

## DEPARTMENTAL POLICY SYSTEM

### I. POLICY

The Departmental Policy System was established to ensure that the governing policies of the Department are readily accessible, concisely stated, and current.

### II. CHECKLIST (N/A)

### III. DEFINITIONS

**General Orders:** Issued by authority of the Chief of Police and approved by the Town Administrator, general orders are written directives that concern policy, rules, regulations and procedures affecting one or more organizational components. General Orders are maintained in the General Orders Manual.

**Directives:** This tabbed Section includes any policies & procedures issued as SOPs, County, State, or Local Guidelines, or Directive Memos that are either limited in duration, or will be added to the General Orders Chapters in a later revision.

**Standard Operating Procedures (SOP):** Approved by the Chief of Police, standard operating procedures are written directives that are specific to a given section or unit rather than to the entire Department.

### IV. FORMS (N/A)

### V. PROCEDURES

#### 1. Authority of the Policy System & Applicability of its Provisions

##### *Resolving Conflicts*

If any policy is determined to be illegal, incorrect or inapplicable, such findings shall not affect the validity of the remaining portions of the policy system.

The provisions of the General Orders take precedence when provisions of a Standard Operating Procedure conflict with the General Orders Manual. Portions not addressed by the GOM remain in effect when no conflict exists.

#### *Applicability — All Employees*

All employees shall be conversant with, and conform to, applicable provisions of the policy system. Off-duty employees performing any function governed by policy shall comply with the same provisions as on-duty employees.

#### *Applicability — Officers*

Officers shall be fully knowledgeable in those policies governing:

- ☐ Detainee handling
- ☐ Use of force
- ☐ Use of weapons
- ☐ Vehicle pursuit and roadblocks
- ☐ Body worn camera regulations

#### *Information Sources*

Many policies are summaries of legal or administrative sources such as:

- ☐ Cheverly Town Code
- ☐ Policy Procedures & Rules promulgated by the Town Government
- ☐ Court rulings affecting police operations.
- ☐ Procedures of other agencies that affect the Department
- ☐ Rules promulgated by regulatory agencies such as the Equal Employment Opportunity Commission (EEOC).
- ☐ Rulings of the Maryland Court of Appeals and Office of the Maryland Attorney General
- ☐ State and Federal laws

Where applicable, the principal source document is identified below the section heading in smaller text. The reader may consult the complete source for additional information.

#### 2. General Orders Manual

The General Orders Manual (GOM) is the primary policy manual of the Cheverly Police Department and contains policies that are broadly applicable to the entire Department. All General Orders are established, revised and approved by authority of the Chief of Police in accordance with Section 22-1(d) of the Town Code. Unless otherwise indicated,

all General Orders apply to all Department employees.

### ***Organization of Manual***

The GOM is organized into two volumes:

- ☐ Volume I - Administration
- ☐ Volume II - Operations

### ***Format***

Each General Order is assigned a chapter number and is arranged in a standard outline format. Using Roman Numerals, each Chapter of the General Orders is divided into six basic sections, as follows:

- ☐ Section I is the ***Policy*** statement, which is a synopsis of the Department's philosophy regarding the topic that the General Order addresses.
- ☐ Section II is a ***Checklist*** that the reader can use as a guide to ensure that certain duties are accomplished, notifications made, forms completed, etc.
- ☐ Section III is a list of ***Definitions*** and contains the pertinent or qualifying terms alluded to in the chapter.
- ☐ Section IV is the list of ***Forms*** described in the directive.
- ☐ Section V is generally the largest and most comprehensive section of the directive and is known as ***Procedures***. The Procedures area of each General Order lists or describes step-by-step instructions for complying with Department requirements, as well as Department rules and regulations.
- ☐ Section VI lists the ***Governing Legislation and References*** that were researched for the General Order.

Each major topic within the General Order is in bold print, underlined, and numbered. Each sub-topic is italicized.

### ***Indexing & Purging***

Orders are placed in the GOM by chapter number. When revisions occur, the entire old chapter will be removed and replaced by the revised new chapter. An order being replaced will be disposed of in an appropriate manner and the order replacing it shall

be immediately inserted into the GOM in the location from which the old one was removed.

### ***Revision of a General Order***

The creation of a General Order must follow a specific process to ensure the integrity and consistency of the Manual. The process of creating a General Order is as follows:

- ☐ Identify the topic to be addressed by the General Order.
- ☐ Research the topic to determine current best practice(s).
- ☐ Consider all applicable directives and/or agreements.
- ☐ Draft the General Order.
- ☐ Submit the draft to appropriate subject matter experts within and outside the Department, when possible.
- ☐ Revise the original draft, if necessary.
- ☐ Submit the draft to the Town Administrator and Legal Advisor to ensure that the proposed policy complies with Local, State, and Federal laws.
- ☐ Revise the draft into the finalized General Order.
- ☐ Submit the finalized General Order to the Chief of Police for review and approval.

### ***Distribution of the Manual***

Recipients shall sign receipt forms to acknowledge receiving, and responsibility for knowing, General Orders, when:

- ☐ Initially issued a GOM
- ☐ Receiving a replacement GOM
- ☐ Receiving updates or revisions

Supervisors shall transmit the completed receipt forms to the Office of the Chief.

### ***Maintaining the Manual***

Employees shall maintain and update the GOM issued or assigned to them. When an employee receives inserts or revisions, they shall immediately and properly dispose of the directive being replaced and insert the revision in its place.

To ensure that employees maintain an accurate and

current GOM, supervisors shall conduct inspections of their subordinates' GOMs every six months.

When disposing of orders or standard operating policies that have been revised or replaced, employees must remember that some directives contain information that is sensitive or confidential. Therefore, employees shall dispose of the old orders or policies in a manner that prevents disclosure outside the CPD.

### ***Revisions and Modifications***

Employees may submit suggestions for revisions to the GOM to a supervisor who shall forward those suggestions to the Chief of Police.

To ensure that the GOM contains the best practices and the most up-to-date information, any employee may contact the Chief of Police directly to report errors or obsolete material.

### ***Identification of Revisions***

As revisions are made in the various chapters of the GOM, each is reviewed for accuracy. When there is no change to the chapter, the date will remain the same. The only time that dates change in the GOM is when the policy or information is changed or updated.

## **VI. GOVERNING LEGISLATION & REFERENCE**

Reference:

Town Code Chapter 22-1

**ADMINISTRATIVE HEARING BOARDS****I. POLICY**

In accordance with due process generally, and the Law Enforcement Officers Bill of Rights specifically, unless a sworn employee is convicted of a felony in a court of law, it is the policy of the Department to provide every sworn non-probationary employee accused of misconduct a hearing so that he/she may respond to the allegations and present his/her perspective. Probationary sworn employees are only provided hearings when the allegation(s) involves use of force.

**II. CHECKLIST (N/A)****III. DEFINITIONS****Administrative Hearing Board (AHB):**

An administrative hearing board conducts hearings concerning charges that have been sustained against sworn employees, determines findings of fact, and makes recommendations of discipline to the Chief of Police.

All hearings conducted by an AHB are open to the public.

**IV. FORMS**

- ☐ Report of Investigation.

**V. PROCEDURES**

Administrative Hearing Boards (AHB) are quasi-judicial proceedings, and are conducted pursuant to the Law Enforcement Officers' Bill of Rights, Maryland Code, Public Safety Article 3, Section 107, and the Town Code. The chair of the AHB may exclude disruptive persons from attending the meeting.

The rules of evidence used by the courts will not be strictly followed. Evidence with probative value that is commonly accepted by reasonable and prudent individuals in the conduct of their affairs is admissible and shall be given probative effect.

The AHB shall give effect to the rules of privilege recognized by law and shall exclude evidence that

is:

- ☐ Incompetent
- ☐ Irrelevant
- ☐ Immaterial
- ☐ Unduly Repetitious

The AHB may take notice of judicially cognizable facts, or general, technical, or scientific facts within its specialized knowledge.

Any decision, order, or action taken as a result of the hearing shall be in writing and accompanied by findings of fact, which shall consist of a concise statement regarding each issue in the case. AHB findings and recommendations shall be forwarded to the Chief of Police for review.

A copy of the Chief's determination, accompanying findings, and conclusions, with recommendations for action, shall be delivered or mailed promptly to the respondent or his/her representative.

A law enforcement officer who has been convicted of a felony is not entitled to an AHB hearing.

**1. Respondent Privileges**

The respondent officer shall be notified in writing of the AHB and the date, time, and place of the hearing. The notice shall also include the issues involved.

Within three working days of service, the respondent shall advise the CPD investigating supervisor whether he/she is exercising the right to a hearing.

The respondent has the right to be represented by an individual of his/her choosing. The respondent, or his/her representative, may call defense witnesses and cross-examine prosecution witnesses.

A respondent may request to waive his/her right to an AHB and be disciplined by the Chief of Police directly. Acceptance of the waiver is at the discretion of the Chief.

**2. Appearance at Boards**

Notice to appear before an AHB is a direct order.



Failure to appear is insubordination, and acts as a waiver of the right to a hearing.

### ***Witness Fees***

Police or civilian witnesses summoned for the prosecution or defense fall within the purview of the LEOBR.

Witness fees, mileage, and expenses incurred to secure the attendance of witnesses or their testimony shall be itemized and paid by the Department according to the criteria used by the Circuit Court.

Applications for witness fees are available through the Chief's Office and must be validated by the AHB Chair.

### ***Continuances***

Requests for continuances must be made in writing to the CPD investigating supervisor no less than 72 hours prior to the hearing.

Emergency requests shall be honored without regard to this provision.

### **3. Weapons**

The chair of the AHB is responsible for security of the proceedings. Unless approved by the chair, no persons shall possess any weapons in the AHB hearing room.

### **4. Investigating Supervisor Responsibilities**

The CPD investigating supervisor, with whatever assistance is necessary from the Chief's Office, will:

- ☐ Serve as the point of contact for all parties to the proceeding.
- ☐ Oversee the decorum of the AHB.
- ☐ Serve subpoenas at the request of the AHB chair.
- ☐ Notify the parties as appropriate.
- ☐ Coordinate the collection and dissemination of documents.
- ☐ Prepare and disseminate necessary documents to facilitate the AHB process.
- ☐ Coordinate the scheduling of pre-trial

conferences and hearings to ensure necessary accommodations, equipment and personnel are available.

- ☐ Act as the Departmental liaison and assists during the hearing process.
- ☐ Monitor cases with sustained findings through final disposition.

### **5. Duties of the AHB Chair**

The Chair presides over the AHB and is responsible for ruling on procedural questions and objections raised by either party, as well as determining the acceptability or relevance of evidence presented. The Chair shall notify the Chief of Police, in writing, of the Board's findings, recommendations, and vote.

### **6. Duties of Board Members**

All board members shall participate in deliberations to determine a verdict and recommendation. The AHB may utilize its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented. Majority opinion shall prevail.

### **7. One-Member Board**

When a respondent officer rejects summary punishment, a one-member AHB shall be convened unless the respondent disputes the underlying facts. Such a dispute would then require a three-member AHB.

The hearing officer shall be selected by the Chief of Police, and hold the rank of Lieutenant or above. In every instance, the AHB Officer shall be at least one rank higher than the respondent. In the event where a CPD hearing officer is unavailable or is the investigating supervisor, the Chief of Police shall appoint an alternative from a local area police agency.

The AHB shall be bound by the range of disciplinary actions authorized for summary punishment by the LEOBR for each charge. The AHB decision shall serve as a recommendation only to the Chief of Police.

### **8. Three-Member Board**

The Chief may convene a three-member AHB comprised of officers who did not participate in or witness the incident, or the subsequent investigation that led to the hearing board. The respondent must exercise his/her right to such a hearing by making a request in writing to the Chief of Police.

With the exception of a complaint alleging brutality, the Chief of Police will appoint all members of the AHB. The AHB members will be chosen from within the CPD, when possible. Police officers from outside law enforcement agencies may be utilized with the permission of the chief of the other agency. In addition, members of the public who have received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers' Bills of Rights may be AHB members.

