include the information specified in Md. Code PS § 3-513.

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Vehicle Pursuits

409.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects.

409.1.1 DEFINITIONS

Definitions related to this policy include:

Emergency Vehicle - A vehicle equipped with audible and visual emergency equipment as defined in Section 11-118 and 21-106 of the Maryland Transportation Article.

Controlled Intersection - Any location where two or more roads intersect and the intersection is controlled by either a stop sign or traffic signals.

High Speed Vehicular or Fresh Pursuit - Any attempt by an officer in an authorized emergency vehicle pursuing a violator's vehicle, traveling at speeds of twenty miles per hour above the speed limit.

Termination - Turning off the siren and all emergency lights and reducing speed of the police vehicle to within the posted limit (see section IV.I. below).

Stopping at the Direction of an Officer - An action taken by a driver who safely stops his/her vehicle when an officer activates a police vehicle's siren and emergency lights so that the police vehicle can be both seen and heard by the other driver (see section IV.B.1.b. below).

Supervisor - Corporal or above

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall and come to a stop.

Ramming - The deliberate act of contacting a suspect's vehicle with a law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

Tire deflation device - A device designed to puncture the tires of the pursued vehicle.

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Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

409.2 POLICY

When officers operate vehicles in pursuits, their primary concern shall be the preservation of life. Officers must not disregard safety with the single-minded goal of apprehension; and must maintain a balance between the need to apprehend the violator and the risks of potential danger to themselves and the violator. The identification and apprehension of a violator are secondary concerns during a vehicle pursuit. Officers are granted special privileges under State law while operating emergency vehicles with their emergency equipment activated. They are not relieved of the responsibility of driving with due regard for the safety of all persons, and are not protected from the consequences of failing to exercise reasonable care under these circumstances. The driver of an emergency vehicle, with emergency lights and siren activated, may proceed through a controlled intersection, but only after slowing down or stopping to ensure that the intersection may be safely entered. Nothing in this general order shall be construed to release the operator of a departmental vehicle from civil liability for failure to use reasonable care in the operation of an emergency vehicle.

Vehicle pursuits shall be conducted in strict compliance with Maryland statutes and Departmental general orders, and officers must activate their body worn cameras when engaged in a vehicle pursuit.

A. Pursuits within the City.

Officers may only engage in vehicle pursuits in the City if probable cause exists to believe that the fleeing suspect is committing, has committed, or attempted to commit one of the following:

1. Any felony involving the use or threat of physical force or violence against a person.

2. A hit-and –run accident resulting in death or serious injury.

3. The suspect, if allowed to escape, may cause serious injury or presents a clear and present danger to human life.

B. Pursuits outside the City & across State lines.

1. Officers may only engage in vehicle pursuits outside the City or across State lines if probable cause exists to believe that the fleeing suspect is committing, has committed or attempted to commit any felony involving the use or threat of physical force or violence against a person.

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409.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles and while operating emergency lighting and sirens, as required by law (Md. Code TR § 21-106).

Officers shall drive with due regard for the safety of all persons and property. Even in emergency driving situations, officers shall ensue at red lights and stop signs that the road is clear before continuing. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property

(a) Exceed the speed limit.

(b) Disregard regulations governing direction of movement or turning in specified directions.

409.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle (Md. Code TR § 21-904).

A. Initiation of Fresh Pursuit

The decision to apprehend any moving vehicle must be based on the officer’s conclusion that the immediate danger to the public created by the attempt at apprehension is less than the immediate or potential danger to the public should the suspect remain at large. Emphasis should be placed on focusing officers' sensory skills and training towards obtaining and broadcasting suspect and vehicle descriptions, utilizing intelligence information to further identify and locate suspects, and obtaining assistance from other criminal justice agencies in attempting to identify and locate suspects in lieu of escalating the speed and thereby the danger posed by a fleeing vehicle. There are several alternatives that are equally or more effective, these include:

- Radio communications
- Aerial observation
- Following in a safe manner
- Positioning of police vehicles to reduce the possibility of suspects escaping
- Following and waiting for assistance

(a) Any officer operating an authorized emergency vehicle may initiate an attempt to apprehend a person fleeing in a moving vehicle or actively follow when the suspect, if allowed to escape, may cause serious injury or presents a clear and present danger to human life and:

  (a) The officer reasonably believes that the suspect has committed any felony involving the use or threat of physical force or violence against a person; or

  (b) The officer reasonably believes that the suspect was involved in a hit and run accident resulting in death or serious injury.

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(b) Officers in unmarked authorized emergency vehicles may initiate an attempt to apprehend a moving vehicle but shall be replaced with a marked authorized emergency vehicle as soon as practical.

(c) The officer shall also consider the following factors in determining whether to initiate any apprehension attempt:

(a) The suspect's manner and style of driving, i.e. reckless;

(b) The condition and alignment of the roadway;

(c) The amount of vehicular and pedestrian traffic;

(d) Weather conditions;

(e) Time of day; and

(f) Type of area; residential, business, rural, etc.

4. No police vehicle carrying anyone other than a Department employee may be used in any apprehension capacity.

5. The officer and assigned back-up officers shall immediately activate all of their vehicle's emergency equipment. These devices shall remain activated until such time as the vehicle is apprehended or the pursuit is terminated.

B. All officers are prohibited from engaging in any high-speed vehicular pursuit unless it meets the above criteria.

C. Officers attempting to apprehend moving vehicles shall at all times drive in a manner exercising due regard for the safety of themselves and all other persons and property.

(a) Officers shall slow sufficiently at all intersections to enable them to stop their vehicle if necessary.

(b) Officers shall reduce their vehicle's speed sufficiently when approaching all controlled intersections to determine whether they can enter the intersection safely.

409.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect’s escape.

When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

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In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to immediately terminate a pursuit, including:

(a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.

(b) Weather or traffic conditions render continued pursuit a greater risk to public safety than the risk posed by the escape of the suspect.

(c) The pursued vehicle's location is no longer definitely known.

(d) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(e) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.

(f) Hazards to uninvolved bystanders or motorists.

(g) The primary officer loses sight of the fleeing vehicle for more than 20 seconds.

(h) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.

(i) When the identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

(j) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

409.4 PURSUIT VEHICLES

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable (Md. Code TR § 11-118).

Vehicle pursuits generally should be limited to three police department emergency vehicles (two pursuit vehicles and the supervisor vehicle). However, the number of vehicles involved will vary with the circumstances.

An officer or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

In most instances, only the primary and secondary unit shall be directly involved in the apprehension attempt.

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409.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police department vehicles or any air support.

409.4.3 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or others.

The primary pursuing officer should notify the dispatcher, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

(a) The location, direction of travel and estimated speed of the suspect's vehicle.

(b) Unit identification number.

(c) The description of the suspect's vehicle including the license plate number, if known.

(d) Number of occupants in the suspect vehicle and their descriptions and identity (if known).

(e) The reason for the pursuit.

(f) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.

(g) The weather, road and traffic conditions.

(h) The need for any additional resources or equipment.

(i) The identity of other law enforcement agencies involved in the pursuit.

Failure to provide this information to Communications will result in the supervisors' termination of the apprehension attempt.

Unless relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

409.4.4 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

(a) (a) Immediately notifying the dispatcher of his/her entry into the pursuit.

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(b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.

(c) Broadcasting information that the primary pursuing officer is unable to provide.

(d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.

(e) Identifying the need for additional resources or equipment as appropriate.

(f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

Failure to provide required information to Communications will result in the supervisors' termination of the apprehension attempt.

409.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.

2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.

(c) As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

1. Request assistance from available air support.

2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.

3. Request other officers to observe exits available to the suspect.

(d) Notify the Maryland State Police and/or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.

(e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

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409.5.1 PURSUIT TRAILING

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

409.5.2 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew should coordinate the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If officers on the ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

409.5.3 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police department vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a nonemergency manner, observing the rules of the road.

The primary pursuit vehicle, secondary pursuit vehicle and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

409.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for:

(a) Immediately notifying involved officers and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation

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and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that assistance from air support, canines or additional resources are requested, if available and appropriate.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring that the Shift Supervisor is notified of the pursuit, as soon as practicable.

(i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.

(j) Controlling and managing Mount Rainier Police Department officers when a pursuit enters another jurisdiction.

(k) Preparing a post-pursuit review and documentation of the pursuit as required.

409.6.1 SHIFT SUPERVISOR RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Shift Supervisor should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Shift Supervisor has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Shift Supervisor shall review all pertinent reports for content and forward them to the Section Commander.

409.7 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved officers should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

409.7.1 RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

(a) Clearing the radio channel of nonemergency traffic.

(b) Coordinating pursuit communications of the involved officers.

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(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Shift Supervisor as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

409.8 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

409.9 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

409.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Mount Rainier Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of officers at the termination point of a pursuit initiated by this department shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency’s assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

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409.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Mount Rainier Police Department, the supervisor should consider:

(a) The public's safety within this jurisdiction.

(b) The safety of the pursuing officers.

(c) Whether the circumstances are serious enough to continue the pursuit.

(d) Whether there is adequate staffing to continue the pursuit.

(e) The ability to maintain the pursuit.

As soon as practicable, a supervisor or the Shift Supervisor should review a request for assistance from another agency. The Shift Supervisor or supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing agency by officers of this department will conclude at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that the termination point of a pursuit from another agency is within this jurisdiction, officers shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

409.10 PURSUIT INTERVENTION

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, or roadblock procedures. Officers shall not use their vehicle to bump or intentionally ram the suspect's vehicle to force it to a stop.

409.10.1 WHEN USE IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

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409.10.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

409.10.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) Vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained officers and after considering the following:The PIT is limited to use by properly trained officers with the approval of a supervisor and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.

    1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or others.
    2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
    3. Employing the vehicle intercept maneuver does not unreasonably increase the risk of safety to those involved or the public.
    4. The suspect vehicle is stopped or traveling at a low speed.
    5. Only law enforcement vehicles should be used in this tactic.

(b) Ramming is not an intervention technique and is only authorized when deadly force would be used.

(c) Officers shall not attempt to pass or get in front of the suspect vehicle or travel in a lane other than that being used by the suspect vehicle.

(d) The use of moving, rolling or stationary roadblocks of any type are prohibited.

409.11 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at

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the time of the event to accomplish a legitimate law enforcement purpose. Officers' body worn cameras must be activated while they are involved in the capture of a suspect.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

Once the suspect vehicle has been apprehended, officers shall utilize felony stop procedures.

409.12 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

(a) The primary pursuing officer shall complete appropriate crime/arrest reports.

(b) The primary pursuing officer or supervisor shall complete the appropriate pursuit report.

(c) After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall note the following in their D.A.R.

1. Date and time of the pursuit.
2. Traffic, weather and vehicle speeds.
3. Initial reason for and circumstances surrounding the pursuit.
4. Length of pursuit in distance and time, including the starting and termination points.
5. Involved vehicles and officers.
6. Alleged offenses.
7. Whether a suspect was apprehended, as well as the means and methods used.
   (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
8. Arrestee information, if applicable.
9. Whether any action was taken against the suspect's vehicle? If so, what circumstances necessitated the use of the action?
10. Any injuries and/or medical treatment.
11. Any property or equipment damage.
12. What roles, if any, did units from any other police agencies have in the incident?
13. Name of supervisor at the scene or who handled the incident.
14. Whether there were there any deviations from policy? If so, what were they and why did they occur?

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15. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

(d) After receiving copies of reports, logs and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.

(e) Annually, the Chief of Police should direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

The Chief of Police shall direct that any appropriate actions be taken as a result of a review of the incident.

409.13 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all officers will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

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Foot Pursuits

410.1 PURPOSE AND SCOPE

The purpose of this general order is to establish a balance between protecting the safety of the public and police officers during police pursuits on foot and law enforcement's duty to enforce the law and apprehend suspects.

410.2 POLICY

Foot pursuits are inherently dangerous police actions. It is the policy of the Mount Rainier Police Department that the safety of its officers and the safety of the public shall be the overriding consideration in determining whether a foot pursuit will be initiated or continued. Foot pursuits occur in a wide variety of circumstances. Therefore, this policy is intended to provide overall direction and guidance to officers when deciding if such pursuits are warranted and how they should be conducted.

410.3 DEFINITIONS

For purposes of this general order, a foot pursuit is defined as an incident where an officer chases, on foot, a person who flees from the officer with the intent of evading detention or arrest.

410.4 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

A. Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

1. Where necessary, an officer may pursue persons who he or she reasonably believes have committed an act that would warrant a stop, investigate detention, or arrest.

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2. If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- Containment of the area.
- Saturation of the area with law enforcement personnel, including assistance from other agencies.
- Canine search.
- Thermal imaging or other sensing technology.
- Aerial support.
- Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

3. In deciding whether to initiate or continue a foot pursuit, officers shall also consider risk factors whenever officers are acting alone, in an unfamiliar area, in an area that is hostile, such as a notorious drug trafficking location, pursuing suspects who are known to be or suspected of being armed, pursuing more than one person, unable to obtain backup in a timely manner, not in adequate physical condition to conduct a foot pursuit because of injury or exhaustion, unable to establish and maintain contact with Communications personnel, or pursuing in conditions of inclement weather, darkness, or reduced visibility.

B. Initiating Officer’s Responsibilities

1. Officers initiating foot pursuits shall be in field command and shall bear operational responsibility for the foot pursuit unless circumstances dictate otherwise or until relieved by a supervisor. Pursuing officers are reminded that voice transmissions while running and in other field tactical situations may be difficult to understand and may have to be repeated.

2. The officer initiating a foot pursuit shall, as soon as practical, provide the following information to Communications:

- Unit identifier
- Reason for the foot pursuit
- Officer location and direction of pursuit
- Number of suspects and description
- Whether or not the suspect(s) is armed or possibly armed

C. Foot Pursuit Coordination

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1. The primary (initiating) officer shall immediately coordinate—directly or indirectly through Communications—with secondary officers to establish a perimeter in the area to contain the suspect(s).

2. Generally, the primary officer shall not try to overtake the fleeing suspect but shall keep him/her in sight until sufficient manpower is available to take him/her into custody.

3. Assisting officers shall immediately attempt to contain the pursued suspect. Such officers shall not respond to the primary officer's location unless the suspect has been stopped and the primary officer requests assistance to take the suspect into custody.

4. When two or more officers are in pursuit, they shall not separate unless they remain in sight of each other and maintain communication, but they shall allow the lead officer to concentrate on the suspect's actions while the second officer provides backup and maintains communications with dispatch and other assisting officers.

410.5 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspects should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the dispatcher or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of circumstances that unreasonably increase the risk to officers or the public.

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(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the benefits of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

410.6 RESPONSIBILITIES IN FOOT PURSUITS

410.6.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone, when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel.

(b) Call sign identifier.

(c) Reason for the foot pursuit, such as the crime classification.

(d) Number of suspects and description, to include name if known.

(e) Whether the suspect is known or believed to be armed with a dangerous weapon.

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason,

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immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

410.6.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

410.6.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor should allow the foot pursuit to continue if:

- there are at least two officers working in tandem and there is a reasonable belief that the suspect has committed an act that would permit the officer to detain the suspect, or
- there is a reasonable belief that the suspect poses an immediate threat to the safety of the public or other police officers, or
- the pursuit does not violate provisions of this or related department policy, procedures, or training.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the benefit of immediate apprehension of the suspect.

The supervisor shall take command, control, and coordinate the foot pursuit as soon as possible.

- As in any tactical incident or situation, the supervisor does not have to be physically present to assert control over the situation.
- Once the foot pursuit has concluded, the supervisor shall proceed to the terminus of the pursuit to assert post-pursuit command and control as needed.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

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410.6.4 COMMUNICATIONS RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved officers.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Coordinate and dispatch backup assistance and support units under the direction of the field supervisor.

(e) Ensuring that a field supervisor is notified of the foot pursuit.

(f) Notifying and coordinating with other involved or affected agencies as practicable.

(g) Notifying the Shift Supervisor as soon as practicable.

(h) Assigning an incident number and logging all pursuit activities.

410.7 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and officers.

(f) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

(j) Name of the supervisor at the scene or who handled the incident.

(k) A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

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In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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Officer Response to Calls

411.1 PURPOSE AND SCOPE

This policy provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

411.2 POLICY

It is the policy of this department to appropriately respond to emergency and nonemergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

411.3 RESPONSE TO CALLS

Officers responding to nonemergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

411.3.1 EMERGENCY CALLS

Officers should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. This includes, but is not limited to (Md. Code TR § 21-106):

(a) When in pursuit or apprehending a violator or suspected violator.

(b) When responding to a reported emergency involving possible personal injury, death or significant property damage.

(c) When immediate assistance is requested by an officer or other law enforcement agency.

(d) A felony in progress or just occurred (within 5 minutes)

(e) A personal injury accident, *except* when fire/rescue or police personnel are already on the scene and determine that the situation does not require an emergency response.

If an officer believes an emergency response to any call is appropriate, the officer shall immediately notify the dispatcher.

Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

411.4 REQUESTING EMERGENCY ASSISTANCE

When requesting emergency assistance, the involved department member should reasonably believe there is an imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Identifying call sign
- Location of the emergency situation

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- Suspect information, including weapons
- Reason for the request and type of emergency
- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the dispatcher.

411.5 SAFETY CONSIDERATIONS

Officers responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting and siren as required by law (Md. Code TR § 21-106(c)).

Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However the officer may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property (Md. Code TR § 21-106(b)):

- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing direction of movement or turning in specified directions.
- Park or stand without regard to parking restrictions.

411.5.1 NUMBER OF OFFICERS ASSIGNED

Only the number of officers that are reasonably necessary should be assigned to respond to an emergency call or request for assistance.

An emergency response involving more than one police vehicle should be coordinated by Communications to avoid any unanticipated intersecting of response routes. The dispatcher shall notify the Shift Supervisor or field supervisor, who will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

411.5.2 MOTORCYCLES

An officer operating a police motorcycle should not be assigned to an emergency response. However, an officer operating a police motorcycle in an emergency response should be replaced by an authorized emergency vehicle equipped with emergency lights and siren as soon as practicable.

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411.6 EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly. The officer shall notify the Shift Supervisor, field supervisor or the dispatcher of the equipment failure so that another officer may be assigned to the emergency response.

411.7 OFFICER RESPONSIBILITIES

The decision to initiate or continue an emergency response is at the discretion of the officer. If, in the officer's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify the dispatcher. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, an officer shall immediately give the location from which he/she is responding.

The first officer arriving at the emergency call should determine whether to increase or reduce the level of the response of additional officers and shall notify the dispatcher of his/her determination. Any subsequent change in the appropriate response level should be communicated to the dispatcher by the officer in charge of the scene unless a supervisor assumes this responsibility.

411.8 COMMUNICATIONS

When information reasonably indicates that the public is threatened with serious injury or death or an officer requests emergency assistance and immediate law enforcement response is needed, the dispatcher shall assign an emergency response and ensure acknowledgement and response of handling and assisting officers. In all other circumstances, the dispatcher shall obtain authorization from the Shift Supervisor or a field supervisor prior to assigning an emergency response.

411.8.1 RESPONSIBILITIES

Upon notification or assignment of an emergency response, the dispatcher is responsible for:

(a) Confirming the location from which the officer is responding or requesting assistance.

(b) Attempting to assign the closest available assisting officers to the location of the emergency call.

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(c) Continuing to obtain and broadcast information as necessary concerning the response and monitoring the situation until it is stabilized or terminated.

(d) Notifying and coordinating allied emergency services (e.g., fire, emergency medical services).

(e) Notifying the Shift Supervisor as soon as practicable.

(f) Controlling all radio communications during the emergency and coordinating assistance under the direction of the Shift Supervisor or field supervisor.

411.9 SUPERVISOR RESPONSIBILITIES

Upon being notified that an emergency response has been initiated or requested, the Shift Supervisor or the field supervisor shall verify that:

(a) The proper response has been initiated.

(b) No more than those officers reasonably necessary under the circumstances are involved in the response.

(c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing officers into or out of the response, if necessary. If, in the supervisor's judgment, the circumstances require additional officers to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the Shift Supervisor or the field supervisor should consider the following:

- The type of call or crime involved
- The type and circumstances of the request
- The necessity of a timely response
- Weather, traffic and road conditions
- The location of the responding officers and the location of the incident

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Domestic Violence

412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of the Mount Rainier Police Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence (Md. Code FL § 4-514).

412.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic violence - Abuse occurring between current or former spouses or cohabitants, persons who have a child in common, or persons currently or formerly involved in a dating relationship (Md. Code FL § 4-701(c)).

412.2 POLICY

The Mount Rainier Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

412.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

412.4 INVESTIGATIONS

The following guidelines shall be followed by officers when investigating domestic violence cases to protect the victim from harm (Md. Code FL § 4-502(a)(2)):

(a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other

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children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries shall be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Patrol in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize and remove any firearms upon a consent search or in plain view if appropriate and legally permitted. The officer shall provide information to the owner on the process of retaking possession of the firearm. The Department shall then provide safe storage during the pendency of any domestic violence proceeding (Md. Code FL § 4-511).

(i) When completing an incident or arrest report for violation of a court order, officers shall include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers shall take appropriate enforcement action when there is probable cause to believe an offense has occurred.

(k) Factors that should not be used as sole justification for declining to take enforcement action include:

1. Marital status of suspect and victim.
2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence or abuse.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the violence or abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.

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11. The racial, cultural, or social identity, professional position, or sexual orientation of the victim or suspect.

412.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

412.4.2 IF NO ARREST IS MADE
If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness assistance).

(b) Document the resolution in a report.

412.5 VICTIM ASSISTANCE
Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected.

(a) Victims shall be provided with the department domestic violence information handout, even if the incident may not rise to the level of a crime (Md. Code FL § 4-503).

(b) Victims should also be alerted to any available victim advocates, shelters and community resources.

(c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers shall accompany the person to the family home and stand by while personal clothing and effects are removed (Md. Code FL § 4-502(a)(2)(ii)).

(d) If the victim has sustained injury or complains of pain, officers shall seek medical assistance for the victim as soon as practicable.

(e) Officers should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

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(f) Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(g) If appropriate, officers should seek or assist the victim in obtaining an interim protective order.

(h) Use the substitute address if the victim is registered in the state Address Confidentiality Program (Md. Code FL § 4-526(b)).

(i) Prepare a Lethality Assessment Form and advise victim accordingly.

412.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

412.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state (Md. Code FL § 4-508.1(b)).

412.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

412.8.1 COURT-ORDERED SURRENDERED FIREARMS

If a respondent surrenders a firearm to the Department under a temporary or final court order, the officer shall provide the respondent information on the process for retaking possession of the firearm. The officer shall transport and store the firearm in a protective case, if one is available, and in a manner intended to prevent damage to the firearm during the time the protective order is in effect (Md. Code FL § 4-506.1).

If a defendant in a criminal case who is ordered to surrender firearms pursuant to Md. Code CP § 6-234 transfers a firearm to the Department, the officer receiving the firearm shall issue the person transferring the firearm a written proof of transfer containing:

(a) The name of the person transferring the firearm.

(b) The date the firearm was transferred.

(c) The serial number (or identifying marks if the firearm was manufactured before 1968), make, and model of the firearm.

(d) Any other information required by state or federal law.

The receiving officer should keep a copy of the written proof of transfer and should make appropriate entries in any required logs. The Chief of Police may develop additional procedures pertaining to the storage and disposal of any surrendered firearms.

412.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(a) May arrest a person without a warrant if the report to law enforcement was made within 48 hours of the alleged incident and the officer has probable cause to believe that:

1. The person battered the person's spouse or another person with whom the person resides;

2. There is evidence of physical injury; and

3. Unless the person is arrested immediately, the person:

(a) May not be apprehended.

(b) May cause physical injury or property damage to another.

(c) May tamper with, dispose of, or destroy evidence.

(b) Shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an interim, temporary or final protective order in effect at the time of the violation (Md. Code FL § 4-509(b)).

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(c) Shall arrest, with or without a warrant, and take into custody a person the officer has probable cause to believe is in violation of an order for protection that was issued by a court of another state or a Native American tribe, and that is in effect at the time of the violation if the person seeking the assistance (Md. Code FL § 4-508.1(c)):

1. Has filed a copy of the order with the District Court or Circuit Court for the jurisdiction in which the person seeks assistance; or
2. Displays or presents to the officer a copy of the order that appears valid on its face.

412.9.1 MUTUAL BATTERY

If an officer has probable cause to believe that mutual battery occurred and arrest is necessary, the officer shall consider whether one of the persons acted in self-defense to determine who was the primary aggressor (Md. Code CP § 2-204(b)).

412.10 REPORTS AND RECORDS

The Records Section shall provide a copy of the domestic violence report to the victim upon request (Md. Code FL § 4-503.1).

412.11 SERVICE OF COURT ORDERS

Sheriff's Responsibilities

The Prince George's County Sheriff's Office is the primary agency for the service of ex parte and protective orders and maintains these records.

Police Officer's Responsibilities

Although the Sheriff's Office bears the primary responsibility for the service of said orders, the sometimes-volatile nature of domestic disputes will frequently require police officers to both serve and enforce these orders. The following procedures will be followed in cases where sheriff's department personnel are unavailable or it would otherwise be impractical or unsafe for the petitioner to wait for their arrival.

No arrest power is inherent in the Court Order for Protection from Domestic Violence; however, failure to comply with certain provisions as outlined in the Family Law Article, Section 4-505 and 4-506, are misdemeanors and carry possible fines and prison sentences as outlined in Section 4- 509 (penalties).

1. If officers arrive at the scene of a domestic disturbance call and it is learned that a petition has been filed but the order has not yet been served, officers will serve the petitioner's copy by personally delivering the order to the respondent (accused) if the respondent is present. A call to the sheriff's department will be made to confirm whether the order has already been served or not. If an officer serves the order, the sheriff's department will immediately be notified, via telephone, and advised of the date, time and name of the officer serving the order. Officers will explain the provisions of the order to the respondent and will advise the respondent that

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a violation of any provision in paragraphs 1 through 5 constitutes a criminal violation of an otherwise civil order and may result in the respondent's arrest if there is non- compliance. If child custody is awarded in paragraph 6, a violation of that provision does not constitute a criminal violation. For safety reasons, officers will accompany the respondent while gathering belongings and will ensure that the respondent leaves the premises. Officers will not allow the respondent to remove any community property or any property that is in dispute and will advise both parties that the court may settle those disputes.

While on the scene of domestic violence incidents, police officers will initiate a check via MILES to determine if any warrants, ex parte orders or protective orders are on file. If an ex parte order is on file and not served, the officer will serve the order. If an order is on file and the suspect is in violation, the officer will make the arrest. Failure to check via MILES for an ex parte order may subject the responding officers to civil charges for failure to protect.

While on the scene of domestic violence incidents, officers shall complete a domestic violence lethality assessment screen for each party who reports being the victim of domestic violence.

2. The law provides that an officer will arrest, with or without an arrest warrant, and take into custody, the respondent if the officer has probable cause to believe the respondent is in violation of an ex parte or protective order that is in effect at the time of the violation. These violations include phone contact or going to the victim's place of work. The main criteria here will be the victim's safety. Upon arrest, the respondent will be charged either by issuance of a Maryland Uniform Criminal/Civil Citation or by a Statement of Charges.

3. In order to discourage dual arrests by officers when victims have struck out in self defense, new language has been added: If the police officer has probable cause to believe that mutual battery has occurred and arrest is necessary, the officer shall consider whether one of the parties acted in self defense when making the determination who is the primary aggressor.

4. On the date set forth in paragraph 9 of the ex parte order, the court will conduct a hearing to determine if the provisions of the order will be continued. If the court finds that sufficient evidence exists, the court can issue a protective order that may be in effect for up to 200 days. The protective order may continue the same provisions as contained in paragraphs 1 through 5 of the ex parte order, however, they will be numbered 2 through 6 in the protective order. Paragraph 1 will indicate the date the order expires. As in the ex parte order, a violation of any provision in paragraphs 2 through 6 of the protective order constitutes a criminal violation of the order and the same procedures will apply as in sections III, B, 1-3 above. A violation of any provisions, other than those in paragraphs 2 through 6, do not constitute a criminal violation, but may subject the respondent to the court's contempt powers.

5. The issuing of mutual ex parte orders will be eliminated unless both parties applied separately, and both are primary aggressors. Ex parte orders will be entered in MILES so that judges and police can verify their existence.

6. The penalty for violating a protective order is 90 days in jail.

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7. All parties shall be furnished a Domestic Violence and Referral Card (#3782) available in English and Spanish. The CCN will be written on the back of the card.

8. Should the officer make a traffic stop and the results of a warrant file check reveal that a protective order or ex parte order has not been served to the subject, the following steps must be taken:

a. Seek the subject's voluntary compliance to be escorted to nearest police station where the order can be faxed by the sheriff's department and served.

b. If the subject refuses to comply voluntarily, no arrest can be made. However, the officer should get as much personal information on the subject as possible: home address and telephone number, place of employment and telephone number, and so forth, so that they can serve the order and forward it to the sheriff's department.

c. Civil warrants are not enforceable by arrest except as outlined in Sections III and IV of this General Order.

In cases of alleged domestic violence, where no arrest is made, the parties involved should be advised of the following options.

(a) They may go to the District Court Commissioner who can determine if a warrant or summons may be issued.

(b) They may seek a Petition for Protection from Domestic Violence by contacting the District Court Civil Office between 0830 and 1500 hours, Monday through Friday, excluding holidays. During other times they may go to the District Court Commissioner.

An Incident Report shall be written in all instances where a victim is referred to the District Court Commissioner for charging document application.

412.11.1 INTERIM PROTECTIVE ORDER

An officer shall immediately on receipt of a petition and interim protective order, serve them on the respondent named in the order. Immediately after service, the officer shall submit the documents to the Records Section who will make a return of service to the commissioner's office or, if the Office of the District Court Clerk (Clerk) is open for business, to the Clerk; and within two hours after service of the order, electronically notify the Department of Public Safety and Correctional Services (DPSCS) of the service (Md. Code FL § 4-504.1(g)).

412.11.2 TEMPORARY PROTECTIVE ORDER

An officer shall immediately serve the temporary protective order on the alleged abuser. Immediately after service the officer shall submit the documents to the Records Section who will within two hours after service of the order on the respondent, electronically notify the DPSCS (Md. Code FL § 4-505(b)).

412.12 DOMESTIC PROPERTY DISPUTES

In disputes over property or over access to a residence, the following procedures will be followed:

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(a) Officers will not act as an arbitrator. If a party seeking possession of personal property (furniture, clothing, etc.) is the owner or a tenant and is not subject to a court order to vacate, he/she can be presumed to have the right to enter the premises unless the party in the dwelling can show otherwise. The police will not enforce one party's claim against the other nor will assault behavior or disorderly conduct be tolerated.

(b) Parties involved should be advised to consider consulting a lawyer and preparing a separation agreement covering the disposition of household property.

(c) All property disputes regarding vehicles shall be referred to the District Court Commissioner. Officers shall advise the participants to go to the commissioner's office to apply for charging document (Section IV. D above does not apply here) and inform them that the commissioner has no authority to order any party to give up property, even if a charging document is issued.

(d) Officers should further advise the complainant(s) that the commissioner would determine the proper charging document to be issued or recommend pursuing their claims through civil procedures if appropriate.

E. All officers shall be familiar with Md. Code FL § 4-502, which states:

Any person who alleges to have been a victim of abuse and who believes there is a danger of serious and immediate personal harm may request the assistance of a local law enforcement unit. A local law enforcement officer who responds to the request for help shall:

Protect the complainant from harm when responding to the request; and accompany the complainant to the family home so that the complainant may remove the following items regardless of who paid for the items:

The personal clothing of the person and of any child in the care of the person; and

The personal effects, including medicine or medical devices, of the person and of any child in the care of the person the person or the child needs immediately.

Immunity of law enforcement officers from civil liability -- Any law enforcement officer responding to such a request shall have the immunity from liability described under subsection 5-610 of the Courts Article."

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Search and Seizure

413.1 PURPOSE AND SCOPE

Both the federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Mount Rainier Police Department personnel to consider when dealing with search and seizure issues.

413.2 POLICY

It is the policy of the Mount Rainier Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate

413.3 SEARCHES

The United States Constitution generally provides that a valid warrant is required for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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413.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) To minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

(f) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

413.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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Child Abuse

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Mount Rainier Police Department members are required to notify the Prince George's County Department of Social Services of suspected child abuse.

414.1.1 DEFINITIONS

Definitions related to this policy include (Md. Code FL § 5-701):

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or by a member of the child's family or household, or any other act that would mandate notification to a social service agency or law enforcement.

414.2 POLICY

The Mount Rainier Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the Prince George's County Department of Social Services is notified as required by law.

414.3 MANDATORY NOTIFICATION

Members of the Mount Rainier Police Department shall notify the local department of social services when they have reason to believe that a child has been subjected to abuse or neglect (Md. Code FL § 5-704; Md. Code FL § 5-705.1).

For purposes of notification, abuse includes physical or mental injury (or the substantial risk of such injury) inflicted by a parent, household member, family member, or anyone else who may have custody of, be caring for, or have authority over the child. Abuse also includes any sexual abuse or exploitation of a child. Abuse does not include accidental injuries. Neglect includes the failure of a caregiver to provide proper care to a child to the extent that the child is physically or mentally harmed or at risk of such harm (Md. Code FL § 5-701).

414.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (COMAR 07.02.07.04; Md. Code FL § 5-704(b)):

(a) The handling officer shall:

1. Make an oral report as soon as possible to the local department of social services by telephone or direct communication.

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2. Make a written report no later than 48 hours after having reason to believe that a child has been subjected to abuse, and forward a copy to the local department of social services and State's Attorney.

(b) The notification, insofar as is reasonably possible, shall include:

1. The name, age and home address of the child.
2. The names and ages of other children in the home or in the care of the person alleged to be responsible for the abuse or neglect.
3. The name and home address of the child's parent or other person who is responsible for the child's care.
4. The whereabouts of the child.
5. The nature and extent of the abuse or neglect of the child, including any evidence or information concerning possible previous instances of abuse or neglect of the child or by the person alleged to be responsible for the abuse or neglect.
6. Any other information that would help to determine:
   (a) The cause of the suspected abuse or neglect.
   (b) The identity of any person responsible for the abuse or neglect.
   (c) The safety of the child and risk of future abuse or neglect.
7. In the case of suspected child abuse or neglect involving a mental injury:
   (a) A description of the substantial impairment of the child's mental or psychological ability to function.
   (b) An explanation of why it is believed the mental injury is attributable to maltreatment or failure to provide proper care and attention.
   (c) Observations or knowledge about the intent or recklessness of the person alleged to be responsible for causing a mental injury.

(c) For suspected abuse of a child living out of state and occurring out of state, notification shall be made to any local department of social services in accordance with the requirements of Md. Code FL § 5-705.1.

414.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child-appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

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(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (COMAR 07.02.07.22; COMAR 07.02.07.23; Md. Code FL § 5-706(f); Md. Code FL § 5-706(g); Md. Code FL § 5-706.2(b)).

414.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) A thorough and timely investigation and report as required by state law (Md. Code FL § 5-706). This should be done by the investigating officer in all circumstances where a suspected child abuse victim is contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim is transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(k) Whether within 24 hours after receiving a report of suspected physical or sexual abuse of a child, and within five days after receiving a report of suspected neglect or suspected mental injury of a child, the handling officer complied with COMAR 07.02.07.08, Md. Code FL § 5-706(c) and Md. Code FL § 5-706.2(c) by:

1. Seeing the child.
2. Attempting to have an on-site interview with the child's caretaker.
3. Deciding on the safety of the child, wherever the child is, and of other children in the household.
4. Deciding on the safety of other children in the care or custody of the alleged abuser.

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(l) Seeking assistance from the local State's Attorney as needed (Md. Code FL § 5-706(d)).

(m) Completing an investigation as soon as practicable, but not later than the time frames specified by state law (COMAR 07.02.07.09; Md. Code FL § 5-706(h); Md. Code FL § 5-706.2(d)).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

414.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the local department of social services. Generally, the decision to remove a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the local department of social services.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may be temporarily removed from a parent or guardian without prior approval of the juvenile court when a representative of the local department of social services has probable cause to believe that the child is in serious and immediate danger (Md. Code FL § 5-709).

414.6.1 SAFE HAVEN LAW

A mother, or a person with the permission of the mother, may relinquish an unharmed newborn within 10 days after birth to an officer when the mother expresses an interest in abandoning the child. As soon as possible, the officer shall take the newborn to a hospital or other facility designated by the Department of Human Resources (Md. Code CJ § 5-641).

414.7 INTERVIEWS

414.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained

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in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

414.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW
An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:
    1. A reasonable belief that medical issues of the child need to be addressed immediately.
    2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
    3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
(b) A court order or warrant has been issued.

414.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

An examination and emergency medical treatment may be provided for a child without parental consent if an officer states a belief that the child has been abused or neglected (COMAR 07.02.07.07(f)(3)).

414.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

414.9.1 SUPERVISOR RESPONSIBILITIES
The Patrol supervisor should:

(a) Work with professionals from the appropriate agencies, including the local department of social services, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for

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responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Patrol supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives at the scene.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

414.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Patrol supervisor so an interagency response can begin.

414.10 STATE MANDATES AND OTHER RELEVANT LAWS

Maryland requires or permits the following:

414.10.1 PROMPT INVESTIGATION

Within 24 hours after receiving a report of suspected physical or sexual abuse of a child who lives in this State that is alleged to have occurred in this State, and within 5 days after receiving a report of suspected neglect or suspected mental injury of a child who lives in this State that is alleged to have occurred in this State, the department or the Prince George's County Department of Social Services shall:

(a) see the child;

(b) attempt to have an on-site interview with the child's caretaker;

(c) decide on the safety of the child, wherever the child is, and of other children in the household; and

(d) decide on the safety of other children in the care or custody of the alleged abuser.

To the extent possible, an investigation under subsections (c) and (d) of this section shall be completed within 10 days after receipt of the first notice of the suspected abuse or neglect by the local department or law enforcement agencies

414.10.2 PROCESSING REPORTS AND RECORDS

The handling officer shall ensure that (COMAR 07.02.07.07; Md. Code FL § 5-706(i); Md. Code FL § 5-706(j)):

(a) A preliminary report of findings of the investigation is submitted to the local State's Attorney within 10 days after receiving a report of suspected abuse.

(b) A written report of findings of the investigation is submitted to the local State's Attorney within five business days after the investigation is completed.

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414.10.3 RELEASE OF REPORTS
Information related to incidents of child abuse or suspected child abuse is confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (COMAR 07.02.07.21; Md. Code FL § 5-707).

414.10.4 CHILD FATALITY REVIEW
This department will cooperate with a local or state child death review team (Md. Code FL § 5-706).

414.10.5 HOUSEHOLD ENTRY
Upon request, an officer shall accompany a representative of the Department of Social Services who has been denied entry into a household in which the representative has probable cause to believe that a child is in serious, immediate danger. If necessary, the officer may use reasonable force to enable the representative to gain entry (Md. Code FL § 5-709(b)).

414.10.6 FAILURE TO REPORT
An officer investigating allegations of child abuse who believes that a person has knowingly failed to report suspected abuse or neglect shall file a complaint with the appropriate agency or board (Md. Code FL § 5-705.4).

414.11 TRAINING
The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

(g) Recognizing abuse that requires mandatory notification to another agency.

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Adult Abuse

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Mount Rainier Police Department members as required by law.

415.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

Exploitation - Any action that involves the misuse of a vulnerable adult's funds, property, or person.

415.2 POLICY

The Mount Rainier Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

415.3 MANDATORY NOTIFICATION

Members of the Mount Rainier Police Department shall notify the local Adult Protective Services (APS) when there is reason to believe that an adult who lacks the physical or mental capacity to provide for his/her own daily needs has been subjected to abuse, neglect, self-neglect or exploitation (Md. Code FL § 14-302(a)).

415.3.1 NOTIFICATION PROCEDURE

Notification shall occur as follows (Md. Code FL § 14-302):

(a) The officer investigating the case shall notify the local APS office by telephone, direct communication or in writing as soon as possible.

(b) The investigating officer shall include at least the following information as reasonably known:

1. The name, age and home address of the adult, including his/her current whereabouts.
2. The name and home address of the person responsible for the adult's care.
3. The nature of the adult's suspected incapacity.
4. The nature and extent of the abuse, neglect, self-neglect or exploitation, including any reasonably known evidence or information concerning previous injury that may have resulted from abuse, neglect, self-neglect or exploitation.

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5. Any other information that would help to determine the cause of the suspected abuse, neglect, self-neglect or exploitation, and the identity of any individual responsible for the abuse, neglect, self-neglect or exploitation.

415.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (COMAR 07.02.16.07(B)).

415.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

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(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

415.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation (Md. Code FL § 14-307).

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS (Md. Code ET § 13-709(a)).

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

415.7 INTERVIEWS

415.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

415.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

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(a) The adult cannot adequately provide for his or her own care or protection and exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

415.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. The supervisor should consider other government agencies or services that may obtain a court order for such an examination.

415.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

415.9.1 SUPERVISOR RESPONSIBILITIES

The Patrol supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Patrol supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives at the scene.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

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415.9.2 OFFICER RESPONSIBILITIES
Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives there should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Patrol supervisor so an interagency response can begin.

415.10 STATE MANDATES AND OTHER RELEVANT LAWS
Maryland requires or permits the following:

415.10.1 RECORDS SECTION RESPONSIBILITIES
The Records Section is responsible for:

(a) Providing a copy of the adult abuse report to APS as required by law.

(b) Retaining the original adult abuse report with the initial case file.

(c) Providing copies of a report of alleged abuse at a facility that cares for adults as required by law (Md. Code HG § 19-347).

415.10.2 RELEASE OF REPORTS
Information related to incidents of adult abuse or suspected adult abuse are confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy. However, law enforcement and participating agencies involved in the investigation may share information (Md. Code FL § 14-303(e)).

415.10.3 INVESTIGATION ASSISTANCE
On request of APS or any law enforcement agency, the handling officer shall assist in investigation of adult abuse (Md. Code FL Sect: 14-303(c)).

If, in the course of an investigation, an APS representative believes that an emergency exists, the representative may request law enforcement assistance. Responding officers shall accompany the representative. If the officer believes that an emergency exists as described in Md. Code ET Sect: 13-709(a), the officer shall ensure that the individual is transported to an appropriate health care facility (Md. Code FL Sect: 14-304).

415.11 TRAINING
The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

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(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Discriminatory Harassment

416.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

416.2 POLICY

The Mount Rainier Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

416.3 DEFINITIONS

Definitions related to this policy include:

416.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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416.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

416.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

416.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the Maryland Commission on Civil Rights guidelines.

(b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

416.4 RESPONSIBILITIES

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Chief of Police, or the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, subjected to retaliation, or who has observed harassment, discrimination, or retaliation,

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is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

416.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, manager, the Chief of Police, or the City Manager for further information, direction or clarification.

416.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of each supervisor and manager shall include, but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or Chief of Police in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

416.4.3 SUPERVISOR’S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline in a manner that is consistent with established procedures.

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416.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation or harassment shall be fully documented and promptly and thoroughly investigated.

416.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable, or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

416.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, Chief of Police or the City Manager.

416.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

416.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

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(a) Approved by the Chief of Police, the City Manager or the Chief of Police, depending on the ranks of the involved parties.

(b) Maintained in accordance with the established records retention schedule.

416.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

416.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

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Missing Persons

417.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

417.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - A missing child who meets any of the following conditions (Md. Code FL § 9-402):

(a) The child has not been the subject of a prior missing persons report.

(b) The child suffers from a mental or physical handicap or illness.

(c) The disappearance is of a suspicious or dangerous nature.

(d) The person filing the report has reason to believe that the missing child may have been abducted.

(e) The child has previously been the subject of a child abuse report filed with the state or a local law enforcement agency.

(f) The missing child is under 14 years of age.

(g) The missing child has not been located within 12 hours of the initial report.

Missing child - A person under the age of 18 who is the subject of a missing person report filed with a law enforcement agency in Maryland and whose location is unknown (Md. Code FL § 9-401).

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown.

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Maryland Center for Missing and Unidentified Persons (MCMUP) and the Maryland Electronic Telecommunications Enforcement Resource System (METERS).

417.2 POLICY

The Mount Rainier Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

417.3 REQUIRED FORMS AND DNA COLLECTION KITS

The Patrol supervisor shall ensure the following forms and kits are developed and available:

- The State of Maryland Missing Person Report (SOMMPR) form

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- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (including the steps to be taken as set forth in Md. Code FL § 9-402 regarding missing children)
- Missing person school notification form
- Medical records release form
- Maryland State Police DNA collection kits

417.4 ACCEPTANCE OF REPORTS

Any member encountering an individual who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report (Md. Code FL § 9-402(e); Md. Code PS § 3-601).

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

When taking a missing person report, department members shall use the SOMMPR form (Md. Code PS § 3-602).

417.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Notify the appropriate investigative service office (CID or District I) of the Prince George's County Police and record such notification (investigator name and ID, date and time) and any instructions provided by the investigator on the report.

(e) Broadcast a “Be on the Look-Out” (BOLO) bulletin if the person is under 14 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 14 years of age or may be at risk.

(f) Ensure that entries are made into the appropriate missing person networks, as follows:

1. Immediately, when the missing person is at risk (Md. Code FL § 9-402).
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (42 USC § 5780).

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(g) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(h) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(i) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

(j) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

(k) Will, if deemed necessary, request additional units to assist with the search of a missing person.

(l) If the person qualifies for a Silver Alert, contact the Maryland State Police as soon as practicable.

417.5.1 SPECIAL CIRCUMSTANCES

Upon determining that a missing child is at-risk, investigating officers or supervisors shall immediately take the following additional steps as part of the investigation (Md. Code FL § 9-402):

(a) Initiate search procedures, including the coordination of volunteer search teams.

(b) Notify the National Center for Missing and Exploited Children.

(c) Notify local departments and, if applicable, obtain any information that may help with locating the missing person.

(d) Request the assistance of the Department of State Police, when appropriate.

417.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

417.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but not be limited to:

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to the Records Section.

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(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing person networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

417.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section receiving member shall include, but not be limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the Patrol.

(e) Coordinating with the NCIC Terminal Contractor for Maryland to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (42 USC § 5780).

417.7 PATROL FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Shall coordinate the investigation with the Maryland State Police if a missing child has not been located within 24 hours and there is reason to believe the child may be located in another jurisdiction (Md. Code FL § 9-402(d)).

(b) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.

2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

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(c) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.

(d) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(e) Shall verify and update MCMUP, METERS, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (42 USC § 5780).

(f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(g) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (42 USC § 5780).

(h) Should make appropriate inquiry with the Medical Examiner.

(i) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.

(j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Department of State Police and enter the photograph into applicable missing person networks (42 USC § 5780).

(k) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(l) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

417.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Manager should ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to the Maryland State Police.

(b) A missing child's school is notified.

(c) Entries are made in the applicable missing person networks.

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(d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to MCMUP, METERS and NCIC.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

417.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

417.9 CASE CLOSURE

The Patrol supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Mount Rainier or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactivate if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

417.10 TRAINING

Subject to available resources, the Assistant Chief should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response

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5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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Public Alerts

418.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

418.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

418.3 RESPONSIBILITIES

418.3.1 MEMBER RESPONSIBILITIES

Members of the Mount Rainier Police Department should notify their supervisor, Shift Supervisor or Patrol supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

418.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Section Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts.

(b) Canceling alerts.

(c) Ensuring all appropriate reports are completed.

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Section Commander.

418.4 AMBER ALERT

The AMBER Alert™ Program is used to provide a statewide system for the rapid dissemination of information regarding abducted children.

418.4.1 CRITERIA

The following criteria are utilized to determine if an AMBER Alert should be issued:

(a) There is confirmation that the child has been abducted.

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(b) The child is under the age of 18.

(c) The circumstances surrounding the abduction indicate that the child is in danger of serious bodily harm or death.

(d) There is enough descriptive information about the child, abductor and/or suspect's vehicle to believe an immediate broadcast alert will help.

(e) The child is believed to still be in the broadcast area.

(f) The child's name and other critical elements have been entered into the National Crime Information Center (NCIC).

418.4.2 PROCEDURE

After verifying a report that a child has been abducted and is in danger of serious bodily harm, the supervisor in charge of the investigation shall:

(a) Immediately notify the field supervisor.

(b) After confirming that the AMBER Alert criteria have been met, the field supervisor shall contact the Maryland State Police (MSP) headquarters duty officer and request an AMBER Alert activation.

(c) Provide all necessary information to the MSP Missing Child Recovery Unit.

(d) Be prepared to follow up the verbal request with a written request made via fax to the MSP headquarters duty officer.

418.5 BLUE ALERT

The National Blue Alert System™ is used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state or federal law enforcement officer (Md. Code PS § 3-605).

418.5.1 CRITERIA

The following criteria are utilized to determine if a Blue Alert should be issued:

(a) An officer must have been killed or seriously injured by an offender.

(b) It has been determined that the offender poses a serious risk or threat to the public and other law enforcement personnel.

(c) A detailed description of the offender’s vehicle, vehicle tag or partial tag must be available for broadcast to the public.

418.5.2 PROCEDURE

The following are the procedures for a Blue Alert:

(a) Upon confirmation of the Blue Alert criteria, the supervisor in charge of the investigation shall recommend activation of the Blue Alert to the MSP.

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(b) Once this department apprehends a missing offender who is the subject of a Blue Alert, the supervisor in charge of the investigation shall immediately notify the MSP and any law enforcement agency that filed the report resulting in the Blue Alert that the missing offender has been apprehended (Md. Code PS § 3-605).

418.6 SILVER ALERT

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing person who has a cognitive disorder (Md. Code PS § 3-604).

418.6.1 CRITERIA

The following criteria are utilized to determine if a Silver Alert should be issued:

(a) The whereabouts of a person at least 60 years old is unknown.

(b) The person suffers a cognitive impairment, including a diagnosis of Alzheimer's disease or dementia to the extent that the individual requires assistance from a caregiver.

(c) The disappearance poses a credible threat to the health and safety of the person due to age, health, mental or physical disability, and environment or weather conditions, as determined by this department.

(d) The person is traveling in a vehicle and there is enough descriptive information about the missing person and the vehicle to issue an alert.

(e) The Department has already activated a local or regional alert by contacting media outlets in the jurisdiction and the missing person has been entered into NCIC.

418.6.2 PROCEDURE

The following are the procedures for a Silver Alert:

(a) Upon confirmation of the Silver Alert criteria, the supervisor in charge of the investigation shall contact the MSP headquarters duty officer and request a Silver Alert.

