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USE OF FORCE

I. Purpose:

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

II. Policy:

A. It is the policy of the Rock Hall Police Department that officers use the least amount of force that is reasonably necessary to control an incident, to effect an arrest, or to protect themselves or others from personal harm or death. The degree of force used by the officer should be progressive along a continuum that spans from verbal commands to deadly force.

B. It is the policy of the Rock Hall Police Department that the use of deadly force is authorized under the following circumstances:

1. In defense of self or another when the officer has reasonable cause to perceive an immediate threat of death or serious physical injury.

2. To prevent the escape of a suspect of a violent felony whom the officer has probable cause to believe will pose a significant threat of death or serious physical harm to other officers or the public.

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

C. The policy of the Rock Hall Police Department prohibits the use of firearms to fire warning shots.

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

III. Guiding Principles:

A. This policy directs officers to report to their immediate supervisor:

1. Any use of deadly or non-deadly force by an officer, including reports by another member of the agency who witnessed the force used by an officer.

2. Any application of a tool used to apply force.

3. Any discharge of a firearm by an officer while on-duty or acting as an officer of the law while officially off-duty. *Note: Reports are not required for the discharge of firearms during training or authorized practice.*

4. Any use of force where the suspect claims to be injured

B. This policy suggests that every use of force and discharge of firearm be reviewed to determine if an unwarranted use of force was applied.

C. When circumstances allow, officers should communicate to the suspect their identity, purpose and intention of using force.

IV. Definitions:

A. Deadly force: The use of force which is intended to, or likely to cause death or serious physical injury. For the purposes of this policy, deadly force will also include the intentional striking with any vehicle.

B. Non-Deadly Force: The use of force which is applied to effect an arrest or protect the officer or others from attack, physical resistance, harm, or death but is not intended or expected to cause death.

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

D. Serious Physical Injury: Bodily injury which causes death, creates a substantial risk of death, serious or permanent disfigurement, or results in the long term or permanent impairment of an organ or limb.

V. Selected Relevant Cases:

A. Tennessee v. Garner 471 U.S. 1 (1985)

B. Grandstaff v. City of Borger 480 U.S. 916 (1987)

C. Graham v. Connor 490 U.S. 386, 109 S.Ct. 1865 (1989)

D. See American Law Institute's Model Code of Pre-Arrest Procedure, Section 120.7 (Official Draft 1975) Still Considered Exemplary.

E. Ryder v. City of Topeka, 814 F.2d 1412 (10th Circuit 1987)

F. Ford v. Childers, 650 F. Supp. 110 (C.D. Ill. 1986)

G. Garcia v. Wyckoff, 1615 F. Supp. 217 (D. Colo. 1985)

H. Springfield v. Kibbe, 480 U.S. 257 (1987)

EMERGENCY VEHICLE PURSUIT OPERATION

I. Purpose:

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

II. Policy:

A. It is the policy of the Rock Hall Police Department to allow officers to engage in vehicular pursuits of fleeing suspects only when the potential harm associated with pursuits is less than the potential harm the suspect may cause if not immediately apprehended. Before deciding to initiate pursuit, officers must consider the ability to apprehend the suspect without vehicular pursuit (i.e., by knowing the suspect's identity, by using police helicopters communications or other equipment, by the strategic positioning of other area officers, etc.), the nature of the offense, the driving ability of the officer, marked versus unmarked vehicles, the performance characteristics of the police vehicle, the characteristics of the roadway, the weather conditions, location and neighborhoods, and the density of vehicle and pedestrian traffic.

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

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

1. Any violent arrestable offense resulting in or threatening death or serious physical harm; or,
2. Driving in a manner which would indicate the driver is under the influence of alcohol or drugs or presents a threat to public safety.

D. It is the policy of the Rock hall Police Department that the pursuing officer shall notify their supervisor and/or dispatcher that a pursuit is about to begin.

E. The policy of the Rock Hall Police Department prohibits vehicular pursuits:

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

F. It is the policy of the Rock Hall Police Department that a pursuit shall terminate if the officer in a pursuing vehicle has been involved in a collision

involving a personal injury.

III. Definitions:

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

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

IV. Guiding Principles:

A. This policy directs officers to report to their immediate supervisor any and all occurrences of vehicular pursuit. Supervisors may require written reports detailing the circumstances before, during and after the pursuit.

