

RELEASE OF INFORMATION

I. Purpose:

The purpose of this policy is to establish guidelines for the release of information, and in particular, the release of information to representatives of the media. The release of information is expected to enhance the relationship between the police agency and the community which it serves, and to gain public support in the crime control effort.

II. Policy:

A. Structure of Information Release:

1. It is the policy of the Rock Hall Police Department to release information to the public in a timely and accurate fashion by assigning the duty of controlling and disseminating public information to one office or officer.
2. It is the policy of the Rock Hall Police Department that, in the absence of a designated Public Information Officer, Unit Commanders will control the release of public information.

B. Restrictions on the Release of Information:

1. It is the policy of the Rock Hall Police Department that the following information is NOT to be released:
 - a. The identity of victims of sex-related crimes.
 - b. The identity of a suspect for whom a warrant or summons has not been issued or indictment returned.
 - c. The existence or contents of any confession, admission, or statement of the accused.
 - d. The identity, comments, expected testimony or credibility of any witness.
 - e. Any statements regarding the innocence or guilt of the accused, the merits of the case, the possibility of a plea, or the value of evidence when these statements are based upon an officer's own opinion.
 - f. The identity of a juvenile arrestee who has not been waived by the Court as an adult. (Also, refer to section II.B.3)
 - g. The identity of a deceased person before next of kin have been notified.
 - h. Information regarding special enforcement tactics that have been planned in advance (e.g., raids, stake-outs, or special assignments, etc.) except where it may be beneficial to release such information in advance (e.g., DWI, seatbelt, and out-of-state license plate checkpoints).

- i. Any information which could impede the enforcement of the law or an ongoing investigation.
 - j. Any information which is legally privileged.
 - k. Any information which violates or jeopardizes the constitutional rights of an accused person.
 - l. Any information that could jeopardize the safety of an officer, victim, witness or informant.
 - m. Any information that could cause embarrassment or harm to a victim or witness (e.g., name or address of a suspected abuser living in the same residence as the victim).
2. Upon request, the following information MAY be released:
- a. The type of event or crime and where it occurred.
 - b. Identity of victim (unless the crime was a sexual assault, the victim has requested to remain unidentified, or in the case of death, the victim's next of kin have not been notified).
 - c. The name, age, city of residence, and other background information of a charged suspect.
 - d. The charge upon which an arrest has been made.
 - e. Circumstances of the arrest.
 - f. Custody status.
 - g. Dates of hearings.
 - h. Identifying photographs only if they are available and do not contain police identification data.
3. It is the policy of the Rock Hall Police Department to release information in regards to criminal offenses committed by juvenile delinquents only as follows:
- a. Any distinctly identifying information, such as name or address, will NOT be released.
 - b. A juvenile's age, sex, city of residence, and the details of the offense MAY be released.
 - c. Only those traffic offenses which have been committed by juveniles over the age of 16 years and not subject to penalties of incarceration shall be available for release.
 - d. The release of information regarding juvenile defendants who are charged as adults will follow the guidelines established for adult defendants.

C. Release to Media Representatives:

- 1. It is the policy of the Rock Hall Police Department to accept requests for the release of information by bona fide representatives from the media when the necessary credentials have been verified.

2. It is the policy of the Rock Hall Police Department that, information will not be released to media representatives with any particular favor or prejudice.

D. Officer Information:

1. It is the policy of the Rock Hall Police Department that, personal addresses and telephone numbers of police personnel will not be released at any time.

III. Guiding Principles:

Although it is important to release information in a timely manner, priority must be given to the security of a crime scene or disaster area. In this sense, the preservation of any evidence and the safety of bystanders, police officers, and media representatives should take precedence over the access to a scene or the dissemination of information.

IV. Selected Relevant Cases:

A. Press Enterprise Co. v. Superior Court, 478 U.S. 1 (1986)

B. Patton v. Yount, 467 U.S. 1025 (1984)

C. Rideau v. Louisiana, 373 U.S. 723 (1963)

D. Sheppard v. Maxwell, 384 U.S. 333 (1966)

E. Smith v. Daily Mail Publishing Co., 443 U.S. 97 (1979)

F. U.S. v. Regan, 878 F.2d 67 (1989)

G. Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555 (1980)

RIDE-ALONG PROGRAM

I. Purpose:

The purpose of this policy is to establish guidelines under which citizens are permitted to participate in departmental ride-along programs. Such programs assist departments develop positive public relations and provide educational experiences for officers and citizens.²

II. Policy:

A. It is the policy of the Rock Hall Police Department to allow civilians to participate in a ride-along program which allows them to accompany individual officers on patrol for observational or educational purposes.

