

DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

I. POLICY

Identifying and stopping motorists that are operating or attempting to operate a motor vehicle while under the influence of alcohol or drugs, (DUI) is a priority for officers.

Arrests for DUI shall be based on probable cause that, at the time of the offense, an arrestee was in actual physical control of a vehicle. Probable cause shall be developed by observation and/or witness account.

II. CHECKLIST (N/A)

III. DEFINITIONS

D.U.I.: Driving Under the Influence, a blood alcohol concentration of 0.08% or higher

D.W.I.: Driving While Impaired, a blood alcohol concentration of 0.07%

IV. FORMS

- ☐ Commander's Information Report
- ☐ Maryland Uniform Complaint and Citation (MVA-DR 49) or ETIX citation
- ☐ Advice of Rights (MVA-DR 15)
- ☐ Officer's Certification and Order of Suspension (MVA #DR-15A)
- ☐ Preliminary Breath Test Advice of Rights (MSP 102)
- ☐ Result of Test for Alcohol Concentration (MSP 33)
- ☐ Statement of Probable Cause Arrest on Traffic Charges, (DC/CR1)
- ☐ Medical Personnel payment Authorization Form (MSP 34)
- ☐ Preliminary Breath Test Log (MSP 104)
- ☐ Certificate of Police Officer, Violation of Alcohol Restriction (MVA-DR 103)
- ☐ Certificate of Police Officer, Test Results of .04 or more, Commercial Vehicle (MVA-DR 102)

V. PROCEDURES

When preparing to stop a motor vehicle, officers

shall consider the following:

- ☐ A stop location that maximizes the safety of the officer and the violator
- ☐ Positioning the police vehicle in such a manner that alerts other motorists of the officer's presence
- ☐ A suitable area where roadside sobriety tests can be administered
- ☐ Request a back-up unit

1. DUI Traffic Checkpoints

A trained supervisor of the Department shall be the DUI Checkpoint Manager. He or she shall be responsible for ensuring that checkpoint operations are safe for the public and officers. The Chief of Police shall be contacted to schedule any checkpoint.

Checkpoint Locations

The checkpoint supervisor shall select the checkpoint location. Site selection shall be based on:

- ☐ Public and officer safety
- ☐ Minimizing inconvenience to motorists and unnecessary delays to traffic
- ☐ Providing sufficient space to deploy officers and marked police vehicles in plain sight
- ☐ Allowing the placement of warning signs

Statistical data shall be used to determine a site location. Data may include, but is not limited to, calls for service, citizen complaints, and accident reports.

Before conducting a traffic checkpoint on private property such as apartment parking lots, shopping center parking lots and driveways, written permission will be obtained from the property owner or authorized agent.

Authorization to Initiate Checkpoints

Checkpoints may be initiated only upon the written approval of the Chief of Police. Requests shall be made on an inter-office memorandum to the Chief of Police and include the following information:

- ☐ Purpose of checkpoint
- ☐ Location of checkpoint
- ☐ Date and time of checkpoint

Notifications

Before initiating a checkpoint, the checkpoint supervisor shall notify the following of the date, time, and location site:

- ☐ PGPD District I Commander's Office
- ☐ Public Safety Communications
- ☐ MSP barrack servicing the area (for traffic-related checkpoints)

Legal Considerations

Traffic checkpoints must be conducted in strict compliance with legal guidelines. The checkpoint manager shall ensure the following:

- ☐ An official sign will be placed to give motorists adequate warning that a checkpoint is ahead and the opportunity to choose an alternate route
- ☒ All official signs used at checkpoints must have the prior approval of the Chief of Police
- ☐ Officers manning checkpoints shall be in uniform
- ☐ At least one marked police cruiser will be used at each stop location
- ☐ All vehicles will be stopped
- ☐ If traffic becomes congested, the checkpoint supervisor may temporarily suspend the operation until the congestion is relieved
- ☐ Motorists who do not wish to stop shall be allowed to make a legal U-turn prior to the checkpoint and follow a different route
- ☐ Officers will not search vehicles, nor interrogate drivers or passengers unless probable cause exists to search the vehicle, or an arrest is made

Initial Stop & Contact

The initial stop and contact shall last approximately one minute or less. Officers conducting the initial stop and contact shall:

- ☐ Identify themselves
- ☐ State the reason for the stop
- ☐ Tell the motorist that all motorists are being

stopped

- ☐ Thank the driver for his cooperation

If an officer develops reasonable grounds to believe that the motorist is driving while under the influence of alcohol, the officer shall direct the motorist to a location designated for vehicles that are to be detained, and pursue the matter for a reasonable time. If the motorist refuses to cooperate, the motorist may be detained and the officer may investigate further.

If the officer does not develop reasonable grounds during the initial contact, the motorist will be instructed to proceed.

Arrest Procedures

Persons arrested at checkpoints will be transported and processed in accordance with established procedures, ***See: VOL. II, CH. 4. ARREST, TRANSPORT, & PROCESSING.***

After Action Report

The checkpoint supervisor will ensure that a CIR is completed at the conclusion of the operation. Copies of the report will be forwarded to the Chief of Police. The report shall include, but not be limited to the following:

- ☐ Purpose, date, time, and location of the checkpoint
- ☐ Number of vehicles stopped
- ☐ Number of arrests made
- ☐ Description of charges made

2. Sobriety Tests

Individuals suspected of DUI shall be requested to perform roadside sobriety tests, unless they are physically unable. If possible, tests should be administered in a well-lighted and level area. Prior to administering any tests, officers will briefly explain and demonstrate them.

When attempting to determine impairment, only officers trained to administer the Standardized Field Sobriety Tests (SFST) will attempt to administer them and shall follow all procedures and scoring criteria established by the National Highway Traffic Safety Administration (NHTSA)

when doing so. The SFST include:

- ☐ Horizontal Gaze Nystagmus (HGN)
- ☐ Walk and Turn
- ☐ One Leg Stand

An officer not SFST-trained, shall not attempt to administer the tests listed above, but may attempt to administer the tests listed below, which include, at a minimum:

- ☐ **Walk and Turn Test:** With the left foot on a line, place the right foot in front of it with the right heel touching the left toe; walk nine steps down the line in heel to toe fashion, turn, and take nine steps back in the same manner
- ☐ **One-Leg Stand Test:** Stand with heels together and arms at sides, raise one leg approximately six inches off the ground and hold that position for 30 seconds while counting aloud 1001, 1002, continuing until 1030

3. Preliminary Breath Test (PBT)

A PBT may be used to develop additional probable cause to detain an individual. The PBT does not replace conventional roadside sobriety tests or chemical tests and should be used as a guide only.

Only officers that have been trained and approved by the State Toxicologist shall administer a PBT.

A PBT may be administered after an operator has been advised of the rights outlined in the Preliminary Breath Test Advice of Rights form (MSP 102). The operator does not have the right to speak with an attorney before deciding whether to submit to a PBT. PBT results may not be used as evidence, but the results should be included in the reasonable grounds section of the DR-15A form.

The use of PBTs shall conform to the regulations of the State Toxicologist. PBT operators shall record PBT test results in the State of Maryland Preliminary Breath Test Log.

A PBT may be used to test any principal of a crime that is suspected to be under the influence

of alcohol.

Officers assigned a PBT shall calibrate the PBT by the 5th of every month and record it on the Preliminary Test Log (MSP 104). The results must be in the range of .072-.088. If not, the PBT must be taken out of service until inspected and repaired.

4. Advice of Rights, DR-15 (Transportation Article, Section 16-205.1)

Officers will ask arrestees to submit to a chemical test to detect alcohol concentration for the following offenses:

- ☐ DUI/Impaired Driving
- ☐ Driving in violation of an alcohol restriction (including the restriction of persons under the age of 21)
- ☐ Driving in violation of Maryland Traffic Law Section 16-813 (commercial motor vehicle)

Officers shall follow these procedures for violations not involving the death of another:

- ☐ Read the DR-15 Advice of Rights to the arrestee, comply with the instructions at the bottom of the form, and complete applicable blocks
 - Distribute copies to persons named at the bottom of the form's pages
- ☐ Complete the officer's Certification and Order of Suspension when appropriate
 - The grounds for stopping the vehicle must be comprehensive and observations such as vehicular actions, locations observed, and the condition of the operator must be included
 - "Alcoholic Beverage" is the only description permitted to describe the odor of a fermented liquid in the narrative of the reasonable grounds section. In addition, the fact that the person listed on the form was operating the vehicle and had an odor of an alcoholic beverage on their breath must be indicated.
 - In the reasonable grounds section, describe the circumstances that led to the

submission or refusal of a chemical test

For violations where death occurs, officers shall:

- ☐ Inform the arrestee that by law, they must submit to a chemical test and read the arrestee the DR-15 Advice of Rights form. Officers must be able to articulate that there is reasonable suspicion to believe that alcohol is present
- ☐ Not advise the arrestee of Miranda rights unless questioning the arrestee, or as instructed by the Office of the State's Attorney (OSA)

5. Documentation

The following documents are required for all DUI arrests:

- ☐ Incident Report
- ☐ Advise of Rights to Chemical Test (DR-15)
- ☐ Officer's Certification and Order of Suspension (DR-15A) - required only when test result is .08% or higher or arrestee refuses to submit to a test - and is used to:
 - Confiscate a Maryland Driver's License
 - Issue a temporary license
 - Order a suspension
 - Request a driver's hearing
 - Record the officer's statement of reasonable grounds
 - Record results of a test for alcohol concentration
 - Provide evidence of refusal
- ☐ Result of Test for Alcohol Concentration (MSP 33)
- ☐ Preliminary Breath Test Advise of Rights (MSP 102)
- ☐ Record on Preliminary Breath Test Log (MSP 104) - required for all cases where the PBI is used, whether charged or not.
- ☐ Any other evidentiary paperwork, such as photos, etc.

If an arrestee submits to a breath test, the Breath Testing Operator will log the arrest into the Intoximeter Log Book. The arresting officer will then make copies of all the paperwork and photos for his case file. The officer will make additional

copies and leave them in the DWI Tray in the squad room. The DUI Coordinator will then forward the copies (including the driving record) to the DUI Coordinator at the State's Attorney's Office.

6. Chemical Tests

The CPD does not have Breath Test Operators, because of agency size, as listed under the rules and regulations established by the State Toxicologist. As a result, CPD officers will respond to PGPD facilities primarily for breath testing services. If a PGPD Breath Test Operator is unavailable, another appropriate testing facility will be determined by the PSC.