B. The on-duty supervisor of the officer engaged in the pursuit should monitor the situation and direct the officer to terminate the pursuit whenever the supervisor believes the risk to public safety is higher than failure to apprehend the suspect.

C. Pursuits should be limited to two fully-marked vehicles with operable emergency equipment and radio communication. The secondary vehicle will communicate updates on the status, location, and direction of the pursuit via radio communications

V. Related Cases:

A. *Hamilton v. Town of Palo*, 244 N.W. 2nd 329 (Iowa 1976)

B. *Ewing v. City of Detroit*, 543 N.W. 2nd 1 (Michigan App. 1995)

C. *Mason v. Britton*, 534 P.2nd 1360 (Washington 1975)

D. *Sacramento v. Lewis*, 118 S.Ct. 1708, 523 U.S. 833 (1998).

E. *Boyer v. State of Maryland et al.*, 323 Md. 558, 594 A.2d 121 (1991).

EVIDENCE

I. Purpose:

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

II. Policy:

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

A. Collection:

1. It is the policy of the Rock Hall Police Department to have responding officers secure and preserve the crime scene as quickly and safely as possible. Dependent upon the nature of the scene, officers shall make use of additional officers, barricades, barrier tapes or ropes, and signs to secure and preserve the integrity of the scene and any potential evidence.
2. It is the policy of the Rock Hall Police Department to utilize an expert evidence technician or specially trained evidence recovery team if these resources are reasonably available.
3. It is the policy of the Rock Hall Police Department to recover all relevant physical evidence at all known crime scenes.
4. It is the policy of the Rock Hall Police Department to ensure a suitable level of crime scene supervision when considering the seriousness of the crime, the complexity of the scene, the type of evidence to be identified and/or collected, the experience of available personnel, and other related factors.
5. It is the policy of the Rock Hall Police Department to make appropriate equipment available for evidence collection and preservation at all crime scenes. This shall include but is not limited to:
 - a. Materials necessary for fingerprint recovery and preservation,
 - b. Photography equipment (cameras and appropriate film, batteries, lights, flashes, etc.),
 - c. Sketching equipment (graph paper, templates, pencils, erasers, measuring tapes, rulers, etc.).
6. It is the policy of the Rock Hall Police Department that a proper chain of custody for all cataloged evidence shall be accurately and consistently maintained by recording all changes of

custody for each piece of evidence. To this extent, each recorded transfer of evidence will stipulate the time and date of the transfer as well as the name of the receiving officer or police employee. It will also be the policy to minimize the number of evidence transfers.

7. It is the policy of the Rock Hall Police Department that all evidence preservation containers shall be cataloged and stored in a secure location which will allow their immediate retrieval when necessary.

8. It is the policy of the Rock Hall Police Department that all evidence be properly maintained until it is no longer legally relevant. If police custody of an item is no longer necessary, it shall be returned to its legal owner or subjected to proper disposal.

III Guiding Principles:

Preservation and Documentation:

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

IV. Definitions:

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

V. Selected Relevant Cases:

- A. **Breithaupt v. Abram** 352 U.S. 432 (1957)
- B. **Schmerber v. California** 384 U.S. 757 (1966)
- C. **Cupp v. Murphy** 412 U.S. 291 (1973)

D. U.S. v. Montoya De Hernandez 473 U.S. 531 (1985).

E. Claifornia v. Acevedo, 500 U.S. 565, 111S.Ct. 1982 (1991).

EMPLOYMENT STANDARDS

I. Purpose:

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

II. Policy:

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

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

B. Deleted.

C. It is the policy of the Rock Hall Police Department that applicants selected for employment as a sworn member meet or exceed these minimum qualifications:

1. Applicants must be a United States Citizen at the time of appointment.
2. Applicants must have received a high school diploma or the equivalent.
3. Applicants must have reached their 21st birthday upon completion of academy training.
4. Applicants must be subjected to an initial physical examination by a licensed physician to determine if the applicant is physically fit and able to perform the daily duties of a police officer. (This examination will include tests of visual and hearing acuity.)
5. Applicants must be certified by a licensed mental health care professional to be emotionally and mentally fit for the duties of a police officer.
6. Applicants must have a valid driving license for the state of their residency prior to the beginning of recruit training.
7. The applicant's criminal record and drug-use experience may be disqualifying, even if circumstances appear to be very minor, as will any experience which may jeopardize an officer's credibility to enforce the law, testify under oath, in court, and related enforcement practices.
8. Applicants must be willing to submit to a polygraph or other truth verification examination if required by the Maryland Police Training Commission.