At least one member of the AHB must be a law enforcement officer of equal rank to the respondent officer.

If the chief is the law enforcement officer under investigation, the chief of another law enforcement agency in the State shall function as the law enforcement officer of equal rank on the AHB.

### ***Brutality Complaint AHB Procedures***

In the case of a complaint alleging brutality, the AHB shall consist of three members, selected from a pool of law enforcement officers of another law enforcement agency. This AHB shall consist of:

- ☐ One member who is chosen by the Chief of Police.
- ☐ One member who is chosen by the respondent officer.
- ☐ One member who is mutually agreed upon.

In connection with AHB, the Chief of Police or the AHB chair may issue subpoenas, served in accordance with Maryland Rules, to compel the attendance and testimony of witnesses and the production of books, papers, records, audio or video recordings, documents, or other materials as relevant and necessary. Both the prosecution and the defense may request subpoenas.

### ***Order of Presentation of Evidence***

- ☐ Presentation of prosecution's case
- ☐ Cross-examination by defense
- ☐ Examination by AHB members
- ☐ Presentation of defense case
- ☐ Cross-examination by prosecution
- ☐ Examination by AHB members
- ☐ Summation by prosecution
- ☐ Summation by defense
- ☐ Final rebuttal by prosecution

### ***Deliberations by the Board***

Deliberations leading to a finding of fact by the Board shall be done in a closed session and shall not be a matter of record.

### ***Degree of Proof***

The standard of proof when determining guilt or exoneration shall be a preponderance of evidence.

A preponderance of evidence is the belief that it is more likely than not that the event occurred. Expressed numerically, the preponderance of evidence would be 51% on a scale of 1-100. In determining the preponderance of evidence, it must be weighed against the character of the witnesses, the nature of the evidence, and the probabilities of its truth when tested by the experience of an average individual.

Violations of administrative regulations are by no means the same as violations of criminal law, which may lead to the loss of life or liberty. The serious nature of the penalty for criminal violations requires proof beyond a reasonable doubt.

Violations of administrative regulations can result, at most, in termination of employment. Due to the lesser nature of the potential consequences, the standard for conviction in an AHB is the preponderance of evidence.

### ***Board Recommendations to the Chief of Police***

The Chief of Police is not bound by the disciplinary action recommendations provided by the AHB.

Within 30 days of receipt of the recommendations, the Chief of Police shall review the findings, conclusions, and recommendations and issue a final

order. The final order is binding but may be appealed to the Circuit Court.

When considering whether to increase the recommended disciplinary action, the Chief of Police shall:

- ☐ Review the entire record of the AHB proceedings.
- ☐ Meet with and allow the respondent to be heard on the record.
- ☐ Disclose and provide to the respondent, in writing, any information not included in the AHB record upon which the decision to increase the penalty is based in whole or in part, at least 10 days prior to the meeting.
- ☐ State on the record the evidence relied upon to support the increase of the recommended penalty.

Notwithstanding any other provisions of this section, if the Chief of Police is an eyewitness to the incident that led to the AHB, the decision of the AHB, both as to finding of fact and punishment, if any, is final. That decision may then be appealed in accordance with the LEOBR.

### ***Recommendation for Termination***

If the AHB recommends that the respondent's employment be terminated, the respondent's police powers shall be suspended pending the Chief's final decision and the respondent shall be placed on administrative leave. The CPD investigating supervisor shall recover all equipment listed on the Suspension Property Checklist from the respondent.

All letters of termination shall be prepared and served by the CPD investigating supervisor at the direction of the Chief of Police.

### ***Appeal to the Circuit Court***

If the respondent wishes to appeal the Chief's decision to the Circuit Court, the CPD investigating supervisor shall be notified within 30 days. The respondent must comply with court rules to effectuate an appeal.

## **9. File Expungement**

If an officer has been investigated or interrogated by the Department for any reason that could have resulted in disciplinary action, the LEOBR permits that officer, upon written request, to have any record of a formal complaint expunged from any file provided that:

- ☐ The law enforcement agency investigating the complaint has exonerated, non-sustained, or unfounded all of the charges in the complaint, or,
- ☐ An AHB renders an acquittal, a dismissal, or a finding of not guilty in the matter, and,
- ☐ Three years have passed since the law enforcement agency's findings.

Expungement requests made in writing shall be forwarded to the Chief of Police. If expungement is approved, all reports shall be forwarded to the Chief of Police. The file and the Report of Investigation shall be sealed and separated from all other files. If approved, the expungement will occur within 30 days after the three years have passed.

An investigative record of a complaint shall not be expunged if civil litigation is pending. For cases involving multiple respondents or multiple charges, a file shall not be destroyed if it contains any sustained findings. All information pertaining to employees whose charges were exonerated, non-sustained, or unfounded shall be removed from the file.

The decision of the Chief of Police with respect to expungement is final and not subject to further review.

## **VI. GOVERNING LEGISLATION & REFERENCE**

### **References:**

- ☐ Maryland Code, Public Safety Article, Title 3

## COMPLAINTS

### I. POLICY

To deliver effective law enforcement services, a relationship of mutual trust and confidence must exist between the Cheverly Police Department and the community. Actions of Departmental employees that conflict with the mission of the Department can erode this trust and have a negative impact on the Department's standing in the community. The review or investigation of all public complaints of employee misconduct is vital for maintaining the relationship between the Department and the community.

The Department recognizes its obligation to inform the public about its complaint filing procedures and acknowledges each individual's right to file a complaint against an employee.

It is the policy of the Cheverly Police Department to accept all complaints of employee misconduct at all levels of the Department, determine the validity of the allegation(s), investigate complaints in a fair and impartial manner, and impose disciplinary action, if necessary, in a uniform and timely fashion.

### II. CHECKLIST (N/A)

### III. DEFINITIONS

**Bias-Based Profiling:** Occurs when a police officer takes enforcement or investigative action against a person based only on that person's race, ethnicity, gender, sexual orientation, religion, economic status, age, culture, or other identifiable factor unrelated to reasonable suspicion or probable cause.

**Complaint:** A statement or communication alleging misconduct by an employee - Complaint sources are either:

- ☐ **External:** Initiated by individuals not affiliated with the Department
- ☐ **Internal:** Initiated within the Department.

**Law Enforcement Officers' Bill of Rights (LEOBR):** Maryland Law that provides certain rights to law enforcement officers who are facing internal investigation.

**Unreported Misconduct:** Acts of misconduct not alleged in the original complaint.

**Supervisor:** Personnel holding the rank of Sergeant or above.

**Retaliatory Action:** Includes any recommended, threatened, or actual adverse action, including:

- ☐ Termination, demotion, suspension, or reprimand;
- ☐ Involuntary transfer, reassignment, or detail to an assignment that a reasonable law enforcement officer would find less favorable;
- ☐ Failure to promote, hire, or take other favorable personnel action;
- ☐ Engaging in conduct that would dissuade a reasonable law enforcement officer from engaging in activities protected under the Maryland Public Safety Article, Section 3-803, entitled Whistleblower Protections;
- ☐ Retaliating in any other manner against a law enforcement officer because the officer make a disclosure protected by the Maryland Public Safety Article, Section 3-801, entitled Whistleblower Protections.

**Respondent:** An employee who is the subject of an internal investigation

**Witness:** Anyone who was present, has personal knowledge of, observed, or heard something related to an incident.

### IV. FORMS

- ☐ Complaint Against Police Practices Form.

### V. PROCEDURES

#### 1. Department's Responsibilities

The Department will ensure that a placard describing the complaint process, to include all relevant telephone numbers, is permanently displayed in the lobby of the Station. This same information will be posted on the Department's official website.

Complaint forms are available at the Front Desk in the Police Station and all Town offices.

If an individual objects to an officer's conduct, the employee will inform the individual of their right to make a complaint. Employees shall not discourage anyone from obtaining a complaint form or filing a complaint.

If an individual's complaint contests a criminal charge but there is no allegation of employee misconduct, the individual shall be advised to address their concern through the Court System.

Complaints, other than use of force, may be initiated in person (verbally or in writing), by telephone or TDD, facsimile, email, or U.S. mail.

An employee receiving an anonymous complaint shall advise the individual of the complaint procedures and try to obtain the individual's cooperation. If the individual wishes to remain anonymous, the employee shall obtain as much information as possible and summarize it on a memorandum to the Chief of Police.

## **2. Receiving External Complaints in Writing**

All written complaints from the public alleging employee misconduct shall be investigated thoroughly.

An employee who first receives a completed Complaint Against Police Practices Form shall indicate the following in the spaces provided at the bottom:

- ☐ Date and time complaint form received.
- ☐ Whether received by mail or in person.
- ☐ Receiving employee's name and ID Number

If the complaint is not on the Complaint Against Police Practices form, the employee shall note the information on the document received. Written complaints not submitted on the form shall be handled as if received on the form. The employee will then forward the complaint to the Chief of Police.

## **3. Receiving External Complaints in Person**

When an individual requests a complaint form, the employee receiving the request shall immediately contact a supervisor.

A supervisor shall respond to the station to receive the complaint. Ordinarily, the supervisor shall provide a copy of the complaint form, however, in the absence of a supervisor, any employee can present said form.

The supervisor or issuing employee may include written comments on the complaint form describing the complainant's demeanor and physical appearance on the bottom of the Complaint Procedures, but may not include opinions regarding the complainant's mental competency or veracity.

If the supervisor is unable to resolve the matter in this interview, they shall provide the individual with a Complaint Against Police Practices Form. All supervisory employees shall have a supply of the forms in their vehicles.

Once the complaint is received in writing, the supervisor will follow the procedures detailed in section **2. Receiving External Complaints in Writing** of this chapter.

## **4. Complaints of Criminal Misconduct**

All complaints alleging criminal misconduct shall be investigated. Employees receiving complaints alleging criminal misconduct shall immediately arrange for the individual to speak with a supervisor.

The supervisor shall immediately document the contact and forward this documentation to the Chief of Police pending further investigation.

## **5. Complaints Regarding Use of Force**

A complaint against a CPD officer that alleges brutality in the execution of the officer's duties may not be investigated unless the complaint is signed and sworn to under penalty of perjury.

The complaint must be filed within 366 after the alleged brutality or not action may be taken.

Signed and sworn complaints may be received from:

- ☐ The aggrieved individual;
- ☐ A member of the aggrieved individual's



- immediate family;
- ☐ An individual with firsthand knowledge because the individual either was present and witnessed the alleged incident or has a video recording of the incident;
- ☐ The parent of guardian of the minor child, if the alleged incident involves a minor child.

#### 6. Internal Complaints

Any employee who becomes aware of unlawful conduct or a violation of written directives shall report it immediately to a supervisor. In confidential matters, reports may be made directly to the Chief of Police.

#### 7. Notification to Employee

The investigating supervisor shall send a written notice to the employee informing them that a complaint has been received and that an investigation has been initiated. The notice shall include the date, time, and place of the alleged misconduct, a brief description of the allegations and the employee's rights and responsibilities relative to the investigation.

#### 8. Retaliatory Acts Against Complainants Prohibited

The Department will not tolerate any retaliatory acts against complainants or witnesses. Once a formal complaint is filed against an officer, the officer shall have no contact with the complainant or witnesses, nor will the officer cause anyone else to initiate contact on their behalf. Exceptions to this directive shall only be granted by investigating supervisor.

The same standards of conduct shall apply when officers are witnesses or complainants.

To protect officers from claims of harassment or additional misconduct if unintentional contact occurs, the officer shall request that a supervisor respond to the scene of the contact before any type of enforcement action is taken.

The supervisor shall assess the situation, inform the individual of the Department's intentions, and witness any enforcement action. The supervisor shall document the contact and forward a

Commander's Information Report (CIR) to the Chief of Police.

Nothing in this section prohibits officers from protecting themselves or others, or making an arrest under exigent circumstances.