Administration of Chemical Test

Generally, the chemical test administered shall be the breath test, except that blood tests shall be administered if the:

- ☐ Arrestee is unconscious or incapable of refusing a chemical test
- ☐ Arrestee's injuries require their removal to a medical care facility
- ☐ Equipment to administer a breath test is unavailable

The breath or blood specimen shall be taken within two hours following the time the arrestee was apprehended. Circumstances may complicate the consent procedures. An arrestee may:

- ☐ Repeatedly change their mind about submitting to a chemical test
- ☐ Submit to a chemical test only after conferring with an attorney. Officers shall allow the arrestee a reasonable period of time to contact and consult with an attorney
- ☐ Officers shall advise arrestees that failure to take a chemical test due to evasive behavior or inability to contact an attorney will be treated as a refusal
- ☐ If the two-hour time limit passes without a chemical test being administered, the officer shall document a test refusal

Breath Testing

An officer requesting a breath test for an arrestee

shall:

- ☐ Request a breath testing operator after the arrestee has agreed to take a chemical test
- ☐ Observe the arrestee for 20 minutes before the test, ensuring that the arrestee does not smoke or ingest any substances until the test is completed

When the Result of Test for Alcohol Concentration is completed, the Breath test operator shall provide the arrestee with a copy of the results. The arresting officer shall retain the original.

Test Refusal or Test Result of .08% or Higher

The officer shall:

- ☐ Confiscate the Maryland driver's license
- ☐ **Within 72 hours**, send the confiscated driver's license, copies of MVA forms, and any Results of Test for Alcohol Concentration to the MVA (arresting officer responsibility)
- ☐ Complete the Officer's Certification and give a copy to the arrestee
- ☐ Advise the arrestee that he or she has 10 days in which to mail the hearing request form to request a hearing to show cause why their license should not be suspended
- ☐ Give the arrestee the "Driver's Copy" of the Officer's Certification and Order of Suspension to use as a temporary driver's license, provided the arrestee has a valid Maryland Driver's License and signs the Officer's Certification and Order of Suspension

An arrestee already in possession of a temporary license is treated the same as if he or she had a regular license.

Blood Testing

Prior to having medical personnel draw blood utilizing the two test tubes found in the State Toxicologist-approved blood collection kit, the arresting officer should ensure that the kit's expiration date, usually found on the front of the kit, is still current. The kit contains directions, which shall be followed.

A physician, nurse, or person who withdraws blood in the course of their duties in the emergency room shall utilize the contents of the kit.

The arresting officer (in their absence another officer) shall:

- ☐ Witness the withdrawal of blood
- ☐ Ensure the test tubes are filled completely
- ☐ Immediately, after the blood is collected, mix the blood with the anticoagulant powder by slowly and completely inverting the test tube five times (*Do not shake vigorously*)
- ☐ Complete the four evidence seals contained in the kit
- ☐ Seal each of the test tubes with an evidence seal
- ☐ Place the sealed test tubes in the original box and seal the ends of the box.

Officers shall not have blood samples drawn by military personnel.

Officers shall avoid having blood samples drawn within the District of Columbia, as these may be inadmissible as evidence.

As test results are not immediately available, officers will place the appropriate charges against arrestees based upon known facts.

Submitting Blood Tests

Blood specimens must be forwarded to MSP for analysis and must be accompanied by the Alcohol Analysis-Medical Personnel Payment Authorization. The arresting officer shall ensure that the form includes the signature and Social Security Number of the person withdrawing the blood, and the hospital address. They shall retain the arresting officer's copy, and immediately transmit the following to the Chemical Test for Alcohol Unit (CTAU), MSP, Pikesville, MD 21208:

- ☐ Copies #1 through #4 of the MSP Form #34
- ☐ Blood test kit. Do not place kit in an outdoor mailbox during freezing weather

Follow-Up Blood Test Procedures

Officers shall follow the following procedures, not those found on pages 5-7 of the Administrative Per Se in Maryland, A Police Officer's Guide to Forms and Procedures.

Following analysis of blood samples, MSP shall forward the copy of the Result of Test For Alcohol Concentration form #34 to the Department.

For test results .07% or below, the arresting officer shall:

- ☐ Complete the three copies of the Result of Test For Alcohol Concentration form, furnish salutation, citation number, and officer's signature
- ☐ Immediately forward defendant copy of Result of Test For Alcohol
- ☐ Concentration to the arrestee via Certified U.S. Mail, restricted delivery. U.S. Postal Service Forms 3800 & 3811 shall be affixed to the mailer per instructions on these forms, available from police clerk.
- ☐ On an arrestee's receipt of the Result of Test for Alcohol Concentration, the Postal Service returns PS Form #3811, bearing the arrestee's signature, to the arresting officer. The officer retains this form as evidence. If the Postal Service is unable to serve the certified letter, the form will be returned to the arresting officer stamped as such; the officer retains this form as evidence
- ☐ Place the State's Attorney's copy in the DUI tray in the squad room. The DUI Coordinator will forward it to the DUI Coordinator at the State's Attorney's Office.

For test results .08% or higher, the arresting officer shall:

- ☐ Complete the DR-15A, except for the following:
 - ☐ Order of Suspension-issue date
 - ☐ Surrender of the Driver's License
 - ☐ Drivers Certified Statement
 - ☐ Temporary License Block
- ☐ Submit the DR-15A and the MVA copy of the Result of Test For Alcohol Concentration

form to the MVA

7. **Persons Incapable of Refusing a Chemical Test**

If an officer has reasonable grounds to believe that an arrestee has been driving or attempting to drive while under the influence of alcohol or while impaired and determines the arrestee is unconscious or incapable of refusing to take a test, the officer shall:

- ☐ Arrange for the arrestee to be transported to a hospital
- ☐ If a test would not jeopardize the health of the arrestee, direct a qualified medical person to collect a blood sample with an authorized blood collection kit

If the arrestee regains consciousness, or otherwise becomes capable of refusing the administration of a chemical test before it is administered, officers will follow the established procedures for obtaining consent.

8. **Processing Drug Suspects**

Persons suspected of driving while under the influence of drugs are processed in the same manner as persons driving under the influence of alcohol.

If the arrestee submits to a chemical test, the test can be used to determine the extent of alcohol influence. A low test result, especially a result of 0.0%, together with the officer's observations, may support the probability of drug use.

An officer shall not confiscate an arrestee's driver's license for driving under the influence of drugs, unless the officer is a certified Drug Recognition Expert (DRE). DREs are officers specially trained to detect drivers under the influence of illegal drugs, prescription and over-the-counter medications, and inhaled products. They may be contacted through PSC.

The arresting officer shall submit drugs found on the arrestee or in their vehicle to a laboratory for analysis. The results of the analysis may be used as corroborative evidence.

If the arrestee was injured and transported to a hospital, the arresting officer will submit a request for a grand jury subpoena to be issued for the blood results from the hospital.

Taking prescription medication is no defense against a charge of driving while under the influence of drugs.

9. Disposition of Arrestee

The officer may release an arrestee, providing the arrestee signs all citations and MVA forms. Otherwise, they shall be presented, without unnecessary delay, before a District Court Commissioner. If the officer releases the arrestee, they shall take reasonable steps to ensure the arrestee has transportation away from the police facility.

Arresting officers shall consult with the PGPD CARU before placing charges against an arrestee involved in a fatal accident.

10. Summoning Witnesses

Arresting officers shall subpoena essential witnesses by checking the witness block and completing the back of the #1 copy of the DR-49 citation or completing the witness section on ETIX.

Essential witnesses include the following:

- ☐ Officers who had custody of the arrestee
- ☐ Witnesses who observed the arrestee driving
- ☐ Individual that withdrew blood from the arrestee

The OSA transmits subpoenas for breath testing operators and chemists analyzing blood samples.

11. Case Disposition

In cases where a blood test was given, the arresting officer shall complete the Disposition of Alcohol Chemical Test when the court case and appellate process are concluded to facilitate the disposal of blood samples. Officers shall mail the form to the CTAU.

12. License Restrictions

(Transportation Article, Section 16-113)

Persons suspected of driving in violation of an alcohol restriction are processed similarly to persons driving under the influence of alcohol. Instead of using the Officer's Certification and Order of Suspension, if a person consents to a breath test, officers shall use a:

- ☐ Certificate of Police Officer, Violation of Alcohol Restriction (DR-103 Form)
- ☐ Certificate of Police Officer, Test Results of 0.04 or More, Commercial Motor Vehicle (DR-102 Form)

Alcohol restrictions on a Maryland Driver's License may take the following forms:

- ☐ Licensees less than 21 years of age are prohibited from having a BAC of 0.02 or greater
- ☐ Licensees with a designated alcohol restriction are prohibited from having any alcohol in their blood

Arrests for either of these violations are handled in the same manner as a DWI violation including chemical testing and charging of the arrestee. Officers shall complete and submit the (DR-103 Form) Certification of Police Officer, Violation of Alcohol Restriction, as the MVA documentation needed after an arrestee submits to a chemical test. Chemical test refusal shall be handled as a regular refusal to submit to a chemical test.

13. Commercial Driver's License

Commercial drivers (when exercising their privilege as commercial licensees) are prohibited from having any alcohol in their system. Officers, who encounter any commercial driver with the odor of an alcoholic beverage on their breath, shall request the driver to submit to a chemical breath test. DWI regulations concerning chemical testing and charging apply in these types of arrest. The officer shall complete and submit the "Certification of Police Officer, Test Result of 0.04% or More, Commercial Motor Vehicle" for MVA documentation (DR-102 Form)

A truck inspector shall place commercial drivers (when exercising their privilege as commercial licensees) who have any alcohol concentration in

their system, or refuse the breath test, out of service. The truck inspector will advise them that they cannot drive a commercial vehicle for at least 24 hours.

14. All Other Traffic Violation Arrests

In addition to DUI arrests, all other traffic arrests will be made pursuant to the provisions of Section 26-202 of the Maryland Transportation Article. For example, an officer may arrest without a warrant a motorist operating a vehicle on a cancelled, suspended, refused or revoked license in violation of Section 16-303, due to a failure of the motorist to appear for court.

The Officer needs to complete the traffic citations and a Statement of Probable Cause Arrest on Traffic Charges, form DC/CR1, when the violator is to be presented before a District Court Commissioner.

When making a traffic arrest, officers will use only the force necessary to accomplish lawful objectives.

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- ☐ The Maryland Vehicle Law, Section 21902 and 26-202
- ☐ Transportation Article, Section 16-205.1
- ☐ Delaware v. Prouse (440 U.S. 648, 99 S.Ct.1391)
- ☐ Little v. Maryland & Odom v. Maryland (300 Md. 485, 479 A.2d 903)
- ☐ Michigan Department of State Police v. Sitz (496 U.S. 444, 110 S.Ct. 2481)
- ☐ Indianapolis v. Edmond (531 U.S. 32, 121 S.Ct. 447)

Reference:

- ☐ Administrative Per Se in Maryland, a Police Officer's Guide to Forms and Procedures
- ☐ "Checkpoint Strikeforce" Maryland State Police Sobriety Checkpoint Case Law, March 2004

EYE WITNESS IDENTIFICATION**I. POLICY**

The Cheverly Police Department recognizes that it is as much the responsibility of the police to protect the innocent from conviction, as it is to assist in the conviction of the guilty.