B. It is the policy of the Rock Hall Police Department that, participants of the ride-along program must submit a waiver of claim and liability before the commencement of the assigned ride.

C. To ensure the proper safety of each participant, it is the policy of the Rock Hall Police Department that participants will be required to wear a seat-belt throughout the duration of the patrol and must pay particular attention to any commands given to them by the officer.

D. It is the policy of the Rock Hall Police Department that, participation in the ride-along program will be limited to:

1. Citizens over the age of 18 years.
2. Visiting law enforcement personnel.
3. Adult relatives of active or retired Departmental personnel.
4. Professionals and students in the field of criminal justice or related social sciences.
5. Members of the media and governmental officials.
6. Participants who have not already participated in the past six months.

E. It is the policy of the Rock Hall Police Department that, only one ride-along participant may accompany an officer at any given time.

F. It is the policy of the Rock Hall Police Department that, prisoners will not be transported in the same vehicle as the ride-along participant.

G. It is the policy of the Rock Hall Police Department to set and enforce dress standards for persons participating on Ride-Alongs.

PRISONER TRANSPORT

I. Purpose:

The purpose of this policy is to establish guidelines in the transportation of prisoners. It is expected that this policy will maximize the safety of the prisoner, the transporting officer, and the community.

II. Policy:

A. It is the policy of the Rock Hall Police Department to take the necessary precautions to protect the safety of the prisoner, the transporting officer and the community. This shall include, but is not limited to, the following actions:

1. Restrain the prisoner with handcuffs or flex-cuffs utilized to the rear and other restraining devices where necessary.
2. Search the prisoner thoroughly even if he or she has been searched previously.
3. Search the transporting vehicle for contraband and inspect for safety.
4. Secure the prisoner into the vehicle by using a seat-belt and shoulder harness.
(See III.B below.)
5. Maintain close guard over the prisoner at all times.
6. Remove the prisoner from the scene without delay.

B. It is the policy of the Rock Hall Police Department to restrict the transport of multiple prisoners in the following manner:

1. Unless juvenile jurisdiction has been waived, juvenile prisoners will not be transported in the same vehicles as adult prisoners.
2. Juvenile "status" offenders will not be transported with juvenile "delinquent" offenders.
3. Male and female prisoners cannot be transported in the same vehicle.
4. Communication between prisoners will not be allowed without the transporting officer's permission.
5. Whenever possible, two officers will transport female prisoners.

C. It is the policy of the Rock Hall Police Department to limit prisoners' ability to communicate while in transport by not allowing prisoners to communicate with or come in physical contact with any non-prisoner while in custody. Also, prisoners will not be allowed to exercise their right to counsel during transportation, and officers will not question a prisoner unless the prisoner has been properly notified of his or her Miranda rights.

D. It is the policy of the Rock Hall Police Department to require police officers to communicate via radio to the dispatcher their approximate location, travel destination, time and mileage readings, and category (such as, adult male or juvenile female) of the prisoner before prisoner transportation begins.

H. It is the policy of the Rock Hall Police Department to prohibit Ride-Along participants from carrying or possessing weapons of any kind (e.g., firearms) unless authorized by another police agency.

III. Guiding Principles:

A. It is expected that each participant of the ride-along program will submit in advance an application form to be approved by the Unit or Squad Commander or higher ranking officer. This application should include any and all requests for a specific time, date, or officer's name as well as a stated reason for wanting to participate. At the discretion of the Chief or his/her designee, applicants may be interviewed prior to being approved for participation.

B. Where the officer believes that a participant's safety may be in jeopardy during a response to a call for service, that officer will discharge the ride-along participant at a location determined to be safe before responding to the call at hand. In such a case, the ride-along officer will communicate via radio to the dispatcher to indicate the location where the ride-along participant has been discharged.

IV. Relevant Case

Wilson v. Layne, 119 S.Ct. 1692 (1999).

III. Guiding Principles:

A. It would be prudent to secure in advance alternate sources of transportation for prisoners with special circumstances. For instance, disabled, sick, or injured prisoners may need to be transported in vehicles other than standard patrol cars or departmental vans and will need alternative modes of transportation.

B. Individual departments are advised to determine their own standards as to the physical placement of the prisoners in relation to the seating arrangements of one and two officer patrol cars. Also, departments are advised to develop strategies in apprehending prisoners who may escape during transport.

C. Transporting a prisoner by commercial air transportation requires well established procedures which should be in line with the larger police agencies. For example, the specific authorization for carrying firearms is Section 121.585 of Federal Aviation Regulation, Part 121.

REPORTING REQUIREMENTS

I. Purpose:

The purpose of this policy is to establish which activities encountered by police warrant the completion of a report. Completing a report immediately after such an event has occurred will aid the report writer by reducing confusion and disparate recall. Written reports also facilitate court testimony.