(b) Once the Department confirms that the missing person has been located, the supervisor in charge of the investigation shall notify the MSP that the missing person has been located.

418.7 LOCAL MEDIA ALERT

418.7.1 CRITERIA

A local media alert should be used for the rapid dissemination of information to assist in finding a missing person regardless of whether the criteria for a state alert are met.

418.7.2 PROCEDURE

Regardless of whether a public alert is activated, the following procedures to alert the media and other local law enforcement agencies should be followed:

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(a) The PIO will prepare an initial press release that includes all available information that might aid in locating a child, suspect or missing person, such as:

1. The person's identity, age and description.
2. A photograph, if available.
3. Pertinent vehicle description.
4. Details regarding the location of the incident, last known direction of travel and potential destinations, if known.
5. The name and contact number of the PIO or other authorized media liaison.
6. A contact number for the public to call with leads or information.

(b) The press release should be faxed to local television and radio stations.

(c) The information in the press release should also be forwarded to local law enforcement agencies.

(d) The activating official or other individual responsible for making notifications shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation, or immediately upon locating the person identified in the public alert.

The PIO is responsible for providing relevant updates to the supervisor in charge of the investigation.

418.8 YELLOW ALERT

Yellow Alerts are used to provide a statewide system for the rapid dissemination of information regarding a suspect in a hit-and-run involving serious injury or death (Md. Code PS § 3-606).

418.8.1 CRITERIA

The following criteria are utilized to determine if a Yellow Alert should be issued:

(a) The whereabouts of a person suspected of leaving the scene of an accident involving serious bodily injury or death are unknown (Md. Code TR § 20-102).

(b) The suspect's vehicle can be described, including any information about the vehicle's license plate number.

418.8.2 PROCEDURE

The following are the procedures for a Yellow Alert:

(a) Upon confirmation of the Yellow Alert criteria, the supervisor in charge of the investigation shall contact the MSP headquarters duty officer and request a Yellow Alert.

(b) Once the Department confirms that the vehicle or suspect has been located, the supervisor in charge of the investigation shall notify the MSP.

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Victim and Witness Assistance

419.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

419.2 POLICY

The Mount Rainier Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Mount Rainier Police Department will show dignity, respect, courtesy, sensitivity, compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

419.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Mount Rainier Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

419.3.1 DNA PROFILE INFORMATION

The crime victim liaison shall ensure that a system is in place to provide victims of violent crime who have made a written request for notice of DNA profile information with the following (Md. Code CP § 11-104):

(a) Whether an evidentiary DNA profile is obtained from evidence in the case

(b) When a DNA profile developed in the case is entered into the statewide DNA database system

(c) When a confirmed match or hit on the DNA profile is received

419.4 CRIME VICTIMS AND WITNESSES

Officers on first contact shall provide all victims or victim’s representative with the applicable victim information handout (Md. Code CP § 11-104).

Officers should never guarantee a victim’s or witness' safety from future harm but should take reasonable safety precautions and make practical safety suggestions to victims who express fear of future harm or retaliation (Md. Code CP § 11-1002(b)(4)).

Officers should provide a separate area away from suspects or the family and friends of suspects during an investigation and should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but should direct him/her to the proper written department material or available victim resources (Md. Code CP § 11-1002).

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Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

419.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

When interacting with individuals suspected of being or claiming to be victims of sexually assaultive behavior as defined by Md. Code CP § 10-923, members should not present to the victim any form purporting to (Md. Code CP § 11-929):

(a) Relieve the Department of any obligation to the victim.

(b) Preclude or define the scope of the investigation.

(c) Prevent or limit a prosecution of an act allegedly committed against the victim.

(d) Limit a victim's private right of action pertaining to an act allegedly committed against the victim or the victim's interaction with the Department.

If such a victim requests the investigation be suspended or limited in scope, the responding member should thoroughly document that request and follow-up according to the practices recommended by the MPTSC (Md. Code CP § 11-929).

419.5 VICTIM AND WITNESS INFORMATION

The Administration Section Commander shall ensure that victim and witness information handouts are available and current. These should include as appropriate(Md. Code CP § 11-1002):

(a) Shelters and other community resources for victims including domestic violence and sexual assault victims.

(b) Crisis intervention help, including medical treatment, creditor intervention services, counseling or other social services.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Md. Code CP § 11-925).

(d) Contact information for the Maryland Sex Offender Alert Line.

(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

(g) Available compensation for qualifying victims of crime (Md. Code CP § 11-916).

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender’s custody status and to register for automatic notification when a person is released from jail.

(i) Notice regarding U visa and T visa application processes.

(j) Resources available for victims of identity theft.

(k) The victim's right, upon written request, to the following:

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1. To be kept reasonably informed of the arrest of a suspect and closing of the case.
2. Which office to contact for information about the case.
3. For victims of a violent crime, to be notified and updated on matters related to a suspect's DNA profile pursuant to Md. Code CP § 11-104.

(l) The right to have stolen or other property promptly returned and, upon written request, should have the property promptly returned when evidentiary requirements for prosecution can be satisfied by other means, unless there is a compelling law enforcement reason for keeping it.

(m) A place for the officer's name, badge number and any applicable case or incident number.

(n) How a victim may keep his/her address confidential (Md. Code FL § 4-522; Md. Code SG § 7-303).

(o) Maryland Electronic Courts (MDEC) system for requesting and receiving notices electronically, if applicable (Md. Code CP § 11-104).

(p) How to request information regarding an unsolved case (Md. Code CP § 11-104).

419.5.1 CONFIDENTIAL INFORMATION

The Department, on request of the state, may withhold the address or telephone number of the victim, victim's representative, witness to a felony, domestically related crime, or other covered crime before the trial or adjudicatory hearing in a juvenile delinquency proceeding, unless a judge determines that good cause has been shown for the release of the information (Md. Code CP § 11-205).

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Hate Crimes

420.1
In the past several years, roffensive acts motivated by race, religion, ethnicity, gender, national origin, sexual orientation, gender identity, disability, and homeless status have increased throughout the State and across the nation. Such incidents (both criminal and non-criminal) that are racial, religious or ethnic in motivation not only have a devastating effect on the individual victim but also threaten the democratic foundations of our society. Also,tensions and pressures are generated within the neighborhoods affected. This Department recognizes that the unique nature and adverse impact of these incidents requires special handling from our agency. We have an obligation to not only investigate these incidents, but to also recognize and react in a supportive manner to the emotional trauma experienced by the victims, families and residents of the community who have witnessed or suffered such incidents. Police training sessions have focused on sensitizing all officers to incidents that are motivated by hate. Thus, officers investigating these hate/violence incidents are expected to:

- Approach victims in an empathetic and supportive manner.
- Effectively calm the victim and reduce the victim's alienation.
- Reassure the victim that every available investigative and enforcement tool shall be utilized by the Department to find and prosecute the person or persons responsible for the act.

420.2 PURPOSE AND SCOPE

The purpose of this General Order is to define hate crimes and set policy on the reporting and investigation of such incidents. We will take an active role in promoting peace and harmony among the diverse groups living and working within the City and State to protect all citizens against racial, religious and ethnic intimidation and harassment. We will immediately conduct a thorough investigation of all malicious or criminal incidents occurring within the City that are motivated by hate and will support maximum prosecution of those who are apprehended for such acts. State law requires all law enforcement agencies of the State to report to the Maryland State Police "...information about incidents apparently directed against an individual or group because of race, religion, ethnicity, or sexual orientation." Md. Code Ann., Public Safety Art., § 2-307. The Department shall ensure that all such incidents are reported to MSP and that violations are dealt with immediately.

420.2.1 DEFINITIONS
Definitions related to this policy include:

Hate crime - A crime motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, disability or homelessness of the victim

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420.3 POLICY

The Mount Rainier Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitutions and incorporated in state and federal law. It is the policy of this Department to bring its investigative, operational and support elements into quick action following any and all reported or observed hate crime incidents. There shall be special emphasis placed on victim assistance and community cooperation in order to reduce victim/community trauma and fear.

420.4 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes, and forming networks that address prevention and response.

(b) Providing victim assistance, community follow-up or identifying available resources.

(c) Educating community and civic groups about hate crime laws.

420.5 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further, as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.

(c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.

(d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

(e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.

(f) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.

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(h) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked “Hate Crime.”

(i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid protective order through the courts or City Attorney.

420.5.1 RESPONSIBILITIES

If a hate crime case is assigned to the Patrol, the assigned investigator will be responsible for:

(a) Coordinating further investigation with the City Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victim and other involved individuals, as needed.

(c) Maintaining statistical data and tracking of suspected hate crimes, as indicated or required by state law.

420.6 TRAINING

All members of this department should receive training on hate crime recognition and investigation.

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Standards of Conduct

421.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Mount Rainier Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors and any other rules or regulations applicable to employees of Mount Rainier, including, but not limited to the Personnel Policies and Procedures Manual, and Chapter 1D, Ethics, of the Mount Rainier Code.

421.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action or administrative corrective action.

421.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

421.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the

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opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

421.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation or exhibiting indifference to such a violation.

(d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

421.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Maryland constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

421.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

421.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in department or City manuals.

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(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

421.5.2 ETHICS

(a) Using or disclosing one's status as a member of the Mount Rainier Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the State.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

421.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition, immigration status or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

421.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

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(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know, of such criminal activities, except as specifically directed and authorized by this department.

421.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without a reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without a reasonable excuse.

421.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Mount Rainier Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

421.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

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(e) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers or marital status.

421.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.
2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this department, except as expressly authorized by City policy, the collective bargaining agreement or memorandum of understanding, or the Chief of Police (Md. Code PS § 3-103(a)(2)).

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement or memorandum of understanding, or the Chief of Police (Md. Code PS § 3-103(a)(2)).

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(i) Any act on- or off-duty that tends to bring discredit to this department.

421.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any employment agreement, including fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on- or off-duty conduct that any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

421.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

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(d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic accident.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

421.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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Information Technology Use

422.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Mount Rainier Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications including "shareware." This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, audio recordings or videos.

422.2 POLICY

It is the policy of the Mount Rainier Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

422.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device. This includes records of all keystrokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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Although the Department shall not require access to a member's personal accounts, it may require a member to disclose a user name, password, or other means for accessing non-personal accounts or services that provide access to department computer or information systems (Md. Code LE § 3-712(b)).

422.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member or a third party to their supervisors or Shift Supervisors.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

422.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software on any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as a part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

422.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. When any equipment requires service, repair or programming, employees shall notify the City's contracted computer services company. Any exceptions to this policy must be approved by a supervisor.

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422.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and that shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms, and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the Internet shall be limited to messages, mail and data files.

422.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off-the-clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

422.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

422.6 INSPECTION AND REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department

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involving one of its members or a member's duties, an alleged or suspected violation of any department policy, request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

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Report Preparation

423.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to those members of the Department who complete investigations and reports as a part of their duties.

423.2 POLICY

It is the policy of the Mount Rainier Police Department that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient information to refresh the member's memory and shall provide enough detail for follow-up investigation and successful prosecution.

423.2.1 REPORT WRITING PROCEDURE

The Prince George's County Police Report Writing Manual is adopted but does not supersede the Mount Rainier report writing guide. Mount Rainier Police Department has an internal report writing guide. That guide is meant to be used an outline for report writing. It should be used a guide to ensure all relevant information is contained in a police report.

423.3 EXPEDITIOUS REPORTING

An incomplete report, unorganized reports or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or to a special priority made necessary under exceptional circumstances.

423.4 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. It is the responsibility of the member to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor (Md. Code PS § 3-514). Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be held.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Members shall not suppress, conceal, or distort the facts of any reported incident, nor shall any member make a false report orally or in writing. Generally, the reporting member's opinions should not be included in reports unless specifically identified as such.

423.4.1 HANDWRITTEN OR TYPED REPORTS

County, state and federal agency forms may be block printed unless the requirement for typing is apparent. Supervisors may require block printing or typing of reports of any nature for legibility or department consistency.

Handwritten reports must be prepared legibly in black ink. If the report is not legible, the submitting member will be required by the reviewing supervisor to promptly rewrite and resubmit the report.

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In general, the narrative portion of reports where an arrest is made or when there is a long narrative should be typed or dictated. Members who dictate reports shall use appropriate grammar, as the content is not the responsibility of the typist.

Members who generate reports on computers are subject to all requirements of this policy.

423.4.2 ELECTRONIC SIGNATURES

The Mount Rainier Police Department has established an electronic signature procedure for use by all members of the Mount Rainier Police Department. The Patrol Section Commander shall be responsible for maintaining the electronic signature system, ensuring that each member creates a unique, confidential password for his/her electronic signature and that the use of electronic signatures otherwise complies with the law (Md. Code CL § 21-106).

(a) Members may only use their electronic signatures for official reports or other official communications.

(b) Each member shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

423.5 REQUIRED REPORTING

In all of the following situations, members shall complete reports using the appropriate department-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements are not intended to be all-inclusive. A member may complete a report if he/she deems it necessary or as directed by a supervisor.

423.5.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

(a) All arrests.

(b) All felony crimes.

(c) Non-felony incidents involving threats or stalking behavior.

(d) Situations covered by separate policy. These include:

1. Use of Force Policy.
2. Domestic Violence Policy.
3. Child Abuse Policy.
4. Adult Abuse Policy.
5. Hate Crimes Policy.
6. Suspicious Activity Reporting Policy.

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(e) All misdemeanor crimes where the victim desires a report.

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., a dispatch log).

423.5.2 SERIOUS CRIMES

(a) Homicide – Prince George's County Police Homicide and Evidence will be contacted along with the MRPD Detective to respond. The initial crime report will be completed by a Mount Rainier police officer. Any copying or faxing of the report will be noted in the narrative.

(b) Robbery – MRPD Detective will be contacted to respond or to advise the next steps. The initial crime report will be completed by a Mount Rainier police officer. If the MRPD Detective is not available then contact the Patrol Lieutenant. PG County robbery will only be called as a last resort. If PG County is called the reporting officer will immediately fax a copy of the completed report to District I station for all non T/A robberies; that fax and any copy of the report given to the responding robbery unit will be noted in the narrative of the report.

(c) Rape – MRPD Detective will be contacted and will advise if the Prince George's County Police Sex Crime Unit will be contacted to respond. The initial crime report will be completed by a Mount Rainier police officer. Any copying or faxing of the report will be noted in the narrative.

423.5.3 NON-CRIMINAL ACTIVITY

Non-criminal activity to be documented includes:

(a) Any found property or found evidence.

(b) All protective custody and welfare detentions.

(c) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy).

(d) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.

(e) Suspicious incidents that may place the public or others at risk.

(f) Any use of force by members of this department against any person (see the Use of Force Policy).

(g) Any firearm discharge (see the Firearms Policy).

(h) Any time a member points a firearm at any person.

(i) Any traffic accidents above the minimum reporting level (see the Traffic Accidents Policy).

(j) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

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423.5.4 MISCELLANEOUS INJURIES
Any injury that is reported to this department shall require a report when:

(a) The injury is a result of drug overdose.

(b) There is an attempted suicide

(c) The injury is major or serious, and potentially fatal.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to document the event.

423.5.5 DEATHS
Death investigations require specific investigation methods, depending on the circumstances. They should be handled in accordance with the Death Investigation Policy. The handling member should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following incidents shall be appropriately investigated and documented:

(a) Unattended deaths (no physician or qualified hospice care during the period preceding death)

(b) Sudden, accidental or suspicious deaths

(c) Suicides

(d) Homicide or suspected homicide

(e) Found dead bodies or body parts

423.5.6 JUVENILES
When juveniles are suspects in a crime, the juvenile(s) name shall be recorded only on a supplement report clearly indicating “Juvenile Information”; this report is separate from the crime report and any other additional information.

423.5.7 CITY PERSONNEL OR PROPERTY
Incidents involving City personnel or property shall require a report when:

(a) An injury occurs as the result of an act of a City employee or on City property.

(b) There is damage to City property or equipment.

423.6 ALTERNATIVE REPORTING FOR VICTIMS
Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property.

(b) Misdemeanor thefts of property, other than firearms or materials threatening to public safety, when there is no suspect information or serial number or ability to trace the item.

1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.

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(c) Misdemeanor vandalism with no suspect information and no hate crime implications.

(d) Vehicle burglaries with no suspect information or evidence.

(e) Stolen vehicle attempts with no suspect information or evidence.

(f) Annoying telephone calls with no suspect information.

(g) Identity theft without an identifiable suspect.

(h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.

(i) Hit-and-run vehicle accidents with no suspect or suspect vehicle.

(j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternative means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., the Federal Trade Commission (FTC) website for identity theft; the Internet Crime Complaint Center (IC3) website for computer crimes).

423.7 REVIEW AND CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete a correction form stating the reasons for rejection.

The original report and the correction form should be returned to the reporting member for correction as soon as practicable. It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

When the supervisor is certain that a report is complete, legible and accurate, and the proper action has been taken to resolve the incident, he/she shall sign the report and give it to the records manager/clerk.

423.7.1 CHANGES AND ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report.

Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

423.8 STATE REPORTING REQUIREMENTS

423.8.1 TEMPORARY DETENTION OR INVESTIGATIVE STOP SEARCHES

Any temporary detention or investigative stop that results in a search requires the department performing the search to file a written report with this department within 24 hours of the incident. The report shall be completed using the form prescribed by the Secretary of Public Safety and Correctional Services and shall include:

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(a) The name of the person searched.

(b) The circumstances surrounding and reasons for the search or seizure.

The Records Section is required to deliver copies of all forms completed for this purpose to the Secretary of the State Police (Md. Code CR § 4-206(c)).

423.8.2 HATE CRIMES

The Records Section, in conjunction with the Patrol for cases assigned for investigation, shall report all incidents apparently directed against an individual or group because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, homelessness, or any other class specified by state law to the Department of State Police in accordance with any procedures they adopt (Md. Code PS § 2-307).

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Media Relations

424.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

424.2 POLICY

It is the policy of the Mount Rainier Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

424.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. The Chief of Police may designate a PIO. Otherwise all releases to the media will flow through the Chiefs Office.

424.4

424.5 MEDIA REQUESTS

Any media request for information about a law enforcement incident shall be referred to the Chief of PolicePIO,

(a)

(b)

(c)

424.6 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

(a) The media representative shall produce valid media credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives should be prevented from interfering and may be removed for interfering with emergency operations and criminal investigations.

1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere

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with emergency or criminal investigation operations. All information released to the media should be coordinated.

(c) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express written consent of the person in custody.

(d) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

(e) Suspects or accused persons in custody should not be deliberately posed for photographs, telecasts or interviews.

424.6.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation to accommodate the media. All comments to the media shall be coordinated through a supervisor..

424.6.2

424.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

424.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed and processed in accordance with the Maryland Public Information Act (see the Records Maintenance and Release Policy).

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO, the Custodian of Records, or if unavailable, the Shift Supervisor. Such requests will be processed in accordance with the provisions of the Maryland Public Information Act (see the Records Maintenance and Release Policy).

424.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

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424.8.1

(a)

(b)

(c)

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Subpoenas and Court Appearances

425.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Mount Rainier Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

425.2 POLICY

Mount Rainier Police Department members will respond appropriately to all subpoenas and any other court ordered appearances.

425.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of the department or any of its members may do so.

425.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member’s on-duty activity or because of his/her association with the Mount Rainier Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Mount Rainier Police Department.

(f) Any civil case involving a member's security-related secondary employment.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

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425.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacity on civil matters arising out of their official duties, in accordance with the current collective bargaining agreement or memorandum of understanding.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

425.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

425.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

425.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

425.6 COURTROOM PROTOCOL

Members must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

Members shall dress in the department uniform or business attire.

Members shall observe all rules of the court in which they are appearing and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

425.6.1 TESTIMONY

At least five (5) days before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court. Officers must submit a request to the Records Clerk and Property Officer for reports, records or evidence within 72 hours of receiving the summons.

425.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement or memorandum of understanding.

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When court times are scheduled during off-duty hours, officer should utilize a City vehicle and a daily activity log will be completed for court time.

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Outside Agency Assistance

426.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

426.2 POLICY

It is the policy of the Mount Rainier Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

426.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Supervisor's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

426.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Mount Rainier Police Department shall notify his/her supervisor or the Shift Supervisor and Communications as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

426.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

426.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Supervisor.

426.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Section Commander or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Communications and the Shift Supervisor to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Assistant Chief should maintain documentation that the appropriate members have received the required training.

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Registered Offender Information

427.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Mount Rainier Police Department will address issues associated with certain offenders who are residing in the jurisdiction, and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

427.2 POLICY

It is the policy of the Mount Rainier Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

427.3 REGISTRATION

The Patrol Supervisor shall establish a process to reasonably accommodate registration of offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the following as soon as possible but not later than 3 working days following registration (Md. Code CP § 11-708; Md. Code CP § 11-709):

(a) The Department of Public Safety and Correctional Services.

1. Updated registrations including digital images, notification of intent to leave US or to obtain temporary lodging or to be absent from the offender's permanent residence or locations where the offender habitually lives any changes in the offender's residence, vehicle or license plate information, email or internet identifiers, phone numbers, employment, legal name, should also be sent to the Department of Public Safety and Correctional Services.

(b) The county superintendent, as defined in § 1-101 of the Education Article, and all nonpublic primary and secondary schools in the county within 1 mile of where the offender is to reside or habitually live or where an offender who is not a resident of Maryland is a transient or will work or attend school.

(c) The local law enforcement unit in each county where the offender will reside, habitually live or will work or attend school.

(d) The campus police agency of an institution of higher education in the State, or the local law enforcement that has primary jurisdiction for the campus if the campus does not have its own police agency, if the offender is enrolled in or carries on employment at, or is expecting to enroll in or carry on employment at the institution.

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(e) The police department, if any, of a municipal corporation if the offender:

1. Is to reside or habitually live in the municipal corporation.
2. Escapes from a facility but resided or habitually lived in the municipal corporation before being committed to the custody of a supervising authority.
3. Changes addresses to another place of residence within the municipal corporation.

The investigator may also notify any child care facility or recreation facilities, any faith institution and any other organizations that serve children and others vulnerable to sex offenders who victimize children that are located within the community in which the offender is to reside, habitually live, work or attend school.

The Patrol Supervisor shall establish procedures to provide notification to any person the Department deems necessary to protect the person from a specific offender (Md. Code CP § 11-718).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register (Md. Code CP § 11-721).

427.3.1 CONTENTS OF REGISTRATION

Sex offender registration statements shall include at least (Md. Code CP § 11-705(2); Md. Code CP § 11-706):

(a) The offender's full name and any aliases, former names, names by which the offender has been known, traditional names given by family or clan under ethnic or tribal tradition.

(b) All addresses and places where the offender resides or habitually lives.

(c) The name and address of each of the offender's employers and the address of each location where the offender performs employment duties, if that location differs from the address of the employer.

(d) The name and address of the offender's schools.

(e) A description of the crime for which the registrant was convicted and date and jurisdiction of conviction.

(f) Any e-mail addresses, computer log-in or screen names or identities, instant-messaging identities, and electronic chat room identities that the offender has used.

(g) The offender's Social Security number or purported Social Security number.

(h) The offender's date of birth, purported dates of birth, and place of birth.

(i) All identifying factors, including a physical description.

(j) A copy of the offender's passport or immigration papers.

(k) Information regarding any professional licenses the offender holds.

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(l) The license plate number, registration number, and description of any vehicle, owned or regularly operated by the offender and addresses or locations where the vehicles are kept.

(m) All telephone numbers used by the offender.

(n) A copy of the offender's valid driver's license or identification card.

(o) Fingerprints and palm prints.

(p) The criminal history of the offender.

(q) A current digital image of the offender.

(r) The offender's signature and the date of the signature.

(s) Any other information required by the Department of Public Safety and Correctional Services or Mount Rainier Police Department.

If the person is a sexually violent predator, the registration statement shall also include any anticipated future residences, if known at the time of registration and documentation of treatment received for a mental abnormality or personality disorder.

If the offender has not submitted a sample for inclusion in the statewide DNA database system of the Department of State Police Crime Laboratory, a sample should be obtained as provided in the Biological Sample policy and provided to the statewide DNA database system of the Department of State Police Crime Laboratory (Md. Code CP § 11-708).

427.3.2 NOTICE TO REGISTERING OFFENDER

When an offender registers, the investigator shall:

(a) Give written notice and explain the registration and update requirements to the offender, including:

1. The duties of a registrant when the registrant changes residence address in this State or changes the county in which the registrant habitually lives;

2. The duties of a registrant under Md. Code CP § 11-705;

3. The requirement for a sex offender to register in person with the local law enforcement unit of each county where the sex offender will reside or habitually live or where the sex offender who is not a resident of this State is a transient or will work or attend school;

4. The requirement that if the registrant changes residence address, employment, or school enrollment to another state that has a registration requirement, the registrant shall register with the designated law enforcement unit or sex offender registration unit of that state within 3 days after the change; and

5. Obtain a statement signed by the registrant acknowledging that the supervising authority explained the requirements of this subtitle and gave written notice of the requirements to the registrant.

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427.4 MONITORING OF REGISTERED OFFENDERS

The Patrol Supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

(b) Review of information on the Maryland Department of Public Safety and Correctional Services Registered Sex Offender Website.

(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the registering law enforcement agency and the Maryland State Sex Offender Unit.

The Patrol Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Mount Rainier Police Department members, including timely updates regarding new or relocated registrants.

427.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided the Maryland Department of Public Safety and Correctional Services Sex Offender Registry or the Mount Rainier Police Department's website.

The Records Manager shall release local registered offender information to residents in accordance with Md. Code CP § 11-716 and in compliance with a Maryland Public Information Act request.

427.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws. It does not include juvenile registrants whose information is confidential and only accessible to law enforcement (Md. Code CP § 11-704.1(c)).

(b) The information is provided as a public service and may not be current or accurate.

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(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

427.6 INTERNAL DISSEMINATION OF INFORMATION

As soon as possible but not later than 3 working days after receiving notice of registration or change in registration information from another local law enforcement unit, the Mount Rainier Police Department shall send a copy of the notice to the commander of each precinct or district in which the offender resides, habitually lives, works or attends school (Md. Code CP § 11-709).

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Major Incident Notification

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Mount Rainier Police Department in determining when, how and to whom notification of major incidents should be made.

428.2 POLICY

The Mount Rainier Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

428.3 CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police, the affected Section Commander and the City. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notification)
- Homicides, suspicious deaths or deaths related to law enforcement activity
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults
- At risk missing children or endangered missing adults
- In-custody deaths
- Aircraft, train, boat or other transportation accidents with major damage and/or injury or death
- Traffic accidents with fatalities or severe injuries
- Death of a prominent Mount Rainier official
- Significant injury to or death of a member of the Department, whether on- or off-duty
- Arrest of a member of the Department or prominent Mount Rainier official
- Any time an action, other than a traffic stop, is taken against a subject entitled to immunity.
- Equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic police services
- Any other incident that has or is likely to attract significant media attention

428.4 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor is responsible for making the appropriate notifications. The Shift Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before

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notification, and shall make the notifications as soon as practicable. Notification should be made by using the call notification protocol posted in Communications.

428.4.1 COMMAND STAFF NOTIFICATION

In the event an incident occurs as identified in the Criteria for Notification section above, the Chief of Police shall be notified along with the affected Section Commander and the Patrol Section Commander if that section is affected.

428.4.2 INVESTIGATOR NOTIFICATION

If the incident requires that an investigator respond from home, the immediate supervisor of the appropriate detail shall be notified, who will then contact the appropriate investigator.

428.4.3 PATROL NOTIFICATION

In the event of a major injury or traffic fatality, the Patrol supervisor shall be notified, who will then contact the appropriate investigator. The Patrol supervisor will notify the Chief of Police.

428.4.4 PUBLIC INFORMATION OFFICER

After members of the command staff have been notified, the Public Information Officer shall be called if it appears the media may have a significant interest in the incident.

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Death Investigation

429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

429.2 POLICY

It is the policy of the Mount Rainier Police Department to respond, document and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide and homicide, shall be initiated, investigated and properly documented.

429.3 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Patrol Section Commander as necessary. The Shift Supervisor will make notification to command staff in accordance with the Major Incident Notification Policy.

429.3.1 REPORTING

All incidents involving a death shall be documented on the appropriate form.

429.3.2 MEDICALEXAMINERJOP REQUEST

Officers are not authorized to pronounce death unless they are also Medical Examiners, Deputy Medical Examiners or appointed Medical Examiner investigators. The Medical Examiner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes. State law requires that the Medical Examiner and the State's Attorney for the county where the body was found be notified and given the known facts concerning the time, place, manner and circumstances of the death in any of the following cases (Md. Code HG § 5-309):

(a) If the death occurred:

1. By violence.
2. By suicide.
3. By casualty.
4. Suddenly, if the deceased was in apparent good health or unattended by a physician.

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5. In any suspicious or unusual manner.

(b) If the death of a human fetus:

1. Occurred before the complete expulsion or extraction of the fetus from the mother when the mother was not attended by a physician at or after the delivery, regardless of the duration of the pregnancy.

429.3.3 SEARCHING DEAD BODIES

(a) The Medical Examiner, his/her assistant and authorized investigators are generally the only persons permitted to move, handle or search a dead body.

(b) An officer may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Medical Examiner or his/her assistant shall be promptly notified.

(c) The Medical Examiner, with the permission of the Department, may take property, objects or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.

(d) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner or his/her assistant, the investigating officer should first obtain verbal consent from the Medical Examiner or his/her assistant when practicable.

(e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Medical Examiner or his/her assistant. The name and address of this person shall be included in the narrative of the death report.

(f) Whenever personal effects are removed from the body of the deceased by the Medical Examiner or his/her assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

429.3.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Patrol shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Shift Supervisor or Patrol supervisor is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

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The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests, and to provide a report.

429.3.5 EMPLOYMENT-RELATED DEATHS OR INJURIES
Any member of this department who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified of all pertinent information.

429.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Medical Examiner a unique identifying number for the body. The number shall be included in any report.

429.5 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Medical Examiner’s Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

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Identity Theft

430.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of identity theft.

430.2 POLICY

It is the policy of the Mount Rainier Police Department to effectively investigate cases of identity theft.

430.3 ACCEPTANCE OF REPORTS

A report should be taken any time a person residing within the jurisdiction of the Mount Rainier Police Department reports that he/she has been a victim of identity theft. This includes:

(a) Taking a report even if the location of the crime is outside the jurisdiction of this department or has not been determined.

(b) Providing the victim with department information, as set forth in the Victim and Witness Assistance Policy encouraging the victim to review the material, answering any of the victim's questions.

A report should also be taken if a person living outside the department jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in Mount Rainier to facilitate the crime).

430.4 FOLLOW-UP INVESTIGATION

Members of this department presented with the crime of identity theft shall prepare and file a report and provide a copy to the person making the report when (Md. Code CR § 8-304):

(a) The person resides in any part of Prince George's County.

(b) The crime occurred in any part of Prince George's County.

A member investigating a case of identity theft should ensure that each case is referred to the appropriate agency if it is determined that this department should not be the investigating agency (e.g., an identity theft ring working from out of state). The victim should be advised that the case is being transferred to the agency of jurisdiction for investigation. The investigating member should also ensure that appropriate entries are made into related databases that have been authorized for department use.

430.5 IDENTITY THEFT PASSPORT

Upon request by a person who is the victim of identity theft, Records Section staff shall submit an application for an identity theft passport and a copy of the person’s identity theft report to the Attorney General (Md. Code CR § 8-305(c)).

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An application for an identity theft passport and any supporting documents are not public records and may not be released except to another law enforcement agency.

430.5.1 ACCEPTANCE OF IDENTITY THEFT PASSPORT

Officers have discretion whether to accept or reject an identity theft passport that an individual presents to help prevent his/her arrest or detention when another person has committed an offense and used the individual's personal identifying information. In determining whether to accept or reject an identity theft passport presented to this department, the officer may consider the surrounding circumstances and available information regarding the offense of identity fraud against the person (Md. Code CR § 8-305(f)).

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Private Person's Arrest

431.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of a private person's arrest.

431.2 POLICY

It is the policy of the Mount Rainier Police Department to accept a private person's arrest only when legal and appropriate.

431.3 ARRESTS BY PRIVATE PERSON

A private person may arrest another under the following circumstances:

(a) An arrest without a warrant varies based on the nature of the crime.

(b) If the crime is a felony, a private person can make an arrest if:

1. A felony is being committed in the private person's presence.
2. A felony has in fact been committed and the private person making the arrest has probable cause to believe the individual arrested has committed the felony, whether or not in the private person's presence.

(c) If the crime is a misdemeanor, a private person can make an arrest if the misdemeanor amounts to a breach of the peace and is committed in the private person's presence or view.

431.4 OFFICER RESPONSIBILITIES

An officer confronted with a person claiming to have made a private person's arrest should determine whether or not such an arrest would be lawful.

If the officer determines that the private person's arrest is unlawful, the officer should:

(a) Take no action to further detain or restrain the arrested individual, unless there is independent justification for continuing a detention.

(b) Advise the parties that the arrest will not be accepted but the circumstances will be documented in a report.

(c) Document the incident, including the basis for refusing to accept custody of the individual.

Whenever an officer determines that a private person's arrest is justified, the officer may take the individual into custody and proceed in the same manner as with any other arrest.

431.5 PRIVATE PERSON'S ARREST FORM

The arresting person should be asked to complete and sign a private person's arrest form. If the person fails or refuses to do so, the arrested individual should be released, unless the officer has

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a lawful reason, independent of the private person's arrest, to take the individual into custody and determines an arrest is appropriate.

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Communications with Persons with Disabilities

432.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

432.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

432.2 POLICY

It is the policy of the Mount Rainier Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

432.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA coordinator (28 CFR 35.107). The coordinator shall be appointed by and directly responsible to the Patrol Section Commander or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

(a) Working with the City ADA coordinator regarding the Mount Rainier Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

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(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Supervisor and Communications Supervisor. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to individuals with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

432.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate his/her understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

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432.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Mount Rainier Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

432.6 TYPES OF ASSISTANCE AVAILABLE

Mount Rainier Police Department members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to disabled individuals through a variety of services.

Disabled individuals may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

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Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

432.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

432.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

432.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

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Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

432.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

432.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

432.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

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432.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

432.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

432.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual

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has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

432.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

432.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the ADA coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

432.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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432.18 TRAINING

To ensure that all members who may have contact with disabled individuals are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Assistant Chief shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including those who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Assistant Chief shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with the established records retention schedule.

432.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Communications members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

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Biological Samples

433.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from an individual in conjunction with a criminal investigation, including voluntary samples. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

433.2 POLICY

The Mount Rainier Police Department will assist in the expeditious collection of required biological samples from arrestees during booking in accordance with the laws of this state and with as little reliance on force as practicable (COMAR 29.05.01.04(B)).

433.3 ARRESTEES AND OFFENDERS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

A biological sample shall be collected from an individual who is charged with a crime of violence or an attempt to commit a crime of violence, or burglary or an attempt to commit burglary (Md. Code PS § 2-504(a)(3)).

An individual convicted of a felony or a violation of Md. Code CR § 6-205 or Md. Code CR § 6-206 shall have a biological sample collected at the time of sentence, or on intake to a correctional facility, or as a condition of probation (Md. Code PS § 2-504(a)(1)). These samples are generally collected by correctional staff.

433.4 PROCEDURE

At the time of collection of the biological sample, the Department must notify the individual that the biological record may be expunged and the biological sample destroyed in accordance with Md. Code PS § 2-511 (Md. Code PS § 2-504(a)(3)(ii)).

When an arrestee or offender is required to provide a biological sample, a designated and trained member shall obtain the sample in accordance with this policy (Md. Code PS § 2-504(c)).

A second biological sample shall be taken if needed to obtain sufficient biological data for the statewide DNA data base system or if ordered by a court (Md. Code PS § 2-504(e)).

433.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify the identity of the arrestee or offender and that the individual is required to provide a sample pursuant to state law (COMAR 29.05.01.04(K)).

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(b) Verify that a biological sample has not been previously collected from the arrestee or offender by querying the statewide DNA database. There is no need to obtain a biological sample if one has been previously obtained (COMAR 29.05.01.04(B)(4)).

(c) Use the designated collection kit to perform the collection, following directions and taking steps to avoid cross contamination (COMAR 29.05.01.04(J).

433.5 USE OF FORCE TO OBTAIN SAMPLES

If an arrestee or offender refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance. Reasonable force may be used in the collection of samples as authorized by court order or approval of legal counsel and only with the approval of a supervisor (COMAR 29.05.01.04(C)).

Methods to consider when seeking voluntary compliance include contacting:

(a) The individual's parole or probation officer, when applicable.

(b) The prosecuting attorney to seek additional charges against the individual for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the individual's next court appearance.

(d) The individual's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where the individual can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use reasonable force and be present to document the process.

433.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all persons participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the established records retention schedule.

433.6 LEGAL MANDATES AND RELEVANT LAWS

Immediately after a biological sample is obtained it shall be placed in the kit provided, sealed, and within 24 hours, transported or mailed to the Forensic Sciences Division of the Department of State Police Crime Laboratory (COMAR 29.05.01.04(M)).

Possession of, or access to, individually identifiable biological information contained in the statewide DNA data base system or statewide DNA repository is confidential and may not be willfully disclosed in any manner to a person or agency not entitled to receive the information.

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A member may not, without authorization, willfully obtain individually identifiable biological information from the statewide DNA data base system or statewide DNA repository (Md. Code PS § 2-512).

433.7 REPORTING

The Records Section shall make the following reports:

(a) To the Department of State Police on or before January 31, the information for the preceding calendar year necessary to compile statistical information as required by Md. Code PS § 2-513.

(b) To the Governor's Office of Crime Control and Prevention on or before April 1 of every even numbered year, the status of crime scene DNA collection and analysis for the preceding year pursuant to Md. Code PS § 2-514.

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Public Safety Video Surveillance System

434.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio video systems, covert audio video systems or any other image capturing devices used by the Department.

434.2 POLICY

The Mount Rainier Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

434.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

434.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high value or high threat areas. The public safety video surveillance system may be useful for the following purposes:

(a) To prevent, deter and identify criminal activity.

(b) To target identified areas of gang and narcotics complaints or activity.

(c) To respond to critical incidents.

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(d) To assist in identifying, apprehending and prosecuting offenders.

(e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.

(f) To augment resources in a cost-effective manner.

(g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Shift Supervisor's office and Communications. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Shift Supervisor or trained Communications personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

434.3.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

434.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and shall evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems, and video enhancement or other analytical technology, requires additional safeguards.

434.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

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434.4.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitoring equipment is located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

(a) Date and time access was given.

(b) Name and agency of the person being given access to the images.

(c) Name of person authorizing access.

(d) Identifiable portion of images viewed.

434.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.

434.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule (Md. Code SG § 10-610; COMAR 14.18.02.04).

434.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

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434.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Mount Rainier Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Shift Supervisor for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

434.7 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

434.8 TRAINING

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

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Knife Safety and Use

435.1
PURPOSE

The purpose of this policy is to establish guidelines for the selection, maintenance, carry, safe handling, and proper use of the police utility knife.

435.2
POLICY

It is the policy of this agency to provide guidelines on the selection of departmentally approved police duty knives, knives an officer may carry, and how and when knives may be carried and used in order to increase officer safety, affect positive public perception, and further reduce department liability. The department will issue every member a ZT 0350 black spring assisted folding knife

435.3
PROCEDURES

A. Authorized Use

1. This department recognizes the need for its officers to be properly equipped to handle a wide variety of duty responsibilities. Officers may carry police utility knives as authorized by this policy and consistent with their duty assignment.

2. The police utility knife is intended solely for the purpose of carrying out the general duties and designated specialized assignments of police operations; its use as a defensive or offensive weapon is authorized only in exigent circumstances.

B. Authorized Blades and Carry Requirements

2. The ZT 0350 spring assisted folding knife shall be carried in the least obtrusive manner possible, whether the officer is on or off duty, and consistent with the officer's duty assignment or tactical deployment.

C. Compliance and Safe Handling

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1. Compliance: All duty knives carried by department personnel shall comply with state law unless waived by law for police use. Additionally, all duty knives and methods of carry and concealment shall be subject to the approval of designated supervisory or command personnel.

2. Safe handling: Officers shall handle the police utility knife in an appropriate and safe manner so as to ensure the safety of themselves, their fellow officers, and the general public. Officers shall not exhibit or handle the knife in a careless or alarming manner.

D. Prohibited Uses

1. Authorized users shall not:

a. Display a knife in any offensive or threatening manner without legitimate operational justification.

b. Carry a knife in any manner other than clipped in a pocket or waistband, inside the pants or vest, in a department approved sheath, or in another manner approved by authorized command personnel consistent with duty requirements.

c. Display a blade in any event other than an authorized deployment situation.

d. Carry a knife while handling prisoners in a custodial facility, except when needed for rescue, suicide prevention, or other authorized purposes as determined by supervisory officers.

2. Uses as a Weapon

The police utility knife is not intended for use as a weapon and officers are discouraged from using it in this capacity. However, it may be used in defensive or offensive capacities under exigent circumstances. Under such circumstances it shall be deemed a use of deadly force and is governed by this department's policies on use of force to include, but not be limited to, summoning a supervisor and reporting it as a use of force.

Off-Duty

a. The ZT 0350 spring assisted folding knife is not meant to be carried as an off-duty weapon.

435.3.1

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Service Animals

436.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

436.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler’s control, the facility can accommodate the horse’s type, size and weight, and the horse’s presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

436.2 POLICY

It is the policy of the Mount Rainier Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

436.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.

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- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

436.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Mount Rainier Police Department affords to all members of the public (28 CFR 35.136).

436.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

436.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

436.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. The barking of a dog alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

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436.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

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Off-Duty Law Enforcement Actions

439.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for officers of the Mount Rainier Police Department with respect to taking law enforcement action while off-duty.

439.2 POLICY

It is the policy of the Mount Rainier Police Department that officers generally should not initiate law enforcement action while off-duty. Officers are not expected to place themselves in unreasonable peril and should first consider reporting and monitoring the activity. However, any officer who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage or loss may take reasonable action to minimize or eliminate the threat.

439.3 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. Officers should consider waiting for on-duty uniformed peace officers to arrive and gather as much accurate intelligence as possible, instead of immediately intervening. Officers should only intervene during incidents in which loss of life or great bodily harm is imminent. Officers must evaluate the following:

(a) The potential to be misidentified by other peace officers.

(b) The potential to be misidentified by members of the public, who may be armed or who may take action.

(c) The tactical disadvantage of being alone and the possibility of multiple or hidden suspects.

(d) Limited off-duty firearms capabilities and ammunition.

(e) The inability to communicate with responding peace officers.

(f) The lack of equipment, such as body armor, handcuffs or control devices.

(g) Unfamiliarity with the surroundings, including escape routes.

(h) The potential for increased risk to bystanders by confronting a suspect or taking action.

439.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. If possible, the dispatcher receiving the call should obtain a description of the off-duty officer from the caller and broadcast that information to responding officers.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an officer with the Mount Rainier Police Department until acknowledged. Official identification should also be displayed when possible.

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439.4 CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she is working in an undercover capacity.

439.4.1 CIVILIAN RESPONSIBILITIES

Civilian members should not become involved in any law enforcement action while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

439.4.2 INCIDENTS OF PERSONAL INTEREST

Department members should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances members should call the responsible agency to handle the matter.

439.5 REPORTING

If prior notification to the appropriate local law enforcement agency is not reasonably possible before taking action, the officer shall notify the agency as soon as reasonably practicable. Officers shall cooperate fully with the agency having jurisdiction by providing statements or reports as requested or as appropriate.

Officers shall notify the Shift Supervisor regarding any law enforcement action taken while off-duty. The Shift Supervisor may send a supervisor to the location. The supervisor may request assistance from the Chief of Police, if deemed appropriate.

The Shift Supervisor shall determine whether a criminal or administrative report should be completed by the involved officer.

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Department Use of Social Media

440.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of the Department (see the Investigation and Prosecution Policy).

440.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the Department website or social networking services.

Social Networking Websites - Sites which focus on building online communities of people who share interests and activities and/or exploring the interests and activities of others. Examples of social networking websites include but are not limited to: Facebook, MySpace, Friendster, LinkedIn, Twitter, Instagram, and sites that allow users to post personal blogs. The absence of express reference to a specific site does not limit the extent of the application of this policy.

440.2 POLICY

The Mount Rainier Police Department may use social media to inform the public about Department services, issues, investigations and other relevant events.

Department employees shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

The Mount Rainier Police Department has a duty to protect the integrity and reputation of the organization and its employees, as well as guard against liability and potential legal risk. Therefore, the Department reserves the right to monitor social networking websites, and employees are advised of the following:

A. Employees shall exercise caution and good judgment when using social media. Employees should be aware that the content of social media sites can be subpoenaed and used in criminal and civil trials to impeach the employee's testimony.

B. Any individual who can be identified as an employee of the Mount Rainier Police Department has no reasonable expectation of privacy when social networking online, and is subject to all

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pertinent City of Mount Rainier policies, Department policies, and local, state, and federal laws regarding public information on arrests, investigations, and personnel data.

440.3 PROCEDURES/REGULATIONS

A. Failure to comply with the following may result in discipline, up to and including discharge:

- Where the poster can be identified as an employee of the Mount Rainier Police Department, any postings involving offensive or unethical content are not permitted.
- Without express, written permission of the Chief of Police, employees shall not represent that they are speaking or acting on behalf of the Mount Rainier Police Department, or that they are representing or presenting the interests of the Mount Rainier Police Department.
- Employees are prohibited from using social networking sites to harass or attack others, including those who work for the Mount Rainier Police Department.[THESE PROVISIONS SEEM TO ADDRESS PRIVATE USE OF SOCIAL MEDIA]

B. Authorized exceptions to the above regulation include utilizing social networking websites for Mount Rainier Police Department approved public relations and official investigative and/or work-related purposes as approved by the Chief of Police.

440.4 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

Authorized users must not disclose login credentials for departmental social media accounts to any person, except that, when it appears that the security of an account has been compromised, the authorized user must immediately change the password and notify the supervisor that provided them with the login credentials of the new password, who shall then provide that information to the Chief.

440.5 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the Department mission and conforms to all Department policies regarding the release of information may be posted.

Examples of appropriate content include:

(a) Announcements.

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(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the Department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

440.5.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

440.6 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Mount Rainier Police Department or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media accounts that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

440.6.1 PUBLIC POSTING PROHIBITED

Department social media accounts shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact Department members directly.

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440.7 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of Department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

440.8 RETENTION OF RECORDS

The Records Manager should establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

440.9 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

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Equal Employment Opportunity

441.1 PURPOSE

This order establishes policy in providing equal employment opportunity.

441.2 POLICY

It is the policy of the Mount Rainier Police Department to provide and exercise equal employment and promotional opportunities to each of its employees without regard to race, color, religion, sex, or national origin. To ensure the total implementation of this policy, all command personnel and supervisors are directed to be personally involved in establishing, maintaining and carrying out a positive, continuing program designed to promote equal opportunity in every aspect of employment.

441.3 RESPONSIBILITY

Supervisors will insure that all employees are treated equitably and fairly. All supervisors are responsible for recruiting, training, supervising and assigning employees governed by this policy.

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O.C. Spray

442.1

PURPOSE

To provide Departmental guidelines to officers in the use and carry of Oleoresin Capsicum Spray, as well as when medical attention is needed after the use.

II. POLICY

This policy regulates the issuance and use of Oleoresin Capsicum Spray, a less-than-lethal weapon.It is imperative that the Department's officers are properly trained and qualified in the use of all authorized weapons, and that proper inspections and maintenance are conducted to ensure that they meet minimum safety requirements.

III. LESS-LETHAL PHILOSOPHY (CALEA 4.1.4)

A concept of planning and applying force which meets operational objectives while lessening the potential for death or serious injury.

IV. OC CHEMICAL AGENT (PEPPER SPRAY)

Oleoresin Capsicum (OC) Spray (also commonly referred to as Pepper Spray) is an inflammatoryagent that occurs naturally in cayenne pepper and, when deployed into the face of a violent, resistant or uncooperative subject, results in the swelling of the eyes and airway, yet should cause no permanent injury to the subject.

NOTE: A small portion of the population will not have an adverse reaction to OC Spray.

A. Training and Inspection: (CALEA 4.3.2)

1. Officers who are qualified and authorized by the Department may carry or use OC Spray during the course of his/her duties.

2. Officers assigned to carry and use OC Spray must maintain their certifications by successfully completing the bi-annual re-certification course.

3. Officers who fail to re-certify with the OC Spray will be subject to immediate remedial training before being allowed to carry OC Spray.

4. Supervisors shall inspect their subordinates' OC Spray on a monthly basis to ensure there are no defects or leaks in the canister and to check the expiration date. Any canisters deemed defective or which are expired shall be given to the Administrative Sergeant for disposal and the officer will be issued a new canister.

B. Acceptable Use and Restrictions

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1. OC Spray may be deployed in, but not limited to, the following circumstances:

a. When necessary to defend the officer or others.

b. When lower levels of force would be ineffective or inappropriate, and the officer's objective is to effect an arrest of the subject to be sprayed.

2. OC Spray normally should not be deployed under the following circumstances:

a. Against a handgun or other firearm.

b. Against a knife.

c. against a visibly pregnant female.

d. In areas where infants are present.

3. OC Spray should not be deployed under the following circumstances:

a. In an emergency room or other places where people may have difficulty breathing.

b. When deployment could create a mass stampede or evacuation.

c. Sprayed in the air as a warning.

d. Against a person operating a motor vehicle.

C. Availability and Deployment of OC Spray

1. OC Spray is considered a low-level control and restraint technique that, can be utilized whenever an officer is confronted with active resistance.

2. All officers who have demonstrated proficiency may carry OC spray on their duty belts. All officers in the field shall carry all Departmentally issued less-lethal weapons on their person at all times (Taser, ASP/expandable baton and/or OC).

3. When the agent is deployed, officers must exercise caution not to contaminate themselves or others.

D. Special Attention Subjects

These persons shall be closely monitored after being sprayed:

1. Elderly persons.

2. Subject substantially impaired by alcohol or drugs.

3. Very obese person with known medical conditions, such as diabetes or heart trouble.

4. Known persons with chronic respiratory problems, such as asthma.

5. Small children.

6. Women who are visibly pregnant.

E. Decontamination and Medical Attention (CALEA 4.3.2)

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1. After deploying OC Spray and after the subject has been secured, officers will make every effort ensure the appropriate medical aid is rendered to relieve the subject's discomfort after exposure. Officers will provide contaminated subjects with fresh air and water. When practical, officers will allow the subject a short decontamination period prior to transport.