#### 9. Whistleblower Protections

A supervisor, an appointing authority, or the head of a law enforcement agency may not threaten or take retaliatory action against a law enforcement officer who discloses information that the law enforcement officer reasonably believes provides evidence of:

- ☐ An abuse of authority, gross mismanagement, or a gross waste of money;
- ☐ A substantial and specific to the public health or safety;
- ☐ A violation of the law; or
- ☐ Seek a remedy provided by law or policy governing the law enforcement agency.

This section only applies to a disclosure that is otherwise prohibited by law or a disclosure of information that is confidential by law only if the disclosure:

- ☐ Is made exclusively to the Attorney General;
- ☐ Is in writing; and
- ☐ Contains the date of the disclosure, the officer making the disclosure, the nature of the alleged violation, and the date or range of dates the violation(s) occurred.

#### 10. Bias-Based Profiling

Bias-based profiling undermines the cooperative trust between citizens and police necessary for effective law enforcement.

Profiling alienates citizens, fosters distrust of law enforcement by the community, and may lead to civil rights violations.

The Department does not condone profiling by employees, and specifically prohibits any policy, procedure, or practice that constitutes profiling any group for the purpose of enforcement or investigation.



Officers are prohibited from using bias-based profiling as reason for:

- ☐ Stopping a vehicle
- ☐ Issuing a citation
- ☐ Making an arrest
- ☐ Conducting a field interview
- ☐ Seizing assets or seeking asset forfeiture
- ☐ Conducting a search

All investigatory detentions, searches, arrests, traffic stops, and seizures shall be based on the standard of reasonable suspicion or probable cause required by the Fourth Amendment to the U.S. Constitution and applicable Maryland statutes.

Officers shall treat all citizens with respect and courtesy. Officers are prohibited from using language, gestures and displaying symbols that are commonly viewed as biased against any group.

## **VI. GOVERNING LEGISLATION & REFERENCE**

### **Governing Legislation:**

- ☐ Cheverly Town Code

### **Reference:**

- ☐ Law Enforcement Officers Bill of Rights.
- ☐ Public Safety Article, Annotated Code of Maryland, Title 3

**COMPUTERS & TECHNOLOGY****I. POLICY**

To maximize efficiency and to enhance the quality of work, the Department uses computer systems and databases. In order to protect Department hardware, software, and records stored in databases from unauthorized access and computer viruses, it is necessary that the Department implement and enforce certain security measures and procedures. Relaxed security measures could result in severe damage to operating systems, data, software and hardware.

It is the policy of the Department that any and all information distributed in either hard copy or electronic form is considered Departmental property. Unless specified otherwise, information stipulated as "For Official Use Only" shall not be distributed outside the Department without written authorization from the originating source.

**II. CHECKLIST (N/A)****III. DEFINITIONS**

**CHRI:** Criminal History Record Information

**MDT (Mobile Data Terminals):** Department issued laptop computers for installation in police vehicles to provide in-car access to several databases.

**Operating System:** Also known as the "OS" is the software that communicates with computer hardware on the most basic level. Without an operating system, no software programs can run. The OS allocates memory, processes tasks, accesses disks and peripherals, and serves as the user interface.

**Server:** Equipment that serves information to computers that connects to it. When users connect to a server, they can access programs, files, and other information from the server. Common servers are Web servers, mail servers, and file servers.

**IV. FORMS (N/A)****V. PROCEDURES****1. Electronic Mail System*****General Responsibilities***

Personnel staffing the receiving computers are responsible for the retrieval, printing, deletion and distribution of messages as appropriate.

***Maintaining Integrity of Computer Systems***

In order to maintain the integrity of interagency computer systems, prompt entry and cancellation of all appropriate information is imperative.

Employees are cautioned that e-mail is electronically recorded and is subject to both administrative review and the subpoena process.

***Types of Messages***

Email IN-boxes should be checked within the first 2 hours of the beginning of shift. E-mail shall not be used to send abusive, demeaning, harassing, or threatening messages.

**2. Town-Owned Computer Equipment & Operations**

Only Town-owned or acquired computer equipment will be maintained and operated within Departmental facilities, except the following:

- ☐ Computing equipment held as evidence
- ☐ Visitors using their own personal equipment
- ☐ Exceptions authorized by the Chief of Police, or designee

Employees are prohibited from making hardware repairs, software additions, or adjustments to Town-owned computers without a supervisor's authority. This does not include regular maintenance or upgrades of newer versions to existing software applications.

Employees shall not attempt to modify any computer start up routine or operating system files.

Employees shall not password-protect the boot (startup) process of any Town-owned computer.

Employees shall not use Town computer resources to produce personal material.

Town equipment should not ordinarily be used for e-mail and Internet connections for personal reasons, but if necessary should be limited and brief. Employees should not access inappropriate sites through Town equipment.

Absent the affected employee's expressed permission, employees shall not knowingly move, copy, encrypt, destroy, modify, delete, or tamper with other employee's electronic data files.

Employees shall not knowingly place a computer virus onto a Town computer, or in any manner deliberately abuse computer resources.

Except in cases of operational necessity, employees shall not divulge their network log-on or records management system passwords to others.

### ***Software***

Only software purchased or acquired by the Town will be operated on Departmental computers.

All software must be installed in accordance with United States copyright laws. Licenses for all software shall be maintained in a secure place. All non-town owned software will be removed during service calls.

Software written by employees, using Town computer resources, becomes the property of the Town. This software shall not be copied, sold or transferred outside the Department without the consent of the Chief of Police.

### ***Electronic Files***

All files contained on Departmental hard drives, floppy disks or other storage media are considered work products. Therefore, employees should have no expectation of privacy regarding these files. Electronic files may be administratively accessed or monitored for various reasons, including, but not limited to, any of the following:

- ☐ System maintenance
- ☐ Internal investigations
- ☐ Subpoena process

### ***Removable Storage Media Destruction***

When removable storage media (floppy disks, tape backup, etc.) containing confidential information or criminal history record information (CHRI) become unusable, employees should destroy them.

### ***Back-up Procedures***

A full backup of all Department network files is performed nightly. Depending on resources and equipment the Department will also use an option to store backup and archive copies of the department's system off-line and in off-site storage facilities.

The software and systems used in the backup process protect the Town's data from hardware failures, errors, and unforeseen events.

### **3. Mobile Data Terminals (MDT)**

Mobile Data Terminals facilitate the dispatch-of calls for service, dispatcher-to-car as well as car-to-car messaging, local and NCIC warrant checks.

Mobile Data Terminals (MDTs) provide in-car access to several databases. MDTs can receive criminal information from:

- ☐ Maryland Interstate Law Enforcement System (MILES)
- ☐ National Crime Information Center (NCIC)
- ☐ Maryland Motor Vehicle Administration (MVA)
- ☐ National Law Enforcement Telecommunications System (NLETS)
- ☐ Office of the Sheriff for Prince George's County (OSPG)
- ☐ PGPD Crime Look-up and Evaluation System (C.L.U.E)

Officers shall not use the MDT until they have received MDT training and MILES/NCIC certification.

Only software purchased or acquired by the Town will be installed on the MDTs. An approved Town contractor shall do all software installation or repair.

Special care shall be taken to prevent the spillage of liquids onto the MDT.

All MDT transmissions are recorded and are recoverable. Abusive, profane, demeaning, harassing, or threatening messages are prohibited.

CHRI shall not be disclosed to any unauthorized person. Criminal history shall not be disseminated to anyone other than authorized law enforcement personnel. Care will be taken to shield the MDT screen from civilians or arrestees when it contains CHRI. *See:* Vol. I, Ch. 24. RECORDS & REPORTS, section 3. Criminal History Record Information (CHRI)

Officers operating a police vehicle equipped with a MDT shall log-on to the MDT and the following programs while in service:

- ☐ Delta Plus.
- ☐ Net Motion
- ☐ Capital Wireless Information Network (CapWIN).
- ☐ National Crime Information Center (NCIC).

Officers shall lock the MDT if they expect to be away from the vehicle for more than thirty minutes.

Safe vehicle operation is of primary concern when using the MDT. Officers should consider stopping their vehicle before using the MDT if use is going to divert attention from the safe operation of the vehicle. Generally, it is not appropriate for officers to operate the MDT while their vehicles are in motion.

All priority calls for service will be dispatched and acknowledged using the police radio. Routine response and report calls may be dispatched via MDT.

When officers receive a warrant hit, they shall confirm the warrant with PGPD Public Safety Communications via the police radio prior to prisoner transport.

When officers make a traffic stop or investigate a suspicious vehicle, they shall use the police radio to notify the dispatcher of their status and location. Traffic stops shall also be cleared via police radio.

Other than for calls described above, officers may use the MDT to advise the dispatcher of call

clearance codes.

### ***Inspections***

At least monthly, a supervisor shall inspect MDTs. If any deficiencies are noted, the supervisor shall contact the Patrol Commander.

Once officers have the deficiency corrected, they shall notify their supervisor who shall then re-inspect the MDT.

### ***Securing Portable MDT Equipment***

Employees shall ensure that portable MDT equipment is properly secured in its stand whenever the vehicle is in motion or is left unattended.

When the vehicle is left unattended for more than two hours, the employee shall remove his or her portable MDT from the docking station, and place it in the gun vault.

## **4. Computer-Assisted Dispatch Terminal CAD)**

### ***Using CAD Terminals***

CAD terminals shall be used for the following transmissions:

- ☐ Routine messages to other terminals
- ☐ Entering all calls for service received at Districts
- ☐ Entering working unit rosters
- ☐ Sending messages to the PSC for which the telephone is not required

### ***Entering Line-Ups***

Prior to field units beginning the watch, officers will log onto the Prince George's County, Public Safety Communications (PSC) CAD terminal.

The following minimum information will be entered for each officer:

- ☐ Call sign
- ☐ Officer ID number
- ☐ Court or special assignments
- ☐ Leave

### *Premise History Entry*

When officers have legitimate reasons for requesting that an address or hundred block be entered as a premise history, the information should be made available to the dispatcher in the following manner:

- ☐ The officer desiring the premise history entry shall contact a supervisor and advise them of the reasons for the request
- ☐ If the supervisor approves, they shall direct a memorandum to the PSC supervisor requesting the entry

The request must contain the following information:

- ☐ The exact address of the problem and whether it should be entered as an exact address or hundred block
- ☐ The problem or potential problem
- ☐ The retention time desired (1-99 days).
- ☐ The information will automatically be removed from the computer at the expiration of the retention time
- ☐ The name, rank and assignment of the requesting supervisor

When the requesting supervisor feels that the information should be entered immediately, they may make the request by telephone followed by a written request. A telephone request shall only be entered for two days to allow for delivery of the written request.

Inquiries should be directed to the PSC supervisor.

### **5. Criminal Justice Information System (CJIS)**

- **NCIC - Natl. Crime Information Center**
- **METERS - Maryland Electronic Telecommunications Enforcement Resource System**

### *Informational Capabilities*

Department personnel can access detailed information concerning the personal and physical identity of defendants, prisoners and arresting officers, pending charges, bond arrangements and

trial dates. All personnel must undergo certification training in order to access the CJIS/NCIC/METERS system and be recertified at periodic intervals.

### *System Security*

Information obtained through CJIS/NCIC/METERS is confidential criminal justice information and may be obtained for legitimate criminal justice purposes only. Access to CJIS/NCIC/METERS is limited to those records required for the performance of the operator's job only.

Sharing logon identification numbers and the operator's unique password is strictly prohibited.

### *Dissemination of Information*

Maryland law prohibits secondary dissemination of CJIS/NCIC/METERS information for other than official purposes. Secondary dissemination of information shall be limited to the following:

- ☐ Other government criminal justice agencies when mutual interests are involved.
- ☐ As administrative and/or law enforcement responsibilities require.

The disseminating employee shall ensure that the recipient's identity is recorded by completing the "Log Transaction" entry when the data is retrieved from the terminal.