II. Policy:

A. It is the policy of the Rock Hall Police Department to have officers complete a report at least by the completion of their current shift when incidents such as the following have occurred:

1. An officer has responded to a Part I, Part II, or other felony crime.
2. A citizen has reported a complaint against an officer.
3. An officer has responded to a criminal case by initiating an investigation.
4. An officer has responded to a motor vehicle accident involving death, serious personal injury, or property damage.
5. An officer has responded to an incident which could be considered a racial, religious, or ethnic hate crime.
6. An officer has responded to an incident involving a domestic assault.
7. An officer has responded to an incident involving the death of a person not due to natural illness.
8. An officer has applied the use of force or when a suspect or arrestee has complained of an injury sustained during arrest or transport.
9. An on-duty officer has discharged a firearm in a circumstance other than during training.
10. An officer has been involved in a high speed pursuit.
11. An officer has initiated an arrest.

B. It is the policy of the Rock Hall Police Department that all officers will report the occurrence or clearance of less serious events to the dispatcher or through the Computer Assisted Dispatch and have this account act as a complete report. .

III. Guiding Principles:

When an officer is unsure of the necessity of completing a written report, the officer should defer to the recommended course of action that is deemed appropriate by his or her immediate supervisor.

DISCRIMINATION AND SEXUAL HARASSMENT

I. Purpose:

The purpose of this policy is to establish definitions for *discrimination* and *sexual harassment* and to eliminate the presence of these in the workplace. It is expected that the elimination of these activities will establish an effective work environment and ultimately benefit the community.

II. Policy:

A. Discrimination:

1. It is the policy of the Rock Hall Police Department to not tolerate any form of discrimination in the employment of officers or civilian employees, the enforcement of law, the administration of any police services, or in normal interaction by employees in the workplace. State and federal law prohibits discrimination on the basis of sex, age, race, color, national origin, religion, marital status, political affiliation, disability, or sexual orientation.
2. It is the policy of the Rock Hall Police Department to direct all complaints of discrimination to either the Internal Affairs division or the personnel department (and/or other specified unit).
3. It is the policy of the Rock Hall Police Department to allow employees with concerns, questions, or complaints about discrimination to contact the Maryland State Human Relations Commission or any other local Human Relations Commission, the U.S. Equal Employment Opportunity Commission, or private legal counsel without a threat of disciplinary or other adverse action.
4. It is the policy of the Rock Hall Police Department to subject Department members whose conduct constitutes discrimination, or an official who knowingly permits such conduct, to disciplinary action which may range from formal reprimand up to and including dismissal.

B. Sexual Harassment:

1. It is the policy of the Rock Hall Police Department to not tolerate any form of sexual harassment that may occur during the enforcement of law, the administration of any police services, or in normal interaction by employees in the workplace.
2. It is the policy of the Rock Hall Police Department to direct all complaints of sexual harassment to either the Internal Affairs division or the personnel department (and/or other specified unit).
3. It is the policy of the Rock Hall Police Department to allow employees with concerns, questions, or complaints about sexual harassment to contact the Maryland State Human Relations Commission or any local Human Relations

Commission, the U.S. Equal Employment Opportunity Commission, or private legal counsel without a threat of disciplinary or other adverse action.

4. It is the policy of the Rock Hall Police Department to subject Department members whose conduct constitutes sexual harassment, or an official who knowingly permits such conduct, to disciplinary action which may range from formal reprimand up to and including dismissal.

5. It is the policy of the Rock Hall Police Department to maintain the highest degree of confidentiality in all investigations involving alleged or determined sexual harassment.

C. Written Acknowledgment:

It is the policy of the Rock Hall Police Department that all members shall acknowledge in writing, receipt of a copy of these policies.

III. Guiding Principles:

A. It is prudent for all supervisory personnel to conduct a prompt inquiry or investigation in regards to any instance of alleged discrimination or sexual harassment. Likewise, it is necessary for Departments to plan in advance a course of action which would include a proper chain of command for handling complaints, investigative strategies, and a scale for disciplinary action.

B. Frequently, individuals may not be aware of what constitutes harassment or discrimination. For instance, sexual harassment can take the form of repeated verbal abuse, joking, ridiculing, offensive gestures, touching, patting, pinching and other inappropriate physical contact. It is important to include sufficient training on sexual harassment and discrimination to ensure that employees are aware of what constitutes harassment or discrimination so that their occurrence may be prevented.

C. Failure by persons in authority to take appropriate action when it is shown that they have knowledge of discrimination or harassment will themselves be subject to disciplinary action.