2. If normal breathing does not resume after the first five (5) minutes, emergency medical assistance shall immediately be requested. Officers shall immediately request medical assistance when an exposed person:

a. Hyperventilates

b. Loses consciousness

c. Stops breathing

d. Suddenly becomes incoherent

e. Turns pale

3. Officers shall notify ambulance personnel that the person was exposed to a chemical agent.

4. An officer transporting a subject or causing a subject to be transported to a medical facility shall request that the Communications Unit notify the medical facility to provide advanced notice of a contaminated subject arriving at their facility for treatment and decontamination.

F. Handcuffing

Officers shall use caution when attempting to handcuff a sprayed subject. After handcuffing the subject, officers should avoid placing the subject on his/her back or stomach. This may prevent normal breathing and lead to serious medical complications.

G. Post Deployment and Documentation

1. If the officer exhausts his/her supply of OC Spray, the officer shall report, as soon as practical, to the Property room Sergeant for a new canister.

2. The Shift Supervisor or his/her designee shall respond to the scene and photograph the subject and the site of the OC Spray exposure.

3. Whenever an officer deploys OC Spray in the course of his/her duties, the deployment shall be documented on the Incident Report and Use of Force Report. A copy of all reports, including photographs, shall be forwarded to the Patrol Lieutenant for review.

4. Storage:

a. OC Spray shall not be stored in direct sunlight or in places where the temperature mayreach 120 degrees Fahrenheit, such as in the trunk of a car.

b. While at home, officers shall store Department-issued OC Spray out of the reach of children.

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O.C. Spray

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Hate Violence

442.1 PURPOSE

The purpose of this General Order is to define hate violence incidents and set policy on the reporting and investigation of such incidents. We will take an active role in promoting peace and harmony among the diverse groups living and working within the City and State to protect all citizens against racial, religious and ethnic intimidation and harassment. We will immediately conduct a thorough investigation of all malicious or criminal incidents occurring within the City that are racial, religious or ethnic (RRE)* in motivation and will support maximum prosecution of those who are apprehended for such acts. State law requires all law enforcement agencies of the State to report to the Maryland State Police "...information relating to incidents directed against racial, religious or ethnic groups." The Department shall ensure that all such incidents are reported to MSP and that violations are dealt with immediately.

442.2 POLICY

It is the policy of this Department to bring its investigative, operational and support elements into quick action following any and all reported or observed racial, religious or ethnic (RRE) hate/ violence incidents. There shall be special emphasis placed on victim assistance and community cooperation in order to reduce victim/community trauma and fear.

442.3 CRITERIA FOR REPORTING HATE/VIOLENCE INCIDENTS

The following criteria are to be used in determining whether or not an incident is of a racially, religiously or ethnically (RRE) biased nature and whether or not this General Order covers it. The list is not all-inclusive. Some incidents may not clearly fit a specific definition. In those cases, a common-sense approach must be used. If it looks like an incident of RRE bias, it is and should be reported as such. Verification can be made later in the investigation. The key criterion in determining whether these incidents fit into the definition of an incident of RRE bias is the motivation behind the act.

A. Examples of criminal acts that are directed at a racial, religious or ethnic group include:

(a) Explosives/ Bomb Threats - Any violation of Article 27, Section 151C, perpetrated against a person or group of persons because of RRE origin.

(b) Destroying, injuring property of another -Any violation of Article 27, Section 111, perpetrated against a person or group of persons because of RRE origin.

(c) Any written language or symbol, which has been historically directed against persons because of their RRE origin, shall be reported.

(d) Assault - Any verbal threat or assault and battery which is directed against a person or persons because of RRE origin.

(e) Harassment/ Stalking - Any violation, written or oral, of Article 27, Section 124, directed against a person or persons because of RRE origin.

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(a) Crimes against religious property- Any violation of Article 27, Section 470A, perpetrated against persons or property, institutions because of RRE origin.

(b) Possession of a firearm in proximity of a public demonstration - Any violation of Article 27, Section 36G which occurs at a public RRE demonstration.

(c) Unlawful use of the telephone/ electronic mail- Any violation of Article 27, Section 555A which is directed against any RRE group because of their RRE origin.

(d) All common law offenses, as they would pertain to acts of RRE intimidation, hatred, etc.

Any non-criminal act directed at any RRE group or individuals within these groups which, while not criminal, is done with the apparent or deliberate intention to:

(a) Harass

(b) Intimidate

(c) Threaten

(d) Retaliate

(e) Create RRE conflict.

442.4 CRITERIA FOR VERIFICATION OF RRE INCIDENTS

A. In determining whether or not an incident reported or observed act is RRE motivated, the following criteria should be applied either singularly or in combination. Since the below listed criteria are not all-inclusive, when necessary, the officer may notify an investigator to assist in determining the appropriate classification.

1. Motive

2. A lack of any other apparent motive for the RRE act.

3. Display of any RRE offensive symbol(s), word(s) or act(s).

4. A common-sense review of the circumstances surrounding the entire incident itself (i.e., the totality of circumstances).

5. Effect on the victim(s).

6. Statement(s) of suspect(s)/victim(s).

7. Prior history of similar incidents in the same area or against the same RRE group.

8. A violation of any of the statutes enumerated in Section IV.A outlining criteria for reporting RRE acts.

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B. In applying the above criteria to determine whether or not a reported case can actually be verified, it may be helpful to ask the below listed questions. As with the application of criteria, the list is not all- inclusive.

(a) Is the victim of the incident a member of one RRE group and the suspect a member of another RRE group?

(b) Did the incident occur solely because of an RRE difference between the person(s)/ group(s) or for other reasons?

(c) Is the victim the only RRE group member in the neighborhood - or one of a few?

(d) Did the victim recently move into the area; is the victim acquainted with neighbors and/ or local community groups?

(e) When multiple incidents occur at the same time, are all the victims of one RRE group?

(f) Has the victim been associated with any recent or past RRE activities relating to his/ her faith or to anti-discrimination activities?

(g) Has there been prior/recent news coverage of events of a similar nature?

(h) What was the manner and means of attack (i.e., color of paint used, correctness of the spelling of words used, symbols or signs used, etc.)? Is it similar to other documented incidents?

(i) Has the victim had past or repeated attacks of a similar nature?

(j) Is there a coincidence of the act to holidays, school activities, etc.?

(k) Is there an ongoing neighborhood problem that may have sparked/contributed to the event (i.e., could the act be retribution for some conflict with neighbors, area juveniles, etc.)?

(l) If an organized hate group (i.e., Ku Klux Klan, American Nazi Party, Adolf Defense League, etc.) is indicated in the incident:

1. Is any literature present printed or handwritten?
2. Does the name signify a "copy-cat" syndrome?
3. Is there any documented or suspected organized hate group activity in the area?
4. Was this group indicated in a true sense or as a fear or scare tactic?

(m) What was the motivation (as far as can be determined or reasonably inferred) of the party(s) responsible?

(n) Were the true (documentable) intentions of the responsible party(s) RRE oriented, or were there other reasons such as childish pranks, unrelated vandalism, etc.?

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(o) Do the party(s) responsible have a true understanding of the impact of the incident on the RRE victim or other group members?

C. If, after applying the criteria listed above and asking the appropriate questions, a reported RRE incident cannot be definitely determined to be any other type of problem (or is a borderline case), it shall be verified as such for investigative and statistical purposes.

442.5 PROCEDURES/RESPONSIBILITIES

All Officers

1. Shall, at all times, respond in a sensitive way to the feelings and needs of victims of RRE motivated hate/violence incidents. Shall, upon discovering or responding to a RRE hate/violence incident, immediately take all possible investigative and enforcement action and preserve the crime scene and any evidence present.

2. Notify an investigator if any RRE motivated destruction or defacement of property has occurred (i.e., cross burning, painted swastikas, etc.).

3. Shall gather evidence and conduct a thorough search of the crime scene.

4. Shall prepare a detailed written report documenting all facts and circumstances surrounding the incident.

B. Supervisor (senior officer)

1. Shall immediately respond to the scene of all RRE hate/violence incidents occurring within the jurisdiction of this Department.

2. Shall ensure that the crime scene is adequately protected.

3. Shall notify the office of the Fire Marshall whenever a cross burning, arson or other malicious burning has occurred.

4. Shall ensure that the Chief of Police is notified of the incident.

5. Shall, as soon as possible, contact the victim(s) assuring them that the preliminary investigation, as well as any necessary follow-up, will be actively pursued.

6. Shall ensure that all physical remains of the incident are removed after processing has been completed. If the remains are too large to be transported by police cruiser, Public Works shall be contacted for immediate pickup, cleaning or repair.

7. Shall ensure that the written report contains full data on the materials used (cross, literature, paint, etc.) including size, construction, wrappings, messages, plus the method of removal and the disposition of the remains.

8. Shall arrange for increased directed patrol of the area as needed.

C. Chief of Police (or designee)

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1. Shall, within 72 hours, make a follow-up visit to the victim(s) to help eliminate the fear factor and to assure the victim(s) that the Department is doing everything possible to apprehend the responsible party(s).

2. Shall ensure that all RRE motivated incidents are reported to the Maryland State Police in accordance with the requirements of the law.

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Community Relations

443.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

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443.2 POLICY

It is the policy of the Mount Rainier Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

443.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Communications of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Communications of their location and status during the foot patrol.

443.4 COMMUNITY POLICE OFFICER

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or the authorized designee and is responsible for:

(a) Obtaining department-approved training related to his/her responsibilities.

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(b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Organizing surveys to measure the condition of the department's relationship with the community.

(d) Working with community groups, department members and other community resources to:

1. Identify and solve public safety problems within the community.
2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.

(e) Working with the Patrol Section Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.

(f) Recognizing department and community members for exceptional work or performance in community relations efforts.

(g) Attending City council and other community meetings to obtain information on community relations needs.

(h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.

(i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

443.5 SURVEYS

The Chief of Police or his designee should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

(a) Overall performance of the Department

(b) Overall competence of department members

(c) Attitude and behavior of department members

(d) Level of community trust in the Department

(e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

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443.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community police officer should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

(a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

(b) Police-community get-togethers (e.g., cookouts, meals, charity events).

(c) Youth leadership and life skills mentoring.

(d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.

(e) Neighborhood Watch and crime prevention programs.

443.7

443.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community police officer should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Department website postings.

(c) Presentations to driver education classes.

(d) Instruction in schools.

(e) Department ride-alongs (see the Ride-Alongs Policy).

(f) Scenario/Simulation exercises with community member participation.

(g) Youth internships at the Department.

(h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

443.9 SAFETY AND OTHER CONSIDERATIONS BEST PRACTICE

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

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Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

443.10 COMMUNITY ADVISORY COMMITTEE

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

(a) Provide a public forum for gathering information about public safety concerns in the community.

(b) Work with the Department to develop strategies to solve public safety problems.

(c) Generate plans for improving the relationship between the Department and the community.

(d) Participate in community outreach to solicit input from community members, including youth from the community.

The Assistant Chief should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

443.10.1 LEGAL CONSIDERATIONS

The Chief of Police and the community relations coordinator should work with the City Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

443.11 TRANSPARENCY

The department will publish statistical data on social media and the cities webpage.

443.11.1 POSTING

The department should post department policies on the department website and the MPTSC website, as appropriate (Md. Code PS § 3-515).

443.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

(a) Effective social interaction and communication skills.

(b) Cultural, racial and ethnic diversity and relations.

(c) Building community partnerships.

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(d) Community policing and problem-solving principles.

(e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

443.13 OTHER STATE REQUIREMENTS

The community relations coordinator should ensure that the department's community policing program is filed annually with the MPTSC (Md. Code PS § 3-517).

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Petty Cash

444.1 SECTION TITLE

POLICIES

A department or “activity” petty cash fund may be established with approval from the City Manager.

Procedure:

A. The department no longer handles petty cash. This policy has been rescinded.

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Extreme Risk Protective Orders

445.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving extreme risk protective orders and accounting for firearms and ammunition obtained pursuant to those orders.

445.1.1 DEFINITIONS

Definitions related to this policy include:

Extreme risk protective order - An order prohibiting a named person from having in his/her custody or control or purchasing a firearm or ammunition, as applicable (Md. Code PS § 5–601 et seq.).

445.2 POLICY

It is the policy of the Mount Rainier Police Department to petition for and serve extreme risk protective orders in compliance with state law, and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

445.3 EXTREME RISK PROTECTIVE ORDER COORDINATOR

The Chief of Police will appoint an extreme risk protective order coordinator. The responsibilities of the coordinator include:

(a) Developing and maintaining procedures for the filing of a petition for an extreme risk protective order by the Department (Md. Code PS § 5–601; Md. Code PS § 5–602).

(b) Developing and maintaining procedures for the receipt and service of extreme risk protective orders consistent with the requirements of Md. Code PS § 5–603, Md. Code PS § 5–604, Md. Code PS § 5–607, and Md. Code PS § 5–608. Procedures should include:

1. Acceptance of voluntarily surrendered firearms and ammunition from a person who is the subject of the protective order.
2. Assessing a protective order prior to service to determine whether the order should be served pursuant to the Warrant Service Policy and the Operations Planning and Deconfliction Policy.
3. Preparing or obtaining a search warrant prior to attempting service of the extreme risk protective order.
4. Service of the extreme risk protective order as soon as possible, return of service to the clerk, and notification to the Department of Public Safety and Correctional Services.
5. Storage and return or disposition of surrendered and seized firearms.
6. Criteria for assessing mental health risks and the appropriateness for emergency evaluations.

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(c) Coordinating with the Assistant Chief to provide officers who may be involved in petitioning for or serving extreme risk protective orders with appropriate training. Training should include determining when a petition is appropriate, the process for seeking an extreme risk protective order, and the process for serving such an order.

(d) Reviewing each petition and service for an extreme risk protective order to ensure compliance with this policy, department procedures, and state law.

445.4 EXTREME RISK PROTECTIVE ORDERS

An officer who reasonably believes that an extreme risk protective order is appropriate should obtain supervisor approval prior to seeking an order.

445.4.1 STANDARDS

Extreme risk protective orders may be appropriate if a person poses an immediate and present danger of causing personal injury to him/herself or another by having a firearm (Md. Code PS § 5–603).

445.4.2 REQUIREMENTS OF PETITION

An application for an extreme risk protective order should be prepared consistent with state law and the procedures developed by the extreme risk protective order coordinator (Md. Code PS § 5–602).

445.5 SERVICE

Officers shall personally serve a copy of an extreme risk protective order, along with the accompanying notice of hearing and petition, if applicable, on the person named in the order as soon as possible and make the proper return. Service of risk protection orders takes precedence over the service of other orders, except for orders of a similar emergency nature (Md. Code PS § 5–603; Md. Code PS § 5–604).

Within two hours after service of an extreme risk protective order, this department is responsible for electronically notifying the Department of Public Safety and Correctional Services (Md. Code PS § 5–603; Md. Code PS § 5–604).

445.5.1 SAFETY CONSIDERATIONS

Upon receipt of an extreme risk protective order, the operations director or the authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service.

When appropriate based on the circumstances and department procedures, service of extreme risk protective orders should be executed pursuant to the Operations Planning and Deconfliction Policy.

In no circumstances should less than two officers be present when an extreme risk protective order is being served.

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445.5.2 SURRENDER OF FIREARMS AND AMMUNITION

Officers serving an extreme risk protective order shall request that the person who is the subject of the order immediately surrender all firearms and ammunition in his/her custody, control, or possession. Officers shall take custody of any firearms or ammunition.

A receipt identifying all surrendered items and the process for reclaiming the items shall be prepared by the officer and a copy given to the person (Md. Code PS § 5–608). The officer should ensure the original receipt is forwarded to the Records Manager as soon as practicable.

All items collected should be handled and booked in accordance with the Property and Evidence Section Policy.

445.5.3 SEARCH WARRANTS

If the person subject to the extreme risk protective order refuses to surrender all firearms and ammunition or if an officer serving an extreme risk protective order reasonably believes there are firearms or ammunition in the person's custody, control, or possession that have not been surrendered, the officer should consider whether to seek a search warrant (Md. Code CP § 1–203; Md. Code PS § 5–607).

Officers should be prepared to file a search warrant prior to attempting service of an extreme risk protective order. Preparation and service of the search warrant should be done in accordance with the Warrant Service Policy.

445.6 RECORDS HEAD RESPONSIBILITIES

The Records Manager is responsible for:

(a) Ensuring orders have been properly entered into state and national databases as required.

(b) Removing from any computer-based system in which it was entered, an original order upon receipt of an order to vacate from the court as required

445.7 COURT-ORDERED SURRENDER OF FIREARMS AND AMMUNITION

Authorized members should accept firearms and ammunition from any person who is the subject of an extreme risk protective order. The member receiving any such firearms or ammunition shall issue a receipt identifying all surrendered items, in addition to following other relevant Department procedures (Md. Code PS § 5–608).

445.7.1 STATE-SPECIFIC REQUIREMENTS

The receipt identifying all surrendered items shall contain information concerning make, model, and serial number, as applicable, and a copy shall be given to the person (Md. Code PS § 5–608). The member should ensure the original receipt is forwarded to the Records Manager as soon as practicable.

The receiving member shall also ensure that the person who is the subject of the order is provided with information on the process for reclaiming the firearms and/or ammunition upon the expiration or termination of the order (Md. Code PS § 5–608).

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All firearms received in relation to an extreme risk protective order should be stored and transported in a protective case, if available, and in a manner to prevent damage to the firearm. No identifying or other marks may be placed on the firearm (Md. Code PS § 5–608).

445.8 RELEASE OF FIREARMS AND AMMUNITION

Any person requesting the release of any firearm or ammunition in Department custody pursuant to an extreme risk protective order should be referred to the Property and Evidence Section. Firearms or ammunition received in relation to an extreme risk protective order should only be disposed of in accordance with Md. Code PS § 5–608 and established office policies and procedures.

445.9 RENEWAL OF EXTREME RISK PROTECTIVE ORDER

The Patrol supervisor is responsible for the review of any extreme risk protective order obtained by the Department to determine if renewal or extension of the order should be requested within the time prescribed by law (Md. Code PS § 5–606).

445.10 MENTAL HEALTH REFERRALS

Any member who receives notice of a referral for an emergency mental evaluation of a respondent in a matter involving an extreme risk protective order from a District Court commissioner should ensure that an emergency mental evaluation is conducted, if appropriate, in accordance with state law and the Mental Health Evaluations policy (Md. Code PS § 5-603; Md. Code HG § 10-601 et seq.).

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Chapter 5 - Patrol Operations

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Bias-Based Policing

501.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Mount Rainier Police Department's commitment to policing that is fair and objective (Md. Code TR § 25-113).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

501.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

501.2 POLICY

The Mount Rainier Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

501.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

501.3.1 OTHER PROHIBITIONS

The Mount Rainier Police Department prohibits the illegal use of an individual or group's attire, appearance or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest or search a person or vehicle (Md. Code PS § 3-207).

501.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

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501.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

501.4.2 REPORTING TRAFFIC STOPS

Officers shall not use an individual's race or ethnicity as the sole justification to initiate a traffic stop. However, this does not alter the authority of an officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations (Md. Code TR § 25-113).

Each time an officer makes a traffic stop, the officer shall report any information as required in the Safety Equipment Repair Orders (SERO), Traffic and Parking Citations Policy (Md. Code TR § 25-113).

501.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

    1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Digital Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.

    1. Supervisors should document these periodic reviews.

    2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

501.6 STATE REPORTING

The Records Section shall compile and submit the required traffic stop data to the Maryland Statistical Analysis Center no later than March 1 of the following calendar year (Md. Code TR § 25-113).

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501.7 ADMINISTRATION

The Patrol Section Commander should review the efforts of the Department to provide fair and objective policing, including traffic stop data, and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service (Md. Code TR § 25-113).

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

The Patrol Section Commander shall also review the annual report generated by the Maryland Statistical Analysis Center analyzing the information submitted by this and other law enforcement agencies (Md. Code TR § 25-113).

501.8 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Assistant Chief.

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Crime and Disaster Scene Integrity

502.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

502.2 POLICY

It is the policy of the Mount Rainier Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

502.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, it shall be maintained until the officer is properly relieved by a supervisor or other designated person.

502.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

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502.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

502.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

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Ride-Alongs

503.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Mount Rainier Police Department. This policy provides the requirements, approval process, hours of operation and member responsibilities for ride-alongs.

503.2 POLICY

Ride-along opportunities will be provided to members of the public, City employees and members of this department to observe and experience first-hand various functions of the Mount Rainier Police Department. The term “ride-along” includes riding as a passenger with an officer on patrol or observing the work day of members engaged in other functions within the Department such as Communications.

503.3 ELIGIBILITY

A ride-along is available to Mount Rainier residents, business owners, students currently attending class in Mount Rainier and those employed within the City of Mount Rainier. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include, but are not limited to, the following:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against this department or the City
- Denial by any supervisor

503.4 AVAILABILITY

A ride-along is available most days of the week, from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police or Shift Supervisor.

503.5 REQUESTS TO PARTICIPATE

Generally, ride-along requests will be maintained and scheduled by the Shift Supervisor. The applicant will complete and sign a ride-along waiver form. If the applicant is under 18 years of age, a parent or guardian must be present before a department employee to execute the waiver form. Information requested will include a valid state-issued identification card or driver’s license number, birthdate, address and telephone number.

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Persons wishing to ride with an officer shall pick up ride-along forms at the Department's administrative office in person between the hours of 9:00 am and 5:00 pm daily. Completed request forms and waivers must be returned at least 48 hurs prior to the desired ride-along date.

No one shall be allowed to observe the law enforcement official's activities relating to raids or ride with plain clothes units without specific advance coordination and approval from the Chief of Police.

The Shift Supervisor will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form will be forwarded to the appropriate section as soon as possible for scheduling considerations.

If the request is denied, a representative of this department will advise the applicant of the denial.

503.6 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Explorers
- Volunteers
- Chaplains
- Mount Rainier Police Department applicants
- Any others with approval of the Shift Supervisor
- Students enrolled in any department-approved dispatcher training course

An effort will be made to ensure that no more than one member of the public will participate in a ride-along during any given time period. Normally, no more than one ride-along participant will be allowed in department vehicles at a given time.

If no specific officer is requested by name by the observer, the on-duty supervisor will appoint the host officer.

Before the ride, the on-duty supervisor will provide an observer's comment form to the observer and ask that the form me completed and turned in at the end of the ride along. The host officer will be provided an officer's ride along report and will complete and turn in the form at the end of the ride.

Ride-along requirements for department Explorers are covered in the Explorers Policy.

503.6.1 OFF-DUTY PARTICIPATION

Off-duty members of this department or any other law enforcement agency, and employees of the City, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the Shift Supervisor.

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In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel or City employee shall not:

(a) Be considered on-duty.

(b) Represent him/herself as a member of this department or any other law enforcement agency.

(c) Participate in any law enforcement activity except as emergency circumstances may require.

503.6.2 CRIMINAL HISTORY CHECK
All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Maryland Criminal Justice Information System (CJIS) check prior to approval of the ride-along.

503.6.3 SUITABLE ATTIRE
Any person approved to participate in a ride-along or is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, t-shirts, tank tops, shorts and ripped or torn pants are not permitted. Hats and ball caps will not be worn without the express consent of the Shift Supervisor. The Shift Supervisor or a supervisor may refuse a ride-along to anyone who is not dressed appropriately.

503.7 MEMBER RESPONSIBILITIES
The assigned department member shall consider the safety of the ride-along participant at all times. The member shall maintain control over the participant and shall instruct the individual about the conditions that necessarily limit his/her participation. Instructions should include:

(a) The participant will follow the directions of the department member.

(b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handling any police department equipment.

(c) Participation may be terminated at any time by the department member if the participant interferes with the performance of the member's duties.

1. If the participant is on a ride-along, the member may return the participant to the point the ride originated.

(d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.

(e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.

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(f) Participants who are not law enforcement officers shall not be permitted to accompany the department member into a private residence without the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the dispatcher that a ride-along participant is present in the vehicle before going into service. An officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation, such as a high speed pursuit, and if feasible, let the participant out of the vehicle in a well-lit public place. The dispatcher will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the Shift Supervisor. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the member shall return the waiver form to the Shift Supervisor.

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Hostage and Barricade Incidents

505.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

505.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- Unlawfully held against his/her will under threat or actual use of force.

505.2 POLICY

It is the policy of the Mount Rainier Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

505.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands, and the available resources.

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505.3.1 EMERGENCY COMMUNICATIONS

Officers may intercept a wire, oral or electronic communication in order to provide evidence if a person has created a barricade situation and there is probable cause to believe a hostage may be involved (Md. Code CJ § 10-402(c)(2)).

If the Chief of Police or a supervising officer has probable cause to believe that a hostage situation is occurring or that a person is barricaded within a structure and poses an immediate threat of physical injury to others, he/she may order the telephone company to interrupt, reroute, divert or otherwise control telephone service involved in the hostage or barricade situation (Md. Code CJ § 10-413(c)).

The Chief of Police or supervising officer shall give a written or oral representation of the hostage or barricade situation to the telephone company. If an order is given on the basis of an oral representation, the oral representation shall be followed by a written confirmation within 48 hours (Md. Code CJ § 10-413(e)).

For the purposes of this section, “supervising officer” means an officer as defined in Md. Code CJ § 10-413(g).

The Chief of Police may also designate one or more officers to serve as a hostage and barricade communications specialist responsible for rerouting, diverting or otherwise controlling any telephone communications service involved in a hostage or barricade situation. A hostage and barricade communications specialist shall act only if the telephone company providing service in the area has been contacted and the telephone company (Md. CJ § 10-413(a); Md. CJ § 10-413(d)):

(a) Declines to respond to a request for assistance because of a threat of physical injury to its employees.

(b) Indicates that it will be unable to respond appropriately to the request within a reasonable time.

505.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor’s response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

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505.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. In the interim, the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

505.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

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(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated, if practicable, pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

505.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting Prince Georges County SO SWAT (SWAT) response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

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(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized assignment members, additional department members, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct nonessential personnel away from the scene unless they have been summoned by the supervisor or Communications.

(i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

505.6 SWAT RESPONSIBILITIES

It will be the SWAT Commander's decision, with input from the Incident Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the SWAT Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical response and negotiations. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWAT. The Incident Commander and the SWAT Commander or the authorized designees shall maintain direct communications at all times.

505.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

506.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Mount Rainier Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

506.2 POLICY

It is the policy of the Mount Rainier Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

506.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Shift Supervisor is immediately advised and informed of the details. This will enable the Shift Supervisor to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

506.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

506.4.1 MOUNT RAINIER POLICE DEPARTMENT FACILITY

If the bomb threat is against the Mount Rainier Police Department facility, the Shift Supervisor will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

506.4.2 OTHER MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a municipal facility within the jurisdiction of the Mount Rainier Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Supervisor deems appropriate.

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506.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

506.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Mount Rainier, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied, and if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting police assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

506.5.1 ASSISTANCE

The Shift Supervisor should be notified when police assistance is requested. The Shift Supervisor will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Shift Supervisor determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

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1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

506.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Shift Supervisor including:

1. The time of discovery.

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

506.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

506.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

506.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Regional bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Shift Supervisor
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

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- Other government agencies, as appropriate

A department supervisor is responsible for the scene and requesting any needed assistance and notifications.

The supervisor or "officer in charge" shall be responsible for submitting an incident report to the Chief of Police.

Supplemental reports shall be submitted by all officers directly involved in the incident when necessary.

506.8 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

506.8.1 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift Supervisor should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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Mental Health Evaluations

507.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person under temporary custody for an involuntary mental health hold at an appropriate facility.

507.2 POLICY

It is the policy of the Mount Rainier Police Department to protect the public and individuals through legal and appropriate use of the mental health hold process.

507.3 AUTHORITY

An officer may take a person into temporary custody for transfer to an appropriate facility if the person has a mental disorder and the person presents a danger to the life or safety of him/herself or others.

507.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a mental health hold, he/she may inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility. If the individual so desires, the officers should (Md. Code HG § 10-609):

(a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a mental health hold.

(b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the individual changes his/her mind regarding voluntary evaluation, the officers should proceed with the involuntary emergency mental evaluation, if appropriate.

507.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving a person who qualifies for a mental health hold should personally observe the individual or his/her behavior indicating that the individual has a mental disorder and presents a danger to the life or safety of him/herself or others. The officer may also use other pertinent information, including observations and information from other credible sources, in making a determination regarding a petition for emergency evaluation (Md. Code HG § 10-622(a); Md. Code HG § 10-622(b)).

The officer who makes the decision to petition for an emergency evaluation shall complete and sign the petition, which will include all of the pertinent observations by the officer or other interested persons.

If the individual is taken into temporary custody from another person who is the petitioner for an emergency evaluation, the officer shall explain to the petitioner the meaning, content, and seriousness of the petition (Md. Code HG § 10-622(d)).

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Mental health holds and placements should be preferred over arrest for individuals with mental health issues who are suspected of committing minor crimes or creating other public safety issues.

507.5 TRANSPORTATION

An officer shall transport an individual with an emergency evaluation to the nearest emergency facility when the officer has a petition that (Md. Code HG § 10-624(a)(1)):

(a) Has been endorsed by a court within the last five days.

(b) Is signed and submitted by a physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage and family therapist, health officer or designee of a health officer, or a peace officer.

When transporting any individual for a mental health hold, the transporting officer should have Communications notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed (Md. Code HG § 10-624).

Officers may transport individuals in the patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Supervisor approval is required before transport commences.

507.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a mental health hold and remain present to provide clarification of the grounds for detention, upon request.

Should a physician, physician assistant, nurse practitioner, or other advanced practice professional working at an emergency facility determine that the individual transported to the facility is violent and request that an officer be present, an officer is required to remain at the facility (Md. Code HG § 10-624(a)).

The officer shall complete a Return of Service by Peace Officer Form (CC-DC 27), as appropriate, and have the facility sign the form.

507.7 DOCUMENTATION

The officer shall complete the following forms for evaluation and treatment, provide the forms to the facility staff member assigned to the individual and retain a copy for inclusion in the case report:

- Petition for Emergency Evaluation Form (CC-DC 13)
- Certification by Peace Officer Form (CC-DC 14)
- Order for Emergency Evaluation of an Arrested Individual (DC 15)
- Return of Service by Peace Officer Form (CC-DC 27)

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The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

The officer shall include in the narrative sections of the Petition for Emergency Evaluation and the Incident Report the facts, observations and information known to the officer, or provided by others, that the individual is suffering from a mental disorder and warrants the issuance of the Petition for Emergency Evaluation, including:

- Symptoms of mental disorder
- Dangerous behavior
- History of mental disorder psychiatric hospitalization or treatment
- Statements made by the individual

507.7.1 CONFIDENTIALITY
Records relating to mental health evaluations are confidential and the contents may not be divulged, by subpoena or otherwise, except by order of the court on good cause shown or as allowed by law (Md. Code HG § 10-630).

507.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody on a mental health hold should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for a mental health hold has committed a criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the mental health hold.

(c) Facilitate the individual's transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a mental health hold.

In the supervisor's judgment, the individual may instead be transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

The court may issue emergency evaluations for arrested individuals and, unless the court directs otherwise, an officer shall stay with the arrested individual until he/she is either admitted to an appropriate facility, or is returned to the court or an appropriate jail (Md. Code HG § 10-626(c)).

If the arrested individual does not meet the requirements for involuntary admission, the examining physician shall send a brief report of the evaluation to the court and the officer shall return the arrested individual, the court order and the report of the examining physician to the court. If the

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court is not in session, the officer shall take the arrested individual to an appropriate jail and, before the end of the next day that the court is in session, return the individual and the report of the examining physician to the court (Md. Code HG § 10-626(d)).

507.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a mental health hold, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

507.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, mental health holds and crisis intervention.

507.11 MEDICAL CLEARANCE

When an officer is involved in seeking medical treatment for a suspect who is intoxicated or high on drugs such as PCP, Cocaine, Meth etc, the following pertains to hospital wait times. If the suspect is being charged with a misdemeanor offense other than domestic assault, and the suspect is going to be in the hospital for two hours or longer an officer may seek a warrant. If the suspect is being sought on felony charges related to violence or their is a felony arrest warrant a supervisor may call in additional staffing if the medical clearance is going to take more than 2 hours and we are at minium staffing for the road. In all other cases the supervisor has discretion.

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Citation Releases

508.1 POLICY

The Mount Rainier Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

508.2 RELEASE

An officer shall charge a suspected offender by citation as follows (Md. Code CP § 4-101(c)):

(a) Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment.

(b) Any misdemeanor or local ordinance violation for which the maximum penalty of imprisonment is 90 days or less.

(c) Possession of marijuana.

508.2.1 ARREST AND RELEASE

An officer who has grounds to make a warrantless arrest for an offense that may be charged by citation may (Md. Code CP § 4-101(c)(3)):

(a) Issue a citation in lieu of making the arrest.

(b) Make the arrest and subsequently issue a citation in lieu of continued custody.

508.3 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when the misdemeanor or local ordinance violation involves any of the following (Md. Code CP § 4-101(c)(1)):

(a) Failure to comply with a peace order under Md. Code CJ § 3-1508.

(b) Failure to comply with a protective order under Md. Code FL § 4-509.

(c) Violation of a condition of pretrial or post trial release under Md. Code CP § 5-213.1.

(d) Possession of an electronic control device after conviction of a drug felony or crime of violence under Md. Code CR § 4-109(b).

(e) Violation of an out-of-state domestic violence order under Md. Code FL § 4-508.1.

(f) Abuse or neglect of an animal under Md. Code CR § 10-604.

See the Domestic Violence Policy for release restrictions related to those investigations.

508.4 CONSIDERATIONS

An officer may charge a defendant by citation provided (Md. Code CP § 4-101(c)(2)):

(a) The officer is satisfied with the defendant’s evidence of identity.

(b) The officer reasonably believes that the defendant will comply with the citation.

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(c) The officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety.

(d) The defendant is not subject to arrest for another criminal charge arising out of the same incident.

(e) The defendant complies with all lawful orders by the officer.

508.5 SPECIAL SITUATIONS

Postal Employees - an officer who has probable cause to arrest a postal service employee actively engaged on the transporting, carrying or delivering mail shall:

a. If the offense of a violations of law for which a citation may be issued in lieu of an arrest, issue a citation and release the employee as expeditiously as possible to minimize delay of the mail.

b. If the offense is a violation of law that mandates an arrest, arrest the employee and immediately contact the closest postal inspector's office and the employee's supervisor, who shall assume possession of any mail on the employee's possession.

U.S. Armed Forces Personnel and Facilities

a. An officer who arrests a member of the Armed Forces shall notify the appropriate military authority.

508.6 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Mount Rainier Police Department with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

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Foreign Diplomatic and Consular Representatives

509.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Mount Rainier Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

509.2 POLICY

The Mount Rainier Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

509.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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The member shall ensure that the appropriate U.S. Department of State office is promptly notified via telephone of any of the following incidents involving persons entitled to diplomatic immunity:

a. All traffic stops

b. Serious injury or death

c. Commission or victim of a criminal act

d. Traffic stop and/or charges for DWI

e. An illegally parked diplomatic vehicle that has been moved to a legal space

f. An individual claiming immunity without satisfactory identification

g. When an officer believes that invalid or false identification is being presented

h. Any incident that the shift supervisor determines notification is necessary

509.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation. In ALL cases where a diplomat is issued a citation, a photocopy of the citation shall be immediately be forwarded to the MVA. In the event a diplomat refuses to accept the citation, the Records Manager will also send the defendant's copy to the MVA.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

2. In all cases, cite the offender as appropriate and document the DWI on an incident report. DR-15 requirements do not apply to subjects with immunity because there is no custodial arrest. A copy of these documents should be forwarded to the MVA as soon as practicable.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members

2. Diplomatic agents and recognized family members

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3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers

509.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to the U.S. Department of State. The administrative officer shall forward all copies of accident reports, incident reports and citations involving subjects entitled to immunity to the U.S. Department of State.

509.6 DIPLOMATIC IMMUNITY

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))

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Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No-for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table represents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment

510.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

510.2 POLICY

The Mount Rainier Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

510.3 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

510.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

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(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In the case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, officers should consider covering escape routes and evacuating persons as appropriate, while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

510.5 PLANNING

The Patrol Section Commander should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

510.5.1 SCHOOL RESPONSE PLANNING

Emergency response planning for schools should include:

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(a) Collaboration with the local school system to establish written procedures for responding to emergencies at each public school within the [departmentoffice]'s jurisdiction (Md. Code PS § 3–520).

(b) Coordination with the local school system to provide assistance for the completion of active shooter drills (Md. Code ED § 15–123).

510.6 TRAINING

The Chief of Police or his designee should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Immigration Violations

511.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Mount Rainier Police Department regarding inquiries into the immigration status of individuals, enforcement of immigration laws, and the disclosure of immigration status information.

511.2 POLICY

It is the policy of the Mount Rainier Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

511.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or Maryland Constitutions.

511.4 CONDITIONING BENEFITS, SERVICES OR OPPORTUNITIES ON IMMIGRANT STATUS PROHIBITED

a. No employee of the Department will deny services to an individual because of the individual's citizenship or immigration status.

b. Where presentation of a Maryland Driver's license or identification card is accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or matricula consular (consulate-issued document), or by a non-profit organization registered to conduct business in Maryland, shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a Maryland driver's license or identification card.

c. A person arrested pursuant to a warrant initiated by another jurisdiction shall not be questioned about his or her citizenship or immigration status and officers shall not inform federal immigration authorities of their whereabouts or behavior. Any immigration related inquiries are the responsibility of the originating agency.

511.5 INQUIRIES REGARDING IMMIGRATION STATUS PROHIBITED

Department employees shall not inquire with any person about their immigration status.

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511.6 THREATS BASED ON CITIZENSHIP OR IMMIGRATION STATUS PROHIBITED

No Department employee shall:

a. subject a person to verbal abuse as defined by thie chapter;

b. communicate a threat to deport a person or a person's family member under circumstances that reasonably tend to produce a fear that the threat will be carried out; or

c. coerce any person based upon the person's actual or perceived citizenship or immigration status or the actual or perceived citizenship or immigration status of the person's family member.

511.7 ENFORCEMENT OF CIVIL IMMIGRATION LAWS PROHIBITED

a. No Department employee shall:

1. arrest, detain or continue to detain a person based on an immigration detainer, or otherwise comply with an immigration detainer, after that person becomes eligible for release from custody;

2. arrest, detain or continue to detain a person based on an administrative warrant (including but not limited to an administrative warrant entered in to the Federal Bureau of Investigation's National Crime Information Center database), or otherwise comply with an administrative warrant after that person becomes eligible for release from custody.

3. arrest, detain, or continue to detain a person based solely on the belief that the person is not present legally in the United States, or that the person has committed a civil immigration violation.

4. be permitted to accept requests by ICE or other agencies to support or assist in civil immigration enforcement operations, including but not limited to requests to establish traffic perimeters related to immigration enforcement. If an agent receives a request to support or assist in a civil immigration enforcement operation he or she shall report the request to his or her supervisor, who shall decline the request and document the declination in an interoffice memorandum to the Chief of Police through the chain of command; or

5.enter into an agreement under 8 U.S.C. § 1357(g) or any other federal law that permits state or local governmental entities to enforce federal civil immigration laws; or

6.use City funds, facilities, property, equipment, personnel, or official time to request information about an investigation or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person unless such inquiry or investigation is required by court order.

b.Unless presented with a valid and properly issued criminal warrant, no Department employee shall:

1.permit ICE agents access to a person being detained by, or in the custody of, the Department;

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2.permit ICE agents use of Department facilities, records, or equipment for investigative interviews or other investigative purpose or for purposes of executing a civil immigration enforcement operation; or

3.expend their official time or agency resources, including phones, email, and vehicles, responding to ICE inquiries or communicating with ICE regarding a person's custody status, release date, or contact information.

c.Nothing in this section shall prohibit the Department from responding to an emergency call for assistance to protect the safety of a law enforcement officer.

511.8 ICE REQUESTS FOR ASSISTANCE

Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor.

a. Mount Rainier Police Department employees shall not assist outside law enforcement agencies with the investigation or arrest of individuals solely for civil violations of the immigration and nationality laws of the United States.

b. Department employees may respond to emergency requests for assistance from ICE and other federal, state and local law enforcement agencies to protect the safety of law enforcement officials.

c. The Chief of Police or, in his absence the Assistant Chief of Police, shall review and approve all requests for back-up or officer assistance to other agencies.

511.9 INFORMATION SHARING

a. No employee of the department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

Sending information to, or requesting or receiving such information from ICE.

2. Maintaining such information in department records.

3. Exchanging such information with any other federal, state or local government entity.

b. Employees of this department shall not disclose information about an individual's custody status, release date, location, address, telephone number, email address, or social media presence, or any other means of contacting that individual to ICE unless the individual is the subject of a criminal immigration warrant.

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c. If the Department receives an administrative request from ICE to detain an individual or notify ot regarding an individual in custody, the Department shall provide a copy of the request to the individual if the individual is in Department custody.

d. The Department shall, through the City Manager, report to the Mayor and Council every six months the number of requests received by the Department from ICE and how those requests were handled.

511.10 U VISA AND T VISA NON-IMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Patrol supervisor assigned to oversee the handling of any related case. The Patrol supervisor should:

(a) Determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

511.11 TRAINING

The Assistant Chief shall ensure that all appropriate members receive immigration training.

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Utility Service Emergencies

512.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for addressing City utility service emergencies. This policy will address calls for service that are directed to the Police Department.

512.2 POLICY

It is the policy of the Mount Rainier Police Department to appropriately respond to City emergency utility service requests received by this department.

512.3 UTILITY SERVICE EMERGENCY

A current contact list of City personnel to be notified in the event of a utility service emergency should be available in Communications.

512.3.1 WATER LINES

The City's responsibility for water lines ends at the water meter; any break or malfunction in the water system from the water meter to a residence or business is the responsibility of the customer.

If a water line break occurs on the City side of the water meter, public works personnel should be notified as soon as practicable.

512.3.2 ELECTRICAL LINES

When an electrical power line poses a hazard, a member of this department should be dispatched to the reported location to protect against personal injury or property damage that might be caused by the power line. The fire department, electric company and/or the public works department should be promptly notified, as appropriate.

512.3.3 RESERVOIRS, PUMPS, WELLS

In the event of flooding or equipment malfunctions involving City reservoirs, pumps or wells, the public works department should be contacted as soon as practicable.

512.3.4 NATURAL GAS LINES

All reports of a possible leak of natural gas or damage to a natural gas line shall promptly be referred to the fire department and the local entity responsible for gas lines. A member of this department should be dispatched to the reported location if it appears that assistance such as traffic control or evacuation is needed.

512.3.5 TRAFFIC SIGNALS

A member of this department should be dispatched upon report of a damaged or malfunctioning traffic signal in order to protect against personal injury or property damage that might occur as a result of the damaged or malfunctioning signal. The member will advise Communications of the problem with the traffic signal. The dispatcher should make the necessary notification to the appropriate traffic signal maintenance agency as soon as practicable.

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A decision to place a signal on flash should include a consultation with the appropriate traffic signal maintenance agency unless exigent circumstances exist.

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Crisis Intervention Incidents

513.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

513.2 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

513.3 POLICY

The Mount Rainier Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

513.4 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

513.5 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Section Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

513.6 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

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513.6.1 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may be experiencing a mental health crisis should consider, as time and circumstances reasonably permit (Md. Code HG § 10-622(b)):

(a) Available information that might assist in determining the cause and nature of the individual's actions or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of officers and others.

513.7 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

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513.8 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

513.9 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Section Commander.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

513.10 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

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513.10.1 DIVERSION
Individuals who are not being arrested should be processed in accordance with the Mental Health Evaluations Policy.

513.11 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian or clerical members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

513.12 EVALUATION

The Section Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department's response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

513.13 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

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Field Training Officers

514.1 PURPOSE AND SCOPE

This policy provides guidelines for field training that ensure standardized training and evaluation; facilitate the transition from the academic setting to the actual performance of general law enforcement duties; and introduce the policies, procedures and operations of the Mount Rainier Police Department. The policy addresses the administration of field training and the selection, supervision, training and responsibilities of the Field Training Officer (FTO) (COMAR 12.04.01.17(F)).

514.2 POLICY

It is the policy of the Mount Rainier Police Department that all newly hired or appointed officer trainees will participate in field training that is staffed and supervised by trained and qualified FTOs.

514.3 FIELD TRAINING

The Department shall establish minimum standards for field training, which must be of sufficient duration to prepare officer trainees for law enforcement duties and be in compliance with state mandates related to field training (COMAR 12.04.01.17). The field training is designed to prepare trainees for a patrol assignment and ensure they acquire the skills needed to operate in a safe, productive and professional manner, in accordance with the general law enforcement duties of this department.

Field training (COMAR 12.04.01.17):

(a) Shall include activities designed to familiarize the individual with the duties of the officer position, as defined and administered by this department.

(b) May be conducted in conjunction with an entrance-level training program or a separate training activity provided by a law enforcement agency.

(c) Shall be no less than the Maryland Police Training and Standards Commission (MPCTC)-required duration.

(d) Shall be monitored by a certified officer, the Chief of Police or the authorized designee.

1. Trainees shall be under the direct supervision of an FTO or other approved officer as provided in COMAR 12.04.01.17(G).

(e) Should include procedures for:

1. Issuance of training materials to each trainee at the beginning of his/her field training.

2. Daily, weekly and monthly evaluation and documentation of the trainee's performance.

3. A multiphase structure that includes:

(a) A formal evaluation and progress report completed by the FTOs involved with the trainee and submitted to the Assistant Chief and FTO coordinator.

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(b) Assignment of the trainee to a variety of shifts and geographical areas.

(c) Assignment of the trainee to a rotation of FTOs in order to provide for an objective evaluation of the trainee's performance.

4. The trainee's confidential evaluation of his/her assigned FTOs and the field training process.

5. Retention of all field training documentation in the officer trainee's training file including (COMAR 12.04.01.17(H)):

(a) All performance evaluations.

(b) A certificate of completion certifying that the trainee has successfully completed the required number of field training hours.

514.4 FTO COORDINATOR

The Chief of Police shall delegate certain responsibilities to an FTO coordinator. The coordinator shall be appointed by and directly responsible to the Patrol Section Commander or the authorized designee (COMAR 12.04.01.17(C)).

The FTO coordinator may appoint a senior FTO or other designee to assist in the coordination of FTOs and their activities.

The responsibilities of the coordinator include, but are not limited to:

(a) Assignment of trainees to FTOs.

(b) Conducting FTO meetings.

(c) Maintaining and ensuring FTO and trainee performance evaluations are completed.

(d) Maintaining, updating and issuing department training materials to each FTO and trainee.

(e) Developing ongoing training for FTOs.

(f) Mentoring and supervising individual FTO performance.

(g) Monitoring the overall performance of field training.

(h) Keeping the Shift Supervisor informed through monthly evaluation reports about the trainees' progress.

(i) Maintaining liaison with FTO coordinators from other law enforcement agencies.

(j) Maintaining liaison with police academy staff on recruit officer performance during academy attendance.

(k) Performing other activities as may be directed by the Patrol Section Commander.

(l) Completing and submitting a written statement to the MPTSC for each recruit upon successful completion of field training (COMAR 12.04.01.17(G)).

(m) Establishing guidelines and procedures for the evaluation of FTOs and trainees (COMAR 12.04.01.17(F).

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514.4.1 FTO COORDINATOR TRAINING
The FTO coordinator is required to successfully complete the following courses prior to appointment to this position (COMAR 12.04.01.17(C)):

(a) An MPTSC-approved supervisor training course.

(b) An MPTSC-approved FTO course.

514.5 FTO SELECTION, TRAINING AND RESPONSIBILITIES

514.5.1 SELECTION PROCESS
The selection of an FTO will be at the discretion of the Chief of Police or the authorized designee. Selection will be based on the officer's:

(a) Desire to be an FTO.

(b) Experience, which shall include a minimum of four years of patrol experience, two of which shall be with this department (COMAR 12.04.01.17(D)).

(c) Demonstrated ability as a positive role model.

(d) Demonstrated productivity.

(e) Successful completion of an internal oral interview process.

(f) Evaluation by supervisors and current FTOs.

(g) Possession of, or ability to obtain, department-approved certification.

(h) Approval by the MPCTC as an FTO (COMAR 12.04.01.17(D)).

An FTO must remain in good standing and may be relieved from FTO duties due to discipline, inappropriate conduct or poor performance.

514.5.2 TRAINING
An officer selected as an FTO shall successfully complete an MPTSC-approved FTO course prior to being assigned as an FTO (COMAR 12.04.01.17(D)).

All FTOs shall successfully complete an FTO update course approved by the MPTSC every four years while assigned to the position of FTO (COMAR 12.04.01.17(D)).

514.5.3 TRAINING MATERIALS
The FTO shall receive training materials outlining the requirements, expectations and objectives of the FTO position. FTOs should refer to their training materials or the FTO coordinator regarding specific questions related to FTO or field training.

514.5.4 RESPONSIBILITIES
The responsibilities of the FTO include, but are not limited to (COMAR 12.04.01.17(F)):

(a) Issuing his/her assigned trainee field training materials in accordance with the Training Policy.

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1. The FTO shall ensure that the trainee has the opportunity to become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.
2. The FTO shall sign off all completed topics contained in the training materials, noting the methods of learning and evaluating the performance of his/her assigned trainee.

(b) Completing and reviewing daily performance evaluations with the trainee each day.

(c) Completing and submitting a written evaluation on the performance of his/her assigned trainee to the FTO coordinator on a daily basis.

(d) Completing a detailed weekly performance evaluation of his/her assigned trainee at the end of each week.

(e) Completing a monthly evaluation report of his/her assigned trainee at the end of each month.

(f) Providing the shift supervisor with a verbal synopsis of the trainee's activities at the end of each day or during any unusual occurrence needing guidance or clarification.

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Criminal Organizations

516.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Mount Rainier Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

516.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

516.2 POLICY

The Mount Rainier Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

516.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

516.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any

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supporting documentation for an entry shall be retained by the Records Section in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

516.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

516.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Section or Property and Evidence Section, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, Communications records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

516.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

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516.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Assistant Chief to train members to identify information that may be particularly relevant for inclusion.

516.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

516.7 CRIMINAL STREET GANGS

The Patrol supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal organizations, criminal organization members, and patterns of organized crime activity (Md. Code CL § 9-801 et seq.).

(b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

516.8 TRAINING

The Assistant Chief should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

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(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

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Mobile Digital Terminal Use

518.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Terminal (MDT) system in order to ensure proper access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Communications.