### *Disciplinary Policy*

Misuse or unauthorized dissemination of CJIS/NCIC/METERS information is punishable by criminal, civil, and/or administrative penalties. Unauthorized release of information may violate Federal, State and Local privacy laws and departmental policy. Any violation is a misdemeanor, which penalty carries a fine up to \$5,000. Additionally, civil penalties of actual or punitive damages may be levied.

### *Destroying CJIS/NCIC/METERS Information*

Any documents obtained through CJIS/NCIC/METERS **MUST be shredded** and **NEVER discarded in regular trash**.

The hard-drive/hardware of any computer that is to be replaced, that has access to the CJIS/NCIC /METERS system, **MUST** be destroyed by incineration.

#### *Secure IT/SERVER Room*

The IT/SERVER room is a secured location that only the Chief and his designee has access to. In addition, only the Chief or his designee may remove or transport any computer hard-drive /hardware from this secured location.

## **VI. GOVERNING LEGISLATION AND REFERENCE**

### **Governing Legislation:**

- ☐ Code of Federal Regulations, Title 28, Chapter 1, Part 20
- ☐ Maryland Code, Criminal Procedure, Section 10-219.
- ☐ Maryland Code, State Government, Governmental Procedures, Title 10, Subtitle 6 et. seq.
- ☐ Title 28, Code of Federal Regulations, Part 20.



**CRIMINAL CHARGES, CIVIL ORDERS  
And DOMESTIC VIOLENCE****I. POLICY**

Federal law prohibits officers convicted of misdemeanor domestic violence assaults from carrying firearms.

It is the policy of the Cheverly Police Department to ensure compliance with State and Federal laws and to ensure that employees who are charged criminally or civilly are afforded their rights under the law. Officers convicted of an act involving domestic violence shall have their police powers revoked.

Officers are encouraged and entitled to seek confidential assistance through the Town's Employee Assistance Program (EAP) to prevent a problem from escalating to the level of criminal misconduct against an intimate partner.

**II. CHECKLIST (N/A)****III. DEFINITIONS**

**Law Enforcement Officers' Bill of Rights** (LEOBR): Maryland Law that provides certain rights to law enforcement officers who are facing an internal investigation

**IV. FORMS**

- ☐ Commander's Information Report
- ☐ Maryland Uniform Complaint and Citation (Form #DR-49)

**V. PROCEDURES****1. Officers to Report Abuse**

An officer with definitive knowledge of abuse and/or violence involving a fellow officer shall report such information immediately to their supervisor. Failure to do so will subject the officer to investigation, disciplinary action, and possible sanction and/or criminal charges.

Any police officer convicted of a domestic violence crime shall have their police powers revoked.

**2. Domestic Incidents Involving Law Enforcement Personnel**

All officers should be aware of possible victim or witness intimidation. If an officer suspects that this is occurring, the officer will notify a supervisor. The supervisor will prepare a Commander's Information Report and immediately notify the Chief of Police.

Officers who attempt to interfere with cases against fellow officers by threatening, harassing, stalking, or otherwise engaging involved parties will be subject to investigation, disciplinary action and/or criminal charges.

***Domestic Disputes Involving Departmental Employees***

Officers responding to a domestic dispute involving Departmental employees that does not involve an allegation or evidence of physical assault shall request the presence of a supervisor and complete an Incident Report by the conclusion of the shift.

A supervisor will respond to the scene. The supervisor shall complete a confidential Commander's Information Report (CIR). This report shall be forwarded to the Chief of Police.

***Domestic Disputes Involving Sworn Members of Other Agencies***

Officers responding to a domestic dispute involving sworn members from other law enforcement agencies that does not involve an allegation or evidence of physical abuse shall request the presence of a supervisor and complete an Incident Report by the conclusion of the shift.

A supervisor will respond to the scene. The supervisor shall notify the sworn member's Commander and complete a confidential CIR. This report shall be forwarded to the Chief of Police.

***Domestic Violence Involving Departmental Employees (Lautenberg Law)***

Officers responding to a domestic violence call involving Departmental employees shall determine if there are allegations or evidence of a physical

assault. If so, the officer shall:

- ☐ Request the presence of a supervisor.
- ☐ Secure any Departmental firearms.
- ☐ Make an arrest, if probable cause exists, and remove any privately owned firearms observed on the scene.
- ☐ Complete an Incident Report by the conclusion of the shift.

Upon arrival, the supervisor shall:

- ☐ Ensure that the officer's responsibilities have been completed.
- ☐ Contact the Chief of Police, and complete a confidential Commander's Information Report (CIR).

### ***Domestic Violence Involving Sworn Members of Other Agencies***

Officers responding for a report of domestic violence or a violation of a Protective Order involving sworn members of other law enforcement agencies shall determine if there are allegations or evidence of physical assault. If so, the officer shall:

- ☐ Request the presence of a supervisor.
- ☐ Make an arrest, if probable cause exists, and remove any privately owned firearms observed on the scene.
- ☐ Complete an Incident Report by the conclusion of the shift.

The supervisor will respond to the scene and do the following:

- ☐ The supervisor will ensure that the officer's responsibilities have been completed.
- ☐ The supervisor will initiate a premises history through the PSC communications supervisor for at least 90 days.
- ☐ The supervisor shall prepare a CIR, documenting the name of the Commander notified within the other agency, the other agency's response, and all notifications made within this Department.

### **3. Issuance of Court Criminal/Civil Orders Against Employees**

An employee shall notify a supervisor immediately

when they have been:

- ☐ Arrested
- ☐ Charged with a crime on a statement of charges, criminal information, or indictment
- ☐ Charged with any traffic violation mandating a court appearance
- ☐ Served with a warrant, criminal summons, or protective order
- ☐ Made aware they are the subject of a criminal or civil investigation

These provisions apply if the employee is charged or served in connection with a similar offense alleged to have occurred outside the State of Maryland.

This notification is also required of an employee who is aware that a warrant, criminal summons or protective order is on file but not served. On receipt of such notification, the supervisor shall notify the Chief of Police.

### ***Response to Violations of Protective Orders***

A CPD officer that is served with a Protective Order will notify a supervisor. The supervisor shall contact the Chief of Police, and a determination can be made regarding the suspension of police powers consistent with Federal and State law.

Officers responding for a report of violation of a Protective Order involving employees of another law enforcement agency shall:

- ☐ Confirm that the employee is in violation of the Protective Order, and
- ☐ If the employee is in violation of the Protective Order, the officer shall make a full custody arrest and notify a supervisor.

For officer safety, officers shall pay particular attention to Section 7 of the Protective Order Form, which may list firearms owned by the employee and Section 8 of the Protective Order Form, which reads, "To turn over firearms to a law enforcement agency."

Supervisors responding to the scene shall follow the procedures detailed in the Section in this chapter entitled ***Domestic Violence Involving Sworn Members of Other Agencies***.

## **VI. GOVERNING LEGISLATION & REFERENCE**

### **Governing Legislation:**

- ☐ Law Enforcement Officers' Bill of Rights
- ☐ Maryland Vehicle Law, Section 21-902
- ☐ Lautenberg Law

**DEPARTMENTAL ACCIDENTS****I. POLICY**

Supervisors shall promptly respond to all Departmental accidents and ensure that they are investigated in a fair and impartial manner.

**II. CHECKLIST**

The investigator shall prepare and submit the following, as appropriate:

- ☐ Automated Crash Reporting System (ACRS). For employees, utilize "6401 Forest Road, Cheverly, MD 20785 and 301-341-1055" as their address and phone number and check the work telephone box
- ☐ Commander's Information Report
- ☐ Incident Report
- ☐ Local Government Insurance Trust (LGIT) Accident Investigation Report
- ☐ Diagram with scale measurements, if appropriate
- ☐ Photo Information Sheet and film
- ☐ Maryland Uniform Complaint and Citations
- ☐ A written statement from the involved employee using the appropriate Duress Statement Form
- ☐ Witness Statement Forms.
- ☐ Worker's Compensation and other injury-related forms, as applicable

**III. DEFINITIONS**

**Automated Crash Reporting System (ACRS):** A subsection of Delta Plus software where all vehicle crash reports are created and disseminated.

**Commercial Driver's License Holder (CDL):** Any person who operates a commercial motor vehicle

**Commercial Motor Vehicle (CMV):** A motor vehicle or combination of motor vehicles used to transport passengers or property, if the motor vehicle is in one of the following categories:

- ☐ Has a gross combination weight of 26,001 or more pounds, including a towed unit with a gross vehicle weight rating of more than 10,000 pounds.

- ☐ Has a gross vehicle weight rating of 26,001 or more pounds.
- ☐ Is designed to transport 16 or more passengers, including the driver.
- ☐ Is any size and used in the transportation of hazardous materials (as defined by federal law) requiring placards.

**Commercial Motor Vehicle Accident:** Incidents involving a commercial motor vehicle where one of the following occurs:

- ☐ A human fatality
- ☐ Employee's driving performance cannot be discounted as a contributing factor and injuries require treatment away from the scene
- ☐ A vehicle is required to be towed from the scene

**Departmental Accident:** Any motor vehicle accident involving a Town-owned vehicle

**IV. FORMS**

The following forms are applicable to this section:

- ☐ Incident Report
- ☐ Continuation Report
- ☐ Commander's Information Report
- ☐ Automated Crash Reporting System (ACRS)
- ☐ Accident Report Diagram
- ☐ Duress Statement – Probationary or Non-Probationary, as necessary
- ☐ Duress Statement Continued
- ☐ Witness Statement Forms

**V. PROCEDURES**

When an employee is involved in a Departmental accident, he or she shall immediately notify Public Safety Communications (PSC) and request that a supervisor respond to the scene. The employee shall not move the vehicle from the point of impact without supervisory approval unless:

- ☐ The striking vehicle flees the scene and the employee follows the vehicle and notifies PSC.
- ☐ There is a threat to the safety of persons or property.

If the involved employee is a sworn employee, he or she shall preserve the scene and prevent further

injury or damage. The employee shall relinquish authority and refrain from performing investigative functions following the arrival of other officers or a supervisor.

If an employee is involved in a collision but is uncertain whether it meets the definition of a motor vehicle accident, he or she shall contact a supervisor. The supervisor will determine if the collision is a motor vehicle accident.

### ***Damage to Unoccupied Departmental Vehicles***

When a Departmental vehicle is damaged while it is parked and unoccupied and there is no information or physical evidence to identify the striking vehicle, the damage may be documented on an Incident Report in lieu of an ACRS Report. When an Incident Report is completed, the officer shall:

- ☐ Indicate "PROPERTY DAMAGE" in the TYPE OF INCIDENT block.
- ☐ Ensure that the VEHICLE section is completed.
- ☐ Write a detailed narrative.

### **1. Employee's Responsibilities**

The involved employee, when medically capable, shall:

- ☐ Provide a Duress Statement to the investigator containing his or her written description of the accident and the events leading up to it.

If the involved employee is medically incapable of performing the above steps, the employee shall immediately notify a supervisor. The supervisor shall ensure that the above tasks are completed.

### **2. Supervisor's Duties**

All accidents involving Town vehicles shall be investigated, regardless of where the accident occurs. The supervisor shall be responsible for the timely completion and submission of all necessary paperwork. The LGIT Accident Form shall be faxed to LGIT within 24 hours of the accident and a copy of this form will be provided to the Town Administrator within this same time period. The original ACRS Report shall be submitted within 72

hours of the accident.

The supervisor shall photograph the accident scene and take appropriate measurements, utilizing the coordinate method, for use in the accident diagram.

When taking statements from employees and witnesses, the supervisor shall ask and document appropriate investigative questions on the Statement Form.

When involved employees are medically unable to complete their responsibilities, the supervisors shall ensure that these tasks are completed.

In addition, the supervisor will ensure that the employee driver, or a substitute as may be needed, obtains three separate estimates for the damaged vehicle through a LGIT-approved vendor. These estimates will be submitted with the investigative package.

The supervisor will then package all pertinent accident forms, statements, and estimates and forward them to the Chief of Police within 5 calendar days, absent extenuating circumstances, of the accident.