D. Where reasonable to do so, this policy does not forbid the antagonist from being confronted and notified that his/her behavior and activities are inappropriate and unwanted and must cease. If resolved satisfactorily at that point, no further action is necessary.

E. Where a formal preliminary inquiry is requested, it must be completed within ten days. Where warranted, a full investigation then must be completed as soon as possible with a rating of high priority. The victim is to be notified of the ultimate disposition of the matter as soon as it is known.

F. After disposition, the victim must be contacted periodically to ensure that the antagonizer has not continued his/her improper conduct.

IV. Definitions:

A. Discrimination: Any practice or procedure which limits or adversely affects employment opportunities or working conditions.

B. Sexual Harassment: Unwelcome sexual advances, requests for favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of reasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. (U.S. Equal Employment Opportunity Commission)

V. Relevant Cases:

A. Burlington Industries, Inc. v. Ellerth, 118 S.Ct. 2257, 524 U.S. 742 (1998).

B. Faragher v. City of Boca Raton, 118 S.Ct. 2275, 524 U.S. 772 (1998).

SECOND, BACK-UP AND OFF-DUTY FIREARMS

I. Purpose:

The purpose of this policy is to establish guidelines for the carrying of second and back-up duty firearms and firearms while off-duty.

II. Policy:

A. It is the policy of the Rock Hall Police Department to comply with all regulations promulgated by the Maryland Police Training Commission regarding training and qualification with duty and off-duty weapons.

B. It is the policy of the Rock Hall Police Department that authorization to carry any second or back-up firearm must be approved by the Chief of Police.

1. Firearms to be used as second or back-up weapons must carry Departmentally approved ammunition, come from a designated list of Departmentally approved weapons.
2. Officers who wish to use a second or back-up firearm while on duty must submit a written request to the Chief of Police and pass a qualification examination with the weapon before that weapon may be carried while on duty. Officers must qualify at least once annually even if the make and model are identical to the primary weapon.

C. It is the policy of the Rock Hall Police Department to allow officers to carry weapons while off-duty provided that they have submitted a request to the Chief of Police and have had that request approved.

1. Officers carrying firearms while off-duty must have their weapons concealed at all times and have on their person their badge and credentials to identify themselves as a police officer.
2. Officers carrying firearms while off-duty must NOT be intoxicated or consume intoxicating substances, including prescribed and over-the-counter medication.
3. Officers who decide to carry concealed weapons while off-duty are limited to using those weapons which formally have been approved by the Chief of Police.
4. Officers approved to carry firearms while off-duty are restricted to carrying these weapons only while they are in the State of Maryland unless they are traveling to a state within which it is lawful for off-duty officers to carry firearms.
5. The officer must qualify at least once annually with the second or back-up firearm even if the make and model are identical to the on-duty weapon.

D. It is the policy of the Rock Hall Police Department that, firearms approved for second or off-duty use must be protected from theft and damage at all times.

E. It is the policy of the Rock Hall Police Department that, unless required by the department, all second and off-duty firearms, and their corresponding ammunition, must be purchased at the officer's own expense.

F. It is the policy of the Rock Hall Police Department to require all issued weapons and approved second, back-up and off-duty weapons, be stored safely at all times. All weapons not under the immediate control of the officers shall be stored unloaded, in a secure location.

III. Guiding Principles:

A. Individual departments should design their own list of firearms which are acceptable for second and off-duty use.

B. Individual departments should limit the number of firearms per officer which can be approved for second and off-duty use.

COMPUTERS AND ELECTRONIC DATABASES

I. Purpose:

The purpose of this policy is to establish guidelines for the use and security of computers and electronic databases.

II. Policy:

- A. It is the policy of the Rock Hall Police Department that, departmental computers are used only for appropriate police business.
- B. It is the policy of the Rock Hall Police Department that, software which is not purchased by the agency, or obtained or approved by the agency data coordinator, may not be used on any agency computer.
- C. It is the policy of the Rock Hall Police Department that, each employee shall consider all computer databases or electronic files the property of the Department and shall treat each as confidential information unless such files are intended for public dissemination.
- D. It is the policy of the Rock Hall Police Department to not allow any program or data file to be copied unless specifically authorized.
- E. It is the policy of the Rock Hall Police Department to store copies of files and programs on a routine basis at an off-site location. An off-site location must be in a building other than the one that houses the primary computer files and programs. Critical information is that which if damaged, lost, or altered would significantly impede the continued operation, or the effectiveness of the installation or the agency.

III. Guiding Principles:

- A. It is important that departments regularly monitor the license agreements for software programs which are installed on department computer equipment.
- B. As many officers as possible should be educated in the proper use of computers and their application in controlling and preventing crime.