D. It is the policy of the Rock Hall Police Department to abide by the provisions of the American with Disabilities Act, and all other federal statutes and regulations governing employment standards.

D. It is the policy of the Rock Hall Police Department to abide by the provisions of the American with Disabilities Act, and all other federal statutes and regulations governing employment standards.

III. Definitions:

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

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

IV. Selected Relevant Cases:

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

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

C. O'Connor v. Ortega, 480 U.S. 709 (1987)

TRAINING STANDARDS

I. Purpose:

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

II. Policy:

A. It is the policy of the Rock Hall Police Department that all recruit officers will be competently trained in the required knowledge, skills and abilities associated with the daily circumstances of police work before they are actively used in enforcement activities or are able to make arrests. Generally, initial training will take place in an academy or classroom setting and will meet the standards of the Maryland Police Training Commission. Typical areas of initial instruction will include but are not limited to:

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

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

C. It is the policy of the Rock Hall Police Department that proficiency in the use of firearms for all officers will be determined by periodic qualification. At a minimum, the requirements for qualification will meet the standards established by the Maryland Police Training Commission.

D. It is the policy of the Rock Hall Police Department to apply remedial or enhancement training as a non-punitive alternative whenever an officer's performance is identified to be below established

standards. The employment of remedial training is reserved for those circumstances determined by the Commanding Officer to be a reasonable alternative or supplement to punitive action.

E. It is the policy of the Rock Hall Police Department to insure training is consistent with the needs of the officers. That is, as technology or criminal tendencies change, members will be made aware of and trained in these areas to effectively enforce the law.

III. Guiding Principles:

A. Training fees, the cost of materials for training, and any other related expenses will be provided by or reimbursed by the police agency.

B. Recruits scheduled for training must attend all training sessions and be punctual unless there is illness or other reasonable excuses. In-service officers have the same requirements during their subsequent training.

C. Because of the requirements of police work, it is mandatory that officers be trained in Cardiopulmonary Resuscitation (CPR) and first aid.

IV. Definitions:

A. Recruit: any officer candidate who has not completed all academy requirements necessary to become a certified police officer with the agency.

B. Field Training Officer: the officer to whom a recruit officer is assigned for practical training during routine patrols.

C. Field Training: A period of training, subsequent to academic training, which takes place during normal enforcement activities. These assignments are used to familiarize the new officer with the circumstances surrounding routine police work while under the supervision of a Field Training Officer.

V. Selected Relevant Cases:

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

B. Pembaur v. Cincinnati, 475 U.S. 469 (1986)

C. Oklahoma City v. Tuttle, 471 U.S. 808 (1985)

D. Monell v. New York City Department of Social Services, 436 U.S. 658 (1978)

HANDLING OF JUVENILES

I. Purpose:

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

II. Policy:

A. It is the policy of the Rock Hall Police Department that officers will use discretion to make use of the least forceful and intrusive alternative available consistent with maintaining public safety, order, and individual liberty. In particular, as in cases involving minor offenses, officers will consider releasing the juvenile offender to the custody of a parent or legal guardian at the scene of the incident before transporting the juvenile to a police facility and formally processing the juvenile.

B. It is the policy of the Rock Hall Police Department to insure the constitutional rights of juveniles, including rights against self-incrimination and search and seizure, are never compromised and shall be completely protected at all times.

C. It is the policy of the Rock Hall Police Department that, during the temporary detention period, a juvenile must be separated by sight and sound from all adult offenders who may also be in the custody of the police.

D. It is the policy of the Rock Hall Police Department that a juvenile must not be transported together with adults who have been charged with or convicted of a crime unless the court has waived its jurisdiction and the child is being proceeded against as an adult.

III. Guiding Principles:

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

B. The parents or legal guardian of a juvenile who has been taken into custody should be notified of the custody and surrounding circumstances as soon as possible.

C. When a juvenile has been taken into custody, the length of detention should be limited to only that amount of time which is immediately necessary, and not to exceed six hours for the purposes of identification, processing, or transfer to another facility.