### **3. Post Accident Substance Testing**

Every employee driver involved in a Departmental accident shall submit to substance testing as enumerated in the Town's Post Accident Substance Testing Policy (1/96). This testing shall ordinarily be completed within two hours of the accident. This testing is mandatory regardless of where or in what jurisdiction the accident occurs.

The testing shall include a urine drug screen in compliance with SAMHSA guidelines and be tested for the following seven panel drugs:

- ☐ Amphetamine
- ☐ Barbiturates
- ☐ Benzodiazepines
- ☐ Cocaine
- ☐ Opiates
- ☐ Phencyclidine (PCP)
- ☐ Cannabinoid

In those cases where the contracted testing facility is closed, the employee shall respond for testing on



the next available date in which the facility is open.

In those cases where the employee driver is injured or needs immediate medical attention, a supervisor shall request such testing be accomplished at the treating medical facility, if possible. Absent such testing, the employee shall be tested on the next available date at the contracted facility, where practical.

#### **4. Departmental Accidents Involving Critical Injuries or Fatalities**

When a Departmental accident involves a critical injury or fatality, it shall be investigated by the Prince George's County Police, Collision Analysis and Reconstruction Unit (CARU) per the current Memorandum of Understanding (MOU).

#### **5. Departmental Accidents Occurring Outside of the Town**

##### ***Employee's Responsibilities***

When a Departmental accident occurs outside of the Town, the involved employee shall contact PSC and request the response of the appropriate agency. When that agency arrives, the employee shall identify the vehicle as a government vehicle and request that an accident report be written.

##### ***Supervisor's Responsibilities***

When Departmental accidents occur outside of the Town, supervisors shall investigate them and complete all appropriate reports except for the accident report. In such cases, a copy of the accident report completed by the investigating agency shall be obtained and submitted along with an Incident Report. If the accident report is not immediately available, the investigator shall obtain a copy as soon as possible, attach it to an Incident Report or Continuation Report as appropriate.

#### **6. Investigation Review Procedures**

After completing the investigation and all required reports, the investigator shall forward the entire investigative file to the Chief of Police.

Within 5 calendar days, absent mitigating circumstances, an Accident Review Board will

meet. The Board will be chaired by the Director of Public Works and will also be composed of an authorized police representative. The Board will review pertinent documents and question the employee driver and any other witnesses as necessary.

Upon conclusion of the Board and within 5 calendar days, the Chair must submit a written memorandum to the Town Administrator detailing the findings of the Board and any restitution and repair costs.

For a finding of 'preventable' by the Board and concurrence by the Town Administrator, the employee driver will make restitution to the Town in the amount assessed up to and including the full cost of the Town's deductible.

In addition to the assessment of restitution costs, a supervisor may administratively charge an employee driver or any employee contributing to a preventable accident with the following charges as may be appropriate:

- ☐ Careless operation of a police vehicle
- ☐ Improper parking of a police vehicle
- ☐ Other applicable charge(s)

#### **7. Employees Driving Under the Influence**

Any employee found driving a Departmental vehicle in violation of Maryland Vehicle Law, Section 21-902 shall be charged with the violation on a Maryland Uniform Complaint and Citation.

A supervisor will normally handle all such cases unless his absence would impact the two-hour time limit for chemical testing. In those circumstances, a supervisor may direct any sworn employee to charge the affected employee driver.

Employees shall be afforded the same rights as non-employees regarding chemical tests and related procedures, including the two-hour time limit for administering a chemical test.

The provisions of the Law Enforcement Officers' Bill of Rights (LEOBR) do not apply during the criminal phase of the investigation for sworn employees.



Immediately after the employee has been processed criminally for the traffic violation, the supervisor shall conduct a separate, independent internal investigation regarding violations of Departmental written directives.

The supervisor shall issue a direct order to the involved officer to submit a statement, answer questions, and comply with all requests relating specifically to the internal investigation.

The internal investigation shall be conducted according to the applicable provisions of the General Orders Manual (GOM) and the LEOBR.

If the involved employee refuses to submit to a chemical test for alcohol during the criminal phase of the investigation, he or she shall be ordered by the supervisor to submit to a chemical test during the internal phase of the investigation.

Information obtained from the involved employee during the internal investigation shall not be used in criminal proceedings.

#### **8. Maintenance of Departmental Accident Files**

All Departmental accident files shall be maintained for a minimum of three years.

#### **9. Appearance at Hearing Outside County**

An employee directed to appear before a court or administrative hearing relating to a Departmental accident in another jurisdiction shall promptly notify the Chief of Police.

#### **10. Vision or Hearing Impairment**

After preventable Departmental accidents or when circumstances of non-preventable Departmental accidents suggest that an impairment of the employee's vision or hearing may be a factor, the investigating supervisor shall arrange with the Department's healthcare vendor to administer a vision and hearing test.

When test results indicate a vision or hearing impairment, the supervisor shall recommend to the involved employee that he or she obtain the proper medical examination and corrective treatment from

his or her personal physician or optometrist.

If a retest or a medical examination by the employee's personal physician or optometrist indicates that the impairment is not likely to be corrected or successfully treated and it appears that the employee's ability to perform his or her duties is affected, the supervisor shall request an independent medical evaluation to determine the employee's fitness for duty. The results of the evaluation shall be submitted to the Chief of Police for appropriate action.

The supervisor shall assign involved employees to limited light duty and/or appropriately restrict their driving of Departmental vehicles whenever the safety of the employee or the public appears to be endangered by a potential vision or hearing impairment.

#### **11. Remedial Driver Training**

At the discretion of the Chief of Police, any employee involved in a preventable Departmental accident can be assigned to a remedial driving course. A number of such courses are administered by the Maryland Police Training Commission and sanctioned by LGIT.

#### **12. Employee-Operated Commercial Motor Vehicles**

##### ***Alcohol & Drug Testing Required***

In the event that a CPD employee is involved in a motor vehicle accident while operating a Departmental Commercial Motor Vehicle (CMV), he or she shall undergo alcohol and drug testing as soon as possible according to Department of Transportation guidelines. It is not required that the investigating supervisor have a reasonable suspicion that the driver was under the influence of drugs or alcohol.

##### ***Driver's Duties***

When an employee is involved in a motor vehicle accident while operating a Departmental CMV, either on or off duty, he or she shall notify PSC, request that a supervisor respond to the scene, and await the supervisor's arrival.

The employee shall not leave the scene or allow the vehicles to be moved without supervisory approval unless any of the following exist:

- ☐ There remains a threat to the safety of persons or property.
- ☐ The striking vehicle flees the scene and the employee follows the vehicle and notifies PSC.
- ☐ When necessary to move vehicles to receive emergency medical treatment or provide it to other involved parties.

### ***Supervisor's Duties***

A supervisor shall respond to the scene of an accident involving an employee-operated Departmental CMV. Upon arrival, the supervisor shall evaluate the situation and decide if the CMV accident criteria requiring drug and alcohol testing of the Departmental employee exists.

If any of the criteria exist, the supervisor shall:

- ☐ Accompany the employee to the testing facility and notify PSC of the location of the facility.
- ☐ Request the response of a CARU investigator.
- ☐ Supervisors may consult with PGPD CARU investigators for motor vehicle accidents involving CPD employee operated CMVs, subject to restrictions described in this section.

### ***CMV Accidents Occurring Outside of the Town***

When an employee is involved in a CMV accident outside of the Town, it will be handled in the same manner as other Departmental accidents occurring outside of the Town.

## **VI. GOVERNING LEGISLATION & REFERENCE**

**DEPARTMENTAL AWARDS****I. POLICY**

It is the policy of the Department to recognize outstanding achievements and contributions to the Town of Cheverly, the Cheverly Police Department, and the community as a whole. Praiseworthy and commendable efforts can be recognized in a variety of ways, including verbal supervisory comments, written supervisory comments, notations on performance evaluations, written commendations, merit pay raises, and awards/ribbons.

**II. CHECKLIST (N/A)****III. DEFINITIONS (N/A)****IV. FORMS****V. PROCEDURES****1. Town Awards Program**

The Town Code calls for two separate awards to be administered by the Mayor and Council. The first award is a merit pay increase. The Mayor and Council, upon recommendation of the Town Administrator, may grant a special in-grade increase or cash bonus for outstanding performance.

The second award is the Certificate for Outstanding Police Service. This Certificate is awarded by the Mayor and Council or the Town Administrator to an individual officer, citizen, or citizen's group involved in law enforcement to recognize an exceptional act or service to the public, Town, or Department.

Nominations for these awards shall be submitted on a memorandum through the chain-of-command to the Town Administrator.

**2. Departmental Award Nominations**

Nominations for all Departmental awards shall be submitted on a memorandum with available supporting documentation attached. Except for unit awards, separate memos must be completed for each individual nominated even when

nominees performed joint action during a single incident.

Any employee may nominate someone for an award. Nomination forms shall be submitted through the chain of command to the Chief of Police.

**3. Supervisor's Responsibilities**

Supervisors are encouraged to submit award nominations. In addition, supervisors shall make reasonable inquiries into nominations presented to them through other sources to verify the accuracy of facts presented in the nomination process.

Comments should be attached if discrepancies are discovered. Supervisors can also confirm the employee's eligibility for an award.

**4. Display of Departmental Awards**

All Departmental awards may be displayed only on the dress uniform. All awards and ribbons shall be worn centered above the left (Badge-side) top breast pocket seam, below the badge with the shooting medal moved/attached to breast pocket centered between the top pocket seam and the pocket button. The badge may be adjusted to provide ¼ inch clearance above the top ribbon row. The badge should be centered below the pocket button on the mounting hardware. All awards shall be worn in order of precedence, right to left, or lowest to highest as denoted below:

Examples of typical award arrangement per Order of Precedence:

#1

P/O of the Year	Merit Award	Non-Department
-----------------	-------------	----------------

#2

	P/O of the Year	
Chief's Award	Good Conduct	Non-Depart

#3

	Chief's Award	Merit Award	
Good Conduct	Non-Dept.	Military Service	

#4

Injury Citation	P/O of the Year	Chief's Award
Good Conduct	20 Yr. Service	Military Service

## 5. Order of Precedence

1. Medal of Valor
2. Injury Citation
3. Police Officer of the Year
4. Chief's Award
5. Award of Merit
6. Good Conduct Award
7. Non-Departmental Award
8. 20-Year Service Award
9. Military Service Award

## 6. Award Descriptions

### *Medal of Valor*

The Medal of Valor is the Department's highest award and is issued to police officers who perform heroically in unusually difficult and dangerous situations. The criteria for this award should include performance by a police officer far and beyond the call of duty, where no other recourse for the successful performance of the police service exists; where the officer is knowingly and voluntarily exposed to danger; and, where the danger is so extreme that the officer's death or serious injury is a very high possibility.

The Medal of Valor is denoted by a gold medal and the issuance of an award ribbon (white, red, white, blue, white).

### *Injury Citation*

An injury citation is awarded to sworn officers, both on and off-duty, that sustain serious injury or illness resulting from:

- ☐ An accident occurring during the direct performance of non-routine duty and not resulting from the officer's negligence
- ☐ Conflict with a dangerous person
- ☐ Heart attack, communicable disease, or other serious ailment resulting from the direct performance of duty
- ☐ The officer's attempt to save the life of another, regardless of the outcome

The award shall be denoted by the issuance of an award ribbon (red, white, red).

### *Police Officer of the Year*

The Police Officer of the Year will be selected by the Chief of Police after a review of all applicable criteria as determined by the Chief and the Patrol Commander. The recipient shall be recognized at the Annual Prince George's County Police Chiefs' Association Luncheon and be awarded the appropriate certificate.

The award shall be denoted by the issuance of an award ribbon (dk. blue, white, dk. blue).

### *Civilian of the Year*

The Civilian of the Year Award will be selected by the Chief of Police after a review of all applicable criteria as determined by the Chief and the Patrol Commander. The recipient shall be recognized at the Annual Prince George's County Police Chiefs' Association Luncheon and be awarded the appropriate certificate.