DOCUMENTATION OF CALLS FOR SERVICE

I. Purpose:

The purpose of this policy is to establish the requirements for properly documenting police calls for service. This information will serve as a record of each call handled and disposed of by the agency.

II. Policy:

A. It is the policy of the Rock Hall Police Department to maintain information on each call for service.

B. It is the policy of the Rock Hall Police Department to review records of calls for service for the purposes of determining patterns of calls, efficient application of resources and the quality of service.

III. Guiding Principles

At a minimum the following information will be maintained for each call for service:

1. A record of who placed the call (when available).
2. A record of from where the call was placed.
3. A record of the time when the call was received.
4. A record of the purpose of the call.
5. A record of the manner in which the call was disposed and by whom.

B. These records should be maintained in electronic and printed form whenever possible and to make their retrieval as easy as possible.

MULTI-JURISDICTIONAL TASK FORCES

I. Purpose:

The purpose of this policy is to establish guidelines under which police agencies may wish to enter into joint agreements with other agencies in order to more effectively prevent or reveal criminal activities.

II. Policy:

A. It is the policy of the Rock Hall Police Department to seek authorization from the Chief Executive Officer of the agency before any officer is permitted to engage in any multi-jurisdictional task force.

B. It is the policy of the Rock Hall Police Department to ensure that any multi-jurisdictional task force operation in which it may participate has a direct benefit for its citizen population.

III. Guiding Principles:

A. Agencies are advised to consider several factors before entering into a multi-jurisdictional task force agreement. Among these are cost effectiveness of the operation, scope and duration of the operation, direct benefit for the constituents of their own jurisdiction, and liability exposure..

NEEDLE STICK INJURY

I. Purpose:

The purpose of this policy is to minimize potential exposure and to safely and effectively manage post-exposure of law enforcement personnel to actual or suspected Needle Stick injuries or other percutaneous injuries incurred in the line-of-duty.

II. Policy:

A. It is the policy of the Rock Hall Police Department that in the event of a needle stick injury to agency personnel, the following procedures will be employed within a maximum two (2) hour time-frame following the actual or suspected injury:

1. Encourage/induce the wound to bleed. Wash with soap and hot water, then swab the wound area with alcohol or agency-approved antiseptic towelettes.
2. Seek immediate attention at Kent & Queen Anne's Hospital, located in Chestertown, which is this agency's designated medical facility for examination and treatment of bloodborne pathogen exposure. If serious injury was sustained, respond to the nearest hospital for treatment.
3. Request medical evaluation of the risk of HIV/AIDS or other infections caused by bloodborne pathogens.
4. Request HIV/AIDS prophylaxis treatment of infection by bloodborne pathogens after consultation with treating physician.
5. Notify the appropriate supervisor.

B. It is the policy of the Rock Hall Police Department that a full and complete administrative report will be completed by the injured member's supervisor concerning any actual or suspected Needle Stick injuries. All agency records of incidents involving employees potentially exposed to HIV/AIDS shall be retained in a secure repository with limited access and maintained in compliance with applicable privacy laws.

C. It is the policy of the Rock Hall Police Department that agency personnel will exercise due caution, and whenever possible, wear suitable protective leather gloves, when engaged in any of the following activities:

1. Searching of all arrestees and suspects, male or female, adults or juvenile—no exceptions.
2. Handling hypodermic needles or syringes, and other similar objects, including collecting and packaging these items as evidence.
3. Placing needles, syringes and other similar objects in an agency-approved puncture-resistant container for evidence/property collection and transporting purposes.

- E. Seizure - In the context of traffic stops, a seizure takes place when an officer makes an investigative or enforcement stop. Seizures during all traffic stops are subject to Constitutional constraints.
- F. Subsequent seizure - This form of seizure occurs when the original reason for the stop has been satisfied and the officer continues to detain the motorist and passenger(s). Once the underlying basis for the initial stop has concluded, a police-driver or police-passenger encounter which implicates the Fourth Amendment is constitutionally permissible only if (1) the driver and passenger(s) consents to the continuing intrusion, or (2) the officer has, at a minimum, a reasonable, articulable suspicion that criminal activity is afoot.