518.2 POLICY

Mount Rainier Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

All officers with mobile data computers (MDC) must be logged on to the CapWIN and SAMS systems at all times while on duty. This requirement is suspended during those times officers are on foot, bicycle or Segway patrol.

518.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

518.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use Policy.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Shift Supervisors.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks or for communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

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518.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

518.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Supervisor, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it shall be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

518.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls shall advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

518.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Shift Supervisor are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are handling a different emergency.

518.6 EQUIPMENT CONSIDERATIONS

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518.6.1 MAL-FUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Communications. It shall be responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

518.6.2 BOMB CALLS

When investigating reports of possible bombs, members should turn off their MDTs when in close proximity of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

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Bicycle Patrol

519.1 PURPOSE AND SCOPE

This policy establishes guidelines for the Mount Rainier Police Department to safely and effectively use bicycle patrol for the purpose of enhancing field patrol efforts in the community.

519.2 POLICY

It is the policy of the Mount Rainier Police Department that patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize officer mobility and department visibility in the community.

519.3 OPERATIONS

Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas, and the quiet operation of the patrol bicycle can facilitate a tactical approach to crimes in progress. Patrol bicycles may be deployed to any area, at any hour of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the bicycle patrol coordinator and the Shift Supervisor, if the bicycle patrol coordinator is on duty.

519.4 SELECTION

Interested officers who have completed the probationary period shall submit a change of assignment request to their immediate supervisorSection Commander. A copy will be forwarded to the bicycle patrol coordinator. Qualified applicants will then be invited to an oral interview. The oral interview will be conducted by the coordinator and a second person to be selected by the coordinator.

Interested officers shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance

(b) Special skills or training as it pertains to the assignment

(c) Good physical condition

(d) Willingness to perform duties using the bicycle as a mode of transportation

519.4.1 OFFICER RESPONSIBILITIES

Officers should operate the bicycle in compliance with Maryland traffic laws under normal operation, unless their duties require otherwise (Md. Code TR § 21-1202).

Officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety or tactical considerations. Officers must use caution and care when operating bicycles without lighting equipment or when they are operating in violation of the rules of the road. Officers will not operate the bikes during inclement weather unless specifically assigned to do so by supervisory personnel.

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Officers are responsible for securing the bike when not in use, this includes on and off duty. Bikes may be used off duty with prior permission from the Chief of Police or the Assistant Chief. Officers are responsible for the bike at all times when in their possession.

Officers are exempt from the rules of the road, while using audible and visual signals, under the following conditions (Md. Code TR § 21-106):

(a) In response to an emergency call

(b) In the immediate pursuit of an actual or suspected violator of the law

In response to a fire alarm, but not while returning

Officers on patrol are not limited to a specific area unless specifically advised of such a limitation. Areas of concentration for bicycle patrol are:

a. Rhode Island Avenue and Varnum Street business district.

b. 34th Street business district.

c. Areas of the City where directed patrols have been assigned to address specific crime problems.

In order to allow proper response to an incident and to insure that all equipment is available, officers should stay within 3/4 of a mile of their cruiser while on routine patrol.

Bike patrol officers are responsible for writing citations and reports and making arrests.

519.5 BICYCLE PATROL COORDINATOR

The bicycle patrol coordinator shall be appointed by and directly responsible to the Chief of Police or the authorized designee.

The coordinator may appoint a senior bicycle patrol officer or other designee to assist in the coordination of bicycle patrol officers and their activities.

The responsibilities of the coordinator include, but are not limited to:

(a) Organizing bicycle patrol training.

(b) Inspecting and maintaining an inventory of patrol bicycles and program equipment.

(c) Inspecting and documenting, no less than every three months, that bicycles which are not in active service are in serviceable condition.

(d) Scheduling maintenance and repairs.

(e) Evaluating the performance of bicycle patrol officers.

(f) Coordinating activities with the Patrol Section.

(g) Other activities as required to maintain the efficient operation of bicycle patrol.

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519.6 PATROL BICYCLE

Bicycle patrol officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Patrol bicycles shall be primarily black or white in color with a “Police” decal affixed to each side of the crossbar or the bicycle’s gear bag. Every patrol bicycle shall be equipped with:

(a) Front and rear reflectors.

(b) A siren and horn.

(c) A steady or flashing blue and red warning light that is visible from the front, sides or rear of the bicycle.

(d) A rear rack and/or gear bag sufficient to carry all necessary equipment to handle routine patrol calls, including report writing, vehicle storage and citations.

(e) A gear bag that shall include a first-aid kit, tire pump, repair tool, tire tube, security lock, high-visibility vest and equipment information and use manuals. These items are to remain with/on the patrol bicycle at all times.

Patrol bicycles shall be properly secured when not in the officer’s immediate presence.

519.6.1 TRANSPORTING THE PATROL BICYCLE

The patrol bicycle should be transported using a vehicle bicycle rack. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a law enforcement vehicle push-bumper is discouraged and should occur only when emergent circumstances prevent proper transport.

519.6.2 MAINTENANCE

(a) Bicycle patrol officers shall conduct an inspection of the patrol bicycle and equipment prior to use to ensure proper working order of the equipment. Damage to bicycles will be reported immediately to the supervisor.

(b) Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

1. Each patrol bicycle will have scheduled maintenance twice yearly to be performed by a repair shop or technician approved by the Department.

(c) Officers shall not modify the patrol bicycle or remove, modify or add components to the patrol bicycle except with the express approval of the bicycle patrol coordinator, or in the event of an emergency.

(d) If a needed repair is beyond the ability of the bicycle patrol officer, a repair work order will be completed and forwarded to the coordinator for repair by a technician approved by the Department.

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(e) Patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty.

1. During prolonged periods of non-use, each bicycle patrol officer assigned a patrol bicycle shall periodically rotate the batteries on the respective chargers to increase battery life.

(f) At the end of a patrol bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

519.7 UNIFORMS AND EQUIPMENT

Officers shall wear uniforms and safety equipment in accordance with the Uniforms and Civilian Attire Policy.

The uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt, with Mount Rainier Police Department badge and patches, and department-approved bicycle patrol pants or shorts. Optional attire may include, but is not limited to, a jacket in colder weather and turtleneck shirts or sweaters when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on their duty belts as they would on regular patrol assignments. Assignment-specific safety equipment should include, but is not limited to, department-approved helmet, a radio headset and microphone, riding gloves, protective eyewear and approved footwear.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

519.8 TRAINING

Officers must complete an initial department-approved bicycle-training course prior to assignment to bicycle patrol. Thereafter, bicycle patrol officers should receive annual in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

(a) Bicycle patrol strategies

(b) Bicycle safety and accident prevention

(c) Operational tactics and techniques using bicycles

Bicycle patrol officers will be required to train and qualify with their duty and secondary firearms while wearing bicycle safety equipment, including the helmet and riding gloves.

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Automated License Plate Readers (ALPRs)

520.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

520.1.1 DEFINITONS

Definitions related to this policy include:

Official law enforcement purpose - The investigation, detection or analysis of a crime; of a violation of the Maryland vehicle laws; of a terrorist operation; or of missing or endangered person searches or alerts (Md. Code PS § 3-509).

520.2 POLICY

The policy of the Mount Rainier Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

520.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Mount Rainier Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Administration Section Commander. The Administration Section Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

520.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official law enforcement business (Md. Code PS § 3-509).

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

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(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped vehicles to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(e) No ALPR operator may access confidential department, state or federal data unless authorized to do so.

(f) If practicable, the officer should verify an ALPR response through the appropriate official law enforcement database before taking enforcement action that is based solely on an ALPR alert.

520.5 DATA COLLECTION AND RETENTION

The Administration Section Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All stored ALPR data should be retained in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances, the applicable data should be downloaded onto portable media and booked into evidence.

520.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Mount Rainier Police Department will observe the following safeguards regarding access to and use of stored data (Md. Code PS § 3-509):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(c) ALPR system audits should be conducted on a regular basis.

1. This shall include audits of requests made by individual law enforcement agencies and those made by individual law enforcement officers.

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520.7 RELEASING ALPR DATA

Information gathered by the ALPR is not subject to disclosure under the Public Information Act (Md. Code PS § 3-509). The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Administration Section Commander or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

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Homeless Persons

521.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

This policy establishes a liaison to the homeless community, addresses the responsibilities of the department member appointed to act as a liaison to the homeless, and details the need for special protection and services for homeless persons.

521.2 POLICY

It is the policy of the Mount Rainier Police Department to protect the rights, dignity and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. The Mount Rainier Police Department will address the needs of homeless persons in balance with the overall mission of this department.

Homelessness is not a crime and members will not use homelessness as the sole basis for detention or law enforcement action.

521.3 LIAISON TO THE HOMELESS COMMUNITY

The Chief of Police shall delegate certain responsibilities to a liaison to the homeless community. The liaison shall be appointed by and directly responsible to the Patrol Section Commander or the authorized designee.

The responsibilities of the liaison include, but are not limited to:

(a) Maintaining and making available to all department members a list of assistance programs and other resources that are available to homeless persons.

(b) Meeting with social services and representatives of other organizations that render assistance to the homeless community.

(c) Maintaining a list of the areas within and near the jurisdiction of this department that are used as frequent homeless encampments.

(d) Remaining abreast of laws dealing with homelessness, including personal property rights.

(e) Being present during any clean-up operation conducted by this department that involves the removal of personal property of the homeless. This is to ensure that the established rights of the homeless are not violated.

(f) Developing training to assist members in understanding current legal and social issues relating to the homeless.

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521.4 FIELD CONTACTS

Officers are encouraged to contact a homeless person to render aid, offer assistance or to check on the person's welfare. Officers also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

When encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions, such as shelter referrals and counseling, in lieu of an arrest and criminal charges.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

521.4.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness or suspect is homeless can, however, require special consideration for a successful investigation and prosecution. When handling investigations involving victims, witnesses or suspects who are homeless, officers should consider:

(a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Documenting locations the person may frequent.

(c) Providing victim/witness resources, when appropriate.

(d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.

(e) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.

(f) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates that he/she does not desire prosecution.

(g) Whether the person may be an adult abuse victim, and if so, proceed in accordance with the Adult Abuse Policy.

521.5 MENTAL HEALTH ISSUES

When mental health issues are evident, officers should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Officers should consider detaining the person under a mental health evaluation when facts and circumstances reasonably indicate such a detention is warranted (see the Mental Health Evaluations Policy).

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521.6 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the community. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and shall not destroy or discard the personal property of a homeless person (Md. Code CR § 10-304).

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, it should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure it. It will be the supervisor's responsibility to coordinate its removal and safekeeping.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the homeless liaison. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the liaison.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the liaison if such property appears to involve a trespass, is a blight to the community or the subject of a complaint. It will be the responsibility of the liaison to address the matter in a timely fashion.

521.7 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or City departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Medical Aid and Response

522.1 PURPOSE AND SCOPE

This policy recognizes that officers often encounter persons in need of medical aid and establishes a law enforcement response to such persons.

522.2 POLICY

It is the policy of the Mount Rainier Police Department that all officers and other members be trained to provide emergency medical aid and to facilitate an emergency medical response.

522.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Communications and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Communications with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel regarding whether to transport the person for treatment.

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522.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

522.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a mental health hold in accordance with the Mental Health Evaluations Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

522.5.1 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

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Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport the arrestee to a hospital without a supervisor's approval.

522.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies.

522.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or delays will affect the EMS response.

The Patrol Section Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g. dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas, or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights, and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during the landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.

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- Ensure that no one smokes near the aircraft.

522.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member should use an AED only after he/she has received the required training as provided in COMAR 30.06.02.01.

The Chief of Police shall designate an AED coordinator who shall be responsible for implementing and administering the AED program in accordance with state regulations including registering and receiving certification through the Maryland Institute for Emergency Medical Services Systems (MIEMSS) (Md. Code ED § 13-517; COMAR 30.06.02.01).

522.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Assistant Chief who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Communications as soon as possible and request response by EMS.

522.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

The Maryland Facility AED Report Form shall also be completed and forwarded to MIEMSS for each incident of suspected cardiac arrest. If the AED fails when operated, a copy of the report shall be sent to MIEMSS and to the Food and Drug Administration (FDA) (COMAR 30.06.02.03).

522.8.3 AED TRAINING AND MAINTENANCE

The Assistant Chief should ensure appropriate training, including training in the most recent publication of the American Heart Association Guidelines for CPR and emergency cardiovascular care (ECC), is provided to members authorized to use an AED (COMAR 30.06.02.01).

The Assistant Chief is responsible for ensuring AED devices are appropriately maintained and inspected consistent with the manufacturer’s guidelines, and will retain records of all maintenance and inspections in accordance with the established records retention schedule (COMAR 30.06.02.01).

522.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Authorized members may administer opioid overdose medication when there is an emergency situation and medical services are not immediately available (Md. Code HG § 13-3105). Administration shall be in accordance with protocol specified by the health care provider who prescribed the overdose medication.

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522.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES
Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Assistant Chief.

Any member who administers an opioid overdose medication should contact Communications as soon as possible and request response by EMS.

522.9.2 OPIOID OVERDOSE MEDICATION REPORTING
Any member administering opioid overdose medication should detail its use in an appropriate report.

ThePatrol Lieutenant will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements (Md. Code HG § 13-3103).

522.9.3 OPIOID OVERDOSE MEDICATION TRAINING
The Assistant Chief should ensure training is provided to members authorized to administer opioid overdose medication. The training should include recognizing the signs and symptoms of opioid overdose and the administration of opioid overdose medication (Md. Code HG § 13-3103).

522.10 SICK OR INJURED ARRESTEE
If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport the arrestee to a hospital without a supervisor’s approval

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer’s training.

522.11 FIRST AID TRAINING
Subject to available resources, the Assistant Chief should ensure officers receive periodic first aid training appropriate for their position.

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Medical Aid and Response

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First Amendment Assemblies

523.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

523.2 POLICY

The Mount Rainier Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

523.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront, or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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523.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

523.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Communications, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

523.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

523.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

523.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

(a) Command assignments, chain of command structure, roles and responsibilities

(b) Staffing and resource allocation

(c) Management of criminal investigations

(d) Designation of uniform of the day and related safety equipment (helmets, shields, etc.)

(e) Deployment of specialized resources

(f) Event communications and interoperability in a multijurisdictional event

(g) Liaison with demonstration leaders and external agencies

(h) Liaison with City government and legal staff

(i) Media relations

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation

(k) Traffic management plans

(l) First aid and emergency medical service provider availability

(m) Prisoner transport and detention

(n) Review of policies regarding public assemblies and use of force in crowd control

(o) Parameters for declaring an unlawful assembly

(p) Arrest protocol, including management of mass arrests

(q) Protocol for recording information flow and decisions

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(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force

(s) Protocol for handling complaints during the event

(t) Parameters for the use of body-worn cameras and other portable recording devices

523.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (Outside Agency Assistance Policy).

523.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

523.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual persists in refusing to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and Electronic Control Devices should be considered only when the participants' conduct reasonably appears to present

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the potential to harm officers, themselves or others, or will result in substantial property loss or damage. Any use of Electronic Control Device devices must conform to the Conducted Energy Device Policy.

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Operational circumstances may preclude contemporaneous completion of use of force reports, in which case use of force incidents shall be communicated to Communications for documentation. After-action reports shall include a detailed explanation of all incidents where force was used.

523.8 ARRESTS

The Mount Rainier Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

523.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

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523.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

523.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, Communications records/tapes

(g) Media accounts (print and broadcast media)

523.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, to include the following:

(a) Date, time and description of the event.

(b) Actions taken and outcomes (injuries, property damage, arrests, etc.).

(c) Problems identified.

(d) Significant events.

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

523.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

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Civil Disputes

524.1 PURPOSE AND SCOPE

This policy provides members of the Mount Rainier Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy addresses specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Maryland law.

524.2 POLICY

The Mount Rainier Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

524.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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524.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

524.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

524.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

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524.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Suspicious Activity Reporting

525.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

525.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Race, ethnicity, national origin or religious affiliation should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include, but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

525.2 POLICY

The Mount Rainier Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain, and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

525.3 RESPONSIBILITIES

The Patrol Section supervisor and the authorized designee(s) will manage SAR activities. Authorized designees should include supervisors who are responsible for the department participation in Criminal Intelligence System(s) as outlined in the Criminal Organization policy.

The Patrol Section Supervisor will have the following duties:

(a) Remain familiar with those databases available to the Mount Rainier Police Department that would facilitate the purpose of this policy.

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(b) Maintain adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensure a process is available that would allow employees to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensure that Mount Rainier Police Department personnel are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the department.

(e) Ensure that SAR information is appropriately disseminated to personnel in accordance with their job responsibilities.

(f) Coordinate investigative follow-up, if appropriate.

(g) Coordinate with the appropriate agency or fusion center.

(h) Ensure that, as resources are available, the Mount Rainier Police Department conducts outreach that is designed to encourage community members to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

525.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any department member who is not a peace officer and receives such information should ensure that it is passed on to an officer in a timely manner.

If the activity is not directly related to a reportable crime, the information will be recorded on a SAR, which will document information about the involved party and the circumstances of the incident. If an officer comes across such information while investigating an unrelated crime or incident, he/she will make no mention of the suspicious activity in the original incident/arrest report, but will document the suspicious activity on a SAR and include the incident/arrest report number.

525.5 HANDLING INFORMATION

Records Section will forward copies of SARs, in a timely manner, to the following:

- Patrol Section supervisor
- Authorized designees
- Crime Analysis Unit

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Public Recording of Law Enforcement Activity

526.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public, or press, photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

526.2 DEFINITIONS

Recording: Capturing of images, audio, or both, by means of a camera, cell phone, audio recorder, or other device.

Media: The storage for visual or audio recordings, whether by film, analog, or digital means.

526.3 POLICY

Members of the public, including news media representatives, have an unambiguous First Amendment right (and possibly a due process right) to record officers in public places, as long as their actions do not interfere with the officer's duties or the safety of officers or others.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties. *Officers shall assume that they are being recorded at all times when on duty in a public space.*

526.4 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

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526.5 OFFICER RESPONSE

Persons who are lawfully in public spaces or locations where they have a legal right to be present—such as their home, place of business, or the common areas of public and private facilities and buildings—have a First Amendment right to record things in plain sight or hearing,[1] to include police activity. Police may not threaten, intimidate, or otherwise discourage or interfere with the recording of police activities. However, the right to record is not absolute and is subject to legitimate and reasonable legal restrictions, as follows:

(a) A reasonable distance must be maintained from the officer(s) engaged in enforcement or related police duties.

(b) Persons engaged in recording activities may not obstruct police actions. For example, individuals may not interfere through direct physical intervention, tampering with a witness, or by persistently engaging an officer with questions or interruptions. The fact that recording and/or overt verbal criticism, insults, or name-calling may be annoying, does not of itself justify an officer taking corrective or enforcement action or ordering that recording be stopped, as this is an infringement on an individual's constitutional right to protected speech.

(c) Recording must be conducted in a manner that does not unreasonably impede the movement of emergency equipment and personnel or the flow of vehicular or pedestrian traffic.

(d) The safety of officers, victims, witnesses, and third parties cannot be jeopardized by the recording party.

Arrest

(a) Persons who violate the foregoing restrictions should be informed that they are engaged in prohibited activity and be provided with an explanation as to why their activity is improper and given information on acceptable alternatives, prior to making an arrest.

(b) Arrest of a person who is recording officers in public shall be related to an objective, articulable violation of the law unrelated to the act of recording. The act of recording does not, in itself, provide grounds for detention or arrest.

(c) Arrest of an individual does not provide an exception to the warrant requirement justifying search of the individual's recording equipment or media. While equipment may be seized incident to an arrest, downloading, viewing, or otherwise accessing files requires a search warrant. Files and media shall not be altered or erased under any circumstances.

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

526.6 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

A supervisor should be summoned to any incident in which an individual recording police activity is going to be, or will most likely be, arrested or when recording equipment may be seized without a warrant or lawful consent.

526.7 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

  1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

  1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

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2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Section Policy.

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Segway Patrol Operations

527.1 PURPOSE

The Segway PT is another mode of transportation for officers engaged in patrol duty, and for parking enforcement and code enforcement officers in the normal course of their duties. This General Order defines training requirements, equipment, patrol duty and standards. Segway patrol is part of the Department's Community Policing philosophy designed to increase visibility, and accessibility to our residents. The Segway PT gives patrol officers the opportunity to be more interactive with the community by providing them with a mode of transportation that is more efficient than that of a walking beat. The Segway patrol program is intended to place police officers physically in the Mount Rainier business districts and in iother areas where they can be effective in deterring criminal activity, enforcing law and addressing quality of life issues by increased visibility and enforcement.

527.2 POLICY

The policy of the Division's Segway Patrol program is to provide highly visible community-oriented patrol and crime prevention programs, and to provide parking enforcement and code enforcement officers with increased range and business district coverage.

527.3 PROCEDURES

Officer Responsibilities

1. Only those officers trained in Segway patrol will use the Segway as a patrol method. After initial familiarization training on the Segway, officers are required to be supervised by an experienced Segway operator for a minimum of two (2) hours before being certified to patrol independently. Segway patrol is considered as a collateral duty to cruiser and foot patrols.

2. While on Segway patrol, officers will wear the uniform of the day with all required equipment. Bicycle patrol uniforms may be worn during Segway patrol. The bicycle patrol uniform will not be worn to court.

3. Officers will not engage in Segway patrol during periods of inclement weather unless specifically authorized by an on-duty supervisor. Segways will not be utilized during periods of heavy rain, snow, sleet, or any other precipitation during which roadways and sidewalks could become slippery or impassable. When the temperature falls below freezing (32° Fahrenheit) or extreme heat conditions exist (>90° Fahrenheit), riding is discretionary for regular patrol. The use of a Segway during periods when the temperature is below 32° Fahrenheit or the heat index exceeds 95° Fahrenheit will be at the discretion of the on duty supervisor.

4. Officers are responsible for securing the Segway when not in use. Officers will not leave the Segway unattended with the security key attached to the unit. When leaving the Segway, even for short periods of time, officers will remove the security key from the unit and keep it on their person. Officers are responsible for the Segway at all times when in their possession.

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5. Segways are to be operated at all times in a safe manner consistent with training.

6. Segways in need of repair, or which may pose a safety problem to the operator, shall not be used. Only an authorized Segway repair facility will make repairs.

7. Damage to Segways will be reported immediately to the on-duty supervisor and document same on a Commander's Report.

8. Officers are required to inspect the Segway for proper operation before use and after their tour of duty. Segways that are damaged, in need of repair, or that have less than 1#4 battery charge will not be used until repaired or fully charged. Officers returning a Segway to the station after use will ensure that the unit is plugged in and charging.

9. Officers on Segway patrol will notify the on-duty supervisor and communications at the beginning and end of their patrols, and the general area where they will be patrolling.

10. Parking and Code Enforcement Officers on Segway patrol shall notify the on-duty police supervisor at the beginning and end of their patrols, and the general are they will be patrolling.

11. Officers on Segway patrol shall wear a helmet and eye protection at all times.

C. Segway PT

Each Segway PT unit shall be equipped with the following:

(a) 1. Headlight

2. Red/blue emergency light

3. Siren

4. Security lock

D. Officers on Segway patrol are not limited to a specific patrol area unless so instructed. The primary areas of concentration for Segway patrol are:

(a) Business districts along Rhode Island Avenue and Varnum Street

(b) 34th Street business district

(c) Perry Street

(d) Kaywood Garden Apartments complex

(e) Queenstown Apartments complex

(f) Queens Manor Apartments complex

(g) Town of Brentwood business districts and high crime areas.

E. Segway patrol officers are responsible for writing citations and reports and making arrests.

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Wearable Body Cameras

528.1 PURPOSE

The use of a Wearable Body Camera (WBC) is intended to enhance police services to the Mount Rainier community by accurately documenting, by video and audio recording, events, actions, conditions and statements made during citizen contacts, traffic stops, arrests, searches, and other calls for police service. In addition to these general purposes, there are also specific purposes as outlined below:

(a) To capture crimes in-progress, whether perpetrated against the officer or the community, and to maintain this capture as evidence for court presentation.

(b) To accurately document crime scenes and the discovery of evidentiary items, and to accurately represent the actions of the police pursuant to investigation.

(c) To aid in the documentation of statements of victims, witnesses, suspects, or the accused during an on-scene response and/or to document the provision of advice of rights, if applicable.

(d) To act as a deterrent for purposes of officer safety when a potential suspect or accused should reasonably know his or her actions and statements would be recorded.

(e) To reduce false complaints made against officers during the course of their police duties.

(f) To serve as a training mechanism to ensure the courtesy and professionalism of all Mount Rainier police officers.

528.2 DEFINITIONS

Wearable Video Camera: The Taser Axon Wearable Video Camera.

One-Party Consent: At least one party (e.g., police officer wearing the WBC) consents to the interception and recording of an oral communication.

Two-Party Consent: All parties to a communication must consent to the interception and recording of an oral communication.

Review of Recordings: Any authorized viewing of/listening to the video or oral recording produced by an agency body-worn camera or any portion thereof; the circumstances under which such review of recordings are authorized are enumerated in this policy and procedure.

Evidence.com: the storage entity used to manage and store all recordings.

528.3 PROCEDURES

A. Operational Readiness

1. All WBC cameras and equipment are the property of the Mount Rainier Police Department, and only WBC equipment issued or approved by the Department shall be

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worn. No personally owned WBC shall be used unless approved by the Chief of Police. (PS §3-511(9))

2. The care of the issued WBC is the responsibility of the officer. The camera will be operated and maintained according to the manufacturer's instructions and recommendations.

3. Each officer operating a WBC will ensure that the camera is operational (e.g. the camera turns on, the battery is charged and operational, and the camera is firmly secured to the police uniform). Officers will immediately bring to the attention of their immediate supervisor any malfunctioning WBC. Arrangements will be made to repair/replace the WBC as soon as possible.(PS §3-511(1); PS §3-511(2))

4. The WBC will be positioned on the outer clothing of the officer and placed within the upper torso/ chest area (e.g. pen pocket, tie or center of shirt/ ballistic vest, shirt/jacket epaulet).

B. Criteria for Use

1. Officers utilizing a WBC will, at the beginning of a police contact or as soon as feasible, regardless of consent, announce their identity as police officers and notify persons that the contact is being both audibly and visually recorded. (PS §3-511(3)(6)(8))

2. The notice provision is satisfied even if another individual becomes a party to the communication after the initial notice has been provided. (PS §3-511(15))

3. All officers assigned to the patrol division shall wear a body worn camera during their shift. Members of the Command staff and Investigative Bureau should wear a camera when engaged in patrol activities or when interviews are required by law to be recorded.

C. One-Party Consent

1. Maryland law recognizes that some specific crimes and circumstances require only one party of an interception and recording of oral communication give consent. In Maryland, there is a statutory authority given to officers in the course of their "regular duty" to intercept an oral communication if:

- The officer initially detained a vehicle during a criminal investigation or for a traffic violation;
- The officer is a party to the oral communication;
- The officer has been identified as a police officer to the other parties to the oral communication;
- The officer informs all other parties to the communication of the interception at the beginning of the communication, and;
- The oral interception is being made as part of a video tape recording.

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2. In addition, the interception of oral communications with only the consent of a law enforcement officer is permitted for the purpose of providing evidence of the following crimes set forth in the Annotated Code of Maryland, Courts and Judicial Proceedings Article, §10-401 through §10-414:

- Murder;
- Kidnapping;
- Rape;
- A sexual offense in the first or second degree;
- Child abuse in the first or second degree;
- Child pornography under § 11-207, § 11-208, or §11-208.1 of the Criminal Law Article;
- Gambling;
- Robbery under § 3-402 or § 3-403 of the Criminal Law Article;
- A felony under Title 6, Subtitle 1 of the Criminal Law Article [Arson];
- Bribery;
- Extortion;
- Dealing in a controlled dangerous substance, including a violation of § 5-617 or § 5-619 of the Criminal Law Article;
- A fraudulent insurance act, as defined in Title 27, Subtitle 4 of the Insurance Article;
- An offense relating to destructive devises under § 4-503 of the Criminal Law Article [Possess explosive material, incendiary material, or toxic material with intent to create a destructive device];
- Sexual solicitation of a minor under § 3-324 of the Criminal Law Article;
- An offense relating to obstructing justice under § 9-302, § 9-303, or § 9-305 of the Criminal Law Article [Witness Intimidation or Retaliation];
- Sexual abuse of a minor under § 3-602 of the Criminal Law Article
- A theft scheme or continuing course of conduct under § 7-103(f) of the Criminal Law Article involving an aggregate value of property or services of at least $10,000;
- Abuse or neglect of a vulnerable adult under § 3-604 or § 3-605 of the Criminal Law Article;
- An offense relating to Medicaid fraud under §§ 8-509 through 8-515 of the Criminal Law Article; or
- A conspiracy or solicitation to commit any of the above offenses.

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3. Visual and oral communication may also be lawfully intercepted and recorded by one-party consent if a person has created a barricade situation and probable cause exists for the officer to believe a hostage/s may be involved.

4. In addition, it is also lawful to intercept and record an oral communication by one-party consent pursuant to an order by a court of competent jurisdiction.

D. Two-Party Consent

For all other crimes or circumstances not enumerated in accordance with one-party consent, consent must first be obtained by all parties for the officer to intercept and record any oral communications. The officer shall visually and audibly record this request for consent and the subsequent granting of consent in order to continue the use of the WBC. Absent such consent, the use of the WBC during the time of the incident or circumstances in question shall be terminated.

E. Scope of Use

1. The WBC will be utilized during all enforcement or investigative contacts to include, but not be limited to:(PS §3-511(3))

- All calls for service.
- Traffic stops and citizen contacts.
- Consensual encounters.
- On-view arrests.
- Search warrants.
- Secondary Employment
- Special assignments, when directed to by the highest ranking officer in charge.
- Investigative stops.
- On scene interviews.
- Recording such contacts shall be the rule not the exception

2. Recording

a. Officers will activate their WBC prior to making contact with a citizen in any of the incidents listed in Section III.E.1.(PS §3-511(3))

b. As noted previously, officers will identify themselves as police officers and notify persons that the contact is being both audibly and visually recorded. Officers will seek consent for continued use of the WBC when necessary. Officers will use their non-verbal communication cards for subjects who are unable to understand English, are deaf, or unable to understand verbal communication.Consent granted to one officer utilizing a WBC shall be deemed as consent given to all officers with a WBC.

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c. Once activated, the recording will not be intentionally terminated until the conclusion of the incident or until the other parties have left the scene (this includes the recording of statements).(PS §3-511(7)) Failure to comply with this procedure may result in disciplinary action.(PS §3-511(14))

d. When not otherwise prohibited by law or Department policy, officers may begin a WBC recording when they determine that doing so would be beneficial to the public interest. (PS §3-511(5))

e. Additional arriving units to a scene will begin recording as soon as practical, and continue to record until the completion of the incident, or until other parties left the scene (this includes recording of the statement).

f. Officers are responsible for ensuring that all video and audio recordings from a WBC are downloaded to Evidence.com immediately after the WBC recording memory becomes 80% full or at the end of the officer's shift whichever comes first. Failure to follow this procedure may result in disciplinary action.

g. Officers will not attempt to erase, reuse, publish, alter or destroy in any manner any audio and/or video recorded on a WBC.

3. Restricted Use

a. Any use of the WBC for purposes other than official law enforcement business is prohibited.Non-law enforcement business can include, but is not limited to:

- Covertly recording other law enforcement personnel;
- Recording any communications with a supervisor, elected official, or other government employee, including an attorney employed by the government;
- Personal use of the WBC;(PS §3-511(4); §3-511(16))
- Recording a converation to which the officer is not a party unless the officer is handling a law enforcement incident and is in a lawful position when the recoding occurs.

b. The WBC will not ordinarily be activated in places where a reasonable expectation of privacy exists, such as dressing rooms or restrooms.(PS §3-511(16)

c. Officers will not use the WBC to record a particular person based solely on the person’s race, color, age, sex, marital status, sexual orientation, gender identity, creed religion, ancestry, national origin or disability.

d. The WBC will not be used to record confidential informants or undercover officers.

4. Review of Recordings

Reasons to view and use recordings may include, but are not limited to:(PS §3-511(4))

- Report writing or preparation of other official documents;
- Court preparation;

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- Review of prosecution evidence;
- Victim/witness/suspect statements;
- Crime scenes;
- Preparing statements statement of charges;
- Administrative investigations;
- Training;
- Performance review;
- Incident critique;
- Maryland Public Information Act (MPIA) requests;
- Policy compliance;
- Disclosures required by law.

Additional considerations:

a. A WBC recording of a constitutionally protected activity may not be used to identify persons present at the activity who are not suspected of being engaged in illegal activity or in need of assistance.

b. The stored video and audio data from a WBC may not:

be used to create a database or pool of mug shots;

be used as fillers in photo arrays; or

be searched using facial or voice recognition software.

c. This subsection does not prohibit an agency from using recognition software to analyze the recording of a particular incident when a supervisory law enforcement officer has reason to believe that a specific suspect or person in need of assistance may be the subject of a particular recording.

F. Reporting

1. When the WBC is used in any investigation or during a police contact, this fact will be documented on any citation and/or report prepared regarding the contact. The use of a WBC, or the non-use when consent is not obtained, will be normally recorded on an Incident Report or other initial report form.(PS §3-511(17)

2. When an initial form is not completed, but the officer feels that a recording should be reviewed by a supervisor, a Commanders Report will be submitted. Supervisors will make random inspections of all video/audio files for compliance with Department rules and policy.

G. Data Management

1. WBC recordings will only be downloaded to a computer or remote storage service specifically designed for WBC download and storage.

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2. The designated agency system administrator will be contacted by the officer to copy any data that is deemed to be of evidentiary value on a media storage device (e.g. CD-ROM, flash drive, etc.) and entered into evidence.

3. Data will not be released to another criminal justice agency for trial or other reason without ensuring that the original, unedited recording was retained in safe storage. (PS §3-511(10)

4. Data will not be released to any outside non-criminal justice entity, regardless of the content, without explicit authority from the Chief of Police or his/her designeee. Requests for data made under the Maryland Public Information Act will be immediately directed to the City Attorney and the Chief of Police.(PS §3-511(13)

5. Digital copies for purposes not associated with the investigation or prosecution of a violation of law will only be made and or created subject to one of the following:

- Permission from the Chief of Police or his/her designee; or
- By court order.

6. The original, unedited stored WBC video shall not be deleted or modified except as provided in the retention schedule established in Section III.I. A log shall be maintained for each individual recording that documents when the footage was viewed, by whom it was viewed, for what length of time it was viewed, and whether the footage was edited or copied. (PS §3-511(10)

7. WBC recordings of a constitutionally protected activity may not: (PS §3-511(11)

- Be used to identify persons present at the activity who are not suspected of being engaged in illegal activity or in need of assistance.
- Be used to create a pool or database of mug shots
- Be used as fillers in photo arrays
- Be searched using facial or voice recognition software
- This section does not prohibit the Department from using recognition software to analyze the recording of an incident when a supervisor has reason to believe that a specific suspect or person in need of assistance may be the subject of a particular recording.

H. Review of Recordings

Members of the Department may view and use WBC recordings for: (PS §3-511(11))

- Report writing or preparation of other official documents
- Court preparation
- Review of prosecution evidence
- Victim/witness/suspect statements

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- Crime scene documentation
- Statements of charges
- Administrative investigations
- Training
- Performance review
- Incident critique
- MPIA requests
- Policy compliance
- Disclosures required by law

I. Retention

The Department will archive recordings according to the following schedule:(PS §3-511(12)

- o
  - Civil citations - 1 year
  - Criminal arrests - 1 year
  - Field interviews - 1 year
  - Traffic arrests - 1 year
  - Traffic stops - 120 days
  - Training/demo - 2 years
  - Incidents involving use of force - 3 years
  - Uncategorized incidents - 120 days
  - Recordings capturing evidence in a homicide - 75 year

Individual recordings may be retained for an additional period of time at the request of a person who is a “person in interest“ in/of the recording. Requests shall include the reason for the request, and a specified amount of time the person in interest requests the recording be retained.Requests to preserve an individual recording shall be made to and approved by the Chief of Police. For purposes of this section a “person in interest” is one who qualifies under the definition stated in the General Provisions Article of the Annotated Code of Maryland Section 4-101(g))

J. Administrative Sanctions (PS §3-511(14)

1. Failure to activate the WBC as required by this general order may result in disciplinary action.

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2. Failure to download the WBC camera recordings as required by this general order may result in disciplinary action.

3. Misuse of a WBC in a manner that is inconsistent with the manufacturer's recommendations or in violation of this general order may result in disciplinary action.

Revised: November 5, 2014: Section III.H – Revised archive/data retention schedule.

Revised: May 5, 2016: Multiple sections to document compliance with MPTC minimum standards as required by the Annotated Code of Maryland, Public Safety Article, Section 3-511.

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Freedom of Association and Assembly Protection Act of 2009

529.1 PURPOSE

The purpose of this general order is to establish policy and procedures for the conduct of covert investigations by members of the Mount Rainier Police Department.

529.2 POLICY

It is the policy of the Mount Rainier Police Department to comply fully with the provisions of the Freedom of Association and Assembly Act of 2009 as established under MD Code Ann., Public Safety Art., § 3-7011, and 28 Code of Federal Regulations, Part 232. In this policy, "covert investigation" shall mean a surreptitious infiltration of or attempt to infiltrate a group or organization for the purpose of interfering with the group's activities that involve freedom of speech or association, the exercise of religion, freedom of the press or the right to petition the government activities that may be protected by the First Amendment to the United States Constitution.

This policy does not apply to surreptitious or undercover investigations that do not involve protected First Amendment activities.

529.3 PROCEDURES

A. Employees of the Mount Rainier Police Department shall not conduct a covert investigation of a person, group or an organization involved in First Amendment activities, to the extent such activities are known to be protected, without the express written authorization of the Chief of Police. The Chief may authorize the investigation only if the investigation is justified because:

(a) There is reasonable, articulable suspicion that the person, group or organization is planning or is engaged in criminal activity;[3] and

(b) A less intrusive means of investigation is not likely to yield satisfactory results.

B. If the Chief is unable to give prior authorization of the covert investigation, he/she shall, as soon as is practicable afterwards, make a written finding that the conditions above existed and justified the covert investigation.[4]

C. Any covert investigation shall be done only for legitimate law enforcement objectives with a due regard for safeguarding the applicable constitutional rights and liberties of all persons who may be affected by the investigation. In every case, the least intrusive investigative methods should be used. The investigation shall conclude when all logical leads related to criminal activity have been exhausted, or when no legitimate law enforcement objective justifies continuing the investigation.[5]

D. To the extent that investigators engaged in a covert investigation collect information solely about the political beliefs, ideologies, and associations of the individuals, group or organization, the investigators shall not retain or maintain any such information unless:

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1. The information is relevant to a criminal investigations; or

2. There is reasonable, articulable suspicion that the person, group or organization advocates, supports or encourages the violation of any federal, State or local criminal law that prohibits acts of terrorism, racketeering activity (as defined by 18 U.S.C. §1961), violence, extortion, destruction of property, intimidation, harassment, obstruction of justice, or fraud.[6]

E. Information entered into and maintained in a criminal intelligence file or database shall be evaluated for the reliability of the source of the information and the validity and accuracy of the information. If information is maintained in a computer database, that information shall be classified in a manner that clearly reflects the purpose for which the information has been collected and maintained, particularly information about a specific individual, group or organization that is suspected of engaging in specific crime(s).[7]

F. Such records may be disseminated only in accordance with existing agency procedures, including but not limited to those based on the Maryland Public Information Act, MD Code Ann., State Gov't Art., § 10-601 et seq. and 28 C.F.R. §23.3 (b)(3). The database shall be reviewed annually, beginning on January 1, 2011, and any information that has become moot, irrelevant, or is otherwise without law enforcement value shall be purged from the database.

[1] Public Safety Art., § 3-701(m) requires that "on or before January 1, 2010, each law enforcement agency other than the [Maryland State Police] shall adopt a written, publicly available policy governing: (1) the conduct by the agency of covert investigations of persons, groups, or organizations engaged in First Amendment activities; and (2) each agency collection, dissemination, retention, database inclusion, purging, and auditing of intelligence information relations to persons, groups, or organizations engaged in First Amendment activities."

[2] The regulations found at 28 C.F.R Part 23 apply to "all criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. §3711, et seq.

[3] Mere membership or participation in a group or organization engaged in First Amendment activities does not alone constitute reasonable, articulable suspicion of criminal activity. See also 28 C.F.R. § 23.20 (c) defining reasonable suspicion or "criminal predicate."

[4] See 28 C.F.R. §23.30(c) requiring accountability by the "head of the government agency."

[5] See 28 C.F.R. §23.20(a).

[6] See 28 C.F.R. §23.20(c).

[7] See 28 C.F.R. §23.20(g) & (h).

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Chapter 6 - Traffic Operations

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Traffic

600.1 PURPOSE AND SCOPE

This policy provides guidelines for improving public safety through education and enforcement of traffic-related laws.

600.2 POLICY

It is the policy of the Mount Rainier Police Department to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Department will be driven by such factors as the location and/or number of traffic accidents based on citizen complaints, traffic volume, traffic conditions and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

600.3 DEPLOYMENT

Enforcement efforts may include such techniques as geographic/temporal assignment of department members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving, and a variety of educational activities. These activities should incorporate methods that are suitable to the situation, timed to events, seasons, and past traffic problems or locations.

Several factors will be considered in the development of deployment schedules for department members. State and local data on traffic accidents are a valuable resource. Factors for analysis include, but are not limited to the following:

- Location
- Time
- Day
- Violation factors
- Requests from the public
- Construction zones
- School zones
- Special events

Department members assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic accidents, and consider the hours and locations where traffic accidents tend to occur. Members will take directed enforcement action on request, and random enforcement action when appropriate, against violators. Members shall maintain high visibility while working general enforcement, especially in areas where traffic accidents frequently occur.

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600.4 ENFORCEMENT

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas. The number of arrests or citations issued by any member shall not be used as the sole criterion for evaluating member overall performance.

Several methods are effective in the reduction of traffic accidents, including but not limited to:

600.4.1 WARNINGS

Warnings are a non-punitive option that may be considered by the member when circumstances warrant, for example when a minor violation was inadvertent.

600.4.2 CITATIONS

Citations should be issued when a member believes it is appropriate. When issuing a citation for a traffic violation, it is essential that the rights of and requirements imposed on motorists be fully explained. At a minimum, motorists should be provided with (Md. Code TR § 26-201):

(a) A copy of the traffic citation.

(b) An explanation of the violation or charge.

(c) The court appearance procedure, including the optional or mandatory appearance by the motorist.

(d) Notice that:

1. The motorist can enter a plea and pay the fine by mail or at the court.
2. Acknowledgement of receipt of the citation is not an admission of guilt.
3. Failure to acknowledge receipt of the citation may subject the motorist to arrest.

600.4.3 PHYSICAL ARREST

Physical arrest can be made for a number of criminal traffic offenses. These cases usually deal with, but are not limited to (Md. Code TR § 26-202):

(a) A violation relating to vehicles transporting hazardous materials (Md. Code TR § 21-1411; Md. Code TR § 22-409).

(b) A violation relating to the failure or refusal to submit a vehicle to a weighing or to remove excess weight from the vehicle (Md. Code TR § 24-111; Md. Code TR § 24-111.1).

(c) The person does not furnish satisfactory evidence of identity.

(d) The person refuses to acknowledge receipt of a traffic citation by signature (Md. Code TR § 26-203).

(e) The officer has reasonable grounds to believe that the person will disregard the traffic citation.

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(f) A violation for any of the following offenses:

1. Driving or attempting to drive while under the influence of alcohol, while impaired by alcohol or in violation of an alcohol restriction.
2. Driving or attempting to drive while impaired by any drug, any combination of drugs, or any combination of one or more drugs and alcohol, or while impaired by any controlled dangerous substance.
3. Failure to stop, give information or render reasonable assistance as required by state law in the event of an accident resulting in bodily injury to or death of any person (Md. Code TR § 20-102; Md. Code TR § 20-104).
4. Driving or attempting to drive a motor vehicle without a driver's license unless exempt or otherwise authorized (Md. Code TR § 16-101).
5. Driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked.
6. Failure to stop or give information, as required by state law, in the event of an accident resulting in damage to a vehicle or other property (Md. Code TR § 20-103; Md. Code TR § 20-104; Md. Code TR § 20-105).
7. Any offense that caused or contributed to an accident resulting in bodily injury to or death of any person.
8. Fleeing or attempting to elude an officer.
9. Falsifying, manufacturing, possessing or sale of any official document issued by the Maryland Department of Transportation (Md. Code TR § 14-110(b); Md. Code TR § 14-110(c); Md. Code TR § 14-110(d); Md. Code TR § 14-110(e)).
10. Racing a vehicle that results in serious bodily injury to another person (Md. Code TR § 21-1116(a)).

(g) A person is a nonresident and the officer has probable cause to believe that the person committed a violation that contributed to an accident.

600.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members, who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

600.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn when increased visibility would improve the safety of the department member or when the member will be exposed to the hazards of passing traffic, maneuvering or operating vehicles, machinery and equipment.

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Examples of when high-visibility vests should be worn include traffic control duties, traffic accident investigations, lane closures and disaster scenes.

When emergency conditions preclude the immediate donning of the vest, members should retrieve and wear the vest as soon as conditions reasonably permit.

Use of the vests shall also be mandatory when directed by a supervisor.

600.5.2

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Traffic Accidents

601.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic accidents.

601.2 POLICY

It is the policy of the Mount Rainier Police Department to respond to traffic accidents and to render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to established minimum reporting requirements with the goal of reducing the occurrence of accidents by attempting to identify the cause of the accident and through enforcing applicable laws. Unless restricted by law, accident reports will be made available to the public upon request.

601.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

(a) Is within the jurisdiction of this department and there is:

1. A life-threatening injury.
2. A fatality.
3. A City vehicle involved.
4. A City official or employee involved.
5. Involvement of an on- or off-duty member of this department.

(b) Is within another jurisdiction and there is:

1. A City of Mount Rainier vehicle involved.
2. A City of Mount Rainier official involved.
3. Involvement of an on-duty member of this department.

601.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

(a) Traffic direction and control.

(b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.

(c) First aid for any injured parties if it can be done safely.

(d) The potential for involvement of hazardous materials.

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(e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, HAZMAT, tow vehicles).

(f) Clearance and cleanup of the roadway.

601.4 NOTIFICATION

If a traffic accident involves a life-threatening injury or fatality, the responding officer shall notify a supervisor, or if unavailable, the Shift Supervisor. The Shift Supervisor or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Shift Supervisor will ensure notification is made to the Chief of Police, department command staff and City Manager in accordance with the Major Incident Notification Policy.

601.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Medical Examiner, department chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic accident should not be released until notification is made to the victim's immediate family.

In the event of a fatality, members involved in notification should ensure that family members of the victim are provided with a victim's representation notification form, and advised of their right to file the form, as appropriate (Md. Code TR § 12-206.1).The form allows family members to request notice of a hearing on a moving violation related to the victim's death.

601.5 MINIMUM REPORTING REQUIREMENTS

An accident report shall be taken when (Md. Code TR § 20-107; Md. Code TR § 20-113):

(a) A fatality, any injury (including complaint of pain), driving under the influence, or hit and run is involved.

(b) An on-duty member of the City of Mount Rainier is involved.

(c) The accident results in any damage to any City-owned or leased vehicle.

(d) The accident involves any other public agency driver or vehicle.

(e) There is damage to public property.

(f) The accident involves a public or private school bus.

(g) There is damage to any vehicle to the extent that towing is required.

(h) Prosecution or follow-up investigation is contemplated.

(i) Directed by a supervisor.

Accidents involving a Maryland Transit Administration (MTA) vehicle should be handled by MTA.

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601.5.1 PRIVATE PROPERTY
Generally, reports should not be taken when a traffic accident occurs on private property unless there is an injury or fatality, a hit-and-run violation or other traffic law violation. Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

601.5.2 CITY VEHICLE INVOLVED
A traffic accident report shall be taken when a City vehicle is involved in a traffic accident that results in property damage or injury.

A general information report may be taken in lieu of a traffic accident report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Section Commander. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

601.5.3 INJURED ANIMALS
Department members should refer to the Animal Control Policy and make appropriate notifications when a traffic accident involves the disposition of an injured animal or when learning that a domestic animal has been struck by a vehicle (Md. Code TR § 20-106(b)).

601.6 INVESTIGATION
When a traffic accident meets minimum reporting requirements the investigation should include, at a minimum:

(a) Identification and interview of all involved parties.

(b) Identification and interview of any witnesses.

(c) A determination of whether a violation of law has occurred and the appropriate enforcement action.

(d) Identification and protection of items of apparent evidentiary value.

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on the appropriate forms.

601.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY
The Chief of Police or on-duty Shift Supervisor should request that the Maryland State Police (MSP) or other outside law enforcement agency investigate and complete a traffic accident investigation when a life-threatening injury or fatal traffic accident/collision occurs within the jurisdiction of the Mount Rainier Police Department and involves:

(a) An on- or off-duty member of the Department.

1. The involved member shall complete the department traffic accident form. If the member is unable to complete the form, the supervisor shall complete it.

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(b) An on- or off-duty official or employee of the City of Mount Rainier.

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic accident. The traffic accident investigation and report shall be completed by the agency having jurisdiction.

601.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the accident, authorized members should issue a citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

Dispositions

(a) The issuance of a traffic violations summons or warning notice.

(b) Diplomatic immunity.

(c) The disposition of "Administrative Handling" may be used but requires supervisory approval. A supplemental report shall be prepared stating the reason(s) no enforcement action is taken.

If a collision is the result of an intentional act, the case will be handled as a criminal case.

601.8 REPORTS

Department members shall utilize forms approved by the MSP as required for the reporting of traffic accidents. All such reports shall be forwarded to the Patrol for approval and filing.

601.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

601.8.2 CHIEF OF POLICE RESPONSIBILITIES

The responsibilities of the Chief of Police include, but are not limited to:

(a) Ensuring the monthly and quarterly reports on traffic accident information and statistics are forwarded to the Patrol Section Commander or other persons as required.

(b) Forwarding traffic accident reports to the MSP (Md. Code TR § 20-107(f)).

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Vehicle Towing

602.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

602.2 POLICY

The Mount Rainier Police Department will tow vehicles when appropriate and in accordance with the law.

602.3 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Communications to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member.

Vehicles that are not the property of the City should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

602.4 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location and the vehicle is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.

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- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requestor should be informed that the Department will not be responsible for theft or damages.