### *Chief's Award*

The Chief's Award is given to outstanding meritorious achievement reflecting well on the recipient or the Department. It is associated with administrative career development, general public service, or community relations achievement rather than patrol or investigative performance. This award must be issued by the Chief of Police or the Mayor through the Chief.

The award shall be denoted by the issuance of an award ribbon (solid dark blue).

### *Award of Merit*

The Award of Merit is awarded to employees who demonstrate an unusually high level of expertise, initiative, resourcefulness, or dedication in the solution of a crime, apprehension of an offender, attempt to save a human life, or delivery of an important operations-oriented police service. The employee's performance must go beyond what is normally expected or required by rules and procedures, and shall relate to a specific, identifiable case or situation, rather than a long-term quality of service.

The award shall be denoted by the issuance of an award ribbon (green, white, green).

***Good Conduct Award***

To be eligible for this award, an employee must have:

- ☐ Not received a performance rating below proficient on any annual performance appraisal in the past two years, and
- ☐ Not received any sustained disciplinary actions, including preventable departmental accidents, within the same two-year span.

The award shall be denoted by the issuance of an award ribbon (solid red).

***Non-Departmental Award***

This award is for a sworn officer who has received honors or awards from outside organizations. The honors for which the award may be issued include:

- ☐ Awards bestowed by civilian organizations for police-related service
- ☐ Awards bestowed by other law enforcement agencies
- ☐ Combat gallantry decorations from the United States military, limited to:
  - ❖ Congressional Medal of Honor
  - ❖ Distinguished Service or Flying Cross
  - ❖ Purple Heart
  - ❖ Silver or Bronze Star

The award shall be denoted by the issuance of an award ribbon (lt. blue, white, lt. blue).

***20-Year Service Award***

This award is for all police officers having been employed with a Maryland certified police department for an accumulated time of 20 years of service or more.

The award shall be denoted by the issuance of an award ribbon (solid green).

***Military Service Award***

The award recognizes the efforts of sworn members who are serving or who have served in the U.S. military, both here and abroad. To be

eligible, employees must be currently enlisted in the military or have been honorably discharged (DD 214 and other supporting documents).

The award shall be denoted by the issuance of an award ribbon (blue, white, red).

**VI. GOVERNING LEGISLATION & REFERENCE**





**DEPARTMENTAL VEHICLES****I. POLICY**

Authorized employees may operate Departmental vehicles as delegated by the Chief of Police. All employees operating Departmental vehicles shall possess a valid driver's license issued by the jurisdiction of their permanent residence. The license shall be appropriate for the class of vehicle being operated. Unless prohibited by law, officers operating Departmental vehicles shall be armed with an authorized firearm.

**II. CHECKLIST (N/A)****III. DEFINITIONS**

**Global Positioning System:** A space-based satellite navigation system that provides location and time information in all weather conditions

**Gun Vault:** A specially constructed metal storage container, highly resistant to tampering or theft, mounted into a Departmental vehicle and used to store weapons and other valuable equipment when the vehicle is unattended.

**Take-Home Car Program:** A Town program that allows sworn police officers to operate their assigned vehicles off-duty under certain conditions.

**Pool Vehicle:** A Departmental vehicle not assigned to an individual employee under the provisions of the Take-Home Car Program.

**Special Operations Vehicle (SOV):** A Departmental vehicle used for limited purposes dependent upon such conditions as weather, capability, or operational need.

**Surveillance Vehicle:** A vehicle used for covert activity that is not recognizable as a police vehicle.

**IV. FORMS**

- ☐ Commander's Information Report
- ☐ Overtime/Leave Slip
- ☐ Incident Report
- ☐ Vehicle Inspection Report

**V. PROCEDURES**

Employees shall operate Departmental vehicles responsibly and courteously. All applicable provisions of the Maryland Vehicle Law and Departmental directives shall be obeyed. Any supervisor who sees a vehicle being operated in a manner reflecting unfavorably on the Department or creating an unnecessary hazard may stop the vehicle and take steps to ensure compliance with the traffic law and Departmental directives.

If the operator cannot comply as directed, another employee shall drive the vehicle to a Town facility. The supervisor shall complete a Commander's Information Report (CIR) and notify the Chief of Police prior to the end of his or her tour of duty.

At the direction of the Chief of Police, any departmental vehicle may be equipped with global positioning system (GPS) equipment to track the movements of the vehicle.

**1. Equipment*****Required***

Employees shall ensure that Departmental vehicles contain a sufficient supply of report forms and all necessary equipment needed to perform their duties.

Employees shall ensure the following forms are in departmental vehicles at all times:

- ☐ Current Maryland Vehicle Registration Card for the vehicle
- ☐ Current Certificate of Insurance from the Local Government Insurance Trust (LGIT) for the vehicle
- ☐ Current Vehicle Preventive Maintenance Report for the vehicle

***Optional***

The following item may be kept in Departmental vehicles:

- ☐ Battery booster cables.
- ☐ Approved lock out kits.

***Prohibited***

When operated on-duty, the following items are prohibited within any Departmental vehicle:

- ☐ Earphones, earpieces, or headsets not issued by the Department.
- ☐ Televisions or portable video players

Employees shall not store or transport prohibited items or equipment in Departmental vehicles.

All Town vehicles are designated as “No Smoking Zones” and smoking in town vehicles is prohibited; violation of this policy will result in disciplinary action.

## **2. Vehicle Use Provisions**

### ***Duty Status***

Employees may operate Departmental vehicles while on full duty status, including traveling to and from court or judicial appearances. However, officers on prohibited duty status (e.g. light duty) shall not operate Departmental vehicles.

The Chief of Police shall determine whether employees who are not on full-duty status but are not suspended may operate Departmental vehicles.

Employees in the Take-Home Car Program (see Sec. 4) may operate their assigned vehicle while:

- ☐ Traveling to and from their residence to scheduled work hours.
- ☐ Attending court or approved training.
- ☐ Working approved secondary employment within Town limits contiguous to the start or finish of a regularly scheduled tour of duty.

Only the Chief of Police may approve exceptions.

### ***Prohibited Uses***

- ☐ Carrying of excessive loads or objects that protrude from the vehicle, unless transporting property or evidence
- ☐ Using a drive-through lane at any business that uses them to dispense alcoholic beverages
- ☐ Operation by employees who have consumed alcoholic beverages
- ☐ Political campaigning, fund-raising or

electioneering

- ☐ Cell telephones shall not be used for texting while a vehicle is in motion
- ☐ Cell telephones shall not be used while a vehicle is in motion except for direct law enforcement operational need

### ***On-duty Use - Out of Town***

Employees may remove Departmental vehicles from the Town for official business. This includes traveling in areas adjacent to the Town border while on-duty, performing follow-up investigations, or attending assigned functions. Notification to PSC shall not be made unless deemed necessary for employee safety purposes.

If more than one employee is assigned to attend the same out-of-Town function, they shall notify their supervisor in advance. The supervisor shall then arrange the use of the minimum number of vehicles for the function.

### ***Off-duty Use***

When using the Departmental vehicle only CPD personnel or those passengers specifically authorized by a supervisor may ride in the vehicle.

When operating Departmental vehicles off-duty, employees shall monitor the police radio channel serving the area in which they are traveling.

Off-duty employees responding to calls or handling incidents shall notify the dispatcher so that their activities can be coordinated with on-duty units.

Employees may respond to emergencies. If immediate action is necessary, the off-duty employee shall take the appropriate action. For routine incidents, the off-duty employee may request that an on-duty employee respond. The off-duty employee shall await the on-duty employee's arrival if necessary. A supervisor shall have the off-duty employee relieved as soon as operations permit.

### ***On Leave***

Employees on Administrative or disability leave shall not operate Departmental vehicles.

When an employee will be away from the Town for more than 5 consecutive days, a supervisor may ensure that the employee's assigned vehicle is stored in a specific location or make it available for use by other employees.

### 3. Operation

#### *Use of Emergency Equipment*

Employees may use emergency equipment:

- ☐ To signal police presence
- ☐ To direct movement of persons, animals, or vehicles
- ☐ To provide supplemental lighting
- ☐ To warn persons of danger
- ☐ While operating priority in response to an emergency or in pursuit of a violator/suspected violator

In these circumstances, employees are permitted to activate emergency lights, spotlights, hazard flashers, sirens, the public address system, or a combination of the above in accordance with the provisions established in the General Orders Manual and the Maryland Traffic Law.

When handling incident scenes, employees may use hazard flashers alone or emergency lights flashing only to the rear if the safety of the employee or the public would not be jeopardized. This may be done to prevent rubbernecking by motorists or the drawing of a crowd.

#### *Restraint Systems*

Employees operating Departmental vehicles shall use the seatbelt/shoulder harness to comply with the vehicle law. Employees shall also ensure seatbelt/harness usage by passengers and prisoners.

In cases where illness, injury, or the conduct of a prisoner make transport difficult, an available departmental vehicle with a prisoner transport cage shall be utilized. The transporting employee shall ensure the cage receives proper ventilation and is cleaned appropriately after each use.

Child safety seats shall not be kept in the passenger compartment of Departmental vehicles being used on-duty unless the employee is transporting a child

that requires the use of the seat. Rear-facing child safety seats shall not be placed in the front passenger seat of any Departmental vehicle having a passenger-side air bag.

#### *Parking*

During routine operations, employees shall obey all parking regulations.

During emergencies, Departmental vehicles shall not be parked in a manner that unnecessarily interferes with traffic or impedes the response of other emergency vehicles. If a Departmental vehicle is double-parked, or parked in a restricted area, the vehicle's hazard flashers shall be activated.

Unoccupied vehicles shall not be left with the engine running.

#### *Securing Vehicle & Equipment*

Employees shall ensure that Departmental vehicles are locked and their contents secured whenever they are left unattended.

While on duty, and when the vehicle is left unattended for more than two hours, the employee shall lock his or her handheld police radio, computer, or other Town communication equipment in the gun vault. If the vehicle does not have a gun vault available, then all such equipment shall be stored in the trunk.

While off duty, employees shall remove any firearm, computer, or hand-held police radio from any departmental vehicle and store them in the vehicle's gun vault. Weapons, even those stored in the vehicle's gun vault, may not be stored in an unoccupied departmental vehicle for more than 48 hours.

If a gun vault is not available in a departmental vehicle, then no weapons, hand-held police radios, computers, or other Town-owned communication equipment shall be stored in the vehicle while the employee is off-duty.

#### *Red Light & Speed Enforcement Camera Violations*

Certain traffic laws may be disregarded pursuant to the provisions of Section 21-106 of the Maryland Vehicle Law when employees are responding priority to an emergency or in pursuit of a violator/suspected violator.

When the departmental employee is captured on a Town of Cheverly Red Light or Speed Enforcement Camera during his/her tour of duty, the employee shall, during administrative business hours, notify the Photo Enforcement Unit or Police Clerk via Town radio. The employee shall provide the type of camera, date, time, assigned vehicle unit or tag number, description of incident and relevant case number. During non-Administrative hours, the employee shall appropriately note the incident on the "Officer Response Log for Red Light/Speed Camera Incidents" located at the Police Clerk's Station.

When the Departmental employee receives a red light camera or speed camera citation from any governmental unit, they shall forward it to the Chief of Police.

If an investigating supervisor, as assigned by the Chief of Police, determines that the violation was a result of a failure to obey a traffic control device or signal, and not a result of official Police Department business, the employee shall have the option of paying the fine or contesting the matter in court.

The Investigating supervisor shall also impose appropriate disciplinary action. A first offense is treated as a Category I violation.

If the investigating supervisor determines that the violation occurred during the proper use of police authority, he or she shall forward a memorandum containing facts that support his or her conclusion, along with a copy of the citation, through the chain of command to the Office of the Chief. The Office of the Chief shall notify the issuing jurisdiction that the citation should be voided.

#### **4. Take-Home Car Program**

All officers are eligible to participate in the Take-Home Car Program. Initial issue of a Departmental vehicle is based on the provisions of the Town Code and vehicle availability. Subsequent issues

for loss of use due to accident or upgrade are likewise based on vehicle availability.