The identification of criminal offenders must be approached with extreme caution as the court may exclude eyewitness evidence if it determines that police methods were unnecessarily suggestive. It is the policy of the Cheverly Police Department that:

- ☐ Eyewitnesses will be given specific instructions prior to being shown a suspect;
- ☐ Photo arrays and line-ups will be conducted using sequential rather than simultaneous presentation; and
- ☐ Photos arrays, line-ups and voice identifications will be conducted using blind administration.

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

Administrator: Person conducting the identification procedure.

Blind: Administrator does not know the identity of the suspect.

Blinded: The administrator may know who the suspect is but does not know which line-up member is being viewed by the eyewitness.

Eyewitness: A person who observes another person at or near the scene of an offense.

Field View: The exposure of an eyewitness to a group of people in a public place on the theory that the subject may be among the group. A field view differs from a show-up in that it may be conducted well after the commission of the crime, and may be conducted with or without a suspect in the group.

Filler: A person or a photograph of a person who is not suspected of an offense and is included in

an identification procedure. Fillers shall resemble the description of the perpetrator given by the eyewitness in significant physical features, including any unique or identifying features.

Folder Shuffle Method: A photographic line-up system that is conducted by placing photographs in folders, shuffling the folders, including a photograph of the suspect and fillers, and then presenting the folders sequentially so that the administrator cannot see or track which photograph is being presented to the eyewitness until after the procedure is completed.

Line-up: The live presentation of a number of people to an eyewitness for obtaining identification. A line-up differs from a field view because it is conducted in a controlled setting, such as a police station, a known suspect is in the mix, and the participants are aware that an identification procedure is being conducted.

Photo Array: The showing of photographs of several individuals to an eyewitness for obtaining identification.

Show-up: The live presentation of a suspect to an eyewitness shortly after the commission of a crime for obtaining identification.

Voice Line-up: A procedure whereby a witness is permitted to hear the voices of several people for obtaining an identification of a suspect's voice.

IV. FORMS**V. PROCEDURES****1. Right to Counsel During Identification Procedure**

Once a suspect has been arraigned or indicted, his/her right to have counsel present at an in-person identification procedure attaches. No right to the presence of counsel exists simply because a complaint has been filed, even if an arrest warrant has issued.

No right to counsel attaches for non-corporeal identification procedures, such as those involving photographs or composite drawings, whether conducted before or after the initiation of

adversarial criminal proceedings.

2. General Considerations

Due process requires that identifications be conducted in a fair, objective, and non-suggestive manner. Due process is violated when identification procedures conducted by the police are unnecessarily suggestive and conducive to irreparable mistaken identification.

Upon response to the scene of a crime, an officer should make an effort to prevent eyewitnesses from comparing their recollections of the offender or the incident. Officers may accomplish this by promptly separating the witnesses and interviewing each out of the earshot of the others. Witnesses should not participate in identification procedures together. For example, witnesses should not be transported together to view a suspect during a show-up.

Officers should use caution when interviewing eyewitnesses. Specifically, they should avoid whenever possible the use of leading questions.

Prior to asking an eyewitness to identify a suspect, police officers should obtain a detailed description of the offender.

If practicable, the officer should record the procedure and the witness' statement of certainty. If not, the officer should write down the witness' exact words and incorporate them into his/her report. The witness' should be asked to initial and date the front of the photograph selected.

A report of every show-up, photo array, line-up or voice identification procedure, whether an identification is made or not, shall be submitted. The report shall include a summary of the procedure, the persons who were present for it, instructions given to the witness by the officer (this should be accomplished by submitting the appropriate witness instruction form), any statement or reaction by the witness, and any comments made by the witness regarding the identification procedure.

3. Witness Instructions

- ☐ You are being asked to view (some people or

a set of photographs).

- You will be viewing these persons (photographs) one at a time in random order.
- Please look at all of them. I am required to show you everyone (or the entire series).
- Please make a decision about each person (photograph) before moving on to the next one.
- ☐ The person who you saw may or may not be (one of the people) or (in the set of photographs) you are about to view.
- ☐ You should remember that it is just as important to clear innocent persons from suspicion as to identify the guilty.
- ☐ The officer (showing the photographs) or (administering the line-up) does not know whether any of the people in the array are the person you saw. *(Not for use with show-ups.)*
- ☐ The individuals (in the photographs) you view may not appear exactly as they did on the date of the incident because features such as head and facial hair are subject to change. *(Not for use with show-ups.)*
- ☐ Regardless of whether or not you identify someone, the police department will continue to investigate the incident.
- ☐ If you select someone, the procedure, requires us to ask you to state, in your own words, how certain you are.
- ☐ If you do select someone, please do not ask us questions about the person you have selected, as no information can be shared with you at this stage of the investigation.
- ☐ Regardless of whether you select someone, please do not discuss the procedure with any other witnesses in the case.
- ☐ Do you have any questions about the procedure before we begin?

4. Show-ups

- ☐ Show-up identification procedures should only be used soon after a crime has been committed, typically within two hours, or under exigent circumstances, such as the near death of the only available witness. Show-ups should be conducted live whenever possible and not photographically. Officers should not attempt to obtain identifications using driver's license photos on their cruiser MDT's, unless a dire emergency exists.
- ☐ When a show-up is arranged in an emergency situation, where either a witness or a victim is in imminent danger of death or in critical condition in a hospital, and the circumstances are such that an immediate confrontation is imperative, the emergency identification procedure shall be conducted in a non-suggestive manner.
- ☐ Every show-up must be as fair and non-suggestive as possible. Specifically, if the suspect is handcuffed, he/she should be positioned so that the handcuffs are not visible to the witness. The suspect should not be viewed when he/she is inside a police vehicle, in a cell, or in jail clothing.
- ☐ Detaining a person who fits the description of a suspect in order to arrange a show-up is lawful where the officer has reasonable suspicion that the suspect has committed a crime, even if probable cause to arrest has not yet developed.
- ☐ If the witness fails to make a positive identification and sufficient other evidence has not developed to provide probable cause to make an arrest, the suspect must be permitted to leave. His/her identity should be recorded and included in the officer's report.
- ☐ If a suspect is stopped within a short time after the commission of the crime, he/she may be taken to a location where he/she can be viewed by a witness for possible identification; or, he/she may be detained at the site of the stop and the witness taken there to view him/her. Transporting the witness to the site of the stop is preferred.

- ☐ Suspects should not be brought into a crime scene as contamination may result. For the same reason, clothing articles found at the crime scene should not be placed on or in contact with a suspect. A suspect should not be brought back to the home of a victim or witness unless that was the scene of the crime.
- ☐ Police officers must not do or say anything that might convey to the witnesses that they have evidence of the suspect's guilt. Officers should turn down their radios so that the witness they are transporting does not pick up information about the stop of the suspect.
- ☐ The suspect should be viewed by one witness at a time and out of the presence or hearing of other witnesses. Witnesses who have viewed the suspect should not be permitted to communicate with those who have not.
- ☐ Once one witness has positively identified the subject during a show-up, further identifications should be attempted by means of a photo array or lineup.
- ☐ Officers may transport victims or witnesses in police vehicles to cruise the area where a crime has just occurred in order for them to attempt to point out the perpetrator. While checking the area, officers must be careful not to make any statements or comments to the witnesses that could be considered suggestive.
- ☐ Officers should make written notes of any identification and any statements made by witnesses at the time of confrontation with the suspect. Once a witness has indicated his/her opinion regarding the identity of the subject, the officer should ask the witness how certain he/she is of the identification. Officers should ask the witness not to use a numerical scale, but rather to indicate certainty in his/her own words. All statements by the witnesses should be incorporated into the officers' report.

5. Preparing a Photo Array

- ☐ Photo arrays should be shown to witnesses as soon as possible after the commission of a crime.

- ☐ Include one suspect and a minimum of five fillers (non-suspects) in each array. Mark the back of each photo with sequential numerals. Use a separate array for each suspect.
- ☐ Use photographs of the same size and basic composition. Do not include more than one photograph of the same person.
- ☐ Use a photo of the suspect that closely depicts his/her appearance at the time of the incident.
- ☐ Select fillers who generally fit the witness' description of the offender. Avoid fillers who so closely match the suspect that a person familiar with the suspect would have difficulty distinguishing the filler.
- ☐ Ensure that photos bear no markings indicating previous arrests.
- ☐ Without altering the photo of the suspect, create a consistent appearance between the suspect and fillers with respect to any unique or unusual feature such as facial scars or severe injuries by adding or covering the feature.
- ☐ Once the array has been assembled, examine it to ensure that nothing about the suspect's photo makes him/her stand out.
- ☐ In cases with multiple witnesses, change the order of photos from one witness to the next.
- ☐ When showing a witness an array containing a new suspect, avoid using fillers from a previous array.

6. Showing a Photo Array

- ☐ The procedure must be conducted in a manner that promotes reliability, fairness and objectivity.
- ☐ Allow each witness to view the photographs independently, out of the presence and hearing of the other witnesses.
- ☐ Never make suggestive statements that may influence the judgment or perception of the

witness.

- ☐ A second officer who is unaware of which photograph depicts the suspect should actually show the photographs. This technique, called double-blind administration, is intended to ensure that the witness does not interpret a gesture or facial expression by the officer as an indication as to the identity of the suspect. The technique also allows the prosecution to demonstrate to the judge or jury that it was impossible for the officer showing the photographs to indicate to the witness, intentionally or unintentionally, which photograph he/she should select. Officers should utilize the folder shuffle method.
- ☐ If a second officer is not available, the officer showing the array must employ a so-called "blinded" technique, the folder shuffle method, so that he/she does not know when the witness is viewing a photograph of the suspect.
- ☐ The investigating officer or the second officer (the administrator) should carefully instruct the witness by reading from a departmental Photo Array Instruction Form, and the witness should be asked to sign the form indicating that he/she understands the instructions. The investigating officer and the administrator should also sign and date the form.
- ☐ For the reasons above, officers should explain to the witness that the officer showing the array does not know the identity of the people in the photographs. The investigating officer should leave the room while the array is being shown by the administrator:
- ☐ The officer should show the photographs to a witness one at a time. When the witness signals for the next photograph, the officer should move the first photograph so that it is out of sight (folder shuffle method).
- ☐ The procedure should be repeated until the witness has viewed each photograph. If the witness identifies a subject before all the photographs have been viewed, the officer should remind the witness that he/she is required to show the rest of the photographs.