D. Officers should only take custody of a status offender (a child in need of supervision) when there is sufficient reason to believe that the juvenile will run away if not taken into custody immediately or

there are exigent circumstances. Under such circumstances, status offenders shall be detained separately and transported separately from delinquent offenders.

E. When the officer has taken a juvenile into custody and it is deemed necessary to further detain him pending a hearing, there must be an immediate contact with the local Department of Juvenile Justice Intake Coordinator for authorization. That division will make the decision to release or detain the juvenile.

F. Formal processing should be considered when the delinquent act in question:

1. Would be a felony if committed by an adult.
2. Involved the use of weapons.
3. Involved an aggravated assault or battery.
4. Was related to gang activity.
5. Was committed by a juvenile currently under probation or parole.
6. Was committed by a juvenile who has repeatedly committed delinquent acts within the past 12 months.
7. Later investigation reveals that parental supervision has been inadequate.

G. Photographing and Fingerprinting a Juvenile:

1. Juveniles under the age of 14 years should not be photographed and fingerprinted unless it is authorized by the arresting officer's supervisor.
2. Juveniles 14 years or older should be photographed and fingerprinted for any felony or the following misdemeanors:
 - a. Narcotics offenses.
 - b. Unauthorized use of a Motor Vehicle.
 - c. All sex offenses.

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

H. Maryland state law requires notification of the appropriate public school superintendent within 24 hours, or as soon as possible, when a juvenile enrolled in a public school is charged with a crime of violence or any weapons charge (to include pepper spray). *See Education Article of the Annotated Code of Maryland 7-301.*

IV. Definitions:

A. Juvenile: Any person under the age of 18 years.

B. Status offender: A juvenile who has committed an act which would not be a crime if committed by an adult (e.g., runaway, truancy, alcohol prohibitions, etc.).

C. Delinquent Child: A juvenile offender who is charged with an offense which, if committed by an adult, would be a crime.

D. Non-Offender (Child in need of assistance): A juvenile subject to juvenile court jurisdiction usually under abuse, dependency, or neglect statutes and not because of delinquent behavior.

V. Selected Relevant Cases:

A. Haley v. Ohio, 332 U.S. 596 (1948)

B. In Re Gault, 387 U.S. 1 (1967)

C. Breed v. Jones, 421 U.S. 519 (1975)

D. State in Interest of T.L.O., 463 A 2d 934 (1983) *also see F. below.*

E. Schall v. Martin, 467 U.S. 253 (1984)

F. New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733 (1985).

G. Illinois v. Gates, 462 U.S. 213 (1983)

DOMESTIC VIOLENCE INVESTIGATIONS

I. Purpose:

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

II. Policy:

A. It is the policy of the Rock Hall Police Department that domestic violence will be handled as a crime without regard for the relationship between the victim and the offender or the probability of prosecution by the victim.

B. It is the policy of the Rock Hall Police Department to dispatch at least two officers, when available, to each case that involves allegations of domestic violence. The officer who is first to respond will be the primary officer to handle the case until he or she is relieved of this duty by a supervising officer.

C. It is the policy of the Rock Hall Police Department that, when dispatched to a reported case of domestic violence, officers will act in a pro-active fashion with an emphasis towards arresting domestic abuse offenders and protecting victims. Officers will arrest domestic abuse offenders without warrants when there is probable cause to believe the following, as set forth in the Annotated Code of Maryland, Article 27, Section 594B, subsection (d):

1. The battered person is the offender's spouse, or the abuser and the victim share a residence, and
2. There is evidence of physical injury, and
3. Unless immediately arrested, the abuser will elude apprehension, cause physical injury or property damage, or will tamper with, dispose of, or destroy evidence, and
4. A report to the police was made within 48 hours of the alleged incident.

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

1. Arrest the assailant if it is possible to do so in accordance with Section II.C of this policy.
2. Secure the crime scene and preserve any available evidence.