IV. Guiding Principles:

- A. Law enforcement officers have a duty and authority to investigate suspicious activities that may be associated with the violation of criminal and motor vehicle laws. This duty does not include pursuing hunches or stereotyping, but is limited to reasonable articulable factors which would likely lead any knowledgeable, reasonable officer to the same conclusion, i.e. that a violation is occurring or has occurred.
- B. Any consideration, to any degree, of a person's race, ethnicity, age, or gender in law enforcement actions, including traffic stops, is absolutely prohibited. The only exception to this standard would occur if one or more characteristics were part of a specific lookout for a specific suspect. This applies to passengers as well as drivers.
- C. The recording and evaluating of statistical data is a management tool to be used, where appropriate, as a basis for counseling and training, and, if deemed necessary, further administrative inquiry. Police management will review and evaluate traffic stop data on a regular or periodic basis for patterns of prohibited activity.
- D. Officers should receive periodic training to enhance their ability to articulate and document their actions. By and large, officers take the proper actions for the proper reasons, yet fail to provide supporting documentation.
- E. Training programs should include a review of the Constitution and relevant case law affecting police-citizen contacts.
- F. Any such training should stress the importance of communication, particularly active listening and non-verbal cues.
- G. Police-citizen encounters, when done properly and professionally, have the potential to be positive community relations tools and can be a means of confronting adverse anecdotal information.

- H. Nothing in this policy should be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.
- I. The record system will include data such as: race, ethnicity, age and gender of person stopped, suspicions of the officer that led to the contact, any enforcement action taken as a result of the contact, duration of the stop, and any evidence or property seized as a result of the stop.
- J. Agencies should realize the advantage in issuing the driver and/or passenger(s) a receipt documenting the circumstances leading up to the stop and subsequent actions taken thereafter.

V. Related Cases:

- A. *Pryor v. State*, 122 Md.App. 671, 681, 716 A.2d 338, 343 (1997), *cert. denied* 352 Md. 312, 721 A.2d 990 (1998)
- B. *Terry v. Ohio*, 392 U.S. 1, 88 S.Ct. 1868 (1968)
- C. *Whren v. U.S.*, 517 U.S. 806, 116 S.Ct. 1769 (1996)
- D. *Ferris v. State*, 355 Md. 356, 735 A.2d 491 (1999)
- E. *Charity v. State*, 132 Md.App. 598, 753 A.2d 556 (2000), *cert. denied*, 360 Md. 487, 759 A.2d 231 (2000)
- F. *Cartmail v. State*, 359 Md. 272, 753 A.2d 519 (2000)
- G. *Whiting v. State*, 125 Md.App. 404, 725 A.2d 623 (1999)
- H. *U.S. v. Armstrong*, 517 U.S. 456, 116 S.Ct. 1480 (1996)

DWI/DUI ARREST PROCEDURE

I. Purpose

The purpose of this policy is to establish uniform guidelines for charging defendants who have violated Sections 21-902(a) through 21-902(b) of the Maryland Vehicle Law.

II. Policy

It is the policy of the Rock Hall Police Department that all citations issued under Section 21-902(a) through 21-902(b) of the Maryland Vehicle Law will be issued in the following manner as directed by the Kent County State's Attorney's Office.

III. Arrest Procedures

A. After the arrest read the Dr-15 form to the defendant.

B. If the test is refused, fill out the Dr-15A form and issue two (2) citations:

1. 21-902(a)(1) - Driving vehicle while under the influence of alcohol
2. 21-902(b) - Driving vehicle while impaired by alcohol

C. If the test is taken and the result is .08 or greater, fill out the DR-15A form and issue three (3) citations:

1. 21-902(a)1 - Driving vehicle while under the influence of alcohol
2. 21-902(a)2 - Driving under the influence of alcohol, per se
3. 21-902(b) - Driving vehicle while impaired by alcohol

D. If the test is taken and the result is .07 or lower, issue one (1) citation:

1. 21-902(b) - Driving vehicle while impaired by alcohol

E. If you suspect that the driver is under the influence of prescription drugs or controlled dangerous substances, use standard procedure with a certified Drug Recognition Expert (DRE) and charge accordingly.

F. When completing the DR-15A enter both citation numbers on the appropriate line for a test refusal, and all three citation numbers for a test resulting in a result of .08 or greater.

INTERVIEWS AND INTERROGATIONS

I. Purpose:

The purpose of this policy is to provide standards and general guidelines for law enforcement interviews and interrogations that are accurate, credible, and professionally accomplished.

II. Policy:

A. It is the policy of the Rock Hall Police Department that the conduct of police interviews and interrogations should be fair, competent, and totally objective. It is extremely important that this practice should also be perceived as non-coercive and unbiased by the courts and general public.

B. It is the policy of the Rock Hall Police Department that interviews and interrogations comply with all constitutional requirements, applicable state and local laws and strictly adhere to agency investigative procedures.

C. It is the policy of the Rock Hall Police Department to accurately and completely record or otherwise document the conditions, content, and conclusions of any interview or interrogations. This agency acknowledges the advantages of electronic recording whenever investigative and environmental conditions allow.

III. Definitions:

A. Interview – A purposeful and non-accusatory conversation with a victim, a complainant, a witness, or even a possible criminal suspect. The atmosphere is non-custodial and the interviewee should feel that he/she is free to end or terminate and leave at any time.