602.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

602.6 RECORDS

Records Section members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

602.6.1 VEHICLE STORAGE REPORT

Department members towing a vehicle shall complete a vehicle tow report. The report should be submitted to the Records Section as soon as practicable after the vehicle is towed.

602.6.2 NOTICE OF TOW

As soon as reasonably possible and within seven days of a vehicle being towed, it shall be the responsibility of the Administrative Division to send a notice of tow to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail. The notice shall include (Md. Code TR § 25-204; Md. Code TR § 16-303.1):

(a) A statement that the vehicle has been taken into custody.

(b) The location of the vehicle.

(c) A description of the vehicle, including the following:

1. Color
2. Manufacturer year
3. Make and model
4. License plate number and/or Vehicle Identification Number (VIN)
5. Mileage

(d) The authority and purpose for the removal of the vehicle.

(e) An explanation of the procedure for release of the vehicle and for obtaining a vehicle tow hearing.

(f) Information for the owner, or others having a recorded interest in the vehicle, of the right to reclaim the vehicle within three weeks after the date of the notice, on payment of all towing, preservation and storage charges resulting from taking or placing the vehicle in custody.

1. For vehicles impounded pursuant to Md. Code TR § 16-303.1, the owner or others having a recorded interest in the vehicle shall be notified that the vehicle

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must be reclaimed within 10 days after the date specified in the applicable court order.

(g) A statement that the failure of the owner, or others having a recorded interest in the vehicle, to exercise this right to reclaim the vehicle in the time provided is:

1. A waiver to right, title and interest in the vehicle.
2. Consent to the sale of the vehicle at public auction.
3. Consent by the owner, other than a lessor, to the retention of the vehicle for public purposes as provided by state law (Md. Code TR § 25-207).

If the identity or address of the last registered owner, or others having a recorded interest in the vehicle, cannot be determined or the certified notice is returned as undeliverable, the Records Section shall post the notice where the abandoned vehicle was found as provided by state law (Md. Code TR § 25-205(c)).

602.7 TOWING SERVICES

Mcdonalds towing will be called.

602.8 VEHICLE INVENTORY

The contents of all vehicles towed at the request of department members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

(a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.

(b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.

(c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.

(d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money, small valuables or hazardous materials.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that

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any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner, or booked into property for safekeeping.

Any cash, jewelry or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Property and Evidence Section Policy. A copy of the property receipt should be given to the person in control of the vehicle, or if that person is not present, left in the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members and protecting the Department against fraudulent claims of lost, stolen or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

602.9 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions), which are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or his/her agent to request a hearing to contest the tow.

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Safety Equipment Repair Orders (SERO), Traffic and Parking Citations

604.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding and dismissing Safety Equipment Repair Orders (SERO) and traffic and parking citations.

604.2 POLICY

It is the policy of the Mount Rainier Police Department to enforce traffic laws fairly and equally. Authorized members may issue an SERO, traffic citation, parking citation or written or verbal warning based upon the circumstances of the contact and a determination as to what action is in the best interest of the motoring public and community safety.

604.3 RESPONSIBILITIES

The Records Section shall be responsible for the supply and accounting of all SERO and traffic and parking citation books issued to members of this department using Motor Vehicle Administration (MVA) inventory withdrawal forms (COMAR 11.17.18.01; COMAR 11.17.18.02). Citation and SERO forms will be kept in a secure location and issued to members by the Records Section staff. SERO forms (MSP Form 157) may be obtained from the Maryland State Police (MSP) Automotive Safety Enforcement Division (ASED).

Members will sign for the SERO or citation books when issued or upon return of unused citations. A traffic citation book may not be reassigned to another member or another law enforcement agency without the prior authorization of the MVA. Members may not lend, borrow or share traffic citations (COMAR 11.17.18.03).

The Chief of Police or the authorized designee shall submit a report on official letterhead advising the MVA within five days of any lost, stolen, mutilated or destroyed traffic citation (COMAR 11.17.18.04(B)).

Upon request, the Chief of Police or the authorized designee shall account for the disposition of traffic citations in a format and within the time required by MVA (COMAR 11.17.18.04(D)).

604.3.1 WRITTEN OR VERBAL WARNINGS

Written or verbal warnings may be issued when the department member believes it is appropriate. The Records Section should maintain information relating to traffic stops in which a written warning is issued. Written warnings are retained by this department in accordance with the established records retention schedule.

604.4 TRAFFIC CITATIONS

Members of the Mount Rainier Police Department shall only use Maryland Uniform Citation forms (Md. Code CP § 4-101.1(e)).

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604.4.1 ISSUANCE

Upon issuing a traffic citation, members shall ask the person to acknowledge receipt of a copy of the citation and advise the person that failure to acknowledge receipt may lead to the person's arrest (Md. Code TR § 26-201(b); Md. Code TR § 26-203).

Following issuance of a traffic citation, members shall promptly file an electronic or written copy of the citation with the District Court. If the person acknowledges receipt on a written copy of the citation, members shall keep that copy to produce as evidence if required in court and dispose the other copies of the citation in accordance with the regulations adopted by the MVA (Md. Code TR § 26-407(b)).

604.4.2 CORRECTION

When a traffic citation is issued but is in need of correction, the member issuing the citation shall submit the citation and a letter to his/her immediate supervisor requesting a specific correction. Once approved, the citation and letter shall then be forwarded to the Records Section. The Records Manager or the authorized designee shall prepare a letter of correction to the District Court having jurisdiction and notify the citation recipient in writing.

604.4.3 VOIDING

Voiding a traffic citation may occur when the citation has not been completed or when it is completed but not issued. All copies of the voided citation shall be presented to a supervisor for approval. The citation and copies shall then be forwarded to the Records Section.

604.4.4 DISMISSAL

Members of this department do not have the authority to dismiss a traffic citation once it has been issued. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Lieutenant may recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal (Md. Code TR § 26-407(c); Md. Code TR § 26-407(g)).

Any request from a recipient to dismiss a citation shall be referred to the District Court (Md. Code TR § 26-408).

Prior to a court hearing, a member may submit a request for dismissal of a traffic citation to his/her supervisor. The request must be in writing and should include the reason for dismissal (i.e., in the interest of justice, prosecution is deemed inappropriate). Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor may forward the request to thePatrol Lieutenant to recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal.

Should a member determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the citation. Upon such dismissal, the member shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required, and forward it to the PatrolPatrol Lieutenant Section Commander for review.

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604.4.5 DISPOSITION

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the member's immediate supervisor for review by the end of each shift. The citation copies shall then be filed with the Records Section.

Upon separation from appointment or employment with this department, all members who were issued traffic citations books shall return any unused citations to the Records Section.

604.4.6 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing a juvenile a citation.

604.4.7 DATA COLLECTION

Whenever an officer conducts a traffic stop and detains the driver for any period of time for a violation of the Maryland Vehicle Law, he/she shall document the stop as required by law (Md. Code TR § 25-113(d)).

The following are exempt from the reporting requirement:

- Checkpoint or roadblock stops
- Stops of multiple vehicles due to a traffic accident or emergency situation requiring vehicles to stop for public safety purposes
- Stops based on the use of radar, laser or Visual Average Speed Computer and Recorder (VASCAR) technology
- Stops based on the use of automated license plate reader (ALPR) technology

Traffic stop data shall be reported and reviewed as specified in the Bias-Based Policing Policy.

604.5 PARKING CITIATIONS

Description

a. Copy #1 - Station copy (white)

b. Copy #2 Officer's copy (pink)

c. Copy #3 - Defendant's copy (white hard copy/envelope)

Disposition of Copies

a. Copy #1 shall be turned in daily

b. Copy #2 is retained by the officer for court

c. Copy #3 is placed on the violator's vehicle

Voided Tickets

a. All copies of tickets to be voided shall be turned in, and must be accompanied by a memo approved by the Chief of Police or his/her designee.

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b. Only the Chief or his/her designee may void a ticket. All copies of the ticket, with the memo attached, shall be filed by the records manager in the closed file.

604.6 PARKING CITATION APPEALS

Parking citations may be appealed in accordance with local and state law.

An appeal of a parking citation must be received by this department at least five days prior to the deadline for payment set forth on the citation. The Chief of Police shall forward a copy of the notice of intention to stand trial and a copy of the parking citation to the District Court (Md. Code CJ § 7-302(d); Md. Code TR § 26-303(a)).

If the presence of the member who issued the citation is required at trial and the Department has received notice, the member shall appear at trial. Absent proper notice, the member need not appear at the trial and the copy of the citation bearing the certification of the member is prima facie evidence of the facts stated in it (Md. Code TR § 26-303(b)).

604.7 SERO

An officer may issue a SERO for defective safety equipment on all classes of Maryland registered motor vehicles, trailers and semi-trailers except those vehicles displaying historic license plates, interchangeable license plates and temporary registration plates. Specific equipment violations subject to a SERO is maintained by the MSP and are included on the SERO form (Md. Code TR § 23-105(a)).

An officer shall complete a visual inspection and certification upon contact by a member of the public or as assigned (Md. Code TR § 23-105(c)).

604.8 RECORDS

For each citation issued, this department shall keep:

(a) Every citation, or a record of every citation, for at least three years after issuance (COMAR 11.17.18.04).

(b) A record of the disposition of the charge by the District Court (Md. Code TR § 26-407(e)).

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Chapter 7 - Investigation Operations

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Investigation and Prosecution

700.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and dispositions of criminal investigations.

700.2 POLICY

It is the policy of the Mount Rainier Police Department to investigate crimes thoroughly and with due diligence and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

700.3 INITIAL INVESTIGATION

700.3.1 OFFICER RESPONSIBILITIES

Officers shall process crime scenes of burglaries and auto theft. For other Part I crimes the department will utilize an expert evidence technician or an evidence recovery team from Prince George's County Police, Maryland National Capitol Park Police or Maryland State Police.

Officers responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Supervisor.
4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
5. Collect any evidence.
6. Take any appropriate law enforcement action.
7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary and what other resources may be available, and advise the informant or complainant of this information.

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700.3.2 CIVILIAN RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

700.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

700.4.1 AUDIO/VIDEO RECORDINGS

An officer conducting a custodial interrogation of an individual who is suspected of having committed any violent felony offense, including murder, rape, sexual offense in the first degree or sexual offense in the second degree, shall make reasonable efforts to create an audiovisual recording of the entire interrogation. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings (Md. Code CP § 2-402).

Consideration should also be given to recording a custodial interrogation or other investigative interview for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Patrol supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes. An audio or audiovisual recording made by a law enforcement unit of a custodial interrogation of a criminal suspect is exempt from the Maryland Wiretapping and Electronic Surveillance Act (Md. Code CP § 2-403).

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

700.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.

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2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor; charges have been filed; further investigation is not reasonable, warranted or requested; and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is not warranted or requested.

(f) Investigation has proved that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

700.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

700.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

700.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

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Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

700.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

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Sexual Assault Investigations

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notification requirements are addressed in the Child Abuse and Adult Abuse policies.

701.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Md. Code CR § 3-301 et seq. (Sexual Crimes).

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims (Md. Code CP § 11-923).

701.2 POLICY

It is the policy of the Mount Rainier Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

701.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies, and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates, and support for the victim (Md. Code CP § 11-926).

(f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

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701.4 REPORTING

In all reported or suspected cases of sexual assault, a report shall be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

Maryland General Assembly passed
Senate Bill (SB) 807 during the 2020 Legislative Session.

IF A VICTIM REQUESTS THAT THE SCOPE OF AN INVESTIGATION BE LIMITED OR THAT AN INVESTIGATION BE TEMPORARILY OR PERMANENTLY SUSPENDED, THE LAW ENFORCEMENT AGENCY SHOULD:

(l) THOROUGHLY DOCUMENT THE REQUEST; AND

(2) FOLLOW UP WITH THE VICTIM IN ACCORDANCE WITH PRACTICES RECOMMENDED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.

(D) IF A LAW ENFORCEMENT AGENCY VIOLATES THIS SECTION, AN AFFECTED VICTIM MAY BRING AN ACTION SEEKING INJUNCTIVE OR DECLARATORY RELIEF.

(E) (l) ON OR BEFORE JANUARY l, 2021, EACH LAW ENFORCEMENT AGENCY IN THE STATE SHOULD ADOPT A POLICY TO ENFORCE THE PROVISIONS OF THIS SECTION.

(2) ON OR BEFORE JANUARY 15, 2021, EACH LAW ENFORCEMENT AGENCY SHOULD PROVIDE A COPY OF THE POLICY REQUIRED UNDER THIS SUBSECTION TO THE MARYLAND SEXUAL ASSAULT EVIDENCE KIT POLICY AND FUNDING COMMITTEE

701.4.1 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call the victim makes to Communications, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART or the multidisciplinary response team should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g. change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Victims are often reluctant or embarrassed to discuss details. Recanting or changing one or more aspects of a prior statement is not necessarily an indication of false reporting or that the case is unfounded. If the responding officer has reason to believe the incident may be without merit, he/she should document the evidence and inconsistencies. Due to physical and emotional trauma, and the myths and stereotypes associated with sexual assault, inconsistencies in the victim's

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report are not uncommon. No opinions of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (42 USC § 3796gg-8).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

701.5 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing (Md. Code PS § 2-504(a)(3)(iii)).

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

701.5.1 DNA TEST RESULTS

Members investigating sexual assault cases should (Md. Code CP § 11-926; COMAR 02.08.01.03):

(a) Within 30 days of any request by a victim, provide notification regarding the [DepartmentOffice]'s decision as to whether to send a sexual assault evidence kit for analysis; and if sent, the status and results, unless doing so would impede or compromise the investigation.

(b) If no request is made, victims should be notified of any DNA test results as soon as reasonably practicable.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in COMAR 02.08.02.04 and the Victim and Witness Assistance Policy.

Members investigating sexual assault cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

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701.5.2 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following:

(a) Offer the alleged victim the opportunity to be taken immediately to the nearest medical facility. The offer shall be made without regard for the place of the alleged sexual assault or where it is reported (Md. Code CP § 11-924(b)).

(b) Inform any victim who wants to remain anonymous and not file a criminal complaint that he/she may file a criminal complaint in the future (Md. Code CP § 11-926):

(c) Submit any sexual assault evidence collection kit and any associated reference standards to a forensic laboratory for analysis within 30 days of receipt unless (Md. Code CP § 11-926):

1. Clear evidence exists that disproves the sexual assault allegation;
2. The alleged facts do not amount to a sexual assault, abuse, a crime relating to prostitution, or another covered crime;
3. The victim from whom the evidence was collected declines to give consent for testing; or
4. The evidence was collected from a suspect who has pleaded guilty to the offense for the purpose of entry into the Combined DNA Index System (CODIS).

(d) If not already completed, take steps to enter any eligible results of the analysis of a kit into CODIS (Md. Code CP § 11-926).

(e) Promptly retrieve sexual assault evidence collection kits upon notice of their availability (e.g., a hospital calls and advises a kit is ready for law enforcement collection) (COMAR 02.08.01.04).

701.6 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim’s response to trauma.

(b) Qualified Investigators, who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault victims.
2. SART.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.

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5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.

701.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call the victim makes to Communications, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should not be asked or required to take a polygraph examination (34 USC § 10451).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

701.8 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Patrol supervisor.

Classification of a sexual assault case as unfounded requires the Patrol supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

701.9 CASE REVIEW

The Patrol supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

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The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

701.10 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Patrol supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

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Asset Forfeiture

702.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture, and liquidation of property associated with designated offenses. This policy is being suspended and the Mount Rainier Police Department does not engage in the forfeiture of property until further notice.

702.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Mount Rainier Police Department seizes property for forfeiture or when the Mount Rainier Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and acting as the liaison between the Department and the forfeiting authority (Md. Code CP § 12-101(f)).

Property subject to forfeiture - Items that may generally be subject to forfeiture include:

(a) Real property, tangible and intangible personal property, money, weapons, vehicles, aircraft or vessels, and items or objects used in connection with a crime under the Controlled Dangerous Substances law (Md. Code CP § 12-102).

1. Motor vehicles must meet required seizure guidelines (Md. Code CP § 12-204).

(b) A handgun, handgun ammunition, or parts in violation of gun laws (Md. Code CP § 12-201).

(c) A regulated firearm in violation of the law (Md. Code PS § 5-135).

(d) Illegal possession of a handgun (Md. Code CR § 4-206).

(e) Firearms used in specific designated crimes (Md. Code CR § 5-621(e)).

(f) Money seized in illegal gambling investigations (Md. Code CP § 13-102).

(g) Vehicles, vessels, or aircraft used in violation of explosives laws (Md. Code CP § 13-301).

(h) Motor vehicles, money, and real property used in the connection of a violation of human trafficking laws (Md. Code CP § 13-502) or personal property that is directly or indirectly dangerous to health and safety (Md. Code CP § 13-504).

(i) Contraband alcohol, cigarettes, and motor fuel, and conveyances used to transport the products (Md. Code TG § 13-835).

(j) Crimes involving telecommunications and electronics (Md. Code CR § 7-310).

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(k) Property used or intended for use in the course of a violation of the Mortgage Fraud law (Md. Code CP § 13-402).

Seizure - The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

702.2 POLICY

The Mount Rainier Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations or any person's due process rights.

It is the policy of the Mount Rainier Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeitures.

702.3 ASSET SEIZURE

The following property may be seized for forfeiture as provided in this policy:

702.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in conjunction with the forfeiture reviewer:

(a) Property subject to forfeiture may be seized on a warrant or court order.

(b) Property subject to forfeiture may be seized without a warrant when:

1. The seizure is incident to an arrest or a search under a search warrant and the property is subject to forfeiture due to a controlled dangerous substance violation, human trafficking violation or handgun violation (Md. Code CP § 12-202; Md. Code CP § 13-504; Md. Code CP § 13-202).

2. The seizure is incident to an inspection under an administrative inspection warrant and the property is forfeitable due to a controlled dangerous substance or human trafficking violation (Md. Code CP § 12-202; Md. Code CP § 13-504).

3. There is probable cause to believe that the property has been used or is intended to be used for a violation of a Controlled Dangerous Substances law (Md. Code CP § 12-202).

(c) Property subject to forfeiture that may be lawfully seized as evidence of a crime.

(d) A vehicle, when there is probable cause to believe that it is subject to forfeiture for a violation of human trafficking (Md. Code CR § 11-303) and after considering (Md. Code CP § 13-507):

1. Evidence that the motor vehicle was acquired with proceeds from pandering.

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2. The circumstances of the arrest.
3. How the vehicle was used.

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money alone is insufficient to establish the probable cause required to make a seizure.

702.3.2 PROPERTY NOT SUBJECT TO SEIZURE
Property that should not be seized for forfeiture includes:

(a) Any personal property or vehicle if the officer reasonably knows the owner did not have knowledge of the offense or did not consent to the property's use ("innocent owner").

(b) Real property without a court order.

702.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following (Md. Code CP § 12-301 et seq.):

(a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so (Md. Code CP § 12-305).

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable (Md. Code CP § 12-301).

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure (see generally Md. Code CP § 12-206).

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs shall be taken of seized cash and should be taken of other valuable items (Md. Code CP § 12-202(b)(1); Md. Code CP § 13-103; Md. Code CP § 13-505). If a photograph or photocopy of monies is necessary for court, they should not be reproduced at 100%. A photocopy at 77% or 66% or a photograph at less than 100% is acceptable.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real

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estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

702.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition (Md. Code CP § 12-203).

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used by the Department unless the forfeiture action has been completed.

(e) All money is deposited into the appropriate financial account (Md. Code CP § 12-202; Md. Code CP § 13-103; Md. Code CP § 13-505)

(f) Pending final disposition, money seized for illegal gambling shall be properly accounted for and deposited in an interest-bearing bank account or invested in accordance with Title 17 of the Local Government Article (Md. Code CP § 13-104).

(g) On receipt of an application, the Department shall hold an informal review to determine whether the owner knew or should have known of the use or intended use of a handgun that is seized in violation of Md. Code CR § 4-203 or Md. Code CR § 4-204 (Md. Code CP § 13-204).

(h) The Department shall surrender a motor vehicle to the owner upon request if the motor vehicle falls within the purview of a forfeiture exception or the required legal standards are not met (Md. Code CP § 12-207; Md. Code CP § 13-509).

702.6 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer as allowed by law.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly Criminal Procedure Article Title 12 and Title 13.

(b) Serving as the liaison between the Department and the City Treasurer or Director of Finance (Md. Code CP § 12-101(j)).

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(c) Serving as the liaison between the Department and the forfeiting authority and ensuring prompt legal review and filing of all seizures (Md. Code CP § 12-304; Md. Code CP § 13-517).

(d) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(e) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate (Md. Code CP § 12-212).

(f) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(g) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for (Md. Code CP § 12-104):

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
5. A case or other reference number associated with the seized property.
6. The notice provisions required by Md. Code CP § 12-104.
7. Any other information required by Md. Code CP § 12-104.

(h) Ensuring that members who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.

(i) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.

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2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. The Chief of Police personally reviews and recommends forfeiture of motor vehicles in violation of the Controlled Dangerous Substances or Human Trafficking laws (Md. Code CP § 12-206; Md. Code CP § 13-508)
4. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Md. Code CP § 12-104; Md. Code CP § 12-209).
5. Property is promptly released to those entitled to its return.
6. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
7. Any cash received is deposited with the fiscal agent.
8. Assistance with the resolution of ownership claims and the release of property to those entitled is provided (Md. Code CP § 12-203).
9. Current minimum forfeiture thresholds are communicated appropriately to officers.
10. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(j) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement personnel and attorneys who may assist in these matters is available.

(k) Ensuring that the Department disposes of property as provided by law following any forfeiture.

(l) Ensuring that the process of selling or adding forfeited property to department inventory is in accordance with all applicable laws and consistent with the use and disposition of similar property.

(m) Upon completion of any forfeiture process, ensuring that no property is retained by the Mount Rainier Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

(n) Ensuring that an annual report is filed with the Maryland Statistical Analysis Center of the Governor's Office of Crime Control and Prevention as required by Md. Code CP § 12-602.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

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Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

702.7 DISPOSITION OF FORFEITED PROPERTY

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

If an order of forfeiture is not entered by the court, the Department shall return to the owner that part of the proceeds and any costs of the forfeiture proceedings paid from the proceeds of the sale (Md. Code CP § 12-503; Md. Code CP § 13-534).

After a full court hearing, if the court determines that the property should not be forfeited, the property shall be promptly returned to the legal owner (Md. Code CP § 12-402; Md. Code CP § 13-534).

Whenever property is forfeited by the court under the Controlled Dangerous Substances or Human Trafficking laws, the property may be kept for official use, destroyed or otherwise disposed of, or the Department may sell the property if the law does not require the property to be destroyed and the property is not harmful to the public (Md. Code CP § 12-403; Md. Code CP § 13-529).

Whenever property is forfeited under a violation of gun laws, the Department may only retain the property for official use, destroy the forfeited property, or sell, exchange or transfer the forfeited property to another law enforcement agency for official use by that agency (Md. Code CP § 13-206(a)).

Shared forfeiture proceeds from a state law enforcement agency under the Controlled Dangerous Substances law shall be deposited in the City general fund (Md. Code CP § 12-403(e)).

Forfeiture proceeds under the Maryland Mortgage Fraud Protection Act shall be deposited in the state’s general fund (Md. Code CP § 13-407(c)(4)).

Proceeds from a violation of the Human Trafficking laws shall be deposited to the City General Fund (Md. Code CP § 13-530).

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Brady Information

704.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

704.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Mount Rainier Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

704.2 POLICY

The Mount Rainier Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Mount Rainier Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

704.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., informant or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

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704.4 BRADY PROCESS

The Chief of Police shall select a member of the Department to coordinate requests for *Brady* information. This person shall be directly responsible to the Administration Section Commander or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

(a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.

(b) Maintaining a current list of members who have *Brady* information in their files or backgrounds (Md. Code PS § 3-106.1).

1. Updating this list whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file.

2. Providing timely notice to an officer if his/her name is placed on the list.

704.5 DISCLOSURE OF REQUESTED INFORMATION

If *Brady* information is located, the following procedure shall apply:

(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member whose file is related to the motion shall be notified of the potential presence of *Brady* information.

(b) The prosecuting attorney or City Attorney should be requested to file a motion in order to initiate an in camera review by the court.

1. If no motion is filed, the Custodian of Records should work with the appropriate counsel to determine whether the records should be disclosed to the prosecutor.

(c) The Custodian of Records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(d) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any information pursuant to this process, a protective order should be requested from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

(e) If a court has determined that relevant *Brady* information is contained in a member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

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704.6 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

704.7 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

704.8 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

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Operations Planning and Deconfliction

706.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

706.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

706.2 POLICY

It is the policy of the Mount Rainier Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

706.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high–risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

706.4 RISK ASSESSMENT

706.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

706.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

706.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. Prince Georges County SO SWAT (SWAT)
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation
7. Additional surveillance

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8. Canines
9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

706.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

706.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan.

(l) Responsibilities for writing, collecting, reviewing and approving reports.

706.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

706.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the operations director to ensure that Communications is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.

2. If the radio channel needs to be monitored by Communications, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.

3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

706.8 SWAT PARTICIPATION

If the operations director determines that SWAT participation is appropriate, the director and the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

706.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

706.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

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706.11 TRAINING

The Assistant Chief should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Chapter 8 - Equipment

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Vehicle Maintenance

802.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department vehicles are appropriately maintained.

802.2 POLICY

The Mount Rainier Police Department will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

802.3 GENERAL DUTIES

Members are responsible for assisting in maintaining department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance. Any officer picking up a vehicle from the repair facility will inspect the vehicle to ensure that the necessary work was completed. If the work was performed satisfactorily, the officer shall sign the work receipt. If the requested work was not performed satisfactorily, the officer shall, as soon as practical, notify the Fleet Manager.

802.4 DEFECTIVE VEHICLES

Supervisors shall check vehicles for safe operating conditions and any unauthorized alterations or equipment. The supervisor shall also ensure that the Fleet Manager and the Chief of Police is notified of any unsafe conditions. If the supervisor and the vehicle operator are not in agreement about the safety of the vehicle, the Deputy Chief or Chief shall be consulted.

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the member who becomes aware of the defective condition and forwarded for action.

Disinfection procedures will be instituted whenever blood or other bodily fluid discharges have occurred in or on a police vehicle.

(a) The Supervisor will be notified and the vehicle taken or towed to the station as soon as possible.

(b) The officer assigned to the vehicle will be responsible for cleaning and disinfecting the vehicle.

Documents describing the correction of the safety issue shall be filed with the vehicle history without delay.

Officers may request the use of a fleet or pool vehicle while their assigned vehicle is out of service. If available, the officer shall file an inspection report that notes their assigned vehicle is out of service and will be using the pool vehicle for that time.

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802.4.1 DAMAGE OR POOR PERFORMANCE
Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

802.4.2 SEVERE USE
Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

802.4.3 REMOVAL OF WEAPONS
All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

802.5 VEHICLE EQUIPMENT
Certain items shall be maintained in all department vehicles, as defined below.

802.5.1 TAKE HOME VEHICLES
The department provides it's members with a take home vehicle (except for officers on probation). The Chief of Police may rescind the issuance of a take home care based on the following:

- a. un-cleanliness
- b. failure to ensure basic vehicle maintenance
- c. driving infractions while on the way home or coming into work
- d. being at fault in a motor vehicle accident involving gross misconduct
- e. any action that would bring discredit upon the department based on the employee's actions in their assigned vehicle while off duty
- Smoking in a vehicle.

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802.7 CLEANLINESS OF VEHICLES
Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the Department. Smoking is prohibited in city owned vehicles.

officers dispatcher

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Vehicle Maintenance

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Vehicle Use

803.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Mount Rainier to provide assigned take-home vehicles.

803.2 POLICY

The Mount Rainier Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

803.3 USE OF VEHICLES

803.3.1 SHIFT ASSIGNED VEHICLES

The Shift Supervisor shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

803.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Shift Supervisor. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

803.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

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All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

803.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

803.3.5 MOBILE DIGITAL TERMINAL

Members assigned to vehicles equipped with a Mobile Digital Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify the Communications. Use of the MDT is governed by the Mobile Digital Terminal Use Policy.

803.3.6 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

803.3.7 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Alongs Policy.

803.3.8 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

803.3.9 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

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803.3.10 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the Chief of Police..

803.3.11 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

803.3.12 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of theChief of Police, may be equipped with a system designed to track the vehicle’s location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Section Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

803.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

Temporary removal from the take home program may be made by officers holding the rank of lieutenant or above. Documentation with justification for the temporary removal must be forwarded to the Chief of Police within twenty-four (24) hours of removal. Permanent removal will only be by the authority of the Chief of Police.

The assignment of vehicles may be suspended when the officer is unable to perform his or her regular assignment. Administrative removal of an officer from the program may be made with or without subsequent disciplinary action to the officer being removed.

803.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or

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utilized by other department members at the discretion of the Chief of Police or the authorized designee.

803.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the Department.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance of the Mount Rainier City limits

(d) Vehicles will be locked when not attended.

(e) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

803.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the City of Mount Rainier is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Mount Rainier may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles can be used minimal personal errands.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Officers are prohibited from engaging in any enforcement action when a family member is in their vehicle.

(d) Officers are not to engage in traffic enforcement when not on duty. An Officer is considered on duty when driving to work, going to court, attending training, or engaged in work related activities in which they are being paid.

(e) While operating the vehicle, authorized members will carry and have accessible their duty firearms..

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(f) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(g) Unattended vehicles are to be locked and secured at all times.

1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
2. All weapons shall be secured while the vehicle is unattended.
3. All department identification, portable radios and equipment should be secured.

(h) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(i) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(j) The member is responsible for the care and maintenance of the vehicle.

803.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Mount Rainier Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

803.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

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(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

803.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various sections and their use is restricted to the respective section and the assigned member, unless otherwise approved by a supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the section for that purpose. Any use of unmarked vehicles by those who are not assigned to the section to which the vehicle is assigned shall also be recorded with the Shift Supervisor on the shift assignment roster.

803.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction (see the Traffic Accidents Policy).

Damage to any department vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

803.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempt from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

(a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.

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(b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Section Commander within five working days explaining the circumstances.

803.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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Cash Handling, Security and Management

804.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

The department no longer handles petty cash.

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804.7 OTHER CASH HANDLING

Members who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Section Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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Personal Protective Equipment

805.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

805.2 POLICY

The Mount Rainier Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

805.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Workplace Safety and Health Policy to recommend new or improved PPE or additional needs for PPE.

805.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in COMAR 09.12.31.9999 and 29 CFR 1910.95.

805.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the

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prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in COMAR 09.12.31.9999 and 29 CFR 1910.133.

805.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

805.7 RESPIRATORY PROTECTION

The Administration Section Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; COMAR 09.12.31.9999):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

805.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall

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reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; COMAR 09.12.31.9999):

(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

805.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; COMAR 09.12.31.9999):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

805.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; COMAR 09.12.31.9999).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

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(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

805.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.

(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.

(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

805.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; COMAR 09.12.31.9999).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; COMAR 09.12.31.9999):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

805.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; COMAR 09.12.31.9999):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

805.8 RECORDS

The Assistant Chief is responsible for maintaining records of all:

(a) PPE training.

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(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the established records retention schedule (29 CFR 1910.1020 and COMAR 09.12.31.9999).

805.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; COMAR 09.12.31.9999).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR § 1910.134; COMAR 09.12.31.9999).

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Procurement

806.1 PURPOSE

This policy defines the manner in which equipment or services are purchased or contracted.

806.2 POLICY

A. MATERIALS REQUEST FORM/PURCHASE REQUISITION FORM

(a) Before any Department employee purchases equipment or contracts for services they will fill out and forward a material request form (attached) via the chain of command. If the employee views the request to be of an emergency or urgent nature and their supervisor is not available, they may submit the form directly to the Chief of Police.

(b) Once the Chief of Police has approved the Material Request Form, the form will be forwarded to the Administrative Officer for completion of a Purchase Requisition Form, following the City's purchasing guidelines.

(c) Purchases more than $500 will have three oral price quotes. The price quotations will be noted on the reverse of the form.

(d) Purchases more than $1,000 will have three written price quotes. The price quotations will be forwarded with the Materials Request Form.

B. ROUTING

(a) Once the Purchase Requisition Form has been approved, the Chief may assign a budget code.

(b) The Purchase Requisition Form will then be forwarded to the City Treasurer retaining a copy for the Department.

C. EXCEPTIONS

1. This policy does not apply to oil changes or preventive maintenance of the vehicle fleet unless the repairs total more than $500.

2. This policy does not apply to "Standing Purchase Orders", those goods and services that are routinely purchased from the same vendor and have been budgeted for and approved at the beginning of the fiscal year.

D. RECEIPT OF GOODS/SERVICES

1. All goods and services received must conform to the original purchase order as to size, quantity, price, etc.

2. All packing lists and other documents must be forwarded to the Administrative Officer.

3. Once the order and receipt are verified, the Administrative Officer will forward all documents (original Purchase Requisition, original vendor invoice and packing slip) to the Office of the Treasurer to begin the vendor payment process.

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Procurement

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Evidence Submission

807.1 SECTION TITLE

(a) POLICY

Mount Rainier Police Department (MRPD) Officers will follow the procedures listed in this General Order and other applicable General Orders. Adherence to this policy is necessary because evidence that is improperly handled and improperly accounted for may be ruled inadmissible in a court of law. Furthermore, a written policy helps to ensure consistency and uniformity when evidence is submitted for storage or analysis. All in-custody property and evidence will be stored in the Evidence/Property Room.

807.2 SECTION TITLE

(a) SUBMISSION OF EVIDENCE TO THE STATION'S EVIDENCE/PROPERTY ROOM

(a) An Officer who seizes evidence will, prior to the end of his/her tour of duty, ensure that it is submitted to the Temporary Evidence/Property Locker.

(a) In order to accurately account for evidence brought into the Evidence/Property Room, Officers submitting the evidence will complete the Mount Rainier Police Department Property/Evidence Record Form which is located on the MRPD shared drive. All evidence will be entered into the PMI system.

(b) If the evidence will require laboratory analysis, the submitting Officer will also complete the required property transmittal and/or evidence examination form for the agency or laboratory handling the .

(c) The Laboratory Transmittal form will be returned to the submitting Officer by the laboratory personnel indicating analysis results.

(d) Submission of the above forms is in addition to the Officer's Event Report and, if applicable, the State's Attorney's Evidence Information Form, in which the submitting Officer will itemize and describe in detail the evidence and the circumstances under which it was seized.

(e) The submitting Officer will secure the evidence and the accompanying forms in a Temporary Evidence Storage Locker.

(f) The submitting Officer will enter the Evidence/Property into the Evidence/Property log system PMI. The computer with the PMI system will be placed in the same room as the evidence equipment.

(g) During those periods when the Temporary Evidence/Property Lockers are all full, Officers will contact the Sergeant or Corporal acting in a Sergeant's capacity, who will respond and take custody of the evidence/property and secure same. The Sergeant or Corporal acting in a Sergeant's capacity will also be contacted for disposition when evidence/property is too bulky for placement in the temporary storage lockers. The Supervisor shall contact the Patrol Commander to secure the property.

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**storage of over-sized - before any large item will be seized contact will be made with the Patrol Lieutenant who will make arrangements to store the large item in a secure locked location.

(h) Officers submitting evidence shall ensure that it is properly packaged and labeled to protect its integrity during its transmittal to the crime laboratory.

(i) Evidence containers must contain the Officer's name, Case Number, date, and suspect's/victim's names.

(j) Whenever possible, razor blades and syringes will be packaged in plastic cylindrical tubes with the tubes' ends taped/sealed closed and the submitting Officer's initials and date written across the sealed tape.

(k) Clothing that contains blood or other body fluids will be clearly labeled to this effect, and whenever possible, placed in brown paper bags, or a cardboard box to allow the container to "breathe." **Officers shall avoid sealing these items in plastic bags because condensation may form on the inside and cause decomposition/ deterioration of the evidence.**

(l) Officers will use clear plastic heat-sealable Kapak® evidence bags for all other evidence.

(m) Cardboard boxes may be used and labeled as indicated above. They will be taped/ sealed shut by the submitting Officer who will place his/her initials and date across the tape/seal.

807.3 SECTION TITLE

(a) **EVIDENCE/PROPERTY CUSTODIAN'S RESPONSIBILITY**

(a) The Evidence/Property Custodian will maintain records reflecting the status of all property/evidence held by the Department.

(b) Evidence/Property Room security will be maintained through authorized limited access.

(c) Upon observing a locked Temporary Evidence Storage Locker, the Evidence/Property Custodian will:

(a) Remove the evidence from the locker and log it into Evidence/Property Room recordkeeping system as soon as possible.

(b) Indicate his or her receipt of the evidence in the chain-of-custody area of the forms submitted with the evidence.

(c) Ensure that the evidence is packaged in a manner consistent with this and other applicable General Orders.

(d) Ensure that the case number is marked on the evidence's container or on a tag affixed to the evidence.

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(e) Items of obvious or exceptional value like jewelry, or items of a sensitive nature, will be stored in the safe unless lab analysis is required. Weapons will be stored separately from valuables.

(f) Money seized as evidence that is not drug-related will be stored in the safe inside the Evidence/Property Room.

(g) Money seized or received as found or authorized releasable property will be forwarded to the City of Mount Rainier's Department of .

807.4 SECTION TITLE

(a) **CONTROLLED ACCESS TO EVIDENCE/PROPERTY ROOM**

(a) Only authorized personnel will have access to the Evidence/Property Lockers.

Persons needing access to perform building maintenance, or fire safety inspections will be accompanied at all times by the Evidence/Property Custodian.

(b) If an Officer who submitted evidence to the Evidence/Property Room will need it for court or other official purposes, the Officer will:

(a) Complete a "Request for Evidence" form with as much advance notice as possible to the Evidence/Property Custodian.

(b) Meet with Evidence/Property Custodian to transfer custody of the evidence. The transfer will be documented in the chain-of-custody area of the original Property/ Evidence Transmittal Form (_____)

OFFICER SUBMISSION OF EVIDENCE TO PRINCE GEORGE'S COUNTY POLICE DEPARTMENT (PGPD) FORENSIC SERVICES SECTION (FSS)

(a) The Officer will ensure evidence requiring analysis of PGPD's FSS is properly transported to PGPD's Crime Laboratory for fluids, and serology or the Maryland State Police Laboratory. The Officer will ensure that the latent evidence envelope has the case number on it and will deliver it to the PGPD.

OFFICER SUBMISSION OF EVIDENCE TO A CRIME LABORATORY

(a) In the event an Officer determines that "pools of blood" are of evidentiary value, photographs should be taken of the "pools" and swabs of the blood from the "pool" should be collected and "air-dried" and then packaged in PAPER containers for submission to the laboratory.

(b) In a case where a large section of carpeting is involved, i.e., containing blood-stains, fluids, etc., and it would be impractical to remove it, the piece of carpet containing the evidence can be cut out and submitted to the laboratory in the manner described above.

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(c) The PGPD Crime Laboratory will not accept evidence for analysis without items from a known source.

(d) In the event the submission to the lab will be or has been delayed for any reason, a Supplement Report must be prepared and submitted indicating reasons for the delay.

(e) One General Order cannot possibly cover every circumstance or situation that could arise. If an Officer is confronted with a situation not addressed in this General Order or applicable General Orders, contact the PGPD Crime Laboratory.

OFFICER SUBMISSION OF CDS EVIDENCE TO PRINCE GEORGE'S COUNTY POLICE DEPARTMENT (PGPD)

Officers submitting CDS Evidence to the PGPD for analysis must respond to the nearest PGPD District Station as soon as possible, complete the proper PGPD CDS submission/analysis form and CDS evidence sticker, weigh the CDS if necessary, place the CDS in a heat sealed CDS bag, and request a PGPD supervisor to witness the evidence drop and sign the paperwork associated with the submission.

CDS submitted for analysis at a PGPD District Station will be transferred to the laboratory by the PGPD.

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Handling Property Other than evidence

808.1 SECTION TITLE

(a) **I. POLICY**

One of the fundamental responsibilities of a Police Officer is to protect life and property, and to ensure that property which is not contraband, and the ownership of which is not in dispute, is reunited with its owner in a timely manner. Property taken into custody by an Officer will be properly stored and safeguarded pursuant to Department policies and procedures until its owner is located and retrieves it, or it is disposed of according to City of Mount Rainier Ordinances and/ or other applicable laws.

808.2 SECTION TITLE

(a) **PROCEDURES**

(a) Found property **is that which has been lost or abandoned by its owner or custodian and found by an Officer or citizen, and it is unknown if it is connected with, or constitutes a part of, any known or suspected criminal offense.**

Officers finding or receiving property under the above definition shall:

(a) **Attempt to ascertain if the property has been reported stolen or lost by checking it for stolen through N.C.I.C., checking through reports already on file, or locating and contacting the property's owner or custodian.**

(b) **If an original report is located, a Supplement Report will be written to describe the circumstances under which the property was found.**

(c) **If the property has been reported as stolen, it will be treated as EVIDENCE and will be packaged and submitted to the Evidence/Property Locker as described in MPD General Order, "Submitting Evidence".**

(d) **The Officer submitting the property will be responsible for notifying the property's owner/custodian of the found property and will inquire if the owner/ custodian wants the property back or will allow the Department to store the property as evidence until trial (if it is determined as evidence). It may be possible to photograph the property and return it to its owner/custodian.**

(e) **If the property has not been reported stolen, the Officer who found the property shall make every reasonable effort to return the property to its owner/custodian without unnecessary delay.**

(f) **If the owner/custodian cannot be contacted or located, or if the owner's identity cannot be determined, the property shall be inventoried and packaged so as to protect it and keep it intact. An Incident Report, classified as "Found Property" along with a Department "Evidence/Property Transmittal Form" and a Property Tag shall be completed and submitted with the property.**

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(g) **Prior to the end of the submitting Officer's tour of duty, the property will be secured in a Temporary Evidence Storage Locker and enter the item(s) into the Evidence/Property log system PMI.(CALEA 84.1.1.a)**

(b) **Contrabandis property that is illegal to possess in and of itself and is usually seized and/or taken into custody for the purpose of being destroyed.**

(a) **Contraband taken as found property will be treated as EVIDENCE, and destroyed using the departments evidence destruction schedule.**

(b) **If contraband is submitted to the Evidence/Property Custodian, the submitting Officer will complete an Incident Report describing the circumstances under which the contraband was taken into custody.**

(c) **Property for safekeeping may be taken into custody for reasons which may include, but are not limited to:**

- **Its owner/custodian is unable to possess it due to injuries,**
- **An arrest,**
- **Its owner was involved in a traffic accident requiring hospitalization, or**
- **For other reasons a prudent Officer feels the property should be kept for safekeeping.**

(a) **Officers taking property into custody for safekeeping will indicate the circumstances the property came into the Officer's possession in their Incident Report, and will also complete a Department Evidence/Property Transmittal Form along with a Property Tag to accompany the property. The property should also be entered into the Evidence/Property PMI system.(CALEA 84.1.1.b)**

(b) **Property belonging to traffic accident participants that were transported to the hospital should go/stay with them whenever possible.**

(c) **The following property shall not be taken for safekeeping, any liquids, bottles, needles, syringes, soiled clothing, pills or medication. The property owner is responsible for making arrangements for someone to retrieve these items.**

(d) **Ifbicycle(s) are recovered by citizens/police the Officer must check it for stolen/ ownership; if it is not stolen and ownership cannot be determined, the Officer shall:**

- **Transport the bike to the station.**
- **Complete a Found Property Report, tag the bike, and submit an Evidence/ Property Transmittal Form**

*** **storage of over-sized - before any large item will be seized contact will be made with the Patrol Lieutenant who will make arrangements to store the large item in a secure locked location.**

(e) **Recovered gunswhether seized as evidence, found, abandoned, or taken by an Officer for safekeeping, will be unloaded priorto being placed in a Temporary Evidence Storage Locker.**

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(a) **If the weapon is in such a condition that it cannot be ascertained if it is loaded, a certified firearms instructor and/or departmental armorer shall be contacted to ensure the weapon is safely unloaded.**

(b) **Officers submitting firearms to the Evidence/Property Custodian will follow the procedures set forth in this General Order regarding the completion of appropriate reports and forms, packaging and labeling.**

(c) **The submitting Officer will notify Prince George's County Police Department's Records Section to have the firearm entered into NCIC as a "Recovered Gun" if the firearm's ownership is unknown.**

(b) **PACKAGING/LABELING OF SUBMITTED PROPERTY (CALEA 84.1.1.c)**

Officers submitting property to the Evidence/Property Locker will ensure that it is packaged in such a manner that ensures its protection and integrity the package will be labeled with:

- **The submitting Officer's name,**
- **Date, Case Number,**
- **Owner's name, date of birth, phone number and address if known, and**
- **Any other pertinent information, i.e. "biological hazard," "sharp edges," "do not bend," etc.**

(a) **If the package contains property that is exceptional, valuable, or sensitive, before packaging the property the submitting Officer will(**

CALEA 84.1.1.d)

- **Photograph the item for station files,**
- **Record serial number(s) or if money, make photocopies,**
- **Fully document and itemize the property in the Officer's Event Report and in the Property Transmittal Form, and**
- **Safeguard the property until it is secured in a Temporary Evidence Storage Locker.**
- **Package money, firearms, and ammunition separate from all other property and from each other. A separate Evidence/Property Transmittal Form should be completed for these items as well.**

(c) **RESPONSIBILITIES OF THE EVIDENCE/PROPERTY CUSTODIAN (CALEA 84.1.1.h)**

The Evidence/Property Custodian will be responsible for the Evidence/Property function.

(a) **Upon receipt of property, the Evidence/Property Custodian will:**

(a) **Ensure the property has a case number visible and indicate the number of the Property Transmittal Form, which will become part of the Evidence/Property Room records.**

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(b) **Ensure that the property is properly labeled and suitably packaged.**

(c) **Secure property requiring extra security measures, i.e., money, jewelry, precious metals, gemstones, and any other piece of property that by its nature is deemed to be of considerable value, inside the Evidence/Property Room.**

(b) **The Evidence/Property Custodian will ensure that the Evidence/Property Room records accurately reflect the status of all property/evidence held in the Evidence/Property Room by:**

(a) **Arranging with the Chief to conduct a quarterly inspection of the Evidence/ Property Room and its records to ensure adherence to Department procedures regarding record maintenance and the control of property.**

(b) **Arranging for an annual audit of property/evidence held in the Evidence/ Property Room by Chief or his designee with the title of Supervisor and who is not routinely or directly connected with the control of property.**

(c) **Ensuring that the Evidence/Property Room, property storage areas, and records pertaining to in-custody property are up-to-date and are available for unannounced inspections as directed by the Chief of Police.**

(c) **To ensure that records are correct and properly annotated, whenever personnel are assigned and/or transferred from the property and evidence control function, the Chief of Police will direct that an inventory be conducted jointly by the newly-designated Evidence/Property Custodian and a person designated by the Chief of Police.**

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Releasing/ Returning Property Other Than Evidence

809.1 SECTION TITLE

(a) **I. POLICY**

(a) It will be the responsibility of the Officer who seized a piece of property as evidence, or who took custody of a piece or item of property, to notify its owner as soon as possible that it is in the possession of the Mount Rainier Police Department and the requirements to claim it.

(b) If the seizing Officer cannot locate or contact the owner immediately, or the owner is undetermined at the time of recovery, the Evidence/Property Custodian will attempt such notification by certified mail.

(c) Property not retrieved within 90 days after coming into the possession of the Department or 60 days after its owner was properly notified of the retrieval process will be disposed of pursuant to the provisions of Section 18-114 of the County Code.

(d) When practical, the final disposition of found, recovered, and evidentiary property will be accomplished within 6 months (180 days) after legal requirements have been satisfied.

(e) Currency that has been seized will be appropriately documented according to its classification, secured in the temporary property locker or evidence locker as appropriate and turned over to the City Finance Office as soon as practical to be deposited in the City's financial institution. The original receipt from the treasurer will be attached to the Property Record.

809.2 SECTION TITLE

(a) **RELEASING EVIDENCE/PROPERTY TO VICTIMS (CALEA 84.1.1.g)**

(a) To ensure that Department records properly reflect that a person was returned his/her property that was used as evidence, an Officer who signed the evidence out will not release it to its purported owner but will transport it back to the station and inform the individual to see the Evidence/Property Custodian to sign a receipt for the property.

(b) Submitted evidence not needed for Court that is not contraband, and the ownership of which is not in dispute, will be released to the victim/owner once it is determined that there will be no further court proceedings. The owner will have to acknowledge receipt of the evidence.

(c) Depending upon the nature of the evidence, severity of the crime committed, and whether it is an item of personal necessity for the victim, Officers may take photographs of evidence at the scene and release evidence to victims if the photos accurately depict the evidence.

(d) When money/currency is involved and it is classified as Found Property and it is to be immediately released, Officers should, in addition to completing the required

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Property Record or receipt, record the serial numbers and denominations and/or make photocopies of the bills.

(e) Money/currency that has been previously deposited with the Finance Department will require a return of the funds from that office.

(f) If the ownership of the property is in dispute, the recovering Officer will not release it and will submit it to the Evidence/Property Room for storage.

(g) In accordance with County, State and Federal Law, some persons may not possess a firearm under certain circumstances. To ensure that the Department does not release firearms to those individuals not entitled to possess them an individual seeking the return of firearms will be subject to a limited background investigation to include criminal history and domestic/protective order history.

(a) The Evidence/Property Custodian or Patrol Lieutenant will be responsible for conducting the background .

(b) A person is not entitled to the return of a pistol, revolver, or assault weapon if the Police Department as a collective body, knows or has reasonable cause to believe that the person:

(a) Is under the age of 21;

(b) Is a fugitive from justice;

(c) Is a habitual drunkard;

(d) Is addicted to or habitual user of any controlled dangerous substance;

(e) Is suffering from a mental disorder and have a history of violent behavior;

(f) Has been confined for more than 30 consecutive days to a mental health facility;

(g) Is visibly under the influence of alcohol or drugs;

(h) Is subject to an active protective/peace order;

(i) Has been convicted of a crime of violence, any Maryland classified felony, conspiracy to commit a felony, a common law crime for which the person received a term of imprisonment for more than two years, or any Maryland classified misdemeanor that carries a statutory penalty of more than two years.

(j) Is under 30 years of age who has been adjudicated delinquent by a Juvenile Court for an act that would be a disqualifying crime if committed by an adult.

(c) A person is not entitled to the return of a rifle or shotgun if the Police Department knows or has reasonable cause to believe that the person:

(a) Is suffering from a mental disorder and has a history of violent behavior against another person or self; or

(b) Has been confined for more than 30 consecutive days to a mental health facility unless the person possesses a physician's certification that the person is capable of possessing a rifle or shotgun without undue danger to the person or others.