3. Request a crime lab technician to respond to the scene of the crime.
4. Interview any witnesses.

III. Guiding Principles

A. Before leaving the scene of a domestic assault, the officers should provide information to the victim indicating the availability of legal remedies to prevent further violence as well as the availability of local support services. *See also, Family Law Sections 4-501 to 606 and Article 27, Sections 798 to 803.*

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

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

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IV. Definitions:

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

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

SEXUAL ASSAULT INVESTIGATIONS

I. Purpose:

The purpose of this policy is to establish guidelines for handling the investigation of cases which involve violence of a sexual nature. *See Annotated Code of Maryland, Article 27 beginning with Section 461.*

II. Policy:

A. It is the policy of the Rock Hall Police Department that, when officers have determined that a sexual assault has occurred, the health and safety of the victim should be assessed immediately, and if appropriate, medical assistance provided. Subsequent to this, priority should be given to the following:

1. Arrest the assailant, if one is known, and it is possible to do so.
2. Secure the crime scene and preserve any available evidence.
3. Request a crime lab technician to respond to the scene of the crime.
4. Interview any witnesses.

B. It is the policy of the Rock Hall Police Department that, the investigation of all sexual assaults will be conducted with a coordinated effort among the police investigators, representatives from victim outreach programs and social support networks.

III. Guiding Principles:

A. Sensitivity in investigating sexual assaults is an important quality to maintain. The collection of evidence or informative statements should not create any unnecessary stress to the victim. If possible, one officer should conduct the interview with the assistance of a representative from an available victim outreach program or similar support service.

B. If the call for service suggests that a sexual assault crime has just occurred or is in progress, at least two officers, if possible, will be dispatched to respond. The first officer to respond to the call will be the primary investigator until relieved of this duty by a supervising officer.

C. Before leaving the scene of a sexual assault, the officers will provide information to the victim indicating the victim's legal rights and the availability of local support services.

D. Officers who respond to cases involving sexual assault shall include a written incident report before the end of their shift.

INVESTIGATION OF MISCONDUCT

I. Purpose:

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

II. Policy:

A. It is the policy of the Rock Hall Police Department to receive all complaints of misconduct courteously, record all complaints on a standard form, and to investigate each complaint seriously and professionally. All members of the Department are authorized to receive complaints in writing, by telephone, and through personal communication. This information will then be recorded and forwarded to the appropriate supervisor designated to investigate such complaints, or to the Office of the Chief (Sheriff). The degree of seriousness of the allegation or complaint will determine the course of the investigation. Less serious circumstances may be delegated to the officer-in-question's immediate supervisor. Serious allegations (including, but not limited to those involving corruption, misuse of force, breach of civil rights, untruthful statements, criminal misconduct, etc.) will be investigated thoroughly by the designated supervisor.

B. It is the policy of the Rock Hall Police Department that, members of the Department who have witnessed a serious violation of departmental regulations by a member of their own agency, by an act of commission or omission, shall report this violation as soon as possible to their immediate supervisor. Additionally, members are required to report as soon as possible to their immediate supervisor all criminal and hazardous traffic violations for which they are themselves charged.

C. It is the policy of the Rock Hall Police Department to fully investigate all charges of misconduct alleged against members of other law enforcement agencies and to notify the officer's parent agency of the alleged misconduct.

D. To ensure all members of the department apply only the appropriate level of force, it is the policy of the Rock Hall Police Department that all reports of the use of force will be reviewed thoroughly by the Chief of Police. In a similar fashion, all reports of on-duty officers discharging a firearm away from a firing range will be reviewed.

E. It is the policy of the Rock Hall Police Department to establish a progressive continuum of disciplinary action to be used when instances of misconduct are identified. This continuum will range from verbal and written reprimands to suspensions or termination of employment.

F. It is the policy of the Rock Hall Police Department that, disciplinary procedures and actions will be applied to all officers in accordance with the Law Enforcement Officers' Bill of Rights and other personnel and human resources policies. (*See Annotated Code of Maryland, Article 27, Sections 727 to 734D.*)

III. Guiding Principles:

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

IV. Selected Relevant Cases:

- A. City of Hagerstown v. Moats, 568 A 2d 1181 (1990)
- B. Meyers v. Montgomery County Police Dept., 96 Md App 668 (1993)
- C. Caldor, Inc. v. Bowden, 330 Md 632 (1993)
- D. Maryland State Police v. Ziegler, 330 Md 540 (1993)
- E. Jones v. Baltimore City Police Dept., 326 Md 480 (1992)
- F. Miner v. Novotny, 304 Md 164 (1985)
- G. Lodowski v. State, 302 Md 691, 490 A.2d 1228 (1985), cert. granted and judgement vacated, 475 U.S. 1078, 106 S.Ct. 1452 (1986), remand 307 Md. 233, 513 A.2d 299 (1986).
- H. Steffey v. State, 82 Md App 647 (1990)
- I. Baltimore City Police Dept. v. Andrew, 318 Md 3 (1989)

INTER-AGENCY NOTIFICATION

I. Purpose:

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

II. Policy:

A. It is the policy of the Rock Hall Police Department to subscribe to the provisions of the ***Policy of Cooperation*** as developed by the Legal Advisors Committee of the Maryland Chiefs of Police Association.

