

Appendix B

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 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.

Source: International Association of Chiefs of Police

Appendix C

Law Enforcement Code of Conduct

Primary Responsibilities of a Police Officer

A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community, safeguarding lives and property, protecting the innocent, keeping the peace and ensuring the rights of all to liberty, equality and justice.

Performance of the Duties of a Police Officer

A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity.

Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

Discretion

A police officer will use responsibly the discretion vested in his position and exercise it within the law. The principle of reasonableness will guide the officer's determinations, and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken.

Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest-which may be correct in appropriate circumstances-can be a more effective means of achieving a desired end.

Use of Force

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

The use of force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

Confidentiality

Whatever a police officer sees, hears or learns of that is of a confidential nature will be kept secret unless the performance of duty or legal provision requires otherwise. Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

Integrity

A police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers.

The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought, it can only be earned and cultivated.

Cooperation with Other Police Officers and Agencies

Police officers will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

An officer or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a police officer assist colleagues fully and completely with respect and consideration at all times.

Personal-Professional Capabilities

Police officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence.

Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

Private Life

Police officers will behave in a manner that does not bring discredit to their agencies or themselves.

A police officer's character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The officer's personal behavior must be beyond reproach.

Source: International Association of Chiefs of Police

DOMESTIC VIOLENCE BY LAW ENFORCEMENT OFFICER

I. Purpose:

The purpose of this model policy is to establish enforcement and operational guidelines for investigating and handling incidents of suspected or alleged domestic violence when the primary aggressor is a sworn law enforcement officer.

II. Policy:

A. It is the policy of the Rock Hall Police Department, that whenever a member of this agency learns of an incident of domestic violence, either alleged or proven, by any sworn law enforcement officer, the matter shall be reported, investigated and handled no differently than if the officer were a civilian.

B. It shall be the policy of the Rock Hall Police Department, that if a sworn member of this or any other law enforcement agency is suspected to be the primary aggressor in a domestic violence incident, the investigating officer will notify a supervisory officer who will immediately respond to the scene.

C. It is the policy of the Rock Hall Police Department, that after a comprehensive preliminary investigation at the scene of the alleged domestic violence incident, if the investigating supervisor has probable cause to believe that the involved officer was the primary aggressor in a domestic violence incident, the preferred enforcement response is a physical arrest of the officer, regardless of rank or position, or obtaining an arrest warrant if the officer has left the scene

D. It is the policy of the Rock Hall Police Department, that following an arrest of an officer for domestic violence, his or her issue and off-duty handgun (if any) will be seized, along with any other firearm(s) in proximity to the crime scene.

E. It is the policy of the Rock Hall Police Department, that the arrested officer will be suspended by the investigating supervisory officer and the officer's badge, MPTC certification card and agency ID card will be collected.

F. It is the policy of the Rock Hall Police Department, that if the officer is a member of this agency, the investigating supervisor will notify the Internal Affairs Unit or an officer who is designated to conduct an internal investigation.

G. It is the policy of the Rock Hall Police Department, that whenever a police officer-involved domestic violence call does not result in an arrest, the investigating supervisory officer shall submit a written report explaining why no arrest was effected or why an arrest warrant was not obtained.

III. Definitions:

A. Preferred Arrest Policy: Whenever the law permits, officers should effect a warrant less arrest of the assailant when there is probable cause to believe that a domestic violence incident has occurred.

- B. Primary Aggressor: This is the individual suspected of being the most culpable in a domestic violence situation which is being investigated, or the individual who officers suspect did not act in self-defense where there was a mutual battery. Officers should make a primary aggressor determination in domestic violence situations as an alternative to arbitrarily arresting both parties.
- C. Probable Cause: Reasonable ground for belief of guilt based on the totality of the circumstances; less evidence than necessary to sustain a conviction, but more evidence than would merely arouse suspicion.
- D. Protective Orders and Peace Orders: Protective orders generally apply to family members who are victims and abusers. Peace orders are for victims who are not family-related, such as people in a dating relationship. It is unlawful for any person to possess or receive any firearm if that person is subject to a protective order.