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(c) For purposes of this General Order, the term “mental disorder” includes mental illness that substantially impairs the emotional or mental functioning of an individual that treatment or care is necessary or advisable.

(d) The term “facility” as used above means any public or private clinic, hospital, or other institution that provides or purports to provide treatment or services for individuals with mental disorders.

(d) Short-barreled shotguns/rifles shall not be returned unless the person requesting the return can prove he/she may legally possess such a firearm. e.g. ATF Tax Stamp.

(e) In addition to the procedures outlined above, only the Chief of Police, or his/her designee, shall authorize the return of firearms.

(f) The individual receiving the released firearms is required to sign appropriate Department forms acknowledging receipt. Ammunition will not be released the same day as the firearm.

(g) Firearms not returned/released to individuals, unless a court order to the contrary exists, will remain in the Police Department’s custody and disposed of according to law.

(h) Pursuant to the provisions of the Annotated Code of Maryland, Crim. Prot. Art. §13 - 201, the following items of property shall be subject to seizure and forfeiture and, upon forfeiture, no property right shall exist in them:

(a) Any handgun being worn, carried, or transported in violation of the Annotated Code of Maryland, Crim. Law Art. §4 – 203 and 204.

(b) All ammunition or other parts of or appurtenances to any such handgun worn, carried, or transported by such person or found in the immediate vicinity of such handgun.

(i) In the event an individual intends to give a weapon(s) to the Department, the following procedure will occur:

(a) The weapon will be checked for stolen;

(b) A Police Incident Report will be written; and

(c) The Department will require the donor to sign a notarized statement acknowledging that he/she is donating the weapon to the Department.

(b) **RETURNING/RELEASING PROPERTY HELD FOR SAFEKEEPING**

Property that was taken into custody by an officer for “safekeeping” (except for a firearm) will be returned to the property’s owner/custodian if the Evidence/Property Custodian is satisfied that:

(a) The person seeking the property’s return is the owner/custodian and the property is not contraband.

(b) The person to whom the property is released has signed the Evidence/Property Custodian’s records acknowledging receipt of the property.

(c) If the person is a juvenile, a parent must also be present and must also sign the records.

(c) **RETURNING/RELEASING CURRENCY HELD FOR SAFEKEEPING**

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Citizens responding to the Mount Rainier Police Department to claim currency that is being held for safekeeping must provide a valid federal, state, military picture identification card that matches the name of the owner listed on the property form. Once this requirement is met, the City of Mount Rainier Finance Director will be notified and will issue a check made payable to the owner of the currency.

V. RETURNING/RELEASING FOUND CURRENCY

Citizens responding to the Mount Rainier Police Department to claim found currency shall provide proof of ownership of the currency. If the claimant is unable to provide proof of ownership, a description of currency, i.e. denominations or container in which currency was found, may be given to the satisfaction of the Evidence/Property Custodian or a Lieutenant. Once these requirements are met, if applicable, the container in which the currency was found will be released to the owner and a check, made payable to the claimant, will be issued by the City of Mount Rainier Finance Director and mailed to the address provided by the claimant.

VI. FOUND PROPERTY DISPOSITION PROCEDURES (CALEA 84.1.1.f)

If, upon examination of a piece of property, the identity of its owner becomes apparent, or later becomes available to the Evidence/Property Custodian, the following procedures will be adhered to:

(a) Within a reasonable period of time after the property arrives at the Police Department, if contact by telephone is not successful, the Evidence/Property Custodian will mail the apparent owner a certified letter on Department letterhead, indicating:

(a) A description of the property;

(b) A statement that it is being held by the Department;

(c) The property's location; and

(d) The stipulation that unless the property is claimed within 90 days from the date of the mailing of such notice, the property will be disposed of in accordance with Departmental policy/procedures.

(b) If the apparent owner appears to claim the property, satisfactory identification shall be shown to the Evidence/Property Custodian prior to release.

(c) The claimant will be required to sign the Evidence/Property Custodian's records acknowledging receipt of the property and declaring to be the rightful owner of the property.

(d) If no one responds to the mailed letter, or ownership cannot be determined, the Evidence/Property Custodian will dispose of the property after 90 days of coming into the possession of the Department pursuant to the City of Mount Rainier Code.

VII. DISPOSITION OF UNCLAIMED PROPERTY

(a) Upon expiration of a 90 day retention period, all unclaimed personal property, not evidence or contraband, remaining in the custody of the Department may be kept for

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public use by the City of Mount Rainier, donated or to serve a useful purpose, released to PropertyRoom.com, sold at public auction to the highest bidder, or otherwise disposed of in accordance with Departmental policy/procedures, applicable laws and the City of Mount Rainier Code of Ordinances.

(b) Any person qualified to be designated as a finder of personal property, and who gives over to the City of Mount Rainier such property for the purpose of establishing rightful ownership may, at the time of the giving over of such property, state his/her intention to reclaim the found property after the established 90 day waiting period has elapsed.

(a) A “finder” is the person who discovers or comes into the possession of personal property to which he/she is not the rightful owner and otherwise has no claim at the time of finding and gives the property over to the Mount Rainier Police Department.

(b) If no apparent rightful owner is located, or if upon location and required notification, the rightful owner fails to make claim to the personal property within the 90 day period, the claim of the finder may be acted upon and the property released to him/her.

(c) Failure of the finder to claim the property within 30 days after having been notified of the right to claim the property will be deemed as a waiver of all rights and claim to said property and it will be disposed of accordingly.

(d) The finder will be required to sign the Evidence/Property Custodian’s records acknowledging receipt of the property.

(e) City of Mount Rainier employees, either full or part-time, shall not be considered as a “finder” with right to possession, and/or be permitted to convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with any investigation or other police action.

(f) Completed Property Records shall be filed by the year in which the property was released or disposed of in accordance with authorized policy/procedures.

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Computer Use and Security

810.1

(a) **POLICY**

The Mount Rainier Police Department uses several types of computers in its daily operations. Some of these computers access sensitive personal information including motor vehicle records and criminal history records. Officers shall access this information only for official purposes and will maintain the security of the system to prevent unauthorized persons or personnel from viewing or obtaining the records.

810.2 SECURITY

1.Each Department computer has its own function and security features. The Criminal Justice Information System (CJIS) computer is used to access the National Crime Information Center (NCIC) and Maryland Motor Vehicle Administration (MVA), and every user must have a unique logon ID, password and security token to access the system and retrieve a record. An electronic record is maintained of all uses and users.

(b) The Department also utilizes laptop computers in the patrol cars for the Mobile Data Terminal (MDT) functions which allow the user to receive and access C.A.D. (dispatch and calls for service information) functions from police communications and make inquiries of CJIS, NCIC and MVA records as a secondary user through the Prince George's County Police Department. These records can include wanted status of offenders, arrest information for adults and certain limited information pertaining to juveniles.

(c) Juvenile arrest records are generally considered confidential and not readily accessible without a court order or other exception under the law.Juvenile missing person's records are available.

(b) The user must have a CJIS logon, a unique county issued ID and password and be certified in the use of the MDT.

(c) The office desktop computers allow users access through their own individual login screens. These computers contain such records as ticket and report files, Master Name Index and arrest files along with internet access, e-mail and word processing functions.

(d) The Department has an assigned Terminal Agency Coordinator (T.A.C.) who is responsible for requesting CJIS/NCIC logon ID's, scheduling personnel for training, both through the State Police for CJIS and the County Police for MDT training, requesting maintenance, and assigning e-mail addresses.

(e) No Officer shall install or download any program, software or any file(s) into any computer without the permission of the Chief of Police

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(f) No Officer shall alter or manipulate any authorized program that is installed on any Department computer.

(g) No Officer shall attempt to repair or replace any software or hardware installed on any Department computer without authorization from the Chief of Police.

(c) **PROCEDURES**

Officers using the station's CJIS/NCIC/MVA computer will logon through the V.P.N. by entering their assigned username and password. Officers will then be able to enter the CJIS/NCIC/MVA domain by again entering their assigned logon and their self-assigned password.The use of this computer is for official business and is strictly monitored. A user may be required to log certain requests, such as Interstate Identification Index (III) checks and where information is disseminated to a secondary user. Manuals detailing the use of access codes and to record secondary disseminations are kept next to the computer. Under the Maryland Annotated Code, Criminal Law Art. § 7- 302 it is a criminal violation to access a computer without authorization or for an improper purpose. Criminal Procedure Art., § 10-219 regulates use and dissemination of criminal history record information.

(a) Officers using the in-car Mobile Data Terminal will logon by entering their assigned ID, which is either their assigned radio call sign or their county issued ID number and unique password.

(b) Officers accessing the Internet will do so only through their own profile by entering their password at their profile name prompt.

(c) No Officer shall allow another Officer or person to access any computer without being authorized.

(d) No Officer shall give his/her logon ID, password or token to another for the purpose of allowing that person to logon to any department computer.

(e) No Officer shall access official records except for official purposes.

(f) No Officer shall disseminate any record, either verbally, in writing or printing to another except for official purposes.

(d) **TERMINAL AGENCY COORDINATOR**

The T.A.C. will maintain records of all authorized computer users to include their level of access, logon ID's and training and re-certification records.

(a) The T.A.C. will also maintain the necessary Memoranda of Understandings between the Mount Rainier Police Department and the Maryland State Police, Prince George's County Police Department, and any other agency or sub-user who has or may have access to any secure Department computer.

(b) Random audits will be conducted by the T.A.C. at various unannounced times to maintain security of the systems. In addition, the Maryland State Police will conduct annual, announced audits of the CJIS computer system to ensure agency compliance.

810.3 SECTION TITLE

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Electronic Media Disposal

811.1 MEDIA DISPOSAL
. PURPOSE

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

II. SCOPE

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

III. POLICY

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

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

(a) shredding using issued shredders.

(b) placed in locked shredding bins for to come on-site and shred, witnessed by personnel throughout the entire process.

(c) incineration will be witnessed by personnel onsite at agency or at contractor incineration site, if conducted by non-authorized personnel.

Electronic media (hard-drives, tape cartridge, CDs, printer ribbons, flash drives, printer and copier

Hard-drives, etc.) shall be disposed of by one of the City of Mount Rainier methods:

(a) **Overwriting (at least 3 times)** - an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write (1s, 0s, or a combination of both) onto the location of the media where the file to be sanitized is located.

(b) **Degaussing -** a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.

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(c) **Destruction –** a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.

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

IV. ENFORCEMENT

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

811.2 SECTION TITLE

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Chapter 9 - Support Services

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Records Maintenance and Release

904.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

904.2 POLICY

The Mount Rainier Police Department is committed to providing access to public records in a manner that is consistent with the Maryland Public Information Act (PIA) (Md. Code GP § 4-101 et seq.).

904.3 RECORDS MANAGER

The Chief of Police shall designate a Records Manager for each unit responsible for record retention. The responsibilities of the Records Manager include, but are not limited to (Md. Code GP § 4-201 et seq.):

(a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.

(b) Maintaining and updating the department records retention schedule including (Md. Code SG § 10-610; Md. Code SG § 10-615; COMAR 14.18.02.04):

1. Identifying the minimum length of time the Department must keep records.
2. Identifying the department section responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.

(d) Establishing and maintaining the password system and setting access levels.

(e) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(f) Establishing procedures for correcting an error in records (Md. Code GP § 4-502).

(g) Establishing rules regarding the processing of subpoenas for the production of records.

(h) Ensuring a current schedule of fees for public records as allowed by law is available.

(i) Preparing and making available to the public a description of the basic rights of a person who requests public information, the responsibilities of the Department and the procedures, including the cost of inspecting or obtaining copies.

(j) Ensuring that the Department only maintains information about a person that is (Md. Code GP § 4-102):

1. Authorized or required by law.

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2. Relevant to the accomplishment of a legitimate purpose.

(k) Adopting rules defining sociological information held by the Mount Rainier Police Department and restricted release of the information (Md. Code GP § 4-330).

(l) Ensuring updated contact information for the Records Manager is maintained on the department's website and submitted annually to the Maryland Office of the Attorney General as required by Md. Code GP § 4–503.

904.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

904.4.1 REQUESTS FOR RECORDS

The processing of requests for any public record is subject to the following (Md. Code GP § 4-203):

(a) Absent a valid reason for denial, the Custodian of Records shall grant access to the requested records promptly or within the reasonable period that is needed to retrieve the public record, but not more than 30 days after receipt of the request.

(b) If the Custodian of Records reasonably believes that it will take more than 10 working days to produce the requested records, written or electronic notice shall be provided to the applicant within 10 working days indicating the amount of time needed to produce the records, the reason for the delay, and the estimated fees that may be charged for the production.

(c) The Department is not required to create records that do not exist.

(d) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

1. A copy of the redacted release should be maintained in the case file, or in an electronic file, as proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(e) A Custodian of Records may not ignore a request to inspect public records on the grounds that the request was made for the purpose of harassment.

(f) If a request for records is denied, the Custodian of Records must notify the applicant within 10 working days in writing of the following (Md. Code GP § 4-203):

1. The reasons for the denial.

2. The legal authority for the denial.

3. A brief description of the undisclosed record that will allow the applicant to evaluate the applicability of the legal authority for the denial. The description provided shall not disclose any confidential information.

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4. The remedies available to the applicant for review of the denial (Md. Code GP § 4-362).

(g) The time limits set forth above in this section may be extended for an additional 30 days with the agreement of the applicant (Md. Code GP § 4-203).

Copies of reports are available to the public only from the administrative office, Monday through Friday from 9 am until 5 pm for a fee of $5.00 (five dollars) per report.

Whenever the Custodian of Records reasonably believes that inspection would cause substantial injury to the public interest, the Custodian of Records may deny inspection temporarily after consultation with the City Attorney, but within 10 working days after the denial, the Custodian of Records, with the assistance of the City Attorney, shall petition a court to issue an order permitting the continued denial of inspection (Md. Code GP § 4-358). If the Custodian of Records reasonably believes that inspection of part of a public record would be contrary to the public interest, the Custodian may deny inspection of that part of the record, but shall provide an explanation of why denial is necessary and why redaction would not address the reason for the denial (Md. Code GP § 4-203; Md. Code GP § 4-343).

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904.4.2 DISPUTES

Anytime a written complaint regarding a fee dispute is received from the State Public Information Act Compliance Board (Board), the Records Manager shall notify the Administration Section

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Commander. A written response explaining the basis for the disputed fee shall be filed with the Board within 15 days after receipt of the complaint. The Records Manager shall cooperate with the Board and participate in an informal hearing if requested by the Board (Md. Code GP § 4-1A-05 et seq.). Legal counsel should be consulted with regard to all such challenges unless waived by the Administration Section Commander.

In the event that the Records Manager becomes aware that an applicant has made a complaint to the Office of the Public Access Ombudsman, the Records Manager shall notify the Administration Section Commander. Legal counsel should be consulted with regard to all such complaints unless waived by the Administration Section Commander (Md. Code GP § 4-1B-04; Md. Code GP § 4-301).

904.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record or any department record, including traffic accident reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Records of ongoing investigations (Md. Code GP § 4-351).

(c) Traffic and criminal records may not be released to persons reasonably known to be soliciting or marketing legal services (Md. Code GP § 4-315).

(d) Arrest warrants and associated charging documents may not be released until the warrant has been served or 90 days has elapsed since the warrant was issued (Md. Code GP § 4-316).

(e) Traffic control signal monitoring and speed monitoring system records (Md. Code GP § 4-321).

(f) Personnel records including retirement records, medical records, internal affairs investigation records and personal employee information including an employee's home address or telephone number (Md. Code GP § 4-306; Md. Code GP § 4-311; Md. Code GP § 4-312; Md. Code GP § 4-331).

(g) Surveillance images (Md. Code GP § 4-322).

(h) Information systems, alarm or security systems, and emergency plans (Md. Code GP § 4-338; Md. Code GP § 4-339; Md. Code GP § 4-352).

(i) Any record that the Custodian of Records reasonably believes would cause substantial injury to the public interest may be temporarily denied (Md. Code GP § 4-358).

(j) Records relating to juveniles (Md. Code CJ § 3-8A-27).

(k) Criminal history records (Md. Code CP § 10-219).

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(l) Information protected by the Human Trafficking Address Confidentiality Program (Md. Code SG § 7-310).

(m) Information protected by the Domestic Violence Address Confidentiality Program (Md. Code FL § 4-528).

904.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Records Manager for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the State's Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

904.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

904.8 EXPUNGEMENT

Expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist (Md. Code CP § 10-101 et seq.).

Unless an order is stayed pending an appeal, the Custodian of Records served with an order of expungement of a juvenile record under Md. Code CJ § 3-8A-27.1 shall notify the court, the petitioner, and all parties in writing within 60 days after entry of the order that the Department has complied with the order.

Any adult arrested and not subsequently charged may, with certain restrictions, apply to the arresting agency to have their record expunged.

Upon receiving a notice from another law enforcement agency regarding an expungement, the Administrative Officer or designee, will within thirty (30) days of receipt, make a diligent search for any police records concerning the arrest, detention or confinement of the named individual and expunge all records.

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904.9 TRAINING

All members authorized to manage, release or facilitate public access to department records shall complete a training program that includes identification of material appropriate for public access and the department systems and procedures guiding such release and access.

904.10 SECURITY BREACHES

Members who become aware that any Mount Rainier Police Department system containing personal information may have been breached should notify the Records Manager as soon as practicable.

The Records Manager shall ensure the required notice is provided to the Office of the Attorney General, the Department of Information Technology and the persons whose personal information is reasonably believed to have been breached pursuant to the requirements set forth in Md. Code SG § 10-1305. Notice shall be in the form and manner specified in Md. Code SG § 10-1305.

Notice shall be given as soon as reasonably practicable after discovery of the possible breach consistent with the legitimate needs of the Mount Rainier Police Department and any measures to determine the scope of the breach, the identity of those affected and to restore the integrity of the breached system. Notice may be delayed if notification will impede a criminal investigation or jeopardize homeland or national security (Md. Code SG § 10-1305).

For purposes of the notice requirement, personal information includes a person's first name, first initial and last name, personal mark, or unique biometric or genetic print or image in combination with any one or more of the following (Md. Code SG § 10-1301):

(a) Social Security number and Individual Taxpayer Identification Number

(b) Driver's license number, Maryland identification card number or other similar identification number, including a passport number

(c) Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Records Manager should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

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Protected Information

905.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Mount Rainier Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

905.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Mount Rainier Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

905.2 POLICY

Members of the Mount Rainier Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

905.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Motor Vehicle Administration (MVA) records, Maryland Criminal Justice Information System (CJIS) and Maryland Electronic Telecommunications Enforcement Resource System (METERS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining procedures necessary to comply with confidentiality and release of information obtained from the Biological Agents Registry Program (BAR) (Md. Code HG § 17-604).

(d) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

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(e) Developing procedures to ensure training and certification requirements are met.

(f) Resolving specific questions that arise regarding authorized recipients of protected information.

(g) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

905.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Mount Rainier Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

905.5 RELEASE OF DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

905.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

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The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

905.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

905.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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Animal Control

906.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

906.2 POLICY

It is the policy of the Mount Rainier Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

906.3 ANIMAL CONTROL

Animal control services are generally the primary responsibility of Prince George's County Animal Control and include the following:

(a) Animal-related matters during periods when Prince George's County Animal Control is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Prince George's County Animal Control is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

906.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone; members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

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1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

906.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to:

(a) Abuse or neglect of an animal (Md. Code CR § 10-604).

(b) Aggravated cruelty to animals (Md. Code CR § 10-606).

(c) Dogfights (Md. Code CR § 10-607).

(d) Cockfights (Md. Code CR § 10-608).

(e) Poisoning a dog (Md. Code CR § 10-618).

(f) Endangering the health or safety of a dog or cat by leaving the animal unattended in a motor vehicle (Md. Code TR § 21-1004.1).

(g) An investigation should be conducted on all reports of animal cruelty.

(h) Officers may seize an animal if necessary to protect an animal that is in need of immediate care or protection from acts of cruelty (Md. Code CR § 10-615(b)(1)).

1. If an animal is impounded, yarded or confined without necessary food, water or proper attention, or is subject to cruelty or is neglected, an officer may enter the place where the animal is located, except if the animal is in a private dwelling, and supply the animal with necessary food, water and attention, or remove the animal if removal is necessary for the animal's health (Md. Code CR § 10-615(c)).
2. The officer shall notify the animal's owner or custodian of the removal and any administrative remedies that may be available (Md. Code CR § 10-615(d)).
3. Removal of a farm animal requires the prior recommendation of a veterinarian licensed in the state (Md. Code CR § 10-615(f)).

906.6 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Members shall complete the Maryland Animal-Bite Report and Rabies Quarantine Agreement Form and make the report available within 24 hours

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to the local health officers and, on request, to the Public Health Veterinarian (COMAR 10.06.02.05; Md. Code HG § 18-316).

Efforts should be made to capture or otherwise have the animal placed under quarantine in accordance with Md. Code HG § 18-320. Members should attempt to identify and notify the owner of the final disposition of the animal.

906.7 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/ holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

906.8 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Supervisor will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

906.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (i.e., barking dogs), as such calls may involve significant quality of life issues.

906.10 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removedby Prince Georges County Animal Control

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

906.11 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

When an animal is injured in a traffic accident, the member shall notify the appropriate local organization to give such injured animal medical care (Md. Code TR § 20-106(b)).

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906.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized by Prince George's County Animal Control

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Dissemination and Expungement of Criminal History Information

907.1 PURPOSE

This General Order establishes policy and procedures relating to the dissemination and expungement of criminal history information, MILES/NCIC/MVA data and police reports pursuant to the guidelines established by the State of Maryland and the federal government.

907.2 POLICY

It is the policy of this Department to fully comply with the Annotated Code of Maryland, the Code of Maryland Regulations (COMAR) and all applicable federal regulations pertaining to the dissemination and expungement of criminal history record information, police reports and MILES/NCIC/MVA data. Officers will not personally store criminal history information, police reports, or MILES/NCIC/MVA data.

907.3 DEFINITIONS

Criminal history record information (CHRI): data initiated or collected by a criminal justice agency on a person pertaining to a reportable event. This does not include; data contained in intelligence or investigatory files or police work-product records used solely for police investigation purposes, data pertaining to juvenile proceedings, wanted posters, police blotter entries, court records of public judicial proceedings or published court opinions, data pertaining to violations of any traffic laws or local regulations (unless the defendant is arrested on a bench warrant for failure to appear), data concerning the MVA point system, presentence investigation reports prepared by a probation department or data contained in current case-in-progress systems or records pertinent to public judicial proceedings which are reasonably contemporaneous to the event to which the information relates.

Conviction criminal history record information: CHRI regarding reportable events, which have resulted in a finding of guilt. For the purposes of dissemination, the acceptance of a plea of nolle contendere by a court will be considered as a conviction CHRI.

Criminal justice agency: Any government agency or subunit of an agency which is authorized by law exercise the power of arrest, detention, prosecution, adjudication, correctional supervision, rehabilitation, or release of persons suspected, charged or convicted of a crime and which allocates a substantial portion of its annual budget to any of these functions. This does not include the Juvenile Services Administration or a juvenile court. It does include; state, county and municipal police departments and agencies, sheriff's offices, correctional facilities, parole and probation departments, jails and detention centers, the Offices of the Attorney General, the State's Attorney's and any other person authorized to prosecute persons accused of criminal offenses, all Maryland adult courts and the offices of the clerks of these courts.

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Disseminate: to transmit CHRI, police reports or MILES/NCIC/MVA data in any oral or written form, not including; transmittal of this information within a criminal justice agency, reporting this information as required by Maryland law or the transmittal of this information between criminal justice agencies in order to permit the initiation of subsequent criminal justice proceedings against a person relating to the same offense.

907.4 PROCEDURES

1. All criminal history record information maintained by the department will be stored in locked cabinets within a controlled access area.

2. All requests by personnel of this Department for criminal history information, police reports or MILES/NCIC/MVA data will be obtained for law enforcement purposes only.

3. Criminal history information will be disseminated to criminal justice agencies only.

4. The Records Clerk will maintain a log of the dissemination of criminal history information.

    a. This log, which will be kept on file pertaining to any request for criminal history information will include the date, arrest number, officer's name, I.D. number, as well as other pertinent information.

5. The Department of Justice order that has established these regulations prohibits the dissemination of any criminal history information to individuals who are not authorized to receive this information.

    a. When telephone requests are made for criminal history information, personnel will not give out any information if there is a question as to the identity of the person making the request. Administrative personnel shall positively verify the identity, by the best means available, prior to providing any information.

    b. All requests for criminal history information from outside law enforcement agencies will be directed to the Administrative Officer.

6. Any illegal dissemination of criminal history information, as defined in Department of Justice Order 601-75 may result in a fine of up to $10,000 for each individual involved as well as a similar fine for the criminal justice agency.

7. The Administrative Officer is responsible for the Department's compliance with all applicable federal and state laws and regulations regarding the dissemination of criminal history record information and updating all policies and procedures as necessary.

8. MILES/NCIC/MVA Access

    a. Only those personnel certified through the State may access information via computer terminals.

    b. All information received is confidential.

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c. Any and all access to the MILES/NCIC/MVA system is for official law enforcement purposes only.

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Chapter 10 - Custody

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Temporary Custody of Adults

1000.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Mount Rainier Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

1000.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times for a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody

Temporary custody - The time period an adult is in custody at the Mount Rainier Police Department prior to being released or transported to a housing or other type of facility.

1000.2 POLICY

The Mount Rainier Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing and transfer or release. All prisoners will be transported to District I and processed by Central Processing.

1000.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

1000.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Mount Rainier Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

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(d) Individuals who are suspected to be a suicide risk (see the Mental Health Evaluation Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to a degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

1000.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female department member must be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody shall be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

1000.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

(a) Authorized members entering for official business purposes.

(b) Emergency medical personnel when necessary.

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(c) Any other person authorized by the Shift Supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

1000.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is a suicide risk or in need of critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the County jail or the appropriate mental health facility.

The officer should promptly notify the Shift Supervisor of any conditions that may require immediate medical attention or other appropriate action. The Shift Supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

1000.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

(a) Advise the Shift Supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.

2. Provide an individual identified as being at a high risk for sexual abuse or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):

   (a) Continuous, direct sight and sound supervision.

   (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.

3. Ensure individuals are separated according to severity of the crime (e.g. felony or misdemeanor).

4. Ensure males and females are separated by sight and sound when in cells.

5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

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(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

1000.4.2 CONSULAR NOTIFICATION

Consular notification is mandatory when certain foreign nationals are arrested. The Patrol Section Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.

1. If the country is on the mandatory notification list, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.

(c) Forward any communication from the individual to his/her consular officers without delay.

(d) Document all notifications to the embassy or consulate and retain the faxed notification and any faxed confirmation for the individual's file.

2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Forward any communication from the individual to his/her consular officers without delay.

1000.5 SAFETY, HEALTH AND OTHER PROVISIONS

1000.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Mount Rainier Police Department, the custody shall be promptly and properly documented in a custody log, including:

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the Department.

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(c) Any charges for which the individual is in temporary custody and any case number.

(d) Time of all safety checks.

(e) Any medical and other screening requested and completed.

(f) Any emergency situations or unusual incidents.

(g) Any other information that may be required by other authorities, such as compliance inspectors.

(h) Date and time of release from the Mount Rainier Police Department.

The Shift Supervisor should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Shift Supervisor should make periodic checks to ensure all log entries and safety and security checks are made on time.

1000.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.

2. This prohibition does not apply to surreptitious and legally obtained recorded interrogations

(c) There is reasonable access to toilets and wash basins.

(d) There is reasonable access to a drinking fountain or water.

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

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(j) Adequate furnishings are available, including suitable chairs or benches.

1000.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Mount Rainier Police Department. They should be released or transferred to another facility as appropriate.

1000.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

1000.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

  1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see Child and Dependent Adult Safety Policy).

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

  1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

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1000.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

1000.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

1000.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Mount Rainier Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

1000.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

1000.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another

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person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Shift Supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Supervisor shall attempt to prove or disprove the claim.

1000.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to department members.

(d) The individual's initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by department members shall occur no less than every 15 minutes.

1. Safety checks should be at varying times.
2. All safety checks shall be logged.
3. The safety check should involve questioning the individual as to his/her well-being.
4. Individuals who are sleeping or apparently sleeping should be awakened.
5. Requests or concerns of the individual should be logged.

1000.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Section Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Mount Rainier Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate.

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(b) Immediate notification of the Shift Supervisor, Chief of Police and Patrol Section Commander.

(c) Notification of the spouse, next of kin or other appropriate person.

(d) Notification of the appropriate prosecutor.

(e) Notification of the City Attorney.

(f) Notification of the Medical Examiner.

(g) Evidence preservation.

1000.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband or dangerous weapons, has been return to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any non-public areas of the Mount Rainier Police Department unless escorted by a member of the Department.

(g) Any known threat or danger the individual may pose (escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

    1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

1000.11 ASSIGNED ADMINISTRATOR

The Patrol Section Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

(a) General security

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(b) Key control

(c) Sanitation and maintenance

(d) Emergency medical treatment

(e) Escapes

(f) Evacuation plans

(g) Fire and life safety

(h) Disaster plans

(i) Building and safety code compliance

1000.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

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Temporary Custody of Juveniles

1001.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Mount Rainier Police Department (34 USC § 11133).

1001.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held by law enforcement for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile under the age of 18 who is alleged to have committed an offense that would subject an adult to arrest (i.e., a non-status offense) (Md. Code CJ § 3-8A-01). A juvenile offender also includes a juvenile in custody for handgun possession by a person under age 21 years under Md. Code PS § 5-133 (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other department member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail or other object.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

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(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

1001.2 POLICY

The Mount Rainier Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and to keeping juveniles safe while in temporary custody at the Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

1001.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Mount Rainier Police Department. These include:

(a) Unconsciousness or having been unconscious while being taken into custody or transported.

(b) Serious injuries or a medical condition requiring immediate medical attention.

(c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Mental Health Evaluations Policy).

1. If the officer taking custody of a juvenile believes that he/she may be a suicide, risk, the officer shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.

(d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(e) Extremely violent or continuously violent behavior.

(f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Officers taking custody of a juvenile exhibiting any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the situation. These juveniles should not be held at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

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1001.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Mount Rainier Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the Department without authorization of the arresting officer's supervisor or the Shift Supervisor. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult, or transferred to a juvenile custody facility or to another authority as soon as practicable. In no event shall a juvenile be held beyond six hours from the time of his/her entry into the Department (34 USC § 11133).

1001.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Mount Rainier Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

1001.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

The following offenses require a citation in lieu of custody absent a separate justification for custody (Md. Code CJ § 3-8A-33):

(a) Alcoholic beverage violations (Md. Code CR § 10-113; Md. Code CR § 10-114; Md. Code CR § 10-115; Md. Code CR § 10-116)

(b) Possession of Salvia divinorum (Md. Code CR § 10-132)

(c) Table game and video lottery terminal violations (Md. Code CR § 10-136)

(d) Alcohol possession or consumption on school premises (Md. Code ED § 26-103)

(e) Use or possession of less than 10 grams of marijuana (Md. Code CR § 5-601)

1001.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Mount Rainier Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Juvenile offenders shall be detained in a designated juvenile area. A juvenile under 14 years of age may not be detained beyond emergency detention unless the juvenile is alleged to have

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committed an act that, if committed by an adult, would be punishable by death or life imprisonment (Md. Code CJ § 3-8A-15(g); Md. Code CJ § 3-8A-15(e)).

Juvenile offenders shall be taken into custody when:

(a) An officer has probable cause to believe the juvenile is in violation of a peace order in effect at the time of the violation (Md. Code CJ § 3-8A-19.5(b)).

(b) There is a valid warrant for the juvenile's arrest (Md. Code CJ § 3-8A-14.1(c)).

1001.5 NOTIFICATIONS

When a juvenile is taken into custody, officers shall immediately notify the juvenile's parent, guardian, or custodian (Md. Code CJ § 3-8A-14; Md. Code CJ § 3-814). If the juvenile has been taken into protective custody, the officers shall also immediately notify the county department of social services (Md. Code CJ § 3-814). If there is reason to believe that the juvenile is a victim of sex trafficking, officers shall notify the appropriate regional navigator (Md. Code CJ § 3-8A-14).

1001.5.1 REQUIRED SCHOOL NOTIFICATION

If a juvenile between the ages of 5 and 21 (inclusive) is taken into custody for one of the reportable offenses listed in Md. Code ED § 7-303(a)(6) or for an offense related to the juvenile's membership in a criminal organization, the officer must notify the following officials of any school the juvenile attends within 24 or as soon as practicable:

- Local superintendent
- School principal
- School security officer (if applicable)

The officer may also notify the State's Attorney (Md. Code ED § 7-303).

1001.6 JUVENILE CUSTODY LOGS

Any time a juvenile is in temporary custody at the Mount Rainier Police Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile.

(b) Date and time of arrival and release from the Department.

(c) Shift Supervisor notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.

(e) Any changes in status (e.g., emergency situations, unusual incidents).

(f) Time of all safety checks.

(g) Any medical and other screening requested and completed.

(h) Circumstances that justify any secure custody.

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

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The Shift Supervisor should initial the log to approve the temporary custody, including any secure custody, and should initial the log when the juvenile is released.

1001.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Mount Rainier Police Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Department shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

1001.7.1 TRANSPORTATION

A juvenile may not be transported from the field or to another detention facility with any adult who has been charged with or convicted of a crime unless the court has waived its jurisdiction and the juvenile is being prosecuted as an adult (Md. Code CJ § 3-8A-16(c)).

1001.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Mount Rainier Police Department shall ensure:

(a) The Shift Supervisor is notified if it is anticipated that a juvenile may need to remain at the Department more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the Department more than six hours.

(b) Safety checks and significant incidents/activities are noted on the log.

(c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

  1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.

  2. This prohibition does not apply to surreptitious and legally obtained recorded interrogations.

(d) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(e) There is reasonable access to toilets and wash basins.

(f) There is reasonable access to a drinking fountain or water.

(g) Food is provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.

(h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(i) There is privacy during family, guardian and/or attorney visits.

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(j) Juveniles are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(l) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(m) Adequate furnishings are available, including suitable chairs or benches.

(n) Juvenile have the right to the same number of telephone calls as an adult in temporary custody see the Temporary Custody of Adults Policy.

(o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

1001.9 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as an adult in temporary custody (see the Temporary Custody of Adults Policy).

1001.10 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Mount Rainier Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

1001.10.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

1001.11 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

1001.12 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody. Shift Supervisor approval is required before placing a juvenile offender in secure custody.

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Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A member must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

1001.12.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the locked enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when he/she is released. Any damage noted to the area should be photographed and documented.

The following requirements shall apply:

(a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.

(b) The juvenile shall constantly be monitored by an audio/video system during the entire temporary custody.

(c) The juvenile shall have constant auditory access to department members.

(d) The juvenile's initial placement into and removal from a locked enclosure shall be logged.

(e) Unscheduled safety checks by department member shall occur no less than every 15 minutes.

    1. All safety checks shall be logged.
    2. The safety check should involve questioning the juvenile as to his/her well-being.
    3. Juveniles who are sleeping or apparently sleeping should be awakened.
    4. Requests or concerns of the juvenile should be logged.

(f) Males and females shall not be placed in the same locked room.

(g) Juvenile offenders should be separated according to severity of the crime (e.g., felony, misdemeanor).

(h) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

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1001.13 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Patrol Section Commander will ensure procedures are in place to address any suicide attempt, death, or serious injury of any juvenile held at the Mount Rainier Police Department. The procedures should include the following:

(a) Immediate notification of the Shift Supervisor, Chief of Police, and Patrol Section Commander

(b) Notification of the parent, guardian, or person standing in loco parentis, of the juvenile

(c) Notification of the appropriate prosecutor

(d) Notification of the City Attorney

(e) Notification of the Medical Examiner

(f) Notification of the juvenile court

(g) Evidence preservation

1001.14 INTERVIEWING OR INTERROGATING

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

1001.15 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

Any department record, including fingerprints and photographs, concerning a child is confidential and shall be maintained separate from those of adults. These may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as otherwise provided by law (Md. Code CJ § 3-8A-27(a)).

1001.16 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

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Chapter 11 - Personnel

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Recruitment and Selection

1100.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Mount Rainier Police Department and that are promulgated and maintained by the Office of the Chief of Police.

1100.2 POLICY

In accordance with applicable federal, state and local law, the Mount Rainier Police Department provides equal opportunities for applicants and employees, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1100.3 RECRUITMENT

TheChief of Police or his designeeshould employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Administration Section Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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1100.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state and federal criminal history record checks

(h) Polygraph or computer voice stress analyzer (CVSA) examination(when legally permissible)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Oral interview or selection committee assessment

1100.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate’s unsuitability to perform duties relevant to the operation of the Mount Rainier Police Department.

The Chief of Police shall ensure that a background investigation includes (COMAR 12.04.01.05):

(a) A check of military records, when applicable, including obtaining a complete copy of the candidate’s discharge document.

(b) A report from a credit agency regarding the candidate's current and past credit history.

(c) An investigation of the prior use of controlled dangerous substances, narcotic drugs and marijuana by the candidate as specified under COMAR 12.04.01.16.

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(d) An examination of school records or interviews with school officials if the candidate attended school within the last five years.

(e) Interviews of:

1. Personal references furnished by the candidate.
2. Neighbors of the candidate within the past five years.
3. Current and past employers within the last five years.
4. Coworkers within the last five years.

The Chief of Police shall maintain a record of the background investigation on each candidate hired by this department. The results of the investigation shall be recorded on an Application for Certification (AFC), including any supplemental information, as specified in COMAR 12.04.01.01 and submitted to the Maryland Police Training and Standards Commission (MPTSC). The MPTSC may refuse to certify the candidate based upon supplemental information (COMAR 12.04.01.05).

1100.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d; 16 CFR 600 et seq.).

1100.5.2 STATE NOTICES

The Chief of Police shall complete an AFC for an officer hired by this department. The Chief of Police is responsible for:

(a) Accurately completing the AFC.

(b) Submitting the AFC to the MPTSC (COMAR 12.04.01.08).

(c) Signing the AFC to certify that the MPTSC's selection standards have been met.

(d) Including on the AFC the:

1. Date the candidate completed the certification requirements.
2. Department telephone number for the Chief of Police.

(e) Submitting the AFC to the MPTSC if he/she has, within one year before submitting the AFC:

1. Completed or verified for the candidate each of the selection standards as required under COMAR 12.04.01.04 or COMAR 12.04.01.08.
2. Determined that the candidate meets each of the selection standards under COMAR 12.04.01.04 or COMAR 12.04.01.08.

False or misrepresented information on the AFC is a basis for rejection or revocation of certification by the MPTSC and may be the basis for separate administrative or legal action (COMAR 12.04.01.02).

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1100.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administration Section Commander shall not require candidates to provide passwords, account information or access to password-protected social media accounts (Md. Code LE § 3-712).

The Administration Section Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Section Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1100.5.4 INTERVIEWS

Background investigation interviews may be conducted (COMAR 12.04.01.05):

(a) In person.

1. A personal interview conducted as part of a background investigation is considered appropriate when an interviewee is available within 50 miles of this department.

(b) By telephone.

(c) By using a designated department form and questionnaire that the interviewer or individual interviewed is required to complete.

(d) By using other lawful methods designed to elicit useful information from an individual concerning the candidate.

Personal references and others residing outside the state may be contacted by correspondence or telephone (COMAR 12.04.01.05).

1100.5.5 OUT-OF-STATE CANDIDATES

When the candidate has resided or been employed out-of-state, the background investigation may be performed by an appropriate law enforcement agency or a legitimate private background investigation agency in the area where the candidate lived or worked (COMAR 12.04.01.05).

If a candidate has been employed as a police officer for the federal government or in another state, the Chief of Police shall:

(a) Report the law enforcement agency's name and jurisdiction to the MPTSC.

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(b) Forward any supplemental information obtained from the previous out-of-state law enforcement agency or from any other source.

1100.5.6 INVESTIGATIONS BY OTHER AGENCIES

The Department may authorize another individual, office or agency to conduct a background investigation (COMAR 12.04.01.05).

The Maryland State Police or a local law enforcement agency may assist this department in a background investigation.

1100.5.7 CRIMINAL RECORD CHECKS AND FINGERPRINTS

The Department shall fingerprint a candidate and submit the fingerprints to the appropriate local, state and national agencies for a search of criminal records (COMAR 12.04.01.05).

(a) The Chief of Police may conduct a criminal record check through the National Crime Information Center (NCIC) files instead of a local fingerprint check.

(b) Upon hiring the candidate, the results of the record check will be maintained and reported to the MPTSC.

(c) If the results of the NCIC check or the local, state or national fingerprint check reveal that a candidate has been convicted or otherwise found guilty of a felony, or a misdemeanor for which a sentence of imprisonment for one year or more could have been imposed, the Chief of Police shall provide the MPTSC with the available information concerning the conviction.

(d) The MPTSC may refuse to certify a candidate based on supplemental information developed as part of the criminal record check.

1100.5.8 DRUG SCREENING

A candidate shall be subject to a drug screening to test for controlled dangerous substances, narcotic drugs and marijuana as specified in COMAR 12.04.01.15 (COMAR 12.04.01.04).

Applicants shall be disqualified from employment consideration if they refuse to submit to a drug screening test.

The Chief of Police shall maintain a record of the drug screening results and report the results to the MPTSC.

If the test results exceed the levels established under COMAR 12.04.01.15, the MPTSC may not certify the candidate unless the positive screen for a controlled dangerous substance, narcotic drugs or marijuana was determined to be the result of a legitimate ingestion or exposure as established under COMAR 12.04.01.16.

1100.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

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- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1100.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law for certification by the MPTSC authorizing an individual to exercise law enforcement powers and enforce the criminal laws of Maryland. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Office of the Chief of Police should maintain validated standards for all positions.

1100.7.1 STANDARDS FOR OFFICERS

Candidates for certification as a police officer shall meet the following MPTSC minimum standards (COMAR 12.04.01.04):

(a) Be 21 years old or older.

(b) Be a United States citizen and submit documents supporting a claim of citizenship to this department.

(c) Possess and submit either of the following:

1. A high school diploma issued by a high school or recognized by the State Board of Education.

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2. A General Education Development (GED) certificate or diploma issued by Maryland or another state or recognized by the State Board of Education.
    (a) A college degree may be accepted in place of high school diploma or GED requirements.
    (b) In the absence of a copy of a diploma, the Chief of Police may accept a certified transcript indicating that a candidate successfully completed the requirements for graduation from a high school or college.

(d) Be eligible under federal and Maryland law to possess and use a handgun.

(e) Be of good moral character as determined by a thorough background investigation and criminal history investigation, including a fingerprint check, according to the requirements under COMAR 12.04.01.05.

(f) Be free from any physical, emotional or mental condition which might adversely affect the exercise of police powers.

1. Before a candidate may be selected for a position as an officer, he/she shall be examined by a licensed, trained and qualified medical doctor, and receive a positive recommendation from the medical doctor indicating that he/she is physically able to:
    (a) Perform the duties of an officer as determined by this department.
    (b) Participate in the entrance-level training program.
2. Before a candidate may be selected for a position as an officer, he/she shall be examined by a licensed, trained and qualified mental health care professional, and receive a positive recommendation from the mental health care professional indicating:
    (a) Emotional and mental fitness.
    (b) Ability to perform the duties of an officer as determined by this department.

(g) Possess a valid driver's license

The Chief of Police may establish more restrictive standards than those of the MPTSC for selection of a candidate for the position of officer.

The Chief of Police may submit a request for a waiver of MPTSC selection standards in accordance with the requirements of COMAR 12.04.01.14.

1100.8 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions.

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The report and all supporting documentation shall be included in the candidate's background investigation file.

1100.9 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

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Performance Evaluations

1101.1 PURPOSE AND SCOPE

This policy provides guidelines for the Mount Rainier Police Department performance evaluation system.

1101.2 POLICY

The Mount Rainier Police Department shall use a performance evaluation system to measure, document and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability, sexual orientation, gender identity, or other protected classes.

1101.3 TYPES OF EVALUATIONS

The Department shall use the following types of evaluations:

Regular - An evaluation completed at regular intervals by the employee's immediate supervisor. Employees who have been promoted should be evaluated as established by the Office of the Chief of Police or minimally, on the anniversary of the date of the last promotion.

When an employee transfers to a different assignment in the middle of an evaluation period and less than six months has transpired since the transfer, the evaluation should be completed by the current supervisor with input from the previous supervisor.

Special - An evaluation that may be completed at any time the supervisor and Section Commander or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

1101.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - Performance is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds standards - Performance is better than demonstrated by a competent employee. It is performance superior to what is required, but is not of such nature to warrant a rating of outstanding.

Meets standards - Performance of a competent employee. It is satisfactory performance that meets the standards required of the position.

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Needs improvement - Performance is less than the standards required of the position. A needs improvement rating shall be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be allowed to continue.

Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses and requirements for improvement. Any job dimension rating marked as unsatisfactory or outstanding shall be substantiated with supervisor comments.

1101.3.2 PERFORMANCE IMPROVEMENT PLAN

Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review his/her performance and the status of the PIP at least monthly.

1101.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the positions, standards of expected performance and the evaluation criteria with each employee.

Performance evaluations cover a specific period of time and should be based upon documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee’s immediate supervisor. Other supervisors directly familiar with the employee’s performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee’s job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible to provide them with an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

All supervisors shall receive training on performance evaluations within one year of a supervisory appointment.

1101.5 EVALUATION FREQUENCY

Supervisors shall ensure that all employees they supervise are evaluated at least once every year by June 30th each year.

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Those employees who are required to successfully complete a probationary period should be evaluated monthly.

1101.6 EVALUATION INTERVIEW

When the supervisor has completed his/her evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation. The employee's signature does not constitute agreement with the evaluation, and the supervisor's signature does not constitute agreement with the employee's comments.

1101.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee’s annual evaluation, the supervisor shall provide access to and require the employee to read the City harassment and discrimination policies and the Mount Rainier Police Department Discriminatory Harassment Policy. The supervisor shall give the employee a form to be completed and returned that acknowledges the following:

(a) The employee understands the harassment and discrimination policies.

(b) The employee has had all questions regarding the policies sufficiently addressed.

(c) The employee knows how to report alleged harassment and discrimination policy violations.

(d) Whether the employee has been the subject of, or witness to, any unreported conduct that may violate the discrimination or harassment policies.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow up action is taken.

1101.7 APPEAL

An employee who disagrees with his/her evaluation may provide a formal written response that will be attached to the evaluation, or may request an appeal.

To request an appeal, the employee shall forward a written memorandum within three days to the evaluating supervisor’s Section Commander or the authorized designee. The memorandum

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shall identify the specific basis for the appeal and include any relevant information for the reviewer to consider.

1101.8 CHAIN OF REVIEW

The signed performance evaluation and any employee attachment should be forwarded to the Chief of Police..

The Section Commander or the authorized designee should evaluate the supervisor on the quality of ratings given.

1101.9 RETENTION AND DISTRIBUTION

The original performance evaluation and any original correspondence related to an appeal shall be maintained by the Department in accordance with the Personnel Records Policy.

A copy of the evaluation and any documentation of a related appeal shall be provided to the employee and also forwarded to the Mount Rainier Office of the Chief of Police.

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Special Assignments and Promotions

1102.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Mount Rainier Police Department.

1102.2 POLICY

The Mount Rainier Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1102.3 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

(a) Field Training Officer

(b) Community Policing

(c) School Resource and/or Drug Abuse Resistance Education (D.A.R.E.) officer

1102.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

(a) Two years of relevant experience

(b) Off probation

(c) Possession of or ability to obtain any certification required by the Maryland Police Training and Standards Commission (MPTSC) or law

(d) Exceptional skills, experience or abilities related to the special assignment

1102.3.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

(a) Presents a professional, neat appearance.

(b) Maintains a physical condition that aids in his/her performance.

(c) Expressed an interest in the assignment.

(d) Demonstrates the following traits:

1. Emotional stability and maturity
2. Stress tolerance
3. Sound judgment and decision-making
4. Personal integrity and ethical conduct

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5. Leadership skills
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to department goals and objectives in a positive manner
9. Work ethic

1102.3.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

(a) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.

1. The supervisor recommendations will be submitted to the Chief of Police..

(b) interview - The Chief of Police will schedule interviews with each candidate.

1. Based on supervisor recommendations and those of the Section CommanderOperations and Administrative Lieutenant after the interview, the Section CommanderChief will make a selection.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, for training, and at the discretion of the Chief of Police.

1102.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Office of the Chief of Police.

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Anti-Retaliation

1104.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement or memorandum of understanding.

1104.2 POLICY

The Mount Rainier Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1104.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1104.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Chief of Police.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1104.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1104.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1104.7 WHISTLE-BLOWING

State law protects officers from discrimination or other negative consequences for disclosing gross mismanagement, waste, substantial dangers or law violations (Md. Code PS § 3-103).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Chief of Police for investigation pursuant to the Personnel Complaints Policy.

1104.8 RECORDS RETENTION AND RELEASE

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1104.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Reporting of Arrests, Convictions and Court Orders

1105.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions and court orders restrict their ability to perform the official duties and responsibilities of the Mount Rainier Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction or court order disqualifies them from possessing a firearm.

1105.2 POLICY

The Mount Rainier Police Department requires disclosure of member arrests, convictions and certain court orders to maintain the high standards, ethics and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

1105.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and Maryland law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Md. Code PS § 5-133).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1105.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1105.5 REPORTING

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Shift Supervisor or the Chief of Police) in writing of any past or current criminal detention, arrest, charge or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Shift Supervisor or the Chief of Police) in writing if they become the subject of a domestic violence-related

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order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable Maryland Police Training and Standards Commission (MPTSC) certification.

Any member whose criminal arrest, conviction or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be suspended and disciplined. This includes, but is not limited to, being placed on administrative leave, reassignment and/or termination (COMAR 12.04.01.04(D); Md. Code PS § 3-112).

Any effort to remove such disqualification or restriction from off-duty conduct or conduct outside the scope of employment, shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officer may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1105.5.1 NOTIFICATION REQUIREMENTS

The Department shall report arrests or convictions to the MPTSC for possible suspension and revocation of any applicable certification (Md. Code PS § 3-212).

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Drug- and Alcohol-Free Workplace

1106.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding controlled dangerous substances (CDS) and alcohol in the workplace.

1106.2 POLICY

It is the policy of the Mount Rainier Police Department to provide a drug- and alcohol-free workplace for all members.