B. Interrogation – During an interrogation, the person being questioned by the police is not free to leave, and police questioning or conduct is specifically designed to elicit incriminating responses implicating the person in criminal activity. All custodial interrogations shall be preceded by issuance of the *Miranda* warning.

C. Electronic Recording – The practice of audio recording and/or videotaping an interview or interrogation. It is a violation of Maryland law to audio-tape any conversation without the consent of all parties.

D. Custody – A suspect is considered to be in custody if, under similar circumstances, a reasonable person in the suspect's position would feel that his/her liberty to move about freely or leave was being restrained in any way.

IV. Guiding Principles – Interviews:

- A. Interviews are critical components of a police investigation. Most police interviews are conducted with victims, complainants and witnesses to a criminal act. Interviews may be conducted in the field, in police facilities, in vehicles, or any other convenient location.
- B. Officers should give clear notification, followed by acknowledgment by the person being interviewed that the questioning is non-custodial and that the person being questioned is free to discontinue and leave at any time.
- C. A fact-finding interview of a possible criminal suspect is not an interrogation. Thus the *Miranda* warnings are not required.
- D. If, at any time during an interview, a person's responses incriminate, or tend to incriminate him/her in the commission of a crime, the questioning officer shall give the *Miranda* warnings before continuing the interrogation, regardless of whether the person has been arrested. The warnings indicate that the person is now a suspect and that he/she is not at liberty to leave.
- E. Whenever possible and practical, officers should prepare a typed (or written) statement of an interview and have it reviewed, acknowledged as accurate and signed by the interviewee.
- F. While electronic recording may be appropriate for interrogation of criminal suspects, non-custodial interviews of crime victims, witnesses and associated individuals may also be electronically recorded.
- G. Any interview that is electronically recorded must have the express consent of all parties. Persons being interviewed should sign a consent form.

V. Guiding Principles – Interrogations:

- A. Custodial interrogations of criminal suspects shall always be preceded by *Miranda* warnings, using the agency pre-printed form. If at any stage of the custodial questioning, the suspect indicates the he/she wants to stop talking or to consult with an attorney before continuing, the questioning shall stop.
- B. Interrogations should be pre-planned and investigating officers should have a clear understanding of the issues to be covered. This ordinarily includes an understanding of the evidence available, victim/witness accounts, offense elements, possible alibis and defenses, and applicable laws.
- C. Interrogations should, whenever possible, be conducted by two officers. Prior to the

interrogation each officer should have a clear understanding of the respective roles each will perform.

D. If a confession to a criminal act is obtained, officers should prepare a written statement to that effect and endeavor to have it reviewed, acknowledged as accurate, and signed by the suspect.

E. Where practical and when available, consideration should be given to recording the entire interrogation on videotape. This consideration should be given regardless of whether the interrogation is conducted in the field or police facility.

F. If the interrogation is to be electronically recorded, the suspect should first sign a consent form. Covert or surreptitious electronic audio recordings of interviews and interrogations are prohibited by Maryland law.

G. Under no circumstances are interrogating officers allowed to utilize physical force or any physically inhumane or abusive coercion against a suspect to make him or her provide incriminating information. The use of physical force or employment of torture techniques or psychological coercion during an interrogation is unconstitutional.

H. Officers have no authority to offer promises of leniency or special consideration as inducements for admissions or cooperation. This subtle form of coercion is prohibited.

I. Information developed through interrogations and/or confessions should be corroborated to the fullest extent possible by information and evidence available through other investigative means.

G. If there is more than one suspect, any incriminating statements or information supplied by one suspect against another must be independently substantiated.

VI. Special Cases – Juveniles:

A. Juveniles have the same *Miranda* rights as adults. A juvenile suspect may waive *Miranda* and make a voluntary statement during a custodial interrogation, but whether the statement is voluntary depends on factors such as: age; experience; education; background; intelligence; capacity to understand his or her rights and the consequences of waiving them; and presence of a parent during the interrogation.

B. Although police are not specifically required to tell a juvenile that he or she has a right to speak to his or her parents, it is advisable to do so. Parents' absence from the interrogation does not automatically invalidate the statement, but at least one Maryland court has held that a 10-year old is entitled to parental guidance, unless the State could demonstrate he had the mental capacity to understand the significance of his *Miranda* rights and the consequences of waiving them.

C. Interrogation of juveniles should be limited to a reasonable time-duration with opportunities for periodic rest breaks. The number of officers participating in the interrogation of a juvenile should be limited.