IV. Guiding Principles:

- A. When the involved officer is from another jurisdiction, the on-scene officers and supervisor shall follow the same procedures required for this agency. A supervisor from the officer's agency shall be notified and requested to respond to the scene.
- B. If the involved officer has left the scene, the on-scene supervisor shall make arrangements for application of an arrest warrant, if probable cause exists.
- C. If the involved officer is a member of this agency's command staff, the on-scene supervisor shall immediately notify the Chief Executive. If the Chief Executive is the involved officer, the on-scene supervisor shall immediately notify the government official who has direct oversight for the Chief Executive.
- D. If both parties in the incident are police officers, the inquiry should focus on identifying the primary aggressor and determining probable cause.
- E. The investigation should include determining if any protective or peace orders are in force concerning the involved officer, the violation of which could result in additional criminal charges.
- F. The Commanding Officer of the involved officer will make arrangements to liaison with the victim and ensure that all available victim assistance services are explained.
- G. The Commanding Officer will also designate a supervisor to be the agency's principal contact person for the victim.
- H. Command will conduct an in-depth assessment of the incident to assess the involved officer for appropriate possible remedial referrals, duty assignments and/or administrative actions.

Commentary

Federal and state law prohibit possession of a firearm by the subject of a non ex parte domestic violence protective order during the life of the order, but provide an exception permitting law enforcement officers to possess firearms while on-duty. Agencies should consult with legal counsel about liability issues associated with issuing firearms to officers who are subject to an active protective order. Federal law prohibits possession of a firearm after conviction of a crime of domestic violence, if the conviction meets certain criteria. No Exceptions.

- I. If the involved officer is subject to both a criminal and an administrative investigation, the inquiries should be kept strictly separate, and preferably conducted by different individuals.
 - J. All personnel involved in the investigation of officer-involved domestic violence should be instructed to only exchange information on a strict need-to-know basis.
- V. Relevant Law:
- A. Family Law Art. §4-501-515 (Domestic Violence: Definitions; General Provisions, including Protective Orders)
 - B. Criminal Procedure Art. §2-202-208 (Arrests Without Warrants for Domestic Violence, Generally)
 - C. Court and Judicial Proceedings Art. §3-1501-1509 (Peace Orders)
 - D. State v. Wallace, 372 Md. 137, 148, 812 A.2d 291, 297-298 (2002) (Probable Cause)
 - E. 18 U.S.C. §922 (g)(8) (Prohibition possessing firearm while subject to a qualifying protective order)
 - F. 18 U.S.C. §922 (g)(9) (Prohibiting all possession of firearms after Domestic Violence conviction)
 - G. 18 U.S.C. §922 (a)(1) ('performance of official duties,' exception to §922 (g)(8))
 - H. Public Safety Art., §5-133(b)(8) (state law prohibition against possessing firearms while subject to non ex parte protective order)
 - I. Public Safety Art., §5-102(4) (exception to Public Safety Art., §5-133(b)(8) for law enforcement personnel acting within the scope of official duties)

MISSING PERSONS

I. Purpose:

The purpose of this policy is to establish procedures for the reporting of missing persons incidents.

II. Introduction:

Any delay in reporting a missing person can hamper a subsequent investigation and negatively impact the effectiveness and perception of the agency within the community. This policy ensures that personnel understand the need for uniform and timely reporting of any missing persons reported to this agency.

III. Policy:

- A. It is the policy of the Rock Hall Police Department to accept, without delay, a report of a missing person, whether such a report is made in person, via telephone or via other electronic means.
- B. It is the policy of the Rock Hall Police Department to require anyone reporting a missing person by telephone or other electronic means to complete the report in person as soon as practical.
- C. It is the policy of the Rock Hall Police Department to accept a missing person report immediately and without a mandatory waiting period.
- D. It is the policy of the Rock Hall Police Department to inform the general public and family of missing persons that no mandatory waiting period will be imposed prior to accepting or investigating a missing person report.
- E. It is the policy of the Rock Hall Police Department to utilize the Uniform Maryland Missing Person report form.

IV. Definitions:

- A. No preexisting definitions have changed as a result of enacting this legislation.

V. Relevant Law:

- A. Maryland Annotated Code, Public Safety Article, Title 6 Sections 3-601 & 3-602