To participate in the Take-Home Car Program, employees must reside within twenty-five (25) air miles from the intersection of John Hanson Highway (U.S. 50) and Landover Road (MD 202), and not outside the State of Maryland.

Any supervisor may authorize personal assignment of a Departmental vehicle to any employee.

Participants in the Take-Home Car Program shall keep the interior and exterior of the vehicle clean. They shall wash their assigned vehicles at personal expense. Participants shall ensure that all equipment is maintained in working order. Participants shall not:

- ☐ Hang any item on the rear view mirror or bracket.
- ☐ Place any object on top of the dashboard while the vehicle is in motion.
- ☐ Affix any object, clip, or holder to the front of the dashboard.
- ☐ Mount or display toys, symbols, or pennants anywhere in or on the vehicle.

These prohibitions are to keep the passenger compartment clear in case of air bag deployment.

#### ***Overtime***

Participants in the Take-Home Car Program involved in incidents while off-duty may be compensated for all hours during which they are involved in off-duty incidents while inside the Town. Outside of the Town, officers shall not receive overtime compensation.

#### ***Secondary Employment***

Officers working approved secondary employment within Town limits may use their assigned vehicle.

Officers may drive their assigned vehicle directly to or from secondary employment as long as:

- ☐ The secondary employment ends just prior to the start of the employee's scheduled tour of duty; or
- ☐ The secondary employment starts just after the



end of the employee's scheduled tour of duty.

Employees not meeting the requirements stated above must arrange their own transportation to the station and obtain a pool vehicle in order to utilize a departmental vehicle for secondary employment in the Town. The pool vehicle must be returned to the station immediately after secondary employment.

Employees shall not alter their scheduled tour of duty to accommodate secondary employment opportunities.

Employees working secondary employment, whether participants in the Take-Home Car Program or not, are not eligible to earn overtime pay for incidents related to that employment.

### ***Removal from the Program***

Administrative removal from the Take-Home Car Program may occur:

- ☐ When an employee accepts any disciplinary action in accordance with Vol I, Chp 9, V, entitled, Disciplinary Action Recommendation
- ☐ When an employee is placed on Administrative Leave or has his/her police powers suspended
- ☐ When an employee receives an *Unsatisfactory* rating on an Annual Performance Appraisal for Police Officer (PAPO)
- ☐ When a supervisor, temporarily, suspends the continued participation of an employee in the Take-Home Car Program because it is not in the immediate best interest of the Department. The supervisor shall document the reason for the suspension on a C.I.R. and arrange alternate transportation for the employee

The decision to remove a participant from the program shall be made by Chief of Police.

## **5. Vehicle Maintenance**

Employees shall verify proper engine fluid levels at least once a week, and more often for vehicles used for patrol.

Employees shall ensure that their assigned vehicles are scheduled to receive preventive maintenance as required by this section and the Department of

Public Works. Preventive maintenance shall occur every 5,000 miles.

Employees are responsible for ensuring that their assigned vehicles receive maintenance, and verifying that a mechanic completed the PM report located in the vehicles glove compartment; certifying that a preventive maintenance was completed. When a vehicle is left at Public Works for service, the operator shall clear the interior and trunk of all items that would interfere with the service. The police radio, loose equipment, firearms, and personal valuables shall be removed from the vehicle. All maintenance shall be scheduled through Public Works. On-duty repairs require supervisory notification and approval.

Employees shall immediately bring departmental vehicles to Public Works for inspection or service when:

- ☐ A check engine light or other warning indicator shows a potential problem with the vehicle.
- ☐ An employee becomes aware of a recall or defect on a departmental vehicle.
- ☐ A departmental vehicle has been involved in a collision where there is no visible damage.

Employees shall not make any mechanical or electrical adjustments, or add equipment to the vehicle unless authorized by the Chief of Police. Employees shall not change the configuration of the lenses on any lighting equipment. The vehicle operator is responsible for the correct position of the lenses. Employees with questions concerning the proper configuration should contact the Chief of Police for guidance.

Violations of any of the provisions of this directive may result in removal from the Take-Home Car Program.

### ***Town Fueling System***

Employees shall use their assigned personal identification number to access the Town's automated fuel system. The system prompts a series of codes which employees must provide, in addition to the vehicle's current mileage. The system tracks fuel used and miles traveled, so it is important that this information provided is accurate. Employees shall not enter any false or



misleading mileage figures to obtain fuel in an attempt to circumvent the necessity for periodic maintenance. Employees shall not divulge their personal identification number to others.

If an employee causes damage to fueling equipment, he or she shall immediately notify a supervisor.

### ***Car Washes***

If car wash machinery damages a Departmental vehicle, sworn employees shall document the circumstances and the extent of the damage on an Incident Report.

### ***Glass Breakage***

Employees shall obtain authorization for repair from the Public Work director or designee.

### ***Carbon Monoxide Leaks in Vehicles***

An employee complaining of illness due to fumes while operating a Departmental vehicle shall stop the vehicle as soon as possible and contact a supervisor. The supervisor shall:

- ☐ Contact the Director of Public Works to arrange for carbon monoxide testing of the vehicle.
- ☐ Deadline the vehicle until testing is completed and the vehicle is available to return to the fleet.

## **6. Pool Vehicles**

Pool vehicles are intended for use by:

- ☐ Participants in the Take-Home Car Program when assigned vehicles are not available.
- ☐ Participants in the Take-Home Car Program when the usage of another vehicle is authorized for a TDY assignment.

The use of a pool vehicle must be approved by a supervisor.

Prior to a tour of duty, employees operating pool vehicles shall:

- ☐ Check engine fluid levels.

- ☐ Inspect the exterior for body damage and tire condition.
- ☐ Inspect the interior for recovered property, items of evidence, or personal property left by others.
- ☐ Notify his or her supervisor of unreported damage.

A Vehicle Inspection Sheet shall be used to document the inspection.

Identifiable personal property shall be returned to its owner. Unidentifiable personal property, recovered property, or evidence shall be submitted to a supervisor.

When returning the vehicle after a tour of duty, the employee shall:

- ☐ Ensure the vehicle is fueled.
- ☐ Inspect the interior for items left by others.
- ☐ Remove their issued and personal items.
- ☐ Secure the vehicle.

7.

## **VI. GOVERNING LEGISLATION & REFERENCE**

**DISCIPLINE****I. POLICY**

The Department has the responsibility to identify and discipline employees whose conduct discredits the Department or impairs its operation. The rights of the employee and the public must be preserved. Any investigation or hearing arising from a complaint must be conducted fairly and openly, consistent with applicable legislation.

**II. CHECKLIST (N/A)****III. DEFINITIONS**

**Discriminatory Language:** Demeaning, derogatory or abusive language, or other unbecoming conduct relating to the race, color, national origin, gender or gender identification, sexual orientation, religion, or disability of a person. (Category IV).

**Abusive Language:** Harsh, violent, profane, or derogatory language that would demean the dignity of any person, or language that a reasonable person would find offensive (Category III)

**Inappropriate Language:** Name-calling, sarcastic remarks or other unnecessary language that serves to belittle or embarrass a citizen or otherwise inflame an employee/citizen contact, or offend a fellow employee. (Category II).

**Conduct Unbecoming a Police Officer:** Conduct that brings the CPD in disrepute; discredits a CPD employee; or, impairs the operation and efficiency of the Department.

**False statement:** Reporting or causing a report of false information, proved by evidence that such report is untrue, deceitful, or made with intent to deceive.

**Harassment:** Repeated, unwanted verbal or physical annoyances, threats, or demands

**Insubordination:** Refusal by an employee to obey a supervisor's lawful order; refusal by an employee to carry out a supervisor's lawful order; and/or, abusive or threatening language directed at

a supervisor by an employee

**Investigator:** Any employee who, under authority of the Chief of Police, conducts an internal investigation and makes recommendations regarding that investigation

**Misrepresentation of fact:** The submission or giving of a report or statement containing improper or inaccurate information

**Respondent:** Any sworn employee who is the subject of an internal investigation

**IV. FORMS (N/A)****V. PROCEDURES****1. Authority of Chief of Police**

The Chief of Police is authorized to initiate and administer discipline, as well as authorize supervisors to initiate, administer, or recommend disciplinary action against an employee.

**2. Supervisory Limitations to Initiate Disciplinary Action**

Supervisors will generally conduct investigations and, when necessary, recommend disciplinary action.

Disposition of investigative and disciplinary recommendations can only be authorized by the Chief of Police. Prior to such a disposition, the supervisor shall verbally discuss the following with the Chief of Police:

- ☐ Facts of the investigation
- ☐ Unusual circumstances
- ☐ Charge(s)
- ☐ Offense category
- ☐ Proposed disciplinary action

**3. Limitations of Authority to Suspend**

Supervisors ranked Sergeant or above are authorized to suspend from duty with pay any employee for the following:

- ☐ AWOL
- ☐ Being convicted of a crime

- ☐ Loss of any job requirement, license or ability, which prevents the employee from satisfactorily executing job tasks or fulfilling mandated training or certification requirements
- ☐ Membership in any organization advocating overthrow of the U.S. government by force or violence
- ☐ Refusal to be examined by a Town-authorized physician when in response to a direct order
- ☐ Knowingly giving false statements to supervisors or the public
- ☐ Mishandling, abuse, or theft of town property
- ☐ Misrepresentation of facts
- ☐ Unsatisfactory performance
- ☐ Violations of provisions of written directives
- ☐ Acceptance of gratuities
- ☐ Consuming alcoholic beverages or being intoxicated on the job.
- ☐ Immoral or unethical conduct reflecting unfavorably on the Town as an employer.
- ☐ Insubordination

Suspension from duty means suspension of all police powers. Only the Chief of Police may suspend any employee without pay.

#### 4. Summary Punishment for Minor Violations

Summary punishment may be imposed when all of these conditions have been met:

- ☐ Employees waive the Administrative Hearing Board and their rights under the LEOBR;
- ☐ The facts constituting the violation are not in dispute; and
- ☐ The employee accepts the punishment offered.

#### 5. Disciplinary Action Recommendations

Disciplinary action recommendations only serve as a guideline, and other sanctions may also be recommended by an administrative hearing board and/or imposed by the Chief of Police.

A second (or greater) Category I, II, or III violation of the same offense within 24 months can cause the disciplinary action recommendation to

advance to the next higher category, with penalties levied from the higher category.