VII. Related Cases:

- A. *Fare v. Michael C.*, 442 U.S. 707, *reh'g den.*, 444 U.S. 887 (1979)
- B. *Johnson v. Zerbst*, 304 U.S. 458 (1938)
- C. *Lodowski v. State*, 307 Md. 233 (1986)
- D. *In re Lucas F.*, 68 Md. App. 97 (1986), *cert. den.* 307 Md. 433 (1986)
- E. *Miranda v. Arizona*, 384 U.S. 436 (1966)
- F. *Winder v. State*, 362 Md. 275 (2001)
- G. *Baynor v. State*, 355 Md. 726, 738 (1999)

ETHICS IN LAW ENFORCEMENT

(Model Policy created by the Maryland Chiefs of Police Association
and adopted on April 14, 2004)

I. Purpose:

The purpose of this policy is to outline the general parameters of ethical conduct that is expected of all sworn members of this age both on and off-duty.

II. Policy:

A. It is the policy of the Rock Hall Police Department, that sworn members will perform their professional duties competently and conscientiously in full accordance with the law as well as agency rules and regulations and agency values.

B. It is the policy of the Rock Hall Police Department, that sworn members, while on-duty, will uniformly treat private citizens in a civil and equitable manner, regardless of the circumstances of the sworn member-citizen contact or citizen's status.

C. It is the policy of the Rock Hall Police Department, that sworn members will conduct their off-duty personal lives in a mature, law-abiding and exemplary manner.

D. The policy of the Rock Hall Police Department applies to all sworn members, including command members, and the agency chief executive.

E. It is the policy of the Rock Hall Police Department, that all sworn members will be guided by the provisions of the IACP law enforcement ethics statements which are contained as Appendices of this policy.

III. Definitions:

A. Corrupt Practices: Conduct by sworn members that involves profiting from their misuse of authority of office, usually for personal gain for themselves or others, including bribery, extortion, fraud and perjury.

B. Gratuities: Gifts, advantages or favors, solicited or unsolicited, by sworn members of any rank, from a citizen or other public official, that may tend to influence or compromise the member's duty performance, so that future considerations may be reasonably expected by the citizen-benefactor; a quid-pro-quo arrangement.

C. Noble Cause Intent: The phenomenon of officers who engage in misconduct or commit a criminal act, in the belief that the end result will justify their actions.

D. Malfeasance: The intentional commission of a prohibited act.

E. Misfeasance: The improper performance of a required act.

F. Nonfeasance: Failure to perform a required act.

IV. Guiding Principles:

- A. Sworn members are personally and professionally responsible for compliance with all laws and agency rules and regulations. They cannot consider themselves exempt from any law or regulation based on any situational basis, either work-related or off-duty.
- B. Sworn members cannot engage in any misconduct, either on or off-duty, that might discredit themselves or this agency. Police misconduct is impropriety in public office, either by commission or omission and is understood to include:
 - Malfeasance
 - Misfeasance
 - Nonfeasance.
- C. Sworn members are responsible for their actions, both on and off-duty, and they are required to fully cooperate with any official inquiry into their work performance and behavior.
- D. Sworn members shall treat other agency members, both sworn and civilian, in a civil, professional and collegial manner. Harassment and discrimination, either in or out of the workplace, directed at either coworkers or private citizens, is expressly prohibited.
- E. Sworn members shall not accept gratuities. This proscription applies to all sworn ranks and positions—No exceptions.
- F. All sworn members, particularly those in command positions, must avoid any possible conflicts of interest which might discredit themselves or this agency.
- G. Corrupt practices, regardless of any presumed “noble cause intent,” will not be tolerated on the part of any sworn member.
- H. Sworn members can use any reasonable means to protect themselves or to effect compliance with a lawful enforcement action. Excessive use of force is strictly prohibited.
- I. Sworn members shall be constantly cognizant of the unique role that discretion plays in their authority as law enforcement officers, along with its corollary of confidentiality with regard to both agency matters and the public's right to privacy.
- J. Although this policy was primarily created for sworn members, it is also applicable to civilian employees as well.

V. Relevant Law:

- A. Maryland Public Ethics Law, Annotated Code of Maryland, State Government Article §15-101, *et seq.*
- B. Maryland Law Enforcement Officers' Bill of Rights (LEOBR), Public Safety Article. §3-101, *et seq.*

VI. Appendices:

Appendix A - IACP Law Enforcement Oath of Honor

Appendix B - IACP Law Enforcement Code of Ethics

Appendix C - IACP Law Enforcement Code of Conduct

Appendix A

Law Enforcement Oath of Honor

*On my honor, I will never
betray my badge, my integrity,
my character or the public trust*

*I will always have the courage to hold
myself and others accountable for our actions.*

*I will always uphold the
constitution, my community, and the
agency I serve.*

Source: International Association of Chiefs of Police