- ☐ If the witness fails to make identification, but asks to view the array a second time, the officer administering the identification should ask the witness if he/she was able to make identification from the original viewing. If the witness is unable to make identification, but feels that it would be helpful to repeat the procedure, then it is permissible to show the entire array a second time. An array may not be shown more than twice.
- ☐ If the witness identifies the suspect, the officer should ask the witness how certain he/she is of the identification. Officers should ask the witness not to use a numerical scale, but rather his/her own words.
- ☐ The photo array should be preserved as evidence in the same configuration as when the identification was made.
- ☐ If more than one witness is to view an array, a separate unmarked array shall be used for each witness.
- ☐ Unless captured by video or audio recording, the administrator will make a written record of the identification procedure, to include:
 - Results obtained from the procedure;
 - Signed identification statement of eyewitnesses;
 - Names of all persons present;
 - Date and time of the procedure;
 - Eyewitness identification of a filler; and,
 - All photographs used in the identification procedure

7. Line-ups

- ☐ Line-ups shall be conducted under the direction of a supervisor, and, when feasible, after consultation with the State's Attorney's Office.
- ☐ If practicable, the officer should record the procedure.
- ☐ A suspect cannot be detained and compelled to participate in a line-up without probable cause to arrest. If a suspect refuses to participate in a lineup, the State's Attorney's Office may be asked to apply for a court order to compel the suspect to cooperate.
- ☐ Before any suspect who has been arraigned or indicted is shown to eyewitnesses in a line-up or other live identification procedure, he/she must be informed of his/her right to have an attorney present at the line-up. Unless a valid waiver is voluntarily and knowingly made, in writing if possible, no such identification may proceed without the presence of the suspect's attorney.
- ☐ Select a group of at least four fillers who fit the description of the subject as provided by the witness(s). Because line-ups will be administered by an officer who does not know the identity of the suspect, the fillers selected should not be known to the officer administering the line-up. In selecting lineup fillers, abide by the guidelines for photo array fillers as described above.
- ☐ All persons in the line-up should carry cards that identify them by number only and should be referred to by their number only. As with photo arrays, each witness must view the line-up independently, out of the presence and hearing of the other witnesses.
- ☐ The investigating officer should explain to the witness that a second officer (the line-up administrator) will be conducting the line-up, and that he/she does not know the identity of the people participating.
- ☐ The investigating officer should carefully instruct the witness by reading from a departmental *Line-up Instruction Form*, and the witness should be asked to sign the form indicating that he/she understands the instructions. The officer should also sign and date the form.
- ☐ The investigating officer should leave the room while the line-up administrator conducts the line-up.
- ☐ The line-up should be conducted so that the suspect and fillers do not actually line up, but rather so that they are displayed to the witness

one at a time. This can be accomplished by having them enter the room individually and leave before the next one enters,

- ☐ The procedure for showing the participants to the witness and for obtaining a statement of certainty is the same as for photo arrays.
- ☐ When an attorney for the suspect is present, the attorney should be permitted to make reasonable suggestions regarding the composition of the line-up and the manner in which it is to be conducted. Any suggestions made by the suspect's attorney should be included as part of the line-up report.
- ☐ Allow counsel representing the accused sufficient time to confer with his/her client prior to the line-up. Once the line-up is commenced, attorneys should function primarily as observers and he/she should not be permitted to converse with the line-up participants, or with the witnesses, while the line-up is underway. The concept of blind administration requires that no one be present who knows the identity of the suspect. For this reason, the attorney should leave the room before the line-up begins. An attorney who does not know which person is the defendant may attend the line-up in place of the suspect's attorney.
- ☐ The suspect's attorney is not legally entitled to the names or addresses of the witnesses attending a line-up if the suspect has not yet been arraigned or indicted. If an attorney in such a situation insists on having information about line-up witnesses, advise him/her to direct his/her request to the State's Attorney's Office.
- ☐ During a line-up, each participant may be directed to wear certain clothing, to put on or take off certain clothing, to take certain positions or to walk or move in a certain way. If officers are to ask the participants to wear an article of clothing, they must guard against circumstances where the article only fits the suspect. All line-up participants shall be asked to perform the same actions.
- ☐ Line-up participants must not speak during

the line-up. If identification of the suspect's voice is desired, a separate procedure must be conducted. (See section on voice identification below.)

- ☐ After a person has been arrested, he/she may be required to participate in a line-up regarding the crime for which he/she was arrested. After arrest, a suspect may lawfully refuse to participate in a line-up only if he/she has a right to have counsel present (post arraignment/indictment) and the counsel is absent through no fault of the suspect or his/her attorney.
- ☐ Unless captured by video or audio recording, the administrator will make a written record of the identification procedure, to include:
 - Results obtained from the procedure;
 - Signed identification statement of eyewitnesses;
 - Names of all persons present;
 - Date and time of the procedure; and
 - Eyewitness identification of a filler.

8. Voice Identification

- ☐ Although considerably less common than visual identifications, voice identifications may be helpful to criminal investigations where the victim or other witness was blind, the crime took place in the dark, the subject was masked, the witness' eyes were covered by the perpetrator, or they were never in the same room with the perpetrator but heard his/her voice. If officers wish to conduct a voice identification procedure with a witness who also saw the subject, they must first consult with a detective supervisor and, when feasible, the State's Attorney's Office. All procedures and actions shall be recorded by video/audio.
- ☐ As with any in-person identification or confrontation, if the suspect has been arraigned or indicted, he/she has a right to the presence of counsel at the voice identification procedure.
- ☐ Where a voice identification is attempted, the following procedures should be employed to

the extent possible:

- As in a line-up, there should be at least six persons whose voices will be listened to by the witness; one-on-one confrontations should be avoided. Because line-ups will be administered by an officer who does not know the identity of the suspect, the fillers should not be known to the officer administering the procedure, and officers should abide by the guidelines for photo array and line-up fillers as described above;
 - The suspect and other participants shall not be visible to the witness; this can be done by using a partition, or by similar means;
 - All participants, including the suspect, shall be instructed to speak the same words in the same order;
 - The words recited by the participants shall not be the ones spoken by the offender during the crime; the line-up participants should speak neutral words in a normal tone of voice;
 - When both a visual and voice line-up are conducted, the witness should be informed that the line-up participants will be called in a different order and by different numbers;
 - If there are two or more suspects of a particular crime, present each suspect to witnesses in separate line-ups. Different fillers should be used to compose each line-up.
- ☐ As with any identification procedure, police officers should avoid any words or actions that suggest to the voice witness that a positive identification is expected or who they expect the witness to identify.
 - ☐ The investigating officer should carefully instruct the witness by reading from a departmental *Voice Identification Line-up Instruction Form*, and the witness should be asked to sign the form indicating that he/she understands the instructions. The officer

should also sign and date the form. If practicable, the officer should record the procedure.

- ☐ Adhere to the principles of blind administration as described above. As is the case with photo arrays and line-ups, the investigating officer should leave the room while the administrator conducts the procedure.

9. Courtroom Identification

Prior to conducting any courtroom identification procedure, officers should consult the State's Attorney's Office. The same right to an attorney and due process considerations that apply to all other identification procedures also apply to station house and courtroom identifications:

- ☐ If the suspect has been arraigned or indicted, he/she has a right to have counsel present at any in-person identification/confrontation.
- ☐ Live confrontations and informal viewings of the suspect by witnesses must be conducted in such a manner as to minimize any undue suggestiveness.
- ☐ Officers shall not state or suggest that the suspect has been arrested or booked or that he/she has made any confession or incriminating statement or that any incriminating evidence has been uncovered. The witness' identification, particularly if it takes place in a police station or courtroom, must be a result of his/her recollection of the appearance of the perpetrator and must not be unduly influenced by information or suggestions originating from the police.

10. Drawings and Identi-Kit Composites

An artist's sketch, composite sketch or a computerized drawing can sometimes aid an investigation if the witness has a good recollection of the offender's facial features. However, research has shown that a person selected based on resemblance to composite is more likely to be mistakenly identified. Additionally, building a composite has been shown to lower a witness' accuracy for identifying the offender's face. For

these reasons, officers should proceed with extreme caution.

Prior to attempting a sketch or composite, officers should take from the witness and document a full description of the offender:

- ☐ A sketch prepared by a trained artist is preferred over a composite.
- ☐ Sketches and composites should not be attempted prior to the showing of a photo array or line-up.
- ☐ Once the sketch or composite has been completed, the witness should be asked to state in his/her own words how accurately the composite reflects how the suspect appeared during the crime and a report should be prepared regarding the sketch or composite procedure.
- ☐ The fact that a suspect resembles a sketch or composite is not, without more evidence, probable cause to believe that the suspect is the offender.

11. Mug Shots

When an investigation has failed to identify a suspect, it may be advisable to have eyewitnesses come to the police station to look through photographic or "mug" files. However, officers should not resort to this procedure until other investigative avenues have been exhausted.

Research has shown that exposing a witness to a large number of random photos can damage the witness's memory of the offender. Additionally, a witness who does not initially select a mug shot may later identify the person in a photo array not because he/she is the offender, but because the witness recalls seeing the face. Therefore, extreme caution must be used when showing mug files:

- ☐ Before showing mug shots, remove the photos of people not likely involved in the incident and narrow the pool of photos as much as possible;
- ☐ Record the name of the people whose mug shots were viewed by the witness;

- ☐ Remove or hide any information on the photographs that might in any way influence the witness;
- ☐ Ensure that the files contain only one photograph of each individual and that the photographs are reasonably current;
- ☐ Do not refer to the photographs as "mug shots";
- ☐ If photographs of various formats are used, ensure that several of each format are used;
- ☐ Permit the witness to look at a number of photographs before making his/her selection;
- ☐ Do not call to the attention of the witness any particular photograph;
- ☐ A report shall be filed following the procedure, regardless of whether an identification is made. The report should describe the photographs viewed by the witness(s).
- ☐ Officers should be extremely cautious before charging a subject based on this type of identification alone.

VI. GOVERNING LEGISLATION AND REFERENCE

Footnote references:

1. *U.S. v. Wade*, 388 U.S. 218 (1967)
2. *Id.*
3. *Id.*
4. *Id.*

Annotated Code of Maryland, Public Safety Article, Section 3-506, with Supplement(s)

EMERGENCY PETITIONS & RESPONSES TO INDIVIDUALS WITH MENTAL DISORDERS

I. POLICY

Any individual may be affected by a mental disorder. Dealing with these individuals presents law enforcement officers with unique challenges.

The Department acknowledges that mental disorders are not the result of weakness, lack of character, or poor upbringing. Mental illness can disrupt a person's thinking, feeling, moods, and capacity for coping with the demands of life, and are generally treatable with medication and supportive counseling.

The Department's policy is to provide a comprehensive response to individuals who display symptoms of a mental disorder. Where the requirements of the law are met, the responding officer will file a request for an emergency evaluation petition for the individual.