#### *Recommendations:*

##### Category I

##### **Recommended disciplinary action range:**

- ☐ Written reprimand to \$100.00 fine, or
- ☐ Loss of 1-12 hours of annual or vacation leave
- ☐ Suspension from the Take Home Vehicle Program

##### **Violations:**

- ☐ Court, Failure to Appear
- ☐ Tardiness
- ☐ Failure to submit reports in a timely manner
- ☐ Equipment, failure to properly control or maintain (except weapons)
- ☐ Equipment, unauthorized (except weapons).
- ☐ Failure to lock gates, Town property, parks, or other assigned locations
- ☐ Felony screening, failure to schedule or appear
- ☐ Grooming violations
- ☐ Minor traffic laws, violate without accident.
- ☐ Mishandled or improper preparation of criminal or traffic cases resulting in prosecutorial declination to prosecute, dismissal of nolle prosequi.
- ☐ Police radio, failure to properly acknowledge
- ☐ Careless operation of a police vehicle
- ☐ Improper/Illegal parking of a police vehicle
- ☐ Failure to properly maintain police vehicle
- ☐ Reports, failure to submit
- ☐ Response status (priority), improper or unauthorized
- ☐ Ride-alongs, unauthorized and violation of procedures
- ☐ Telephone procedures, violate
- ☐ Uniform regulations, violate
- ☐ Unauthorized personnel, allowing in any Town building

##### Category II

##### **Recommended disciplinary action range:**

- ☐ \$100.00 - \$250.00 fine, or
- ☐ Loss of 13-36 hours annual or vacation leave,

or

- ☐ 13-36 hours of suspension without pay
- ☐ Suspension from the Take Home Car Program

#### Violations:

- ☐ Body worn camera, failure to activate as required.
- ☐ Calls for service, failure to respond to and/or properly clear.
- ☐ Minor traffic law, violate with accident
- ☐ Departmental vehicle, flagrant traffic violation while operating (such as excessive speed)
- ☐ Discourtesy
- ☐ Failure to properly submit evidence or property for safekeeping
- ☐ Failure to complete house, area, business check or required visitation
- ☐ Firearms, unattended or careless handling of
- ☐ Force, unreasonable use of
- ☐ Harassment
- ☐ Hot pursuit, unauthorized
- ☐ Inappropriate language
- ☐ Leaving the Town while on duty, except on authorized business
- ☐ Misrepresentation of facts
- ☐ Non-lethal weapon, careless handling
- ☐ Prisoner, fail to properly search or secure resulting in escape or discovery of weapon or contraband
- ☐ Secondary employment, excessive hours
- ☐ Secondary employment, unauthorized location
- ☐ Secondary employment, failure to make proper notification
- ☐ Sick leave abuse
- ☐ Soliciting, seeking, or accepting any gift or gratuity to influence or appear to influence official conduct

#### Category III

##### Recommended disciplinary action range:

- ☐ \$250.00 - \$1,000.00 fine, or
- ☐ Loss of 24 to 48 hours annual or vacation leave, or
- ☐ 24-48 hours suspension without pay
- ☐ Suspension from the Take Home Car Program
- ☐ Suspension of secondary employment privilege

#### Violations:

- ☐ Abusive language
- ☐ Departmental vehicles, unauthorized use of
- ☐ Firearms, unreported discharge of
- ☐ Firearms violations, careless handling of
- ☐ Firearms, failure to properly secure
- ☐ Force, Unnecessary use of
- ☐ Motor vehicle, operating while privilege revoked or suspended
- ☐ Failure to carry firearm within Town limits
- ☐ Willful or repeated negligence in performing duties
- ☐ Unauthorized weapons, possession, use, or intent to use

#### Security-related secondary employment violations:

- ☐ Working while on leave or duty status that prohibits secondary employment
- ☐ Engaging in selling, serving or dispensing alcoholic beverages in any manner
- ☐ Employment or ownership in or on behalf of private detective, attorney, insurance agency, bail bond agency or involvement in any form of private investigation duties, including civil process service
- ☐ Employment for any party in a labor management dispute
- ☐ Employment as commissioned police officer for other political jurisdiction
- ☐ Attempting to secure Departmental compensation for arrests emanating directly from secondary employment

#### Category IV

##### Recommended disciplinary action range:

- ☐ Fines exceeding \$1,000.00
- ☐ Reduction in rank
- ☐ Suspensions exceeding 48 hours
- ☐ Suspension of secondary employment privilege
- ☐ Written reprimand up to termination from the Department.

#### Violations:

- ☐ Alcohol-related offenses

- ☐ Absent without approved leave
- ☐ Criminal law offenses, including must appear traffic.
- ☐ Discriminatory language
- ☐ Drug-related offenses
- ☐ Excessive force
- ☐ Firearms, careless handling resulting in injury or death
- ☐ Firearms, failure to properly secure which results in loss
- ☐ Failure to report any charge or violation of any law, statute, or ordinance
- ☐ Making false statements/reports
- ☐ Misuse of public funds
- ☐ Insubordination
- ☐ Loss of job requirement
- ☐ Conduct unbecoming a police officer

#### **Security-related secondary employment violations:**

- ☐ Receiving payment from two or more employers simultaneously without written permission of the multiple employers or the Department
- ☐ Participating in employment requiring conduct inconsistent with Departmental objectives, regulations, ethics or reputation or that creates real or potential conflict of interest
- ☐ Receiving compensation from other employment source while on-duty for the Town

#### **6. Evaluating Discipline Severity**

The following factors shall be considered in making disciplinary recommendations:

- ☐ Severity of the disciplinary action compared to the nature of the acts constituting the grounds for disciplinary action.
- ☐ Extenuating circumstances that may lessen the severity of the proposed disciplinary action
- ☐ Uniformity of the proposed disciplinary action in relation to disciplinary actions given other employees under similar circumstances
- ☐ Employee's prior record of conduct or performance
- ☐ Impact on the Department and the public
- ☐ Potential for improvement of the employee's

behavior

#### **7. External Appeal of Adverse Disciplinary Action**

##### ***Officer: Permanent Status***

All disciplinary actions or adverse actions may be appealable in accordance with the LEOBR and/or other applicable law.

##### ***Officer: Probationary Status***

Probationary officers may only appeal disciplinary or adverse actions alleged to be illegal, unconstitutional, or taken without the officer having received a statement or notice of the termination. Exception: Adverse actions resulting from allegations of use of force are appealable in accordance with the LEOBR.

##### ***Civilian Employees: Permanent Status***

Permanent civilians may appeal disciplinary or adverse actions that are alleged to be illegal or unconstitutional to the Town Administrator in accordance with the Town Code.

##### ***Civilian Employees: Probationary Status***

Probationary civilian employees may only appeal disciplinary or adverse actions alleged to be illegal or taken without the employee having received notice of the termination.

#### **8. Duty Status**

For information regarding duty status (i.e. Administrative Leave, Suspension of employees, Discretionary Suspension, Mandatory Suspension, Suspension Procedures, Suspension Hearings and Restoration to Duty) *see*: VOLUME I, CHAPTER 19 LEAVE & DUTY STATUS.

### **VI. GOVERNING LEGISLATION & REFERENCE**

#### **This General Order addresses:**

- ☐ Maryland Code, Public Safety Article, Title 3
- ☐ Cheverly Town Code, Sections 21-9 & 22-7

**Reference:**

- ☐ Law Enforcement Officers' Bill of Rights (LEOBR), Maryland Code, Public Safety Article, Title 3, Sub-Title 1
- ☐ Cheverly Town Code, Sections 21-9 & 22-7
- ☐ House Bill 1016 – Public Safety and Poling Workgroup – Recommendations and Public Safety Article, Section 3-104



**DISCRIMINATION &  
SEXUAL HARASSMENT****I. POLICY**

The Town Administrator serves as the Equal Employment Opportunity Coordinator (EEOC) for all Town employees.

**II. CHECKLIST (N/A)****III. DEFINITIONS**

**Arbitrary Discrimination:** An action unlawfully or unjustly resulting in unequal treatment of persons or groups based on race, color, national origin, ethnic group, gender, marital status, creed, religion, age, sexual orientation, or disability for which distinctions are not supported by legal or rational considerations. Arbitrary discrimination can include action or inaction based upon prejudice, stereotyping, anti-Semitism, or racism and can exist in the following formats.

**Disparaging Terms:** Words used to degrade or imply negative statements, pertaining to age, national origin, color, race, ethnic group, religion, gender, sexual orientation, or disability. Such terms may include symbols, posters, slurs, or insignia.

**Personal Discrimination:** Action taken by a person or group to deprive a person or group of a right because of age, national origin, race, color, religion, disability, gender, sexual orientation or ethnic group. Discrimination can occur overtly, covertly, intentionally, unintentionally, by an act, or by an omission.

**Anti-Semitism:** A prejudicial and discriminatory attitude toward Jews based on negative perceptions about their religious beliefs. It is a form of stereotyping and racism.

**Prejudice:** Set of rigid and/or unfavorable attitudes toward a particular group or groups that are formed in disregard of facts; unsupported judgments, usually accompanied by disapproval

**Racism:** Incorrect assumptions that race determines specific cultural and psychological traits with the belief that one race is superior to

another. This belief of racial superiority allows discrimination to exist when dealing with other races as inferior.

**Sexual harassment:** A form of sexual discrimination involving the use of sexually explicit language or gestures; the presence of sexually suggestive or explicit pictures or drawings; unusual, unsolicited, or unwanted touching or closeness by another employee; or related conduct, suggestions, mannerisms, actions, or activities with sexual innuendo or overtones.

Sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature constitute harassment when the:

- ☐ Conduct is unwelcome and the employee does not solicit or invite it and the employee regards the conduct as undesirable or offensive.
- ☐ Conduct has the purpose or effect of interfering with a person's performance or creates a hostile, offensive or intimidating work environment.
- ☐ Submission to such conduct is either explicitly or implicitly made a term or condition of a person's job, pay or career advancement.
- ☐ Submission to or rejection of such conduct is used as a basis for employment or career decisions affecting the person.

Harassment may include any of the following forms:

- ☐ Verbal - Innuendo, slurs, jokes, threats, suggestive comments or propositions
- ☐ Nonverbal - Suggestive objects, pictures, graphic commentaries; insulting or suggestive sounds, leering, whistling or obscene gestures
- ☐ Physical - Includes the touching or brushing up against the body, pinching or assault

**Stereotyping:** Preconceived or oversimplified generalization involving negative beliefs about a particular group or class of people. Negative stereotypes are frequently the basis for prejudicial attitudes and beliefs. It overlooks people as individuals and categorizes them as members of a group who all think and behave the same.

#### IV. FORMS

- ☐ Equal Employment Opportunity Complaint Form

#### V. PROCEDURES

*(Civil Rights Act of 1964)*

*(Equal Employment Opportunity Act of 1972)*

Supervisors shall ensure the workplace has an environment free from discrimination and sexual harassment. They shall take prompt and appropriate corrective action when they observe or are made aware of conduct that may be interpreted as discrimination or sexual harassment regardless of an informal or formal complaint.

When employees, other than victims, become aware of conduct believed to be sexual harassment or discrimination, whether or not the conduct is directed at them, witnessed by them, or related to them by another employee, they shall report the incident to a supervisor.

Discrimination and sexual harassment cover a spectrum of behaviors that include casual remarks or activities that employees may not realize are offensive. Employees shall avoid situations that involve actual or apparent discrimination or sexual harassment.

##### 1. Citizen Complaints

Employees shall refer discrimination complaints from citizens to a supervisor.

##### 2. Internal Complaints

Attempts will be made to settle discrimination complaints at the employee/supervisory level by dialogue between the parties concerned. When a solution cannot be reached at this level, employees are urged to seek the assistance of the Equal Employment Opportunity Coordinator or contact Chief of Police directly.

When an employee observes behavior or finds a casual remark to be offensive, the employee is encouraged to confront the offender and make it clear the offensive behavior must stop.

When the employee feels uncomfortable

confronting the offender, the employee should contact one of the following:

- ☐ Any Supervisor
- ☐ Equal Employment Opportunity Coordinator (Town Administrator).

If the complaint involves a supervisor, employees must report the complaint directly to the Chief of Police.

Employees are encouraged to allow Departmental personnel to resolve or investigate complaints. In addition to Department personnel, employees may contact the:

- ☐ Equal Employment Opportunity Commission
- ☐ Maryland Human Relations Commission

##### 3. Complaint Procedures

To initiate the resolution of a complaint, the employee shall complete Part I of the Equal Employment Opportunity Complaint Form and contact the Equal Employment Opportunity Coordinator.

##### Screening

Upon receipt of the complaint, the EEO Coordinator shall schedule an appointment with the complainant.

At the screening appointment, the EEO Coordinator shall discuss the complaint and a method of resolution with the employee.

Options available to the EEO Coordinator for resolution of complaints are:

- ☐ Handle informally.
- ☐ Seek mediation.
- ☐ Assign for investigation.
- ☐ Final determination.

The EEO Coordinator shall notify the employee in person of the outcome of the complaint.

##### 4. Reprisals Prohibited

There shall be no retaliation against any employee or citizen for filing a discrimination or harassment

complaint or for assisting, testifying, or participating in an inquiry or investigation of such a complaint. Nothing precludes employees from invoking their rights as afforded by contract or law, or from contacting a higher authority.

## **VI. GOVERNING LEGISLATION & REFERENCE**

### **Governing Legislation:**

- ☐ Civil Rights Act of 1964
- ☐ Equal Employment Opportunity Act of 1972