B. It is the policy of the Rock Hall Police Department to notify the on-duty ranking member of any law enforcement agency whenever a member of that agency has been arrested or the subject of a criminal warrant or summons, provided such notification does not compromise any on going criminal investigation.

C. It is the policy of the Rock Hall Police Department to notify the on-duty ranking member of any Maryland law enforcement agency whenever a member of that agency has been identified as the aggressive party in a domestic violence incident, regardless of the immediate or subsequent decision of the victim to seek an Ex Parte or Protective Order or initiate or participate in criminal prosecution.

D. It is the policy of the Rock Hall Police Department to initiate an internal investigation whenever this agency is notified by another Maryland law enforcement agency that a member has been arrested or the subject of a criminal warrant or criminal summons, or identified as the aggressive party in a domestic violence incident.

III. Guiding Principles:

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

MANAGEMENT OF INFORMANTS

I. Purpose:

The purpose of this policy is to establish guidelines for managing and monitoring all contact with confidential informants.

II. Policy:

A. It is the policy of the Rock Hall Police Department to make use of confidential informants only to seek information which could further an ongoing investigation, prevent ongoing criminal activity, aid in the apprehension of a criminal suspect, seize illegal goods, or otherwise assist in law enforcement activities. Before any contact may begin with an informant, approval must be given by the officer's immediate supervisor or commanding officer.

B. It is the policy of the Rock Hall Police Department to maintain a secure file, separate from other departmental records, for each active confidential informant. This file will be used to monitor the activity of the informant, to contain descriptive information about the informant (including a photograph, known addresses, aliases, etc.), to maintain an activity log and list of officer contacts, and to record all information regarding compensation and the utility of any information gathered by use of the informant.

C. It is the policy of the Rock Hall Police Department that, no informant will be permitted to violate any criminal or motor vehicle law in connection with gathering information, and such violations will be investigated for prosecution.

D. It is the policy of the Rock Hall Police Department that, compensation of informants shall only be offered when the officer has determined that the informant can legitimately assist in law enforcement activities. All forms of monetary compensation for an informant must be approved by the officer's immediate supervisor. When monetary compensation is delivered in exchange for information, the informant must sign a receipt witnessed by at least two officers and placed in the informant's activity file.

E. It is the policy of the Rock Hall Police Department that, compensation in the form of plea bargaining must only be conducted by, in the company of, or with the expressed approval of a representative from the State's Attorney's office.

F. It is the policy of the Rock Hall Police Department that, the use of juvenile informants (i.e., 17 years of age or younger) is allowed when permission has been granted from the officer's supervisor and the juvenile's parents, guardian, or legal custodian.

III. Guiding Principles:

- A. The use of juvenile informants should be avoided whenever possible.
- B. The identity of a confidential informant should be maintained as confidential. The disclosure of an informant's identity should be avoided; however, the informant should be advised that the possibility exists that his/her identity and capacity may be divulged.
- C. When an informant's information has been determined to be unreliable or has no utility, the informant should be deactivated from police use; however, this does not limit the ability to activate an informant once reliability has been reestablished.
- D. The informant must agree to a search of his/her person and vehicle before and after the specific operation in which he/she is assisting.
- E. The informant should sign a waiver of liability against the Department which states the inherent risk associated with working as an informant. Also, this signing should be witnessed by at least two officers.

IV. Definitions:

- A. Compensation: For the purposes of this policy, compensation is not limited to monetary payments but may include plea bargaining to a lesser charge or other such agreements.

V. Selected Relevant Cases:

- A. *Roviaro v. United States*, 353 U.S. 53, 77 S.Ct. 623 (1957)
- B. *U.S. v. Valenzuela-Bernal*, 458 U.S. 858 (1982)