II. CHECKLIST

In accordance with officer safety techniques, steps that can be taken to de-escalate a situation involving a person suspected of having a mental disorder include:

- ☐ When possible, turn off emergency lights and sirens
- ☐ Disperse crowds
- ☐ Assume a non-threatening manner when approaching the individual
- ☐ Communicate with the individual in a calm fashion and attempt to determine what is bothering them
- ☐ Always be truthful when dealing with an individual with a mental disorder, if he or she becomes aware of deception, he or she may withdraw in distrust or retaliate in anger

III. DEFINITIONS

(Health-General Article, Sec. 10-622)

Designated Hospital: A medical facility that is equipped to assist the mentally ill; CPD's preference shall be Prince George's Hospital Center (PGHC). If PGHC cannot accept EPS

service, alternative hospitals are:

- ☐ Doctor's Community Hospital
- ☐ Greater Laurel Beltsville Hospital

Emergency Evaluation Petition: A process by which an individual suspected of having a mental disorder is evaluated by a mental health professional in a clinical setting

Mental Disorder: A physical or psychological impairment manifested by behavioral symptoms that indicate a clear disturbance in mental functioning; mental retardation or intellectual disability are not a mental disorder

Mobile Crisis Team: The primary outreach component for the Prince George's County Crisis Response System. Members of the team are trained mental health professionals who provide assistance to CPD officers in dealing with persons with mental disorders and others in crisis. Team members may provide immediate intervention for families in crisis, assistance in making referrals to hospitals or other psychiatric care, or, as appropriate, with filing an emergency evaluation petition.

Petitioner: Any of the following individuals who, after examination or observation, request an emergency evaluation of an individual:

- ☐ Mental health professionals (In this section, physicians, psychologists, licensed clinical social workers, licensed clinical professional counselors, health officers or designee's of health officers)
- ☐ Law enforcement officers
- ☐ Any other interested person

IV. FORMS

- ☐ Emergency Evaluation Petition Checklist (PGC Form #5,175)
- ☐ Commander's Information Report
- ☐ Incident Report
- ☐ Maryland District Court Form #DC 13
- ☐ Maryland District Court Form #DC 14

V. PROCEDURES

(Health-General Article 10-622)

1. Symptoms

Some symptoms of a mental disorder include, but are not limited to:

- ☐ Disorientation
- ☐ Loss of memory regarding their identity, time, or place
- ☐ Displaying inappropriate or impulsive behavior
- ☐ Hallucinations or feelings of persecution
- ☐ Paranoia
- ☐ Talking to themselves
- ☐ Describing unrealistic physical symptoms

Officers responding to calls involving subjects with these symptoms shall use extreme caution because their behavior may be unpredictable.

Maryland law recognizes that law enforcement officers are not trained in medicine or psychology. Service merely requires that the officer have reason to believe that the individual:

- ☐ Has a mental disorder, and
- ☐ Presents a danger to the life or safety of himself or herself or others

Officers shall establish this belief based on observation of the subject, or on information they obtain that is pertinent to the circumstances giving rise to the petition such as the statements of witnesses. Officers may file petitions on individuals whose symptoms are only known via credible witness accounts. Officers may also consider the physical aftermath of the individual's behavior, such as wounds inflicted on himself or herself or others, or property damage.

2. Arrest Alternatives

Arrest is the least desirable alternative when dealing with an individual who is believed to be suffering from a mental disorder.

Based on the circumstances, officers should consider initiating an emergency evaluation petition instead of filing criminal charges. This consideration applies only when dealing with minor violations, and is not appropriate when the subject has committed a serious crime. If criminal charges have been filed, and the officer believes that mental health treatment is necessary, he or

she may initiate an emergency evaluation petition in addition to the criminal charges.

The determination whether or not to commit a subject is made by a physician.

Officers shall articulate the totality of the circumstances that led to the arrest or petition in their documentation.

3. Interrogations

An officer interrogating an individual may not know that the person has a mental disorder until after the interrogation has begun. If an officer suspects that a person to be interrogated has a mental disorder, special precautions must be taken to ensure that any statements made are volunteered and credible.

Efforts should be made to gather information about the person's mental condition from credible sources such as witnesses and family members, or reports of forensic analysis. Officers shall corroborate the individual's statements with information obtained from these sources.

4. Mental Health Professionals as Petitioner

A physician, psychologist, licensed clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage and family therapist, or a health officer or his or her designee may complete an emergency evaluation petition. The law obligates an officer to serve a petition when presented to him or her by a physician.

When providing assistance at a physician's office or health clinic, sufficient officers will be dispatched to restrain and transport the individual to the nearest designated hospital.

If a mental health professional completes a petition, the officer shall:

- ☐ Question the petitioner to ensure that the individual is a danger to the life or safety of himself or, herself or others
- ☐ Ensure that the petition is completed and signed

- ☐ Explain the content and meaning of the petition
- ☐ Advise the petitioner of the serious nature of the petition, and sign the document in the space provided
- ☐ Attach a copy of the petition to the Incident Report and Commander's Information Report

Individual on the Scene

If the individual is present, the officer will take custody of him or her, and transport him or her to the closest designated hospital.

Individual Not on the Scene

If the individual is not present, the officer will obtain all available information concerning the situation, and the individual's likely location.

The officer will then notify a supervisor. Upon obtaining supervisory approval, the officer shall attempt to locate and take custody of the individual in the Town.

There is no expiration date when a mental health professional or law enforcement officer signs the petition.

5. Petition Unavailable to Physician

When a petition is not available to the mental health professional, he or she should be requested to accompany the officer and individual to the closest designated hospital to complete one.

If he or she is unable to do so, and circumstances indicate that the individual is a danger to the life or safety of himself or herself or others, the officer will take custody of the individual and transport him or her to the closest designated hospital.

6. Law Enforcement Officer as Petitioner

When an officer has reason to believe that an individual has a mental disorder, the officer shall immediately stabilize the situation and take steps to ensure his or her safety and that of the public.

An officer may be the petitioner when he or she has personally observed the individual or the individual's behavior, has reason to believe that

the individual has a mental disorder, and presents a danger to the his or her life or safety or that of others. If an officer does not have reason to believe this as required by Maryland law, the officer shall not initiate a petition.

In non-emergency situations, officers shall attempt to locate family members and ensure that they are aware of the services of Assessment Stabilization Center at Prince George's Hospital and the Mobile Crisis Team, and encourage them to contact either for assistance. Officers shall notify the Mobile Crisis Team through Public Safety Communications while on scene, and may telephone either for assistance with determining the best course of action.

If the officer must act as the petitioner, he or she shall notify the designated hospital prior to transport to ensure that the required facilities are available.

The following procedures shall be followed:

- ☐ Take custody of the individual in the same manner as a prisoner
- ☐ Obtain the assistance of a second officer to facilitate transport
- ☐ Transport the individual to PGHC, or as an alternative, the closest approved hospital
- ☐ Consult with the hospital staff and complete a petition for emergency evaluation using Maryland District Court Forms #DC 13 and #DC 14
- ☐ Remain with the individual until a physician has taken custody of him or her, unless the physician requests that the officer remain because of the violent nature of the individual
- ☐ Complete an Incident Report and Commander's Information Report
- ☐ Obtain a copy of the petition and attach it to the reports

It is necessary to obtain supervisory approval to remain with the individual. State law requires that if the individual is violent, the supervisor shall allow the officer to remain with him or her. State law further requires that physicians examine the individual as promptly as possible if the officer is required to remain.

When an individual is refused evaluation at any facility, the officer shall request a supervisor to respond. The supervisor will speak with the hospital officials and attempt to have the individual admitted for evaluation. If the facility still refuses, the officer will transport the individual to the next closest designated hospital. The supervisor will document the refusal on a Commander's Information Report and forward the CIR to the Chief of Police.

Admission Authorized

If the individual is admitted, the officer shall leave the individual and the original copy of the petition at the hospital. The officer will clearly articulate the behavior exhibited by the individual in the petition. A court appearance will not be required of the officer.

Admission Denied

Based on their evaluation, if the hospital staff denies admission of the individual, the officer may return him or her to the location of their initial contact.

The officer must complete an Incident Report and a Commander's Information Report including the:

- ☐ Name of the evaluating physician
- ☐ Name of the facility
- ☐ Circumstances of the contact, and
- ☐ The address the individual was returned to, if applicable

Arrest

When an arrest and processing are necessary, the officer shall:

- ☐ Advise a supervisor of the circumstances and obtain approval prior to transport
- ☐ Articulate his or her observations regarding the arrestee's mental condition in the probable cause section of the charging document
- ☐ Advise the District Court Commissioner regarding his or her observations of the arrestee's mental condition
- ☐ Advise correctional officers of the arrestee's mental condition prior to transferring custody

7. Transport by Police Officer

Police transports are authorized only when the officer is:

- ☐ The petitioner
- ☐ Serving a petition signed by a mental health professional
- ☐ Serving a court order

If the individual to be transported is non-compliant, the procedures detailed in **VOL. II, CH. 4. ARREST, TRANSPORT, & PROCESSING** shall be followed.

Officers shall not transport an individual that has been committed from a designated hospital to any other facility.

Individual Transported to a Non-Designated Hospital

If for medical reasons, an individual is transported to a medical facility other than a designated hospital, officers shall determine whether the individual will be treated and released within a reasonable amount of time. If so, the officer will await the individual's release, and then take him or her to the nearest designated hospital for evaluation. If the individual is admitted, the officer shall attempt to notify interested persons such as the complainant or family members.

The officer shall also notify the hospital staff that he or she believes the individual is in need of an emergency evaluation based on the circumstances known to the officer.

If the individual is transported to a hospital in another jurisdiction, the officer will contact the local law enforcement for assistance.

Officers shall note the name, address, and telephone number of each person notified on the Incident Report. This includes hospital staff members, and any law enforcement officers when in another jurisdiction.

Reporting

An Incident Report, and where force is used a

Commander's Information Report, will be completed whenever:

- ☐ The officer completes a petition
- ☐ An officer presents a civilian petitioner and a petition before a judge
- ☐ Hospital staff decline a petition after an officer has taken custody of a person

In each instance, a copy of the petition shall be attached to the Incident Report and Commander's Information Report.

Officers shall utilize the Emergency Evaluation Petition Checklist when preparing their reports to ensure that all of the required information is included in the reports:

When clearing a call involving a mentally disordered individual, the suffix "M" will be added to the clearance code.

8. Interested Parties as Petitioner

Citizens requesting information regarding emergency evaluation petitions will be referred to the Assessment Stabilization Center at Prince George's Hospital.

Unless a judge has referred an individual to the Assessment Stabilization Center for screening, interested parties requesting commitment of a family member must complete an emergency evaluation petition obtained from a District Court Commissioner, and present the petition to the court for review. It is not the officer's responsibility to do so.