1106.3 GENERAL GUIDELINES

Alcohol and CDS use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Supervisor or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1106.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No employee shall ingest any prescribed medication in an amount greater than the recommended dosage.

Possession of medical cannabis or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1106.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using CDS or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Any employee that is forced to, or unintentionally ingests any CDS shall report the ingestion to their supervisor. The supervisor shall immediately take proper medical steps to insure the employee's safety and well-being and submit a report to the Chief of Police through the chain of command.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to CDS, medication or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1106.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and CDS problems (41 USC § 8103). Insurance coverage that provides treatment for CDS and alcohol abuse also may be available. Employees should contact the Office of the Chief of Police, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or CDS problems lead to performance problems.

1106.6 WORK RESTRICTIONS

If a member is on-duty informs a supervisor that he/she has consumed any alcohol, CDS or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol, CDS or medication, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1106.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any the following circumstances (Md. Code HG § 17-214(h)):

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or CDS that are impairing his/her ability to perform duties safely and efficiently.

(b) The employee discharges a firearm in the performance of his/her duties (excluding training or authorized euthanizing of an animal).

(c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death or substantial property damage.

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(d) The employee drives a motor vehicle in the performance of his/her duties and becomes involved in an incident that results in bodily injury, death or substantial damage to property.

An officer who is under investigation may be ordered to submit to a blood alcohol test and/or a blood, breath or urine test for CDS when the testing specifically relates to the investigation (Md. Code PS § 3-104(l)(1)).

1106.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or CDS, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1106.7.2 DISCIPLINE

An employee may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test (Md. Code PS § 3-104(l)(2)).

(b) After taking a screening test that indicates the presence of a CDS, fails to provide proof, within 72 hours after being requested, that he/she took the CDS as directed, pursuant to a current and lawful prescription issued in his/her name.

Discipline of employees for violation of this order and or the City Code shall be in accordance with applicable collective bargaining agreement provisions, the Law Enforcement Officer’s Bill of Rights, the City Code or an individual employment contract. An employee may not access more than one due process provision of the aforementioned.

1106.7.3 TESTING REQUIREMENTS

The provisions of a collective bargaining agreement that cover preliminary drug testing of a job applicant preempt conflicting portions of this policy (Md. Code HG § 17-214(l)).

When an employee is required to be tested for job-related reasons for the use or abuse of any CDS or alcohol, this department shall:

(a) When using a single-use test device, collect, handle, store and ship each specimen in a manner that maintains the employee donor's identity and confidentiality, the physical integrity of the specimen and precludes contamination of the specimen (Md. Code HG § 17-214(d)(1)).

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(b) Maintain a written record of the chain of custody of each specimen from the time that the specimen is collected until the time that the specimen is no longer needed for retesting (Md. Code HG § 17-214(d)(2)).

(c) Have the specimen tested by a laboratory that is certified or otherwise approved and at the time of testing provide the name and address of the laboratory, if requested by the employee (Md. Code HG § 17-214(b)(1)).

(d) Upon notice from the laboratory that an employee has tested positive, deliver to the employee by certified mail or in person and within 30 days from the date the test was performed (Md. Code HG § 17-214(c)(1)):

1. A copy of the laboratory test indicating the test results.
2. A copy of this policy.
3. If applicable, written notice of intent to take disciplinary action, terminate employment or change the conditions of continued employment.
4. A statement or copy of the provisions set forth in Md. Code HG § 17-214(e) which permits the employee to request independent testing of the same sample for verification of the test result.

1106.7.4 DISCLOSURE OF INFORMATION

Information that may not be disclosed to the Department includes (Md. Code HG § 17-214(i)(1)):

(a) The use of a nonprescription drug, excluding alcohol, that is not prohibited under state law.

(b) The use of a medically prescribed drug, unless the employee being tested is unable to establish that the drug was medically prescribed for him/her in accordance with state law.

The prohibitions against disclosure of information do not apply to the extent that they prevent a person from complying with the applicable provisions of the federal Commercial Motor Vehicle Safety Act of 1986 and the federal Motor Carrier Safety Regulations (Md. Code HG § 17-214(i)(2)).

The results of a mandatory test are not admissible or discoverable in a criminal proceeding against an officer (Md. Code PS § 3-104(l)(3)).

1106.7.5 TRAINING

The Department shall establish a program to train individuals to collect specimens and perform CDS tests in the workplace in accordance with the provisions of Md. Code HG § 17-214(k).

The responsibilities of this department shall include:

(a) Keeping a record of the training received by each trainee.

(b) Establishing a procedure to ensure that each trainee receives the minimum training required to properly perform and demonstrate competency in performing the test.

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(c) Maintaining documentation that indicates the trainee has been trained in accordance with state law.

1106.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1106.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the employee's medical file in accordance with the Personnel Records Policy.

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Sick Leave

1107.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees is detailed in the City personnel manual or applicable collective bargaining agreement or memorandum of understanding.

This policy is not intended to cover all types of leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) or the Maryland Flexible Leave Act (Md. Code LE § 3-802).

1107.2 POLICY

It is the policy of the Mount Rainier Police Department to provide eligible employees with a sick leave benefit.

1107.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences.

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, or other activity that may impede recovery from the injury or illness (see the Outside Employment and Outside Overtime Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

Employees who call in sick for duty for a special assignment on a closed leave day or after being denied another type of leave will be considered absent without leave (AWOL) and are required to submit a medical certification within 24 hours of the commencement of their missed shift or upon return to work, whichever is earlier. If the employee fails to timely submit the required medical certification the sick leave use shall be considered fraudulent. Employees in an AWOL status for three consecutive work days shall be deemed to have abandoned their position and will be terminated.

1107.3.1 NOTIFICATION

Employees calling in sick for a particular shift or duty assignment shall notify the communications section of their status as soon as practical but in no case less than three (3) hours prior to the start of their particular shift or duty assignment.

All members should notify the Shift Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than three (3) hours before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor,

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every effort should be made to have a representative for the member contact the supervisor. Officers calling in sick for a scheduled/summoned court appearance shall notify the Prince George's County State's Attorney's Office located at the courthouse where the appearance is scheduled.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30-days notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1107.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days. The Records Managershall immediately report noncompliance with medical certification requirement to the Chief of Police.

1107.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Office of the Chief of Police as appropriate.

(c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:

  1. Negatively affected the member's performance or ability to complete assigned duties.

  2. Negatively affected department operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.

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Communicable Diseases

1108.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1108.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, or tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

Exposure - When an eye, mouth, mucous membrane, or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (i.e., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Mount Rainier Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1108.2 POLICY

The Mount Rainier Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1108.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the personal protective equipment (PPE) (i.e., gloves, face masks, eye protection, pocket masks) that is appropriate for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Communicable disease prevention (Md. Code HG § 18-102).

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2. Responding to a notification that an officer has been exposed to a contagious disease or virus (Md. Code HG § 18-213; Md. Code HG § 18-213.2; COMAR 10.35.01.17).
3. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
4. HIV testing ordered by an infectious disease/communicable disease officer of a hospital (Md. Code HG § 18-338.3; COMAR 10.18.08.12).
5. Bloodborne pathogen standards in 29 CFR 1910.1030 (Md. Code LE § 5-308.1).

The ECO should also act as the liaison with Maryland Occupational Safety and Health (MOSH) and may request voluntary compliance inspections. The ECO should periodically review and update the exposure control plan and review implementation of the plan.

1108.4 EXPOSURE PREVENTION AND MITIGATION

1108.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to:

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks,and other specialized equipment in the work area or department vehicle, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing, portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

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(i) Avoiding eating, drinking, or smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1108.4.2 IMMUNIZATIONS
Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

1108.5 POST EXPOSURE

1108.5.1 INITIAL POST-EXPOSURE STEPS
Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

1108.5.2 REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

(a) Name of the member exposed

(b) Date and time of incident

(c) Location of incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., cleanup, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Work-Related Injury and Illness Reporting and Workplace Safety and Health policies).

1108.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT
Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary. The ECO should request

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a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

(c) Refrain from all high-risk behavior for three to six months. If a test result is positive for exposure to HIV or HBV, continue to refrain from such behavior.

No other information should be requested or accepted by the ECO.

1108.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure. This shall be done through the City's contract medical provider or through the county AIDS Treatment Center if available.

1108.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member’s supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Seeking testing through the procedures in the Md. Code HG § 18-338.3 and COMAR 10.18.08.12.

(c) Seeking testing through the procedures in Md. Code CP § 11-107 et. seq. and COMAR 10.52.10.01 et seq.

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1108.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member’s written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

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1108.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

(a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Personnel Complaints

1109.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Mount Rainier Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1109.2 POLICY

The Mount Rainier Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local laws; municipal and county rules; and the requirements of any collective bargaining agreement or memorandum of understanding.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1109.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy, or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy, federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1109.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Chief of Police, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Chief of Police, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1109.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1109.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

Complaints can be accepted in person, over the phone or via email. Citizens will receive notification of acceptance of their complaint within 72 hours of the department receiving it. Citizens shall be required to provide a name, mailing address, and phone number or email for any complaint they wish to make. Forms are located in the lobby and on the MRPD drive. Any employee of the Mount Rainier Police Department shall accept an complaint. Upon being informed that a complaint is being made an on duty supervisory should be notified, who will then make notifications up the chain of command.

1109.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English and Spanish may also be provided, as determined necessary or practicable.

1109.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

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1109.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1109.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1109.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor or another agency investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.

  1. The original complaint form will be directed to the Shift Supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.

  2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Section Commander or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

  1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.

  2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Supervisor.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Supervisor and the Chief of Police are notified via the chain of command as soon as practicable.

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(e) Promptly contacting the Office of the Chief of Police and the Shift Supervisor for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Shift Supervisor, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed.

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1109.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Chief of Police, the following applies to members covered by the Law Enforcement Officers' Bill of Rights (LEOBR) (Md. Code PS § 3-104):

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the Mount Rainier Police Department or other reasonable and appropriate place.

(c) No more than one interviewer should ask questions of an accused member. The interviewer shall be a sworn law enforcement officer.

(d) Prior to any interview, a member should be informed in writing of the nature of the investigation. The member under investigation shall also be informed of the name, rank and command of:

(a) The law enforcement officer in charge of the investigation.

(b) The interrogating officer.

(c) Each individual present during an interrogation.

(e) All interviews should be for a reasonable period and the member's personal needs should be accommodated.

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

1. The member under interrogation may not be threatened with transfer, dismissal or disciplinary action.

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(g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

(a) A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications). When appropriate, administrative interrogations should be delayed to prevent interference with criminal prosecutions.

(b) No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview may be provided to the member prior to any subsequent interview.

(i) A complete record shall be kept of the entire interview of the member, including all recess periods. The record may be written, taped or transcribed.

1. The interview shall be delayed, if necessary, for no more than 5 business days to permit an officer to find counsel or other representation. The Chief of Police may extend this period for good cause (Md. Code PS § 3-104).

(j) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(k) All members shall provide complete and truthful responses to questions posed during interviews.

(l) No member should be compelled to submit to a polygraph examination, nor should any refusal to submit to such examination be mentioned in any investigation (Md. Code PS § 3-104).

(m) If the member is under arrest, or is likely to be placed under arrest as a result of the interrogation, the member shall be completely informed of all of his/her rights before the interrogation begins.

1109.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

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Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1109.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Administratively Closed - When an investigation is closed with no further investigation by the Chief of Police.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

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(a)

Summary punishment may be imposed for minor violations of rules or regulations when the facts of the case are not in dispute, the officer waives a hearing and the officer accepts the punishment imposed by the highest-ranking officer of the unit to which the respondent is assigned.

1109.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation because charges must generally be filed within one year (Md. Code PS § 3-106).

1109.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate. Citizens will be provided with the outcome of the complaint within 72 hours of a disposition.

1109.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1109.8 EMERGENCY SUSPENSION

For members covered by the LEOBR, when a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may suspend the accused member with pay. A member charged with a felony may be suspended without pay (Md. Code PS § 3-112).

Any member suspended:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

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(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The member may be required to remain available for contact at all times during such shift, and will report as ordered.

A suspended member shall be provided a prompt hearing (Md. Code PS § 3-112).

1109.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Chief of Police may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1109.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police or the authorized designee through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police or the authorized designee may accept or modify any classification or recommendation for disciplinary action.

1109.10.1 SECTION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Section Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Section Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police or the authorized designee, the Section Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police or the authorized designee, the Section Commander shall include all relevant materials supporting the recommendation.

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Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1109.10.2 CHIEF OF POLICE OR AUTHORIZED DESIGNEE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police or the authorized designee shall review the recommendation and all accompanying materials. The Chief of Police or the authorized designee may modify any recommendation and/or may return the file to the Section Commander for further investigation or action.

Once the Chief of Police or the authorized designee is satisfied that no further investigation or action is required by staff, the Chief of Police or the authorized designee shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police or the authorized designee shall provide the member with a written notice.

Before any discipline may be imposed, the Chief of Police or the authorized designee shall ensure notice is given to a member covered by the LEOBR of the member’s right to a hearing by a hearing board, the time and place of the hearing, the issues involved and the member’s right to choose an alternate method of forming a hearing board (Md. Code PS § 3-107).

1109.10.3 HEARING BY HEARING BOARD

If the Chief of Police or the authorized designee recommends demotion, dismissal, transfer, loss of pay, reassignment, or similar punitive action against a member covered by the LEOBR, if requested by the member, a hearing before a hearing board will be held before the action is taken. The hearing board shall be convened and conducted as provided in Md. Code PS § 3-107 and § 3-108 or as otherwise provided in the applicable collective bargaining agreement.

At least 10 days before the hearing, the officer shall be notified of the charges against him/her. The officer also shall be provided with the name of each witness and a copy of the investigatory file, as well as any exculpatory information that relates to the officer and the charges specified. The officer and the officer’s representative must execute a confidentiality agreement and pay reasonable costs associated with reproducing the materials (Md. Code PS § 3-104).

The hearing board shall issue a written decision including findings of fact and may also make a written recommendation of a penalty if the hearing board makes a finding of guilt (Md. Code PS § 3-108).

A copy of the hearing board’s decision, findings of fact, conclusions and any discipline recommendation shall be sent to the Chief of Police and to the member or attorney or representative of record for the member.

1109.10.4 FINAL ORDER OF CHIEF OF POLICE

Within 30 days after receipt, the Chief shall review the findings, conclusions, and recommendations of the hearing board, consider the member’s past job performance, and issue a final order (Md. Code PS § 3-108; Md. Code CS § 11-1009).

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1109.10.5 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT
The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Md. Code PS § 3-207).

1109.10.6 NOTICE REQUIREMENTS
Notice to the complaining party shall include any discipline imposed as a result of the complaint (Md. Code PS § 3-207).

1109.11 PRE-DISCIPLINE MEETING

Employees not covered by the LEOBR will be given a pre-discipline meeting with the Chief of Police or the authorized designee.

For members covered by the LEOBR, a pre-discipline hearing will be held if the Chief of Police intends to increase the discipline recommended by the hearing board. The Chief of Police may increase the hearing recommended discipline only after reviewing the entire hearing board record and providing in writing, at least 10 days before the meeting, any oral or written communication not included in the record of the hearing board on which the decision to consider increasing the discipline based. The meeting shall be recorded and the Chief of Police shall state on the record the evidence relied upon to support the increase of the recommended penalty. (Md. Code PS § 3-108).

The pre-discipline process is intended to provide the accused member with an opportunity to present a written or oral response to the Chief of Police after a hearing board recommendation and prior to imposition of discipline. The member shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the member may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

1109.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

Notice that a licensed member separated shall be sent to the Maryland Police Training and Standards Commission (MPTSC) within 30 days of member's change in employment status (COMAR 12.04.01.02).

1109.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees not covered by the LEOBR shall have the rights afforded by the City of Mount Rainier Personnel Policy and Procedures Manual..

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In the event of punitive action against a member covered by LEOBR, the appeal process shall be as provided in Md. Code PS § 3-109.

1109.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1109.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1109.16 ADMINISTRATIVE LEAVE

For employees not covered by the LEOBR, when a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave/emergency suspension. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift and will report as ordered.

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Seat Belts

1110.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all employees operating or riding in department vehicles.

1110.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (Md. Code TR § 22-412.2).

1110.2 POLICY

It is the policy of the Mount Rainier Police Department that employees use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

1110.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1110.4 TRANSPORTING CHILDREN

Child passengers under 8 years old and under 4 feet 9 inches tall shall be transported using an approved child restraint system in compliance with Md. Code TR § 22-412.2(d).

Child passengers under 16 years old shall be transported in an approved child restraint system or with a seat belt in compliance with Md. Code TR § 22-412.2(e).

A child safety seat or seat belt may not be used to restrain, seat or position more than one individual at a time (Md. Code TR § 22-412.2(g)).

Rear seat passenger areas in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and

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the passenger-side airbag should be deactivated. If this is not possible, employees should arrange alternate transportation when feasible.

1110.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1110.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1110.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

1110.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1111.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper issuance, use, care and maintenance of body armor.

1111.2 POLICY

It is the policy of the Mount Rainier Police Department to maximize officer safety through the use of body armor, in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1111.3 ISSUANCE

The Administration Section Commander shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the U.S. Department of Justice, National Institute of Justice.

Body armor shall be issued when an officer begins service at the Mount Rainier Police Department and shall be replaced when it becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

The Chief of Police may authorize issuance of body armor to uniformed, civilian members whose jobs may make wearing of body armor advisable.

1111.3.1 USE

Generally, the required use of body armor is subject to the following:

(a) Members shall only wear department-approved body armor.

(b) Members shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action.

(c) Members shall wear body armor when working in uniform or taking part in department range training.

(d) Members are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.

(e) Officers may be excused from wearing body armor when they are involved in undercover or plainclothes work that a supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1. In those instances when body armor is not worn, officers should have reasonable access to their body armor.

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1111.3.2 INSPECTION

Supervisors should ensure through routine observation and periodic documented inspections that body armor is worn and maintained in accordance with this policy.

Annual inspections of body armor should be conducted by a person trained to perform the inspection for fit, cleanliness and signs of damage, abuse and wear.

1111.3.3 CARE AND MAINTENANCE

The required care and maintenance of body armor is subject to the following:

(a) Members are responsible for inspecting their body armor for signs of damage, wear and cleanliness at the start of each shift.

1. Unserviceable body armor shall be reported to the supervisor.

(b) Members are responsible for the proper storage of their body armor.

1. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.

(c) Members are responsible for the care and cleaning of their body armor pursuant to the manufacturer’s care instructions.

1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.

2. Failure to follow manufacturer’s care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.

(d) Body armor should be replaced in accordance with the manufacturer’s recommended replacement schedule, or when its effectiveness or functionality has been compromised.

(e) The Department will replace issued soft body armor damaged as a result of duty related gun fire or as a result of an officer's direct performance of duty. However, if the damage is due to the officer's acting in a negligent manner, the Department will not replace the equipment. The officer will be responsible for purchasing replacement armor at personal expense.

(f) Soft body armor should not be folded.

1111.4 RANGEMASTER RESPONSIBILITIES

The responsibilities of the Rangemaster include, but are not limited to:

(a) Monitoring technological advances in the body armor industry for any appropriate changes to department-approved body armor.

(b) Assessing the current level of weapons and ammunition utilized by the public and the suitability of approved body armor to protect against those threats.

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(c) Educating officers about the safety benefits of wearing body armor.

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Personnel Records

1112.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1112.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Maryland.

1112.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person’s employment/appointment with this department. The department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.

(f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Md. Code PS § 3-104(o)).

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
2. Any member response shall be attached to and retained with the original adverse comment.
3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

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(i) Only information required to accomplish a necessary governmental purpose shall be kept on a member (Md. Code GP § 4-102).

1112.4 SECTION FILE

Section files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Section file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1112.5 TRAINING FILE

An individual training file shall be maintained by the Assistant Chief for each member. Training files will contain records of all training, original or photocopies of available certificates, transcripts, diplomas and other documentation, education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Assistant Chief or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Assistant Chief or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1112.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Chief of Police in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Chief of Police supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file.

(a) Not sustained

(b) Unfounded

(c) Exonerated

An officer may, upon written request, have a record of a formal complaint expunged from his/her personnel file if it meets the applicable requirements (Md. Code PS § 3-110).

1112.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member’s medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family Medical Leave Act (FMLA).

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(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or material that reveals the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1112.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures (Md. Code GP § 4-311).

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business (Md. Code GP § 4-311).

1112.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure, which result in access to a member's personnel records, shall be logged in the corresponding file.

1112.8.2 RELEASE OF PERSONNEL INFORMATION

The Department may not release personal information about a member unless allowed by law, regulation or order (Md. Code GP § 4-311; Md. Code GP § 4-401).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be

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false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1112.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files (Md. Code GP § 4-311).

Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record.

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1112.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule (Md. Code SG § 10-615).

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(a) During the preparation of each member’s performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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Request for Change of Assignment

1113.1 PURPOSE AND SCOPE

This policy establishes guidelines for department members to request a change of assignment in response to an announced vacancy.

1113.2 POLICY

It is the policy of the Mount Rainier Police Department that all requests for change of assignment be considered in an equitable and nondiscriminatory manner.

1113.3 REQUEST FOR CHANGE OF ASSIGNMENT

Members requesting a change of assignment shall submit a request document through the chain of command to their Section Commanders. In the case of patrol officers, the chain of command must include the Shift Supervisor.

The change of assignment request document provides members with the opportunity to list their qualifications for specific assignments. It should include:

(a) The member's relevant experience, education and training.

(b) All assignments in which the member is interested.

The document will remain in effect until the end of the calendar year in which it was submitted. Effective January 1 of each year, members still interested in a change of assignment should complete and submit a new request.

1113.4 RESPONSIBILITIES

1113.4.1 SUPERVISORS

Upon receipt of a change of assignment request document, the supervisor shall make appropriate comments in the space provided on the document and forward it to the member's Section Commander.

In the case of patrol officers, the Shift Supervisor shall make appropriate comments on the form regarding his/her recommendation and forward the request to the Section Commander.

1113.4.2 DIVISIONCOMMANDERS

If the Section Commander receives a change of assignment request document from a patrol officer that does not contain Shift Supervisor comments, he/she will make appropriate comments and return it to the member without consideration.

The Section Commander will review all change of assignment requests and submit his/her recommendation to the Chief of Police.

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Commendations and Awards

1114.1 PURPOSE AND SCOPE
This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Mount Rainier Police Department and individuals from the community.

1114.2 POLICY
It is the policy of the Mount Rainier Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1114.3
For the purposes of this directive, recognition of employee service will take one of three forms:

Officers awards, to include:

1. plaques
2. Certificates
3. Written commendations

Civilian awards, to include:

1. Plaques
2.Certificates

Plaques will represent the highest recognition available for specific acts of service. The awarding of a plaque will include:

1. A letter recognizing the specific act performed that will become a permanent record in an employee's personnel file.

2. Any officer can make a recommendation through the chain of command to the Chief, for any action by a departmental employee or citizen that is deserving of an award.

3. A PDF form will be added to the City's webpage instructing member of the public on how they can recognize exceptional performance by an employee of the CDOP. (PER 11.01)

4. Upon receiving notification of any act that may warrant recognition, the Chief will have 30 days to decide and respond to the recommendation.

IV <u>COMMENDATIONS</u> <u>AND AWARDS</u>

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1. Plaques awarded by the department are as follows (each award is also accompanied by a certificate):

The Medal of Honor

The Medal Of Honor Plaque will be awarded to any officer of this department who distinguishes himself through a specific act of personal bravery or sacrifice. To be eligible for this plaque, an officer must perform an act that demonstrates outstanding courage without regard to personal safety.

Purple Heart

1) The Purple Heart Plaque will be awarded to any officer of this department who, while in the performance of duty, is maliciously wounded.

2) To be eligible for this plaque, the wound must be:

a) received from or caused by an assailant
b) received under circumstances considered life-threatening.

Life Saving Award

1) The Life Saving award is given to an officer of this department who, saves a life through means such as CPR or rendering other life-saving first aid.

Chief's Award Of Excellence

1) The Chief's Award will be presented in recognition of actions taken by an MRPD employee that:

a) Is known to the Chief of Police to have significantly furthered the mission of the agency, the effectiveness of the workforce, or the well-being of agency co-workers,

Team Achievement Award

1) This award will recognize exceptional performance by a particular unit or team of officers or civilian employees towards the completion of an assignment or task. The team must demonstrate it worked above and beyond the call of duty and no particular officer or officer’s performance was meritorious.

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1114.4

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1114.5 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:

1. For members of the Department - name, section and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the member submitting the documentation.

1114.6 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:

1. For members of the Department - name, section and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address. telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the person submitting the documentation.

1114.7 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Section Commander for his/her review. The Section Commander should sign and forward the documentation to the Chief of Police for his/her review.

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The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Administration secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administration Section Commander. The documentation will be signed by the Section Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1114.8

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Fitness for Duty

1115.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this department remain fit for duty and able to perform their job functions.

1115.2 POLICY

The Mount Rainier Police Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a member's physical and/or mental capabilities to determine his/her ability to perform essential functions.

To assist officers with maintaining an acceptable level of functional health the City provides an annual physical subject to available funding. Ongoing examinations are beneficial to each individual officer, both personally and professionally, as well as to the City.

1115.3 EMPLOYEE RESPONSIBILITIES

It is the responsibility of each employee of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of his/her position.

During working hours, all members are required to be alert, attentive and capable of performing their assigned responsibilities.

Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a employee believes that another departmentemployee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor. Failure to make such reports jeopardizes the safety of members of the Department and the public and is grounds for disciplinary action.

1115.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform his/her duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

(a) An abrupt and negative change in the member's normal behavior.

(b) A pattern of irrational conduct, hostility or oppositional behavior.

(c) Personal expressions of instability.

(d) Inappropriate use of alcohol or other substances, including prescribed medication.

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(e) A pattern of questionable judgment, impulsive behavior or the inability to manage emotions.

(f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

1115.4.1 REPORTING

A supervisor observing a employee, or receiving a report of a employee who is perceived to be unable to safely or effectively perform his/her duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the employee to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document his/her observations and actions in a written report and inform the Shift Supervisor or the employee's Section Commander.

1115.4.2 DUTY STATUS

In conjunction with the Shift Supervisor or the member's Section Commander, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of his/her job, the member should be returned to duty and arrangements for appropriate follow-up made.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of his/her job, the Shift Supervisor or the member's Section Commander should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Chief of Police shall be promptly notified in the event that any member is relieved of duty.

1115.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death in-custody incident.

1115.5.1 PROCESS

The Chief of Police may order the member to undergo a fitness-for-duty evaluation.

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The examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the Department will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Office of the Chief of Police.

1115.5.2 EVALUATION REQUIRED

An officer involved in any incident where a person was seriously injured or killed as a result of a shooting or accident and any officer returning from combat deployment shall undergo a psychological consultation consistent with the standards developed by the Maryland Police Training and Standards Commission (MPTSC) (Md. Code PS § 3-207).

1115.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a one-day (24 hour) period, or
- 30 hours in any two-day (48 hours) period, or
- 84 hours in any seven-day (168 hours) period.

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1115.7 PHYSICAL EXAMINATIONS

Upon an offer of employment an employee will receive a formal notice of the scheduled date for their physical. Officers will follow all instructions contained in the notice and will submit to the examination.

Officers may elect to provide medical documentation from their personal licensed physician of a comprehensive physical examination conducted within 60 days of their anniversary date rather than subject them to the City physical. This examination must be similar to the examination

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provided by the City. The results of the exam may be reviewed by the City physician to issue a statement of fitness for duty. If the officer elects to be examined by a personal physician, they do so at their own expense.

Officers may be excused from a scheduled exam only under emergency circumstances or for supervisor approved work assignments. Examples of emergencies include, but are not limited to, physical illness or injury resulting in absence from work (supported by medical documentation), scheduled court appearance, death or serious illness of a family member. In the event of such an incident the officer will notify their supervisor of their inability to participate in the examination. The supervisor will then promptly notify the health care facility by telephone. The supervisor will reschedule the appointment for the officer providing a written notice including the date and time of the rescheduled examination to the officer with a copy being given to the Office of the Chief.

Failure to report for a scheduled examination or to provide medical documentation of a personal examination may be treated as insubordination. Any officer failing to keep a scheduled examination appointment may be responsible for any default fees assessed by the medical facility.

1115.8 RETURN TO WORK EXAMINATION

Pending available funding, whenever an officer has been absent from work for fifteen consecutive calendar days because of illness or injury, a City physical examination will be completed before they are allowed to return to duty. Officers wishing to return to duty (full duty or light duty) from such illness or injury will notify their supervisor in writing. The officer's supervisor will notify the Office of the Chief of the need to schedule a return to duty examination.

Officers scheduled for a return to duty examination will bring with them any x-rays, test results or doctors reports for review by the City physician. The City physician will issue a written statement of the officer's ability or limitations to return to duty.

1115.9 PSYCHOLOGICAL EXAMS

Officers may be directed by a supervisor to submit to a psychological examination or counseling from a mental health service provider. Officers will submit to scheduled examinations and attend counseling appointments. Officers are encouraged to seek assistance through their health plans.

1115.10 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievances Policy.

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Meal Periods and Breaks

1116.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the availability of meal periods and breaks.

1116.2 POLICY

It is the policy of the Mount Rainier Police Department to provide meal periods and breaks to members of this department in accordance with applicable memorandums of understanding and collective bargaining agreements and the City personnel manual.

1116.3 MEAL PERIODS

Officers and dispatchers shall remain on-duty subject to call during meal periods. All other members are not on-call during meal periods unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from the dispatcher prior to taking a meal period and shall monitor the police radio, unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

Patrol officers may go outside the city limits during a shift, for a distance not to exceed two miles, to eat or pick up food. Meals are limited to thirty minutes and breaks to fifteen minutes. No more than one on duty patrol officer shall be outside the City for meals or other personal necessities at any given time. Officers on meal or personal breaks are subject to calls for service.

Officers assigned to patrol or investigative duties shall notify the dispatcher of their absence from the City prior to leaving the City and upon their return.

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Lactation Breaks

1117.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child.

1117.2 POLICY

It is the policy of the Mount Rainier Police Department to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her infant nursing child up to one year after the child's birth (29 USC § 207).

1117.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1117.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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1117.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

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Payroll Records

1118.1 PURPOSE AND SCOPE

This general order defines the manner in which timecards are filed and overtime pay and compensatory time is earned and authorized. This general order has been developed to be consistent with the Fair Labors Standards Act and the current collective bargaining agreement. Any inconsistencies should be brought immediately to the attention of a supervisor for resolution.

1118.2 POLICY

It is the Mount Rainier Police Department's policy to compensate officers consistent with the Fair Labor Standards Act (FLSA), any applicable collective bargaining agreement and the City Personnel Policies and Procedures Manual. Payment is based on a 14/28-day monthly work schedule consistent with pay periods as determined by the City.

1118.3 DEFINITIONS

(a) Schedule–14/28-daymonthlyworkcycle.

(b) Overtime pay - premium pay of one and one half times the number of hours worked in excess of 80 hours per pay period.

(c) Compensatory time - time earned at the rate of one and one half the hours worked in excess of 80 hours per pay period.

(d) Work period - the two-week pay period as defined by the City.

(e) Supervisor – an officer holding the rank of sergeant or above the rank of sergeant.

1118.4 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1118.5 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the City payroll procedures.

1118.6 RECORDS

The Administration Section Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

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1118.7 PROCEDURES

(a) A. Timecards

1. Payroll is a bi-weekly process effective with the pay period beginning Saturday June 30, 2012. Pay periods are 14 days long and always begin on a Saturday and end on a Friday.

2. Each employee is responsible for completing his or her own timecard.

3. Timecards will be reviewed and approved (either by signature or e-mail) by a supervisor prior tosubmission to the Records Manager. Supervisors may, at their discretion, complete the timecard of an employee who has been absent from duty for the majority of a pay period. Employees will sign their timecard certifying that it is true and accurate prior to submission to their supervisor. Supervisors will insure that the timecard is accurate prior to approval. If the employee is unavailable for signature when the timecard is duethe supervisor shall so note the fact on the timecard prior to submission.

4. Supervisors shall not accept or approve hand-written timecards.

5. If no timecard is submitted to the Records Manager by 0900 hours on the Monday following the endof the pay period, a paycheck will not be processed. To facilitate payroll processing during holidays or unforeseen events, the Records Manager may require that timecards be submitted prior to the Monday following the end of the pay period. Late timecard submissions will result in the employee’s paycheck being delayed until the end of the following pay period.

6. All completed timecards must be approved by a supervisor. Unapproved timecards will be considered late and shall be handled as per subsection 5 above.

B. Overtime

1. Employees are entitled to earn overtime pay for any hours worked in excess of 80 hours per pay period. Unless otherwise specified all hours in excess of 80 hours per pay period will be for pay. A Compensation/Leave Request form will be filed with a supervisor for all hours worked in excess of 80 hours per pay period. The Compensation/Leave Request form must be submitted to the employee's supervisor for approval prior to securing from duty.

2. Court Overtime – When officers attend court either in the morning or the afternoon on their regularly scheduled day off court overtime starts 15 minutes prior to the subpoena time and ends when the docket is complete or when excused by a State’s Attorney. When an officer has separate morning and afternoon dockets, the officer’s overtime does not run consecutively. Officers are guaranteed a 2-hour minimum for morning court appearances and a 2-hour minimum for afternoon appearances. Officers attending court in Hyattsville will have their subpoena or docket time stamped in the lobby of the police station when leaving court. Officers attending court in Upper Marlboro will have their subpoena or docket stamped or initialed by the Prince George’s County court liaison officer when leaving court.

3. Employees shall identify on the timecard all overtime hours earned as the result of court or a grant-funded overtime assignment.

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C. Compensatory Time

1. Employees may earn compensatory time for any hours worked in excess of 80 hours per pay period. Supervisors may ask that some work in excess of 80 hours be performed as compensatory time earned provided that the employee agrees to do so. If agreement cannot be reached the employee will be paid overtime for the work.

2. Compensatory time in lieu of pay will not be allowed for work a grant funded overtime assignment.

D. Use of Leave

Employees may not use any leave during the same pay period in which it is accrued/earned.

E. Kelly or ‘C’ Days

Employees working in excess of 80 hours per pay period due to a twelve-hour work schedule shall be scheduled to take a Kelley or ‘C’ day sometime during the pay period. ‘C’ days shall be taken as scheduled unless changed by a supervisor.

F. Completing the Timecard

Employees shall make entries on their timecards for:

(a) Each day worked including start and stop times and indicating type of pay (i.e. regular, overtime, holiday, etc.) or compensatory time earned by recording the number of hours in the appropriate box.

(b) Grant-funded overtime time hours will be noted on the request for overtime and the employee’s timecard.

(c) Court overtime time hours will be noted on the request for overtime and the employee’s timecard.

(d) Each day absent indicating the type of approved leave used by recording the number of hours in the

appropriate box. When employees are in a leave status for a full work day, start and stop times are

not to be entered on the timecard.

(e) No calculations are to be made by the employee in regard to overtime or holiday pay, only the

number of hours worked is to be entered in the appropriate box on the Timecard. The Records Manager will record the appropriate number of hours on the Payroll Summary forwarded to the Finance Department.

(f) A Compensation/Leave Request form must be completed for each instance where the employee is requesting any type of leave used (time absent) or time earned (pay/time earned).

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(a) (a) All completed Compensation/Leave Request forms for a particular pay period must be submitted with the employee's bi-weekly timecard.

(b) Supervisors shall retain the pink copy of the Compensation/Leave Request form. Employees shall retain the yellow copy of the Compensation/Leave Request form. The white copy of the Compensation/Leave Request form shall be submitted with the employee's timecard at the end of the pay period.

(c) All completed Compensation/Leave Request forms must be approved by a supervisor. Compensation/Leave Request forms not approved by a supervisor shall not be authorized for payment or leave credit.

G. Payroll Summary

(a) The Records Manager shall prepare a bi-weekly Payroll Summary for all employees for submission to the Finance Department.

(b) The Chief of Police or his/her designee shall approve the bi-weekly payroll summary prior to it being transmitted to the Finance Department

H. Pay Sheet Categories

1. The bi-weekly Timecard is divided into two sections: Time Worked and Time Absent.

a. The Time Worked section consists of:

- Day – the individual day of the pay period.
- Start – the time the employee started work.
- Stop – the time the employee stopped work for the day.
- Regular – the total number of straight time hours worked during the day.
- Night Hrs. – the number of hours worked between 7pm and 7am the following day. "When [an employee's] shift begins during the differential period, differential pay will not apply unless more than half of the shift is worked during the differential period." (CBA, Article XI, Section 9).
- Comp Earned – the total number of hours worked over the employee's regular shift for which the employee selects to earn Compensatory Time.
- O/T - the total number of hours worked over the employee's regular shift for which the employee selects to earn overtime.
- Holiday Pay – the total number of hours worked on an authorized holiday. This number should be the same as the number of hours recorded in the Regular box.

b. The Time Absent section consists of:

- Sick Leave – the total number of Sick Leave hours used to be in an off duty status.

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- Annual Leave – the total numbers of Annual Leave hours used to be in an off duty status.
- Comp Paid – the total number of Compensatory Time hours used to be in an off duty status.
- Holiday Leave – the total number of hours used on an authorized holiday to be in an off duty status.
- Other Leave
  - Admin – the number of hours of approved Administrative Leave.
  - Personal – the number of hours of approved Personal Leave.
  - Disbly – the number of hours an employee is on Disability leave.
  - Berev - the number of hours an employee is on Bereavement leave.
  - Jury – the number of hours the employee is on Jury Duty.
  - LWOP – the number of hours the employee is on leave without pay.
  - AWOL – the number of hours the employee is absent from duty without approved leave.
  - Family Med - the number of hours the employee is on approved Family Medical leave.

c. Timecard Etiquette:

- The total number of hours in the ‘Regular’ column can never exceed 80 hours.
- All hours recorded under any of the ‘Time Absent’ categories + all hours recorded in the ‘Regular’ column must equal 80 hours – no more, no less.
- The total number of hours in the ‘Regular’ column for each individual day of the pay period cannot exceed the number of hours the employee was scheduled to work on that particular day. The number can be less (i.e., ‘C’ days, leave), but not more.
- The number of hours recorded in the ‘Comp Earned’ and ‘O/T’ columns must be equal to the number of hours listed on the attached and approved Compensation/ Leave Request Form(s).

Substantially revised and re-issued June 29, 2012.

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Outside Employment and Outside Overtime

1120.1 PURPOSE AND SCOPE

This policy provides guidelines for department members who seek to engage in authorized outside employment or outside overtime. The department may, consistent with the LEOBR, reasonably regulate secondary employment.

1120.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Duties or services performed by members of this department for another employer, organization or individual who is not affiliated directly with this department when wages, compensation or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products or benefits rendered.

Outside overtime - Duties or services performed by members of this department for a private organization, entity or individual, that are requested and scheduled directly through the Department. Member compensation, benefits and costs for such outside services are reimbursed to the Department.

1120.2 POLICY

Members of the Mount Rainier Police Department shall obtain written approval from the Chief of Police or the authorized designee prior to engaging in any outside employment or outside overtime. Approval of outside employment or overtime shall be at the discretion of the Chief of Police in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment or overtime, or engaging in outside employment or overtime that is prohibited by this policy, may lead to disciplinary action. It is the duty and responsibility of all departmentmental supervisory personnel to ensure compliance with this policy.

1120.3 OUTSIDE EMPLOYMENT

1120.3.1 REQUEST AND APPROVAL

Members must submit the designated outside employment request form to their immediate supervisors. The request form will then be forwarded through the chain of command to the Chief of Police for consideration. The Assistant Chief shall serve as the coordinator for requests to perform Secondary Law Enforcement Employment. The Assistant Chief shall also administer the policy of the department to allow officers to work Secondary Law Enforcement Employment. The Assistant Chief shall ensure the review of Secondary Law Enforcement Employment requirements and sites; and may revoke authorization to work for specific individuals or work locations.

Any officer who engages in Secondary Law Enforcment Employment at a nightclub establishment that provides any type of entertainment where alcohol is served and offers patrons music, conedy

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acts, floor shows, dancing or lother live entertainment, are required to submit a security plan along with their application.

If approved, the member will be provided with a copy of the approved request form. Unless otherwise indicated in writing on the request form, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Members seeking to continue outside employment must submit a new request form at the start of each calendar year. Officer must submit a Secondary Law Enforcement Employment Request Form for each new Secondary Law Enforcement Employment business entity and/or location.

1120.3.2 DENIAL

Any member whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

1120.3.3 REVOCATION OR SUSPENSION

Any member whose approval for outside employment is revoked or suspended shall be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

(a) When a supervisor determines the member's performance is failing to meet standards and the outside employment may be related to the deficient performance.

    1. Approval for the outside employment may be reestablished when the member's performance has reached a satisfactory level and with his/her supervisor's authorization.

(b) When a member's conduct or outside employment conflicts with department policy or any law.

(c) When the outside employment creates an actual or apparent conflict of interest with the Department or City.

1120.3.4 APPEAL

If a member's request for outside employment is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal with the Chief of Police within 10 days of receiving notice of the denial, revocation or suspension.

A revocation or suspension will only be implemented after the member has completed the appeal process.

If the member's appeal is denied, he/she may file a grievance as provided in the Grievances Policy.

1120.4 REQUIREMENTS

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1120.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The Department reserves the right to deny any request for outside employment that involves:

(a) The use of department time, facilities, equipment or supplies.

(b) The use of the Mount Rainier Police Department badge, uniform or influence for private gain or advantage.

(c) The member's receipt or acceptance of any money or other consideration for the performance of duties or services that he/she would be required or expected to render in the course or hours of his/her employment, appointment or as a part of his/her regular duties.

(d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this department.

(e) Demands upon the member's time that would render the performance of his/her duties for this department deficient or substandard.

(f) Activities that may conflict with any other policy or rule of the Department.

(g) Any entity that is (COMAR 19A.04.02.04):

1. Subject to the authority of that member of the Department.
2. A contractor or subcontractor with this department or that is negotiating a contract with the Department.

(h) Employment that would impair the impartiality and independent judgment of the member (COMAR 19A.04.02.04).

(i) Employment prohibited by City local law enacted pursuant to COMAR 19A.04.01.03.

(j) All Secondary Law Enforcement Employment will be conducted within Prince George's County, Maryland. No Secondary Law Enforcement Employment will be approved for sites outside Prince George's County, Maryland.

1120.4.2 SECURITY AND OFFICER OUTSIDE EMPLOYMENT

No member of this department may engage in any outside employment as a law enforcement officer, private security guard, private investigator or other similar private security position.

1120.4.3 DEPARTMENT RESOURCES

Members are prohibited from using any department equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against any member using his/her position with this department to gain access to official records or databases of this department or other agencies.

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1120.4.4 REVIEW OF FINANCIAL RECORDS

Prior to approving outside employment, the Department may request that a member provide his/her personal financial records for review if the Chief of Police determines that a conflict of interest may exist. Failure or refusal by the member to provide such records may result in denial of the outside employment (Md. Code PS § 3-103(c)).

If, after approving a request for outside employment, the Department obtains information that a financial conflict of interest exists, the Department may request that the member provide his/her personal financial records for review. Failure or refusal by the member to provide such records may result in revocation or suspension approval of the outside employment pursuant to this policy.

1120.4.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates his/her outside employment, the member shall promptly submit written notification of such termination to the Chief of Police through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also promptly submit in writing to the Chief of Police any material changes in outside employment, including any change in the number of hours, type of duties or the demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

1120.4.6 LEAVE OR RESTRICTED DUTY STATUS

Members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Chief of Police regarding whether such employment should continue.

In the event that the Chief of Police determines that the outside employment should be discontinued, or if the member fails to promptly notify his/her supervisor of his/her intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the member and a copy attached to the original outside employment request form.

Criteria for revoking approval due to leave or restricted duty status include, but are not limited to:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's medical professional advisers.

(b) The outside employment requires performance of the same or similar physical ability, as would be required of an on-duty member.

(c) The member’s failure to make timely notice of his/her intention to the supervisor.

When the member returns to full duty with the Mount Rainier Police Department, a written request may be submitted to the Chief of Police to approve the outside employment request.

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1120.5 OUTSIDE OVERTIME

1120.5.1 REQUESTS FOR SPECIAL SERVICES

Any private organization, entity or individual seeking special services (e.g., security, traffic control) from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such services will be assigned, monitored and compensated through the Department as outside overtime assignments.

(a) A request for special services during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute will not be approved.

(b) The requestor will be required to enter into an agreement that includes indemnification with the Department prior to approval.

(c) The requestor will be required to reimburse the Department for the member's compensation, benefits and costs (e.g. court time) associated with such outside services.

(d) Should such a request be approved, any member working outside overtime shall be subject to the following conditions:

1. The member shall wear the department uniform and carry department identification.
2. The member shall be subject to the rules and regulations of this department.
3. Compensation for such approved outside overtime shall be pursuant to normal overtime procedures (see the Overtime Compensation Policy.
4. Outside overtime shall not be subject to the collective bargaining process.

(e) Outside overtime shall be assigned at the discretion of the Chief of Police or the authorized designee.

1120.5.2 ARREST AND REPORTING PROCEDURE

Any officer making an arrest or taking other official law enforcement action while working in an outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to the Report Preparation Policy. Time spent on the completion of such reports shall be considered part of the outside overtime assignment.

1120.5.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Section Commander, undercover officer or officers assigned to covert operations shall not be eligible to work outside overtime in a uniformed or other capacity that could reasonably disclose the officer's law enforcement status.

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1120.6 LIABILITY

To ensure adequate protection from liability, officers shall recommend that the secondary law enforcement employer maintain worker's compensation and liability insurance coverage for the officer(s) employed.

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Work-Related Injury and Illness Reporting

1121.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related injuries and occupational illnesses.

1121.1.1 DEFINITIONS

Definitions in this policy include:

Work-related injury or illness - Accidental personal injury or illness arising out of and in the course of employment (Md. Code LE § 9-101).

1121.2 POLICY

The Mount Rainier Police Department will address work-related injuries and occupational illnesses appropriately, and will comply with applicable state workers' compensation requirements (Md. Code LE § 9-101 et seq.).

1121.3 RESPONSIBILITIES

1121.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any work-related injury or occupational illness shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

1121.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational illness should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly (Md. Code LE § 9-707). Any related City-wide injury- or illness-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and the Workplace Safety and Health policies apply and take additional action as required.

The Supervisor is responsible for:

- Completing a MIR documenting the type of injury and the cause;
- Completing a First Report of Injury form;
- Completing a Commander's Report and making notifications, if necessary; and,
- Forwarding the original of all documents to Records

The Records Unit will be responsible for:

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- Making two copies of all documents;
- Forwarding the original of the First Report of Injury form, along with a copy of all other documents, to the Finance Office at City Hall;
- Forwarding a copy of all documents to the Executive Officer for placement in the employee's medical file; and,
- Filing a copy of the First Report of Injury form with the original police report.

1121.3.3 SECTION COMMANDER RESPONSIBILITIES

The Section Commander who receives a report of a work-related injury or occupational illness should review the reports for accuracy and determine what additional action should be taken. The reports shall then be forwarded to the Chief of Police, the City's risk management entity, and the Administration Section Commander to ensure any required Maryland Occupational Safety and Health (MOSH) Act reporting is made as required in the injury and illness prevention plan identified in the Workplace Safety and Health Policy.

1121.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the City Manager. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1121.4 OTHER INJURY OR ILLNESS

Injuries and illnesses caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Section Commander through the chain of command and a copy sent to the Administration Section Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1121.5 SETTLEMENT OFFERS

When a member sustains a work-related injury or occupational illness that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1121.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to a work-related injury or occupational illness, the member shall provide the Chief

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of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the accident or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation for injuries is not affected.

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Personal Appearance Standards

1122.1 POLICY

As representatives of the Department, both officers and civilian support personnel need to present an image to the public that will inspire trust and confidence. While the Department recognizes the right to express one's individual tastes, it is necessary that guidelines and restrictions be established for body art, hairstyles, facial hair, and general appearance for reasons of safety and professional appearance. All Department employees, except when otherwise authorized, shall adhere to these guidelines in maintaining a neat, clean, well-groomed, and professional appearance at all times when on duty. Failure to do so may result in disciplinary action.

1122.2 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the Mount Rainier Police Department.

Requirements for department uniforms and civilian attire are addressed in the Uniforms and Civilian Attire Policy.

1122.3 DEFINITIONS

A. Eccentric: A fashion or appearance that departs or deviates from the conventional or established norm for the profession.

B. Safety hazard: Something that interferes with the safe operation or function of duty equipment or may cause injury or harm.

1122.4 GROOMING

Unless otherwise stated and because deviations from these standards may present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignments would render them inapplicable, and where the Chief of Police has granted an exception.

1122.4.1 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include, but are not limited to, dirty fingernails, bad breath, body odor and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., race, religion, physical disability) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Chief of Police.

1122.4.2 HAIR

Hair shall be clean and neatly groomed; the bulk of the hair shall not be excessive or present an unkempt or extreme appearance. Hair coloring must appear natural. Hairstyles must not interfere with the wearing of issued headgear or gas mask. Extreme styles, such as ponytails, rat-tails, mohawks or carved cuts, are prohibited. While on duty, the following hair lengths shall be observed:

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Males: While on duty and in uniform, hair shall not extend below the top edge of the shirt collar. Hair shall not fall over the ears or eyebrows.

Females: While on duty and in uniform, hair shall not extend below the bottom edge of the shirt collar. Hair shall not fall over the eyebrows. Barrettes and hairpins shall match officer hair color as closely as possible. Bows and ribbons shall not be worn. The style shall not interfere with the wearing of Departmental headgear.

Wigs or hairpieces may be worn if they conform to all other applicable sections of this General Order.

1122.4.3 MUSTACHES
Mustaches: A neatly trimmed mustache is permissible as long as the officer's upper lip shows when viewed from the front and the sides do not extend below the corner of the mouth. Eccentric styles, such as handlebar, or Charlie Chaplin, are not permissible.

1122.4.4 SIDEBURNS
Sideburns shall be neatly trimmed and may not extend below the bottom of the ear lobe. They shall be of even width (not flared) and end with a clean-shaven horizontal line.

1122.4.5 FACIAL HAIR
Beards are allowed, but must be well groomed and can no longer than 2 inches. Goatee are also allowed but must be well groomed and no longer than 2in..

1122.4.6 FINGERNAILS
Fingernails may not extend more than one-quarter inch past the tip of the finger. Only clear nail polish may be worn while in uniform.

1122.5 APPEARANCE
General Appearance: Officers shall at all times exhibit a neat, clean, and professional look projecting pride in themselves, their Department, and their uniform.