The Office of the Sheriff for Prince George's County serves petitions signed by a judge, which are valid for five days from the date they are signed.

9. Suicide Attempts

Public Safety Communications is responsible for receiving and classifying calls for service. Calls for service will be prioritized based on the call taker's conversation with the complainant. Questions concerning the legitimacy of a suicide threat shall be resolved in favor of a higher priority response.

Upon arrival at the scene, officers shall locate and take custody of any firearms on the premises, and determine whether the individual intentionally ingested medication or foreign substances.

If any substance was intentionally ingested, officers shall:

- ☐ Locate and take custody of the container(s) of the substance(s)
- ☐ Follow the procedures for an emergency evaluation petition in this section
- ☐ Notify hospital staff regarding substances that may have been ingested by the individual

10. Escaped Mental Patients

A mental patient who has been criminally charged and committed by a court of competent jurisdiction that escapes from confinement may be arrested. The escaped mental patient will be charged with escape and brought before a District Court Commissioner.

11. Voluntary Admissions

If an individual wants to be voluntarily admitted, officers should attempt to arrange transportation to an appropriate medical facility for the individual. An officer will not transport an individual seeking voluntary admission.

If the mental condition of the individual is severely disturbed, transportation by ambulance may be appropriate.

In cases of suicide threats, officers should consider initiating an emergency evaluation petition for the individual's safety.

Civilly or voluntarily committed individuals who leave an institution without authorization are not subject to arrest but may be detained for criminal violations.

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- ☐ Annotated Code of Maryland, Health General Article, Sections 10-620 through 10-626.
- ☐ (*See also:* Digest of Criminal Laws, Revised October 1, 2016)

EXTORTION**I. POLICY**

Extortion investigations originating in the Town and then confirmed by the CPD are the responsibility of the PGPD Robbery Section. This Department will assist with these investigations and Departmental members shall be cognizant of the structure of follow-up investigation in accordance with the current MOU between the CPD and PGPD.

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

Extortion: The receipt of property or money by force or threat of violence, property damage, or harm to reputation

IV. FORMS (N/A)**V. PROCEDURES****1. Receiving Extortion Complaints**

Any employee receiving a complaint of extortion shall attempt to obtain the following:

- ☐ Name, address, and telephone number of the complainant
- ☐ Name, address, and description of the victim
- ☐ Location of incident

Once the above information is obtained, the employee receiving the complaint will notify PSC. Once notified, PSC shall dispatch the most available plainclothes officer to the scene to verify the incident.

2. Officer's Responsibilities

Officers shall remain away from the incident scene unless specifically directed to respond by PSC or a supervisor.

3. Investigative Responsibilities

After confirming extortion, a PGPD Robbery Section investigator will be respond to the scene and assume responsibility for the investigation.

The priority of investigative assignment shall be:

- ☐ Robbery Section Investigator
- ☐ Other CID Investigator

Primary responsibility for the supervision of an extortion investigation is assigned to the Commander, PGPD Robbery Section. They will coordinate investigative efforts regardless of the assignment of the investigator.

VI. GOVERNING LEGISLATION & REFERENCE**Governing Legislation:**

- ☐ Annotated Code of MD CR§ 3-701

Reference:

- ☐ Memorandum of Understanding (MOU) Between Prince George's County, Maryland and the Town of Cheverly for Jurisdictional Police Services (July 2008).

FAILURE TO PAY COMPLAINTS**I. POLICY**

Although the failure to pay for property or services is classified as theft under Maryland criminal law, not all complaints alleging a failure to pay are criminal in nature. When a legitimate disagreement arises regarding the amount of money owed, or when it is alleged that the contracted property or services have not been delivered as promised, responding officers will carefully evaluate the circumstances to determine if the incident may be a civil matter.

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

Property: Anything of value which includes, but is not limited to, real estate, money, a commercial instrument, an admission or transportation ticket, food or drink, electricity, gas or water (Maryland Criminal Code)

Services: Something accomplished for payment, such as labor or professional work; telecommunications, public utility, toll facility, or transportation; lodging, entertainment, or restaurant accommodations; use of computers, data processing, or other equipment (Maryland Criminal Code)

IV. FORMS

- ☐ Incident Report
- ☐ Arrest Report

V. PROCEDURES

Officers responding to a failure to pay complaint shall examine the circumstances for indications of criminal intent. If such intent is not apparent, and the failure to pay appears to result from a sincere disagreement, the officer shall attempt to mediate the dispute.

If a mutually satisfactory resolution cannot be worked out, the involved parties shall be advised to seek civil redress through the courts.

If criminal intent is apparent, the officer shall

attempt to verify the suspect's identity. The officer shall provide the suspect's information to the complainant, and advise the complainant to apply for a charging document with a District Court Commissioner. When the officer cannot verify the suspect's identity and sufficient probable cause exists to indicate that a crime has been or is being committed; the officer may make a full custody arrest.

1. Disputes Involving a Licensed Vendor

Officers shall verify current license information for any vendor or service provider, such as taxi drivers or contractors, involved in a failure-to-pay complaint. In cases determined to be civil in nature, officers shall provide license information and the name of the licensing agency to the other party.

2. Reporting Procedures

An Incident Report shall be submitted when:

- ☐ An arrest is made
- ☐ Parties are advised to obtain charging documents
- ☐ Fraudulent intent is indicated, or
- ☐ Licensing violations are discovered

VI. GOVERNING LEGISLATION & REFERENCE**Governing Legislation:**

- ☐ Maryland Criminal Code, Sections 7101 and 7-104

FIELD INTERVIEWS**I. POLICY**

Officers must understand the legal basis and authority for conducting field interviews. Legally conducted and properly documented field interviews can contribute greatly to crime analysis and solution. They also serve as sources of information, a means of developing suspects and witnesses, and a crime deterrent.

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

Articulate Suspicion: A collection of facts which, when considered together, would lead a reasonable police officer to believe that a temporary detention and/or frisk is legally justified. A suspicion is articulable if the facts supporting it can be spoken or written. Articulate suspicion is more than a hunch, but less than evidence amounting to probable cause.

Probable Cause: A collection of facts which, when considered together, would lead a reasonable person to conclude that a specific crime has occurred and the suspect was responsible

Temporary Detention: A brief stop of an individual; the length and extent of the stop is dictated by the facts known to the officer at the time of the stop

IV. FORMS

- ☐ Incident Report
- ☐ Warning/Field Observation Report/J-2

V. PROCEDURES

There are three levels at which an officer may intrude upon an individual if there lacks probable cause to make an arrest or conduct a search:

- ☐ Conversation
- ☐ Temporary detention (Terry Stop)
- ☐ Stop and frisk (Terry Frisk)

1. Conversation

An officer can approach, talk to, and ask questions of an individual at any time. At this stage, an officer has no authority to detain the individual or otherwise make the individual respond to any inquiry. When the individual indicates, by speech or action, a desire not to talk to the officer or desires to leave, the officer must honor the individual's wish. Information derived from this contact can be used to create articulable suspicion or probable cause.

2. Temporary Detention (Terry Stop)

When an officer has articulable suspicion that leads him or her to believe an individual may have just committed, is committing, or is about to commit a crime, the officer can stop and temporarily detain the individual to inquire about that individuals conduct or get additional information. This allows the officer to make a brief inquiry of the individual, seek other information, or locate evidence to determine if their initial suspicions were accurate.

Information derived from this temporary detention can be used to establish articulable suspicion that the individual may be armed and dangerous or to establish probable cause of a crime. An officer must articulate sufficient facts to show that it was reasonable to believe that a crime was or is being committed. Hunches, training and experience, or officer safety issues do not suffice for specific facts that justify articulable suspicion.

Officers may consider the following circumstances in determining whether articulable suspicion exists to justify a stop (the list is not all-inclusive):

- ☐ The actions, appearance, or demeanor of the individual
- ☐ The time of day or night
- ☐ Clothing of the individual, including suspicious bulges appearing through the clothing or objects carried
- ☐ Inappropriateness of the presence of the individual in a given location
- ☐ The individual's proximity to a known crime scene
- ☐ The officer's prior knowledge of the circumstances (for example, the individual's

prior record, or information from an informant or third party)

3. Stop and Frisk (Terry Frisk)

A stop and frisk (Terry frisk) is lawful only when the officer has met the requirements of a temporary detention ("Terry stop") and has articulable suspicion that the individual may be armed and dangerous. Once both conditions are met, the officer may combine the temporary detention with a pat down of the suspect's outer garments to determine if that individual is carrying a weapon that may harm the officer. The officer may remove an item detected in this pat down if one of the following conditions exists:

- ☐ The officer reasonably believes that the item located is a weapon
- ☐ It is apparent, based upon feeling through the outer garments alone, that the item is contraband or evidence of a crime

If there is articulable suspicion that the individual is carrying a handgun, Section 4206 of the Maryland Criminal Law requires officers to ask preliminary questions (the individual's name, address, and, if the individual is in a vehicle, license, and registration) to determine whether that individual is in lawful possession of the weapon. The requirement for this questioning is not so great as to make officers place themselves at additional risk. Circumstances known to the officers may require immediate action prior to such questioning.

Stop and Frisk Report

When an officer conducts a pat down or frisk for a weapon, regardless of whether an arrest is made, the officer shall submit a Warning/Field Observation Report, or an Incident Report titled Stop and Frisk, prior to the end of the shift. This report shall include the officer's observations that led that officer to believe that the individual was armed and dangerous.

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- ☐ Terry v. Ohio —When officers observe unusual conduct and they reasonably conclude, in light of their experience, that criminal activity may be afoot and an individual may be armed and presently dangerous, the officers shall identify themselves and make inquiries of such individual.

If nothing in the inquiry dispels the reasonable fear for the safety of themselves and others, the officers may conduct a carefully limited search of the individual's outer clothing in an attempt to discover weapons. Such searches are reasonable and any evidence obtained is admissible.

FINANCIAL CRIMES**I. POLICY**

The responsibility of the Department regarding financial crimes is to determine the criminal or civil status of cases and to conduct investigations into the passing of bad checks, the theft of money orders, forgery and uttering, credit card offenses, embezzlement, theft from deception, identity theft, and home improvement fraud.

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

Bad check: A check that is passed (uttered) and not honored by a financial institution

Credit card offense: Occurs when a person obtains services or merchandise by means of an illegally obtained credit card, as described in Section 8-203, 205 of the Criminal Law Articles

Embezzlement: The fraudulent misappropriation of financial instruments such as money, stocks, or securities by a person to whom they have been entrusted or into whose hands they have lawfully come; under Maryland law, it is a theft but classified separately for crime analysis purposes

Forgery: The false making, forging, alteration, or counterfeiting of deeds, currency, wills, written obligations, bonds, or other negotiable instruments

Identity Theft: A person may not knowingly, willfully, and with fraudulent intent obtain or aid another person in obtaining personal identifying information of an individual without the individual's consent, for the purpose of using, selling, or transferring that information to obtain any benefit, credit, goods, services, or other item of value in the name of that individual; furthermore, a person may not knowingly and willfully assume the identity of another with fraudulent intent to obtain any benefit or item of value, to avoid payment of a debt or other legal obligation, or to avoid prosecution for a crime

Uttering: The passing or presenting of a forged document

IV. FORMS

- ☐ Incident Report
- ☐ USPS Certified Letter, Return Receipt Requested (USPS Forms #3811 & #3800)

V. PROCEDURES**1. Bad Check Cases**

Bad check cases can be resolved through the Prince George's County State's Attorney Bad Check Restitution Program or the Investigative Section.

Bad Check Restitution Program

When an officer responds to a report of a bad check, he shall determine if:

- ☐ The amount is \$10,000 or less, or there are multiple checks written by the same person not exceeding \$10,000
- ☐ The check is written on a closed account or written on an account with insufficient funds
- ☐ The check was received in Prince George's County in exchange for goods or services

If all three criteria are met, the officer shall inform the complainant the following:

- ☐ A certified letter demanding payment must be sent through the United States Postal Service (return receipt requested) to the writer of the check allowing 10 days to make the check good
- ☐ If payment is not received following 10 days from the post marked date on the return receipt, contact the Prince George's County State's Attorney, Bad Check Restitution Program for a crime report
- ☐ The Bad Check Restitution Program must receive the crime report within 90 days from the date on the check

Special Response Team (SRT)

If an officer responds to a report of a bad check, and it is determined that:

- ☐ The amount is over \$2000, there are multiple

checks written by the same person that exceeds \$2000, or the check is written on a closed account or an account with insufficient funds totaling over \$2,000

- ☐ The check was received in the Town of Cheverly in exchange for goods or services

The officer shall inform the complainant of the following:

- ☐ A certified letter demanding payment must be sent through the United States Postal Service, return receipt requested, to the writer of the check allowing 10 days to make the check good
- ☐ If payment is not received following 10 days from the post marked date on the return receipt, the complainant shall be requested to contact the Investigative Section between the hours of 9:00 AM and 5:00 PM for a screening appointment

Officers will not make on-scene arrests, nor will they take custody of any evidence such as checks or postal receipts.

Normally, officers will not complete an Incident Report. However, if the suspect is present, the officer shall:

- ☐ Complete an Incident Report
- ☐ Write "**FIELD OBSERVATION**" in the TYPE OF INCIDENT block and forward to the Investigative Section

2. Stolen Checks, Credit Cards, ATM & Bank Card Cases

All allegations of stolen checks, credit cards, and ATM and bankcard cases shall be referred to the SRT. The complainant shall be requested to contact the SRT between the hours of 9:00 AM and 5:00 PM to set up a screening appointment.

The reporting officer shall also advise the complainant to contact his or her respective bank to report the incident.

3. Stolen Money Orders

In cases involving stolen money orders, the reporting officer shall advise the complainant to:

- ☐ Contact the money order company and request a trace
- ☐ After the trace has been completed, and if the money order was cashed in the Town of Cheverly, contact the Investigative Section between the hours of 9:00 AM and 5:00 PM for a screening appointment

Officers will not complete an Incident Report, nor will they take custody of any evidence.

4. Forgery & Uttering Cases

In cases, involving check forgery and uttering the reporting officer shall:

- ☐ Determine from what jurisdiction the check was stolen
- ☐ Determine in which jurisdiction the check was forged and uttered

If the check was stolen within the Town, but was forged and uttered in another jurisdiction, the reporting officer shall:

- ☐ Complete an Incident Report
- ☐ Write "**THEFT**" in the TYPE OF INCIDENT block
- ☐ The officer will not take custody of the evidence but will advise the citizen to place the check in an envelope, handling the check as little as possible
- ☐ Advise complainant to contact his/her bank
- ☐ Provide the complainant with the CCN of the theft report

If the suspect is on the scene and the responding officer verifies the theft, they may make an arrest, seize evidence, and handle the incident.

If the check was stolen or lost in another jurisdiction, but was forged and uttered within the Town, the officer shall:

- ☐ Complete an Incident Report
- ☐ Write "**THEFT (FORGERY)**," in the TYPE OF INCIDENT block
- ☐ Advise the complainant to notify their bank of the incident
- ☐ If the complainant has further questions, advise them to contact the Investigative

Section during normal business hours for a screening appointment

The officer will not take custody of any evidence.

If the suspect is on the scene and the responding officer verifies the forgery and uttering, the officer may make an arrest, seize evidence, and handle the incident.

In cases regarding the forgery and uttering of other documents, the officer shall direct the citizen to contact the SRT between the hours of 9:00 AM and 5:00 PM for a screening appointment.

5. Credit Card Offenses

Officers responding to this type of call shall:

- ☐ Complete an Incident Report
- ☐ Detail the theft of the credit card in the report
- ☐ Advise the complainant to contact his or her credit card company to report the incident and provide them with the CCN
- ☐ If the credit card company does not reimburse the complainant, advise the complainant to contact the SRT

The SRT does not investigate the theft of credit cards. In most cases, the credit card company will reimburse the victim's account. The credit card company will then pursue criminal charges through the SRT.

If the suspect is on the scene and the responding officer verifies the credit card theft, the officer may make an arrest, seize evidence, and handle the incident.

6. Counterfeit Currency

In cases involving counterfeit currency, the responding officer shall:

- ☐ Complete an Incident Report and place "USSS" in the COPY TO block before the end of watch
- ☐ Write "COUNTERFEIT CURRENCY" in the TYPE OF INCIDENT block
- ☐ Contact the U.S. Secret Service (USSS) via telephone (Washington Field Office) and

document the name of the agent in the narrative section of the Incident Report

- ☐ Take custody of the evidence and place "to be released to the U.S. Secret Service only" on the Property Record after the "Last Item" notation

If the suspect is on the scene and the responding officer verifies the theft, the officer may make an arrest. If an arrest is made, the officer shall notify the USSS and document the name of the agent in the narrative section of the Incident Report.

7. Counterfeit Checks

In cases involving counterfeit checks, the responding officer shall determine if it is a personal check or a business check.

Personal Check(s)

If it is a counterfeit personal check, the SRT shall handle the incident. The responding officer shall:

- ☐ Complete an Incident Report
- ☐ Write "THEFT-COUNTERFEIT PERSONAL CHECK" in the TYPE OF INCIDENT block
- ☐ Advise the victim to contact the SRT by phone between the hours of 9:00 AM and 5:00 PM to make a screening appointment
- ☐ Take custody of the evidence

If the suspect is on the scene and the responding officer verifies the theft, the officer may make an arrest.

Business Check(s)

If it is a counterfeit business check, the United States Secret Service (USSS) shall handle the incident. The responding officer shall:

- ☐ Complete an Incident Report and place "USSS" in the COPY TO block before the end of watch
- ☐ Write "THEFT-COUNTERFEIT BUSINESS CHECK" in the TYPE OF INCIDENT block
- ☐ Contact the U.S. Secret Service via phone (Washington Field Office) and document the name of the agent in the narrative section of the Incident Report
- ☐ Take custody of the evidence and place "to

be released to the U.S. Secret Service only” on the Property Record after the “Last Item” notation

If the suspect is on the scene and the responding officer verifies the theft, the officer may make an arrest.

If an arrest is made the officer shall notify the USSS and document the name of the agent in the narrative section of the Incident Report.

8. Theft by Deception, Home Improvement Fraud

In all theft by deception and home improvement fraud cases, the responding officer shall:

- ☐ Conduct a preliminary investigation to determine how the complainant knows an offense has occurred
- ☐ Complete an Incident Report with the following information:
 - Name, address and phone number of the person who conducted the transactions and whether the complainant can identify suspect
 - A complete description of the suspect
 - A description of any conversation between the suspect and complainant
- ☐ Advise the complainant to the contact SRT between 9:00 AM and 5:00 PM to arrange a screening appointment

The officer will not take custody of the evidence. If the suspect is on the scene and the responding officer verifies the theft, the officer may make an arrest and seize evidence.

9. Embezzlement

In cases when an officer responds for embezzlement, the officer shall:

- ☐ Complete an Incident Report
- ☐ Write "THEFT-EMBEZZLEMENT" in the TYPE OF INCIDENT block
- ☐ Advise the complainant to contact the SRT between 9AM & 5PM by phone to arrange a screening appointment

No on-scene arrest will be made, nor will the officer take custody of any evidence.

10. Identity Theft

In this section, an individual's personal information includes any of the following:

- ☐ Name
- ☐ Date of birth
- ☐ Address
- ☐ Telephone number
- ☐ Driver's license number
- ☐ Social security number
- ☐ Personal identification number
- ☐ Credit card number
- ☐ Employee identification number
- ☐ Mother's maiden name
- ☐ Bank or other financial institution account numbers

In all identity theft cases, the reporting officer shall:

- ☐ Complete an Incident Report and write "IDENTITY THEFT" in the TYPE OF INCIDENT block before the end of watch
- ☐ Not take custody of any evidence.
- ☐ If the suspect is on the scene and the responding officer verifies that one or more elements of the offense have occurred, the officer may make an arrest and seize evidence.

11. Financial Crime Information Resource

The Prince George's County Police Department, Financial Crimes Unit, is an excellent resource on information on financial crimes and financial crime investigation for all officers. For more general information, FCU can be contacted at 301-699-2940.

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- ☐ Criminal Law Article, Section 8-203,205

**FORCED ENTRY, HAZARD AND
NEXT-OF-KIN NOTIFICATIONS****I. POLICY**

It is the policy of the Department to facilitate timely and accurate notifications to the public regarding sensitive matters herein described.

II. CHECKLIST for FORCED ENTRY

Officers who must force entry shall:

- ☐ Notify a supervisor
- ☐ Attempt to notify the resident or owner of the property
- ☐ Leave a note or business card for the resident or owner in a conspicuous location to contact the CPD if resident or owner is not present
- ☐ Photograph any damage
- ☐ Ensure that the dwelling or property is properly secured if the resident or owner is not on the scene
- ☐ Complete a Commander's Information Report

III. DEFINITIONS

Next-of-Kin: Closest relative of an individual as determined by blood or marriage

IV. FORMS

- ☐ Commander's Information Report
- ☐ Incident Report

V. PROCEDURES**1. Forced Entry & Damage to Property**

Any officer who forces entry into building, structure, or vehicle, causes damage as a result thereof, or assists the Fire Department with a forced entry shall comply with the procedures detailed in the CHECKLIST above and make notifications in a manner consistent with **Section 3. Next-of-kin Notifications** (below).

2. Hazards

Officers will promptly notify PSC of any

condition that constitutes an immediate public hazard, including damage to or malfunction of any public utility equipment.