1122.5.1 JEWELRY
For the purpose of this policy, jewelry refers to earrings, necklaces, bracelets, wristwatches and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related or obscene language is not allowed. See the Uniforms and Civilian Attire Policy for jewelry specifications that apply while wearing the department uniform.

a. Necklaces shall not be visible above the shirt collar.

b. Earrings shall be small, worn only in or on the earlobe and only by female department members. Earrings shall be limited to no more than two earrings per ear.

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c. One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

d. One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

e. Wristwatches shall be conservative and present a professional image.

f. Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

g. No other facial jewelry of any type may be worn.

h. No visible tongue piercings shall be worn.

1122.5.2 TATTOOS

While on-duty or representing the Mount Rainier Police Department in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1122.5.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while on-duty or while representing the Mount Rainier Police Department in any official capacity, that is a deviation from normal anatomical features, and that is not medically required, is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).

(c) Abnormal shaping of the ears, eyes, nose or teeth (i.e., enlarged or stretched out holes in the earlobes).

(d) Branding, scarification or burning to create a design or pattern.

1122.5.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Mount Rainier Police Department in any official capacity. Such ornamentation includes, but is not limited to:

(a) Objects that are bonded to front teeth.

(b) Gold, platinum or other veneers or caps used for decorative purposes.

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(c) Orthodontic appliances that are colored for decorative purposes.

1122.5.5 GLASSES AND CONTACT LENSES
Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the Mount Rainier Police Department in any official capacity.

1122.5.6 COSMETICS AND FRAGRANCES
Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion and other items used for body fragrance shall be kept to a minimum.

1122.5.7 UNDERGARMENTS
Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards.

1122.6 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of department members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Chief of Police should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings, or certain hairstyles or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

1122.7 EXCEPTIONS AND EXEMPTIONS

A. Specific officers may be granted an exception to all or part of these standards by the Chief of Police when such exception promotes official duties.

B. Officers may be exempted from compliance with one or more of these standards subject to approved medical documentation as to the need for exemption. A copy of such documentation shall be placed in the officer's personnel file. The Department may require an examination by the City's medical provider regarding any exemption.

1122.8 EXEMPTIONS

Members who seek cultural (e.g., traits associated with race such as hair texture, afro hairstyles, protective hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Md. Code SG § 20-101). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a security or safety risk.

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Uniforms and Civilian Attire

1123.1 PURPOSE AND SCOPE

This policy provides guidelines for Mount Rainier Police Department-authorized uniforms and civilian attire regulations. It is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of department uniforms, and that the appearance of members who wear civilian attire reflects favorably on the Department.

This policy addresses the wearing and maintenance of department uniforms, accessories, insignia, patches and badge; the requirements for members who wear civilian attire; and the authorized use of optional equipment and accessories by members of the Department.

1123.2 POLICY

The Mount Rainier Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement or memorandum of understanding. The Department may provide other department members with uniforms at the direction of the Chief of Police. Only those specific uniform and equipment items issued or authorized and approved by the Chief of Police will be worn, used or carried by officers.

All uniforms and equipment issued to department members shall be returned to the Department upon termination or resignation.

1123.3 DEFINITIONS

A. Uniforms and Equipment - within the context of this General Order, uniforms and equipment consist of those items of clothing and accessories, optional approved accessories, related equipment and hardware, issued by the Department or approved by the Chief of Police, and intended for wear/use by specific employees.

B. Class "A" Uniform - Will consist of dress blouse with rank insignia as appropriate, long sleeve white shirt with rank insignia as appropriate, necktie, state seals, tie bar/tack, name tag and optional length of service plate, optional marksmanship bar, and hat.

C. Class "B" Uniform – The Class "B" uniform is the standard duty uniform for everyday use consisting of long or short sleeve navy blue shirt (white shirts for LT and above) with rank insignia as appropriate, necktie (optional with the long sleeve shirt except when attending court), tie bar/tack, name tag and optional length of service plate, optional marksmanship bar.

D. Class "C" Uniform – The Class "C" uniform is an alternative duty uniform consisting of a navy blue short sleeve tactical polo shirt and non-bloused straight leg navy blue cargo pocket pants. The polo shirt shall have the officer's name embroidered on the right front chest and the Mount Rainier Police badge embroidered on the left front chest. Rank insignia is not worn on the polo shirt. The Class "C" uniform shall not be worn to court or to other official functions.

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Officers are required to purchase these items at their own expense. All such items must meet the specifications as to color, style, and so on, established by the Department.

1123.4 GENERAL REGULATIONS

A. Standard items to be worn at all times while on duty:

(a) Footwear - Issued shoes or boots. Socks must be black or dark blue if visible when the employee is standing or sitting.

(b) Belt - black, Garrison type.

(c) Trousers - Issued or approved uniform trousers.

(d) Issued uniform shirt (with white or blue t-shirt if the t-shirt is visible).

(e) Rank/collar insignia.

(f) Breast badge.

(g) Shoulder patch.

(h) Name plate.

(i) Gun belt, holster and weapon, magazine(s) and pouch, handcuffs and case, OC spray holder, ASP with holder and radio with case.

B. All officers and employees, while on duty, will present a neat, clean and well-groomed appearance. All uniforms and equipment will be neat, clean and pressed, and in a serviceable condition.

C. The wearing of the Department uniform is authorized only while on duty, during approved secondary employment, traveling to and from duty assignment locations, at City or Department functions, or when directed or granted permission by the Chief of Police. A non-uniform outer garment of the employee's choice may be worn over the uniform while traveling to and from work.

D. Maintenance of Uniforms and Equipment

1. All officers and affected employees will maintain in a clean, neat and serviceable condition, the same number of uniforms, accessories and equipment they were originally issued.

2. Care of equipment:

a. Leather items should be cleaned and polished regularly. Uniform breast badges, cap badges, collar insignia, rank insignia, marksmanship emblems, name plates and other accouterments having a plating will not be polished with any abrasive type cleaner, but should be regularly washed with soap and water.

b. Until either cleaned, repaired or replaced, unserviceable items will be not be worn.

c. Issued weapons, ammunition, handcuffs, breast badges or communication equipment in need of repair or replacement as a result of normal wear or malfunction, to which no negligence is attributed, will be the responsibility of the Department. Until repaired or replaced, such item will be deemed unserviceable and will not be worn or used.

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3. Any uniform or equipment item issued by the Department and subsequently damaged in the line of duty will be replaced at the Department's expense.

4. Additional/replacement uniforms purchased by officers must meet Department specifications as to color, style, etc. The Property Officer shall establish and maintain a list of issued and approved uniform specifications. Officers are advised to consult the Property Officer for current uniform specifications before purchasing uniforms on their own.

5. The Department is not responsible for replacement of uniforms and equipment that become unserviceable or ill fitting as the result of an employee’s weight gain or loss; or as the result of other factors or circumstances not related to the employee’s employment or job function.

6. Body Armor

All officers will be issued soft body armor of Threat Level Type II that provides wrap-around or full coverage. The Department will not issue or authorize for duty use handgun ammunition that exceeds the capability of the issued Type II soft body armor.

Regardless of the date of occurrence, replacement or alteration of issued soft body armor due to weight gain or loss, abuse (including the failure to adhere to the "Care and Maintenance" provisions of this general order), accidental damage or negligence will be at the officer's expense. Replacement armor will be of the same make, color, style, threat level and visual appearance,

After new soft body armor is issued by the Department, any officer experiencing discomfort related to the armor will immediately notify the their supervisor in writing. During the first year of issue, any necessary alterations, not related to weight gain or loss will be made at the Department's expense.

conduct semi-annual inspections of the soft body armor issued/worn by officers under their supervision.

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These inspections will take place in the months of January and July of each calendar year. The results of these inspections will be reported to the Chief by means of an Inspection form.

E. The wearing of headgear is optional except during special details, assignments where the Class “A” uniform is required, traffic control details or assignments, or at the direction of a supervisor. The Department encourages officers to wear their issued headgear to increase their visibility and ready recognition, especially when engaging the public. Unless an assignment dictates otherwise, wear of headgear indoors is inappropriate.

F. Personnel in plainclothes assignments will wear suitable “before 5” business attire, e.g. suit, sport coat, etc., while on duty, attending court or other Department functions. Exceptions to this include surveillance details.

G. Officers are authorized to wear a black or dark blue turtleneck, sweater and/or lightweight jacket in addition to the items listed in section V.A. above.

H. All employees may be required to produce any uniform or issued equipment item for inspection by an officer of supervisory rank.

I. Supervisors will conduct periodic inspections of officers under their supervision to ensure compliance with the provisions of this General Order. Violations will be documented and appropriate actions taken to ensure compliance.

1123.5 UNIFORMS

The Chief of Police or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by all members as needed. Uniforms shall be worn as described therein and as specified in this policy.

Unless otherwise authorized, all officers will wear the prescribed uniform at all times while on duty.

Supervisors will not allow any officer or employee to begin or continue a tour of duty if the appearance of the officer/employee fails to comply with the provisions of this General Order.

The following shall apply to those assigned to wear department-issued uniforms:

a. Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.

b. Officers in a non-uniformed assignment shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.

c. Uniforms shall be worn in compliance with any applicable department specifications.

d. Members shall wear only the uniforms specified for their ranks and assignments.

e. Civilian attire shall not be worn in combination with any distinguishable part of a uniform.

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f. Uniforms are only to be worn while on-duty, for court, at official department functions or events, while in transit to or from work, or when authorized by the Chief of Police or the authorized designee.

1. When the uniform is worn while in transit, a non-uniform outer garment shall be worn over the uniform shirt to avoid bringing attention to the member while he/she is off-duty.

g. Members are not to purchase or drink alcoholic beverages while wearing any part of department-issued uniforms, including the uniform pants.

h. All supervisors will perform periodic inspections of members under their commands to ensure conformance to this policy.

1123.5.1 ACCESSORIES

Members shall adhere to the following when wearing department uniforms:

(a) Mirrored sunglasses will not be worn.

(b) Jewelry shall be in accordance with the specifications in the Personal Appearance Standards Policy. Unless specifically authorized by the Chief of Police or the authorized designee.

The following jewelry may be worn with the uniform:

(a) Earrings shall be stud-style and only one earring may be worn in each ear.

(b) Necklaces must be worn inside the uniform shirt and must not be able to fall out.

(c) Rings

(d) Wristwatch

(e) Medical alert bracelet

1123.5.2 INSIGNIA, PATCHES AND BADGE

A. All officers shall wear the appropriate insignia of rank.

1. Officers wearing the Class “A” or Class “B” uniform shall wear their issued metal collar rank insignia.

2. Officers who wear the issued uniform sweater as an outer garment shall wear collar rank insignia.

3. Cloth chevrons are authorized for use on the Class “A” uniform jacket. Officers are also authorized to wear cloth chevrons on their Class “B” uniform shirts, however, beginning January 1, 2008 the Department will no longer issue these cloth chevrons, and officers will be required to purchase them at their own expense. Uniform items, except the Class “A” blouse, that subsequently become unserviceable as the result of these cloth chevrons shall be replaced at the officer’s expense.

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4. Officers are authorized to wear shoulder epaulet rank insignia on their Class “B” uniform shirts in place of issued metal insignia. Epaulet rank insignia shall be purchased and replaced as necessary at the officer’s expense.

5. The rank insignia for the Department is defined as follows:

a. The Chief of Police will wear the single silver star insignia.

d. A Lieutenant will wear the gold single bar insignia.

e. A Sergeant First Class will wear the gold triple stripe with two gold rockers insignia.

f. A Sergeant will wear the gold triple stripe insignia.

g. A Corporal will wear the gold double stripe insignia.

h. A Police Officer First Class will wear the gold single stripe insignia.

Other Insignia - Description and Placement

A. Breast Badge - The police breast badge will be worn above the left breast pocket area on the outer garment of all uniforms.

B. Department Shoulder Patch - The Department shoulder patch will be worn on both upper sleeves of all uniform shirts, jackets, sweaters, coats and blouses. It will be centered on the sleeve 1#4” below the top of shoulder.

C. Cap Badge - The police cap badge will be worn centered on the front of issued headgear.

D. Maryland State Seals - The Maryland State Seal (curtain or draped style) will be worn by all officers on the lower collar of the Class ‘A’ uniform blouse.

E. Medals/Ribbons - Officers so authorized shall wear their issued/approved medals and ribbons in accordance with the procedures detailed document Wearing of Authorized Ribbons/ Medals.

F. Nameplate and Length of Service Plate - The nameplate and the optional length of service plate will be worn on the uniform shirt or dress blouse when it is the outermost garment worn.

G. Marksmanship Emblem (optional) - A marksmanship bar may be worn on the uniform shirt or on the Class “A” dress blouse. The marksmanship bar shall be worn centered on the left chest pocket flap, 1#2" below the top seam of the pocket.

H. Length of Service Stripes and Stars – Cloth, gold on navy blue, length of service stripes and stars are optional on the Class “A” uniform blouse. When worn, they shall be centered between the outer seams on the left sleeve with the lowermost stripe or star 1#2” above the sleeve braid. Service stripes shall be worn at a 45o angle to the sleeve braid, and service stars shall be worn single point down and 1#4” above service stripes or 1#2” above the sleeve braid

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when no service stripe(s) are worn. Each service stripe represents three (3) years of service. Each service star represents ten (10) years of service.

1123.5.3 MOURNING BAND

Uniformed members shall wear a black mourning band across the department badge whenever a law enforcement officer is killed in the line of duty or as directed by the Chief of Police. The following mourning periods will be observed:

(a) Mount Rainier Police Department officer - From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.

(d) National Peace Officers' Memorial Day (May 15) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

1123.6 UNIFORM CLASSES

The Chief of Police or the authorized designee shall determine the uniform to be worn by each department member or any deviations that may be authorized.

Uniforms are classified as follows:

(a) Class A - Full dress uniform to be worn by designated department members on special occasions, such as funerals, graduations, ceremonies, or as directed by the Chief of Police or the authorized designee.

(b) Class B - Standard issue uniform to be worn daily by designated department members.

(c) Class C - General utility uniform to be worn by designated Department members.

(d) Specialized assignment - Specific uniforms to be worn by members in special assignments or sections.

1123.6.1 CLASS A UNIFORM

The Class A uniform consists of the following:

(a) Dress hat

(b) Long-sleeve shirt

(c) Tie tack or tie bar

(d) Trousers or skirt

(e) Black belt

1. Belts shall be equipped as needed for the member's assignment.

(f) Dark blue or black socks

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1. Natural colored hose must be worn with the skirt.

(g) Black polished dress shoes

1. Boots with pointed toes are not permitted.

(h) White gloves

1123.6.2 CLASS B UNIFORM

The Class B uniform consists of the following:

(a) Long- or short-sleeve shirt with the collar open and no tie

1. A crew neck t-shirt must be worn under the uniform shirt.
2. All shirt buttons must remain buttoned except for the top button at the neck.
3. Long sleeves must be buttoned at the cuff.

(b) Trouser or skirt

(c) Black belt

1. Belts shall be equipped as needed for the member's assignment.

(d) Dark blue or black socks

1. Natural colored hose must be worn with the skirt.

(e) Black polished dress shoes

1. Approved black unpolished shoes may be worn.
2. Boots with pointed toes are not permitted.
3. Decorative stitching or adornment is not permitted.

(f) Weather appropriate items

1. Hat
2. Dark blue or black mock turtleneck may be worn under the long-sleeve uniform shirt.
3. Jacket
4. Rain gear

1123.6.3 CLASS C UNIFORM

The Chief of Police or the authorized designee will establish the specifications, regulations and conditions for wearing the Class C uniform at individual and specific periods of time.

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1123.6.4 SPECIALIZED ASSIGNMENT UNIFORM
The Chief of Police or the authorized designee may authorize certain uniforms to be worn by members in specialized assignments, such as canine handlers, the Prince Georges County SO SWAT (SWAT), bicycle patrol, motor officers and other specific assignments.

1123.7 CIVILIAN ATTIRE

There are assignments within the Department that do not require a uniform because recognition and authority are not essential to their functions. There are also assignments for which civilian attire is necessary.

(a) Civilian attire shall fit properly, be clean and free of stains, and not damaged or excessively worn.

(b) Members assigned to administrative, investigative and support positions shall wear business-appropriate clothing that is conservative in style.

(c) Variations from this policy are allowed at the discretion of the Chief of Police or the authorized designee when the member's assignment or current task is not conducive to wearing such clothing.

(d) No item of civilian attire may be worn while on-duty that would adversely affect the reputation of the Mount Rainier Police Department or the morale of the members.

(e) The following items shall not be worn while on-duty or when representing the Department in any official capacity:

1. Clothing that reveals cleavage, the back, chest, stomach or buttocks
2. T-shirt alone or exposed undergarments
3. Swimsuits, tank tops, tube tops or halter tops
4. Sweatshirts, sweatpants or similar exercise clothing
5. Spandex-type pants or transparent clothing
6. Denim pants of any color
7. Shorts
8. Open-toed shoes
9. Clothing, buttons or pins displaying racial, sexual, discriminatory, gang-related or obscene language

1123.8 OPTIONAL EQUIPMENT

Any items that are allowed by the Mount Rainier Police Department but that have been identified as optional shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the Department

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Maintenance of optional items shall be the financial responsibility of the purchasing member (e.g., repairs due to normal wear and tear).

Replacement of items listed in this policy as optional shall be managed as follows:

(a) When the item is no longer functional because of normal wear and tear, the member bears the full cost of replacement.

(b) When the item is no longer functional because of damage in the course of the member's duties, it shall be replaced in accordance with the Department-Owned and Personal Property Policy.

1123.9 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Mount Rainier Police Department members may not wear any uniform item, accessory or attachment unless specifically authorized by the Chief of Police or the authorized designee.

Department members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by the Chief of Police or the authorized designee.

1123.10 LOST, STOLEN OR DAMAGED UNIFORMS AND EQUIPMENT

A. Officers and employees will immediately notify their supervisor of all lost, stolen or damaged uniforms and equipment. Lost/stolen uniforms or equipment shall be documented using a police incident report form (MIR). Uniforms or equipment damaged in the line of duty shall be documented using a Commander's Report.

B. The employee's supervisor will investigate all reports of lost, damaged or stolen uniforms and equipment and prepare a report to the Chief of Police of their findings. Should the lost, damaged or stolen uniforms and/or equipment be as a result of negligence on the part of the officer, the officer shall be responsible for the cost of replacement.

1123.11 RETURN OF UNIFORMS AND EQUIPMENT

A. When an officer terminates employment with the Department he/she will return all issued uniforms and equipment to the property officer no later than the last day of employment. If all issued items are not returned, the officer is required to pay the prevailing price for the item(s) as listed by the manufacturer or supplier.

B. The Chief of Police or his/her designee shall notify the City Treasurer of the need to withhold funds to pay for the items from the officers' last paycheck.

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Conflict of Interest

1124.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the Mount Rainier Police Department.

1124.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived or potential conflict, in which it reasonably appears that a member's action, inaction or decisions are or may be influenced by a personal or business relationship.

1124.2 POLICY

Members of the Mount Rainier Police Department are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of department members and the public, and thereby maintain the trust of the public and department members.

1124.3 PROHIBITIONS

The Department prohibits the following types of personal or business relationships among members:

(a) Members are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any member to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Members are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, field training officers (FTOs) and other trainers will not be assigned to train relatives. Department FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any member they

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are assigned to train until such time as the training has been successfully completed and the person is off probation.

(d) The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships. As such employees who are related must maintain a professional balance at all times. **Any employee who is related shall report to different divisional commanders and are prohibited from working the same shift unless approved by the Chief of Police.**

1124.3.1 ADDITIONAL PROHIBITIONS
The Department prohibits members from (COMAR 19A.04.02.04):

(a) Participating in a City matter that would have a direct economic impact, distinct from the impact on the public at large, on the member or that, to the knowledge of the member, would have a direct economic impact on any of the following:

1. A spouse, parent, sibling or child of member.
2. A business entity with which the member or member's spouse, parent, sibling or child is affiliated.

(b) Having a financial interest in an entity that:

1. Is subject to the authority of the member.
2. Is negotiating or has entered a contract with or is a subcontractor on a contract with the Mount Rainier Police Department.

(c) Soliciting or receiving gifts.

(d) Any other conflict of interest or financial interest identified by City law enacted pursuant to COMAR 19A.04.01.03.

These prohibitions do not apply if the member is granted an exemption pursuant to the provisions of City local law enacted pursuant to COMAR 19A.04.01.03.

1124.4 MEMBER RESPONSIBILITIES

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member).

Whenever any member is placed in circumstances that would require him/her to take enforcement action or to provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, that member shall promptly notify his/her uninvolved, immediate supervisor.

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In the event that no uninvolved supervisor is immediately available, the member shall promptly notify the dispatcher to have another uninvolved member either relieve the involved member or minimally remain present to witness the action.

1124.5 SUPERVISOR RESPONSIBILITIES

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

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Badges, Patches and Identification

1125.1 PURPOSE AND SCOPE

The Mount Rainier Police Department (MRPD) badge, patch and identification card, as well as the likeness of these items and the name of the Department, are property of the Department. Their use shall be restricted as set forth in this policy.

1125.2 POLICY

Members of the Department will use the MRPD badge, patch and identification card, as well as the likeness of these items, appropriately and professionally.

1125.3 UNAUTHORIZED USE

The MRPD badge, patch and identification card shall not be displayed or used by any member except when acting in an official or authorized capacity.

Department members shall not:

(a) Display or use the MRPD badge, patch or identification card for personal gain or benefit.

(b) Loan the MRPD badge, patch or identification card to others and shall not permit these items to be reproduced or duplicated.

(c) Use images of the MRPD badge, patch or identification card, or the likeness thereof, or the Mount Rainier Police Department name, for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as email, blogs, or social networking or websites.

1125.3.1 LOST BADGE, PATCH OR IDENTIFICATION CARD

Department members shall promptly notify their supervisors whenever their MRPD badges, patches, or identification cards are lost, damaged or are otherwise removed from their control.

1125.4 BADGES

The Chief of Police shall determine the form of badges authorized for use by department members. No other badges may be used, carried, worn or displayed.

Only badges issued by this department are authorized to be used, displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

Members, with the written approval of the Chief of Police, may purchase at their own expense a second badge or flat badge that can be carried in a wallet.

1125.4.1 RETIREE BADGES

The Chief of Police may establish rules for allowing honorably retired members to keep their badges in some form upon retirement, for use as private memorabilia.

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1125.4.2 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the MRPD badge shall not be used for any purpose without the express authorization of the Chief of Police and shall be subject to the following:

(a) An authorized employee group may use the likeness of the MRPD badge for merchandise and official employee group business provided it is used in a clear representation of the employee group and not the Mount Rainier Police Department. The following modification shall be included:

1. Any text identifying the Mount Rainier Police Department is replaced with the name of the employee group.

2. A badge number is not included. That portion of the badge may display the acronym of the employee group.

1125.5 IDENTIFICATION CARDS

All members will be issued an official MRPD identification card bearing the member's name, full-face photograph, member identification number, the member's signature and the signature of the Chief of Police or the official seal of the Department. All members shall be in possession of their department-issued identification cards at all times while on-duty or in department facilities.

(a) Whenever on-duty or acting in an official capacity representing the Department, members shall display their department-issued identification cards in a courteous manner to any person upon request and as soon as practicable.

(b) Officers or other members working specialized assignments may be excused from the possession and display requirements when directed by their Section Commanders.

1125.6 BUSINESS CARDS

The Department will supply business cards to those members whose assignments involve frequent interaction with the public or who may require the use of a business card. The only authorized business cards are those issued or approved by the Department and should contain identifying information including, but not limited to, the member's name, section, badge or other identification number and contact information (e.g., telephone number, email address).

Members should provide a business card upon request.

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Temporary Modified-Duty Assignments

1126.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules or current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1126.2 POLICY

Subject to operational considerations, the Mount Rainier Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1126.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Maryland Accessibility Code shall be treated equally, without regard to any preference for a work-related injury.

No position in the Mount Rainier Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1126.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Section Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Section Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Office of the Chief of Police or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Supervisor or Section Commander, with notice to the Chief of Police.

1126.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Section Commander.

If the employee does not report for or perform the limited duty assignment, the Chief of Police may place him or her in an absent without leave (AOL) status.

1126.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Section Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

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1126.5.2 SUPERVISOR RESPONSIBILITIES
The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified-duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Periodically apprising the Section Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Section Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1126.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1126.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1126.7.1 REASONABLE ACCOMMODATION
An employee who is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition may request a reasonable accommodation including (Md. Code SG § 20-609):

- Changing job duties
- Changing work hours
- Being provided leave
- Being provided with mechanical or electrical aids Being transferred to less strenuous or less hazardous positions Relocation

The Department will explore all possible means of providing the reasonable accommodation and may require certification from the employee's health care provider regarding the medical advisability of a reasonable accommodation. This certification will be to the same extent certification that is required for other temporary disabilities. The certification shall include:

- The date a reasonable accommodation is medically advisable

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- Probable duration of the reasonable accommodation
- An explanation as to the medical advisability of the reasonable accommodation

1126.7.2 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1126.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified-duty.

1126.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified-duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified-duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Employee Speech, Expression and Social Networking

1127.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Mount Rainier Police Department.

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1127.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Mount Rainier Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1127.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Mount Rainier Police Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover
- Disclosing the address of a fellow department member
- Otherwise disclosing where another officer can be located off-duty

1127.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the safety, performance and public-trust needs of the Mount Rainier Police Department, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
2. Expression that demonstrates support for criminal activity.
3. Participation in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.

(f) Use or disclosure, through whatever means of any information, photograph, video or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches,

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marked vehicles, equipment or other material that specifically identifies the Mount Rainier Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1127.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Mount Rainier Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police (Md. Code LG § 1-303; Md. Code LG § 1-304; Md. Code PS § 3-103; Md. Code SP § 2-304):

(a) Endorse, support, oppose or contradict any political campaign, political candidate or initiative

(b) Endorse, support, oppose or contradict any social issue, cause or religion

(c) Endorse, support, or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Mount Rainier Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1127.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that

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is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

However, the Department may not request or require that a member disclose any user name, password or other means for accessing a personal account or service through an electronic communications device (Md. Code LE § 3-712).

1127.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would reflect unfavorably upon the Department.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1127.7 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression and use of social networking to all members of the Department.

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Workplace Safety and Health

1128.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of injury and illness for members of the Mount Rainier Police Department, in accordance with the requirements of Md. Code LE § 5-101 et seq., Md. Code LE § 5-206 and COMAR 09.12.20 et seq.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces injury and illness, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1128.2 POLICY

The Mount Rainier Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, injuries and illness. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1128.2.1 WORKPLACE SAFETY AND HEALTH PROGRAM

The Administration Section Commander is responsible for developing an illness and injury prevention plan that shall include (Md. Code LE § 5-104; Md. Code LE § 5-206):

(a) Workplace safety and health training programs.

(b) Regularly scheduled safety meetings.

(c) Posted or distributed safety information.

(d) A system for members to anonymously inform management about workplace hazards.

(e) Establishment of a safety and health committee that will:

1. Meet regularly.
2. Prepare a written record of safety and health committee meetings.
3. Review the results of periodic scheduled inspections.
4. Review investigations of accidents and exposures.
5. Make suggestions to command staff for the prevention of future incidents.
6. Review investigations of alleged hazardous conditions.
7. Conduct on-going self-inspections.

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8. Submit recommendations to assist in the evaluation of member safety suggestions.
9. Assess the effectiveness of efforts made by the Department to meet applicable standards.

(f) Establishing a process to ensure illnesses and injuries are reported as required under the Maryland Occupational Safety and Health (MOSH) Act (Md. Code LE § 5-702).

1128.3 ADMINISTRATION SECTION COMMANDER RESPONSIBILITIES

The responsibilities of the Administration Section Commander include, but are not limited to (Md. Code LE § 5-104; Md. Code LE § 5-206; Md. Code LE § 5-702; Md. Code LE § 5-703):

(a) Managing and implementing a plan to reduce the incidence of member injury and illness.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.
2. Regular member review of the injury and illness prevention plan.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:

1. Informing members of the illness and injury prevention guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring department compliance to meet standards regarding the following:

(a) Communicable diseases

(b) Bloodborne pathogen precautions (29 CFR 1910.1030; Md. Code LE § 5-308.1)

(c) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)

(d) Emergency Action Plan (29 CFR 1910.38(a); Md. Code PS § 14-110)

(e) Reasonable accommodations for disability, including pregnancy (Md. Code SG § 20-601; Md. Code SG § 20-609)

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(e) Making available a form to document inspections, unsafe conditions or unsafe work practices and actions taken to correct unsafe conditions and work practices.

(f) Making available a form to document individual incidents or accidents.

(g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.

(h) Conducting and documenting a regular review of the illness and injury prevention plan.

1128.4 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with injury and illness prevention guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to injury and illness prevention; such forms and reports shall be submitted to the Administration Section Commander.

(e) Notifying the Administration Section Commander when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational injuries and illnesses occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

1128.5 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors) (Md. Code LE § 5-104(b)(2)).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when

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observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on a MOSH-approved reporting form available on the Department of Labor and Licensing website. This form should be forwarded to the Administration Section Commander via the chain of command.

The Administration Section Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1128.6 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment (Md. Code LE § 5-206).

The Administration Section Commander shall ensure that the appropriate documentation is completed for each inspection.

1128.6.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete a MOSH-approved reporting form available on the Department of Labor and Licensing website if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1128.7 INVESTIGATIONS

Any member sustaining any work-related injury or illness, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors (Md. Code LE § 5-206).

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

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(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

(g) Completion of an investigation/corrective action report.

(h) Completion of a hazards and correction record form.

Additionally the supervisor should proceed with the steps to report an on-duty injury, as required under the Work-Related Injury and Illness Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1128.8 TRAINING

The Administration Section Commander should work with the Assistant Chief to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided (Md. Code LE § 5-206):

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) To all members with respect to hazards specific to each member's job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1128.8.1 TRAINING TOPICS

The Assistant Chief shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves and footwear.

(c) Use of respiratory equipment.

(d) Availability of toilet, hand-washing and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

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(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(k) Back exercises/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

(o) Department and employee rights and responsibilities.

(p) Emergency Action Plan and/or Fire Prevention Plan.

(q) Workplace safety plan.

1128.9 RECORDS

Records and training documentation relating to injury and illness prevention will be maintained in accordance with the established records retention schedule.

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Diabetic Officer

1129.1 PURPOSE

This order establishes procedures for officers who develop diabetes.

1129.2 POLICY

The Department requires officers who develop diabetes to report such illness to the Chief of Police. The reporting will allow a medical review to be conducted to determine the officers' fitness for duty. Officers with diabetes will follow this policy to insure safety of the of the public as well as their own safety and well-being. Failure to do so may result in disciplinary action.

1129.3 PROCEDURE

A. Officers Responsibilities

1. Officers who develop diabetes, whether Type I or II, and who do not have evidence of cardiovascular, ophthalmological, renal, or neurological complications, may continue on duty provided they meet the following criteria:

a. Provide copies of reports on any hospital admission related to the diabetic condition or any condition that may alter the officers' diabetic status. Provide copies of treating physicians' consultation notes for diagnostic examinations, special studies, follow-up, etc.

b. Report and explain any on duty automobile or other incidents or accidents, whether resulting in injury or vehicular or equipment damage.

c. Provide three letters from work associates, employers, physician or other health care and diabetes support care personnel to document absence of subtle or significant incapacitation or mental confusion due to insulin reaction and/or diabetic acidosis, etc. In particular occurrences of lack of diabetic hypoglycemia related events should be documented. Full names, addresses, work and all respondents should provide home phone numbers.

d. Have a complete medical examination by the officers' personal physician. If the physician is not a diabetologist, a consultation by a specialist in endocrinology, concerning the officers' current status and prognosis both short (3-5 years) and long (5-15 years) term. The report will include a general physical examination including height, weight, build and physical defects or signs, and the following:

e. If Under Age 40

1. Fasting blood/serum studies (glucose, cholesterol, HDL/LDL, triglycerides) complete with blood count, urinalysis and a reading of glycosolated hemoglobin (Alc) concentration and lab concentration. Resting electrocardiogram (EKG). Blood pressure reading at rest, am and pm, on at least two occasions, taken one week apart. Any evidence of elevated blood pressure, medication for hypertension or

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cardiovascular abnormality will require a maximum concentration stress test EKG study.

2. Ophthalmologic confirmation of absence of retinal disease, preferably with dilated eye examination by a retinal specialist.

3. Examination and tests to detect peripheral neuropathy or circulatory deficiencies of the extremities, when symptomatic.

4. A detailed report of insulin dosages and types, diet utilized for control and any significant lifestyle factors such as smoking, alcohol use and other medications or drugs taken.

5. Officers must obtain and use a digital whole blood monitoring device, which is portable and can be easily used for testing of blood glucose concentrations during work hours. Monitors with memory capabilities are recommended. Officers will keep a log of whole blood glucose concentrations recorded twice daily and submit monthly reports to their specialist. The log will be authenticated by the physician and forwarded to the Chief of Police. Any three readings fasting (first reading after sleep) of below 60 or higher than 180 per month must be reported to the supervisor and will be cause for removal from full duty pending a physical reexamination.

f. If Over Age 40

1. In addition to the above, employees will have a maximal stress test conducted. Copies of the EKG and the interpretation report will be provided to the Chief of Police. An abnormal stress test will result in the officer being removed from full duty status until further tests on arteriosclerotic disease, can be conducted and evaluated.

B. Additional Requirements

1. Reevaluation by a specialist every six months with readings of glycosolated hemoglobin (Alc) concentrations.

2. The monthly logs will be submitted to the specialist for evaluation.

3. The specialist will annually certify that the officer can demonstrate accuracy of measurements within 25 percent of actual concentration.

4. Annual ophthalmologic confirmation of the absence of retinal disease.

C. Protocol While on Duty

1. Officers will carry with them at all times: blood sampling lancet, personal monitors and strips, insulin, syringes or pump as appropriate. All materials will be current/unexpired.

2. Blood glucose concentration must be tested every four hours and measurements recorded.

D. Supervisors Responsibilities

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1. Supervisors will insure that once a month each diabetic officer completes a certification of compliance with these standards. The compliance form will be forwarded to the Chief of Police for inclusion in the officers medical file.

E. Compliance Form (attached)

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Line-of-Duty Deaths

1130.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Mount Rainier Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1130.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1130.2 POLICY

It is the policy of the Mount Rainier Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1130.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Supervisor and Communications.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others.

(b) The Shift Supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the member has been transported to the hospital, the Shift Supervisor or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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(d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1130.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Shift Supervisor or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.

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(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Mount Rainier Police Department members may be apprised that survivor notifications are complete.

1130.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1130.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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1130.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

(a) Department Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Critical Incident Stress Management (CISM) coordinator.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1130.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Section Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-mast.

(g) Ensuring that department members are reminded of appropriate information–sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

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(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1130.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Mount Rainier Police Department members (except for members who may be guarding the suspect).

(c) Ensure that survivors receive timely updates regarding the member before information is released to others.

(d) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

(f) If applicable, explain to the survivors why an autopsy may be needed.

(g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1130.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Section Commander. The following should be considered when selecting the Survivor Support Liaison:

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- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.

(h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

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(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1130.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

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(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

1130.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including, but not limited to the following:

1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1130.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many Mount Rainier Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

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1130.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Workplace Safety and Health Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:

1. Public Safety Officers' Benefits (PSOB) Programs.
2. Public Safety Officers' Educational Assistance (PSOEA) Program.
3. Social Security Administration.
4. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. State death and funeral benefits (Md. Code PS § 1-202)
2. Pension death benefits (Md. Code SP § 29-201 et. seq.)
3. Educational benefits (Md. Code ED § 18-601)

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1130.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

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(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

1130.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that Department members are instructed to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.

1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

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1130.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1130.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1130.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1130.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

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Rules of Conduct

1131.1 PURPOSE

The purpose of this general order is to control, direct and coordinate the activities of the employees of the Mount Rainier Police Department in the successful and professional fulfillment of Department responsibilities. In addition to these rules, employees will also be governed by the regulations and procedures established by the City of Mount Rainier Personnel Policy and, City Ordinance Manual for employees.

1131.2 DEFINITION

Employee or member is any full time, part time or contract officer or civilian employed by the Mount Rainier Police Department.

1131.3 RULES

Rule 1 - Employees shall thoroughly familiarize themselves with these rules within 10 days of receipt and thereafter comply with them. Employees shall also become thoroughly familiar with the Personnel Policy and Procedures Manual within 30 days of receipt and thereafter comply with it.

Rule 2 - Employees shall comply with all general orders, special orders, memorandums, or directives that may be issued by the Chief or his/her designee.In the event of a conflict with the Personnel Policy and Procedures Manual, the departmental orders, memorandums, or directives shall prevail.

Rule 3 - Employees shall act in a professional manner in carrying out the functions of the Mount Rainier Police Department. These functions are the preservation of peace, the protection of life and property, the repression and detection of crime and the apprehension of violators of the laws and regulations.

Rule 4 - Employees of the Department are always on duty. The fact that employees may be technically "off duty" shall not relieve them of the responsibility for taking reasonable and proper police action in any matter coming to their attention requiring such action that lies within the scope of their legal authority. Employees are expected to provide emergency assistance to other law enforcement agencies upon their requests.

Rule 5 - Notwithstanding, the assignment of specific duties and responsibilities under provisions of the applicable rules and regulations,employees shall perform other duties as required by proper authority or other person in charge of the assignment to include training, task force or other assignments.

Rule 6 - Employees shall display patience and firmness when these attributes are necessary and shall act in concert to protect each other from danger. Any shrinking from this responsibility will be deemed neglect of duty.

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Rule 7 - Each member shall be held responsible for the proper performance of assigned duties and for strict adherence to the rules and regulations of the Mount Rainier Police Department or any order given by an officer of superior rank.

Rule 8 - Each member shall be familiar with the statutes, laws and regulations applicable in this jurisdiction.

Rule 9 - While on duty, employees shall devote their full time and attention to official duties. They shall not leave the City except in an emergency or by proper authority.

Rule 10 - Employees shall diligently patrol, inspect and otherwise direct their attention to police business within the City throughout their tour of duty.

Rule 11 - Employees shall not use their office for the purpose of influencing the lawful business, profession or occupation of any person or persons.

Rule 12 - No employee shall knowingly communicate, by any means to any person, any information that might assist any person to escape arrest, to prepare for raids, to destroy or conceal evidence, money, goods or other property or information sought by the police; nor shall any member perform any act that might be construed as aiding and abetting the performance of any of the foregoing acts.

Rule 13 - Employees shall not wear their badges exposed when off active duty and out of uniform. While in civilian attire officers shall carry their badges and Department I.D. cards in such a manner as to permit ready display.

Rule 14 - Members shall at all times maintain decorum, command of temper and exercise patience and discretion. They shall not use harsh, ardent, profane or insolent language, and shall conduct themselves in a professional manner.

Rule 15 - Employees shall give their names and badge or ID numbers to persons who request them.

Rule 16 - Employees shall submit requests for off-duty employment to their supervisor who shall then then submit them to the Chief for final approval.

Rule 17 - Employees shall not broker any compromise or other unofficial arrangements between suspected violators of the law and persons who are alleged to have suffered by their acts or allow such compromises or arrangements to influence the performance of their duties.

Rule 18 - Employees shall not solicit any citizen, subordinate or public official to communicate any praise, thanks or commendation for services rendered.

Rule 19 - Employees shall perform their duty fairly, impartially and judiciously, and are prohibited from inviting or accepting tips, gratuities, rewards, fees, favors, discounts not available to the general public or anything of value. The Chief, must approve any donations or rewards intended for the Department prior to acceptance, and no employee shall solicit donations to the Department.

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Rule 20 - Employees shall not receive presents from subordinates, associates, or superiors without the approval of the Chief. Employees shall not solicit contributions from other employees for themselves or for gifts for other employees without the approval of the Chief.

Rule 21 - Employees shall promptly obey all lawful orders issued by a superior officer. Should any order conflict with a previous order from any other superior, officer, or with any memorandum, General or Special order, or provisions with the Personnel Policy and Procedures Manual; the member to whom such order is given shall respectfully call attention to the conflictive order. If the officer giving the order does not change the order so as to eliminate the conflict, the last order shall stand and responsibility shall rest with the superior officer. The member obeying the order will not be held responsible for disobedience of any orders previously issued.

Rule 22 - Employees shall formally report in writing the reception of all information of offenses against the criminal statutes in which any member is personally involved. Failure to report any such information shall be considered neglect of duty.

Rule 23 - Every member shall render respect to supervisors and associates. Employees addressing supervisory officers shall maintain a respectful attitude and use proper titles. Such courtesy shall be accorded to superiors of other similarly constituted law enforcement agencies.

Rule 24 - All employees are required to respond truthfully to questions asked by supervisors in connection with matters relating to the official business to include, but not limited to any inquiry or investigation. If a subordinate officer or employee does not comply with this Rule, the superior officer or employee shall submit a written report of the circumstances and, upon verification, the subordinate shall be considered to have made a false statement and therefore insubordinate.

Rule 25 - Any member may report another member for violations of any of the provisions of the Rules. The superior officer receiving the report will then investigate the complaint. Written reports of the violation and the investigation will then be forwarded to the Chief.

Rule 26 - Neglect of duty is any action or omission that may be injurious to the member, fellow officers, or the general public. A member may be immediately relieved of police responsibility for gross dereliction of duty and found to have committed conduct unbecoming as an employee of the City.

Rule 27 - While in uniform, employees shall not purchase or consume alcoholic beverages. Except when required by assignment, employees are prohibited from purchasing or consuming alcoholic beverages while on duty.

Rule 28 - Any member found to be intoxicated while on duty, or while in uniform on or off duty, will be reported to the Chief of Police. Upon finding there is reasonable cause to believe that such member is intoxicated while on duty, the official in charge shall place the member in a leave without pay status for the remainder of his duty assignment. The intoxicated officer will be issued a PBT or breathalyzer examination. The employee may be transported to their residence by Department transportation if necessary. In all violations of this Rule, the officer in charge shall take possession

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of the badge and service weapon of the intoxicated officer. A full report of the incident shall be submitted in writing to the Chief.

Rule 29 - Employees are prohibited from placing any alcoholic beverage or controlled substance into any Department vehicle or City building or causing another to do so, unless prescribed by a physician for illness. This Rule does not apply to intoxicants or controlled substances that are being transported or stored as evidence or found property.

Rule 30 - No member shall knowingly use any controlled substance except when prescribed by a physician.

Rule 31 - No member shall be employed by, own any interest in, or participate in the profits of any establishment devoted in whole or in part to illegal activities. No member shall knowingly enter such establishment unless such entry is related to official duty.

Rule 32 - Employees shall not feign, simulate or intentionally cause illness or disability to evade the performance of duty. Employees shall not cause themselves to be ill by carelessness, improper conduct or excessive indulgence in drink.

Rule 33 - Employees shall not smoke inside the police station or in Department vehicles. Employees are prohibited from using tobacco products (smoking or chewing) when such use interferes with the performance of their duties or is offensive to a member of the non-smoking public.

Rule 34 - Gambling in any form by any member of the Department while on duty or in uniform is prohibited.

Rule 35 - Employees shall not sleep while on active duty.

Rule 36 - Employees shall not serve civil processes without approval of the Chief, nor shall they render assistance in civil cases, except to prevent breaches of the peace and to quell disturbances growing out of such matters. Employees will testify in civil cases only when legally summoned and it is administratively feasible.

Rule 37 - No member shall institute any action for damages as the result of an incident occurring in the line of duty without first notifying the Chief in writing of such intention.

Rule 38 - A copy of a subpoena or summons for civil court as the result of an incident occurring in the line of duty shall be forwarded to the employee's supervisor who shall transmit it to the Chief.

Rule 39 - Employees shall not testify before any Alcoholic Beverage Control Board against or on behalf of any person or enterprise applying for a license to sell or dispense intoxicating beverages without the prior approval of the Chief.

Rule 40 - Employees are prohibited from engaging in the political process or elections of the City while in uniform or displaying their badge, while on duty, or with the use of City resources, including office equipment, email systems, or social media pages.

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Rule 41 - Employees shall report punctually for duty and assignments at the time and place designated by their superior officers. Employees shall be responsible for personally checking their work schedules.

Rule 42 - When not performing active duty, employees shall not absent themselves from their homes for more than 72 consecutive hours without first notifying the Department in writing as to the forwarding address, telephone number, and date of probable return.

Rule 43 - When a member changes his/her residence or telephone number, the member shall report such changes to the Department within 24 hours after making such changes. Every member shall be requested to have a telephone at his/her residence address.

Rule 44 - Employees are prohibited from making, causing to be made, or allowing to be made, any duplicates or copies of keys pertaining to the Department operation without the authorization of the Chief.

Rule 45 - Employees shall promptly pay or otherwise settle all just debts and legal financial obligations.

Rule 46 - Employees are prohibited from making or causing to be made duplications of official Department records or reports for other than official use.

Rule 47 - Employees shall not use any private vehicle in the performance of duty, except when authorized or in circumstances of police emergency.

Rule 48 - No member shall use any force greater than necessary to accomplish his or her mission.

Rule 49 - Employees shall be responsible for the proper care and use of all department vehicles, property and equipment assigned to or used by them and will promptly report to their supervisor any loss, damage, destruction or defect therein.

Rule 50 - All employees are required to obey, comply with and follow any federal, state, or local law or ordinance.

Rule 51 - No employee will commit any act that constitutes conduct unbecoming an employee of the department. Conduct unbecoming includes, but is not limited to, any criminal, dishonest or improper conduct to include defaming, derogatory or insolent comments.

As City employees, we are constantly being observed and judged by the community we serve. Improper behavior on the part of any employee, on or off duty, tends to reflect unfavorably on all employees and the Department. "Conduct unbecoming" is a highly controversial regulation and often viewed as a "catch-all" offense. Although non-specific, "conduct unbecoming" has been upheld in court for certain acts committed by police officers both on and off duty. The following examples of "conduct unbecoming" have been upheld by various state and federal courts throughout the country: speeding, placing an unauthorized poster in a squad room, lying in a Departmental investigation, excessive absenteeism, profane language in public, barroom fighting off duty, ticket fixing, assault on a fellow officer, annoying and/or molesting bar patrons off duty, illegal possession of marijuana, horseplay with firearms, misuse of a police radio to criticize a

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superior, and the failure to cooperate with an internal investigation. The following examples of conduct that the courts have found not to be unbecoming include: embarrassing the Department by neglecting "discretion" and vigorously enforcing municipal ordinances; disrespectful, but private, language to the Chief of Police while under emotional stress; and filing a libel suit. These lists, although not inclusive, further indicate how courts nationally have viewed police conduct both on and off duty. Although these court cases have involved police officers, no employee will commit any act, which would reflect unfavorably on the Department or City government.

Rule 52 - Any employee that absences him or herself in part or in whole from any scheduled workday or assignment without first receiving prior permission and approval for leave through their supervisor to the Chief of Police/designee to do so shall be considered abandonment of employment and constitutes cause for immediate dismissal from City employment.

Rule 53 - All employees are to keep confidential any information they receive or come to have, know of, or have access to not normally available to the public or outside the Department. This includes but is not limited to information from such sources as informants, intelligence reports, police reports, records or citations, personnel records, investigative reports, medical records, National Crime and Information (NCIC) and Maryland Information Law Enforcement Systems (MILES), licens plate recognition systems, body worn camera footage, Maryland Coordination and Analysis Center (MCAC) reports and facsimiles addressed to employees of the Department or received by the Department.

1131.4 CONCLUSION

In those instances where no rules or General Orders exist to cover a specific situation, the matter will be handled as conditions and circumstances warrant.

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Ethics and Integrity

1132.1 PURPOSE

This general order establishes the foundation of an ethics and integrity statement for all employees of the Mount Rainier Police Department.

1132.2 POLICY

The Department's policy on ethics and integrity is derived from its conviction that honesty is the foundation of personal integrity. Additional information is included in the Department introductory statement on the "Six Pillars of Character" and throughout our general orders.

1132.3 PROCEDURES

A.Employees of the Department will conduct themselves in both their personal and professional life with highest degree of honesty and integrity. Towards this end, employees of the Department will not lie (to include evasiveness), cheat or steal (whether permanent or temporary) or violate the trust and confidentiality of the City or Department. Neither shall we, as a Department or individually, tolerate, ignore, encourage, assist, or conceal anyone lying, cheating or stealing.

B.Anyone that violates this general order, the introductory statement to the general order manual, and/or other official documents of the Department or City, including but not limited to the collective bargaining agreement, personnel manual, city code, state and federal law is subject to disciplinary action up to and including termination.

1132.4 RESPONSIBILITY

A. All employees are responsible for reporting corruption, or anyone that lies, cheats or steals.

B. All employees are to provide support to any employee that reports corruption or anyone to include another employee that lies, cheats or steals or violates the trust and confidentiality of the City or Department.

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Other Leave

1133.1 PURPOSE AND SCOPE

This policy defines the manner in which leave can be used for Department personnel. This policy supplements the Collective Bargaining Agreement regarding leave usage.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) or the Flexible Leave Act.

1133.2 DEFINITIONS

Annual leave - Preplanned leave scheduled in advance using previously earned annual leave.

Compensatory time - Preplanned leave scheduled in advance using previously earned compensatory time.

Emergency annual leave - Unplanned annual leave due to an unforeseen personal emergency.

Essential employee - All police officers or other employees designated by the Chief of Police.

Supervisor - All officers holding the permanent rank of sergeant or above the rank of sergeant; or an officer designated by the Chief of Police as acting in any of those ranks.

1133.3 PERSONAL LEAVE

All employees shall receive one (1) personal leave day per calendar year. A personal leave day shall be recognized as one complete shift, regardless of the number of hours the employee is scheduled to work on the shift personal leave is taken. This personal day may be used for such events as religious celebrations, birthdays, etc. Approval of personal leae is subject to the same rules of approval for annual and compensatory leave. If the employee does not use the personal leave day by December 31st of each year, the personal leave day is forfeited. Employees are advised to monitor and manage theor personal leave accordingly and be aware that management is in no way obligated to grant leave in order to avoid personal leave being forfeited.

1133.4 LEAVE SLIPS

All employees will submit requests for all types of leave through their supervisor to the Chief of Police or his/her designee on the Compensation/Leave Request form. In all cases except for emergency oannual or sick leave, the request is not approved until the Chief of Police of his/her designee has approved and signed off on the request. A leave request for signed by a supervisor shall be prepared on behalf of the subordinate employee who calls in sick or on emergency annual leave. Supervisors may approve compensatory, annual or emergency annual leave requests of their employees for up to one free day in one-house increments.

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Attachments

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