This includes State or County roadway hazards, such as large potholes, missing or damaged traffic signs, and objects in the roadway. Similar damage inside the Town shall result in a direct notification to the Town's Department of Public Work. Public Works after-hour assistance telephone numbers shall be regularly updated and posted in the station.

Officers shall provide the location of the problem and, when available, any identification numbers associated with the malfunctioning utility equipment.

Officers will take necessary actions to protect the public until the condition has been corrected or another authority relieves them.

3. Next-of-Kin Notifications***Within the Town of Cheverly***

Reporting officers will ensure that next-of kin notifications are made in person, promptly and considerately in the following cases:

- ☐ Death
- ☐ Gravely ill or injured persons
- ☐ Injured juveniles
- ☐ Missing persons

Chaplains are available to assist in making death notifications, and may be requested through Public Safety Communications (PSC).

Officers will not broadcast names or addresses of persons associated with notifications of death or for gravely ill or injured persons.

The officer making the notification will attempt to evaluate the health of the individual receiving the news prior to making the notification. Appropriate measures shall be taken to ensure the health of the recipient if they are determined to be frail or ill.

When unable to contact next-of-kin, a person responsible for the victim may be notified.

If the reporting officer is unable to make contact with the next-of-kin by the end of the tour of duty, a supervisor shall be notified. The supervisor shall arrange for another officer to make the appropriate notifications or follow-up.

If the supervisor is unable to locate the next-of-kin the supervisor shall:

- ☐ Check with the U.S. Postal Service for a current address
- ☐ Coordinate a neighborhood canvass in the area that the next-of-kin is believed to be residing

Outside the Town of Cheverly

When the next-of-kin resides outside the Town, the police agency providing services to the jurisdiction in which the next-of-kin resides shall be notified by telephone and requested to make the notification.

In addition to the notification by the outside agency, the reporting officer shall send a certified letter to the next-of-kin's address with a return receipt requested.

In cases where the Homicide Section assumes investigative responsibility according the current MOU between the CPD and PGPD, that investigator shall be responsible for all notifications.

All notifications attempted or made by the reporting officer shall be documented in the report.

The provisions of this directive shall be complied with before any release of information to the news media.

Notifications for Outside Agencies

Following the above procedures, the Department may make next-of-kin notifications upon request from outside agencies. A supervisor will evaluate the propriety of the request.

The employee receiving the request will document all available information from the requestor. If dispatched by PSC, the dispatcher will direct the

assigned officer to contact the employee receiving the request by telephone to receive the details of the assignment.

If necessary, the officer assigned the notification may contact the original requestor to obtain additional information prior to making the notification. The officer may document the notification in a report, or code the call and provide a concise disposition to PSC.

VI. GOVERNING LEGISLATION & REFERENCE

HATE INCIDENTS**I. POLICY**

The Department will respond to and aggressively investigate incidents that are motivated by race, religion, ethnicity, or sexual orientation.

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

Hate Crime: A criminal act motivated or perceived to be motivated by race, color, religion, sexual orientation, gender, disability, national origin, or because a person is homeless.

IV. FORMS

- ☐ Incident Report
- ☐ Commander's Information Report
- ☐ Appropriate Arrest Documents

V. PROCEDURES**1. Hate Crimes**

(MD Criminal Law Article, Section 10-301 through 10-306)

Upon arriving at and verifying a hate incident (exclusive of cross burnings), the officer shall:

- ☐ Request that a supervisor respond
- ☐ Conduct a preliminary investigation
- ☐ Complete an Incident Report, placing **"HATE INCIDENT"** in the TYPE OF INCIDENT block, **"27"** in the SPECIAL STUDIES block, and **"PGPD NED"** in the COPY TO block
- ☐ Complete a CIR and attach a copy to the original Incident Report

Supervisor's Responsibilities

The supervisor shall respond to the scene immediately and:

- ☐ Personally contact the victim(s)
- ☐ Contact the SRT
- ☐ Within one hour, contact the Human Relations Commission (HRC) and provide pertinent details of the incident to include the

case number. If no answer, leave these details on the voice mail system along with a contact name and phone number

Within 24 hours of the incident, the supervisor shall submit a case summary to the Chief of Police, including:

- ☐ Date, time, and manner of notification to the HRC
- ☐ Case status
- ☐ Name of investigator, if applicable

Special Response Team's (SRT) Responsibilities

Hate incidents are the responsibility of the SRT. They are documented in a Report of Investigation (ROI), which shall be completed within 30 days of the incident. The Investigator shall submit copies of all investigative reports to the Chief of Police. The Investigator shall ensure that an area check is continued for 60 days. They shall submit a status report every 30 days to the Chief of Police.

2. Cross Burnings

CPD and Fire Department investigators will conduct concurrent investigations of cross burnings.

A CPD supervisor shall be responsible for all press releases.

Upon responding to the scene and verifying a cross burning, officers shall request that the following respond to the scene:

- ☐ A supervisor
- ☐ A SRT investigator
- ☐ PGPD NED Intelligence Unit investigator
- ☐ Fire Department investigator

Officers shall also:

- ☐ Preserve evidence
- ☐ Identify witnesses
- ☐ Brief the supervisor and Investigator(s)
- ☐ Complete an Incident Report, placing **"HATE INCIDENT - CROSS BURNING"** in the TYPE OF INCIDENT block, **"27"** in the SPECIAL STUDIES block, and **"PGPD**

- NED" in the COPY TO block
- ☐ Complete a CIR and attach a copy to the original Incident Report

Supervisor's Responsibilities

A supervisor shall respond to the scene immediately and:

- ☐ Inform the victim(s) that the police and fire departments will investigate the incident concurrently
- ☐ Notify the OIC, PGPD NED Intelligence Unit
- ☐ Initiate a 60 day area check

Within 24 hours of the incident, the supervisor shall submit a case summary to the Patrol Commander, including:

- ☐ Case status
- ☐ Name of NED Intelligence Unit investigator
- ☐ Name of Fire Department investigator, if known

The supervisor shall submit a status report, including comments from investigators, to the Patrol Commander every 30 days.

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- ☐ Maryland Criminal Law Article, Section 10-301 through 10-306.

HAZARDOUS AND RADIOACTIVE MATERIALS**I. POLICY**

Incidents involving radioactive and hazardous materials present unique challenges for law enforcement personnel, especially first responders. The primary consideration on the approach to and at the scene of such incidents is the safety of first responders.

CPD personnel should refer all incidents involving radioactive and hazardous materials to PGPD under the Incident Command System(ICS).

II. CHECKLIST

- ☐ Emergency Response Guidebook

III. DEFINITIONS

Corrosive: Substances that cause visible destruction or permanent changes in living tissue at the site of contact

Hazardous Material: Materials in a solid, liquid, or gaseous state that may pose significant risks to human beings or the environment

Incident Command System: A tool for command and control of a response, which provides a means to coordinate the efforts of responders as they work toward the goal of stabilizing an incident, and protecting life, property, and the environment. *See: VOL. II, CH. 32. INCIDENT COMMAND SYSTEM.*

Oxidizer: A chemical which supplies its own oxygen and which helps other combustible material to burn more readily

Radiation: The excess energy emitted from an unstable atom until it stabilizes

Radioactive Material: The property of some substances to emit invisible and potentially harmful radiation

Radioactivity: The process by which an atom changes from an unstable state to a more stable one by emitting radiation

Radiological Incident: An event that involves the release of potentially dangerous radioactive materials in the environment

II. FORMS (N/A)**III. PROCEDURES****1. Radioactive Materials**

Radiation cannot be seen, tasted, smelled, or felt. The Department of Transportation (DOT) and the Nuclear Regulatory Commission (NRC) strictly regulate the transportation and storage of radioactive materials. Vehicles transporting large quantities must display a placard that indicates that radioactive materials are aboard.

Radioactive materials emit different types of radiation, each of which presents its own danger to the body. Some types of radiation can penetrate the skin and travel through the body. Other types of radiation are more dangerous when the radioactive materials are taken, inside the body by inhaling contaminated air, getting the radioactive material in open wounds, or ingesting contaminated substances. Therefore, appropriately trained and equipped personnel must deal with radiological incidents

2. Radiation Hazard Assessment

CPD does not have trained assessment personnel, however, the County Office of Emergency Management (OEM) maintains a list of persons trained to use radiological monitoring equipment (RADEF).

Order of Escalation, Assessment Responsibility

- ☐ First arriving public safety officer trained in and equipped with radiological monitoring equipment
- ☐ OEM personnel trained in radiation hazard assessment
- ☐ State Department of the Environment, Center for Radiological Health

3. Hazardous Materials

Hazardous materials (HAZMAT) are classified as:

- ☐ Explosives
- ☐ Gases
- ☐ Flammable Liquids
- ☐ Flammable Solids
- ☐ Oxidizers
- ☐ Toxic Substances
- ☐ Radioactive Materials
- ☐ Corrosives
- ☐ Miscellaneous (products, substances, or organisms)

Officer's Responsibilities

All officers shall carry the Emergency Response Guidebook in their police vehicles. The guidebook, printed by the U.S. Department of Transportation, is a ready reference for initial actions to be taken to protect officers and the public immediately following an incident involving hazardous materials.

The guidebook lists the materials by the four-digit identification number displayed on placards or orange panels on the ends or sides of tanks, vehicles, and rail cars. Once the material is identified by number or name, the officer can turn to the appropriate guidebook page for information.

Some basic strategies for officers to consider on their approach to and at the scene of a radioactive or hazardous materials incident, include, and may not be limited to:

- ☐ Determine the availability (or lack thereof) of protective clothing and equipment
- ☐ Plan approaches to the scene from a position that is upwind/upstream and assume the area has been contaminated until otherwise directed
- ☐ Secure the scene and surrounding area by establishing inner and outer perimeters
- ☐ Carefully assess the situation, keeping in mind that any efforts to rescue persons, protect property or the environment, must be weighed against the possibility that the rescuer could become a victim or a carrier of the contaminant
- ☐ Do not assume that gases or vapors are harmless because of a lack of smell, nor walk into or touch spilled materials

- ☐ Avoid and prevent contact with smoke, fumes, and dust emanating from the area
- ☐ Avoid eating, drinking, or smoking in the area
- ☐ Minimize personal contact with possible contaminated surfaces, objects, and clothing
- ☐ Avoid moving vehicles or wreckage directly involved with hazardous materials transport vehicles, except as necessary for rescue purposes
- ☐ If a contaminated vehicle or wreckage must be moved, it should be moved the shortest possible distance until monitored for contamination
- ☐ Coordinate their efforts with Fire Department HAZMAT personnel

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- ☐ OSHA, Code of Federal Regulations 29 CFR 1910.120

Reference:

- ☐ United States Department of Transportation Emergency Response Guidebook